From:	Lyons, James
To:	Michael Connor; Tommy Beaudreau; Sarah Greenberger; Janice Schneider; Dan Ashe; Robert Dreher; Noreen Walsh; Neil Kornze; Steven Ellis; Edwin Roberson; Michael Bean
Cc:	James Lyons
Subject:	Agenda for 9 am Sage Grouse Update
Date:	Thursday, December 18, 2014 9:53:18 PM
Attachments:	Issues Resolved 12_17_14 with comments.docx

We will meet tomorrow morning with Mike and Tommy to discuss the following:

1. Resolution of remaining NPT guidance (most recent draft attached)
2. Buffers -- clarifying what will be required/direction to the field
3. Adaptive management triggers and responses -- WY and MT
4. Remaining state issues:
   - Montana -- affirming final plan allocations
   - Wyoming -- Stronghold areas
   - Utah -- status of discussions on Anthro and West Tavaputs
   - Nevada -- status and meeting in January
5. Next steps --
   - Data to FWS
   - Completion of BLM and FS plans

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Below are the Greater Sage-Grouse Planning issues which have been discussed and resolved between the U.S. Fish and Wildlife Service, Bureau of Land Management and U.S. Forest Service following the meetings in October and November 2014. The planning teams should insert the language and direction where appropriate in their plans.
December 16, 2014

Issue: **Development in Highly Important Landscapes**

Direction: The BLM will designate Sagebrush Focus Areas (SFA), consisting of the Federally-managed PHMA within the Highly Important Landscapes mapped by the USFWS. The ADPPs will reflect the following management guidance for the SFAs:

1) The ADPPs will recommend administrative withdrawals from the 1872 Mining Law (locatable minerals) in SFAs, subject to valid existing rights.
2) These areas will be NSO, without exceptions, for oil and gas development (except in WY and maybe NV).
3) The BLM will prioritize management and conservation actions in these areas, including, but not limited to review of livestock grazing permits/leases.

Comment [SMC1]: The BLM would like to work with the FWS on edits to the maps, to exclude non-PHMA, non-federal lands, and isolated parcels.

Comment [SMC2]: MT: concerns

Issue: **Mitigation**

Direction: The ADPPs will include the updated Mitigation Framework (Attachment I) and drop-in Chapter 2 language to reflect the following language:

"In undertaking BLM management actions, and, consistent with valid existing rights and applicable law, in authorizing third-party actions that result in habitat loss and degradation, the BLM will require and assure mitigation that provides a conservation gain to the species including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions."

Issue: **Mapping**

Direction: 1) UT will not manage non-habitat (Opportunity Areas) as PHMA, as this was not analyzed in the DEIS and would require NEPA supplementation. UT will consider the most restrictive management they can as analyzed in their DEIS. *West Tavaputs decision forthcoming.*

2) The BLM Nevada will use the State of Nevada's updated GRSG habitat map. The BLM Nevada will present the rationale for this decision in the final EIS.

Issue: **Disturbance**

Direction: Per the original April 2014 NPT guidance on disturbance, all states will use the 3% disturbance cap at the Biologically Significant Unit (BSU) and project scale, except for those identified below. The density calculation (an average of 1 facility per 640 acres) applies to energy and mining facilities. While the disturbance cap cannot apply to foreclose development of locatable minerals on unpatented claims located under the 1872 Mining Law, the disturbance from locatable mining will apply in determining the percent disturbance and whether the cap has been exceeded. See Attachment III for appropriate scales, methodology for calculating disturbance and recommended drop-in language.

The BLM proposes the following three exceptions:

- WY will use 5%, as developed in the WY Core Strategy.
- MT will use a 3% cap, until the state strategy, similar to WY's Core Strategy of 5% for all lands and all disturbances, is implemented. *
- *Pending Department approval,* Nevada may use the Conservation Credit approach, with an immediate return to 3% if the approach is not fully implemented. This return will be addressed through the plan's adaptive management approach. *
- ID will use the disturbance calculation methodology developed prior to this guidance.

(b) (5) Attorney work product [redacted]

- *1.*
- *2. AND/OR…*
- *3.*

Issue: **Vegetation Objectives**

Direction: Greater Sage-Grouse (GRSG) Administrative Draft Proposed Plans (ADPPs) will establish and incorporate vegetation and GRSG habitat objectives (see Attachment II for specific guidance and a GRSG Habitat Objectives Table template that follows the Habitat Assessment Framework). The vegetation and GRSG habitat objectives guidance states that the values for the desired conditions in the GRSG Habitat Objectives Table are to be used as a minimum to meet the applicable land health

standard in sage-grouse habitats. Planning units may include additional indicators and desired condition values as appropriate. The desired condition value for each indicator can be a range of values rather than a single value (e.g., the value for the desired condition for sagebrush canopy cover in breeding and nesting habitat could be 15-25%).

The GRSG Habitat Objectives table is to be placed in the Special Status Species section of the ADPP. The vegetation objective should be placed in the Vegetation section of the ADPP.

