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BUREAU OF LAND MANAGEMENT  
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In Reply Refer To:  
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August 17, 2010

EMS TRANSMISSION 08/17/2010  
Instruction Memorandum No. CO-2010-028  
Expires: 09/30/2011

To: District and Field Managers

From: State Director

Subject: Gunnison Sage-grouse (GUSG) and Greater Sage-grouse (GRSG) Habitat Management Policy on Bureau of Land Management (BLM) Administered Lands in Colorado

**Program Area:** All Programs.

**Purpose:** This Instruction Memorandum (IM) provides guidance to BLM Colorado Field Offices (FOs) on sage-grouse (SG) habitat management for proposed activities and resource management planning. This guidance:

- Recognizes the U.S. Fish and Wildlife Service's (FWS) recent GRSG Endangered Species Act (ESA) listing decision (March 5, 2010) and the FWS GUSG species status review and listing determination expected to be issued in September 2010.
- Provides direction regarding implementation of the National BLM Sage-grouse guidance.
- Ensures continued coordination with Colorado Division of Wildlife (CDOW) and other agency partners regarding implementation, update, and project prioritization of sage-grouse conservation and strategies identified in local, state, and rangewide sage-grouse conservation plans.

The term 'sage-grouse' refers to both Gunnison and Greater Sage-grouse collectively within this guidance. BLM Colorado will conduct an annual review of implementation of this policy to determine the effectiveness of the guidance and make changes as necessary.

**Policy/Action:** The GUSG and GRSG are BLM sensitive species that are to be managed to promote their conservation and minimize the need for listing under ESA, in accordance with BLM's special status species policy (BLM Manual 6840). It is the policy of BLM Colorado to manage sage-grouse seasonal habitats and maintain habitat connectivity to support sustainable sage-grouse populations and/or sage-grouse population objectives as determined in coordination with CDOW. This policy is consistent with strategies outlined in the Colorado Greater Sage-grouse Conservation Plan (CCP) and the Gunnison Sage-grouse Range-wide Conservation Plan (RCP). This policy is consistent with the BLM National Sage-grouse Habitat Conservation Strategy (USDI BLM 2004a), WO IM 2010-071 (energy), WO IM 2010-022 (structures), WO IM 2010-149 (fire), CO IM 2008-44 (fire), WO IM 2004-110 (leasing), and CO IM 2005-03 (GUSG RCP).

This policy is structured to incorporate adaptive management processes in order to achieve habitat conservation, restoration and enhancement goals. For the purposes of this IM, "core habitat" refers to those areas of highest conservation value as identified by BLM Colorado and CDOW and may include previously identified core, key or priority habitat designations. For GUSG, "core" habitat will be areas of currently occupied habitat supporting Gunnison Sage-grouse populations, including those smaller populations that are vulnerable to localized extirpation but necessary to maintain range-wide connectivity and genetic diversity. This policy applies to all activities and programs authorized and/or occurring on public lands, as well as Federal mineral estate in Colorado.

Where a proposed activity is occurring on private lands and a BLM right-of-way is needed to access those lands, the BLM may need to analyze the connected actions on private land and disclose the impacts of those activities on sage-grouse habitat. If the actions on private lands are reasonable and foreseeable, then the impacts to sage-grouse habitat will be disclosed as direct or indirect impacts in the cumulative effects analysis for the right-of-way grant.

### **Sage-grouse Habitat Mapping**

CDOW has completed initial statewide mapping efforts for GRSG (2008) and GUSG (2004) to include currently occupied habitat, potentially suitable habitat (in need of restoration, but capable of supporting sagebrush communities) and vacant/unknown habitat (suitable habitat with no documentation of occupancy). In addition, core habitats for GRSG were first developed as a 'refuge concept' for the Colorado GRSG Conservation Plan (CCP, pg 293) via a CDOW modeling effort in 2008. The initial core habitat mapping effort was intended to represent and protect 50-60 percent of the given GRSG population (based on male lek densities). In some cases, this analysis identified core areas that protect more than 60 percent of the local estimated population, allowing a higher level of local management flexibility (GRSG CCP 2008, pg. 293). It is recognized that representative population goals for management of GRSG core areas may need to be revisited to incorporate current research.

