



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

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Instruction Memorandum: No. NV-2013-009  
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To: Carson District and Tonopah Field Office

From: State Director

Subject: Bi-State Distinct Population Segment of Greater Sage-Grouse Interim Management Policies and Procedures

**Program Areas:** All Programs.

**Purpose:** This Instruction Memorandum (IM) provides interim conservation policies and procedures to Bureau of Land Management (BLM) field officials to be applied to ongoing and proposed authorizations and activities that affect the Bi-state Distinct Population Segment (DPS) of Greater Sage-Grouse (*Centrocercus urophasianus*) (hereafter referred to as the Bi-State DPS) and its habitat. This direction ensures that interim conservation policies and procedures are implemented when the Carson District or Tonopah Field Office authorizes or carries out activities on public land during the current revision of the Districts' Resource Management Plans (RMP). These revisions will develop and decide how to best incorporate long-term conservation measures for Bi-State DPS on lands within the Carson City District and Tonopah Field Office. This interim direction promotes sustainable Bi-State DPS populations and conservation of its habitat while not foreclosing any future options before the planning process can be completed. The goal of amending or revising BLM Land Use Plans with Bi-State DPS conservation direction is to ensure appropriate regulatory mechanisms are in place to ensure the conservation of this DPS.

This IM supplements the direction for Bi-State DPS contained in the BLM Washington Office (WO) IM 2010-071 (*Gunnison and Greater Sage-Grouse Management Considerations for Energy Development*) and is consistent with WO-IM-2011-138 (*Sage-Grouse Conservation Related to Wildland Fire and Fuels Management*). The Bi-state DPS habitat managed by the Carson City District and Tonopah Field Office in California and Nevada is specifically covered by this IM and shown on the attached Bi-State Sage-Grouse Preliminary Priority Habitat Map.

The 2010 U.S. Fish and Wildlife Service (FWS) findings on petitions to list the Bi-State DPS (petition decision) (75 FR 13910 – 14014; 03/23/2010) identified habitat conversion and fragmentation from wildfire, invasive plants, energy and infrastructure development, urbanization, and agricultural conversion as the primary threats to the species throughout its range. Through this IM, the BLM is providing interim conservation policies and procedures across multiple programs while the BLM conducts revisions to RMPs. Maintaining and restoring high quality habitat for the Bi-State DPS is consistent with the BLM multiple-use and sustained-yield management direction of the Federal Land Policy and Management Act (FLPMA).

**Policy/Action:** As summarized in the BLM’s National Strategy, emphasis for protecting and managing habitats of this Greater Sage-Grouse Distinct Bi-State Population Segment incorporates the following principles:

- 1) Protection of intact habitats;
- 2) Minimization of habitat loss and fragmentation; and
- 3) Management of habitats to maintain, enhance, or restore conditions that meet Bi-State DPS life history needs.

To provide guidance to field offices to promote these principles, this IM transmits policies and procedures that apply to ongoing and proposed BLM actions, including use authorizations, within Preliminary Priority Habitat (PPH) for the Bi-State DPS. PPH comprises areas that have been identified as having the highest conservation value to maintaining a sustainable Bi-State DPS. These areas would include occupied seasonal or year-round habitat in addition to breeding, late brood-rearing, and winter concentration areas. These areas have been identified by the CA and NV BLM in coordination with respective state wildlife agencies as the habitat crosses the state line (see attached map).

No Preliminary General Habitat has been identified for the Bi-State DPS. This is due to the overall lack of high quality sage-grouse habitat and scarcity of telemetry information to distinguish between priority and general habitat.

The policies and procedures identified in this IM are designed to minimize habitat loss in and will advance the BLM’s objectives to maintain or restore habitat to desired conditions by ensuring that field offices analyze and document impacts to PPH and coordinate with the State and the Fish and Wildlife Service when issuing the decisions described below. These policies and procedures are in addition to, and do not replace, more protective measures in existing LUPs. The direction in this IM is time-limited for the planning area where the Distinct Bi-State Population Segment of Greater Sage-Grouse occurs. The conservation policies and procedures described in this IM will be applied until the appropriate regulatory mechanisms are in place to ensure the conservation of this DPS.

Preliminary priority habitat (PPH) data and maps for the Bi-State Distinct Population Segment were developed through a collaborative effort by the Bi-State DPS Technical Advisory Committee (TAC) that consisted of representatives from CA and NV BLM, USFS, USGS, USFWS and the respective state wildlife agencies. Copies of the map will be stored at the BLM National Operations Center, USGS Western Ecological Research Center, California Department of Fish and Game (CDFG), and Nevada Department of Wildlife (NDOW). The PPH areas were derived from the combination of modeling resource selection functions and calculating utilization distributions from sage-grouse telemetry data collected over a 7-year period. The

methods to produce these maps are scientifically supported and used the best available information. The maps will be updated as new data becomes available. Such changes would be science-based and coordinated with the TAC for the Bi-State so that the resulting delineation of PPH provides for sustainable populations. The TAC will establish the process for updating files to include the latest PPH delineations for each state. This information will assist in applying the interim conservation policies and procedures identified below. As LUPs are amended or revised, the BLM District or Field Offices will be responsible for coordinating with NDOW and CDFG to use the newest delineation of habitat. BLM staff may access the data, using the following link: [\\blm\dfs\loc\EGIS\NV\GIS\\_Work\Multi-District\\_Project\RMP\BiState\\_RMP\\_Amend](\\blm\dfs\loc\EGIS\NV\GIS_Work\Multi-District_Project\RMP\BiState_RMP_Amend). Non-BLM personnel may access these maps through NDOW. Habitat in California but managed by the Carson City District will be maintained at the Carson City Field Office.