Issue: **Livestock Grazing Modifications**

Direction: The following decisions will be included in the Livestock Grazing section of the ADPPs.

- *The BLM will prioritize evaluation of grazing permits/leases in Sagebrush Focus Areas (SFAs) followed by PHMAs outside of the SFAs. In setting workload priorities, existing permits/leases in areas not meeting Land Health Standards, focusing on those containing riparian areas, including wet meadows, will take precedence over those areas meeting objectives/standards.*
- *The NEPA analysis for proposed modification of livestock grazing permits/leases during the renewal process will include a range of alternatives and scientifically-based adaptive management triggers that allow the authorizing officer to make adjustments to livestock grazing without conducting additional NEPA and issuance of a proposed/final grazing decision.*
- *Allotments within SFAs, followed by those within PHMAs, and focusing on those containing riparian areas, including wet meadows, will be prioritized for field checks to help ensure compliance with the terms and conditions within the grazing permits. Field checks could include monitoring for actual use, utilization, and use supervision.*

Attachment III provides guidance as to how the BLM will incorporate GRGS decisions from the Sage-Grouse RMP/Amendments into grazing permits/leases.

Issue: **Mineral Materials (Salable Minerals)**

Direction: As directed in the NPT guidance, all Priority Habitat Management Areas will be closed to new mineral materials development, with exceptions in Wyoming and Idaho.

The following management action will be applied to all ADPPs:
"PHMAs are closed to new mineral material sales. However, these areas remain "open" to free use permits and the expansion of existing active pits, only if the following criteria are met:

- *the activity is within the Biologically Significant Unit (BSU) and project area disturbance cap;*
- *the activity is subject to the provisions set forth in the mitigation framework [Appendix X];*
- *all applicable required design features are applied; and*
- *[if applicable] the activity is permissible under the specific sub-regional screening criteria [site location in ADPP where this screening process is present].”*

Issue: **High-voltage Transmission and Major Pipeline ROWs and Corridors**

Direction: 1) All sub-regions will apply the recommended NPT allocation guidance for PHMA of avoidance.

2) For GHMA, all states will also apply avoidance, except for:

- Wyoming, under the Core Area Strategy, will remain open
- Idaho, which will employ a location and design process to ensure protection
- Utah, which will remain open because of the limited number of birds in General Habitat Management Areas.

3) For sub-regions that have planned priority transmission lines that traverse their planning area (Gateway West, Boardman to Hemingway, and TransWest Express, including those portions of Gateway South that are co-located), they will apply the following language as a management action in their ADPP:
“Priority Habitat Management Areas (PHMAs) and General Habitat Management Areas (GHMAs) are designated as avoidance areas for high voltage transmission line ROWs, except for the transmission projects specifically identified below. All authorizations in these areas, other than the excepted projects, must comply with the conservation measures outlined in this proposed plan, including the RDFs and avoidance criteria presented in [insert citation here] of this document. The BLM is currently processing an application for [Insert name of transmission project] and the NEPA review for this project is well underway. The BLM is analyzing GRSG mitigation measures through the project’s NEPA review process, which will include analysis of the following conservations measures, avoidance criteria, and RDFs outlined in this document [list the criteria/RDFs].”

4) BLM UT and WY will be consistent in how they address utility corridors. Utah will not designate new corridors, but will instead co-locate future transmission lines in areas not designated as a ROW avoidance area. The ADPP will include rationale as to how it will contribute to the conservation of GRSG.

Issue: **Coal Suitability**
Direction: Sub-regions will include the following management action:
"At the time an application for a new coal lease or lease modification is submitted to the BLM, the BLM will determine whether the lease application area is "unsuitable" for all or certain coal mining methods pursuant to 43 CFR 3461.5. PHMA is essential habitat for maintaining GRSG for purposes of the suitability criteria set forth at 43 CFR 3461.5(o)(1)."

Issue: **Fluid Mineral Resources (Including Geothermal)**
Direction: All ADPPs will include the conservation objective for leasing and development outside of sage grouse habitat:

"Priority will be given to leasing and development of fluid mineral resources, including geothermal, outside of PHMA and GHMA. When analyzing leasing and authorizing development of fluid mineral resources, including geothermal, in PHMA and GHMA, and subject to applicable stipulations for the conservation of Greater Sage-Grouse, priority will be given to development in non-habitat areas first and then in the least suitable habitat for Greater Sage-Grouse. The implementation of these priorities will be subject to valid existing rights and any applicable law or regulation, including, but not limited to, 30 U.S.C. 226(p) and 43 C.F.R. 3162.3-1(h)."

"Where a proposed oil and gas or geothermal project on an existing lease could adversely affect GRSG populations or habitat, BLM will work with the lessees, operators, or other project proponents to avoid, reduce and mitigate adverse impacts to the extent compatible with lessees' rights to drill and produce oil and gas or geothermal resources. BLM will work with the lessee, operator, or project proponent in developing an APD for the lease to avoid and minimize impacts to sage grouse or its habitat and will ensure that the best information about the GRSG and its habitat informs and helps to guide development of Federal leases."

