



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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AUG 06 2015

The Honorable Kate Brown
Governor of Oregon
160 State Capitol
900 Court Street
Salem, Oregon 97301-4047

Dear Governor Brown:

This is in response to your letter dated July 29, 2015, which provided your consistency review of the Oregon Proposed Resource Management Plan Amendment (PRMPA). The Governor's consistency review is an important part of the Bureau of Land Management's (BLM) land use planning process. Partnership between the State and the BLM is an integral part of successful land management. Our partnership is particularly important as we work to address the threats to Greater Sage-Grouse (GRSG) and its habitat to conserve the species and hopefully avoid a determination by the Fish and Wildlife Service (FWS) that the species is warranted for listing under the Endangered Species Act (ESA). We greatly appreciate the time and attention of you and your staff to this important effort.

The Oregon PRMPA is part of an unprecedented and proactive partnership to conserve GRSG and its habitat by incorporating conservation measures in the land use plans. The plans build upon the foundation for sage-grouse conservation initiated by the State, including Oregon's "all lands, all threats" approach. The plans also reflect guidance developed by the BLM to incorporate FWS feedback on the draft plans. The PRMPAs were developed in coordination with a range of stakeholders and cooperators, including state fish and wildlife agencies and the Western Governors Association Sage-Grouse Task Force.

The purpose and need of the GRSG plans is to identify and incorporate conservation measures to conserve, enhance, and restore GRSG habitat by reducing, minimizing, or eliminating threats to that habitat in a manner that provides sufficient regulatory certainty to the FWS to support a finding that Endangered Species protection is not warranted. In order to provide a high degree of certainty for regulatory mechanisms, the BLM has included common elements across the range to address threats to the bird and to provide for a net conservation gain for GRSG. The plans allow for state-based variations where different approaches or priorities were consistent with the overall conservation objectives, including the need to provide adequate regulatory certainty.

The BLM is able to address some of the concerns outlined in your letter either through a change or a commitment to clarify our intent, particularly with regard to livestock grazing management, habitat objectives, the Habitat Assessment Framework, and habitat map updates. The BLM

looks forward to continued collaboration with the State in the coming weeks to finalize that language. The standard for review and the specific responses to issues raised are found below.

Statutory and Regulatory Framework for Consistency Review

In considering your recommendations, I am guided by the BLM's planning regulations in 43 C.F.R. 1610.3-2. These regulations implement Section 202 (c)(9) of the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, 43 U.S.C. 1712(c)(9), which states in part:

In the development and revision of land use plans, the Secretary shall...to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 4601-4 et seq. note], and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

The regulations state that Resource Management Plans (RMP) and amendments to RMPs "shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein" of State and local governments and Indian Tribes "so long as the guidance and resource management plans [of the State and local government and Tribe] are also consistent with the purpose, policies, and programs of Federal laws and regulations applicable to public lands...." 43 C.F.R. 1610.3-2(a). In the absence of such plans, RMPs and amendments shall "be consistent with officially approved and adopted resource related policies and programs" to the maximum extent possible and "so long as the guidance and resource management plans are consistent with the policies, programs, and provisions of Federal laws and regulations applicable to public lands...." 43 C.F.R. 1610.3-2(b).

The BLM incorporated significant portions of the Oregon State plan into the Oregon PRMPA, including protection of priority (core) habitat in most situations and implementing a 3 percent

disturbance cap, not to exceed 1 percent per decade, applicable to all lands. However, the BLM has determined that some of the State's recommendations would not be consistent with the purposes, policies, and programs of Federal laws applicable to public lands.

The FLPMA generally requires the BLM to manage public lands for multiple-use and sustained yield, taking into account the long-term needs of future generations for renewable and non-renewable resources – including fish and wildlife – and to seek achievement and maintenance in perpetuity of renewable resources. 43 U.S.C. 1732(a); 1702(c), (h); 1701(a)(8). The BLM's Special Status Species Manual sets forth BLM policy with respect to FLPMA's consideration of wildlife and fish and renewable resources. In particular, the objectives of the special status species policy are (A) to conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA protections are no longer needed for these species and (B) to initiate proactive conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA. Manual No. 6840, Section .02(A)(B).