The BLM will continue to work with its partners including the US Forest Service, Western Association of Fish and Wildlife Agencies (WAFWA), FWS, U.S. Geological Survey (USGS), Natural Resource Conservation Service (NRCS), and the Farm Services Agency (FSA) within the framework of the Sagebrush Memorandum of Understanding (2008) and the WAFWA *Greater Sage-Grouse Comprehensive Conservation Strategy* (2006).

### **Interim Conservation Policies and Procedures for “Preliminary Priority Habitat”**

Through these policies and procedures, BLM seeks to maintain, enhance, or restore conditions for the Bi-State DPS and its habitat.

### **Integrated Vegetation Management**

#### Proposed Authorizations/Activities

- Evaluate land treatments (including Bi-State population habitat treatments) in a landscape-scale context to address habitat fragmentation, effective patch size, invasive species presence, and protection of intact sagebrush communities. Coordinate land treatments with adjacent land owners to avoid any unintended negative landscape effects to Bi-State DPS.
- When designing vegetation treatments, reference Ecological Site Descriptions (ESD), where available; the BLM *Integrated Vegetation Management Handbook* (H-1740-2); and a white paper developed by the Western Association of Fish and Wildlife Agencies entitled, *Prescribed Fire as a Management Tool in Xeric Sagebrush Ecosystems: Is it Worth the Risk to Sage-Grouse?*
- Coordinate, plan, design, and implement vegetation treatments (e.g., pinyon/juniper removal, fuels treatments, green stripping) and associated effectiveness monitoring between Resources, Fuels Management, Emergency Stabilization, and Burned Area Rehabilitation programs to:
  - Promote the maintenance of large intact sagebrush communities;
  - Limit the expansion or dominance of invasive species, including cheatgrass;
  - Maintain or improve soil site stability, hydrologic function, and biological integrity; and
  - Enhance the native plant community, including the native shrub reference state in the *State and Transition Model*, with appropriate shrub, grass, and forb composition identified in the applicable ESD where available.
- When conducting National Environment Policy Act (NEPA) analysis for vegetation treatments, document your analysis of (1) short- and long-term objectives and (2) direct, indirect, and cumulative effects of treatment types on Bi-State DPS and its habitat.

- Pursue short-term objectives that include maintaining soil stability and hydrologic function of the disturbed site so a resilient plant community can be established.
- Pursue a long-term objective to maintain resilient native shrub-steppe communities. Choose native plant species outlined in ESDs, where available, to revegetate sites. If currently available supplies are limited, use the materials that provide the greatest benefit for Bi-State DPS. When necessary, analyze the use of non-native species that do not impede long-term reestablishment goals of native plant communities and Bi-State DPS habitat.
- Meet vegetation management objectives that have been set for seeding projects prior to returning the area to authorized uses, specifically livestock grazing. This generally takes a minimum of two growing seasons (see Handbook H-1742, *Emergency Fire Rehabilitation Handbook*). When treating invasive species, use the standard operating procedures and best management practices outlined in the *2007 Vegetation Treatments Using Herbicides on BLM Lands in 17 States Environmental Impact Statement* and applicable practices found in its accompanying *Biological Assessment*.
- Where pinyon and/or juniper trees are encroaching on sagebrush plant communities, design treatments to increase cover of sagebrush and/or understory to: (1) improve habitat for Bi-State DPS; and (2) minimize avian predator perches and predation opportunities on Bi-State DPS.
- Implement management actions, where appropriate, to improve degraded Bi-State DPS habitats that have become encroached upon by shrubland or woodland species.
- Identify opportunities for prescribed fire; including where prescribed fire has been identified as the most appropriate tool to meet fuels management objectives and Bi-State DPS conservation objectives, and the potential expansion or dominance of invasive species has been determined to be minimal through an invasive species risk determination for the treatment project (see BLM Manual Section 9015). Before using prescribed fire, field offices must analyze the potential expansion or dominance of invasive species as a result of this treatment. Refer to Western Association of Fish and Wildlife Agencies entitled, *Prescribed Fire as a Management Tool in Xeric Sagebrush Ecosystems: Is it Worth the Risk to Sage-Grouse?*

## **Wildfire Emergency Stabilization and Burned Area Rehabilitation**

### Both Existing and Proposed Authorizations/Activities

- In Emergency Stabilization and Burned Area Rehabilitation plans, prioritize re-vegetation projects to (1) maintain and enhance unburned intact sagebrush habitat when at risk from adjacent threats; (2) stabilize soils; (3) reestablish hydrologic function; (4) maintain and enhance biological integrity; (5) promote plant resiliency; (6) limit expansion or dominance of invasive species; and (7) reestablish native species.
- Increase post-fire activities through the use of integrated funding opportunities with other resource programs and partners.
- In areas burned within the past 5 years, ensure that effectiveness monitoring outlined in post-fire stabilization and rehabilitation plans continues and report the results as outlined in WO-IM-2010-195. Post-fire stabilization and rehabilitation monitoring should continue until post-fire objectives are met.

