FedEx Office

FedEx Kinko's is now FedEx Office

# Fax Cover Sheet



Date 3/2/12

Number of pages 27 (including cover page)

## To:

Name Don Simpson

Company WY BLM

Telephone

Fax 307-775-6203

## From:

Name Daly Edmunds

Company Audubon Wyoming

Telephone 307-760-7342

Comments 26 pages total (includes 5 Exhibits)

* May 2012 Lease Sale Protest *

7 90363 00711 1
Fax - Local Send

7 90363 00714 2
Fax - Domestic Send

7 90363 00720 3
Fax - International Send

fedex.com 1.800.GoFedEx 1.800.463.3339



22705

WESTERN RESOURCE
ADVOCATES

TRANSMITTED & FILED BY FAX TO: 307-775-6203 (hard copy by U.S. Mail)

March 2, 2012



Don Simpson, State Director
Bureau of Land Management
5353 Yellowstone Road
P.O. Box 1828
Cheyenne, WY 82003

**RE: PROTEST OF 42 PARCELS TO BE OFFERED AT THE BLM's MAY 1, 2012 COMPETITIVE OIL & GAS LEASE SALE: WY-1205-004, 005, 006, 007, 008, 009, 010, 011, 012, 014, 015, 020, 021, 024, 025, 026, 028, 030, 031, 035, 036, 043, 044, 048, 056, 059, 060, 061, 075, 095, 108, 109, 116, 117, 120, 122, 125, 126, 128, 133, 134, 153**

Dear Mr. Simpson:

The Bureau of Land Management's May 1, 2012 oil and gas lease sale proposes to offer certain parcels (the "Disputed Parcels") comprising tens of thousands of acres of public land or mineral estate within identified Greater sage-grouse Core Population Areas (or Core Areas). The National Audubon Society and Audubon Wyoming ("Audubon") are concerned that the sale and subsequent development of the Disputed Core Area Parcels would further jeopardize the continued viability and recovery of the Greater sage-grouse and therefore request that the protested parcels be withdrawn from sale. Audubon comments on the Environmental Assessments prepared in conjunction with the sales requested deferral of all lands in Core Areas by letter dated January 4, 2012.

## 1. Introduction

Of 153 parcels proposed for leasing, not including the 5 proposed for deferral by the BLM in Notice #1 (dated 2/22/12), 42 are within Greater sage-grouse core areas. Exhibit A.

The tentative conclusion of the unsigned FONSI that the project will not significantly impact the environment and that environmental effects will not meet the definition of significance are unsupported. Leasing core habitat would likely: 1) have significant impacts on the Greater sage-grouse's prospects for recovery and survival, and 2) push the species towards a listing decision that could result in significant socio-economic and environmental impacts across Wyoming and the region.

COLORADO - 2260 Baseline Road, Suite 200 - Boulder, CO 80302 - 303.444.1188 - Fax: 303.786.8054 - Email: info@westernresources.org
NEVADA - 204 N. Minnesota Street, Suite A - Carson City, NV 89703 - 775.841.2400 - Fax: 866.223.8365 - Email: info@westernresources.org
NEW MEXICO - 409 E. Palace Avenue, Suite 2 - Santa Fe, NM 87501 - 505.820.1590 - Fax: 505.820.1589 - Email: info@westernresources.org
UTAH - 150 South 600 East, Suite 2A8 - Salt Lake City, UT 84102 - 801.487.9911 - Email: utah@westernresources.org

www.westernresourceadvocates.org

2. **Core Population Areas are vital to the survival and recovery of the Greater sage-grouse, and a conservative management approach that precludes listing in core areas is needed pending completion of BLM's National Planning Strategy.**

***Core Areas are Designated Due to their Importance to Sage-grouse Populations:***
Core Population Areas are necessary for the protection of this candidate species and integral to conservation strategies being implemented by the State of Wyoming and BLM. *See* IM 2010-012 and 2010-013, EO 2010-4 (the IM and EO are part of the administrative record relied on by the EAs). The central importance of Core Population Areas is further recognized by Wyoming Executive Order 2011-5. Core habitat is the nesting and early brood rearing habitat for over eighty percent of the Greater sage-grouse breeding population in Wyoming.
http://gf.state.wy.us/habitat/SagebrushSageGrouse/index.asp. The range-wide population of the Greater sage-grouse has already experienced a ninety percent decline from historic records– ongoing and reasonably foreseeable future intrusions into sage-grouse habitat led the U.S. Fish & Wildlife Service to determine that listing the Greater sage-grouse as threatened or endangered is warranted. *See* 75 Fed. Reg. 13910-14014 (March 23, 2010).

