From: Matt Kales
To: Stephenne Harding
Subject: RE: Secretary visit to MT/SG issues
Date: Thursday, March 13, 2014 3:46:48 PM
Attachments: 2014_02_18 MEMO Bush_Beyersdorf FWS Comments on Lewistown GSG DRMPA.pdf
Billings DRMP-DEIS Comments 9-19-13.pdf
HiLine DRMP-DEIS FWS Comments 7-19-2013.pdf
MILES CITY DRMP-DEIS FWS Comments 6-19-13.pdf
Final GRSG EIS Comments IFWO 1_31_14.pdf

Hi. Here are the additional items I mentioned:

1. Copies of FWS' comments on all the draft plans in MT/ID. Sorry if I crashed your computer. For that reason, I didn't attach the associated matrices we used to evaluate each plan (the so-called "stoplight matrices, which show green, yellow or red based on how each plan/component treats the threats identified in Table 2 of our COT final report; please let me know if you want/need to see those.

2. Here are some additional thoughts from Noreen on where we are w/MT and where we hope to go (see the comments from Jodi Bush to Jeff Hagener I sent yesterday for context):
   - Private lands are very important to these populations/PACs. It is not yet clear if/how/to what degree the MT EO will provide a regulatory mechanism to govern impacts and disturbance on private land. We encourage as much certainty as possible before the listing decision.

   - We appreciate the 1 mile lek buffer commitment in the draft plan and highly recommend it remain in the final. The reason that a lesser buffer in WY was sufficient is due to the combination of other protective mechanisms in their plan.

I am on annual leave tomorrow – our snow is just too good these days not to ski and ride – but let me know via phone/text (7202340257) if you have an urgent question or need some information on the quick and, at a minimum, I'll ask another member of our team to get back with you. Otherwise, I'm back in on Monday. Thanks.

Matt

From: Harding, Stephenne [mailto:stephenne_harding@ios.doi.gov]
Sent: Thursday, March 13, 2014 2:43 PM
To: Matt Kales
Subject: Re: Secretary visit to MT/SG issues

Yes! That'd be great.

On Thu, Mar 13, 2014 at 4:42 PM, Matt Kales <matt_kales@fws.gov> wrote:
Doubt that but will send on additional materials, including ID, shortly. Do holler at any time this trip or later of you want to talk SG in MT or range wide. Hope to see you when we come back to brief Congress this spring.

On Mar 13, 2014, at 2:40 PM, "Harding, Stephenne" <stephenne_harding@ios.doi.gov>

wrote:

I'll be good. I bet your call is more important!

If you have the same info for Idaho though, that'd be great. I know we're going to get the same round of questions there.

Stephenne

On Thu, Mar 13, 2014 at 4:37 PM, Matt Kales <matt_kales@fws.gov> wrote:
Hi. Totally up to you: I can step off my call at 3 but if you are good, that's cool, too. Either say, I'll send you a couple additional items by COB today to round out the information I sent prior. Thanks.

On Mar 13, 2014, at 2:25 PM, "Harding, Stephenne" <stephenne_harding@ios.doi.gov> wrote:

Matt--
I don't want to waste your time and I think with what you've sent me I have enough to be dangerous, so if you're busy at 3, we can just skip talking.
Thanks again for your quick response.
Stephenne

On Thu, Mar 13, 2014 at 12:17 PM, Stephenne Harding <stephenne_harding@ios.doi.gov> wrote:
Great! Thx.

From: Matt Kales [mailto:matt_kales@fws.gov]
Sent: Thursday, March 13, 2014 09:11 AM
To: Stephenne Harding <stephenne_harding@ios.doi.gov>
Subject: RE: FW: Secretary visit to MT/SG issues

HI. I am leading a call at 2 pm that will go to at least 3 but will have someone cover after that so let's plan to talk a few minutes past 3 MST. I'll have until 4, which I expect will be plenty of time to cover MT SG issues. Thanks.

From: Harding, Stephenne [mailto:stephenne_harding@ios.doi.gov]
Sent: Thursday, March 13, 2014 10:03 AM
To: Matt Kales
Subject: Re: FW: Secretary visit to MT/SG issues

Thanks Matt. I just realized I am going to have all afternoon at the hotel. Can I call you once I am in, say somewhere between 2-4 pm?

On Thursday, March 13, 2014, Matt Kales <matt_kales@fws.gov> wrote:
Morning, Stephenne. Hope your travels are going well. Please see

attached several map from our MT field office:

The latest MT core areas (which are identical to PACs with the exception of a new MT core area added in Garfield/McCone County) are shown on the attached "GRSG strategy 29Jan_finalmap", which also shows the latest general sage-grouse distribution as mapped by MT FWP. I've also attached a map of the potential "special management" core areas that we discussed yesterday, along with a FWP map showing leks and the basis for their core mapping, a BLM planning area map, and a 2010 range-wide breeding density map.

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File: M02 BLM

February 18, 2014

Memorandum

To: Geoff Beyersdorf, Field Manager, Bureau of Land Management, Lewistown Field Office, Lewistown, Montana

From: Jodi Bush, Field Supervisor, U.S. Fish and Wildlife Service, Montana Field Office, Helena, Montana

Subject: Lewistown Field Office Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement

Thank you for the opportunity to provide comments relative to the subject Draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (DEIS). The purpose for the RMPA is to identify and incorporate appropriate conservation measures to conserve, enhance and/or restore greater sage-grouse (GSG) habitat by reducing, eliminating, or minimizing threats to that habitat. The DEIS considers and analyzes four alternatives (Alternatives A through D) that address future management of approximately 345,560 acres of Bureau of Land Management (BLM) administered surface and 639,927 acres of federal mineral estate in Chouteau, Fergus, Judith Basin, Meagher, and Petroleum Counties in central Montana administered by the BLM's Lewistown Field Office (LFO). Collectively, the lands that BLM administers (surface and mineral estate) are considered the "decision area." It is our understanding that the RMPA, once finalized, will only apply until the resource management plan (RMP) revision process is complete. This RMP revision process will begin shortly and is anticipated to be complete within approximately 5 years. Consequently, the RMPA plan life is anticipated to be approximately 5 years, although any number of plan components enacted in the RMPA may remain in the RMP through the revision process.

Our comments represent a continuation of a collaborative and iterative process in which we have been engaged with you over the past several months. We appreciate your incorporation of our previous organizational suggestions into the document which facilitated our understanding of proposed actions and made for more efficient review. Due to staff and schedule limitations, we focused our review of the DEIS on GSG issues. Neither our review nor our comments are to be

considered comprehensive; however, we have tried to convey the larger concerns noted while examining the document. We appreciate the level of Service and BLM coordination with respect to the RMPA and other issues and expect that this will continue through production of the Final EIS (FEIS), including section 7 consultation under the ESA. It should also be noted that our verbal and written comments submitted on preliminary versions and components of the DEIS may still apply.

Our comments are provided as a cooperating agency pursuant to the National Environmental Policy Act (NEPA) and 40 Code of Federal Regulations Part 1500-1508, 43 C.F.R. 46.230, and as requested per the March 2012 Memorandum of Understanding (MOU) between BLM, the U.S. Fish and Wildlife Service (Service) and the U.S. Forest Service (USFS). Our comments are authorized under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et. seq.), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

General Comments

Conservation Objectives Team Report Consistency. Our review of your DEIS is provided largely in the context of the Final Greater Sage-Grouse Conservation Objectives Team Final Report (COT Report; U. S. Fish and Wildlife Service 2013). Our purpose for developing the COT Report was to provide range-wide conservation objectives that, if met, would indicate that threats to the species have been reduced or ameliorated so that it is no longer in danger of extinction or likely to become so in the foreseeable future. Therefore, our comments on the subject DEIS are designed to assess whether or not it meets the COT Report objectives for each threat. A preliminary, qualitative assessment of DEIS proposed action consistency with the COT Report is provided for each alternative in the attached Matrix (USFWS BLM RMP Alternative Review Matrix). It should be noted that consistency ratings did not consider COT Report threat classifications (e.g., ratings at this stage did not consider whether threats were widespread, localized, or not known to be present in the planning area). We hope this information enhances the BLM's own COT Report consistency evaluation presented in the DEIS.

The DEIS proposes alternative actions, components, and other conservation measures that would benefit the GSG and improve GSG conservation in the LFO planning area under all of the action alternatives (B, C, and D [agency preferred]) in comparison to the no action alternative (A). However, we do not believe that the RMPA purpose, goals, and objectives for GSG are thus far clearly met, nor threat amelioration yet clearly demonstrated, by the preferred or other alternatives analyzed in the DEIS. Based on the following comments, as well as comments and information presented in the attached matrix, we recommend that BLM provides some additional clarification, detail, and measures with respect to individual actions across all alternatives to demonstrate COT Report consistency, GSG conservation, and threat amelioration in the LFO planning area.

Planning Area Consistency. Our review focused on whether the DEIS alternatives addressed the threats as identified in the COT Report for the LFO planning area. We recognize that there are differences between the individual BLM Montana RMP planning efforts, as well as between Montana RMP planning efforts and those of neighboring states. We encourage the BLM to

resolve any inconsistencies across planning boundaries where these differences do not have a clear scientific basis. Where differences in management are warranted across planning boundaries, the rationale for divergent management approaches should be fully explained. It is our understanding that there will be Federal Family meetings in February where we look forward to providing additional input as the BLM planning units work to resolve issues of consistency and efficacy within and across planning boundaries.

The DEIS did not provide sufficient detail for us to fully evaluate the adequacy of several key components of the plan, including: habitat and disturbance monitoring, adaptive management, fire and invasive species management, and mitigation. We are participating on national interagency teams associated with these plan components and will continue to provide input on these components through our membership on these teams. It is critical that the FEIS provide additional specificity in each of these areas. Specific areas of uncertainty include, but are not limited to: details on how habitat and disturbance be monitored; triggers and responses for adaptive management; methods of landscape-scale prioritization and implementation of step-down assessments for addressing threats from fire and invasive species; and, details on how mitigation will be applied. Additional details regarding these areas are provided in the comments below.

Disturbance Cap. The preferred alternative does not include a percent surface disturbance cap. Alternative B includes an objective for remaining under 3% anthropogenic disturbance in GSG priority habitat (PH) and managing or restoring PH such that at least 70% of the land cover provides adequate sagebrush to meet GSG needs. While this 3% disturbance cap objective is consistent with recent literature and viewed favorably by the Service, it is not clear in the DEIS how this objective would be implemented or measured (e.g., disturbance scale, baseline date, whether fire would be included, other types of disturbances to be included, spatial/temporal monitoring scale, etc.). It is also not clear how the Alternative B components (including application of Appendix C) would be applied to comply with this objective, or how the net result of compliance with this objective compares with the impacts to GSG potentially resulting from other alternatives, including the preferred alternative. This analysis should be included in order to truly consider and compare the effects of Alternative B with the preferred alternative.

The Service recommends implementation of a 3% disturbance cap, including fire; however, if your selected alternative does not include a 3% surface disturbance cap, then we recommend that you evaluate the available literature and provide a clear analysis and rationale in the FEIS of the comparable effects of your selected GSG conservation approach, along with how impacts would be measured. Consideration of the efficacy of other relevant conservation measures in your selected alternative could also be included in the justification.

Lek Buffers. The DEIS specifies no permanent lek buffers in the preferred alternative; seasonal lek and winter habitat surface use restrictions are only provided for solid minerals development. We recommend that BLM consider adding permanent lek buffers in the Best Management Practices/Required Design Features (BMP/RDF) measures or as components of the preferred alternative actions. Please consider a range of 1 to 4 mile permanent lek buffers relative to proposed surface-disturbing and disruptive activities in PH. We consider 4 mile lek buffers to be

protective of most nesting habitat in Montana; lesser buffers may be effective when considered in combination with other conservation measures and the nature of the proposed activity. Permanent lek buffers in general habitat (GH) and seasonal buffers in both PH and GH should also be considered relative to surface-disturbing and disruptive activities.

Lek buffers should be applied to "occupied" leks as defined in the DEIS (active during at least one strutting season during prior 10 years). If applied to "active" leks, then the definition for "active" leks in the DEIS (any lek that has been attended by male GSG during the strutting season) should minimally be revised to be consistent with Connelly et al. (2000), who define an active lek as a traditional display area in or adjacent to sagebrush-dominated habitats that has been attended by >2 male sage grouse in >2 of the previous 5 years.

The rationale for any proposed GSG distance buffers in the appendices or within alternative components should be provided and discussed. Where lek buffers are not specified in the selected alternative, the DEIS should provide clear explanation as to how similar GSG protections would be achieved (e.g., use of No Surface Occupancy [NSO] stipulations, exclusion areas, noise limitations, etc.).

Specific Comments

Chapter 4. Many of our primary comments regarding the effects analysis are provided below under the individual threat categories and in the attached matrix. In addition:

- We were unable to locate where indicators of impacts to GSG (acres of sagebrush habitat and average male lek attendance for large, medium, and small leks) were applied in the effects analysis or discussion. These indicators should be factored into the analysis in order to facilitate adequate alternative evaluation.
- We appreciate the effort in Table 4-3 to summarize how threats would be ameliorated under each alternative, and found the table useful. It would be helpful to provide additional clarification in the FEIS with respect to proposed actions, BMPs/RDFs, and threat amelioration determinations, as discussed in the comments below. Sagebrush elimination, conifer expansion, recreation, and (non-water development) range management structures / fencing were not specifically addressed and we recommend that these threats be directly addressed in the table. We also recommend that all threats be addressed in the same format, including the assessment of consistency with COT Report objectives that was provided for some threats.

Chapter 5. We recommend that the GSG cumulative effects discussion in the FEIS incorporate the Montana Greater Sage-Grouse Habitat Conservation Strategy and executive order intended to be implemented in spring 2014. The regulatory scope of this executive order is likely to include State and some private lands, depending on the permits involved and may overlap with BLM management.