## **Wildfire Suppression and Fuels Management**

### Existing Authorizations/Activities

- Threatened, endangered, and sensitive species (including Bi-State DPS) and associated habitats will continue to be a high natural resource priority for National and Geographic

Multi-Agency Coordination Groups, whose purpose is to manage and prioritize wildland fire operations on a national and geographic area scope when fire management resource shortages are probable.

- Bi-State DPS protection and habitat enhancement is a high priority for the fire management program. A full range of fire management activities and options will be utilized to sustain healthy ecosystems (including Bi-State DPS habitats) within acceptable risk levels. Local agency administrators and resource advisors will convey protection priorities to incident commanders.
- Comply with the policies established in WO-IM-2011-138 (Sage-grouse Conservation Related to Wildland Fire and Fuels Management) or successor guidance, regarding suppression operations and fuels management activities.
- Where prescribed fire has been identified as the most appropriate tool to meet fuels management and Bi-State DPS conservation objectives, the potential expansion or dominance of invasive species must be evaluated and determined to be minimal through an invasive species risk determination for the treatment project (see BLM Manual Section 9015).

**Rights-of-Way (ROW) (e.g., Renewable Energy Projects, Roads, Powerlines, Pipelines)**

Existing Authorized ROW (i.e., permit has been issued and the project may have been constructed)

- Where Bi-State DPS conservation opportunities exist, BLM District and Field offices should work in cooperation with rights-of-way (ROW) holders to conduct maintenance and operation activities, authorized under an approved ROW grant, to avoid and minimize effects on Bi-State DPS and its habitat.
- When renewing or amending ROWs, assess the impacts of ongoing use of the ROW to Bi-State DPS habitat and minimize such impacts to the extent allowed by law.

Pending and Future ROW Applications (i.e., permit application has not been received or has been received and is being processed)

- Conduct pre-application meetings for all new ROW proposals consistent with the ROW regulations (43 CFR 2804.10) and consistent with current renewable energy ROW policy guidance (WO-IM-2011-061, issued February 7, 2011).
- For pending applications, assess the impact of the proposed ROW on Bi-State DPS and its habitat, and implement the following:
  - Ensure that reasonable alternatives for siting the ROW outside of the PPH or within a designated utility/transportation corridor are considered and analyzed in the NEPA document.
  - Identify technically feasible best management practices, conditions, etc. (e.g., siting, burying powerlines) that may be implemented in order to eliminate or minimize impacts.
- For ROWs where the total project disturbance from the ROW and any connected action is less than 1 linear mile, or 2 acres of disturbance, develop mitigation measures related to construction, maintenance, operation, and reclamation activities that, as determined in cooperation with the respective state wildlife agency, would cumulatively maintain or enhance Bi-State DPS habitat.
- For ROW applications where the total project disturbance from the ROW and any connected action is greater than 1 linear mile or 2 acres of disturbance, it is BLM policy

that where a field office determines that it is appropriate to authorize a ROW, the following process must be followed:

- The BLM will document the reasons for its determination and require the ROW holder to implement measures to minimize impacts to Bi-State DPS habitat.
- In addition to considering opportunities for onsite mitigation, the BLM will, to the extent possible, cooperate with project proponents to develop and consider implementing appropriate offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (Refer to WO-IM-2008-204, Off-Site Mitigation). When developing such mitigation, the BLM should consider compensating for the short-term and long-term direct and indirect loss of Bi-State DPS and its habitat.
- Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed ROW and mitigation measures would cumulatively maintain or enhance Bi-State DPS habitat, the proposed ROW decision must be forwarded to the Bi-State Technical Working Group. If this group is unable to make a recommendation, the proposed action is elevated to the Executive Oversight Committee. If this group is unable to agree on the appropriate mitigation for the proposed ROW, then the proposed decision must be forwarded to the BLM Nevada State Director for a final decision.
- Field offices retain the discretion to reject or deny a ROW application, where appropriate, or defer making a final decision on an application until the completion of the LUP process described in the *National Greater Sage-Grouse Planning Strategy* for the affected area.