Further policy is found in BLM's Instruction Memorandum (IM) 2012-044 (Dec. 27, 2011), which initiated the "BLM National Greater Sage-Grouse Land Use Planning Strategy" and provided guidance and direction for the agency's consideration of GRSG conservation measures. The IM and the planning strategy were initiated in response to the FWS's March 2010 decision finding, in part, that existing regulatory mechanisms found in the BLM's RMPs were inadequate to protect the species. The IM states that "the BLM needs to incorporate explicit objectives and desired habitat conditions, management actions, and area-wide use restrictions into land use plans (LUPs)" in order to "conserve sage-grouse and its habitat and potentially avoid an ESA listing." IM 2012-044. In addition, the Approved RMP Amendment (ARMPA) will be consistent with the BLM's 2004 National Sage-Grouse Habitat Conservation Strategy which calls for managing public lands in a manner that will maintain, enhance, and restore sage-grouse and sagebrush habitats while continuing to provide for multiple uses of lands under BLM stewardship.

In accordance with FLPMA's direction to manage the public lands pursuant to principles of multiple use and sustained yield, policy direction set forth in IM 2012-044, the BLM's 2004 National Sage-Grouse Habitat Conservation Strategy, and the BLM's Special Status Species Manual, the BLM's purpose for this planning effort is to identify and incorporate appropriate conservation measures in RMPs to conserve, enhance, and/or restore GRSG habitat by reducing, eliminating, or minimizing threats to that habitat. The goal of the BLM's GRSG conservation strategy range-wide is to provide for the conservation of the GRSG and its habitat and to provide the FWS with regulatory certainty that, in turn, will potentially preclude a determination that the species is warranted for listing.¹ To the extent a particular recommendation is inconsistent with that goal or the policies identified above, the BLM has respectfully declined to adopt it. See 43 U.S.C. 1712(a)(9); 43 U.S.C. 1610.3-2.

¹ Notably, the chairs of the Sage Grouse Task Force recognized this goal in 2011 by making a commitment to develop an action plan that "prescribes near-term conservation measures, that when added to the body of past and current efforts would ensure a viable sage-grouse population in the West and preclude the listing of the species." (Mead, Hickenlooper, and Pool Letter, June 2011)

To ensure that we have fully responded to your concerns, the issues you identified in your consistency review are listed below, and are followed by the BLM's response. Please note that the BLM generally only responded to issues that you identified as being inconsistent with your State's (or other local and tribal) plans and not issues of disagreements with portions of the PRMPA. In addition, the BLM provides information to resolve several areas of disagreement and provide appropriate clarification to address concerns as we finalize the plans.

Issues Raised by County Commissioners

Harney County submitted a consistency review letter and accompanying documents with a number of issues additional to the State's review. Thank you for transmitting these comments. In your letter, you stated that Harney County's comments were not incorporated or adopted into your consistency review. As such, we have not responded to them here, but, in accordance with your request, we will contact Harney County to address their questions and concerns outside of this consistency review process.

State of Oregon's Recommendations and the BLM's Responses

Issue: Exceptions to Proposed Designations

Governor's Concern: *The SFA protective designations undermine state and local government's ability to address human development proposals and impacts according to state law in a landscape manner across Oregon's range (i.e., the approach codified in the referenced Oregon Admin. Rules). In addition, BLM's proposed approach would treat PHMA in 3 of Oregon's 8 affected counties disparately, making for a disjointed approach. Oregon's approach relies upon managing human development actions within a mitigation framework of avoid, minimize, and mitigate (compensatory mitigation). We have established strong avoidance tests for Core and Low Density habitats, as well as a 3% cap in PACs for human development levels and a metering approach that ensures development levels do not exceed 1% over a 10-year period within the overall cap. Instead of managing renewable energy development, mining, or other development-based impacts within the above conservation framework, the BLM approach advances inflexible designations (i.e., exclusions, mineral withdrawals, no surface occupancy) that fully preclude specific development types in certain areas without flexibility.*

