

Attachment 2
Governor Mead's Comments Common to All Plans

Executive Order 2015-4 – Greater Sage-Grouse Core Area Protection

The State of Wyoming has implemented a Greater sage-grouse Core Area Protection strategy established by Governor's Executive Order (EO) since 2008. Wyoming's strategy is a state-led effort formally endorsed by the U.S. Fish and Wildlife Service (USFWS) and has served as a model for other states in adopting part of their plans. EO 2011-5 was supplemented by EO 2013-3; Greater Sage-Grouse Core Area – Grazing Adjustments. Starting December of 2014, the Sage-Grouse Implementation Team began evaluating the need for modifications to EOs 2011-5 and 2013-3. Based on the Team's recommendations I have executed EO 2015-4. I direct your attention to the modifications found in this EO, including mapping modifications.

Exempt (“de minimis”) Activities – EO 2015-4; Attachment C

I have concerns regarding BLM and USFS treatment of recognized Exempt (“de minimis”) Activities outlined in Attachment C of the EO 2015-4 (see Attachment 1). These enumerated activities represent existing land uses and landowner activities that do not require state agency review for consistency with the management stipulations outlined under EO 2015-4. Explicitly recognizing these “de minimis” activities in the Records of Decision and removing any application of Greater sage-grouse stipulations attached to them is key to preserving public health, safety, and welfare.

County roads are an example of a ‘de minimus’ activity. They provide access to many of Wyoming's rural communities. Emergency responders rely on properly maintained county roads as part of their job. Moreover, Wyoming's agricultural, recreational, energy and commercial enterprises depend on a network of county roads, which supplement our highway infrastructure. The Records of Decision need to recognize “de minimus” activities.

Required Design Features

The BLM and USFS propose to adopt Required Design Features (RDFs) from the National Technical Team (NTT) report titled *A Report on National Greater Sage-Grouse Conservation Measures* (See, e.g., Appendix B 9 Plan). In some cases no documentation exists and in others no documentation is provided showing that these features have proved effective over time. The NTT is relying upon a one-size-fits-all approach. The NTT RDFs are needlessly restrictive, scientifically unfounded, and ignore specific cause and effect mechanisms. RDFs should be site specific. While some RDFs may be effective in certain instances, the blanket requirements fail to recognize valid existing rights and require RDFs that are not technically feasible, economic or appropriate (given the topography, local conditions, and practicality). Flexibility must be maintained so that regulators and operators can determine which design features and Best Management Practices (BMPs) make sense based on a site-level analysis. Reclassifying RDFs as BMPs ensures flexibility allowing innovation and excellence as technological advancements emerge. As currently classified, the RDFs are static with virtually no incentive for generating new ideas that could reduce impacts.

As presented these actions are onerous and stifle Wyoming's energy, agriculture and recreation economies.

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I incorporate, into these comments, specific points in the Tables within Attachments 3, 4, 6 and 7.

Livestock Grazing Management

It is scientifically accepted and also recognized in EO 2015-4 and by the USFWS that livestock grazing is compatible with enhancing or maintaining Greater sage-grouse and its habitat. The 9 Plan, Bighorn Basin and Buffalo FEISs each contain analysis flaws, create confusion and seem to be based on a misconception that livestock grazing poses a threat to Greater sage-grouse.

The Alternatives descriptions, and subsequent analyses, of livestock grazing contained in each of the proposed plans ignores livestock grazing as a tool available to the BLM and USFS. The portrayals of livestock grazing as “surface-disturbing” or “disruptive” is not supported. Livestock grazing and improper grazing management are not distinguished and differences are not clearly articulated throughout the plans. This lack of clarity creates a clear inaccuracy when livestock grazing is identified as a threat to Greater sage-grouse conservation. As stated above, accepted science, the USFWS and my EO 2015-4 recognize that livestock grazing poses no threat to sage-grouse. The importance of livestock grazing as a tool is not discussed and the benefits of livestock grazing and proper management are ignored. Livestock grazing is often identified as a negative influence. In order to be consistent with EO 2015-4, the BLM and USFS must remove reference to livestock grazing as a surface-disturbing activity.

The 9 Plan analysis expands beyond impacts related to Greater sage-grouse and speculates on the effects of numerous industries including the livestock industry on a wide spectrum of sensitive species. The inclusion of information about purported impacts on other special status species without defining their relationship to Greater sage-grouse is inappropriate.