Required Design Features and Best Management Practices. The GSG mitigation measures and conservation actions in Appendices C and D contain many measures that, if applied, could

be of potential conservation benefit to GSG. However, it appears that several project types and threat categories are not addressed within these measures. Additionally, the measures are currently proposed to be applied where "appropriate and necessary". As such, the Service cannot rely on the certainty of their implementation or effectiveness and would be unable to consider these measures when making a listing decision. We therefore recommend the following to increase the RDF/BMP conservation benefit and certainty of implementation/effectiveness:

- Please state explicitly in the FEIS, Appendices C /D, or other relevant appendices that these BMPs and RDFs (and possibly other) measures will be applied to proposed projects such that the projects comply with the RMPA GSG purpose, need, goals, and objectives. Proposed projects that do not comply should not receive approval.
- We recommend that measures specific to powerlines, pipelines, cell towers, and recreation should be added to these appendices as they do not currently appear to be included in the appendices or elsewhere in the DEIS. The additional RDFs for solid minerals in Appendix D (but omitted from Appendix C) should be included in the final selected set of BMPs/RDFs. Reference to Service communication tower siting guidance should also be included. We recommend that BMPs/RDFs provide clear consistency with conservation measures and options included in the COT Report.
- Per our comment above, we recommend that BLM consider adding permanent and seasonal lek buffers in the BMP/RDF measures or as components of the preferred alternative actions.
- We recommend that noise stipulations pertain to all surface disturbance/disruptive activities, including both during facility construction and long-term operation. We recommend allowance of no more than 10 dB above ambient or no more than a maximum of 34 dB at the edge of active leks (Blickely and Patricelli 2012).
- We recommend that compensatory mitigation be addressed or referenced for all surface disturbance activities in these appendices, and tied to Appendix G (see specific compensatory mitigation comment below).

Compensatory Mitigation, Monitoring, and Adaptive Management. Compensatory mitigation requirements (for unavoidable impacts) do not appear to be explicitly discussed under any of the alternatives in the DEIS, nor specified in Appendices C or D. Section 2.5 provides a summary of the general regional mitigation strategy contained in Appendix G, which we generally support; however, no discussion regarding compensatory mitigation is provided in this or other sections and should be added. The possibility of compensatory mitigation is mentioned in Table 2-4 and Appendix D (under Solid Minerals only). However, it is not presented as a requirement, nor is it discussed consistently with respect to all surface disturbance project types. The FEIS should convey how, and under what circumstances, GSG compensatory mitigation would be consistently applied for each surface disturbance related program. The FEIS should also incorporate the final (when available) Regional Mitigation Manual Section and, where appropriate, BLM Instruction Memorandum No. 2013-142.

Additional information regarding development of an adaptive management plan for the LFO planning area, including the development timeline and content of hard and soft adaptive management triggers and responses, as discussed in Section 2.7.2, should be provided. The

Service recommends that the FEIS include final habitat monitoring and adaptive management frameworks which we understand are currently in development. Additional monitoring comments relating to specific threats are provided below. In the FEIS, it is highly important that that the BLM provide a clear description of how these three components will be integrated into the structure of the selected alternative. Discussion between BLM and the Service is ongoing with respect to compensatory mitigation, monitoring, and adaptive management.

Core Areas (Priority Areas for Conservation [PACs]). BLM-administered lands comprise approximately 19% of proposed PH and 11% of proposed GH in the planning area. The proposed PH (Alternatives B, C, and D) appears to be inclusive of Montana Fish, Wildlife and Parks (FWP) mapped sage-grouse core areas and COT Report PACs in the Planning Area (FWP core areas and PACs are identical), which we support. Direct comparison (acres) of PH/GH with FWP core areas/GH and FWS PACs should be provided to clarify consistency with the State and PAC strategy. If inconsistencies are identified, PH should be revised to include all core areas/PACs, or clear rationale should be provided as to how these proposed areas are consistent with the core area/PAC mapping and protection intent, along with explanation as to how GSG conservation will be achieved in core areas/PACs not included in BLM PH. Mechanisms for incorporating new PAC/core information into PH (State core/connectivity habitat revisions, etc.) should be included in the FEIS.

Under all action alternatives, implementation of restoration projects is to be prioritized in PH based on variables most likely to benefit GSG. We are supportive of such projects. If known, additional information regarding what types of restoration activities are proposed, and anticipated GSG conservation benefits, would be useful. We also recommend that opportunities, including acquisition, to increase occupancy and connectivity between PACs, be actively pursued when appropriate.

Energy Development. New oil and gas development is deferred for all alternatives in the DEIS pending the RMP revision and the DEIS indicates that no new drilling permits are anticipated in the next decade in the planning area. However, it is difficult to determine exactly which operating constraints to protect GSG will occur for currently existing leases. For example, the DEIS (Table 2-4) lists several operating constraints for leases under all action alternatives, but states that the standard stipulations in Appendix J apply to existing leases. However, Table 4-3 indicates that the measures in Appendices C/D would apply to existing leases, and Section 3.7 indicates that BLM reserves the right to require additional mitigation measures in the form of conditions of approval (COAs) after a lease is issued if doing so is necessary to fulfill the BLM's multiple-use mandate. We recommend that lek buffers, noise restrictions at the edge of active leks (no more than 10 dB above ambient or no more than a maximum of 34 dB), and other measures be applied to existing leases where possible in required compliance with RMPA GSG goals and objectives (please see our BMP/RDF comments above).

We also recommend that wind energy development be specifically excluded in PH in the selected alternative. The FEIS should reference the FWS 2012 Land-based Wind Energy Guidelines where such development may ultimately be considered in ROW avoidance or other areas. GSG would be considered a species of habitat fragmentation concern per the Guidelines.

Infrastructure. Alternative D designates PH and some or all of GH as ROW avoidance areas. We recommend that PH be designated as ROW exclusion areas, or if they are designated as ROW avoidance areas, then the FEIS should specify that only projects demonstrated by the BLM to have no impacts on the maintenance of neutral or positive GSG population trends and habitats would be allowed. Again, we recommend that wind energy development be excluded in PH in the selected alternative. It is unclear from Table 4-3 whether all or a portion of GH would be ROW avoidance area under the preferred alternative. We are supportive of designating all GH as avoidance areas. Additionally, while concentrating infrastructure development and applying appropriate RDFs/BMPs could decrease the amount of affected GSG habitat, it is incorrect to consider these "direct beneficial effects from infrastructure on GSG" as stated in Table 4-3. Based on the discussion in Chapter 4, we have concerns that BLM lands in PH and GH under Alternative D would be used primarily to consolidate ROW activity, rather than first and foremost as important GSG areas/habitats to be avoided per the BLM definition of "ROW avoidance areas". Consolidation can potentially reduce impact footprints at the landscape level; however, PH avoidance (unless projects are demonstrated to have no impacts on the maintenance of neutral or positive GSG population trends and habitats) should be the highest priority. The preferred alternative does not currently specify under what specific conditions ROWs would be authorized in avoidance areas.

While some infrastructure measures are provided for fluid and solid minerals projects, the DEIS does not appear to provide RDFs/BMPs that apply to stand-alone powerline, pipeline, cell tower, or similar infrastructure projects that could be applied to BLM lands. Such measures should be included in the FEIS, should include reference to appropriate buffers, and explicitly be tied to required compliance with RMPA GSG goals and objectives.

The Service recommends that a timeframe for travel management planning completion under Alternative D be specified, and such planning be clearly prioritized by its potential to affect important GSG habitat. We recommend that the following road density limitations (Knick et al. 2013) be incorporated within (minimally) 5 km (3.1 miles) of active leks in PH: <1.0 km/km^2 (1.61 mi/mi^2) of secondary roads, 0.05 km/km^2 (0.08 mi/mi^2) of highways, and 0.01 km/km^2 (0.02 mi/mi^2) of interstate highways. We also recommend that road placement in GSG habitat, or within 400 m (0.25 mile) of nesting habitat, be avoided where possible in PH (Wisdom et al. 2011). It is unclear why compensatory mitigation for roads is not referenced for the preferred alternative; the selected alternative should follow the compensatory mitigation strategy in Appendix G (please see the compensatory mitigation comment above).

Grazing. The DEIS introduction section states "*For BLM-administered lands, all activities and uses within GSG habitats will follow* <u>*existing*</u> (emphasis added) *land health standards.* It should be clarified here that specific GSG habitat objectives are to be developed and applied under the selected alternative. The timeline for development of these GSG objectives in the selected alternative should be specified, and the GSG objectives to be applied in the interim should be referenced. We recommend interim application of objectives based on Connelly et al. (2000) and Hagen et al. (2007). Appendix F should also include GSG objectives or reference objectives to be applied until local objectives are developed. Discussion in the monitoring appendix (Appendix B) suggests that habitat indicator data collected at the fine and site scales will be

consistent with the Habitat Assessment Framework (HAF) and Connelly et al. (2000), and potentially adjusted for local conditions. While we support this approach, the relationship (including timelines) between GSG objectives development and application as discussed in Chapter 2, Appendix B, and Appendix F is not clear and should be more fully described. We also recommend addressing how habitat objectives would be handled during drought periods.

Based on Table 2-4, it is currently unclear whether application of and adherence to GSG objectives would be "considered" or "required" under Alternative D in PH. Application and adherence to GSG objectives should be required in the selected alternative. Allotment assessment prioritization under Alternative D is also unclear; are expiring permits in PH prioritized, or are allotments with the best GSG opportunity (regardless of permit status) prioritized? We recommend the latter approach and increasing the frequency of allotment assessment (currently approximately 10 years) in PH. Also, the monitoring timeframes and consequences of allotment non-compliance with objectives following corrective action implementation should be specified. Increasing frequency of allotment assessment and conveying the consequences for non-compliance are important, given that the LFO is currently unable to determine through monitoring whether grazing management changes implemented on 105,437 acres of preliminary PH and preliminary GH that were not meeting standards have resulted in those lands meeting standards.

Invasive Plants, Fire, and Sagebrush Treatment. The Service has funded the Western Association of Fish and Wildlife Agencies (WAFWA) to develop a set of concise, prioritized and integrated actions land managers and policy makers can take to preclude the dominance of invasive species and reduce their influence on the fire cycle in sagebrush ecosystems. BLM should continue to incorporate this and additional guidance into the FEIS as it becomes available; discussion between BLM and the Service is ongoing with respect to invasive species and fire. A timeline for LFO completion of the GSG Wildfire and Invasive Species Habitat Assessment in Appendix K should be provided in the FEIS.

The preferred alternative does not prohibit prescribed fire in sagebrush habitats per the COT Report recommendations. Prescribed fire should be prohibited in sagebrush, including GSG breeding and winter habitats. If necessary, such prescribed fire should only be allowed on a case-by-case basis if can be determined (along with specification as to how this determination would be made and a risk assessment) to be neutral or beneficial to GSG. These conditions and supporting information should be included in the FEIS for the selected alternative. In Chapter 4 it is stated that in the LFO, controlled burning is used primarily in ponderosa pine areas to limit conifer spread and is not used in GSG habitat. If fire is not used in GSG habitat, the FEIS should clarify why prescribed burning in GSG habitat is included in the preferred alternative. The FEIS should also explain how post-burn restoration programs under the preferred alternative would help regrowth more than they would under all other alternatives, as stated in Chapter 4.

Restoration monitoring commitments in the DEIS (e.g., duration, targets, etc.), and commitments to make adequate corrections to management efforts if needed under each action alternative, are unclear and should be listed and discussed. To meet the intent of the COT Report, all post-fire monitoring and control of invasives should be conducted for a minimum of 3 years. Measures

for avoiding and minimizing sagebrush elimination, including avoidance of sagebrush removal in breeding or wintering habitats, should be specifically addressed in the FEIS.

The DEIS states that BLM will develop vegetation management objectives, including objectives for managing noxious weeds and invasive species and identifying the desired future condition for specific areas, within GSG habitat. A timeline for the development of these objectives should be provided. The DEIS also states that for all alternatives, integrated vegetation management would be used to control, suppress, and eradicate, where possible, noxious and invasive species, in accordance with BLM Handbook H-1740-2. Please provide a description / summary of this handbook in the FEIS in order to facilitate understanding and evaluation of these procedures and measures.

Agricultural Conversion / Ex-Urban Development. In addition to the actions and measures included in the DEIS for the action alternatives, we specifically recommend that no relinquishment or land exchanges be permitted that would result in agricultural conversion or urban development in PH/GH.

Conifer Encroachment. Mechanized treatments targeting conifer encroachment are generally referenced in the DEIS under Alternative B and C, and potentially under Alternative D, but are not discussed in terms of treatment prioritization, proposed total treatment area, timelines, etc. We recommend that such mechanized treatment be incorporated into the selected alternative, and that such supporting information be included in the FEIS.

Based on long-term conifer encroachment, Chapter 4 states that since Alternative B would prioritize treatments in PH, and there is no PH in the planning area portion of the Belt Mountains population, it is unlikely that sagebrush habitats would be maintained on BLM-administered land in this population under Alternative B. However, no analysis with respect to this issue is provided for Alternatives C and D, under which treatments in GH are "allowed", but no local prioritization or plan for addressing conifer encroachment has been specified. This issue is unlikely to be resolved under any alternative unless the area is targeted for conifer removal efforts. Such targeting should be identified in the FEIS for both planning area GSG populations under the selected alternative.

The DEIS currently does not, but should contain measures addressing the "no net conifer gain" principle per the COT Report. We recommend that such measures be incorporated for GSG habitats, and prioritized within PH, in the FEIS. We also recommend enactment of measures to reduce conifer cover to 0% within (minimally) 1,000 meters of leks in PH where conifer encroachment is an issue to facilitate the preservation of lek and associated nesting activity (Baruch-Mordo et al. 2013). This could also potentially be employed as a restoration measure where leks may have been lost. However, if the lek is within 1km of an old growth conifer stand, the old growth should be retained for its value to the ecosystem and other species. Please include a definition for an old growth conifer stand in the FEIS.

Recreation. The DEIS states that BLM regulations (43 CFR, Parts 8341.2 and 8364.1) allow for area, road or trail closures where OHVs are causing, or would cause considerable adverse effects

on wildlife and its habitat. However, no discussion is provided as to whether OHV areas have been identified to be causing adverse GSG impacts, or whether such evaluations have taken place (or are proposed). This information should be provided in the FEIS. The DEIS also states that during the breeding season, recreation permits would not be issued in the vicinity of leks to promote nesting success. We support this concept; however, we recommend that RDFs/BMPs for recreation be added to for the selected alternative to address lek buffers and include other GSG measures pertaining to recreational development/use. Also please see Infrastructure above for travel management planning comments.

Range Improvement Structures/Fencing. Under Alternatives B and D, range improvement structure and supplements would be designed to conserve, restore, or enhance GSG habitat, which we support. Such projects, as well as livestock trailing, should also incorporate timing considerations at the implementation phase such that they avoid and minimize impacts to GSG. Placement of new fences and livestock management facilities (including corrals, loading facilities, water tanks and windmills) should consider their impact on GSG and, to the extent practicable, be placed at least 1 km from occupied leks (Stevens et al. 2012). Existing and new fences necessary for range improvements should be marked with permanent flagging or other suitable devices to reduce GSG collisions per Stevens et al. (2012), if they are considered to be in high risk areas for collision (within 2 kms of occupied leks).