Governor's Recommendation: *Oregon appreciates the more flexible approach taken to PHMA outside of SFA boundaries in counties where SFA designations exist. However, concerns persist related to an approach that is inconsistent with Oregon's Admin. Rules. The BLM provisions advance an inconsistent approach that would have the effect of (a) interfering with the State's ability to apply its land use rules and mitigation hierarchy in a landscape-based manner; (b) complicating the State's approach to compensatory mitigation and commitments related to BLM and Oregon's coordinated work on this issue; and (c) forcing human development onto private lands, potentially to the net-detriment of GRSG. The RMPA should approach large-scale development in PHMA consistent with the approach outlined in Oregon's Admin. Rules. This could take the form of allowing exceptions to the RMPA's proposed designations where consistent with Oregon law and where a net conservation benefit to GRSG would occur.*

BLM Response: The PRMPA would treat Priority Habitat Management Areas (PHMA) outside of Sagebrush Focal Areas (SFA) in Malheur, Lake, and Harney counties as avoidance (not

exclusion) areas for rights-of-way (ROWs), including solar and wind energy development in recognition of several facts which gave the BLM confidence that limited development could be managed in a manner compatible with the conservation objectives: renewable energy development was a high economic priority for the State, these counties have large areas of high quality habitat and stable populations, the BLM plans have strong disturbance cap limits of 1 percent per decade, strong avoidance criteria, and large SFA areas that would remain exclusion areas. In other parts of the State, and throughout most of the PHMA in other states, the BLM instituted exclusion for solar and wind energy in PHMA based on due consideration of the threats to GRSG and the need to conserve the remaining habitat, provide regulatory certainty, and meet the conservation objectives.

The BLM respectfully declines to adopt this recommendation because it is not consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands, in particular, the BLM's Sage-Grouse Strategy, its Special Status Species Policy, and its goal to provide regulatory certainty for the conservation of the GRSG and its habitat so as to potentially reduce the need to list the species.

Issue: Grazing Management 1

Governor's Concern: *The proposed RMPA states, "Changes must include one or more of several activities that limit grazing on rangeland...." This and other RMPA provisions related to livestock grazing, if implemented without further clarification or revision, run contrary to Oregon's strong statutory policy to protect working agricultural lands. ORS 215.243 and OAR 660-015-0000(3).*

Governor's Recommendation: *Oregon requests clarity and certainty be provided that changes would occur based on allotments not meeting rangeland health standards and permit conditions rather than as a matter of course when renewing grazing permits or leases or advancing allotment management plans, as the current language implies. Further, it is our belief that the list of options and related language in Action LG/RM 2 is inconsistent with what exists in other BLM RMP language addressing this same issue, such as Idaho and Montana. We suggest changing the LG/RM 2 language to reflect the following: "Where an allotment is not meeting one or more Rangeland Health Standards and Guidelines, and the BLM has determined the causal factor is livestock grazing, changes in grazing management that will improve or restore habitat quality will be made as soon as practical but no later than the start of the next grazing year pursuant to 43 C.F.R. 4180.2(c). The BLM identifies the following as grazing management options to consider (BLM 2000, 2011): * Changes in salting and/or watering locations; * Change in the season, fencing, duration or intensity of use; * Reducing grazing use levels; * Temporary livestock non-use (rest); and/or * Extended livestock non-use until specific, local objectives are met as identified."*

BLM Response: Livestock grazing is an integral part of the BLM multiple-use mission and is authorized by the Taylor Grazing Act (1934), the Federal Land Policy Management Act (1976), and the Public Rangeland Improvement Act (1978). In light of the goal of this effort to provide regulatory certainty for the conservation of the GRSG and its habitat so as to potentially reduce the need to list the species, in addition to the applicable policies identified above, including the BLM's Greater Sage-Grouse Conservation Strategy, its Special Status Species Policy, the BLM finds it is essential to include these range management objectives in the PRMPs.