The unprecedented scale at which parcels located within core areas are being proposed for leasing threatens to undercut efforts to recover the species and its habitat. Because of the importance of core population areas to sage-grouse populations, parcels located within core areas should not be leased. Audubon's biological expertise on this issue is summarized in Exhibit B, Expert Comments of Alison Holloran, Director of Science – Rocky Mountain Region, Audubon Rockies.

***BLM's Analysis Failed to Consider National Technical Team Report:***
Although BLM applied the sage-grouse screen, per IM WY-2010-013, it failed to account for the new scientific findings and recommendations set forth in the document titles, "A Report on National Greater Sage-Grouse Conservation Measures" produced by the BLM's Sage-grouse National Technical Team and dated December 21, 2011 (Technical Team Report). BLM's analysis of the lease parcels is inadequate because it was not revisited to consider the scientific recommendations of the Technical Team Report.

It is well recognized that Wyoming is the strong-hold for Greater sage-grouse and the sagebrush landscape, on which the species completely depends. Decisions on parcels proposed for the May 2012 lease sale will be critical for the recovery of the species. Extensive research, much of which was focused in Wyoming, has shown the negative impacts of oil and gas activity on sage-grouse populations. Much of this research is compiled, referenced and relied on by the NTT Report.

These impacts include change in habitat use patterns (use of lower quality habitats), avoidance, noise disturbances, increase in invasive species, death due to collision and electrocution, decreased lek recruitment, habitat fragmentation, cumulative impacts, and creation of travel routes for land predators. Furthermore, researchers have documented a correlation between human footprint and sage-grouse persistence and performance in

altered landscapes, providing important insights into impacts of anthropogenic changes in landscape (Aldridge 2000, Braun et al. 2002, Holloran 2005, Naugle et al. 2010).

The EA (at 127-28) acknowledged concerns about invasive and nonnative species impacts but did not analyze how such issues might undercut efforts to recover sage-grouse and habitat; or acknowledge the significant reclamation challenges in these arid landscapes. Nor do the EAs consider the NTT Report findings or recommendations on invasive and nonnative species. NTT Report at 17, 33 (definition of "Conserve"). Because leasing is the point of an irretrievable commitment of resources, these issues must be addressed before offering the disputed core area parcels for sale.

Furthermore, BLM has also failed to adequately consider the need to protect habitat in the seven Disputed Parcels located within the smallest areas (25% polygons) that contain the highest breeding density areas and thus contain high density of leks and are important conservation focus areas (BLM funded Sage-Grouse Breeding Bird Density Map). See Exhibit C, Map. These parcels are listed in the table attached as Exhibit A: 005, 006, 007, 020, 024, 031 and 036. Using peer-reviewed scientific methodology, the Regional Breeding Density map identifies important range-wide focal areas having high density occurrences of Greater Sage-grouse. The maps show areas that contain 25, 50, 75, and 100 percent of nesting sage-grouse, based on lek locations and spring censuses—this depicts the smallest, or most critical, areas necessary to contain 25, 50, 75, and 100 percent of nesting sage-grouse populations, thereby showing, from highest to lowest, current densities of greater sage-grouse in the West. Again, the parcels being protested are located with in the smallest areas (25% polygons) that contain the highest breeding density areas, indicating high conservation value.

3. **Consistent with the recommendations of BLM's National Technical Team, Core Populations Areas should be deferred from leasing as BLM considers what new management policies are needed to recover sage-grouse and habitat.**

The March 2010 USFWS decision that listing the Greater sage-grouse is "warranted but precluded," establishes the urgent need to develop and implement substantive conservation measures between now and 2015, when the Service will reconsider the status of the bird. This finding establishes that efforts to date, including the use of outdated timing and seasonal stipulations as proposed for the Disputed Parcels, are inadequate.

BLM has taken proactive measures in recent months, launching the regional strategy that focuses on the conservation of sage-grouse and the protection of their habitat. Scoping for the Eastern or Rocky Mountain Region populations for BLM's range-wide planning process is open for public comment until March 23. At this point in time, a conservation approach to grouse conservation must defer to the NTT recommendations.