### **Leasable Minerals (Energy and Non-energy)**

#### Fluid Mineral Leasing (i.e., oil, gas, and geothermal)

It is BLM policy that where a field office determines that it is appropriate to authorize a proposed leasing decision, the following process must be followed:

- The BLM will document the reasons for its determination and require the lessee to implement measures to minimize impacts to Bi-State DPS habitat.
- In addition to considering opportunities for onsite mitigation, the BLM will consider whether it is appropriate to condition the lease with a requirement for offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation).
- Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed lease and mitigation measures would cumulatively maintain or enhance Bi-State DPS habitat, the proposed lease decision must be forwarded to the Bi-State DPS Technical Working Team for their review. If this group is unable to agree on the appropriate mitigation for the proposed lease, then the proposed decision must be forwarded to the EOC, when appropriate, for its review. If the EOC is unable to agree on the appropriate mitigation for the proposed lease, they will coordinate with and brief the BLM State Director for a final decision in absence of consensus.
- Exception: Where drainage is likely or the lands are designated as No Surface Occupancy (NSO) in the existing LUP, the BLM may issue new leases with an NSO stipulation. The NSO stipulation will also have appropriate exception, waiver, and modification criteria. **Note:** A Controlled Surface Use stipulation is not an appropriate substitution for an NSO stipulation.

- Field offices retain the discretion to not move forward with a nomination or defer making a final decision on a leasing decision until the completion of the appropriate LUP for the affected area.
- Authorizations on Existing Leases (i.e., the lease has been issued and valid existing rights have been established)
  - Where Bi-State DPS conservation opportunities exist, work in cooperation with operators to minimize habitat loss, fragmentation, and direct and indirect effects to Bi-State DPS and its habitat.
  - Issue Written Orders of the Authorized Officer (43 CFR 3161.2) requiring reasonable protective measures consistent with the lease terms where necessary to avoid or minimize effects to Bi-State DPS populations and its habitat.

- Proposed Pending Authorizations (i.e., permit application has not been received or has been received and is being processed)

It is BLM policy that where a field office determines that it is appropriate to issue a proposed authorization, the following process must be followed:

- Where the BLM has not issued a permit for development, design future conditions or restrictions to minimize adverse effects to Bi-State DPS and its habitat (e.g., Best Management Practices (BMP), noise limitations, seasonal restrictions, minimization of habitat fragmentation, improved reclamation standards, proper siting/designing infrastructure, restoring habitat) prior to permit approval. These measures may be in addition to and more protective or restrictive than the stipulations and restrictions identified in approved LUPs, when reasonable (43 CFR 3101.1-2), supported by science, and analyzed through the NEPA process.
- Consider suspending non-producing leases in instances where mitigation would not adequately protect the integrity of Bi-State DPS habitat until the BLM amends or revises the LUPs. Consistently apply protective measures to split estate lands.
- In areas where Bi-State DPS populations have been substantially diminished, and where few birds remain, include actions in the authorization (e.g., siting/designing infrastructure, hastened habitat restoration) that will minimize habitat loss and promote restoration of habitat when development activities cease.
- In addition to considering opportunities for onsite mitigation, the BLM will, to the extent possible, cooperate with project proponents to develop and consider implementing appropriate offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation). When developing such mitigation, the BLM should consider compensating for the short-term and long-term direct and indirect loss of Bi-State DPS and its habitat.
- For geophysical exploration activities, include seasonal timing limitations and BMPs as permit conditions of approval to eliminate or minimize surface-disturbing and disruptive activities within nesting and brood-rearing habitat and winter concentration areas.
- Ensure authorizations under Onshore Oil and Gas Order No. 7 (Disposal of Produced Water) consider the potential impacts to Bi-State DPS from West Nile virus and develop appropriate mitigation measures.

## **Grazing Permit/Leases Issuance/Grazing Management**

Grazing can have localized adverse effects on Bi-State DPS habitat depending on the condition of the habitat and the grazing practices used. Depending on design and application, grazing practices can also be used as a tool to protect intact sagebrush habitat and increase habitat extent and continuity which is beneficial to Bi-State DPS and its habitat. Given the potential financial constraints in addressing the primary threats identified by the FWS, enhanced management of livestock grazing may be the most cost-effective opportunity in many instances to improve Bi-State DPS habitat on public lands. Utilize the best available science in defining seasonal Bi-State DPS habitat requisites relative to potential impacts of livestock grazing on habitat features (e.g. Connelly et al. 2000, Hagen et al. (2007, Knick and Connelly (eds.) 2010.

To promote grazing practices that will protect PPH and minimize adverse effects on Bi-State DPS and its habitat, the BLM will implement the following:

### Existing Authorizations and? Activities

- If periods of drought occur, evaluate the season of use and stocking rate and, adjust through coordination, annual operation plans and billings processes.
- Continue to coordinate with other Federal agencies, state agencies, and non-Federal partners. Leverage funding to implement habitat projects and implement the recent Memorandum of Understanding between the BLM, NRCS, FWS for enhancing PPH through grazing practices.
- Continue to prioritize use, supervision and effectiveness monitoring of grazing activities to ensure compliance with permit conditions and that progress is being made on achieving land health standards.
- Continue to evaluate existing range improvements (e.g., fences, watering facilities) associated with grazing management operations for impacts on Bi-State DPS and its habitat. Where appropriate, modify range structural improvements that are having adverse effects on Bi-State DPS (e.g. fence markers).