While livestock grazing is not identified as a wide-spread threat to GRSG habitat, improper range management can be a localized threat to GRSG habitat. By ensuring that the National Environmental Policy Act (NEPA) analysis associated with land-use activities, including but not limited to livestock grazing permit renewals and modifications, includes specific adaptive management thresholds and responses based on the GRSG Habitat Objectives Table, Standards for Rangeland Health (SRH) (43 C.F.R. 4180.2), and ecological site potential, the BLM will be able to make adjustments to livestock grazing when necessary to respond to rangeland conditions that have already been analyzed under NEPA. This approach provides the FWS with greater certainty that the BLM will take prompt action when any range-use is not meeting, or moving toward meeting, a GRSG habitat objective or land health standard.

We agree that clarification of Action LR/RM 2 would provide more certainty of actions for all readers; therefore, the ARMPA grazing section will include minor edits to Action LR/RM 2. Action LR/RM 2 will make clear that "...Potential modifications include, but are not limited to, changes in the following grazing management practices to improve conditions...." Action LR/RM 2 will also include a qualifier that clarifies the management strategies "may include, but are not limited to, the following...." These minor edits should address the State's concern about "available tools for proper range management to address site-specific concerns."

Livestock grazing permit changes take place only after the appropriate monitoring, rangeland health assessments, and site-specific NEPA reviews are completed for respective allotments, in accordance with 43 C.F.R. 4110.3 – Changes in grazing preference, and 43 C.F.R. 4130.3 – Terms and Conditions. In exercising its authority to modify terms and conditions of a permit or lease following completion of the NEPA analysis, the BLM will engage in close consultation, cooperation, and coordination with the affected lessees or permittees, the State agency managing lands or responsible for managing resources within the area, and the interested public. Also, please note that all applicable procedures that are required pursuant to the grazing regulations will be followed, including the right to protest and appeal.

The PRMPA states that if SRH and other RMP objectives are not being achieved and are a result of livestock grazing, then changes in management would be required. If SRH and other RMP objectives are being met, then no changes would be required.

To further clarify, the PRMPA direction to prioritize reviews of livestock grazing to ensure consistency with land health standards and GRSG Habitat Objectives in SFAs is not meant to nor is it intended to communicate that livestock grazing is a threat in these areas. To the contrary, given the high value placed on maintaining "strong, durable, and meaningful protection" of the federally administered lands in the SFAs, the purpose of prioritizing reviews of the status and health of rangelands in SFAs is to ensure that, where there should be a concern, resources and assistance can be provided to the permittee to help make progress toward meeting land health standards and objectives consistent with the ecological potential of that site. In this way, the BLM can make prudent use of limited range management resources to both protect these highly valued habitat areas and ensure that, should improper grazing be occurring, the permittee is provided with the resources and assistance necessary to correct the situation.

The BLM respectfully declines to adopt this recommendation because it is not consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands, in particular, the BLM's Sage-Grouse Strategy, its Special Status Species Policy, and its goal to

provide regulatory certainty for the conservation of the GRSG and its habitat so as to potentially reduce the need to list the species. However, in response to your concerns and those included in the protests, the BLM will provide clarifying information on the range management actions in the Record of Decision (ROD) to make clear that appropriately managed livestock grazing may continue under the plans.