The proposed 10-year existing structure evaluation period under the preferred alternative is unlikely to achieve timely conservation and should be shortened to the extent possible in the selected alternative, with prioritization applied to important GSG habitats. Additionally, approximate timeframes for responding to identified problem structures should be provided.

Mining. Mining was not identified in the COT Report as a known threat to either GSG population in the planning area. The DEIS states that there are no coal leases or known coal resources in the planning area, that any coal development within the planning area would require a RMPA EIS and be subject to RDFs, and that no locatable mineral development potential has been identified within GSG habitat. However, based on the actions described, some issues may require some additional clarification as described below.

Uncertainty regarding application of RDFs/BMPs to all proposed projects (including mining), along with the absence of buffers, is described above. Under Alternative D, prospecting permits for non-energy leasable mineral development would be subject to mitigation, but mitigation is not described or defined. BMPs for locatable mineral development are "suggested" under Alternative D; such BMPs should be required to the extent possible (e.g., applied as RDFs) in compliance with RMPA GSG goals and objectives. At a minimum, we recommend that language similar to Alternative B be included in the selected alternative for locatable mineral development. We recommend that in PH, offset mitigation and measures are required to prevent unnecessary or undue degradation (App. D) in the plan of operations. The effects of salable mineral development on GSG were not, but should be, assessed in Chapter 4 for each alternative, and conservation measures consistent with the achievement of RMPA GSG goals and objectives should be applied in the selected alternative. Also, it is unclear whether PH/GH constitutes "key wildlife areas" for salable mineral development as suggested in Table 4-3 and would therefore

require no surface occupancy under Alternative D. We recommend that PH/GH be considered as such "key wildlife areas" in the selected alternative.

Functionality. Some proposed actions in the DEIS are conditioned such that they would not impact the "functionality" of GSG habitat. An example is provided from Table 2-4 under Alternative D for fluid minerals: *Surface-disturbing/disruptive activities would avoid or minimize disturbance to GSG or their habitat. Except as identified above or during emergency situations, activities would not compromise the functionality of the habitat.* A definition for functionality and description of criteria/standards and assessment methodology to evaluate functionality should be provided for this term as it applies to GSG.

Thank you again for the opportunity to review and comment on this document. We hope you find these comments useful as you continue forward with this effort. If you have any questions or concerns regarding these comments, please feel free to contact Jeff Berglund at 406/449-5225, ext. 206, or contact me at ext. 205 or at the letterhead address.

Literature cited

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File: M02 BLM September 19, 2013

Memorandum

To: Field Manager, Bureau of Land Management, Billings Field Office, Billings, Montana

From: Field Supervisor, U.S. Fish and Wildlife Service, Montana Field Office, Helena, Montana

Jodi L. Bell

Subject: Draft Billings and Pompeys Pillar National Monument Resource Management Plan and Environmental Impact Statement

Thank you for the opportunity to provide comments relative to the subject Draft Resource Management Plan (RMP) and Environmental Impact Statement (DEIS). The DEIS describes and analyzes four alternatives (Alternatives A through D) for the future management of public lands and resources administered by the Bureau of Land Management (BLM), Billings Field Office. The planning area is located in south central Montana and includes 434,154 surface acres of public land and 1,835,484 acres of federal mineral estate in Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland, and Yellowstone counties in Montana. The Billings Field Office also administers 4,298 acres of public land in Big Horn County, Wyoming. The RMP also addresses management for 51 acres of public land designated as Pompeys Pillar National Monument (PPNM). Collectively, the lands that BLM administers (surface and mineral estate) are considered the "decision area."

Our comments are provided as a cooperating agency pursuant to the National Environmental Policy Act (NEPA) and 40 Code of Federal Regulations Part 1500-1508, and as requested per the March 2012 Memorandum of Understanding (MOU) between BLM, the U.S. Fish and Wildlife Service (Service) and the U.S. Forest Service (USFS). Our comments are authorized under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et. seq.*), Migratory Bird Treaty Act, as amended, (MBTA;16 U.S.C. 703 *et seq.*), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Due to staff and schedule limitations, we primarily focused our review of the DEIS on greater sage-grouse (GSG) issues. Neither our review nor our comments are to be considered comprehensive; however, we have tried to convey the larger concerns noted while examining the document. General and some specific comments are provided below. Service and BLM coordination with respect to these and other issues will continue through production of the Final EIS, including section 7 consultation

under the ESA. It should also be noted that comments previously submitted as a cooperating agency still apply.

As was stated in the DEIS, in the Service's March 2010 status review, the inadequacy of regulatory mechanisms was identified as a major threat to the GSG. The DEIS states, "*The FWS has identified the principal regulatory mechanism for the BLM as conservation measures in RMPs. Based on the identified threats to the Greater Sage-Grouse and the FWS timeline for making a listing decision on this species, the BLM needs to incorporate objectives and adequate conservation measures into RMPs in order to conserve Greater Sage-Grouse and avoid a potential listing as a threatened or endangered species under the Endangered Species Act. This RMP revision incorporates specific management actions and conservation measures to conserve Greater sage-grouse and its habitats on BLM land*."

Although the draft RMP/DEIS proposes alternative components and other conservation measures to potentially benefit the GSG, based on our comments below, we do not believe that the RMP purpose and objectives for GSG are thus far clearly met by this document. Nor do we believe that the proposed resource actions are described or their effects to GSG assessed adequately at this stage to demonstrate long-term conservation for the GSG sufficient to reduce the need for a potential listing under the ESA.

A preliminary, qualitative assessment of DEIS proposed action consistency with the Conservation Objectives Team (COT) February 2013 *Greater Sage-grouse (Centrocerus urophasianus) Conservation Objectives: Final Report* (COT Report) is provided in the attached Matrix (USFWS BLM RMP Alternative Review Matrix). As illustrated in the Matrix, the Service currently has the highest level of concern with components in Alternatives A and C, and generally the least with those in Alternative B. The structure and content of the effects analysis, as well as the lack of clarity as to how various BMP/mitigation/conservation measure appendices (including B, C, H, and AB) interact with each other and the alternative components did not allow us to clearly ascertain, understand, and evaluate the effects, both adverse and beneficial, to the GSG associated with the various alternative actions. Substantive clarification is still required with respect to individual actions across all alternatives, as well as an evaluation of how the actions achieve conservation of the greater sage grouse. Please see the matrix for results of our COT Report consistency assessment for each alternative.

General Greater Sage-Grouse Comments:

Chapter 3. Discussion of GSG should include the COT Report and the specific localized and widespread threats and Priority Areas for Conservation (PACs) discussed therein that apply specifically to the GSG populations in the Billings planning area (Yellowstone Watershed, Powder River Basin, and Wyoming Basin). Discussion of these threats, recommended conservation objectives for addressing them, and PACS per the COT Report, are extremely relevant to Chapter 4 effects analysis and should therefore be included in Chapter 3. We also recommend that the most current GSG literature be referenced in this section, including Knick et al. (2013).

Chapter 4. The Chapter 4 effects analysis for GSG does not include clear metrics/effects indicators for each action; a consistently applied analysis framework across alternatives on which to base effects comparisons; a consistent effects determination (adverse, beneficial, neutral, etc.) for each alternative action; nor supporting rationale for each effect determination. For these reasons, we were unable to clearly ascertain, understand, and evaluate the effects, both adverse and beneficial, to GSG associated

with the various alternative actions. Such metrics, determinations, and supporting rationale should be included in the effects analysis. We also recommend that the effects analysis include, for each relevant threat in the planning area (per the COT Report) and proposed action within each alternative: 1) determinations as to whether the proposed actions and conservation measures are consistent with conservation objectives as stated in the COT Report, and; 2) discussion of the extent to which identified threats would be ameliorated. This discussion should also include a determination of consistency with COT Report PAC designation. We have attempted such a preliminary consistency evaluation in the attached matrix; however, many actions/measures were assigned a category of "unknown"(as to their consistency with the COT Report) at this time due to a lack of clarity/specificity in the DEIS effects analysis and in how BMPs and conservation/mitigation measures in various supporting appendices would be applied.

Best Management Practices (BMPs). The GSG mitigation measures and conservation actions in Appendix AB contain many measures of potential conservation benefit to GSG. However, we found the intended applicability of these measures to be unclear for a variety of reasons:

- The first sentence states that "*The Montana/Dakotas Bureau of Land Management (BLM) Greater Sage-Grouse Mitigation Measures and Conservation Actions are a compilation of measures employed by the BLM to mitigate impacts from surface disturbance in priority and general sage-grouse habitat in order to meet the Goals and Objectives set forward in the BLM National Sage-grouse Conservation Strategy and in individual land use plans.*" It is our understanding that "priority habitat" as referenced here only includes protection priority areas (PPAs). The term "priority habitat" is not included in the DEIS glossary itself. Clear definitions as to what constitutes priority habitat in Appendix AB should be provided.
- Alternative A (existing management) does not include mapped or assigned PPAs, restoration areas (RAs), or general habitat (GH). Consequently, none of these BMPs would technically apply to Alternative A. This should be clarified in Appendix AB and Chapters 2, 3, and 4.
- RAs are not included in Appendix AB; it is not clear whether these areas would be treated as GH or in some other way. This should be clarified.
- Measures for stand-alone pipeline and cell towers projects were not included in Appendix AB and we recommend that they be included. We appreciate the reference to Service communication tower siting guidance in Appendix B; this should also be referenced in Appendix AB.
- It is unclear how (or if) wind energy projects would be addressed specific to GSG in Appendix AB; this should be clarified. Some general wind energy guidance is provided in Appendix B, which could be also referenced in Appendix AB. We also recommend that the Service's March 2012 Land-based Wind Energy Guidelines be referenced and followed. GSG would be considered a species of habitat fragmentation concern per the Guidelines.
- Based on our discussions with BLM, verses some of the language in Appendix AB, it is also unclear to us in what order (if any) BMPs and other measures and conditions from various appendices (B, C, H, AB) would be applied. We recommend that Appendix AB be considered and applied first, and this be explicitly stated in Appendix AB and other relevant appendices. These (and possibly other) measures will be applied to proposed projects such that they meet the RMP GSG purpose, need, goals, and objectives (as well as any GSG objectives associated with a particular selected alternative). To accomplish this, GSG goals and objectives must be clearly articulated in the RMP as discussed below.

Language from the DEIS relative to GSG that could be referenced in Appendix AB is stated below (Items 1-3). Additionally, Table 2-6.1 indicates (for PPA, RA and GH) that "*each area would have varying degrees of management in order to achieve the goals or objectives for each sage-grouse habitat area*", however, no such goals or objectives are provided in the DEIS. Items 4 and (particularly) 5 below are example GSG goals and objectives from the BLM HiLine DEIS/RMP; similar goals and objectives would also be appropriate to reference in the Billings RMP and Appendix AB and other relevant appendices.

1. From **Purpose and Need** – "*Based on the identified threats to the Greater Sage-Grouse and the FWS timeline for making a listing decision on this species, the BLM needs to incorporate objectives and adequate conservation measures into RMPs in order to conserve Greater Sage-Grouse and avoid a potential listing as a threatened or endangered species under the Endangered Species Act. This RMP revision incorporates specific management actions and conservation measures to conserve Greater sage-grouse and its habitats on BLM land*."
2. From **Purpose and Need** – "*Incorporate appropriate management actions and practices to conserve Greater Sage-grouse and its habitats on BLM managed land*."
3. From **Table 2-6.1**: "*Provide for the long-term conservation, enhancement, and restoration of the sagebrush steppe/mixed-grass prairie complex in a manner that supports sustainable sage-grouse populations and a healthy diversity and abundance of wildlife species*."
4. Example From **HiLine DEIS/DRMP Wildlife Chapter 2 Goals** – "*Maintain and/or increase greater sage-grouse abundance and distribution by conserving, enhancing or restoring the sagebrush ecosystem upon which populations depend in cooperation with other conservation partners*."
5. Example From **HiLine DEIS/DRMP Wildlife Chapter 2 Objectives** – "*Protect priority greater sage-grouse habitats from anthropogenic disturbances that will reduce distribution or abundance of sage-grouse. Minimize fragmentation of large intact blocks of important wildlife habitat, particularly habitat areas for greater sage-grouse and grassland birds*."

- It is stated under *Purpose* in Appendix AB that "*Those resource activities or programs* ***currently without a standardized set of permit or operation stipulations*** *can use the mitigation measures and conservation actions for greater sage-grouse as stipulations or as conditions of approval, or as a baseline for developing specific stipulations for a given activity or program*." This implies that Appendix AB would not be applied if a "standardized" set of stipulations existed, potentially regardless of their effectiveness and consistency with RMP purpose, need, goals, and objectives. This would be of major concern to the Service. Please clarify how this issue would be addressed to ensure that proposed projects would be required to meet the RMP GSG purpose, need, goals, and objectives.
- Mechanisms triggering actions to improve sagebrush/GSG habitats in PPA under "Other Wildlife" in Appendix AB are not stated and should be clarified.

We recommend that Appendix AB be edited to provide additional clarity as to how various BMPs from the different alternatives interact and are considered, which measures would apply to which actions under which circumstances and alternatives, and how they would ensure adherence to RMP GSG purpose, need, goals, and objectives (and that these GSG goals and objectives be clearly stated). We

also recommend that, where possible, measures be edited to provide clear consistency with conservation measures and options included in the COT Report. We also have concerns with Appendix AB pertaining to compensatory mitigation, as discussed below.

Compensatory Mitigation. Compensatory mitigation requirements (for unavoidable impacts) are not explicitly discussed under any of the alternatives in the DEIS. We provided comments to this effect in our April 5, 2012 comments on the pre-draft document: "*'No net loss' of priority habitats and connectivity between and within GSG habitats will not be achieved under any of the alternatives unless mandatory compensatory replacement of disturbed and lost habitat and a ceiling on the amount of new disturbance that can occur within these habitats is required.*" The possibility of such mitigation is mentioned in section 2.3.5 and some of the appendices. However, it is not presented as a requirement, nor is it discussed consistently with respect to all surface disturbance project types. A consistent GSG compensatory mitigation approach across all surface disturbance related programs should be included, within Appendix AB or otherwise, in this RMP. This would also facilitate consistency across BLM planning efforts in the Montana/Dakotas area, as stated in Appendix AB: "*The guidelines are primarily included to provide consistency within the Montana/Dakotas BLM in how management practices and requirements are identified and applied to avoid and mitigate environmental impacts and resource and land use conflicts in greater sage-grouse habitat*." As you are aware, the Miles City Field Office DEIS/RMP has proposed compensatory mitigation as a component of action alternatives. BLM Instruction Memorandum No. 2013-142 and the final version of the BLM Regional Mitigation Strategy should also be incorporated into the RMP. Discussion between BLM and the Service is ongoing with respect to compensatory mitigation.