The BLM Washington Office (WO) is currently planning to contract a range-wide "priority habitat" mapping effort for GRSG (WO IM 2010-071). CDOW is also in the process of updating the GRSG core habitat map for Colorado by incorporating additional seasonal habitats associated with known nesting/breeding habitat, and refining mapping criteria such as population goals. BLM Colorado will continue to work with CDOW to ascertain the interrelationship of all

existing habitat mapping efforts. Additional step-down guidance will be developed following coordination with CDOW on key conservation strategies applicable within core habitats, and completion of refined CDOW core area maps and the BLM range-wide priority habitat map for GRSG.

BLM Colorado will continue to work with CDOW and other partners to collect site-specific sage-grouse habitat data. Sage-grouse habitat data includes seasonal habitat mapping (nesting, brood rearing, and winter) and/or sage-grouse habitat condition assessments (progress towards meeting sage-grouse habitat objectives set forth in state, range-wide or local conservation plans) as determined through Land Health Assessments or other BLM approved habitat monitoring methods.

### **Land Use Planning**

- Although conferencing is not required by law or BLM special status species policy as outlined in the BLM Manual 6840, BLM Colorado will coordinate and seek technical assistance from the FWS on future and in-progress Resource Management Plan (RMP) revisions or amendments with respect to SG habitats and planned land uses that occur within the planning area boundary. This will be accomplished by including the appropriate SG species, conservation measures and associated analysis in discussion with the FWS during the planning process, and including the FWS as a cooperating agency in the planning process.
- During RMP revisions/amendments, BLM Colorado will ensure all new RMPs contain language consistent with recent IBLA decisions (Yates Petroleum Corp., IBLA 2006-213, 2006-226 and William P. Maycock, IBLA 2008-197, 2008-200) that give BLM discretion to modify surface operations to add specific mitigation measures supported by site-specific NEPA analysis undertaken during the development phase on existing leases.
- In RMP revisions/amendments, BLM Colorado will analyze one or more alternatives that exclude fluid mineral (oil & gas or geothermal) leasing, energy development, and rights-of-way in identified core sage-grouse habitat, when needed to maintain sustainable SG populations (per WO IM 2010-71). During the RMP revision/amendment address the land allocations following expiration of oil & gas and geothermal leases with a full range of alternatives. If a no lease/no development scenario is selected through a RMP revision/amendment, when existing leases expire, the lands will not be re-offered for lease in core sage-grouse areas.
- BLM Colorado will continue to defer fluid mineral lease nominations in core sage-grouse habitat until management prescriptions and strategies outlined in species conservation plans (see Attachment 1 containing CCP and RCP document links) and potential impacts to local sage-grouse populations as summarized in recent/existing research studies have been evaluated and/or adopted through RMP revisions or amendments.
- When developing alternatives during the RMP revision process, BLM Colorado will identify landscape level sage-grouse resource objectives. This should include thresholds

for allowable uses, adaptive management language to allow for consideration of new population and habitat data, as well as new scientific research and management recommendations, and a monitoring strategy to track progress in meeting those objectives. If funding for monitoring is unavailable, FOs need to ensure RMP alternatives contain “fallback” conservation measures to achieve desired resource objectives.

### **All Program Areas**

FOs are encouraged to:

- Work within multiple programs: including the recreation, hazardous fuels, fire management, range, and wildlife programs, to accomplish sage-grouse habitat conservation. When permitting or authorizing activities, FOs should consider, evaluate, and incorporate appropriate sage-grouse management strategies and best management practices (BMPs) through NEPA analysis or other regulatory processes. FOs should continue to implement appropriate BMPs through the appropriate permitting process in all program areas. BMPs include, but are not limited to, those identified at the local, state, or national level for oil and gas development in sage-grouse habitat.
- Continue coordination with CDOW on appropriate site-specific or population level management strategies (CCP 2008, RCP 2004). This will include, but is not limited to, consideration, prioritization, and implementation of management options outlined in the state, range-wide, and local sage-grouse conservation plans, as well as all subsequent updates.
- Evaluate and implement livestock grazing management practices that are consistent with achieving sage-grouse habitat objectives during allotment permit renewals or as identified through Land Health Assessments. Habitat objectives identified in the CCP (Appendix A) and RCP (Appendix H), depending on species, should be considered the fallback standards for managing sage-grouse seasonal habitats. If more localized habitat structural data is available, habitat objectives may be adjusted accordingly in coordination with CDOW on a population-by-population basis. Habitat objectives should always be managed with consideration to ecological site potential.
- Evaluate the need, and implement where appropriate, seasonal or permanent road or trail closures in core sage-grouse habitat through travel management planning.
- When renewable energy (e.g., wind, solar, or biomass) development and associated infrastructure (i.e., transmission lines) is proposed in sagebrush habitat, analyze the impacts to sage-grouse and avoid core sage-grouse habitat if warranted.
- Consider routing above-ground transmission lines outside of sage-grouse core habitats.
- Evaluate the impacts of non-discretionary activities managed under 43 CFR 3809 (those actions authorized under the 1872 mining law) on local sage-grouse populations, and clearly describe those effects that cannot be mitigated through the regulatory process. Analyze and mitigate wherever possible potential impacts of discretionary mining

activities approved under 43 CFR 3400 (such as coal management), 43 CFR 3500 (non-energy leasable materials), and exploration or extraction of other solid minerals through the NEPA process. Discretionary mining activities will consider unsuitability criteria as it relates to sage-grouse as part of the tract delineation process.

- Incorporate adequate reclamation standards designed to re-establish suitable sage-grouse seasonal habitats to all surface disturbing activities within the range of the species. Incorporate native seed mixtures wherever possible in restoration efforts. Use desired non-persistent, non-native vegetation in emergency rehabilitation only where necessary.
- Monitor all restoration activities for success in meeting vegetation objectives and reclamation standards, including potential weed infestations. Conduct follow-up treatments to eliminate weeds as identified through monitoring. If vegetation objectives are not being met, adjust restoration actions accordingly to improve success of achieving desired objectives.

### **Processing of Fluid Mineral Leases in Sage-grouse Habitat in Colorado**

#### **New Plans/Revisions/Amendments:**

##### ***New Nominated Leases***

- In accordance with WO IM 2004-110, Change 1, “the State Directors have discretion to temporarily defer leasing on specific tracts of land based on information under review during planning.” Since the CCP (GRSG) and RCP (GUSG) were signed, it has been policy of the BLM Colorado State Office to defer leasing of core SG habitats until FO Plan Revisions have been completed, as these documents detail significant new information on SG not addressed in our current plans. Deferral is necessary not to affect decisions related to future management actions.
- BLM Colorado Field Offices should consider and evaluate sage-grouse habitat conservation measures related to timing restrictions, distances or percentages of allowable surface disturbing activities, and desired density levels or other development constraints consistent with State or Range-wide SG Conservation Planning for Colorado (including subsequent updates), current peer reviewed SG research, or as developed in conjunction with CDOW to meet local population objectives, in RMP revisions or amendments. FOs may vary in their application of development constraints, when those constraints are based on locally collected scientific data and information or local habitat conditions, and is clearly supported and outlined in the RMP NEPA analysis. Those prescriptive measures carried forward through the selection of the preferred alternative in RMP revisions or as amended into existing RMPs, will be incorporated into all new leases within core or other sage-grouse habitats as outlined in the planning document. Where RMPs have been approved, appropriate stipulations will be added to new leases as described above.
- Lands determined to be available for lease and development within occupied SG habitat, and under what constraints, will be described in final Plan Revisions/Amendments. Below is a Lease Notice that should be applied to all parcels offered for sale within occupied SG habitat.

### ***Lease Notice***

Greater Sage-grouse (or Gunnison, as appropriate) Habitat: The lease may in part, or in total, contain important Greater (or Gunnison, as appropriate) Sage-grouse habitats, as identified by the BLM, either currently or prospectively. The operator may be required to implement specific measures to reduce impacts of oil and gas or geothermal operations on the Greater (or Gunnison, as appropriate) Sage-grouse populations and habitat quality. Such measures shall be developed during the Application for Permit to Drill (APD) on-site and environmental review process, or during the environmental review process for sundry notices and associated rights-of-way, and will be consistent with lease rights granted.