Issue: Grazing Management 2

Governor's Concern: *Where voluntary relinquishment of a grazing permit or lease occurs, the proposed RMPA language would require the BLM to consider whether the affected land "should remain available for livestock grazing..." This relates to the potential retirement of relinquished grazing permits, and without clarification or modification, would run contrary to the intent of the Oregon statutory and rule provisions referenced in the adjacent column relating to preservation and maintenance of agricultural lands.*

Governor's Recommendation: *BLM should follow existing laws and authorities related to permit retirement. The RMPA language should be clarified to reflect this and ensure the existing LG / RM 15 language is not expanding upon that authority. Where voluntary permit relinquishment occurs, BLM would normally make lands available to another potential permittee or lessee. The RMPA language should recognize this while also recognizing the ability to consider other options within the scope of established law, including consistency with the Oregon laws referenced herein.*

BLM's Response: The language in the PRMPA reflects an accounting of the BLM's existing authority regarding voluntary relinquishments and actions that can be considered upon relinquishment. The purpose of this language is not intended to encourage relinquishments nor conversion of these lands to non-agricultural uses. The BLM will make the determination on the use of the lands on a case-by-case basis consistent with our current administrative process.

The recommendation does not identify an inconsistency with State or local resource related plans, policies, or programs. However, in response to your concerns and those included in the protests, the BLM will provide clarifying information on existing grazing regulations specific to permit retirement, including that the language does not apply to transfers.

Issue: Habitat Objectives and Habitat Assessment Framework

Governor's Concern: *The RMPA's proposed approach to specific indicators of habitat health prescribes fine and site-scale seasonal indicators and desired condition values (Table 2-4). Management changes affecting ranch operations would occur based on achievement of these indicators. Oregon understands that this approach was developed based on the Habitat Assessment Framework (HAF). Oregon has concerns over the potential application and implementation of HAF, which could result in conflicts with Oregon law related to agricultural preservation and maintenance. Some concerns related to the HAF include:*

Setting a minimum stubble height is problematic due to extreme variability in stubble height potential between years, plant species, and ecological sites (Clark 1945, Heady 1950). HAF utilizes a protocol to measure vegetation on a straight line transect. This protocol under-reports nesting cover. It is well documented that herbaceous screening cover immediately adjacent to a

nest can affect nest and chick predation (Holloran et al. 2005, Gregg & Crawford 2009). Long-term trend monitoring is essential, but the cost of implementing the HAF approach at scale is very significant. If BLM resources are not in place for such monitoring, livestock operators could unjustly bear the burden of poor data quantity or quality.

Governor's Recommendation: *Oregon requests revised RMPA language that clarifies and provides more specific information and direction as to how the HAF will be applied and used in conjunction with other tools at the BLM's disposal. Oregon's Sage Grouse Action Plan and the related CCAA effort rely upon a State and Transition Model approach. While not exclusive of HAF, Oregon proposes that the RMPA language be modified to clarify how the proposed RMPA approach will focus on monitoring and providing for stable or positive trends in cover values for the attributes measured in HAF, as opposed to one point in time height and utilization standards and values. It appears RMPA FEIS p.4-100 supports a trend approach.*

BLM Response: In light of the BLM's Sage-Grouse Strategy, its Special Status Species Policy, and its goal to provide regulatory certainty for the conservation of the GRSG and its habitat so as to potentially reduce the need to list the species, the BLM finds it is essential to include habitat objectives for the GRSG. The Oregon BLM developed these objectives based on local data and best available science, including data and information obtained from scientists with the Eastern Oregon Agricultural Research Center (FEIS 2-39). In response to your concerns and those included in the protests, the BLM will provide clarifying information on the application of the Habitat Objectives in the ROD and later implementation documents.

The GRSG Habitat Objectives as presented in the PRMPA provide vegetation objectives for all sage-grouse life history stages and are based on the habitat conditions within and the best available science specific to the planning area. These objectives will assist the BLM with meeting, or moving toward meeting, applicable land health standards in GRSG habitats through the establishment of measurable, desired outcomes in the BLM plans.