COT Report Consistency. Our preliminary completion of the attached RMP Alternative Review Matrix resulted in numerous "unknown" designations as to whether various proposed actions were consistent with the COT Report. This was largely due to: 1) the absence of direct discussion/analysis in the DEIS relating proposed actions to threat amelioration and conservation objective consistency per the COT Report, and; 2) lack of clarity in the applicability and intent of the GSG conservation measures in the various appendices, including Appendix AB. As mentioned above, we currently have the highest level of concern with components in Alternatives A and C, and generally the least with those in Alternative B, although clarification is still required with respect to individual actions and predicted effects across all alternatives.

Core Areas. The proposed PPAs (Alternatives B, C, and D) appear to be inclusive of most Montana Fish, Wildlife and Parks (FWP) mapped sage-grouse core areas and COT Report PACs in the Planning Area (FWP core areas and PACs are identical), which we support. However, core areas in south Carbon and southeast Big Horn counties appear to be excluded from PPA. We recommend that PPAs be inclusive of all core areas/PACs, or that clear rationale be provided as to how these proposed areas are consistent with the core area/PAC mapping and protection intent, and explanation as to how GSG conservation will be achieved in core areas/PACs that are not included in BLM PPAs.

Monitoring. It is unclear from the GSG Monitoring section in Appendix AA as to when implementation and effectiveness monitoring would be conducted, and what methodology would be employed. This appendix should reference and adhere to the final U.S. BLM and USFS Greater Sage-grouse Monitoring Framework, when completed. Discussion between BLM and the Service is ongoing with respect to monitoring.

Adaptive Management. Although adaptive management is briefly addressed in Section 2.3.4, we did not find detailed discussion of, nor a proposed approach for adaptive management application in the DEIS. The ability to adaptively manage and adjust action elements and conservation measures based on monitoring results is an extremely important component of GSG conservation across the programs addressed in the RMP, and a detailed discussion or plan should be included in the RMP. Discussion between BLM and the Service is ongoing with respect to adaptive management.

Invasive Plant/Fire Complex. One of the most critical challenges facing conservation of the GSG is the invasive plant/fire complex that can eliminate valuable habitat in a short time. The Service has funded WAFWA to compile and coordinate existing information and management efforts to ascertain work currently being performed to address this threat. As such, WAFWA will develop a report documenting the current work and develop a set of concise, prioritized and integrated actions land managers and policy makers can take to effectively preclude the dominance of invasive species and reduce their influence on the fire cycle in sagebrush ecosystems. We recommend that BLM incorporate the final BLM GRSG Wildland Fire & Invasive Species Assessment (step-down assessment) guidance, and additional Service guidance, into the RMP/DEIS as it becomes available. Discussion between BLM and the Service is ongoing with respect to invasive species and fire.

Functionality. Some proposed actions in the DEIS are conditioned such that they would not impact the "functionality" of GSG habitat (example 1st paragraph on p. 4-273), or would be allowed if they "improved or maintained" GSG habitat. However, no specific definitions, criteria/standards, or assessment methodologies are provided for these terms as they apply to GSG. We recommend that such definitions, criteria/standards, and proposed assessment methodologies be provided.

Specific Greater Sage-Grouse Comments:

Chapter 2, All Programs: All alternatives and programs to which Appendix AB pertains should specifically reference adherence to applicable measures in Appendix AB such that they meet the RMP GSG purpose, need, goals, and objectives (as well as any GSG objectives associated with a particular selected alternative). Discussions for all programs should reference all applicable BMP appendices clearly and consistently; currently there is inconsistency between programs as to which BMP appendices are mentioned.

Chapter 2, Physical, Biological, and Cultural/Heritage Resources: Please provide more discussion as to how wildfire would be used to manage resource objectives under Alternatives B and D. For example, would this include delayed fire suppression in PPA?

Chapter 2, Table 2-6.1, Vegetation / Rangelands and Table 2-6.2, Livestock Grazing, Management Common, p 2-59 and 2-116: Includes Alternative A in measures to be enacted in PPA, when Alternative A does not include PPA. This should be clarified.

Chapter 2, Table 2-6.2, Energy and Mineral Resources - Coal, p 2-99 and 2-100: States that under Alternative B, no new coal leasing would be considered in the planning area, but within PPA/RA coal leasing would be allowed with stipulations. Additional clarification would be useful here.

Chapter 2, Table 2-6.2, Lands and Realty, p 2-112: For Alternatives B, C, and D, it is unclear what is meant by proponents being "encouraged" to use designated ROW corridors. We recommend that proponents be required to clearly rationalize why designated corridors cannot be used. This should include an analysis of effects to GSG and required mitigation. We are also unsure of why measures requiring burying (if feasible) and maintaining GSG habitat are restricted to lines of 69kV or less, what is specifically meant by "maintaining" GSG habitat in this context, and what measures would apply to proposed lines > 69 kV.

Chapter 2, Livestock Grazing: A timetable for the development and incorporation of GSG objectives into rangeland health standards for Alternatives A, B, C, and D should be provided.

Chapter 2, OHV Use and Travel and Transportation Management: Existing travel is limited to existing roads/trails; however, we are unsure how the Travel Management Plan in Appendix O and the proposed measure to complete Comprehensive Travel and Transportation Management (CTTM) planning in PPA five years from when the Record of Decision is signed are related. Please clarify how the Plan in RMP Appendix O differs from future planning efforts.

Chapter 2, Renewable Energy: We recommend reference (and wind energy project adherence) to the March 2012 Service Land-based Wind Energy Guidelines.

Chapter 2, Table 2-6.1, Greater Sage-Grouse, p 2-77: We are unsure why the 3% disturbance cap is only included in this portion of the table under Alternative B, and not included under any surface disturbance programs under Alternative B. We recommend that it be included under all applicable programs under Alternative B for consistency.

Chapter 2, Table 2-6.1, Greater Sage-Grouse: For all alternatives, all actions to which Appendix AB pertains should specifically reference adherence to applicable measures in Appendix AB. We also recommend it be explicitly stated for each applicable alternative that Appendix AB (and possibly other) measures will be applied to proposed projects such that they meet the RMP GSG purpose, need, goals, and objectives.

Chapter 2, Table 2-6.1, Greater Sage-Grouse: The rationale for all proposed GSG distance buffers in various alternatives should be provided and discussed (in Chapter 2 and/or 4).

Chapter 2, Wildlife: We recommend that agricultural conversion of sagebrush on BLM-administered surface lands be specifically prohibited for one or more alternatives in the DEIS and Appendix AB, or clearly explained if this is already the case.

Chapter 4, Wildlife: While Alternative B includes a measure for remaining under 3% anthropogenic disturbance in GSG habitat, the analysis does not address this measure. Further, the analysis does not address how the proposed alternative components (including application of Appendix AB) would be applied to comply with this measure, or how the net result of compliance with this measure compares with the impacts to GSG potentially resulting from other alternatives. This analysis should be included in order to truly consider and compare the effects of the "NTT Alternative".

Chapter 4, Wildlife: The analysis should include not only how alternative implementation would address threats to PPA, RA, and GH, but also how in turn local GSG populations would be affected. Again, we recommend that PPAs be inclusive of all core areas/PACs, or that clear rationale be provided as to how these proposed areas are consistent with the core area / PAC mapping and protection intent, and explanation as to how GSG conservation will be achieved in core areas/PACs that are not included in BLM PPAs (e.g., where RAs are proposed instead of PPAs in core habitat). The southeast Big Horn County FWP core areas (Powder River Basin population) are not included as PPA nor discussed in the DEIS; we recommend these areas be included as PPA and appropriate analysis be added. We also recommend adding discussion/analysis addressing the potential (if any) for RA and/or GH to at some point be designated as PPA due to habitat improvement, etc.

Chapter 4, Wildlife: The analyses for alternatives do not include how proposed recreation would specifically affect GSG. This should be added.

Chapter 4, Wildlife: The analyses for alternatives do not include discussion of how: 1) incorporation of GSG objectives into rangeland health standards; 2) designating allotments in PPA as Cat I; or 3) application of guidelines within 1 year where Rangeland Health Standard #5 is not met would affect GSG under applicable alternatives. This analysis should be added. Also, grazing measures and impacts are depicted as virtually the same under all alternatives, despite the differing approaches associated with different alternatives.

Chapter 4, Wildlife: The analysis under Alternative B indicates that BLM would identify existing disturbance areas and initiate restoration opportunities, which would further protect and enhance sage grouse habitat. We are supportive of such measures, but request that additional information be provided regarding how locations were or will be determined, what types of restoration activities are proposed, and an approximate timeline to the extent these are known.

Appendix H: It should be clarified in the document that the wildlife monitoring and protection plan in this appendix is only a potential "example", and not an actual Plan element as implied in the Wildlife section of Table 2-6.1.

Appendix I: It is our understanding that specific GSG objectives would be included in Rangeland Health Standards; however, this is not mentioned in Appendix I. Development of GSG objectives, or reference to (and use of) GSG objectives as listed in Appendix AB and a timetable for development of RMP-specific GSG objectives, should be added to Appendix I as RHS #5 does not include GSG-specific standards/objectives.

Appendices B, C, H, I: These contain no reference to Appendix AB, but should clearly reference Appendix AB and how the measures therein would interact with the measures in these appendices.

Appendix O: Under Alternative D, the effects of restricted routes on reducing PPA, RA, and GH fragmentation are all listed as "moderate"; however, the section concludes that the overall protection afforded by restricted routes would be "major-moderate". Please provide the rationale for this determination.

Thank you again for the opportunity to review and comment on this document. Please contact Jeff Berglund at (406) 449-5225, extension 206, if you require clarifications or have any questions regarding these comments.

Literature cited

Knick, S.T., Hanser, S.E., and K.L. Preston. 2013. Modeling Ecological Minimum Requirements for Distribution of Greater Sage-Grouse Leks; Implications for Population Connectivity Across Their Western Range, U.S.A. DOI- 10.1002/ece3.557: Ecology and Evolution, p. online.

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File: M02 BLM

July 19, 2013

Memorandum

To: District Manager, Bureau of Land Management, HiLine District, Havre, Montana

From: Field Supervisor, Montana Ecological Services Field Office, Helena, Montana

Subject: Draft HiLine Resource Management Plan and Environmental Impact Statement

Thank you for the opportunity to provide comments relative to the subject Draft Resource Management Plan (RMP) and Environmental Impact Statement (DEIS). The DEIS describes and analyzes five alternatives (Alternatives A through E) for managing public lands and resources in the planning area. The plan provides goals, objectives, land use allocations, and management direction to maintain, improve, or enhance resource conditions and to provide for long-term benefits to the public. The plan addresses how the Bureau of Land Management (BLM) will administer approximately 2,437,000 acres of public land and 4,240,000 acres of federal minerals within the planning area in Blaine, Chouteau, Glacier, Hill, Liberty, Phillips, Toole, and Valley counties.

Our comments are provided as a cooperating agency pursuant to the National Environmental Policy Act (NEPA) and 40 Code of Federal Regulations Part 1500-1508, and as requested per the March 2012 Memorandum of Understanding (MOU) between the BLM, the U.S. Fish and Wildlife Service (Service) and the U.S. Forest Service (USFS). Our comments are authorized under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et. seq.*), Migratory Bird Treaty Act, as amended, (MBTA;16 U.S.C. 703 *et seq.*), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Due to staff and schedule limitations, we primarily focused our review of the DEIS on Greater sage-grouse (GSG) issues. Neither our review nor our comments are to be considered comprehensive; however, we have tried to convey the larger concerns noted while examining the document. General and some specific comments are provided below. Service and BLM coordination with respect to these and other issues will continue through production of the Final

EIS, including Section 7 consultation under the ESA. It should also be noted that comments previously submitted as a cooperating agency still apply.

As was stated in the DEIS, in the Service's March 2010 status review, the inadequacy of regulatory mechanisms was identified as a major threat to the GSG. The DEIS states, "*The USFWS has identified the principal regulatory mechanism for the BLM as conservation measures in RMPs. Based on the identified threats to the Greater Sage-Grouse and the USFWS timeline for making a listing decision on this species, the BLM needs to incorporate objectives and adequate conservation measures into RMPs in order to conserve, enhance, and/or restore Greater Sage-Grouse habitat and could reduce the need to list the species as threatened or endangered under the Endangered Species Act. This RMP revision incorporates specific management actions and conservation measures to conserve greater sage-grouse and its habitats on BLM land.*"

Although the draft RMP/DEIS proposes alternative components and other conservation measures to potentially benefit the GSG, based on our comments below, we do not believe that the RMP purpose and objectives for GSG are thus far clearly met by this document. Nor do we believe that the proposed resource actions are described or assessed adequately at this stage to demonstrate long-term conservation for the GSG sufficient to reduce the need for a potential listing under the ESA.

A preliminary, qualitative assessment of DEIS proposed action consistency with the Conservation Objectives Team (COT) February 2013 *Greater Sage-grouse (Centrocerus urophasianus) Conservation Objectives: Final Report* (COT Report) is provided in the attached Matrix (USFWS BLM RMP Alternative Review Matrix). As illustrated in the Matrix, the Service currently has the highest level of concern with components in Alternatives A and D, and generally the least with those in Alternative B. The structure and content of the effects analysis, as well as the lack of clarity as to how various BMP / mitigation / conservation measure appendices (including C, E, and M) interact with each other and the alternative components did not allow us to clearly ascertain, understand, and evaluate the effects, both adverse and beneficial, to the GSG associated with the various alternative actions. Substantive clarification is still required with respect to individual actions across all alternatives, as well as an evaluation of how the actions achieve conservation of the greater sage grouse. Please see the matrix for results of our COT Report consistency assessment for each alternative.

General Greater Sage-Grouse Comments:

Chapter 3. The discussion of GSG does not include any mention of the COT Report, nor the specific localized and widespread threats and Priority Areas for Conservation (PACs) discussed therein that apply specifically to the GSG population in the HiLine planning area (i.e., northern Montana). Discussion of these threats, recommended conservation objectives for addressing them, and PACS per the COT Report, are extremely relevant to Chapter 4 effects analysis and should therefore be included in Chapter 3. We also recommend that the most current GSG literature be referenced in this section, including Knick et al. (2013).