### ***Existing Leases***

For authorization of any development actions (for individual APDs or where an operator proposes a Master Development Plan) where there are valid existing rights, FOs must coordinate with CDOW (consistent with COGCC MOU) and industry on management actions designed to minimize impacts to sage-grouse or their habitat, including Conditions of Approval (COAs) that will be applied to future APDs. BLM must ensure that any proposed COAs or mitigation measures are consistent with the RMP, are adequately supported by site-specific NEPA analysis, and do not violate any lease rights (see Yates Petroleum Corp. 176 RBLA 144 (2008)). Offices are encouraged to work with CDOW and industry in advance of planned development to develop potential strategies in a particular geographic area. This pre-planning may include conservation strategies such as siting a project in lower quality habitat or clustering activities to minimize fragmentation of existing habitat patches. This policy does not preclude the development and immediate implementation of new mitigation or conservation measures necessary to reduce activity/project impacts to sage-grouse or their habitats, provided this mitigation is in accordance with existing RMPs. Any new measures applied for sage-grouse will be coordinated with CDOW. FOs will work with project proponents, the state and private landowners when appropriate to implement direct mitigation (e.g. relocating disturbance, timing restrictions, etc.) and utilize COAs. Ensure any recommended COAs or “agreed to” stipulations are supported by appropriate analysis through NEPA during the APD, POD, or use authorization approval process. Biologists are encouraged to reference existing analysis or accepted recommendations from national, range-wide, state or local conservation plans, existing or new peer reviewed research studies or other scientific reports, within the NEPA analysis, rather than restate those analyses. However, such references must clearly tie to the local population conditions, need and applicability.

For existing leases, conditions to the approval of APDs that are more protective than the stipulations or restrictions identified in the applicable Resource Management Plan (RMP) can only be attached where supported by the NEPA analysis in the RMP. If existing RMPs do not contain this language (see Yates/Maycock decisions), the mitigation guidelines in the plan must give BLM the discretion to modify surface operations to add specific mitigation measures. If the existing lease is in core SG habitat, and the plan does not contain this type of language, FOs should request the operator to modify existing stipulations or add an additional stipulation to mitigate the impacts to SG habitat. When applicable under 43 CFR 3101.1-4, if modification of a stipulation involves an issue of major concern to the public, modification of the stipulation will be subject to public review for at least 30 days. Posting a notice in the FO public room will satisfy this requirement. If the operator refuses to sign a stipulation modification or to add a new

stipulation, the BLM will need to carefully evaluate whether the project can proceed based on the level of impacts identified in the site-specific NEPA analysis.

Where authorized in the applicable RMP, exceptions to lease stipulations or COAs in sagebrush habitats will be considered on a case-by-case basis and coordinated with CDOW before approval. Any exception authorized in SG core areas will require District Manager review.

### **Sagebrush Habitat Improvement Projects**

- All sage-grouse habitat improvement projects should clearly articulate and document the need for the project to achieve desired habitat objectives. Documentation should include current habitat condition assessments and specific treatment objectives as it relates to sage-grouse habitat.
  
- All vegetation treatments in sagebrush habitat should consider and incorporate site-specific sage-grouse habitat needs into project design, analysis, and approval, when those projects are completed to meet other program area objectives.
  
- All habitat treatments and management prescriptions in sage-grouse habitat should incorporate appropriate effectiveness monitoring to determine one or more of the following: 1) the effectiveness in meeting site-specific sage-grouse habitat objectives, 2) the long term impacts to local sage-grouse populations, and 3) meeting specific project or management objectives as it relates to sage-grouse or their habitat. Monitoring design and objectives will be coordinated and/or conducted in conjunction with CDOW, and will use BLM accepted inventory or monitoring methods.
  
- BLM Colorado will continue to support, coordinate with, and participate in sage-grouse conservation activities that are led or initiated by CDOW, local workgroups, or other partnerships. Such activities may include, but are not limited to, ongoing sage-grouse research studies, habitat modeling efforts, conservation planning and project implementation, and population monitoring.