These habitat objectives may not be obtainable on every acre within the designated GRSG habitat management areas. Therefore, the application and determination on whether the objectives have been met will be based on the specific site's ecological potential to meet the desired condition identified in the table.

The Sage-Grouse Habitat Assessment Framework (2015) (HAF) is not in conflict with other strategies or with methods identified in Candidate Conservation Agreements (CCA) and Candidate Conservation Agreements with Assurances (CCAA), but rather is a multi-scale habitat assessment tool that will be used in conjunction with other rangeland health indicators. The HAF methodology is consistent with the methodology in the Oregon Department of Fish and Wildlife (ODFW) state strategy (Appendix II of ODFW's strategy). The HAF is not a point-in-time monitoring approach but rather a form of trend monitoring that will be completed in conjunction with the Assessment Inventory and Monitoring (AIM) Strategy. Furthermore, page 2-43 of the PRMPA states that "if monitoring data show the habitat objectives have not been met nor progress being made towards meeting them, there will be an evaluation and a determination made as to the cause." This determination will continue to follow BLM current policy as outlined in BLM Handbook 4180-1, 2001. The BLM will continue to make management changes, if necessary, based on the results of this land health evaluation. Additional information to complete the HAF at the mid, fine, and site scales will be addressed in the implementation

strategy for the ARMPA. The BLM agrees that it is important to clarify how the HAF and methods under the CCAs/CCAAs will be implemented and will include clarifying language to that effect in the ROD. The BLM further looks forward to working with the State and other stakeholders on the implementation under these two programs.

The BLM respectfully declines to adopt this recommendation because it is not consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands, in particular the BLM's Sage-Grouse Strategy, its Special Status Species Policy, and its goal to provide regulatory certainty for the conservation of the GRSG and its habitat so as to potentially reduce the need to list the species.

Issue: Habitat Map Updates

Governor's Concern: *Mapping of priority GRSG habitats. BLM indicates that it has identified and mapped GRSG habitat in coordination with ODFW. In order to ensure a consistent approach to map revision or updates—and in turn a consistent approach to the various significant decisions that flow from or are based on map boundaries for designated GRSG habitats—Oregon is concerned that the RMPA does not ensure consistency with the Oregon Admin. Rules related to this issue. OAR 636-140-0015.*

Governor's Recommendation: *Provide direction in the RMPA that BLM will update its maps when ODFW does so, and in coordination with ODFW's process, including use of local knowledge, implementation teams, and best available science. Also, include an RMPA provision that requires coordination with ODFW prior to BLM making project-level decisions in order to ensure BLM is relying upon the most current information related to GRSG habitat and habitat use.*

BLM Response: As new information becomes available about GRSG habitat, the BLM, in coordination with the ODFW and FWS and based on best available scientific information, may revise the GRSG habitat management area maps and associated management decisions through plan maintenance or plan amendment, as appropriate. This is explained in the PRMPA at 2.8.6 and Table 2-3, Action SSS-7 and page 2-11. In addition, page 2-11 of the PRMPA describes the BLM's commitment to continue to collaborate with the ODFW and use the best available information when updating PHMA and General Habitat Management Area (GHMA):

“ODFW will update its core area boundaries, as explained in Hagen (2011, pp.87-88) not more frequently than every five years. The BLM may update PHMA and GHMA, in cooperation with ODFW and using the best available information.”

The BLM is committed to taking any changes in habitat maps into consideration when it makes future decisions in the planning area (e.g., where criteria for No Surface Occupancy exceptions may be met, determining appropriate Required Design Features (RDFs)/Best Management Practices).

However, in order to change the allocations and other management decisions associated with the current habitat maps, the BLM must make a determination, under BLM planning regulations and implementing guidance, as to what procedure is required to implement that change. The BLM

cannot make that judgment until it is presented with the facts of a particular mapping change, and it cannot modify its regulations governing that determination as part of this planning process.