### Proposed Authorizations/Activities – Permit/Lease Renewal/Issuance

- When several small or isolated allotments occur within a watershed or delineated geographic area, evaluate all of the allotments together. Prioritize this larger geographic area in the context of PPH areas for processing permits/leases for renewal.
- Coordinate BMPs and vegetative objectives with NRCS for consistent application across jurisdictions where the BLM and NRCS have the greatest opportunities to benefit Bi-State DPS, particularly as it applies to the NRCS's National Sage-Grouse Initiative (<http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/farmbill/initiative/s/?&cid=steldevb1027671>). See the 2010 Four-Agency MOU signed by the BLM, Forest Service, NRCS and FWS for further guidance in management collaboration.
- Pursue opportunities to incorporate multiple allotments under a single management plan/strategy where incorporation would result in enhancing Bi-State DPS populations or its habitat as determined in coordination with respective state wildlife agency.
- Use the process in WO-IM-2009-007, Process for Evaluating Status of Land Health and Making Determinations of Causal Factors When Land Health Standards Are Not Achieved, to identify appropriate actions where current livestock grazing management has been identified as a causal factor in not meeting Land Health Standards (43 CFR 4180).
- Evaluate progress towards meeting standards that may affect the Bi-State DPS or its habitat prior to authorizing grazing on an allotment that was not achieving land health

standards in the last renewal cycle, and livestock was a significant causal factor. Where available, use current monitoring data to identify any trends (e.g., progress) toward meeting the standards. Where monitoring data are not available or inadequate to determine whether progress is being made toward achieving Land Health Standards, an interdisciplinary team should be deployed as practicable to conduct a new land health assessment. The NEPA analysis for the permit/lease renewal must address a range of reasonable alternatives including alternatives that improve Bi-State DPS habitat.

- If livestock grazing was the cause of not achieving land health standards that have potential to impact Bi-State DPS or its habitat in the last permit renewal cycle, an interdisciplinary team should be deployed as practicable to conduct a new land health evaluation to determine if the allotment is making progress and if livestock grazing remains a casual factor.
- Plan and authorize livestock grazing and associated range improvement projects on BLM managed lands in a way that maintains and/or improves Bi-State DPS and its habitat. Analyze through a reasonable range of alternatives any direct, indirect, and cumulative effects of grazing on Bi-State DPS and its habitats through the NEPA process:
  - Incorporate available site information when evaluating existing resource condition and developing resource solutions,
  - Incorporate management practices that will provide for adequate residual plant cover (e.g., residual grass height) and diversity in the understories of sagebrush plant communities as part of viable alternatives. When addressing residual cover and species diversity, refer to the ESD and “*State and Transition Model*,” where they are available, to guide the analysis.
  - Evaluate and implement grazing practices that promote the growth and persistence of native shrubs, grasses, and forbs. Grazing practices include kind and numbers of livestock, distribution, seasons of use, and livestock management practices needed to meet both livestock management and Bi-State DPS habitat objectives.
  - Evaluate the potential risk to Bi-State DPS and its habitats from existing structural range improvements. Address those structural range improvements identified as posing a risk during the renewal process.
  - Balance grazing between riparian habitats and upland habitats to promote the production and availability of beneficial forbs to the Bi-State DPS in meadows, mesic habitats, and riparian pastures for Bi-State DPS use during nesting and brood-rearing. Consider changing livestock use in riparian/wetland areas to before or after the summer growing season to ensure habitat availability for Bi-State DPS when these habitats are important to broods.
- To ensure that the NEPA analysis for permit/lease renewal has a range of reasonable alternatives:
  - Include at least one alternative that would implement a deferred or rest-rotation grazing system, if one is not already in place and the size of the allotment warrants.
  - Include a reasonable range of alternatives (e.g., no grazing or a significantly reduced grazing alternative, current grazing alternative, increased grazing alternative, etc.) to compare the impacts of livestock grazing on Bi-State DPS habitat and land health from the proposed action.
  - If land treatments and/or range improvements are the primary action for achieving land health standards for Bi-State DPS habitat maintenance or enhancement, clearly display the effects of such actions in the alternatives analyzed.

