

From: [Theresa Rabot](#)
To: [Paul Henson](#); [Mike Carrier](#)
Subject: Fwd: GRSG: Revised outstanding issues memo
Date: Thursday, September 25, 2014 8:52:37 AM
Attachments: [FWS GrSG Outstanding federal planning issues ARD review draft 092414.docx](#)

See below. This is the list Dan used on Monday to brief the Secretary. It needs to be finalized and sent in memo form to Dan tomorrow. Take a look and let me know if you have concerns today. Jesse is also reviewing, your input is from a policy perspective

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Begin forwarded message:

From: "Thabault, Michael" <michael_thabault@fws.gov>
Date: September 25, 2014 at 9:44:07 AM MDT
To: Michael Fris <Michael_Fris@fws.gov>, Theresa Rabot <Theresa_Rabot@fws.gov>
Subject: Fwd: GRSG: Revised outstanding issues memo

Per our conversation

Michael Thabault
Assistant Regional Director
Ecological Services
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Mountain Prairie Region
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----- Forwarded message -----

From: **Matt Kales** <matt_kales@fws.gov>
Date: Thu, Sep 25, 2014 at 8:56 AM
Subject: RE: GRSG: Revised outstanding issues memo
To: Michael Thabault <michael_thabault@fws.gov>
Cc: Nicole Alt <nicole_alt@fws.gov>, Pat Deibert <pat_deibert@fws.gov>

Mike,

Thanks for your time earlier. I revised the document per our conversation and

recommend you share it with Terry and Mike Fris, and then move it to Noreen for review. From there, I expect we'll seek SOL review, but we can confirm that with Noreen once she has the document.

Pat: no major changes since your previous review, but please take another look and make sure we are still good on all technical points and let Mike and me know ASAP if we have a problem.

Nicole: I don't yet know if Noreen wants to use this memo in lieu of the marker memo resolution we drafted earlier; if so, it may be necessary to explain for our record how we got from marker memo to NPT guidance, since that is the lynchpin for much of what we discuss in this draft.

Thanks, all.

Matt

From: Thabault, Michael [mailto:michael_thabault@fws.gov]
Sent: Thursday, September 25, 2014 8:02 AM
To: Matt Kales
Cc: Nicole Alt; Pat Deibert
Subject: Re: GRSG: Revised outstanding issues memo

Some added editorial ready to discuss.

Michael Thabault
Assistant Regional Director
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On Wed, Sep 24, 2014 at 5:16 PM, Matt Kales <matt_kales@fws.gov> wrote:

Folks,

Here's where we are at COB today. Mike: I think I covered what we discussed with Noreen earlier, but please let me know if I missed anything. Pat: thanks for your earlier review. I made all of your changes and pitched a couple hanging threads to Mike and the group for response.

I'll be on station NLT 0830 tomorrow to revise this further. My roof repair starts tomorrow so I'll be working from home, but just hit my extension (4576) or shoot me a message and we'll get this ready for Noreen's review by 1000 MDT.

Thanks.

MK

Matt Kales

Special Assistant for Greater Sage-Grouse Conservation

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September 24, 2014

DRAFT MEMORANDUM

FROM: Noreen Walsh, Regional Director, Fish and Wildlife Service, Mountain-Prairie Region

TO: Greater Sage-Grouse National Policy Team Members

Subject: Resolution of Federal Sage-Grouse Conservation Planning Issues

On March 14, 2014, I shared with you a draft memo containing the Fish and Wildlife Service's (Service) outstanding concerns at the time about the federal conservation plans for Greater sage-grouse (sage-grouse) the Bureau of Land Management (BLM) and the United States Forest Service (Forest Service) are developing and the effect of those plans on reducing threats to sage-grouse on the approximately 65% of the species' range administered by BLM and Forest Service.

In the subsequent six months, our three agencies have worked together to resolve the concerns we articulated in the draft memo and to advance the federal planning process and the larger goal of sage-grouse conservation. The Service recognizes the tremendous investment BLM and Forest Service have made in the planning process and believes that investment has led to significant improvement in the draft federal plans.

We also believe there remain the need, and the opportunity, to further improve the plans. Specifically, we have observed that in many instances, the Administrative Draft Proposed Plans contain elements that depart from the National Policy Team (NPT) guidance our agencies developed earlier this year. The NPT guidance was intended to promote a consistent approach to the planning process; ensure the final plans were clear and cohesive; and produce a compelling, range-wide narrative about sage-grouse conservation on the federal estate. While we understand and appreciate your agencies' need for management flexibility, we must advise you the further you depart from NPT guidance in the name of flexibility, the more challenging it will be for the Service to determine whether the final federal plans deliver the certainty and the effectiveness necessary to arrest declines in sage-grouse conservation and ensure long-term viability for the species.

This memo highlights outstanding issues we feel require additional discussion and clarification before BLM and Forest Service make final decisions on land use allocations or other key planning commitments affecting the long-term conservation of sage-grouse across its range.

The following are issues the Service has identified as essential to a successful outcome for the planning process:

Mineral development: have BLM and Forest Service considered removing the threat of mineral development by formally closing and withdrawing fluid and locatable minerals, respectively? The Service recommend closures and withdrawals where applicable in highly important, high density sage-grouse “strongholds”, including Priority Areas for Conservation as identified in the Service’s 2013 Conservation Objectives Team Final Report (COT Report); and, in areas in which highly vulnerable sage-grouse locations are located.

Land use allocations that change at administrative boundaries: have BLM and Forest Service analyzed where land use allocation decisions differ across administrative boundaries that “split” one population of sage-grouse? The Service recommends both agencies make every effort to eliminate or minimize any such differences in the final plans to achieve a more cohesive and consistent approach for management of each population and the species as a whole on the federal estate.

