From: Lyons, James
To: Dan Ashe
Subject: Re: Mineral Wdrawal
Date: Wednesday, May 13, 2015 12:26:04 PM

Agree

On Wed, May 13, 2015 at 12:18 PM, Dan Ashe <d_m_ashe@fws.gov> wrote:

> Looks doubtful that I will be able to be on the call at 12:30. Bob's proposed changes are helpful. I'll just underscore his sentiment about a clear statement from the Secretary. I understand the desire to calm some of our state partners, and maybe some industry concerns. However, let's again remind ourselves what we are trying to do -- get to a not warranted. If we create uncertainty here, we are cutting against that grain, and whatever comfort we provide will be temporary, and we'll probably regret it later.
>
> I recommend we make the strongest statement possible, consistent with the Secretary's duties.
>
> Dan.
>
> Dan Ashe
> Director, U.S. Fish and Wildlife Service
>
> On May 13, 2015, at 8:46 AM, Dreher, Robert <robert_dreher@fws.gov> wrote:
>
>> For ease of review, I've pasted below the clean version of my proposed text:
>>
>> The Secretary intends to act promptly on recommendations from the BLM for land withdrawals to safeguard proposed Sagebrush Focal Areas that anchor the range-wide conservation strategy for greater sage-grouse from potential future mining claim locations.
>>
>> Mining operations could have a significant impact on habitat and on greater sage-grouse populations in the Sagebrush Focal Areas.
>>
>> Unlike other resource uses on BLM lands, the Mining Law of 1872 gives the BLM only limited authority to control the placement and extent of locatable mineral development through land use planning provisions or permit approvals. The uncertainty regarding the potential for future mining claims, their location, and the extent of development that they may entail raises concerns regarding the ability of BLM to maintain long-term protection of these most sensitive and important areas for conservation of the greater sage-grouse.
>>
>> Withdrawal of the lands within the Sagebrush Focal Areas from location and entry under the 1872 Mining Law would create greater certainty regarding the long-term protection of these areas for the Fish and Wildlife Service as it determines whether the greater sage-grouse warrants protection as a threatened or endangered species. If approved, a withdrawal would be subject to valid existing rights, and consequently would not affect

mineral development activities on valid mining claims and sites that predate the withdrawal.

The Secretary will consider BLM's recommendations for withdrawal of the lands within the Sagebrush Focal Areas through a public process that will engage the public, States, and other stakeholders. The process will include consideration of the mineral potential and importance as sagebrush habitat of the areas recommended for withdrawal.

In addition, the Secretary will consider a process for future reconsideration of a withdrawal, on a site-specific basis, if new information indicates that there exists a mineral deposit of national significance in a particular location and that mineral exploration or development could go forward without adverse impacts to greater sage-grouse at that location.

On Wed, May 13, 2015 at 10:38 AM, Dreher, Robert <robert_dreher@fws.gov> wrote:

> I've taken a stab at editing these talking points to make them something closer to a statement by the Secretary (as I have noted, a clear statement by the Secretary would provide the greatest assurance to FWS). I've tried to navigate the delicate balance between assuring FWS that these withdrawals are likely to be implemented and avoiding pre-determination of the final decisions by stating that the Secretary "intends to act promptly" on BLM's recommendations, and providing a clear statement, ideally by the Secretary herself, of the benefits that withdrawal would provide in terms of assuring long-term protection of the Sagebrush Focal Areas. Nonetheless, the statement makes clear that there will be a decision process and promises to engage the public, States, and stakeholders. Finally, the statement indicates that the Secretary will consider a process for reconsideration of lands subject to withdrawal, on a site specific basis, where new information indicates that a mineral deposit of national significance exists and can be developed without adverse impact on sage grouse in the area.
>
> I deleted the language about providing "a more granular analysis" of mineral potential; I wanted to leave the question of whether there needs to be additional analysis, beyond what is contained in BLM's plans, open.
>
> On Wed, May 13, 2015 at 9:27 AM, Greenberger, Sarah <sarah_greenberger@ios.doi.gov> wrote:
>
> > (b) (5) [redacted] We can discuss how we navigate that line.
> >
> > On Wed, May 13, 2015 at 1:13 AM, Dan Ashe <d_m_ashe@fws.gov> wrote:
> >
> > > Here are my thoughts. If we are trying to get to a "not warranted" determination, then my team needs to have confidence that the Secretary actually intends to follow through on a BLM recommendation. Therefore, I suggest we remove some of the language that they will see as equivocal. I completely support Jim's recommended language, and suggest inserting it in this text.
> > >
> > > Dan.

(b) (5) [redacted]

[redacted]

[redacted]

[redacted]

(b) (5) [redacted]

[redacted]

Dan Ashe
Director, U.S. Fish and Wildlife Service

On May 12, 2015, at 1:44 PM, Lyons, James <james_lyons@ios.doi.gov> wrote:

> My thoughts attached.
>
> In sum: I would **only consider a revocation for minerals of national significance** (e.g., rare earth) AND either development would have no impact on GRSG or effects are

minimal and can be mitigated to a net conservation gain.

Jim

On Tue, May 12, 2015 at 1:22 PM, Greenberger, Sarah <sarah_greenberger@ios.doi.gov> wrote:

> Here are updated TPs to serve as a starting point for discussion tomorrow. They don't discuss a global review at any point. They still don't talk about the relative absence of development interest in these areas. We can work on that piece but I don't think it's central to the policy discussion at this point.
>
> On Thu, May 7, 2015 at 5:17 PM, Greenberger, Sarah <sarah_greenberger@ios.doi.gov> wrote:
>
> > Here are the bullets we discussed today. Kate and I will work on phrasing the absence of interest/potential. Please get me edits/thoughts and I will compile. Thanks! Sarah

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<Locatable Mineral Talking Points_v5_JRLcomments.docx>

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