## **Fences (Applicable to all programs)**

- Evaluate the need for proposed fences, especially those within PPH that have been active within the past 5 years and in movement corridors between leks and roost locations. Consider deferring fence construction unless the objective is to benefit Bi-State DPS habitat, improve land health, promote successful reclamation, protect human health and safety, or provide resource protection. If the BLM authorizes a new fence, then, where appropriate, apply mitigation (e.g., proper siting, marking, post and pole construction, let-down fences) to minimize or eliminate potential impacts to Bi-State DPS as determined in cooperation with the respective state wildlife agency.
- To improve visibility, mark existing fences that have been identified as a collision risk. Prioritizing fences within PPH, fences posing higher risks to Bi-State DPS include those:
  - On flat topography;
  - Where spans exceed 12 feet between T-posts;
  - Without wooden posts; or
  - Where fence densities exceed 1.6 miles of fence per section (640 acres).<sup>3</sup>

## **Water Developments (applicable to all programs)**

### Proposed Authorizations/Activities

- NEPA analysis for all new water developments must assess impacts to Bi-State DPS and its habitat.
- Install escape ramps and a mechanism such as a float or shut-off valve to control the flow of water in tanks and troughs.
- Design structures, or control water to developments, in a manner that minimizes potential for production of mosquitoes which may carry West Nile virus.

## **Special Recreation Permits**

### Existing Authorization/Activities

- Work with permittees to avoid or minimize effects to Bi-State DPS and its habitat.
- Evaluate existing Special Recreation Permits (SRP) for adverse effects to Bi-State DPS and modify or cancel the permit, as appropriate, to avoid or minimize effects of habitat alterations or other physical disturbances to Bi-State DPS (e.g., breeding, brood-rearing, migration patterns, or winter survival).
- Implement any necessary habitat restoration activities after SRP events. Restoration activities must be consistent with Bi-State DPS habitat objectives as determined by the BLM field office in collaboration with the respective state wildlife agency.

### Proposed Authorizations/Activities

- Work with permit applicants to avoid impacts to Bi-State DPS and its habitat.
- It is BLM policy that where a field office determines that it is appropriate to authorize a proposed special recreation permit, the following process must be followed:
  - The BLM will document the reasons for its determination and require the permittee to implement measures to minimize impacts to Bi-State DPS habitat.
  - In addition to considering opportunities for onsite mitigation, the BLM will consider whether it is appropriate to condition the permit with a requirement for offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation).

- Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed permit and mitigation measures would cumulatively maintain or enhance Bi-State DPS habitat, the proposed special recreation permit decision must be forwarded to the Bi-State DPS Technical Team for their review. If this group is unable to agree on the appropriate mitigation for the proposed special recreation permit, then the proposed decision must be forwarded to the EOC, for its review. If the EOC is unable to agree on the appropriate mitigation for the proposed special recreation permit, the EOC will coordinate with and brief either the BLM State Director or designee for a final decision in absence of consensus.
- Field offices retain the discretion to not move forward with a special recreation permit application or defer making a final decision on a special recreation permit decision until the completion of the appropriate LUP process for the affected area.

### **Recreation Sites**

- Use conservation measures to avoid impacts to Bi-State DPS at existing recreation sites.
- Consider closing recreational sites either seasonally or permanently and restricting traffic to avoid or minimize effects of habitat alterations or other physical disturbances to Bi-State DPS (e.g., breeding, brood-rearing, migration patterns, or winter survival).

### **Travel Management**

#### Existing Authorizations/Activities

- Evaluate authorizations and use to determine if continued use would result in habitat alterations or population disturbances that impair life history functions of the Bi-State DPS, such as breeding, brood-rearing, migration patterns, or winter survival, as appropriate.
- Place a high priority on closing and reclaiming unauthorized motor vehicle routes that cause habitat alterations or population disturbance.
- Limit and enforce motorized vehicle use to existing or designated roads, primitive roads, and trails and seasons of use to prevent habitat loss or population disturbance that impair life history functions of the Bi-State DPS, such as breeding, migration patterns, or winter survival.

#### Proposed Authorizations/Activities

- Route construction should be limited to realignments of existing or designated routes to enhance other resources only if that realignment conserves or enhances Bi-State DPS habitat. Use existing roads, or realignments as described above, to access valid existing rights that are not yet developed. If valid existing rights cannot be accessed via existing roads, then any new road constructed will be built to the absolute minimum standard necessary. No improvement to existing routes will occur that would change route category (i.e., road, primitive road, or trail) or enhance capacity.

### **Locatable Minerals**

#### Existing Authorizations/Activities (i.e., existing operations conducted under a Notice or a Plan of Operations)

- Request that holders of Notices and Plans of Operation modify their operations to avoid or minimize adverse effects on Bi-State DPS and its habitat. Operators must be informed in the request that compliance is not mandatory.

#### Proposed Authorizations/Activities (i.e., new Notices or Plans of Operation)

- Require that new notices and plans of operation include measures to avoid or minimize adverse effects to Bi-State DPS populations and its habitat. Ensure that new notices and plans of operation comply with the requirements in 43 CFR 3809 to prevent unnecessary or undue degradation. Such compliance may assist in avoiding or minimizing adverse effects to Bi-State DPS populations and habitat.

#### **Saleable Minerals**

##### Ongoing Authorizations/Activities (i.e., an authorization has been issued)

- Where valid existing rights exist, work with the holders of authorizations to develop actions such as siting/design of infrastructure, timing of operations, or reclamation standards that will avoid or minimize effects to Bi-State DPS populations and its habitat.