The leasing of parcels within identified important habitat for sage-grouse undermines the larger on-going BLM effort. The Disputed Parcels, all within designated Sage-Grouse Core Areas, must be deferred until the regional planning effort has been completed. If

leasing within sage-grouse Core Population Areas continues, the Service will have little choice but to conclude that such actions establish the continued inadequacy of regulatory mechanisms that constrict or eliminate management options for the largest landowner of sage-grouse habitat. Furthermore, the expanse of leasing proposed within core areas for 2012 lease sales could jeopardize current proactive recovery efforts and doom future options beyond Wyoming.

Leasing large acreage of important sage-grouse habitat, prior to the completion of regional conservation planning efforts, will push the species closer to a full listing and must therefore be avoided. Pending final decisions on RMP amendments and the regional planning process that apply the recommendations of the Technical Team Report, BLM should proceed with caution and avoid any additional leasing of Core Areas. Further leasing of Core Areas at this time is likely to significantly impact existing sage-grouse habitat and populations, and could doom conservation efforts from the start.

The introduction of the Technical Team Report recognizes that "Anthropogenic habitat impacts and lack of regulatory mechanisms to protect against further losses provided the basis for warranting listing under the Endangered Species Act (ESA) in 2010 (75 FR 13910)." TT Report at 4. The Report states that it seeks to provide "the latest science and best biological judgment to assist in making management decisions." Id. at 5. As such, the Report is vital to proposed actions such as the potential leasing of the Disputed Core Population Parcels. BLM's failure to consider the Report requires deferral of all such parcels from the May sale.

*See* Exhibit D, August 27, 2011 letter to Secretary Ken Salazar, re: Conservation community's interest in range-wide conservation of Greater Sage-Grouse.

Submitted by eighteen conservation groups dedicated to sage-grouse recovery, the letter states:

> As our nation's energy demands fuel the continued push for development on western lands, we are concerned that BLM field offices will continue to make decisions that could further degrade remaining sage-grouse crucial habitat. We ask that the agency follow the precautionary principle of **developing conservative interim guidelines** for all field offices that clearly specify actions that are appropriate and inappropriate in sage-grouse habitat. Furthermore, **decisions that could push the species closer to a full listing should be avoided.**

Exhibit D at 1-2 (emphasis in original).

In addition to negatively impacting BLM's regional efforts, offering core area parcels would (1) undermine the RMP sage-grouse amendment process currently proceeding within Wyoming, (2) violate existing BLM sage-grouse policies and Instruction Memoranda, (3) violate NEPA (specifically the "hard look", new information and cumulative impacts provisions), (4) compromise the Audubon Vision of "Open spaces rich in birds and other wildlife, and citizens who value that richness;" (5) violate Federal Land Policy Management Act provisions, including the multiple-use, sustained-yield

mandate and unnecessary and undue degradation provisions (*see* 43 U.S.C. §§ 1712(c)(1), 1732(a) and (b); and 43 C.F.R. § 1601.0-2); and (6) risk undermining the public's trust in the Department of Interior's stewardship responsibility of the nation's public lands and wildlife resources.

Relying on hypothetical or not-yet-determined post-leasing mitigation measures cannot justify leasing the disputed parcels. At this point, respecting the range-wide planning effort and the NTT Report requires deferral. Wyoming and neighboring states already contain hundreds of thousands of acres of valid leases in sage-grouse habitat. It would be irresponsible and reckless to compound the problem by authorizing even more leasing of core habitat at this time.

Premature leasing decisions will inhibit BLM's ability to ensure full and adequate protections. These policies must be informed by the best available and most recent scientific literature, and subject to comment and suggestions by interested public, private, other agency, and NGO stakeholders.

No leasing in core areas should be approved until all new management recommendations have been finalized after considering the comments and appropriately incorporating the input of interested stakeholders. To date, existing RMPs have not incorporated much significant new scientific information regarding the status of the sage-grouse, population trends, or the state of its habitat; or necessary conservation measures to avoid pushing it further towards a listing.

4. **The Purpose and Need of the EA should incorporate essential legal and policy mandates, rather than focusing almost exclusively on overstating the case for leasing oil and gas.**

The Purpose and Need focuses on providing areas to develop "oil and gas resources to help meet the nation's current and expanding need for energy sources." EA at 4-5. It goes on to assert that offering leases "is needed to meet the requirements of MLA, FLPMA and applicable RMP minerals management objectives. EA at 6. Glaringly absent from this section of the EA is any recognition of other legal and policy mandates established by Congress and the Department of Interior. The courts have cautioned that: "One obvious way for an agency to slip past the structures of NEPA is to contrive a purpose so slender as to define competing 'reasonable alternatives' out of consideration (and even out of existence)." Davis v. Mineta, 302 F.3d 1104, 1119 (10th Cir. 2002) (quoting Simmons v. United States Army Corps of Eng'rs, 120 F.3d 664, 669 (7th Cir. 1997).

