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Subject: FW:
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Attachments: [Lek Buffer Issue Paper 12.19.2014.docx](#)

From: Noreen Walsh [mailto:noreen_walsh@fws.gov]
Sent: Friday, December 19, 2014 10:22 AM
To: Larry Crist
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Subject:

My apologies, I never hit send when I teed this up an hour ago

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BLM Lek Buffers Issue Paper

Summary of Greater Sage-Grouse Habitat Protections Currently in ADPPs

The BLM has analyzed the *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* (USGS Review) and has determined that the conservation measures proposed in the BLM/FS Greater Sage-Grouse (GRSG) Administrative Draft Proposed Plans (ADPPs) are largely consistent with the lek buffers identified in the USGS Review. The ADPPs currently protect GRSG habitat from anthropogenic disturbance through the following components:

Apply Restrictive Allocations and Disturbance Caps in Priority Habitat Management Areas (PHMA)

With limited exceptions, the ADPPs propose restrictive land use allocations for PHMA to protect sage-grouse habitat (including leks):

- Exclude wind and solar development.
- Prohibit future non-energy leasable and saleable mineral development.
- Require No Surface Occupancy for all fluid mineral leasing.
- Avoid authorization of Rights-of-Ways (ROW). Only ROWs that meet strict criteria will be allowed (e.g. ROW must not adversely affect GRSG populations).

Additionally, the ADPPs propose a 3% disturbance cap for anthropogenic surface disturbance in most states. The cap requires that surface disturbance not exceed 3% at the project level, as determined by applying 4-mile buffers around the project footprint and intersecting lek buffers.

Taken together, the land use allocations and disturbance caps limit surface disturbance near leks and therefore meet the intent of a lek buffer. Using the USGS Review Interpreted Range lower lek buffer for surface disturbance, linear features, and energy development, the ADPPs propose to manage 73% of the area within 3.1 miles of a lek as PHMA.

Apply Restrictive Allocations in General Habitat Management Areas (GHMA)

The ADPPs also propose protective land use allocations for GHMA, 24% of the area within 3.1 miles of a lek. With some exceptions, the ADPPs propose that the BLM in GHMA:

- Avoid renewable energy development.
- Avoid ROWs for high voltage transmission lines and large pipelines.
- Require moderate constraints (Controlled Surface Use & Timing Limitations) for fluid mineral leasing.

Apply Lek Buffers When Siting Projects

ADPPs also establish Required Design Features (RDF) that protect sage-grouse habitat. RDFs are mandatory best management practices that provide for the certainty of implementation because they will be applied to all BLM-authorized activities. Example RDFs currently in ADPPs that address lek buffers include:

- No new roads or above-ground structures authorized within 1 mile of an active lek (BLM Colorado ADPP, Dec. 2014).
- Avoid constructing electric distribution lines within 600 m of a lek, or, where possible, bury the line to avoid GRSG collisions with guy wires (BLM Idaho ADPP, Dec. 2014).

BLM Proposed Direction in GHMA: Implement the Lek Buffers Identified in the USGS Review as a Required Design Features

The lek buffers identified in the USGS Review will be included in all ADPPs as RDFs in GHMA (except for WY, due to their “core area” approach). The RDFs will require the use of the literature minimum lek buffer, as identified in the USGS Review, or the best available science, for linear features, energy development, tall structures, low structures, general surface disturbance, and all activities. Including a RDF that requires the use of the lek buffers identified in the USGS Review in GHMA will enhance protections for leks beyond what is currently described in the ADPPs.

Below is the RDF that all ADPPs (except those in WY) will include to ensure that adequate lek buffers are applied in GHMA across the range:

Require the use of the lek buffers identified in the USGS report Conservation Buffer Distance Estimates for Greater Sage-Grouse—A Review when authorizing activities in GHMA. At a minimum, this includes applying the following specifications as applicable, unless new science supports different buffers:

- *Locate linear features at least 0.25 miles from leks.*
- *Site infrastructure related to energy development at least 2 miles from leks.*
- *Site tall structures (e.g. communication or transmission towers) at least 0.6 miles from leks.*
- *Site low structures (e.g. rangeland improvements) at least 0.12 miles from leks.*
- *Site all other surface disturbance not associated with linear features, energy development, tall structures, or low structures at least 2 miles from leks.*
- *Site all activities (including those that do not result in habitat loss) at least 0.25 miles from leks.*

RDFs must be applied to all BLM-authorized activities unless the BLM, through site-specific analysis, determines that: (1) the RDF is not applicable to the site-specific conditions; (2) an alternative RDF provides equal or better protection for GRSG or its habitat; and (3) the RDF will provide no additional protection to GRSG or its habitat.

As discussed above, including lek buffers as a RDF for PHMA would be unnecessary, since the land use allocations (e.g. NSO) and the use of avoidance criteria applied in PHMA already protect habitat near leks from surface disturbance and disruptive activities.

In conclusion, the BLM believes that the RDF outlined above for GHMA, in combination with the land use allocations, disturbance cap and avoidance criteria in place for PHMA, fully address the USGS Review and FWS concerns.

FWS Review of Lek Buffers Currently in ADPPs

The BLM has reviewed the FWS review of the BLM ADPP buffers presented on December 11, 2014, which identified instances in Colorado, Montana, South Dakota, and North Dakota in which ADPPs do not currently satisfy the lek buffers identified in the USGS Review. The BLM provides the following information, which may not have been included in the FWS review, indicating how ADPPs protect leks in those instances:

State	Buffer Category	ADPP Protection
CO	Low Structures	The ADPP requires a 1 mile lek buffer for new roads and above-ground structures.
	Activities	The ADPP will require noise limits around leks as a RDF (in the draft RMP-A, noise limits were only a Preferred Design Feature).
UT	Surface Disturbance	No lek buffers are identified in the ADPP. However, consistent with National Policy Team guidance, the ADPP will apply restrictive allocations and a 3% disturbance cap in PHMA as discussed above.
	Tall Structures	The ADPP requires a 1 mile lek buffer for all linear and site-type ROWs (including tall structures) in PHMA. The ADPP will also exclude PHMA from wind energy development.
SD	Surface Disturbance	No lek buffers are identified in the ADPP. However, consistent with National Policy Team guidance, the ADPP will apply restrictive allocations and a 3% disturbance cap in PHMA as discussed above.
	Linear Features	No lek buffers are identified in the ADPP. However, consistent with National Policy Team guidance, the ADPP will apply restrictive allocations and a 3% disturbance cap in PHMA as discussed above.
ND	Surface Disturbance	No lek buffers are identified in the ADPP. However, consistent with National Policy Team guidance, the ADPP will apply restrictive allocations and a 3% disturbance cap in PHMA as discussed above.
	Low Structures	No lek buffers are identified in the ADPP. In PHMA, all authorizations associated with anthropogenic disturbance (e.g. fences) would have to meet a set of conservation criteria identified in the ADPP.
	Tall Structures	No lek buffers are identified in the ADPP. However, consistent with National Policy Team guidance, the ADPP will apply restrictive allocations and a 3% disturbance cap in PHMA as discussed above.