In Chapter 4 of the 9 Plan FEIS, many parts of the analysis are incorrect. One glaring example is the inequitable analysis of livestock grazing on wild horses. References are made to Manier et al. (2013) and it appears portions of that research were preferentially chosen excluding impacts of wild horses on habitats.

Chapter 2 of the 9 Plan does not apply the same requirements to wild horse herd management areas (HMAs) that it does to livestock grazing permits. “All BLM use authorizations will contain terms and conditions regarding the actions needed to meet or progress toward meeting the habitat objectives” as required by MA48, the 9 Plan. However, the management direction for HMAs is limited to a vague oversight – “the BLM would review and consider amending BLM Herd Management Area Plans (HMAP) to incorporate sage-grouse habitat objectives and management considerations for all BLM herd management areas” (MA109). Roughly 34% of Core Population Areas in Wyoming are overlapped by HMAs. Further, sage-grouse habitat objectives for HMAs are limited to Core Areas only while all other uses would be required to acknowledge the objectives regardless of habitat type. This subjective approach to grazing animals does not provide a defensible foundation on which decisions can be based.

The socioeconomic analysis as it relates to the impacts of the proposed actions on agriculture is unacceptable. The 9 Plan FEIS cannot ignore the economic impacts attributable to grazing or

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assume these impacts will mirror the status quo. This conclusion defies common sense. If there will be a diminution of AUMs and there is an identifiable and quantifiable methodology of realizing those potential impacts, the FEIS needs to acknowledge the impact. The agencies cannot simply present conclusions based on conjecture and refuse to acknowledge likely adverse economic impacts because the exact extent of those impacts is not yet known. The best estimates of impacts must be determined and included.

Other flaws in the analysis include speculative statements regarding the impacts of private landowners on Greater sage-grouse habitat and the conversion of private lands to agricultural lands. Finally, identifying sage-grouse "habitat objectives" as "habitat requirements" is erroneous and leads to a flawed analysis.

Thunder Basin Grasslands Prairie Ecosystem Association Candidate Conservation Agreement with Assurances

The Thunder Basin Grasslands Prairie Ecosystem Association (TBGPEA) has been working with a variety of agencies, including the USFWS, BLM, USFS, and the WGFD to execute a Candidate Conservation Agreement with Assurances (CCAA), which is scheduled for completion in the near term. The parties have executed an MOU supporting full implementation of a combined CCAA, Candidate Conservation Agreement and Conservation Agreement. Based on this, I request that the BLM and USFS include the following language in the respective Records of Decision:

"Implement appropriate conservation agreements, and related conservation measures, in accordance with BLM Manual 6840 and USFS Manual 2670 policy related to the conservation of threatened, endangered, and sensitive status species. Implement and comply with terms of the Thunder Basin Grasslands Prairie Ecosystem Association (TBGPEA) conservation strategy for management of eight species of concern as acknowledged in the May 1, 2014 Memorandum of Understanding among TBGPEA, FWS, BLM, USFS, and the WGFD. The Strategy consists of a Candidate Conservation Agreement with Assurances (CCAA) for private property, a Candidate Conservation Agreement (CCA) for property with a federal nexus, and a Conservation Agreement (CA) which addresses conservation efforts associated with the foreseeable future development of energy resources within the coverage area. The conservation value of the Strategy has been assessed through both the ESA section 7 consultation and NEPA processes."

Oil and Gas Lease Sales

Since 2008, the BLM has deferred thousands of oil and gas lease nominations because of planning efforts. In some instances I have supported these deferrals in order to ensure stipulations contained in EO 2015-4 could be incorporated prior to the lease of these resources. As these plans are completed and Records of Decision are executed for each plan, I request that the BLM expeditiously move lease nominations to sale.

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Implementation

Although decisions identified in the Approved RMPs and LUPs are final and effective upon signing of Records of Decision, they generally require additional implementation decision steps before on-the-ground activities begin. Implementation of these plans should include regular coordination meetings between the BLM, USFS and cooperating agencies involved in revising the plans. As opportunities for continued collaboration are identified by the BLM or USFS, cooperating agency meetings should be scheduled. To memorialize this commitment, I request that the BLM and USFS detail in the Records of Decision how cooperating agencies will be consulted with during the plan implementation process.