Chapter 4. The Chapter 4 effects analysis for GSG does not include: 1) clear metrics/effects indicators for each action; 2) a consistently applied analysis framework across alternatives on which to base effects comparisons; 3) a consistent effects determination (adverse, beneficial, neutral, etc.) for each alternative action, and; 4) supporting rationale for each effect determination. For these reasons, we found it was not possible to clearly ascertain, understand, and evaluate the effects, both adverse and beneficial, to GSG associated with the various alternative actions. Such metrics, determinations, and supporting rationale should be included in the effects analysis. We also recommend that the effects analysis include, for each relevant threat in the planning area (per the COT Report) and proposed action within each alternative: 1) determinations as to whether the proposed actions and conservation measures are consistent with conservation objectives as stated in the COT Report, and; 2) discussion of the extent to which identified threats would be ameliorated. This discussion should also include a determination of consistency with COT Report PAC designation. We have attempted such a preliminary consistency evaluation in the attached matrix. However, many actions/measures were assigned a category of "unknown"(as to their consistency with the COT Report) at this time due to a lack of clarity/specificity in the DEIS effects analysis and in how BMPs and conservation / mitigation measures in various supporting appendices would be applied.

Best Management Practices (BMPs). The GSG mitigation measures and conservation actions in Appendix M contain many measures of potential conservation benefit to GSG. However, we found the intended applicability of these measures to be unclear for a variety of reasons:

- The first sentence states, "*These Mitigation Measures and Conservation Actions for Greater Sage-Grouse Habitat are a compilation of management strategies and project design features employed by the BLM to mitigate impacts from surface disturbance in priority and general sage-grouse habitat in order to meet the goals and objectives set forth in the BLM National Sage-grouse Conservation Strategy and in individual land use plans.*" It is our understanding that "priority habitat" as referenced here only includes protection priority areas (PPAs) / priority areas (PAs) and not "priority habitats" as defined in the DEIS glossary itself. Clear definitions as to what constitutes priority habitat in Appendix M should be provided.
- Many of the "decisions common to all alternatives" in Chapter 2 that reference Appendix M include Alternative A (existing management), which by definition does not include mapped or assigned PPAs/PAs, restoration areas (RAs), or general habitat (GH). Consequently, contrary to Chapter 2, none of these BMPs would technically apply to Alternative A. Similarly, we assume that only measures for GH would apply to Alternative D, as D would not include PPAs/PAs, but this was not clearly stated. This should all be clarified in Appendix M and Chapter 2.
- Restoration Areas are not included in Appendix M. It is not clear whether these areas would be treated as GH or in some other way. This should be clarified.
- Measures for stand-alone pipeline and cell towers projects were not included in Appendix M and we recommend that they be included.
- It is unclear how (or if) wind energy projects would be addressed in Appendix M. This should be clarified.
- Based on our discussions with BLM, as opposed to some of the language in Appendix M, it is also unclear to us in what order (if any) BMPs and other measures and conditions

from various appendices (C, E, M) would be applied. We recommend that Appendix M be considered and applied first, and that it is explicitly stated in Appendix M and other relevant appendices that these (and possibly other) measures will be applied to proposed projects such that they meet the RMP GSG purpose, need, goals, and objectives (as well as any GSG objectives associated with a particular selected alternative) as follows:

1. From **Purpose and Need** - "*Based on the identified threats to the Greater Sage-Grouse and the USFWS timeline for making a listing decision on this species, the BLM needs to incorporate objectives and adequate conservation measures into RMPs in order to conserve, enhance, and/or restore Greater Sage-Grouse habitat and could reduce the need to list the species as threatened or endangered under the Endangered Species Act. This RMP revision incorporates specific management actions and conservation measures to conserve greater sage-grouse and its habitats on BLM land.*"
2. From **Wildlife Chapter 2 Goals** – "*Maintain and/or increase greater sage-grouse abundance and distribution by conserving, enhancing or restoring the sagebrush ecosystem upon which populations depend in cooperation with other conservation partners.*"
3. From **Wildlife Chapter 2 Objectives** – "*Protect priority greater sage-grouse habitats from anthropogenic disturbances that will reduce distribution or abundance of sage-grouse. Minimize fragmentation of large intact blocks of important wildlife habitat, particularly habitat areas for greater sage-grouse and grassland birds.*"

- It is stated in Appendix M that "*Those resource activities or programs* ***currently without a standardized set of permit or operation stipulations*** *can use the mitigation measures and conservation actions for greater sage-grouse as stipulations or as conditions of approval, or as a baseline for developing specific stipulations for a given activity or program.*" This implies that Appendix M would not be applied if a "standardized" set of stipulations existed, potentially regardless of their effectiveness and consistency with RMP purpose, need, goals, and objectives, which would be of high concern to the Service. Please clarify how this issue would be addressed to ensure that proposed projects would be required to meet the RMP GSG purpose, need, goals, and objectives.
- Mechanisms triggering actions to improve sagebrush / GSG habitats in PPA/PA under "Other Wildlife" in Appendix M are not stated and should be clarified.

We recommend that Appendix M be edited to provide additional clarity as to how various BMPs from the different alternatives interact and are considered, which measures would apply to which actions under which circumstances and alternatives, and how they would ensure adherence to RMP GSG purpose, need, goals, and objectives. We also recommend that, where possible, measures be edited to provide clear consistency with conservation measures and options included in the COT Report. We also have concerns with Appendix M pertaining to compensatory mitigation, as discussed below.

Compensatory Mitigation. Compensatory mitigation requirements (for unavoidable impacts) are not explicitly discussed under any of the alternatives in the DEIS. The possibility of such mitigation is mentioned in the existing oil and gas leasing discussion in Chapter 2 under Wildlife for Alternatives B, C, and E. However, it is not presented as a requirement, nor is it discussed

with respect to any other surface disturbance project type (e.g., roads, powerlines, pipelines, wind energy, mining, etc.). Similarly, the concept of compensatory mitigation is only briefly mentioned in the form of potential conservation measure choices in Appendix M under Fluid Minerals ("*When additional mitigation is necessary, conduct it in the impacted priority sage-grouse habitat areas when possible or, if that is not possible, in general sage-grouse habitat with the ability to increase sage-grouse populations tied to the impacted priority area[s].*") and Solid Minerals ("*Use off-site mitigation or purchase conservation easements with industry dollars to offset habitat losses.*"). It is not mentioned under Travel Management or Lands and Realty. Offsite mitigation and use of mitigation trust accounts are mentioned as a consideration for site plans in Appendix E.5 (Requirements and/or Guidelines for Wildlife Controlled Surface Use Stipulations), but are not required.

A consistent GSG compensatory mitigation approach across all surface disturbance related programs should be included, within Appendix M or otherwise, in this RMP. This would also facilitate consistency across BLM planning efforts in the Montana/Dakotas area, as stated in Appendix M: "*The guidelines are primarily included to provide consistency within the Montana/Dakotas BLM in how management practices and requirements are identified and applied to avoid and mitigate environmental impacts and resource and land use conflicts in greater sage-grouse habitat.*" As you are aware, the Miles City Field Office DEIS/RMP has proposed compensatory mitigation as a component of action alternatives. Also, as we noted in our May 15, 2012 comments to BLM on the pre-draft EIS, "*...a discussion of compensatory mitigation ratios should also be provided. Related to mitigation, we encourage BLM to explore and evaluate options for implementing any required compensatory mitigation within portions of the proposed Restoration Priority Area, as appropriate; possibly as an additional alternative component.*"

COT Report Consistency. Our preliminary completion of the attached USFWS BLM RMP Alternative Review Matrix resulted in numerous "unknown" designations as to whether various proposed actions were consistent with the COT Report. This was largely due to: 1) the absence of direct discussion/analysis in the DEIS relating proposed actions to threat amelioration and conservation objective consistency per the COT Report, and; 2) lack of clarity in the applicability and intent of the GSG conservation measures in the various appendices, including Appendix M. As mentioned above, we currently have the highest level of concern with components in Alternative A and D, and generally the least with those in Alternative B, although clarification is still required with respect to individual actions and predicted effects across all alternatives.

Core Areas. The proposed PPAs/PAs (Alternatives B, C, and E) appear to be inclusive of all Montana Fish, Wildlife and Parks (FWP) mapped sage-grouse core areas and COT Report PACs in the Planning Area (FWP core areas and PACs are identical), which we support. However, to ensure this is the case, we recommend that these areas be explicitly compared with core/PAC areas, on maps and in text. We also recommend that GH and RAs are included on these maps to facilitate effects analysis and understanding of where conservation measures specific to these areas would be applied. We recommend that PPAs/PAs be inclusive of all core areas/PACs, or that clear rationale be provided as to how these proposed areas are consistent with the core area / PAC mapping and protection intent.

Monitoring. It is unclear from the GSG Monitoring section in Appendix R as to when implementation and effectiveness monitoring would be conducted, and what methodology would be employed. This appendix should reference and adhere to the recently developed 2013 Draft U.S. BLM and USFS Greater Sage-grouse Monitoring Framework (and the final Framework, when completed).

Adaptive Management. We did not find detailed discussion of, nor a proposed approach for, adaptive management application in the DEIS. The ability to adaptively manage and adjust action elements and conservation measures based on monitoring results is an extremely important component of GSG conservation across the programs addressed in the RMP, and should be included in the DEIS.

Invasive Plant/Fire Complex. One of the most critical challenges facing conservation of the GSG is the invasive plant/fire complex that can eliminate valuable habitat in a short time. The invasive plant/fire complex is the subject of many research and management efforts that attempt to develop improved habitat management and fire response tools. These wide-spread efforts are not highly coordinated/integrated, nor is there a central repository for new and effective techniques and opportunities. The Service has funded WAFWA to compile and coordinate existing information and management efforts to ascertain work currently being performed to address this threat. WAFWA will develop a report documenting the current work and develop a set of concise, prioritized and integrated actions that land managers and policy makers can take to effectively preclude the dominance of invasive species and reduce their influence on the fire cycle in sagebrush ecosystems. Additionally, in the coming weeks the Service will coordinate with the National Interagency Fire Center (NIFC) and prepare additional guidance regarding this threat and the specificity sought in conjunction with proposed conservation and management measures in RMPs and similar documents. In coordination with the Service, we request that BLM incorporate such additional guidance into the RMP/DEIS as it becomes available.

Functionality. Some proposed actions in the DEIS are conditioned such that they would not impact the "functionality" of GSG habitat, or would be allowed if they "improved or maintained" GSG habitat. However, no definitions, criteria/standards, or assessment methodologies are provided for these terms. We recommend that such definitions, criteria/standards, and proposed assessment methodologies be provided.

Specific Greater Sage-Grouse Comments:

Chapter 2, All Programs: All alternatives and programs to which Appendix M pertains should specifically reference adherence to applicable measures in Appendix M. Fluid Minerals, Noxious Weeds, OHV/Travel Management (for new projects), Recreation, Renewable Energy (including wind), Water Resources, and Salable Minerals do not reference Appendix M in the DEIS, but should. Discussions for all programs should reference all applicable BMP appendices clearly and consistently; currently there is inconsistency between programs as to which BMP appendices are mentioned. Further, we did not note any reference to, or inclusion of BMPs for water development construction to minimize the potential for West Nile Virus (and such

measures were not included in Appendix M). We recommend that such measures be included in the document.

Chapter 2, Livestock Grazing: States, "*If monitoring data demonstrate that livestock use on an allotment in a priority greater sage-grouse area is adversely affecting sage-grouse or their habitat, the terms and conditions of grazing permits* ***may*** *be modified (43 CFR 4130.3, 4130.3-1, 4130.3-2), or changes in active use (43 CFR 4110.3-3)* ***could be considered*** *to meet the Standards for Rangeland Health as described in 43 CFR 4180 and the Lewistown Standards for Rangeland Health and Guidelines for Livestock Grazing Management, or to otherwise manage, maintain, or improve sage-grouse habitat...*" We recommend use of language that conveys stronger commitment with respect to corrective actions (e.g., **would be modified**, **would be implemented**, etc.).

Chapter 2, Livestock Grazing: A timetable for the development and incorporation of GSG objectives into rangeland health standards for Alternatives B, C, and E should be provided.

Chapter 2, OHV Use and Travel and Transportation Management: Existing travel is limited to existing roads/trails, and we support the high prioritization of PPAs/PAs in future travel planning under Alternatives B and E. However, we recommend that an interim plan be implemented between now and when the Comprehensive Travel and Transportation Management (CTTM) plan is developed to address new roads, re-alignments, etc. five years from when the Record of Decision is signed. The interim plan should address avoidance, minimization, and compensatory mitigation to offset impacts. Infrastructure has been identified in the COT Report as a widespread threat in the planning area.

Chapter 2, Renewable Energy: It is unclear as to whether Wind Energy would be considered avoidance areas in GH (and RAs) under Alternatives B, C, and/or E. This should be explicitly clarified. Also, we recommend reference (and wind energy project adherence) to the March 2012 Service Land-based Wind Energy Guidelines.

Chapter 2, Vegetation-Rangeland: We are unsure why the 3% disturbance cap objective is included here under Alternative B, but not included under all other programs (other than Wildlife, where it is also included). We recommend that it be included under all programs for consistency. Also, the DEIS should specify that FWP concurrence is not only sought, but required, prior to proceeding with vegetation treatments that may impact GSG PPA/PA.

Chapter 2, Vegetation – Riparian and Wetland: Under Alternatives B and E, riparian areas with unique values are not referenced in Appendix M under ROW as indicated here. Such text should be added to Appendix M.

Chapter 2, Wildlife: For all alternatives, all actions to which Appendix M pertains (e.g., grazing, existing lease development, existing ROW development, maintenance, etc.) should specifically reference adherence to applicable measures in Appendix M. This should include clarification as to whether (or what parts) of Appendix M apply to Alternative D. We also recommend it be explicitly stated for each applicable alternative under Special Status Species / Management Actions that Appendix M (and possibly other) measures will be applied to

proposed projects such that they meet the RMP GSG purpose, need, goals, and objectives (as well as any GSG objectives associated with a particular selected alternative), listing these as illustrated above under our **BMPs** comment.

Chapter 2, Wildlife: The rationale for all proposed GSG distance buffers in various alternatives should be provided and discussed.