The Purpose and Need section must be changed to recognize that BLM must comply with all applicable law, including: the multiple-use, sustained yield mandate in the Federal Land Policy Management Act; the Endangered Species Act; and Mineral Leasing Act provisions and case law providing that the Secretary has absolute discretion over decisions of whether to lease federal minerals. Perhaps most important, given the presence of state and BLM recognized Core Population Areas and other important

Greater sage-grouse habitat, the purpose and need must recognize BLM's goals regarding sage-grouse recovery:

- The "guiding philosophy" of the Report is grounded in the goal "to maintain and enhance populations and distribution of sage-grouse by protecting and improving sagebrush habitats and ecosystems that sustain these populations". NTT Report at 6.
- BLM will strive to maintain or increase current distribution and abundance of sage-grouse on BLM administered lands in support of the range-wide goals. BLM will specifically address threats identified by the Fish and Wildlife Service in their 2010 listing decision (75 FR 13910). Id.
- "Land uses, habitat treatments, and anthropogenic disturbances will need to be managed below thresholds necessary to conserve not only local sage-grouse populations, but sagebrush communities and landscapes as well. Management priorities will need to be shifted and balanced to maximize benefits to sage-grouse habitats and populations in priority habitats." Id at 6-7.
- The overall objective is to protect priority sage-grouse habitats from anthropogenic disturbances that will reduce distribution or abundance of sage-grouse. Id. at 7.

None of the guiding principles, goals or objectives set forth above are furthered by additional leasing of Core Population Areas in Wyoming. To the contrary, such leasing threatens the recovery effort not just in Wyoming, but regionally and nation-wide. Under an appropriate purpose and need that includes BLM's goals for sage-grouse recovery, deferral of the Core Population Area parcels is clearly needed.

The most important consideration for these parcels goes to their environmental and habitat value at this urgent junction of recovery efforts. The bottom line is that, as the unsigned FONSI states, leasing the remaining parcels will solely satisfy that part of a revised Purpose and Need going to providing and developing additional oil and gas resources in Wyoming.

5. **BLM should defer to the recommendations contained within the BLM's National Technical Team Report on National Greater Sage Grouse Conservation Measures and defer all parcels in Core Population Areas, as well as those that provide important connectivity to adjacent state sage-grouse populations and those located in Important Bird Areas.**

*BLM's National Technical Team Report*

BLM violated NEPA by failing to consider reasonable alternatives to adequately conserve sage-grouse and their habitat at this vital planning juncture for federal recovery programs, specifically providing the option to defer all parcels within sage-grouse core areas. That reasonable alternative should be considered and adopted.

The NTT Report fully recognizes the threat posed by mineral and other energy development, and the former is abundantly documented in the recent scientific literature cited in the Report (but not the EAs). At the outset, the threat posed by oil and gas development underlies the recommendation to "[p]ropose lands within priority sage-

grouse habitat areas for mineral withdrawal." NTT Report at 14. The Minerals section opens by summarizing various categories of threats to grouse from:

> 1) direct disturbance, displacement, or mortality of grouse;
> 2) direct loss of habitat, or loss of effective habitat through fragmentation and reduced habitat patch size and quality; and
> 3) Cumulative landscape-level impacts."

Id. at 18.

The NTT Report summarizes negative impacts thusly:

> There is strong evidence from the literature to support that surface-disturbing energy or mineral development within priority sage-grouse habitats is not consistent with a goal to maintain or increase populations or distribution. None of the published science reports a positive influence of development on sage-grouse populations or habitats. Breeding populations are severely reduced at well pad densities commonly permitted (Holloran 2005, Walker et al. 2007a). Magnitude of losses varies from one field to another, but findings suggest that impacts are universally negative and typically severe. [. . .]
>
> Avoidance of energy development at the scale of entire oil and gas fields should not be considered a simple shift in habitat use but rather a reduction in the distribution of sage-grouse (Walker et al. 2007). Avoidance is likely to result in true population declines if density dependence, competition, or displacement of birds into poorer-quality adjacent habitats lowers survival or reproduction (Holloran and Anderson 2005, Aldridge and Boyce 2007, Holloran et al. 2010). High site fidelity in sage-grouse also suggests that unfamiliarity with new habitats may also reduce survival, as in other grouse species (Yoder et al. 2004).