Moreover, in light of the BLM's Sage-Grouse Strategy, its Special Status Species Policy, and its goal to provide regulatory certainty for the conservation of the GRSG and its habitat so as to potentially reduce the need to list the species, the BLM finds it is essential to provide the certainty that management actions will occur in the identified habitat management areas for the GRSG. The BLM therefore respectfully declines to adopt this recommendation. However, in response to your concerns and those included in the protests, the BLM will clarify in the ROD how GRSG maps may be updated to reflect changes in habitat determinations and associated land allocation and management decisions. The clarification in the ROD on this issue will be consistent with this response and with the explanation provided in the PRMPA.

Issue: Required Design Features (Appendix C in FEIS)

Governor's Concern: *In order to ensure improvements in GRSG populations and consistency with Oregon law related to agriculture, Oregon asserts that specific Appendix C provisions may run counter to both objectives (and associated state law). OAR 636-140-0015 ORS 215.243(2) OAR 660-015-0000(3) (Statewide Land Use Planning Goal 3—Agriculture) OAR 660-015-0000(9) (Statewide Land Use Planning Goal 9—Economic Development)*

Governor's Recommendation: *In Appendix C, add as a basis for a RDF variation "A variation is needed to provide protections to other fish, wildlife, or plant species." Allow variations to better accommodate site specific conditions, such as pasture boundaries and restrictions in riparian areas (i.e., salt blocks). Ensure that Appendix C does not create untenable cross-directives for BLM employees. Modify Appendix C, p. C-3 (Common to All #17), p.C-8 (Livestock Grazing #2 and #7) to allow more flexibility where appropriate to meet resource objectives or RDF variation purposes.*

BLM Response: This recommendation does not identify an inconsistency with State or local resource related plans, policies, or programs. The RDFs are required for certain activities in all GRSG habitat. As stated on page C-1 (Final Environmental Impact Statement Appendix C), the applicability and overall effectiveness of each RDF cannot be fully assessed until the project level, when the project location and design are known. Because of site-specific circumstances, some RDFs may not apply to some projects and/or may require slight variations. We agree flexibility and variations are appropriate and these would be based on site-specific circumstances and the BLM will add clarifying language to include state-implemented conservation measures or protections as an alternative to consider in the application of RDFs.

Additional State Concerns: The Oregon BLM welcomes the supplemental topics the State has developed for future collaboration. As the State and BLM plans are implemented, I intend to meet our shared goals through coordinated development of a mitigation approach. Other matters will be addressed in the course of developing the BLM's priorities aligned with budget, fire management planning, and execution of CCAs. We agree that the Oregon BLM will greatly benefit from the State's continued involvement in issues regarding the conservation of GRSG.

Conclusion

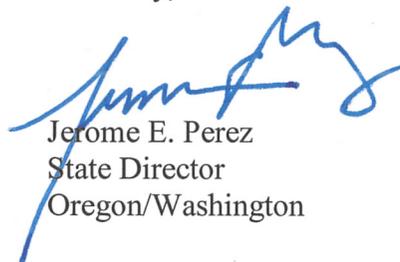
Please note that you have the opportunity to appeal this response to the Director of the BLM pursuant to 43 C.F.R. 1610.3-2(e). Such an appeal must be filed within 30 days of your receipt of this letter, by September 8, 2015. Please submit appeals to:

BLM Washington Office
Attention: Director of the BLM
1849 C Street NW, Rm. 5665
Washington DC 20240

Thank you for your comprehensive and thoughtful consistency review. I also greatly appreciate the resources your staff and many State agencies have contributed to the consistency review and the BLM's Oregon GRSG planning effort. If you have any questions, please contact Joan Suther, Sage-grouse Project Manager, at 541-573-4445 or jsuther@blm.gov.

I look forward to continuing a productive and collaborative working relationship as we move forward in implementing our respective and complementary sage-grouse plans.

Sincerely,



Jerome E. Perez
State Director
Oregon/Washington