Issue: **No Surface Occupancy (NSO) Exception Language**
Direction: All BLM plans will follow NPT guidance for Priority Habitat Management Areas, with the exception of Wyoming; No-surface-occupancy stipulations will be included in new oil and gas leases at the time of leasing only and may not be applied to existing oil and gas leases that did not include no-surface-occupancy stipulation at the time of

leasing. Sub-regional ADPPs for both the Rocky Mountain and Great Basin will include the following language into their ADPPs:

No waivers or modifications to an oil and gas lease no-surface-occupancy stipulation will be granted. The Authorized Officer may grant an exception to an oil and gas lease no-surface-occupancy stipulation only where the proposed action:

(i) Would not have direct, indirect, or cumulative effects on GRSG or its habitat; or,

(ii) Is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and would provide a clear conservation gain to GRSG.

Exceptions based on conservation gain (ii) may only be considered in (a) PHMAs of mixed ownership where federal minerals underlie less than fifty percent of the total surface of the project area or (b) areas of the public lands where the proposed exception is an alternative to an action occurring on a nearby parcel subject to a valid oil and gas lease existing as of the date of this RMP [revision or amendment]. Exceptions based on conservation gain must also include measures, such as enforceable institutional controls and buffers and be within the density and disturbance cap, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Any exceptions to this lease stipulation may be approved by the Authorized Officer only with the concurrence of the State Director. The Authorized Officer may not grant an exception unless the applicable state wildlife agency, the USFWS, and the BLM unanimously find that the proposed action satisfies (i) or (ii). Such finding shall initially be made by a team of one field biologist or other GRSG expert from each respective agency. In the event the initial finding is not unanimous, the finding may be elevated to the appropriate BLM State Director, USFWS State Ecological Services Director, and state wildlife agency head or Governor's designee for sage grouse for final resolution. In the event their recommendation is not unanimous to grant the exception, the exception will not be granted. Approved exceptions will be made publically available at least quarterly."

Comment [SMC3]: MT suggestion: using the same conditions necessary for the disturbance switch after the MT core strategy is in place, MT will switch to utilizing the Governor's Executive Order language: "when it can be demonstrated that the project will not cause declines in sage-grouse populations"

Comment [SMC4]: Need to clarify the scale at which the 50% is applied

Comment [SMC5]: Suggested by MT

Issue: **Allocation Decisions**

Direction: The following allocation decisions have been approved, with the exception of those in Nevada which are blacked out.

	Compliance with NPT Guidance							
	NPT Guidance	*MT ADPPs*	*Wyoming ADPPs*	*NW CO*	*Utah*	*NV/NE CA*	*Oregon*	*Idaho/SW MT***
Solar - Priority	Exclusion	Exclusion	NA	Exclusion	Exclusion		Exclusion in SFAs; Avoidance in SE Counties	Exclusion *Imp – Avoid.* *Screening process*
Solar – General	Avoidance	Avoidance	NA	Avoidance	Exclusion		Avoidance	Open ~~*Imp – Open*~~ ~~*Screening process*~~
Wind – Priority	Exclusion	Exclusion	Avoidance *Consistent with WY Core Area Strategy*	Exclusion	Exclusion		Exclusion in SFAs; Avoidance in SE Counties	Exclusion *Imp – Avoid.*
Wind – General	Avoidance	Avoidance	Open *Consistent with WY Core Area Strategy*	Avoidance	Open		Avoidance	Open ~~*Imp – Open*~~ *Screening process* ~~*Screening process*~~
HV Transmission Lines and Large Pipeline ROWs - Priority	Avoidance	Avoidance	Avoidance	Avoidance	Avoidance		Avoidance	Avoidance *Imp - Avoid* *Screening process*
HV Transmission Lines and Large Pipeline ROWs - General	Avoidance	Avoidance	Open *Consistent with WY Core Area Strategy*	Avoidance	Open		Avoidance	Open ~~*Screening process*~~
Minor ROWs – Priority	Avoidance	Avoidance	Avoidance	Avoidance	Avoidance		Avoidance	Avoidance *Imp - Avoid*
Minor ROWs – General	Open	Open	Open	Open	Open		Open	Open
Fluids – Priority	NSO *Includes WY Exception	NSO	Open with major/moderate constraints*	NSO	NSO		NSO	NSO *Imp - NSO*
Fluids – General	Open with Moderate constraints	Open with Moderate constraints	Open with Standard or Moderate constraints	Open with Moderate constraints	Open with Standard Constraints		Open with Moderate constraints	Open with Moderate constraints
Non-energy Leasables - Priority	Closed *Includes WY Exception	Closed	Open*	Closed	Closed		Closed	Closed *Imp - Open*
Non-energy Leasables - General	Open	Open	Open	Open	Open		Open	Open
Mineral Materials – Priority	Closed	Closed	Open *Consistent with WY Core Area Strategy*	Closed	Closed		Closed	Closed *Imp - Open*
Mineral Materials –	Open	Open	Open	Open	Open		Open	Open

General								

** SW MT follows the allocations designated for the MT ADPPs

USFWS has concurred with this approach