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BUREAU OF LAND MANAGEMENT
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Instruction Memorandum No. ID-2009- 006
Expires: 09/30/2010 **EXTENDED TO 9/30/2011**

To: District Managers

From: State Director

Subject: Policy Statement on the Implementation of the Conservation Plan for the Greater Sage-grouse in Idaho.

Program Area: Wildlife, Special Status Species, Fire, Emergency Stabilization and Rehabilitation (ESR), Fuels, Range, Riparian, Realty/Energy, Recreation, and Land Use Planning.

Purpose: The purpose of this Instruction Memorandum (IM) is to provide interim guidance that is intended to help eliminate, reduce or minimize threats to sage-grouse and sage-grouse habitat on Idaho BLM lands, through the implementation of appropriate conservation measures.

Policy/Action: Effective immediately, completed Local Working Group (LWG) plans and the *Conservation Plan for the Greater Sage-grouse in Idaho* (State Plan) will be used as a reference resource to support and guide National Environmental Policy Act (NEPA) analyses and decisions affecting sage-grouse or sage-grouse habitat on Idaho BLM lands. As stated in the State Plan, completed LWG plans should be considered first when addressing local sage-grouse conservation issues. However, it is important to recognize that six LWGs are still in the process of writing their plans, and one LWG (Mountain Home) has yet to be formally established. In addition, some LWG plans may not address certain important or emerging issues. The State Plan therefore provides an important interim planning resource. As new information becomes available (e.g., new published scientific literature, new guidelines, Best Management Practices (BMPs), or similar documents), this IM and/or the State Plan may be updated. Interim policy guidance is as follows:

- 1. Land Use Plans:** To promote the conservation of sage-grouse in Idaho, the State Plan and/or completed LWG plans will be used in the development of new or revised Resource Management Plans (RMPs). Additionally, other appropriate considerations that may arise through the public process may also be incorporated into land use plans.

2. Activity Plans, Authorizations and Projects. Appropriate conservation measures, as described in Chapter 4 of the State Plan, or as described in completed LWG plans, will be applied to all actions authorized, funded, or carried out on Idaho BLM lands, to the greatest extent possible. This provides considerable local flexibility, while promoting conservation of the species. In some cases, the recommended conservation measures in the State Plan comprise a suite of possible tools that can be used to promote both sage-grouse habitat conservation and various land uses, and not all may need to be used in any one place to address a particular threat. For example, with respect to “Livestock management and herbaceous plant canopy cover”, (Chapter 4, page 60 of the State Plan), eleven potential management actions are presented, any one of which might be the most appropriate for implementation in a given situation. In other cases, specific measures in the State Plan, such as lek buffers for new fences, timing restrictions for human disturbance around leks, and others that are more explicit, are expected to be used, unless the appropriate analysis indicates defensible reasons to the contrary, or if conservation measures in a completed LWG plan are more appropriate for conserving sage-grouse.

3. Project Analyses (NEPA) for New Infrastructure Activities in Sage-grouse Habitats: Until research determines otherwise, uncertainty exists over the potential direct (e.g., collisions, habitat modification) and indirect (e.g., behavioral avoidance) impacts to sage-grouse regarding the effects of proposals for tall anthropogenic structures (e.g., meteorological towers, communications towers, telephone poles, power-lines/poles, and similar structures) in Idaho’s key sage-grouse habitat and important restoration areas. This uncertainty creates an extraordinary circumstance with regard to impacts on sage-grouse, therefore the use of Categorical Exclusions should be avoided unless it can be clearly documented that potential adverse impacts to sage-grouse are not significant and that no other extra-ordinary circumstances exist (See 2008 NEPA Handbook H-1790-1; Appendix 5). In addition, when considering proposals for the installation of new MET towers, field office managers or their representative will remind proponents that any subsequent approval of such towers is for purposes of wind data collection only, and does not imply agreement or consent by the BLM as to the appropriateness of the site for subsequent wind energy development proposals.

4. Wind Energy Development. The State Plan, Chapter 4, page 44, provides recommended conservation measures related to wind energy development.

a. General: Districts are reminded that sage-grouse habitats in Idaho have been reduced significantly over the past century, and will continue to be affected by wildfires, spread of invasive plant species, human activities, and other factors. As a result, commercial-scale wind energy development in sage-grouse habitat is in conflict with the goal of the State Plan to “*Maintain, enhance or restore sage-grouse habitat, and continuity of habitats, at multiple spatial scales*” (Chapter 1, page 14 of the State Plan). Consequently, sage-grouse must be given high priority during all phases of wind energy evaluation studies and proposals, environmental analysis, project design, decision-making, right-of-way issuances, and implementation/monitoring.