### **Adaptive Management**

For purposes of this IM, adaptive management is used in two broad contexts:

1. Incorporating applicable new research or guidance into sage-grouse management.
2. Adjusting management to achieve specific sage-grouse resource objectives as determined through monitoring (DOI Technical Guide for Adaptive Management, Williams et.al 2007).

As new research, national or state management guidance, population or habitat data, or other pertinent sage-grouse information becomes available, recommended management of this species in Colorado should be adjusted accordingly. All recommended management applications will continue to be implemented via NEPA analysis. This guidance will be reviewed on an annual basis for success in implementation and effectiveness in meeting sage-grouse resource objectives.

Alternatively, where specific sage-grouse or habitat objectives have been set, use monitoring data to determine the effectiveness of existing management actions in meeting those objectives. If not deemed effective, management prescriptions should be adjusted to meet identified resource objectives.

**Timeframe:** This IM is effective immediately.

**Budget Impact:** This IM will result in additional operational costs for coordination, NEPA review, and monitoring of all activities in Gunnison and Greater Sage-grouse habitats in Colorado.

**Background:** Since 1999, both the Gunnison and Greater Sage-grouse have been petitioned and reviewed for listing under ESA several times. In 2009, *Ecology and Conservation of Greater Sage-Grouse: A Landscape Species and Its Habitats*, (Studies in Avian Biology, Cooper Ornithological Soc.) was completed and provided substantial information to FWS for their respective species review. In March, 2010, greater sage-grouse were found to be warranted, but precluded from listing due to other higher listing priorities (<http://www.fws.gov/mountain-prairie/species/birds/sagegrouse/FR03052010.pdf>). As a candidate species, they will continue to be conserved as a BLM sensitive species. FWS will complete the species status review of Gunnison Sage-grouse and release their finding in September of 2010. Management prescriptions for this species may or may not change depending on the outcome of that decision.

GRSG occur in six 'populations' in Colorado, naturally separated by topography or forested habitat. Two of those populations likely interchange to the north with Wyoming sage-grouse populations. Similarly, GUSG occur in seven isolated 'populations,' one of which is connected to a GUSG population in Utah. Strongholds (loosely defined in this IM as larger self-sustaining populations) for these species in Colorado occur in Northwest CO and North Park for GRSG and in Gunnison Basin for GUSG. However, it is important to maintain existing populations and/or current distribution throughout the state- especially in GUSG range, where more than 90% of the estimated range-wide population occurs within Colorado. Both species have undergone state/range-wide and local conservation planning efforts. Local SG workgroups have been established for most populations and are engaged in management of the species to varying degrees depending on land ownership and local involvement. Threats to these species vary by population in the state, and are articulated in their respective Conservation Plans (CCP 2008, RCP 2004).

As a land manager of sage-grouse habitat in the state, it is imperative that BLM conserve sagebrush communities to support sustainable sage-grouse populations in Colorado and maintain or improve connectivity of habitat within and between existing populations. However, successful management of sage-grouse will require cooperation from private, state, and federal land owners and managers to address the wide range of land uses in Colorado that intersect with sage-grouse habitat. For instance, while BLM is a primary land manager of sage-grouse habitat in the state, between 80-90 percent of all oil and gas drilling activity statewide occurs on private, county, or state lands, with no federal nexus. Only by finding ways to work across ownership boundaries will federal, state, and private land owners and managers achieve substantial and measurable conservation of sagebrush communities.

**Directives Affected:** A Colorado handbook supplement will be created to incorporate this new policy guideline.

**Coordination:** This IM was coordinated with BLM Colorado Field Offices, CO-930 and CO-920 Divisions, WO BLM, Colorado Division of Wildlife, and U.S. Fish and Wildlife Service.

**Contact:** Robin Sell, Conservation Biologist, at (303) 239-3723, or Leigh Espy, Acting Deputy State Director, Division of Resources and Fire Management, at (303)-239-3801.

Signed by:  
Helen M. Hankins  
State Director

Authenticated by:  
Cathy Cooney  
Branch of IRM & Access

1 Attachment:

1 – CCP and RCP References (1 p)