

**\*\*DRAFT INTERNAL WORK PRODUCT - DRAFT/DELIBERATIVE -**

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October 1, 2014

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.

**The following are issues we recommend BLM and Forest Service consider further before making final decisions on land use allocations or other key planning commitments that affect the long-term conservation of sage-grouse across its range:**

**Mineral development:** fluid mineral closures and locatable mineral withdrawals in some highly important, high density sage-grouse "strongholds"; highly vulnerable sage-grouse populations; or other key habitats such as movement corridors. *Might also consider highly vulnerable populations, which could otherwise be at risk of loss + range contraction.*

**Ensuring a clear, scientific rationale for land use allocations that change at administrative boundaries:** Eliminate or minimize any differences in land use allocation decisions for a given population or priority area for conservation (PAC) that crosses an administrative boundary. Remaining differences: science-based rationale in the final plans and showcase how end outcomes would be similar despite different approaches.

**Adaptive management:** If situations remain where triggers for a given population that crosses a state or administrative boundary differ between plans on opposite sides of that boundary, what is the rationale for that difference? *Ed believes that all plans now have soft + hard triggers, although he acknowledged not all plans had hard wired response, contrary to the NPT guidance. BLM + FS believe that there are some circumstances where hard triggers are triggered for response that comply or variable to be amenable to a hard wired response.*

**Monitoring:** We recommend a uniform and consistent application of habitat monitoring methods at all levels of management (including calculation of the disturbance cap "backstop"). This includes developing internally consistent rules for identifying units of analysis for calculating disturbance and adaptive management triggers. *Note: Interagency team is making good progress on this but needs to be finalized.*

**Mitigation:** Resolve the apparent difference between the standard of "no net unmitigated loss" in the draft plans and "net conservation gain." *Note: Following recent NPT meetings and related discussions, we believe we may be close to resolving this issue. BLM believes they can achieve net conservation gain at the plan level, but not necessarily at project level.*

**Remaining Timeline:** Recent discussions have indicated that the expected timeframe to complete the planning process and issue the Records of Decision (RODs) may be in question. *BLM thinking of final EIS out in April + RODs in August. But probably final substantive decisions on allocations + other elements with next 4-5 weeks.*

**Resolution of mapping issues:** In Nevada and Utah, areas identified by BLM as "priority areas" do not align with 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.

*BLM not in a good spot to resolve this. UT not interested in playing, and not clear whether the draft plan did the analysis necessary to include these additional areas as priority areas, i.e. Did any of the alternatives consider protection of the opportunity areas? If not, then BLM probably unable to now treat them as priority habitat and protect accordingly.*

*BLM believes  
this conversation  
is about focus  
areas where  
there are management  
approaches or  
positive sides of  
boundary.  
BLM + FS do  
work together  
to resolve.*

**Resolving the potential threat caused by coal mining:** The degree to which coal mining poses a threat to sage-grouse habitat should be analyzed and addressed in the final plans. Sage-grouse habitat in PACs - unsuitable. *BLM says that the relative risk associated w/ coal & other hard rock minerals is nowhere near the risk from fire/invasives & OTC. They say size of potential disturbance very small.*

**Existing oil and gas leases in PACs:** We recommend that existing leases and other valid existing rights in PACs should be managed to reduce impacts to the maximum extent practicable when those rights are exercised. Three approaches to help achieve this:

- A commitment to condition existing fluid mineral leases at the Application for Permit to Drill stage, with Conditions of Approval to minimize impacts from fluid mineral development on sage-grouse and their habitat.
- A commitment to exercise available discretion to not offer expiring leases in important sage-grouse habitat to new leasing, and to include other policy options that can be developed now, at the planning stage, and exercised during implementation to encourage existing leases to be relinquished (e.g., through buy-outs, exchanges, or provision of incentives to develop elsewhere.)
- A requirement that the mitigation standard for exercising these rights in PACs is "net conservation gain."

**Existing oil and gas leases in general habitat:** analysis of the extent of existing leases in general habitat and prediction of the degree to which those leases will be developed, in order to determine whether future leasing should or should not occur in general habitat already leased to a high degree.

**High voltage transmission and major pipeline rights-of-ways (ROWS):** the Service understood the NPT guidance to mean no new corridors would be designated in priority habitat, however it was later indicated there would be new corridors in Utah. *Note: Following recent NPT meetings and related discussions, we believe this is no longer accurate.* *can't remember* The NPT guidance stated that these ROWs would be "avoided" for general habitat, but currently are "open" in northwestern Colorado, North and South Dakota, and in Idaho and southwestern Montana. *BLM & SOL working on screening guidance.*

**Mining (mineral materials and/or non-energy leasable minerals):** Contrary to NPT guidance indicating priority habitat should be closed, priority areas in several states in both regions are open to mining in the proposed ADPPs.

**Rangeland health/overgrazing threat:** Specific, consistent standards for Land Health Assessments (LHAs) (*Note: based on HAF*); commit to markedly shorten the timeframe within which LHAs are conducted, regularly modify LHAs necessary to reflect changing ecological conditions at a relevant scale(s), and take timely action when standards are not being met. Identify a strategy and timeline for meeting established wild equid management targets. *Note: Following recent NPT meetings and related discussions, we believe we may be close to resolving this issue.* *A budget issue for BLM. They're working on a priority system to focus on priority habitat. They have the authority to act swiftly. BLM looking at whether they will adopt FWS LHA standards*

**Pending federal plans in Wyoming:** Review of the feedback on the final Lander plan and Record of Decision: are any refinements to pending plans in Wyoming warranted?

*Don indicated that we may <sup>be willing to</sup> go back to Governor and revisit our endorsement of oil elements of their plan, particularly the 0.6 mi buffer.*

*FWS & BLM staff experts will thoroughly review the science behind & adequacy of the WY Core Area Strategy e.g. the 0.6 mi buffer. Then confer w/ SOL on litigation risk, both for BLM and PWS. On that basis determine whether to engage Governor. Small team, convened w/ SOL under rubric of legal risk analysis. Complete w/in 2 wks.*