To assist field offices in evaluating the potential cumulative effects of wind energy projects during NEPA analysis, the Idaho State Office has recently acquired from the Idaho Department of Water Resources, and made available to the field, an updated Geographic Information System

(GIS) layer of current and proposed wind energy development projects in Idaho. Periodic updates will be provided as they become available.

b. Meteorological (MET) Towers: The State Plan, Chapter 4, page 45 reads, “*To reduce the risk of collisions, avoid the use of guy wires for turbine or meteorological tower supports. All existing guy wires should be marked with recommended bird deterrent devices.*”

i. Guy wires on MET towers: To promote implementation of this conservation measure, self-supporting MET towers are encouraged. If guy wires are necessary for new (yet to be installed) MET towers within key sage-grouse habitat, important restoration areas, or known seasonal concentration areas, as determined locally, all wires shall have permanent markers attached for their entire length, to increase visibility to birds and reduce collision risk. For currently installed MET towers in the aforementioned habitats that are under existing rights-of-way, field offices will work with the right-of-way holder to explore options for reducing collision risk, if collisions have been documented.

New and existing MET towers outside of the habitats described above shall be monitored to determine the need for marking of guy wires.

ii. New guidance for siting of new temporary MET towers: The infrastructure portion (Section 4.3.2) of the State Plan does not specifically address the siting of temporary/exploratory MET towers. Given the potential, albeit uncertain impacts associated with new tall structures in sage-grouse habitat, the siting of new temporary MET towers shall be avoided within two miles of active sage-grouse leks unless they are out of the direct line of sight of the active lek.

A MET tower may be located within two miles of an active lek if a visual obstruction is present to reduce the visibility of the tower in such a manner that reproductive activities are not adversely impacted. For purposes here, an active lek is conservatively defined as one where at least two strutting male sage-grouse have been documented in at least **one** of the past five years, since not all leks are counted annually and lek occupancy data are limited in many parts of Idaho. This guidance is compatible with BMPs for wind site monitoring and testing described in Attachment A-6, of the 2005 Record of Decision implementing the BLM’s *Final Programmatic EIS on Wind Energy Development on BLM-Administered Lands in the Western United States*. The BMPs specify that “*Meteorological towers shall not be located in sensitive habitats or in areas where ecological resources known to be sensitive to human activities (e.g., prairie grouse) are present.*” This direction is also consistent with the intent of the *2006 Conservation Plan for the Greater Sage-grouse in Idaho*, and the *Western Association of Fish and Wildlife Association Guidelines to Manage Sage-grouse Populations and Their Habitats (Connelly et al. 2000)*; and Oregon BLM IM 2008-014.

MET tower proposals within key sage-grouse habitat or important restoration areas, but occurring in excess of two miles from an active lek(s), shall be analyzed through the appropriate NEPA process with respect to potential adverse impacts to sage-grouse nesting, wintering and/or brood-rearing habitat. Appropriate conservation or mitigation

measures will be incorporated into project siting and design, to eliminate, reduce or mitigate adverse effects to sage-grouse and affected seasonal habitats.

The use of lattice MET towers in key sage-grouse habitat and important restoration areas should be avoided, to reduce the likelihood of avian predator perching/nesting. Additional BMPs/conservation measures may also be required of the applicant by the BLM to mitigate negative effects of installing MET towers in sage-grouse habitats, depending on local conditions. Applicants/project proponents will also provide for monitoring of sage-grouse leks and seasonal habitats affected by MET tower proposals, as determined by the BLM.