Id. at 19. (emphasis added).

The report specifically addresses long-term studies in the Pindedale Anticline Project Area establishing displacement of populations, cumulative impacts, and significant time lags between initial development and documented impacts. Id. at 20. "[A]pplying NSO or other buffers around leks at any distance is unlikely to be effective." Id. Rather than relying on timing restrictions, "we recommend excluding mineral development and other large scale disturbances from priority habitats where possible, and where it is not limit disturbance as much as possible." Id. at 21. (emphasis added).

For the unleased Disputed Core Population Area Parcels covered by this Protest, excluding mineral development is still possible. It is incumbent on BLM to proceed cautiously to avert the need for a listing by further Interior's goal of maintaining and enhancing sage-grouse populations and habitat. Deferral is the only decision consistent with sage-grouse conservation and avoiding a listing. The stipulations and other

conditions in the Lease Sale proposal have been repeatedly shown to be scientifically inadequate, and inconsistent with the NTT recommendations.

This conclusion is further buttressed by the two alternatives set forth for unleased federal fluid mineral estate: .Alternative A would "Close priority sage-grouse habitat areas to fluid mineral leasing;" and B would do the same subject to considering an exception in stated circumstances not met by the instant proposal to lease the Disputed Core Population Area Parcels. NTT Report at 22. Even for geophysical exploration, the Report recommends only allowing helicopter-portable drilling methods with additional restrictions for any activity proposed for priority sage-grouse habitat areas. Id. Leasing of Core Areas is entirely unsupported by the Technical Team Report and recommendations.

The Report recognizes the 1) allowing no upgrading of existing routes, and 2) conduction restoration of existing routes. Id. at 12. Regarding the potential for direct mortality in addition to habitat fragmentation and connectively, the Report states that "roads and infrastructure networks can increase sage-grouse mortality from increased predation and collisions with vehicles." Id.

***Connectivity and Parcels Southwest of Rawlins***

Connectivity is a major priority of the NTT Report, which stressed the necessity of achieving the objective to: "Conserve, enhance or restore sage-grouse habitat and connectivity (Knick and Hanser 2011) to promote movement and genetic diversity, with emphasis on those habitats occupied by sage-grouse." NTT Report at 9. The Report stresses the importance of limited motorized travel in important habitat to currently designated routes, and avoiding the creation of new rights to construct yet more roads in additional to the potential for additional routes being proposed in association with currently valid existing rights. NTT Report, Travel and Transportation section at 11-12.

Of the 42 parcels located within sage-grouse Core Area, 17 parcels (WY-1205-8 through 18, WY-1205-24 through 27, WY-1205-31 and WY-1205-35) are located in a sensitive area southwest of Rawlins. These parcels are already surrounded by existing development pressures from natural gas fields, as well as proposed new transmission lines and a 1,000 turbine wind farm. These cumulative impacts on the landscape make the deferral of leasing these parcels even more critical for sage-grouse conservation efforts. In addition, deferral of the core area parcels south of Rawlins is essential to ensuring continued connectivity between Colorado and Wyoming sage-grouse populations. Exhibit E, Map of parcels South of Rawlins. Holloran, Exhibit B at 1-2. Any additional leasing of this core habitat would further contribute to further habitat fragmentation separating the Wyoming and Colorado populations. Genetic diversity of the remaining birds is at stake. Additional declines in the Wyoming population could result in the demise of the northern Colorado population. According to Audubon biologist and Director of Science, Alison Holloran:

> The proposed development due to the sales will also put at risk not only the Wyoming grouse population but also Colorado's North Park grouse population as

> the area serves as a genetic connection between the two populations. If this area is developed, it will not only negatively influence the Wyoming grouse population but could also negatively impact an already greatly compromised Colorado population of grouse. Any development in the area would compromise the critical habitat needed by Greater Sage-grouse (as determined by the Core Areas designation) and therefore both Wyoming and Colorado populations.

Exhibit B.

***Important Bird Areas Reflect Critical Habitat***
Five of the 42 parcels located within sage-grouse core area are also located within the Audubon designated Red Desert Important Bird Area (IBA). These are parcels WY-1205-028, 030, 043, 044 and 048.

