

**From:** [Deibert, Pat](#)  
**To:** [Jeff Berglund](#); [Brent Esmoil](#); [Jodi Bush](#)  
**Subject:** Fwd: FW: Buffers  
**Date:** Monday, February 23, 2015 12:24:50 PM  
**Attachments:** [Lek Buffer Application 1 15 15a.docx](#)

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as per my previous e-mail - I've not read.

Let me know what you think!

p

----- Forwarded message -----

**From:** **Matt Kales** <[matt\\_kales@fws.gov](mailto:matt_kales@fws.gov)>  
**Date:** Mon, Feb 23, 2015 at 12:21 PM  
**Subject:** FW: Buffers  
**To:** Pat Deibert <[pat\\_deibert@fws.gov](mailto:pat_deibert@fws.gov)>  
**Cc:** Jesse DElia <[jesse\\_delia@fws.gov](mailto:jesse_delia@fws.gov)>, Lief Wiechman <[lief\\_wiechman@fws.gov](mailto:lief_wiechman@fws.gov)>, Mary Grim <[mary\\_grim@fws.gov](mailto:mary_grim@fws.gov)>, Nicole Alt <[nicole\\_alt@fws.gov](mailto:nicole_alt@fws.gov)>

This is what Noreen indicated was the current version of lek buffer language. Please circulate internally as necessary to review the MT fluids item, which I'll tee up in a moment w/Stephanie.  
Thanks.

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Pat Deibert, PhD  
Certified Wildlife Biologist®  
U.S. Fish and Wildlife Service  
5353 Yellowstone Road, Suite 308A  
Cheyenne, WY 82009  
307-772-2374, ext. 226

got leks?

**Issue:** **Use of Lek Buffer-Distances in ADPPs**

**Direction:** The ADPPs will require the use of lek buffer-distances for all new BLM-managed and BLM-authorized anthropogenic disturbances in both GHMA and PHMA (see Attachment X) and drop-in Chapter 2 language:

*“In undertaking BLM management actions, and consistent with valid and existing rights and applicable law in authorizing third-party actions, the BLM will apply the lek buffer-distances identified in the USGS Report Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review ([Open File Report 2014-1239](#)) in accordance with Attachment X. ”*

## Attachment X

**Using Applying Lek Buffer-Distances When Approving Proposed Actions**

- *Buffer Distances and Evaluation of Impacts to Leks*

Evaluate impacts to leks from proposed actions requiring the NEPA analysis. In addition to any other relevant information determined to be appropriate (e.g. State wildlife agency plans), the BLM will assess and address impacts from the following activities using the lek buffer-distances as identified in the USGS Report *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* ([Open File Report 2014-1239](#)). ~~At a minimum,~~ The BLM will ~~use~~apply the buffer distances specified as the lower end of the interpreted range in the report:

- linear features (roads) within 3.1 miles of leks
- infrastructure related to energy development within 3.1 miles of leks.
- tall structures (e.g., communication or transmission towers, transmission lines) within 2 miles of leks.
- low structures (e.g., fences, rangeland structures) within 1.2 miles of leks.
- surface disturbance (continuing human activities that alter or remove the natural vegetation) within 3.1 miles of leks.
- noise and related disruptive activities including those that do not result in habitat loss (e.g., motorized recreational events) at least 0.25 miles from leks.

Justifiable departures from these distances, based on local data, best available science, landscape features, and other existing protections (e.g., land use allocations, state regulations) may be appropriate for determining activity impacts. The USGS report recognized “that because of variation in populations, habitats, development patterns, social context, and other factors, for a particular disturbance type, there is no single distance that is an appropriate buffer for all populations and habitats across the sage-grouse range”. The USGS report also states that “various protection measures have been developed and implemented... [which have] the ability (alone or in concert with others) to protect important habitats, sustain populations, and support multiple-use demands for public lands”. ~~Justifiable departures from these distances, based on local data, best available science, landscape features, and other existing protections (e.g., land use allocations, state regulations) may be appropriate for determining activity impacts.~~ All variations in buffer-distances will require appropriate analysis and disclosure as part of activity authorization.

In determining lek locations, the BLM will use the most recent active or occupied lek data available from the state wildlife agency.

- *For Proposed Actions in GHMA*

The BLM will apply the lek buffer-distances identified above as Conditions of Approval to fully address the impacts to leks as identified in the NEPA analysis.

- Impacts should first be avoided by locating the proposed action outside of the applicable lek buffer-distance(s) identified above.
- If it is not possible to relocate the project outside of the applicable lek buffer-distance(s) identified above, the BLM may approve the project only if:
  - ~~b~~Based on best available science, landscape features, and other existing protections, (e.g., land use allocations, state regulations), the BLM determines that a lek buffer-distance other than the applicable distance identified above offers the same or a greater level of protection to ~~Greater R~~Sage-Grouse and its habitat; or
  - ~~the~~The BLM determines that impacts to GRSG and its habitat are minimized such that the project will cause minor or no new disturbance (such as, for example, ex., by co-location with existing authorizations) ~~and minimizes impacts to Greater Sage-Grouse and its habitat;~~ and

○

- Any residual impacts within the buffer-distances are addressed through compensatory mitigation measures sufficient to ensure a net conservation gain, as outlined in the Mitigation Strategy (Appendix X).

~~○ Should the BLM approve a project in accordance with the above process, the BLM will issue a finding which documents the basis for determining that the approved buffer distance meets these conditions.~~

- *For Proposed Actions in PHMA*

The BLM will apply the lek buffer-distances identified above as Conditions of Approval to fully address the impacts to leks as identified in the NEPA analysis. Impacts should be avoided by locating the proposed action outside of the applicable lek buffer-distance(s) identified above.

~~The BLM may approve proposed actions in PHMA that are within the applicable lek buffer distance identified above only if:~~

- ~~The BLM, with input from the state fish and wildlife agency, determines, based on best available science, landscape features, and other existing protections, that a buffer distance other than the distance identified above offers the same or greater level of protection to Greater Sage-Grouse and its habitat; or,~~
- ~~In rare circumstances, it can be scientifically demonstrated, in coordination with the state fish and wildlife agency, that cumulative impacts to seasonal habitats for greater sage-grouse would be less than those that accrue if the buffer was met.~~

- ~~The justification for approval of such actions will be documented as a part of the project record. The BLM will issue a finding which documents the basis for determining that the approved buffer distance meets these conditions.~~