#### Proposed Authorizations/Activities

- If the BLM has issued or, within 90 days of the issuance of this Instruction Memorandum, the BLM issues a DEIS or a FONSI:
  - Work with applicants to minimize habitat loss, fragmentation, and direct and indirect effects to Bi-State DPS and its habitat.
  - Determine, in coordination with the respective state wildlife agency, whether the proposed authorization would likely have more than minor adverse effects to Bi-State DPS and its habitat. If the proposed authorization would likely have more than minor adverse effects, then implement the policies and procedures set forth in the section immediately below (“All Other Proposed Authorizations/Activities”).
- All Other Proposed Authorizations/Activities

It is BLM policy that where a field office determines that it is appropriate to issue an authorization, the following process must be followed:

  - The BLM will document the reasons for its determination and implement measures to minimize impacts to Bi-State DPS habitat.
  - In addition to considering opportunities for onsite mitigation, the BLM will, to the extent possible, cooperate with project proponents to develop and consider implementing appropriate offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation). When developing such mitigation, the BLM should consider compensating for the short-term and long-term direct and indirect loss of Bi-State DPS and its habitat.
  - Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed pit and mitigation measures would cumulatively maintain or enhance Bi-State DPS habitat, the proposed pit authorization decision must be forwarded to the Bi-State DPS technical Working Team for their review. If this group is unable to agree on the appropriate mitigation for the proposed authorization, then the proposed decision must be forwarded to the EOC, when appropriate, for its review. If the EOC is unable to agree on the appropriate mitigation for the proposed authorization, the EOC will coordinate with and brief the BLM State Director for a final decision in absence of consensus.

- Exception- Pit Expansion Only: New permits may be issued for pit expansion, provided there are no adverse effects on Bi-State DPS and its habitat.
- Field offices retain the discretion to not move forward with an authorization, where appropriate, or defer making a final decision on regarding an authorization until the completion of the appropriate LUP process for the affected area.

## **Grasshopper and Mormon Cricket Control and Management**

### Proposed Authorizations/Activities

- If grasshopper control is proposed, the NEPA analysis must address impacts on Bi-State DPS and its habitat.
- Continue to implement WO-IM-2010-084, Grasshopper and Mormon Cricket Treatments within Bi-State DPS Habitat Coordinate with local Animal and Plant Health Inspection Service (APHIS) personnel and state wildlife agencies concerning treatments in Bi-State DPS habitat.
- Management actions and operating procedures may include, but are not limited, to the following:
  - Evaluate and restrict or modify treatment methods and timing of use or other mitigation.
  - Avoid spraying treatment areas in May and June (or as appropriate to local circumstances) to provide insect availability for early development of Bi-State DPS chicks.
  - Application timing should be implemented to reduce disturbance and impacts to Bi-State DPS.
  - Use approved chemicals with the lowest toxicity to Bi-State DPS that still provide effective control of grasshopper and Mormon cricket. Coordinate with APHIS to determine the approved chemical with the lowest toxicity.
  - Evaluate the appropriate percentages of Environmental Protection Agency (EPA) allowable chemical rates and the pros and cons of available chemical use, in coordination with state wildlife agencies, FWS, and APHIS.
  - Use *Carbaryl* only when necessary to treat large grasshopper and Mormon cricket populations late in the season. APHIS will coordinate the use with the respective BLM state office prior to any application.
  - Implement effectiveness monitoring, if warranted.

## **Wild Horse and Burro Management**

### Existing Authorizations/Activities

- Manage wild horse and burro population levels within established Appropriate Management Levels (AML).
- Wild Horse Herd Management Areas will receive priority for removal of excess horses within Bi-State DPS habitat.
- Wild horses and burros remaining in Herd Management Areas/Wild Horse Territories where the AML has been established as zero will receive priority for removal.
- When developing overall workload priorities for the upcoming year, prioritize horse gathers except where removals are necessary in non-PPH to prevent catastrophic herd health and ecological impacts.

## **Realty Actions (e.g., Land Exchanges, Transfers, and Sales)**

It is BLM policy that where a field office determines that it is appropriate to implement a public land disposal action, the following process must be followed:

- The BLM will document the reasons for its determination and implement measures to minimize impacts to Bi-State DPS habitat. Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed land disposal action would cumulatively maintain or enhance Bi-State DPS habitat, the proposed land disposal action must be forwarded to the Bi-State Bi-State DPS Technical Team for their review. If this group is unable to agree on the appropriate mitigation for the proposed land disposal action, then the proposed decision must be forwarded to the EOC for its review. If the EOC is unable to agree on the appropriate mitigation for the proposed land disposal action, they will coordinate with and brief the BLM State Director for a final decision in absence of consensus.
- Exception: Those land disposal actions (e.g., the BLM's acceptance of an Application for Land for Recreation and Public Purposes, Publication of a Federal Register Notice of Realty Action, Execution of an Agreement to Initiate an Exchange, the BLM's acceptance of a State Application for Selection) initiated prior to or if the BLM is within 90 days of the issuance of a DEIS or FONSI for a land disposal action following the date of this IM.