Chapter 2, Wildlife: For Alternatives B, C, and E, it is unclear what is meant by proponents being "encouraged" to use designated ROW corridors. We recommend that proponents be required to clearly rationalize why designated corridors cannot be used. This should include an analysis of effects to GSG and required mitigation.

Chapter 2, Wildlife: We are unsure why GSG habitat fragmentation minimization in GH is only proposed under Alternatives C and D, and not also under B and E. Please clarify.

Chapter 2, Wildlife: We recommend that agricultural conversion of sagebrush on BLM-administered surface lands be specifically prohibited for one or more alternatives in the DEIS and Appendix M, or clearly explained if this is already the case.

Chapter 4, Wildlife: The analysis discussion of Alternatives C and E for Fluid Minerals is inconsistent with how those alternative components were presented in Chapter 2, appearing to be switched in Chapter 4. In Chapter 2, a Controlled Surface Use (1 well/mile^2) was proposed in PPA/PA for Alternative C, and a No Surface Occupancy approach was proposed for Alternative E. In the Chapter 4 analysis, these were reversed. This confounds the alternatives analysis and should be corrected.

Chapter 4, Wildlife: Alternative B includes an objective for remaining under 3% anthropogenic disturbance in GSG habitat. However, the analysis does not address this objective, or how the proposed alternative components (including application of Appendix M) would be applied to achieve this objective. Further, it does not address how the net result of compliance with this objective compares with the impacts to GSG potentially resulting from other alternatives. This analysis should be included in order to truly consider and compare the effects of the "NTT Alternative".

Chapter 4, Wildlife: The PPA/PA PAC/core area approach is not mentioned or included in the analysis context under any of the alternatives, nor is GH. This approach is the crux of the range-wide GSG conservation strategy and needs to be included in the effects analysis. Specifically, how would alternative implementation affect and address threats to PACs and other GSG habitat (e.g., GH), and how would these impacts in turn affect local GSG populations? Further, the proposed RA is not mentioned nor analyzed under Alternative E. We also recommend adding discussion/analysis addressing the potential (if any) for RA and/or GH to be at some point designated as PPA / PA due to habitat improvement, etc.

Chapter 4, Wildlife: The analyses for Alternatives B, C, and E do not include discussion of how incorporation of GSG objectives into rangeland health standards would affect GSG under these alternatives. This analysis should be added.

Chapter 4, Wildlife: The analysis under Alternative E includes proposed sagebrush enhancement north of the Milk River. However, while included under Alternatives B and C, this is excluded from the discussion of Alternative E in Chapter 2. Please clarify which chapter is correct, and whether such enhancement is included under Alternative E.

Appendices E.2, E.4, E.5, and H: These contain no reference to Appendix M, but should clearly reference Appendix M and how the measures therein would interact with the measures in these appendices. For example, it is our understanding that specific GSG objectives would be included in Rangeland Health Standards under Alternatives B, C, and E; however, this is not mentioned in Appendix H.

Thank you again for the opportunity to review and comment on this document. Should you have any questions or require clarifications regarding these comments, please contact Jeff Berglund at (406) 449-5225, extension 206.

Literature cited

Knick, S.T., Hanser, S.E., and K.L. Preston. 2013. Modeling Ecological Minimum Requirements for Distribution of Greater Sage-Grouse Leks; Implications for Population Connectivity Across Their Western Range, U.S.A. DOI- 10.1002/ece3.557: Ecology and Evolution, p. online.

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File: M02 BLM

June 19, 2013

Memorandum

To: Todd Yeager, Field Manager, Bureau of Land Management, Miles City Field Office, Miles City, Montana

From: Jodi Bush, Field Supervisor, U.S. Fish and Wildlife Service, Montana Field Office, Helena, Montana

Subject: Miles City Field Office Draft Resource Management Plan and Environmental Impact Statement

Thank you for the opportunity to provide comments relative to the subject Draft Resource Management Plan (RMP) and Environmental Impact Statement (DEIS). The DEIS describes and analyzes five alternatives (Alternatives A through E) for managing public lands and resources in the planning area. The alternatives present a range of management actions to achieve goals and desired future conditions for the Miles City Field Office (MCFO). The planning area consists of Bureau of Land Management (BLM)-administered lands and minerals in eastern Montana in Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, and Wibaux counties and portions of Big Horn and Valley counties.

Our comments are provided as a cooperating agency pursuant to the National Environmental Policy Act (NEPA) and 40 Code of Federal Regulations Part 1500-1508, and as requested per the March 2012 Memorandum of Understanding (MOU) between BLM, the U.S. Fish and Wildlife Service (Service) and the U.S. Forest Service. Our comments are authorized under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et. seq.*), Migratory Bird Treaty Act, as amended, (MBTA;16 U.S.C. 703 *et seq.*), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Due to staff and schedule limitations, we primarily focused our review of the DEIS on greater sage-grouse (GSG) issues. Neither our review nor our comments are to be considered comprehensive; however, we have tried to convey the larger concerns noted while examining the

document. General and some specific comments are provided below. Service and BLM coordination with respect to these and other issues will continue through production of the Final EIS, including section 7 consultation under the ESA. It should also be noted that comments previously submitted as a cooperating agency still apply.

As was stated in the DEIS, in the Service's March 2010 status review, the inadequacy of regulatory mechanisms was identified as a major threat to the GSG. The DEIS goes on to say, "*...the principal regulatory mechanisms for the BLM are conservation measures in RMPs. Based on the identified threats to the greater sage-grouse and the USFWS timeline for making a listing decision on this species, the BLM needs to incorporate objectives and adequate conservation measures into RMPs in order to conserve, enhance, or restore greater sage-grouse and avoid a potential listing as a threatened or endangered species under the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA). This RMP revision* ***incorporates specific management actions and conservation measures in order to conserve, enhance, or restore greater sage-grouse habitat and potentially reduce the need to list the species*** *as threatened or endangered under the ESA.*"

According to the discussion under *Purpose and Need for Revision of the RMPs* in the DEIS, the RMP is being prepared to incorporate consistent objectives and conservation measures for the protection of GSG and its habitat. Although the draft RMP/DEIS provides the beginnings of a conservation strategy for the GSG, based on our comments below, we do not believe that the RMP purpose and objectives for GSG are clearly met by this document. Nor do we believe that the proposed resource actions are described or assessed adequately to demonstrate long-term conservation for the GSG sufficient to reduce the need for a potential listing under the ESA.

Additionally, a preliminary, qualitative assessment of DEIS proposed action consistency with the Conservation Objectives Team (COT) February 2013 *Greater Sage-grouse (Centrocerus urophasianus) Conservation Objectives: Final Report* (COT Report) is provided in the attached Matrix (USFWS BLM RMP Alternative Review Matrix). This preliminary assessment was primarily conducted relative to proposed "sage-grouse" actions as identified in DEIS Table 2-1. As illustrated in the Matrix, the Service currently has the highest level of concern with components in Alternative A, and generally the least with those in Alternative B. We were unable to clearly ascertain, understand, and evaluate the effects, both adverse and beneficial, to the GSG associated with the various alternative actions. Substantive clarification is still required with respect to individual actions across all alternatives, as well as an evaluation of how the actions achieve conservation of the greater sage grouse. Please see the matrix for results of our COT Report consistency assessment for each alternative.

General Greater Sage-Grouse Comments:

Chapter 3. The discussion of GSG does not include any mention of the COT Report, nor the specific localized and widespread threats and Priority Areas for Conservation (PACs) discussed therein that apply specifically to the two GSG populations in the MCFO planning area (Yellowstone Watershed and Powder River Basin). Discussion of these threats, recommended conservation objectives for addressing them, and PACS per the COT Report, are extremely relevant to Chapter 4 effects analysis and should therefore be included in Chapter 3. Discussion

of threats to GSG as presented in the 2005 Not Warranted Finding are mentioned; however, threats (including the inadequacy of regulatory mechanisms) as described in the most current 2010 Warranted But Precluded Finding are not, but should be, included. Discussion should also be added to the effect that the GSG has been determined to warrant listing under the ESA, and a proposed rule or change in determination must be made by the end of fiscal year 2015 as a condition of a court approved settlement agreement. We also recommend that the most current literature be referenced in this section, including Knick et al. (2013).

Chapter 4. The Chapter 4 effects analysis for GSG does not include clear metrics/effects indicators for each action; a consistently applied analysis framework across alternatives on which to base effects comparisons; a consistent effects determination (adverse, beneficial, neutral, etc.) for each alternative action; nor supporting rationale for each effect determination. For these reasons, we found it was not possible to clearly ascertain, understand, and evaluate the effects, both adverse and beneficial, to GSG associated with the various alternative actions. Such metrics, determinations, and supporting rationale should be included in the effects analysis. We also recommend that the effects analysis include, for each relevant threat in the planning area (per the COT Report) and proposed action within each alternative: 1) determinations as to whether the proposed actions and conservation measures are consistent with conservation objectives as stated in the COT Report; and 2) discussion of the extent to which identified threats would be ameliorated. This discussion should also include a determination of consistency with COT Report PAC designation. We have attempted such a preliminary consistency evaluation in the attached matrix; however, many actions/measures were assigned a category of "unknown"(as to their consistency with the COT Report) at this time due to a lack of clarity/specificity in the DEIS.

Best Management Practices (BMPs). The GSG BMPs starting on page BMP-18 contain many measures of potential conservation benefit to GSG. However, we found the organization and intended applicability of these measures to be extremely unclear and confusing. For example, the first sentence states that "*The Montana/Dakotas BLM Greater Sage-Grouse Mitigation Measures and Conservation Actions are a compilation of practices employed by the BLM to mitigate impacts from surface disturbance in priority (Sage-grouse Habitat – Protection Priority and Restoration Areas) and general sage-grouse habitat (Sage-grouse Habitat – General Habitat Areas)...*" However, the "management common to all alternatives" actions in Table 2-1 that reference these BMPs all include Alternative A, which by definition does not include mapped or assigned protection priority areas (PPAs), restoration areas (RAs), or general habitat (GH). Consequently, contrary to Table 2-1, none of these BMPs would technically apply to Alternative A.

Further, there are many (often conflicting) versions of BMPs intended to address similar actions, including some measures from the 2005 Montana GSG Conservation Plan (which is currently under revision), and no clear guidance as to when a given measure would be applied. Some of the measures from the 2005 plan, such as GSG harvest management, are included although inapplicable to BLM management decisions. Similarly, there is a hierarchical BMP approach for one of the sets of fluid mineral development measures (starting with not allowing surface occupancy in priority habitats, or applying a development percentage cap) that directly conflicts with several of the alternatives as described for fluid minerals (i.e., alternatives that allow

occupancy under certain conditions, or do not propose a development percentage cap). It is unclear whether the defined alternative action or the BMP would take precedence in such cases. It is also unclear as to whether given measures or sets of measures are intended to apply to actions in PPAs only, PPAs and RAs, or PPAs, RAs, and GH. We recommend that this section be reorganized, consolidated, and edited to provide clarity as to which measures would apply to which actions under which circumstances and alternatives. We also recommend that, where possible, measures be edited to provide clear consistency with conservation measures and options included in the COT Report.

Sage Grouse Guidelines. The Western Association of Fish and Wildlife Agencies (WAFWA) Sage-Grouse Guidelines are included in the Fish and Wildlife Appendix starting on page FWI-1. However, it is unclear as to how and under what circumstances these would be applied to proposed actions under any of the alternatives. This should be clarified, and the relationship between these measures and those in the GSG BMP Appendix clearly defined. Also, it is unclear from the GSG Monitoring section starting on page FWI-9 as to when implementation and effectiveness monitoring would be conducted, and what methodology would be employed. On page FWI-11, it is stated that, "*Implementation policy directing use of the Habitat Assessment Framework, and the Habitat Assessment Framework in conjunction with AIM-Monitoring in addition to other guidance in the BLM's 2011 National Greater Sage-Grouse Land Use Planning Strategy will be necessary to provide a framework for consistent approaches to sage-grouse habitat condition and trend monitoring across planning units and jurisdictions. This implementation policy will be developed by the BLM in cooperation with its conservation partners.*" A schedule for development of this policy, as well as a schedule for its implementation, should be provided.

Adaptive Management. We did not find detailed discussion of, nor a proposed approach for, adaptive management application in the DEIS. The ability to adaptively manage and adjust action elements and conservation measures based on monitoring results is an extremely important component of GSG conservation across the programs addressed in the RMP, and should be included in the DEIS.

Core Areas. The proposed PPAs are not, under any of the alternatives, inclusive of all Montana Fish, Wildlife and Parks (FWP) mapped sage-grouse core areas and COT Report PACs in the Planning Area (FWP core areas and PACs are identical). Alternatives B and E do appear to include all such core/PAC areas if proposed RAs are included along with PPAs. We recommend that PPAs be inclusive of all core areas/PACs, or that clear rationale be provided as to how these proposed areas (PPAs plus RAs) are consistent with the core area / PAC mapping and protection intent.

Invasive Plant/Fire Complex. One of the most critical challenges facing conservation of the GSG is the invasive plant/fire complex that can eliminate valuable habitat in a short time. The invasive plant/fire complex is the subject of many research and management efforts that attempt to develop improved habitat management and fire response tools. These wide-spread efforts are not highly coordinated/integrated, nor is there a central repository for new and effective techniques and opportunities. The Service has funded WAFWA to compile and coordinate existing information and management efforts to ascertain work currently being performed to

address this threat. WAFWA will develop a report documenting the current work and develop a set of concise, prioritized and integrated actions land managers and policy makers can take to effectively preclude the dominance of invasive species and reduce their influence on the fire cycle in sagebrush ecosystems. Additionally, the Service will, in the coming weeks, coordinate with the National Interagency Fire Center (NIFC) and prepare additional guidance regarding this threat and the specificity sought in conjunction with proposed conservation and management measures in RMPs and similar documents. We request that BLM, in coordination with the Service, incorporate such additional guidance into the RMP/DEIS as it becomes available.

COT Report Consistency. Our preliminary completion of the attached USFWS BLM RMP Alternative Review Matrix resulted in numerous "unknown" designations as to whether various proposed actions were consistent with the COT Report. This was largely due to: 1) the absence of direct discussion/analysis in the DEIS relating proposed actions to threat amelioration and conservation objective consistency per the COT Report; and 2) lack of clarity in the applicability and intent of the GSG conservation measures in the BMP Appendix and the Fish and Wildlife Appendix. Please note that our qualitative assessment of proposed action consistency with the COT Report in the attached matrix was conducted independently of the proposed PPA designation for each alternative. In other words, all actions for a given alternative were not automatically found to be inconsistent with the COT report if PPA designation for that alternative was inconsistent with PAC designation in the COT Report. This was done to allow comparison of individual actions between alternatives. As mentioned above, we currently have the highest level of concern with components in Alternative A, and generally the least with those in Alternative B, although substantive clarification is still required with respect to individual actions across all alternatives.