Important Bird Areas (IBAs) are part of an international program to identify priority areas where threatened, restricted-range, biome-restricted and congregatory birds occur. These locations provide essential habitat to one or more species of birds during some portion of the year (nesting areas, crucial migration stop-over sites, or wintering grounds). The Red Desert IBA is located within Sweetwater and Fremont Counties and is north of Interstate 80. It is one of the largest IBAs in Wyoming and was originally nominated by the BLM. The Red Desert IBA is a large expanse of relatively intact sagebrush habitat provides important breeding, foraging, nesting, wintering, or migratory stop-over habitat for sagebrush obligate avian species (Greater Sage-Grouse, Sage Thrasher, Sage Sparrow, and Brewer's Sparrow). Numerous other avian species can be found in sagebrush habitat and/or among the diverse micro-habitats of the "sky islands" of buttes, hills, mountains, ridges, and pinnacles throughout the Red Desert.

**6. New information and the potential for direct, indirect and cumulative impacts under NEPA require deleting or deferring core area parcels.**

A landmark federal court ruling regarding BLM management and the Greater sage-grouse was decided on September 28, 2011 – after the EA and unsigned FONSI were drafted. Western Watersheds Project v. Salazar, Case No. 4:08-CV-516-BLW (D. Idaho 2011). WWP remanded the Pinedale, Wyoming and Craters of the Moon, Idaho RMPs for violations of NEPA and FLPMA. The deficiencies in the Pinedale RMP involved both energy development and grazing analysis in the remanded RMP.

The court found that:

> The data presented in the Pinedale EIS, discussed at length above, at least raises a serious question that the sage grouse population, along with its habitat, is in decline in the Pinedale Field Office. The Pinedale EIS concludes that "[i]mpacts on wildlife would likely occur under all alternatives because of substantial loss of vital, high-value

habitats." *EIS* at 4-294.

Two factors in this loss of habitat, identified by the EIS, are energy development and grazing. *Id.*

Slip Op. at 30.

WWP found that BLM had failed to discuss the Western Association of Fish and Wildlife Agencies (WAFWA) report entitled "Greater Sage-Grouse Conservation Assessment (CA)". This failure was grounds for remanding the disputed RMPs. Slip Op. at 16-17, 26, 28 and 32.

It appears that BLM disputed May 2012 EA similarly failed to consider the WAFWA Report, a fatal flaw.

Inadequate cumulative impacts analysis was also relied on by WWP:

> The EIS was faced with substantial energy development not only in the Pinedale Field Office but also in the adjoining Kemmerer Field Office. *See 72 Fed. Reg. 58113* (2007) (providing notice of draft EIS for Moxa Arch Area Infill Gas Development Project in the Kemmerer Field Office covering 475,808 acres). Yet there was no cumulative impact analysis of that development.

Slip Op. at 31-32.

Not only oil and gas but other energy development projects are relevant to the instant dispute. For instance, many of the "South of Rawlins" core area parcels are in close proximity to the proposed Chokecherry and Sierra Madre Wind Farm Project and associated TransWest Express transmission line. Those projects will impact sage-grouse and habitat, and strain the carrying capacity of the landscape. Audubon offered qualified support for those projects to the extent sage-grouse issues are adequately addressed. But our comments on the Chokecherry Sierra Madre DEIS clearly stated:

> If CCSM and TransWest are approved, no additional energy development should be allowed on this landscape. The cumulative impacts of additional operations would be unacceptable. This applies to both 1) additional wind farms and associated transmission, and 2) oil and gas drilling and associated road, pipeline and related infrastructure.

Audubon-WRA et al DEIS comments at 5. *See* Holloran Expert Comments, Exhibit B at 2.

The NTT Report recognizes threats associated with new power lines or other Right-of-Ways (ROWs) associated with valid existing rights, recommends taking advantage of opportunities to "remove, bury, or modify existing power lines within priority sage-

grouse habitat areas", and states that "[d]eaths resulting from collisions with powerlines were an important source of mortality for sage-grouse" in an Idaho study." NTT Report at 13. Given the expectation that both a major wind farm and transmission line will be impacting sage-grouse and habitat in the Rawlins area, BLM cannot proceed with leasing of Core Areas absent a significantly improved cumulative impacts analysis carefully considering other energy development in the vicinity affecting southern Wyoming and northern Colorado populations.

BLM referenced other energy development projects in the High Desert EA at 139, but unacceptably deferred to other NEPA processes or future analysis to address cumulative impacts concerns. This is unacceptable because of the likelihood of significant impacts resulting from leasing the disputed core area parcels. Exhibit B.