Resolution of mapping issues: currently, in Nevada and UT, areas identified by BLM as “priority areas” do not align with Priority Areas for Conservation (PACs), as identified in the COT Report. We recommend BLM reconcile this disparity so the Service can accurately determine whether the final federal plans adequately protect the PACs.

Coal: have BLM and Forest Service fully explored suitability determinations - pursuant to the Surface Mining Control and Reclamation Act and your responsibilities pursuant to the Federal Land Policy and Management Act and the National Forest Management Act, respectively – in PACs as part of the land use planning process? Our understanding is a determination of “unsuitable” could be made at the planning stage; however, it appears BLM does not intend to make this determination. We recommend BLM identify and explain the status of coal as a threat to sage-grouse and consider making suitability determinations as appropriate where future coal development poses a threat to sage-grouse.

Existing leases in PACs: We recommend a commitment to condition existing fluid mineral leases at the Application for Permit to Drill stage, with Conditions of Approval in priority and general habitat to minimize impacts from fluid mineral development on sage-grouse and their habitat. Additionally, BLM and Forest Service should exercise their discretion to not offer expiring leases in important sage-grouse habitat to new leasing. BLM and Forest Service should also evaluate other policy options that can be developed now, at the planning stage, to inform future decision-making.

Pending federal plans in Wyoming: We recommend BLM carefully review the feedback provided by stakeholders on the final Lander plan and Record of Decision and consider whether to refine pending plans in Wyoming based on that feedback.

In addition to the above essential issues, we have identified several other important issues we recommend you consider as you work to finalize your plans:

Additional concerns regarding fluid minerals: The Service recommends BLM and Forest Service develop and articulate a more robust analysis of how much sage-grouse habitat – priority and general – is already leased for fluid minerals and of that habitat how much acreage is likely to be developed from those leases. Such an analysis could better inform final decisions on future fluid minerals management, particularly in general habitat where leasing is open. (NPT guidance indicates no surface occupancy for priority habitat and open status for general habitat.)

High voltage transmission and major pipeline rights-of-ways (ROWS): the Service understands the NPT guidance to mean no new corridors in priority habitat will be designated in the revised federal plans; however, BLM has indicated that new transmission corridors will in fact be designated within priority habitat in the Utah plan. We recommend BLM explain its rationale for deviating from the NPT guidance on this item and how it is consistent with sage-grouse conservation goals.

Similarly, the NPT guidance for this land use allocation indicates avoidance for general habitat, but in northwestern Colorado, North and South Dakota, and in Idaho and southwestern Montana, general habitat is open for this allocation. Idaho has provided a biological rationale for this departure from the NPT guidance, but the departure from the guidance in the Rocky Mountain states is based on additional restrictions that you have not yet analyzed completely. Also, you have not provided a relevant rationale for the southwestern Montana planning area. Ensuring consistency with the NPT guidance for this issue for the Rocky Mountain States and southwestern Montana will help conserve the remaining fragmented habitats in these states.

Mining (in Montana, South Dakota, northwestern Colorado, and Idaho): Contrary to NPT guidance indicating priority habitat should be close to mining, priority areas in these states are open to mining. For the Rocky Mountain states (Montana, South Dakota and Colorado) the rationale for this departure from the NPT guidance is based on the potential concern that future development may be shifted to private or state lands, thus impacting better habitat for sage-grouse. The Service has not seen any formal analysis from BLM to substantiate this concern. We understand BLM is developing a project-specific screen to minimize impacts to sage-grouse from permitted mining activities and we encourage you to accelerate completion of that tool.

The rationale in Idaho is based on any proposed project meeting certain criteria that is based in part on subjective terminology (e.g., not practicable; technical and economic feasibility). Again, we recommend you follow the applicable NPT guidance to achieve certainty in this area.

Rangeland health/overgrazing threat: We recommend BLM set specific, consistent standards for Land Health Assessments (LHAs), markedly shorten the timeframe within which you conduct LHAs, and regularly modify LHAs necessary to reflect changing ecological conditions at a relevant scale(s).

Mitigation: We ask BLM please clarify and resolve the apparent difference between the standard of “no net unmitigated loss” and “net conservation gain,” both of which appear at various places in various plans; and, explain why BLM has not committed to a specific standard in Rocky Mountain region plans.

Adaptive management: We ask BLM please indicate whether triggers (hard and soft) differ between plans for any given population that crosses state boundaries. If so, please provide a rationale for that difference. Specifically, the BLM and FS should ensure that triggers (hard and soft) that differ numerically between planning areas will result in similar biological results if tripped at the appropriate scale. Additionally, there are a number of plans where the resulting response from a trigger being tripped appears to be inconsistent with NPT guidance.

Fire/invasive species: The Service supports the completion of the Fire and Invasives Assessment Team step-down assessments currently underway. We strongly recommend BLM quickly develop these assessments into implementation plans and pursue associated actions to provide further certainty of implementation for efforts to address this major threat to sage-grouse and its habitat.

In closing, we commend the extraordinary effort BLM and Forest Service have made to date in planning for sage-grouse conservation on federal lands. However, as the window for final plan completion narrows, we cannot overemphasize the need for conclusive resolution of the above issues if the Service is to ascribe certainty and effectiveness to the federal planning effort as we consider that effort in our status review for sage-grouse. We acknowledge the policy choices before your agencies are challenging, but we strongly encourage you to make the hard choices necessary to conserve sage-grouse so that we may all move forward together with adequate and defensible federal plans.

The Service remains committed to a successful federal sage-grouse conservation planning process and we are available to work with you to resolve the issues captured here and to achieve lasting conservation for sage-grouse across its range.