Specific Greater Sage-Grouse Comments:

Table 2-1. The Table does not provide a clear and consistent comparison of proposed actions across alternatives for GSG. As an example – in GSG PPA Action 37, many more sub-actions are included under Alternative A than are included under the other alternatives. This inconsistency occurs throughout the table. We recommend that this table be revised such that it addresses the same proposed sub-actions consistently across alternatives for each labeled "action". Also, there are no general actions that direct all proposed development / disturbance activity to consult the GSG BMP Appendix relative to PPAs, RAs, and GH. Such actions should be added.

Table 2-1, GSG GH Action 1, RA Action 1. There are no West Nile virus measures in the Fish and Wildlife Appendix as stated.

Table 2-1, GSG PPA Action 7. Please clarify what is meant by "at a minimum". Also, existing travel is limited to existing roads/trails; however, we recommend that an interim plan be implemented between now and when the Comprehensive Travel and Transportation Management (CTTM) plan is developed to address new roads, re-alignments, etc. The interim plan should address avoidance, minimization, and compensatory mitigation to offset impacts. There is no commitment as to when the CTTM plan may be completed (states that this "should"

occur 5 years from ROD issuance). Infrastructure has been identified in the COT Report as a widespread threat in the MCFO planning area.

Table 2-1, GSG PPA Action 17. This action states that GSG habitat and management objectives would be developed in association with NEPA. Based on the Livestock Grazing Appendix, a "new" NEPA analysis would only be completed for Category I allotments; Category C and M allotments would reference past NEPA documents (which may not contain GSG habitat and management objectives). However, for those allotments in Categories C and M, GSG habitat and management considerations are included in the screening criteria. Please explain how (using what sources) and when GSG habitat and management objectives would be developed for Category M and C allotments for which such objectives are not included in past NEPA documents.

Table 2-1, GSG PPA Action 18. Permittee or Lessee monitoring may be acceptable, but only if they are qualified to conduct such monitoring. Language to that effect should be added, as should reference to required training.

Table 2-1, GSG PPA Action 18. Would range improvement structures not found to conserve, enhance, or restore GSG habitat be removed? Please clarify.

Table 2-1, GSG PPA Action 24. This action states (emphasis added), "*If monitoring data demonstrated that livestock use on an allotment was adversely affecting sage-grouse or their habitat, the terms and conditions of grazing permits* ***may*** *be modified (43 CFR 4130.3, 4130.3-1, 4130.3-2), or changes in active use (43 CFR 4110.3-3)* ***could be considered*** *to meet the Standards for Rangeland Health as described in 43 CFR 4180, the field office Standards for Rangeland Health and guidelines for livestock grazing management, or to otherwise manage, maintain, or improve sage-grouse habitat...*" We recommend use of language that conveys stronger commitment with respect to corrective actions (e.g., **would be modified**, **would be implemented**, etc.).

Table 2-1, GSG RA Action 4, Alternative D. We are unsure what is meant by "*Surface-disturbing activities (including ROWs) would be allowed subject to timing and distance (60 days/200 meters).*" Please clarify.

Table 2-1, GSG Habitat Compensation Action 1. We support the use of compensatory mitigation when impact avoidance is not possible. However, it is unclear from Table 2-1 and the GSG BMP Appendix as to what specific actions would trigger mandatory compensatory GSG mitigation under Alternatives B, C, and D. Does this apply to all surface-disturbing activities, including mining? The applicability of such mandatory mitigation to specific actions should be further clarified in the DEIS. Also, while the basis for calculation of the 5%, 3%, and 10% disturbance cap for GSG habitat per section is clear, the basis for the accompanying 1% cap for "sage-grouse habitat" is unclear. In some portions of the document (Chapter 4) this is referenced as 1% of the total habitat within the project area. However, no definition of what constitutes the project area is provided. The basis for this 1% calculation should be clarified.

In Table 2-1, Functionality. Several proposed actions in Table 2-1 are conditioned such that they would not impact the "functionality" of GSG habitat, or would be allowed if they "improved or maintained" GSG habitat. However, no definitions, criteria/standards, or assessment methodologies are provided for these terms. We recommend that such definitions, criteria/standards, and proposed assessment methodologies be provided.

Table 2-1, Fuels Management Prescribed Fire Action 3, Alternative B. This action states "*Prescribed fire would not be allowed on approximately 2,500,000 acres and allowed in the remainder of the planning area.*" Does this prohibition area include PPAs? RAs? GH? Please clarify.

Livestock Grazing Appendix. In the Livestock Grazing Appendix, it is stated that 41 allotments on 189,157 acres had failed to meet Rangeland Health Standards as of 2009. We recommend that the acreage of these allotments occurring within PPAs/RAs/GH be provided in the baseline discussion and referenced in the effects analysis. A discussion of how (or if) this "baseline condition" is projected to improve under the each of the alternatives should be included in the effects analysis.

Thank you again for the opportunity to review and comment on this document. Please contact Jeff Berglund at 406/449-5225, ext. 206, if you require clarifications or have any questions regarding these comments.

Literature cited

Knick, S.T., Hanser, S.E., and K.L. Preston. 2013. Modeling Ecological Minimum Requirements for Distribution of Greater Sage-Grouse Leks; Implications for Population Connectivity Across Their Western Range, U.S.A. DOI- 10.1002/ece3.557: Ecology and Evolution, p. online.

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January 31, 2014

Memorandum

To: Timothy M. Murphy, Acting Idaho State Director, Bureau of Land Management, Boise, Idaho

To: Nora Rasure, Regional Forester, U.S. Forest Service, Region 4, Ogden, Utah

From: Dennis Mackey, Acting State Supervisor, U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office, Boise, Idaho

Subject: Comments on the Draft Idaho and Southwestern Montana Sub-regional Greater Sage-grouse Resource Management Plan and Environmental Impact Statement

Thank you for the opportunity to provide comments relative to the subject Draft Land Use Plan (LUP) and Draft Environmental Impact Statement (DEIS). The DEIS describes and analyzes six alternatives (A through F) for managing public lands and resources in the planning area for conservation of Greater Sage-grouse (GRSG). The planning area consists of Bureau of Land Management (BLM) and U.S. Forest Service (FS)-administered lands and minerals in portions of southern and eastern Idaho and southwestern Montana. The specific BLM field offices (FO) and National Forests (NF) included in the planning area are: Bruneau FO, Burley FO, Challis FO, Dillon FO, Four Rivers FO, Jarbidge FO, Owyhee FO, Pocatello FO, Salmon FO, Shoshone FO, Upper Snake FO, Beaverhead-Deerlodge NF, Boise NF, Caribou-Targhee NF, Curlew National Grassland, Salmon-Challis NF, and Sawtooth NF in Idaho.

As a cooperating agency, our comments are provided pursuant to the National Environmental Policy Act (NEPA), 40 Code of Federal Regulations Part 1500-1508, 43 C.F.R. 46.230 and as requested per the March 2012 Memorandum of Understanding between the BLM, the U.S. Fish and Wildlife Service (Service), and the FS. Our comments are pursuant to the Endangered Species Act, of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

The DEIS identifies co-preferred alternatives: the Idaho Southwestern Montana Subregion Alternative D, and the State of Idaho's Alternative E. We look forward to working with BLM to ensure the final EIS (FEIS) reflects a cohesive strategy that is consistent with the February 2013, Conservation Objectives Team Report (COT). As described below, both Alternatives D and E have strengths; however, we have identified some general and specific aspects that need further clarification or refinement.

General Comments

1. Our review is focused on whether Alternative D and/or Alternative E addressed the threats to GRSG as identified in the COT. We recognize that there are differences among the planning efforts of each of the sub-regions, including those which share Idaho and southwestern Montana planning boundaries. We encourage the BLM and FS to resolve any inconsistencies across planning boundaries where these differences do not have a clear basis. Where differences in management are warranted, the rationale for divergent management approaches should be fully explained as they pertain to meeting the COT objectives. It is our understanding that there will be an interagency meeting in February to resolve these and other issues. We look forward to working with our partners toward efficiency and efficacy within and across the four planning units of the Great Basin.

2. We generally support the use of anthropogenic disturbance caps in conjunction with an adaptive management strategy that accounts for GSGR habitat loss and population declines due to both anthropogenic and natural disturbances. If appropriately constructed and implemented such an approach is likely to ensure that GSGR populations remain viable. However, we have some specific concerns regarding the application of this approach and provide the following recommendations and requests for clarification.

   2.1 Disturbance Caps

   a. Alternative D includes a requirement of "no net unmitigated loss of PPMAs" in lieu of a specific anthropogenic disturbance cap (pg. ES-15). The DEIS does not provide adequate specificity regarding how the "no net habitat loss" standard would be implemented to determine its consistency with the COT report or whether it would be a suitable replacement for a disturbance cap. Please provide further clarification of how this approach would be consistent with the COT report.

   b. Alternative E prescribes a 3 percent anthropogenic disturbance cap in the Core Habitat Zone (CHZ) and a 5 percent anthropogenic disturbance cap in the Important Habitat Zone (IHZ). Both of these caps would only apply to fluid mineral development (pg. 2-100). We recommend that a 3 percent disturbance cap be applied to the CHZ and the IHZ and that the cap include other anthropogenic disturbances (for example, Infrastructure as defined by Alternative E, pg D-33).

   c. The available scientific literature discusses several different spatial scales and evaluates different land use activities than those assessed in the DEIS. Therefore, we recommend that you provide a clear analysis and rationale in the DEIS of the methods you will use to calculate disturbance to sage-grouse habitat.

d. Alternative D and Alternative E do not include loss of habitat (i.e., sagebrush cover) due to fire as part of the disturbance cap calculation due to a defined strategy described within each alternative. The Service is striving for consistent application of disturbance caps, but recognizes that there may be differences where a biological justification can be provided because of the variation of impacts to GRSG by threat. We have worked extensively with the FS, BLM and the State of Idaho regarding this issue; GRSG may respond differently to natural versus anthropogenic related habitat disturbance based on the best available information. For example, sage-grouse have a relatively low tolerance to disturbance from anthropogenic features on the landscape (Knick et al. 2013). Both of the preferred alternatives adequately account for the disturbance related impacts of fire within the planning area through incorporation of adaptive management habitat triggers (see 2.2 below). These habitat triggers are based on the findings of Aldridge et al. 2008, Wisdom et al. 2011, and Knick et al. 2013, which breaks out biological tolerance to disturbance impacts by specific activity or threat (i.e., fire, agriculture, and anthropogenic features).

2.2 Adaptive Management

a. Implementation of an adaptive management strategy that includes population and habitat triggers is imperative for achievement of the conservation goals of the COT; particularly in Idaho where the primary threat is wildfire and subsequent invasion of burned areas by invasive grasses. Alternative D and Alternative E both prescribe 'hard' triggers of a 20 percent population or habitat loss. Alternative E also incorporates a 'soft' habitat trigger of a 10 percent population or habitat loss. We recommend that the FEIS include both a hard and a soft trigger. Fire primarily impacts sage-grouse through the direct loss of sagebrush cover. Land cover of sagebrush has been identified through various research methodologies as one of the primary factors affecting the long-term persistence of sage-grouse within a landscape (Walker et al. 2007, Aldridge et al. 2008, Wisdom et al., 2011, Knick et al. 2013). Wisdom et al. (2011) found that "preferably 65% of the landscape needed to be dominated by sagebrush for long-term sage-grouse persistence." Similarly, Aldridge et al. (2008) found that a high probability (>0.9) of long-term sage-grouse persistence required 65% sagebrush cover within a 30.77-km radius scale and Knick et al. (2013) found that "90% of the active leks had at least 40% of the large-scale landscape dominated by sagebrush."

   Both Alternatives D and E have identified population and habitat hard triggers of 20 percent that result in increased protective measures in the affected habitat area when a trigger is tripped. Remediation actions, as a result of a hard trigger (20%), being tripped, that limit or prohibit further development of large scale infrastructure within specified GRSG habitats is a strength of both Alternatives D and E. Inclusion of a soft trigger, as identified in Alternative E, would result in discussion among the state and federal management agencies regarding causal factors and possible remedial actions.
   We believe that inclusion of a soft trigger (10%) in the FEIS would provide increased responsiveness to stochastic threats and additional flexibility for proactive management; both important elements that increase stakeholder participation and early implementation of incentive-based conservation actions.

We recognize that limiting further infrastructure development may not directly address the causal factor for the population or habitat declines. However, the concept of an Implementation Team/Commission, identified in Alternative E but not in Alternative D, is intended for inclusion in both soft and hard triggers to identify the causal factors and effectively implement appropriate secondary actions that are necessary to address the identified threats. We recommend that an Implementation Team/Commission process be included in the FEIS. The process should also include specificity regarding team composition and how science will inform the process and ultimate decision regarding remediation actions.

b. For both of the preferred alternatives, an explanation should be provided for why the identified baseline year was selected for the adaptive management triggers.

3. Lek buffers and noise protective measures are described in Alternatives D and E and are applied across the planning area to help protect GRSG from known threats, including energy development. Specific comments relating to how both of the preferred alternatives implemented these measures to meet the COT objectives are discussed below.

4. Noise and seasonal stipulations should be considerations during the construction and long-term implementation of land use activities. Your proposed implementation of noise and seasonal stipulations across all alternatives appears to be applied only to initial construction activities. However, most land use activities result in permanent disturbances on the landscape and the associated human activity, traffic, and noise disturbances have long-term effects to GRSG. Although the surface area covered by various types of development can be relatively small, the effects of noise extend far beyond the development itself (Blickley and Patricelli 2010). For example, the construction of a compressor station may have short-term implications to GRSG use of seasonal habitats, but the long-term operation and noise of the compressor station may result in GRSG habitat abandonment (Blickley and Patricelli 2012, Blickley et al. 2012). Similarly, seasonal restrictions applied only to drilling and construction do not address effects to populations over long periods of time (Walker et al. 2007).

5. Implementation and effectiveness monitoring are imperative to ensuring a comprehensive adaptive management strategy. Both Alternatives D and E currently lack a clear explanation of how implementation monitoring would be executed (including intervals and standards). Such an explanation is needed for us to fully evaluate the efficacy of the monitoring being proposed.