Regarding the five parcels in the Red Desert Important Bird Area (IBA), Audubon is committed to protection of Important Bird Areas, which are priority areas where threatened, restricted-range, biome-restricted and congregatory birds occur. The designation methods and biological values of the Red Desert IBA might constitute new information. Areas are nominated and undergo a rigorous review process to determine eligibility into inclusion in an international program managed by BirdLife International and Audubon. Identification of a site as an IBA indicates its unique importance for birds. These sites are important for high diversity of landbirds, presence of species of special concern, and being exceptionally representative of natural habitat. They are generally inappropriate for leasing and any management actions must carefully analyze the potentially significant impacts of development.

Recently available information regarding Canada's remaining sage-grouse populations is also relevant. Biologists are concerned that these birds are at serious risk of extinction in coming years, and that long-term habitat declines related to mineral development and other impacts are significantly contributing to the precarious status of populations north of the border.

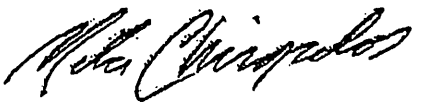
Deleting or deferring the core area parcels is necessary in light of new information and the potential for significant direct, indirect and cumulative impacts of the leasing decision in the context of other reasonably foreseeable impacts.

**7. Conclusion**

We strongly support the BLM's announcement in Notice #1, dated 2/22/12, to defer 5 parcels (WY-1205-013, 016, 017, 018, and 027) because they are within 0.6 miles of occupied leks in the State of Wyoming's Core Sage-grouse Population Areas. However, for reasons described in Section 5 above, the deferral of portions of WY-1205-014 and 015 is inadequate. These two parcels should be deferred in entirety (as were the 5 previously mentioned parcels) due to overlap with Core Areas, importance of this area to the region's sage-grouse (as reflected in the BLM funded Regional Sage-Grouse Breeding Bird Density Map), existing cumulative pressures in the immediate landscape and the importance of connectivity to sage-grouse populations in Colorado.

The Disputed Core Population Area Parcels must be removed or deferred. Audubon looks forward to working collaboratively on future planning efforts regarding the recovery of the Greater sage-grouse and its habitat across Wyoming and neighboring states. The pendency of range-wide planning, and the inadequacy of the existing NEPA documents for this auction to consider the National Technical Team Report, require granting this protest. BLM has not sufficiently considered new information, taken a hard look at the potential impacts of leasing on sage-grouse conservation, or analyzed the cumulative impacts to these grouse populations and habitat of leasing in addition to other proposals and valid existing rights.

Sincerely,



Mike Chiropolos,
Counsel to Audubon
Lands Program Director
**Western Resource Advocates**
2260 Baseline Rd., Suite 200
Boulder, CO 80302 1
303-444-1188 x217
mike@westernresources.org
www.westernresourceadvocates.org

cc: Brian Rutledge, Alison Holloran, Daly Edmunds - Audubon Rockies & Audubon Wyoming

Exhibit A (1 page)

## BLM WY's Competitive Oil and Gas Lease Sale: May 1, 2012

### Parcels Located in Sage-Grouse Core Areas (*Final Parcel Numbers*)

| Parcel # | Deferred by BLM (Notice #1) * | Located in 25% Breeding Density ** | Located SW of Rawlins | Located in IBA (Red Desert) |
|---|---|---|---|---|
| WY-1205-004 | | | | |
| WY-1205-005 | | Yes | | |
| WY-1205-006 | | Yes | | |
| WY-1205-007 | | Yes | | |
| WY-1205-008 | | | Yes | |
| WY-1205-009 | | | Yes | |
| WY-1205-010 | | | Yes | |
| WY-1205-011 | | | Yes | |
| WY-1205-012 | | | Yes | |
| WY-1205-013 | In Entirety | | Yes | |
| WY-1205-014 | Partially | | Yes | |
| WY-1205-015 | Partially | | Yes | |
| WY-1205-016 | In Entirety | | Yes | |
| WY-1205-017 | In Entirety | | Yes | |
| WY-1205-018 | In Entirety | | Yes | |
| WY-1205-020 | | Yes | | |
| WY-1205-021 | | Yes | | |
| WY-1205-024 | | Yes | Yes | |
| WY-1205-025 | | | Yes | |
| WY-1205-026 | | | Yes | |
| WY-1205-027 | In Entirety | | Yes | |
| WY-1205-028 | | | | Yes |
| WY-1205-030 | | | | Yes |
| WY-1205-031 | | Yes | Yes | |
| WY-1205-035 | | | Yes | |
| WY-1205-036 | | Yes | | |
| WY-1205-043 | | | | Yes |
| WY-1205-044 | | | | Yes |
| WY-1205-048 | | | | Yes |
| WY-1205-056 | | | | |
| WY-1205-059 | | | | |
| WY-1205-060 | | | | |
| WY-1205-061 | | | | |
| WY-1205-075 | | | | |
| WY-1205-095 | | | | |
| WY-1205-108 | | | | |
| WY-1205-109 | | | | |
| WY-1205-116 | | | | |
| WY-1205-117 | | | | |
| WY-1205-120 | | | | |
| WY-1205-122 | | | | |
| WY-1205-125 | | | | |
| WY-1205-126 | | | | |
| WY-1205-128 | | | | |
| WY-1205-133 | | | | |
| WY-1205-134 | | | | |
| WY-1205-153 | | | | |