## **Vegetation and Resource Monitoring**

### Existing Authorizations/Activities

- Continue to coordinate with NRCS and its contractors to implement the BLM *Landscape Monitoring Framework Project* developed under the *Assessment, Inventory and Monitoring Strategy* to assess the condition of public lands including PPH at a landscape level.
- Continue to work with livestock grazing permittees/lessees to collect specific kinds of monitoring information on their allotments to supplement monitoring information collected by the BLM (refer to WO-IB-2010-015, *Grazing Permittee - Joint Cooperative Monitoring*, for additional information) or Forest Service (cf. FSM or directive).
- Until further direction is provided, and within the range of the Bi-State DPS, the Wildlife Program for the BLM (1110) will collect, consolidate, and report the following annually to the Division of Fish and Wildlife Conservation (WO-230):
  - Miles, acres, and/or number of structures (e.g., fences, water developments, well pads, gravel pits, roads) removed, installed, relocated, decommissioned, modified, or mitigated to benefit Bi-State DPS and its habitat;
  - Number of BLM use authorizations issued or deferred and the associated acres where changes in management were implemented to benefit Bi-State DPS and its habitat;
  - Acres where the BLM implemented changes in use in order to improve habitat for the Bi-State DPS in cooperation with other Federal or state agencies;
  - Acres of habitat altered by wildland fire, acres treated after fire, and acres not treated after fire that were in need of treatment;
  - Acres of habitat altered by fuels treatment projects and how those treatments affected habitat;
  - Acres of vegetation treated to benefit Bi-State DPS habitat; and
  - Number of allotments assessed for land health standards and the associated acres, according to Table 7A of the *Rangeland Inventory, Evaluation and Monitoring Report*.

### Proposed Authorizations/Activities

- New activity plans and/or project plans must include clear objectives to benefit Bi-State DPS habitat and vegetative resource conditions. Base these vegetative objectives on (1) the native shrub reference state as shown in the *State and Transition Model* outlined in the applicable ESD, where available; (2) published scientific habitat guidelines for specific areas and Bi-State DPS habitat requisites; and (3) local Bi-State DPS working group recommendations.
- Monitor activities and projects using the BLM core indicators and protocols (see the *BLM Assessment, Inventory and Monitoring Strategy*) to ensure that the objectives are being met. Supplement data collection, as necessary, with other programmatic information for the site to demonstrate that objectives are being met.
- Complete habitat inventories/assessments *in* a timely manner so that data are available for consideration in livestock grazing permit renewals and other management decisions.

**Timeframe:** This IM/ID is effective immediately and will remain in effect until the BLM completes the LUP process to amend the RMPs to provide protection for Bi-State DPS and its habitat.

**Budget Impact:** This IM/ID will result in additional costs for coordination, NEPA review, planning, implementation, and monitoring.

**Background:** In March 2010, the FWS published its petition decision for the Bi-State Distinct Population Segment of Bi-State DPS as “Warranted but Precluded.” Inadequacy of regulatory mechanisms was identified as one of the major factors in the FWS’s finding on Bi-State Distinct Population Segment of Bi-State DPS. The FWS has identified the principal regulatory mechanism for the BLM as protective measures embedded in LUPs. The goal is to conserve habitat necessary to sustain Greater Bi-State DPS populations and reduce the likelihood of listing under the Endangered Species Act.

**Manual/Handbook Sections Affected:** None.

**Coordination:** This IM/ID was coordinated with the Strategy Working Team for the Bi-State Sage-grouse Distinct Population Segment.

**Contact:** Direct any questions or concerns to application of this direction to Raul Morales, Deputy State Director for Resources, Lands, and Planning (NV930) at 775-861-6767 or [rmorales@blm.gov](mailto:rmorales@blm.gov), or to Joe Tague, Branch Chief Renewable Resources and Planning (NV934) at 775-861-6556 or [jtague@blm.gov](mailto:jtague@blm.gov).

Signed by:  
Amy Lueders  
State Director

Authenticated by:  
Edison Garcia  
Staff Assistant

Attachment

- 1- [Bi-State Sage-Grouse DPS Preliminary Priority Habitat Map \(1 p\)](#)

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- [1] Doherty, K. E., J.D. Tack, J.S. Evans and D. E. Naugle. 2010. Mapping breeding densities of Greater Sage-Grouse: A tool for range-wide conservation planning. BLM Completion Report: Interagency Agreement # L10PG00911.
- [2] Stiver, S.J., E.T Rinkes, AND D.E. Naugle. 2010. Sage-grouse Habitat Assessment Framework. U.S. Bureau of Land Management. Unpublished Report. U.S. Bureau of Land Management, Idaho State Office, Boise, Idaho.
- [3] Stevens, B.S. 2011. Impacts of Fences on Greater Sage-Grouse in Idaho: Collision, Mitigation, and Spatial Ecology (Master's Thesis). University of Idaho, Moscow, Idaho.