   Effectiveness monitoring should be clearly correlated with the purpose and need of the DEIS as the results of such will ultimately affect GRSG populations. While both Alternatives D and E would implement population and habitat monitoring, a primary strength of Alternative E is the development of a monitoring and adaptive management strategy that is based upon measurable population objectives within Management Zones and their respective Conservation Areas. These Conservation Areas have also been developed at meaningful scales as they pertain to population and habitat monitoring. For example, Conservation Areas, as defined in Alternative E, would provide an adequate number of lek routes to support associated population monitoring and triggers. Whereas, current monitoring for the

Population Area scale, as defined in Alternative D, would not. In some Population Areas, as described under Alternative D, there are not an adequate number of known or monitored leks to provide a robust sample size to support the associated population triggers, while in other Population Areas, additional lek routes would need to be monitored to adequately inform the triggers. Based on our review of the draft plan, the effectiveness monitoring strategy in Alternative E will result in better long-term conservation of GRSG than that described in Alternative D.

With regard to habitat monitoring, it is currently unclear how habitat change will be monitored within either Alternative D or Alternative E. For example, habitat monitoring discussed in Alternative D (Chapter 2) is significantly different than the Monitoring Framework Plan discussed in Appendix E. While we support the habitat characteristics identified in Alternative E, a more robust description of the habitat monitoring program should be provided.

6. Mitigation is a fundamental component of the conservation strategy proposed in both Alternatives D and E. To meet several conservation objectives within the COT, a "meaningful mitigation" program must be implemented. Both Alternatives D and E contain some essential elements for a comprehensive mitigation strategy, but we need additional details.

   We support the governance structure developed by the Idaho Sage-grouse Advisory Committee incorporated in Alternative E. This structure would provide an integrated framework for mitigation to be incorporated into the adaptive management process for all GRSG habitat categories (e.g., Core, Important, and General). We also encourage the inclusion of the concept of "additionality" and a "net conservation benefit" standard. We encourage close coordination with the State on this mitigation element in order to maintain their important collaborative conservation process.

   We need additional detail for both Alternatives D and E regarding how mitigation will be accomplished in future decision making processes. Further clarity is needed in the following areas:

   a. Methodologies or metrics that will be used to determine expected impacts of actions and conservation measures used to offset them.
   b. Identification of "service areas," or areas where offsets would be focused.
   c. Inclusion of a transparent and accountable monitoring program that includes performance standards that are used to ensure conservation measures meet predetermined goals and objectives.
   d. The role of the land management agency(s) if the Alternative E mitigation program were implemented.

7. As we consider the extent to which conservation measures proposed through LUP amendments (implemented through BLM Management Actions/Best Management Practices, and FS Standards/Guidelines) are consistent with the COT, we will consider the certainty of effective implementation of those measures. It is important that conservation measures

provide adequate specificity to ensure that they will be effectively implemented for GRSG conservation. There are several management actions within both Alternatives D and E that lack the specificity needed to ensure conservation measures are consistent with the COT. For example, management action A-FM-2 (Table 2-18) states "Design fuels management projects in PPMA to strategically and effectively reduce wildfire threats in the greatest area." If not designed and implemented appropriately, fuels management projects as defined above may have adverse impacts, rather than beneficial impacts to GRSG. We look forward to working with your staff to ensure that conservation measures, in the FEIS, have adequate specificity to ensure they meet the COT.

8. Our analysis of the DEIS focused on those impacts associated with GRSG and its habitat for all of the alternatives. We recommend that the impact analysis be improved through the following ways:

    a. We need more clarity as to the extent to which proposed actions within each alternative would ameliorate the threats to GRSG within the identified analysis areas. This is not to suggest that the current conservation measures within the range of alternatives are inadequate, but rather to emphasize the need for a more comprehensive impact analysis. Currently, the analysis demonstrates the extent to which an impact is reduced within a Population Area. However, it should also incorporate the best available science to show how that reduction could ameliorate the associated threat and consequently impact GRSG individuals and populations. The impacts to individuals and associated populations should then be compared across alternatives.
    b. The analysis should consider the beneficial impacts of best management practices and required specific design features where appropriate.
    c. The analysis should address the extent to which conservation measures within the alternatives meet the objectives of the COT. For example, we recommend inclusion of the COT matrix with an associated narrative. We remain committed to providing technical assistance to you and your staff to complete and incorporate this analysis.

9. We hope that through our comments, the BLM and FS will expand the detail of several key components to a level where we can fully evaluate the FEIS pursuant to the COT. Some key components include:

    a. Details on how habitat and disturbance will be monitored;
    b. Methods of landscape-scale prioritization and implementation of step-down assessments for addressing threats from fire and invasive species; and
    c. Details on how mitigation will be applied.

    We are participating on national interagency teams associated with these plan components and will continue to provide input on these components through our membership on these teams. It will be critical that the FEIS provide additional specificity in each of the above areas.

COT Crosswalk Comments

The comments below are a summary of the results of our efforts in comparing Alternative D and Alternative E with the COT.

PACs/Mapping

Inclusion of GRSG habitats that are closely correlated with the PACs is an important element for our consideration of consistency with the COT. As indicated in our April 10, 2013, letter to Governor Otter of Idaho, we determined that the habitats designated within Alternative E (i.e., Core and Important Habitat Zones), are consistent with the COT, as they are closely associated with Idaho's PACs. Priority and Medial Habitat, as mapped in Alternative D, comprise more GRSG habitat than the Core and Important Habitat Zones mapped in Alternative E and are also consistent with the COT. One important difference between Alternatives D and E is that Alternative E's thematic mapping criteria are based upon a measurable population objective. If the BLM considers mapping changes, we recommend that the final map be closely coordinated with the State and reflect scientifically-based population objectives similar to those described in Alternative E. This should include habitats that provide essential connectivity, and habitat restoration and population expansion opportunities.

PACs/Habitat Categorization

We recommend that the habitat categories included in the FEIS be biologically meaningful and pragmatically effective. To be biologically meaningful, the Important Habitat Zone (Alternative E) or Medial Management Area (Alternative D) must represent an adequate portion of Idaho's GRSG population. It is currently unclear how biologically meaningful Alternative D's Medial Habitat Area is, whereas Alternative E's Important Habitat Zone supports 22 percent of Idaho's GRSG population within approximately 4 million acres of habitat. To be pragmatically effective, the habitat categories must include enough land area (i.e., acres) to discourage a habitat or population loss trigger being tripped. The Important Habitat Zone (Alternative E) includes approximately twice as many acres of federal lands as the Medial Habitat Area (Alternative D), therefore we believe that Alternative E's current habitat categorization more effectively discourages a trigger being tripped, and thus is more protective of the species and its habitat because of increased incentive to take early management actions.

Infrastructure

The COT objective is to avoid development of infrastructure within PACs. Alternative D proposes to implement conservation measures that are consistent with the COT. Alternative E proposes to implement conservation measures that are largely consistent with the COT, but includes an exception process for large scale infrastructure development. To be consistent with the COT, Alternative E would need to provide some reasonable certainty that those exceptions will only be granted if they are consistent with the COT. Additionally, Alternative E would need to be modified to ensure that impacts from any exceptions would be avoided, minimized or

mitigated, in that order. We encourage close coordination with the State on this element in order to maintain their important collaborative conservation process.

Fire (including wildfire)

The COT objective is to retain and restore healthy native sagebrush communities. The greatest, and most difficult to manage, threat to long-term persistence of GRSG in the planning area is wildfire and potential for a subsequent invasion of annual grass species. We support the State's ongoing efforts to address this threat by developing a comprehensive wildfire strategy that has included the addition of legislative changes and funding to support the creation of Rural Fire Districts.

We need additional clarity for both Alternative D and E as to site-specific actions to meet the COT objective. Both preferred alternatives have appropriately identified the need to work more extensively at a local scale to coordinate and implement actions that will result in improved wildfire and invasive species management strategies. The step-down assessments, as identified in Alternative D (Appendix K), provide a sound framework upon which to complete these actions. Close coordination of these assessments with the appropriate State agencies and the Service will help ensure that treatment priorities are implemented across jurisdictional boundaries and are consistent with the COT. Inclusion of commitments to implement conservation projects identified in these step-down assessments will be needed to increase our certainty that actions, necessary for GRSG conservation, will occur.

We recommend that the FEIS include provisions to eliminate prescribed burning in sage-grouse wintering and breeding [i.e., lekking, nesting and early brood rearing (Connelly et al. 2004, Connelly et al. 2011)] habitats unless biologically justified. The ecological role of fire in reducing sagebrush canopy and stimulating regeneration may justify the use of prescribed fire in site-specific circumstances (Manier et al. 2013). If prescribed fire is allowed in GRSG habitats, then we recommend that the FEIS commit to using the risk analysis tool currently in development by WAFWA. We also recommend incorporating literature by the Fire and Invasive Species Team (FIST), which is currently developing landscape prioritization for fire and invasive species, as well as step down assessments.

Non-native/Invasive Plant Species

The COT objective is to maintain and restore healthy, native sagebrush communities. Both Alternatives D and E propose to implement similar conservation measures to address this objective. We need additional clarity for both Alternative D and E as to site-specific actions to meet the COT objective. Both preferred alternatives have appropriately identified the need to work more extensively at a local scale to coordinate and implement actions that will result in improved wildfire and invasive species management strategies. As discussed above for fire, inclusion of commitments to implement conservation projects identified in the step-down assessments will be needed to increase our certainty that actions, necessary for GRSG conservation, will occur. The subsequent incursion of invasive nonnative plant species after fire events is extremely difficult to manage. However, as described above for fire, the State has

developed a comprehensive strategy including legislative changes and funding that will directly address fire and the potential subsequent invasion of annual grass species.

Sagebrush Removal

The COT objective is to avoid sagebrush removal or manipulation in sage-grouse breeding or wintering habitats with minor exceptions. Appropriate regulatory and incentive-based mechanisms will be needed to encourage the maintenance of sagebrush. Alternative D proposes conservation measures that directly addresses this and meets the COT objectives. Alternative E does not propose conservation measures that directly address this threat and is currently inconsistent with the COT.

Grazing

The COT objective is to conduct grazing management in a manner consistent with local ecological conditions that maintains or restores healthy sagebrush shrub and native perennial grass and forb communities and conserves the essential habitat components for sage-grouse (e.g., shrub cover, nesting cover). Additionally, the COT recommends restoration of areas which do not currently meet this standard. Both Alternative D and Alternative E provide measures that currently meet the COT objectives for grazing management.

Pinyon-Juniper Expansion

The COT objective is to remove pinyon-juniper from areas of sagebrush that are most likely to support sage-grouse (post removal) at a rate that is at least equal to the rate of pinyon-juniper incursion. Both Alternative D and Alternative E are similar in addressing this threat. We recommend the selected alternative identify a rate at which treatments should be implemented to meet the COT objective. Additionally, removal of pinyon-juniper trees encroaching within 1000 meters of a lek should be the highest priority.

Range Management Structures

The COT objective is to avoid or reduce the impact of range management structures on sage-grouse. Both Alternative D and Alternative E propose to implement conservation measures that meet the COT objective.

Fences

The COT objective is to minimize the impact of fences on GRSG populations. Both Alternative D and Alternative E propose to implement conservation measures that meet the COT objective.

Recreation

The COT objective states that in areas subjected to recreational activities, maintain healthy native sagebrush communities based on local ecological conditions and with consideration of drought conditions, and manage direct and indirect human disturbance (including noise) to avoid

interruption of normal sage grouse behavior. Both Alternative D and Alternative E propose to implement conservation measures that meet the COT objective.

Energy Development

The COT objective states that energy development should be designed to ensure that it will not impinge upon stable or increasing GRSG population trends. As discussed above, large scale infrastructure associated with energy development (e.g., wind, solar, and transmission lines) is avoided within PACs in both Alternatives D and E. The threat of energy development from fluid mineral leasing is naturally limited by a low level of development potential throughout the PACs within the planning area. Alternative E prescribes a 3 percent disturbance cap in the Core Habitat Zone (CHZ), and a 5 percent disturbance cap in the Important Habitat Zone (IHZ), a 0.6 mile NSO lek buffer, and stipulations to minimize impacts from noise. Alternative D prescribes 2 standards, a 3 percent disturbance cap in Priority Habitat as well as a "no net habitat loss" standard. Alternative D also includes an NSO for all GRSG habitats within PACs that have a low potential for development and stipulations to minimize the impacts from noise. The DEIS does not provide adequate specificity regarding how the "no net habitat loss" standard would be implemented to determine its consistency with the COT objective. If it is the intent of Alternative D to implement a 3 percent disturbance cap as well as the above mentioned NSOs and noise stipulations, it would be consistent with the COT objective. Although Alternative E is largely consistent with the COT, we would recommend that the 3 percent disturbance cap be consistently applied across the PACs (CHZ and the IHZ) and that it include other anthropogenic disturbances (as discussed above).

Free-Roaming Equid Management

The COT objective is to protect GRSG from the negative influences of grazing by free roaming equids. Both Alternative D and Alternative E propose to implement conservation measures that meet the COT objective.

Mining

The COT objective is to maintain stable to increasing GRSG populations and no net loss of GRSG habitats in areas affected by mining. Both Alternative D and Alternative E propose to implement conservation measures that meet the COT objective; however, we will need further specificity on mitigation requirements (see general comment on mitigation).

Ex-Urban Development

The COT objective is to limit urban and ex-urban development in GRSG habitats and maintain intact native sagebrush communities. Alternative D proposes conservation measures that directly addresses this and meets the COT objectives. Alternative E does not propose conservation measures that directly address this threat and is currently inconsistent with the COT.

SUMMARY

Long-term conservation of GRSG will depend on a continued commitment to adequately manage threats to the species and its habitat across landscapes and jurisdictional boundaries. Finalization of a strategy that embraces broad stakeholder collaboration across ownership boundaries and is supported by a robust monitoring and adaptive management strategy is critical. We look forward to further coordination with you as you finalize the EIS in a manner that meets the long-term conservation needs of GRSG while being implementable under BLM and FS policies and regulations. Identification of a final decision that is consistent with the objectives of the COT will be imperative to the Service's listing decision in 2015. Thank you again for the opportunity to review and provide comment on the Draft Land Use Plan and DEIS. Please do not hesitate to contact me at 208-378-5267 or Jason Pyron of my staff at 208-685-6958.

cc: USFWS, Region 1, Regional Office, Portland, OR (J. DElia)
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