

From: [Deibert, Pat](#)
To: [Jesse DElia](#); [Mary Grim](#)
Subject: Fwd: GRSG blm buffer stuff
Date: Monday, January 12, 2015 12:49:33 PM
Attachments: [Lek Buffer Screen 1.9.15.JRL clean 2.0 pd edits.docx](#)

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

From: **Deibert, Pat** <pat_deibert@fws.gov>
Date: Mon, Jan 12, 2015 at 12:42 PM
Subject: GRSG blm buffer stuff
To: Michael Thabault <michael_thabault@fws.gov>
Cc: Matt Kales <matt_kales@fws.gov>, Nicole Alt <nicole_alt@fws.gov>

Mike - I have been so bold as to provide comments on top of the version that Jim Lyons edited. Conceptually we are in a better place than we were last week. Please advise if you have any questions. I also heard from both Jesse and Mary and simply cut and paste their comments below. I agree completely with both of them, but I think Mary's comment may have been addressed with Jim's edits.

pat

From Jesse:

I haven't had a chance to analyze this in any detail given the short turn around. The general steps in Jim's e-mail make intuitive sense. I do have a concern that BLM is managing for the minimum interpreted range for lek buffers in priority habitat. Not sure if that is the appropriate use of those minimums or not - maybe a question for USGS. My read is that the maximum of the range encompasses areas where negative effects have been detected - if so we can expect that there will be a continued erosion of habitat quality in priority areas using minimum interpreted range for lek buffers.

From Mary:

I would not be ok with trading buffers for mitigation in PHMA.

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got leks?

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Issue: Use of Buffers in ADPPs

Direction: The ADPPs will include a required screening process for new 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, “In authorizing third-party actions, consistent with valid existing rights and applicable law, the BLM will ensure that in PHMA, management actions are, at a minimum, consistent with the lower interpreted range – lower for lek buffer distances identified in the “Screening Process for New Anthropogenic Disturbances” for the type of disturbance likely to occur due to the proposed action, and, in GHMA, meets this standard or generates a net conservation gain through appropriate mitigation measures consistent with the goals and objectives for GRS habitat as established in the ADPPs.”~~

Along with other criteria, the lek buffers identified in the USGS Report *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* ([Open File Report 2014-1239](#)) will be used to assess impacts and determine conditions of approval for actions requiring NEPA analysis. As determined through the buffer screening process, the BLM will only approve a proposed action that: 1) in PHMA, meets, at least, the interpreted range – lower buffer distance for the relevant type of disturbance for the proposed project or 2) in GHMA, meets this standard or, through avoidance, minimization, or compensatory actions, generates a net conservation gain.

Comment [DP1]: also need to include BLM actions. That was captured in the original before JL edits. My edits reflect that change.

Comment [DP2]: I think this is what he meant – it doesn't make sense otherwise. I would suggest removing the reference altogether as what the buffer should be is discussed much more thoroughly below.

Attachment X

Screening Process for New Anthropogenic Disturbances

ADPPs may expand the Screening Process as necessary, but at a minimum, must include:

- **Step 1: Evaluate Consistency with Required Lek Buffers**

In addition to any other criteria determined to be appropriate (e.g. State wildlife agency plans), the BLM will, at a minimum, require the following lek buffer-distances (interpreted range – lower) identified in the USGS Report *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* ([Open File Report 2014-1239](#)) be applied to the proposed project, as appropriate for the type of project and nature of disturbance that is likely to result:

- 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.

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 “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 used as necessary in GHMA.

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

- **Step 2: If the proposed project is in a PHMA**

For proposed projects in a PHMA, the BLM will, at a minimum, require that the proposed project meet the lek buffer-distances (interpreted range – lower) identified in the USGS Report *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* ([Open File Report 2014-1239](#)). If not, the project will be denied or relocated outside of PHMA.

- **Step 3: If the proposed project is in a GHMA, meets the relevant lek buffer or can be relocated to do so**

If the proposed project is in a GHMA, the BLM will, at a minimum, require that the proposed project meet the relevant interpreted range lower buffer. If the proposed project does not meet this standard, the BLM should first seek to relocate the project at a distance that is, at a minimum, outside the relevant lek buffer. If this cannot be achieved through relocation, then to go step 4.

- **Step 4: If the proposed project is in a GHMA, cannot be relocated to meet the relevant lek buffer but can result in net conservation gain through minimization or compensatory mitigation**

For proposed projects in a GHMA for which avoidance cannot meet the relevant lek buffer, the BLM will seek to minimize project impacts or require compensatory mitigation sufficient to produce a net conservation gain. If net conservation gain cannot be achieved, then go to step 5.

- **Step 5: If the project cannot meet the relevant lek buffer or achieve a net conservation gain**

Deny the proposed project or relocate outside of habitat.

Comment [JRL3]: All of this is already required in the land use plan and has nothing to do with buffers. To simplify, I suggest this be dropped.

Comment [JRL4]: Again, this is understood to apply to all activities as a matter of process.

Comment [DP5]: It would be helpful to have a general list of criteria to define “justifiable”

Comment [JRL6]: Definition of a “lek” needs to be resolved among the NPT. Should apply for all ADPPs, and not just be a factor here.

Comment [DP7]: We typically use the lek definition as per the state in which the plan occurs. If there is going to be a universal “BLM” definition it should either be the most conservative lek definition used by any state, or should be agreed to by all the states. The latter could be difficult to obtain, so the former is preferred given the time frame.

Comment [DP8]: I believe it is consistent with NPT guidance that all impacts be mitigated. This language seems to be a variation of that – impacts would be allowed if they are minimized?