5. Fence Collision Risk: The State Plan, Chapter 4, page 63, Conservation Measure 1 states: *“Biologists, in cooperation with LWGs and willing landowners, are encouraged to use existing knowledge, allotment/pasture maps and lek distribution maps, to determine which fences may pose the greatest risk for collision mortality.”* Conservation Measure 2 states *“If sage-grouse mortality due to collision with fences is documented, or if collisions are likely to occur due to new fence placement, implement appropriate actions to mitigate impact. Such actions might include marking key section of fences with permanent flagging or other suitable means. Field personnel and landowners should use their best judgment in determining where fence marking is required to lessen the impacts to sage-grouse.”*

a. To reduce the impact of new fences on sage-grouse, field offices will ensure that new fence proposals, including those for Emergency Stabilization and Rehabilitation, are carefully evaluated for sage-grouse collision risk, and sited in a manner consistent with conservation measures in the State Plan or completed LWG plan.

b. For existing fences where sage-grouse collisions have been documented, and where marking or flagging may be in order, field office wildlife biologists should cooperate with the University of Idaho fence/tall structures research project (see Background). Researchers may be able to provide useful recommendations and may be interested in incorporating the modifications into the study. Information forthcoming from this study or other sources may be used to modify provisions of this IM at a future date.

Timeframe: This IM is effective immediately.

Background: Given ongoing trends in wildfires, spread of invasive plant species, infrastructure and renewable energy development, and other factors across the southern Idaho landscape, the need exists for Idaho BLM to implement appropriate conservation measures to conserve sage-grouse and sage-grouse habitat, and to plan for habitat protection and restoration.

It is important to understand that the U.S. Fish and Wildlife Service (FWS) is in the process of reviewing the status of the greater sage-grouse rangewide. Regardless of the outcome, sage-grouse will remain vulnerable due to on-going effects associated with wildfire, invasives and other factors. It is therefore prudent that Idaho BLM undertake efforts in both the immediate and long term to ensure that ongoing or future actions authorized on Idaho BLM lands do not

contribute to the need for listing, and instead seek to conserve sage-grouse and associated habitats, by eliminating, reducing or minimizing threats.

In July 2006, Idaho BLM, in cooperation with the Idaho Department of Fish and Game (IDFG) and other Federal, state, and non-government partners completed the *Conservation Plan for the Greater Sage-grouse in Idaho* (State Plan). A Memorandum of Understanding (MOU) implementing the State Plan was signed by state-level directors. The MOU was endorsed by then Governor James Risch, on July 10, 2006. The MOU states that “*Federal Government Agencies shall... Implement, to the extent possible, the actions identified in the 2006 Conservation Plan for the Greater Sage-grouse in Idaho; work collaboratively with the aforementioned state government agencies, to the extent possible, in supporting the intent and actions identified in said Plan; work collaboratively through the Idaho LWGs, and other appropriate mechanisms, to support the intent and actions contained in said Plan*” (State Plan Page xix and xxx.).

This IM is intended to reinforce the intent of the MOU, and to ensure that conservation actions are implemented to the furtherance of sage-grouse conservation in Idaho. It also provides additional clarification of conservation measures related to new infrastructure activities in sage-grouse habitats, aspects of wind energy development, and reducing impacts from wire fences. Since infrastructure development in particular, (power lines, wind energy development, roads, etc.) was identified in the State Plan as being second only to wildfire as a threat to sage-grouse statewide, and proposals for wind energy development, power transmission lines and related facilities in sage-grouse habitats have been increasing, it is important that we ensure authorizations for such activities incorporate conservation measures. While it is acknowledged that sage-grouse conservation in certain parts of Idaho might most effectively be accomplished by disallowing the construction of additional infrastructure, this IM represents an interim attempt to conserve the species while accommodating certain aspects of energy development or exploration.

Future management actions and decisions will continue to be guided by available best science and the results from research currently under way. For example, Idaho BLM, IDFG, and the University of Idaho have initiated a research study to help identify the magnitude and extent of sage-grouse and fence collisions and provide recommendations as to appropriate marking to reduce collision risk to sage-grouse. The researchers will also be evaluating the influence of other tall anthropogenic structures on sage-grouse. A preliminary GIS analysis of pasture/allotment boundaries and proximity to active leks has been completed by the Branch of Resources and Science Branch (ID-931) and Branch of Engineering and Geographic Sciences (ID-956) and provided to the researchers. Field offices have also recently provided helpful follow-up information regarding potentially problematic fences.

Manual/Handbook Sections Affected: Policy action taken is in accordance with National Special Status Species Management Policy (Manual 6840).

Coordination: This IM was coordinated within the Division of Resource Services and specifically between programs in the Branch of Resources and Science (ID-931).

Contact: If you have questions on this IM contact Paul Makela, Wildlife Biologist, at (208) 373-3809 or via email (Paul_Makela@blm.gov).

Boise District with Union: Management is reminded to notify and satisfy any bargaining requirements prior to implementation.

Signed by:
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