* Audubon seeks deferral of these parcels in their entirety ** Doherty's Regional Breeding Map

Exhibit B (2 pages)

Audubon

Rocky Mountain Regional Office
105 West Mountain Avenue
Fort Collins, CO 80524
Tel: 970.416.6931
Fax: 970.416.5944

**Expert Comments of Alison Holloran**
**Director of Science – Rocky Mountain Region**
**Audubon Rockies**

***May 2012 BLM Wyoming State Office***
***Oil & Gas Lease Sale***

As an 11-year employee of Audubon Rockies I oversee issues related to avian species in the Rocky Mountain region. Prior to working for Audubon, I received my Master's degree in Wildlife Management from the University of Wyoming's Cooperative Fish and Wildlife Research Unit studying the Effects of Oil and Gas Development on Greater Sage-grouse on the Pinedale Anticline. Since that time I have specialized in sagebrush steppe avian species management within my position with Audubon, with special attention to this ecosystem within Wyoming.

As set forth in our comment letter, Audubon Rockies is formally disputing the May 2012 sale of 42 parcels within the sage-grouse core areas because we are greatly concerned about potential irreversible impacts to Greater Sage-grouse conservation efforts. Overall, Audubon strongly advises that the BLM adhere to their science-based commitment, echoed in the U.S. Fish and Wildlife Service's (USFWS) 12-month Findings and most recently in the National Technical Team's Report ("Report on National Greater Sage Grouse Conservation Measures", released December 2011), to protect important sage-grouse habitat. Based on the plethora of scientific research documenting the negative impacts that oil and gas development has on Greater Sage-grouse and the extent of energy development in Wyoming, BLM WY should proceed cautiously and protect priority grouse habitat from energy development activities. Specifically, the May 2012 lease sale with the 42 parcels within the designated Greater Sage-grouse Core Area are unacceptable and should be withdrawn from the sale until important management decisions have been finalized via the BLM's timely National Planning Strategy.

Furthermore, 17 parcels (WY-1205-8 through 18, WY-1205-24 through 27, WY-1205-31 and WY-1205-35) proposed in the May 2012 lease sale are located in a particular sensitive area southwest of Rawlins, Wyoming. First, the parcels are again located in core sage-grouse habitat as designated by state and federal entities. Moreover, existing and proposed energy development activities (natural gas, wind, transmission lines) are putting extreme cumulative pressures on sage-grouse in this area, which serve an important link to sage-grouse populations in Colorado.

Wind development to the north of the area makes these parcels even more critical to the grouse populations in the area for breeding, brood rearing and wintering. Given the unprecedented magnitude of the proposed Chokecherry and Sierra Madre Wind farm, Audubon believes it is extremely important that adjacent lands not be available to new energy development activities, as the size and nature of this proposed project will cause considerable strain on the ability of the

area's habitat to support healthy wildlife populations. Our continued support for a project of this size and scale, especially in high quality habitat, is subject to fulfillment of recommended improvements and assurances that adjacent lands will not be available for new energy development. Additional future projects are expected to threaten the viability of this landscape as habitat for sensitive wildlife populations like sage-grouse.

The proposed development due to the sales will also put at risk not only the Wyoming grouse population but also Colorado's North Park grouse population as the area serves as a genetic connection between the two populations. If this area is developed, it will not only negatively influence the Wyoming grouse population but could also negatively impact an already greatly compromised Colorado population of grouse. Any development in the area would compromise the critical habitat needed by Greater Sage-grouse (as determined by the Core Areas designation) and therefore both Wyoming and Colorado populations.

Also of great concern in any landscape committed to oil and gas development is the inevitable consequence of the colonization by invasive, non-native species. In the sagebrush-steppe community, in addition to the slow regeneration of sagebrush, the biggest threat is the invasion of cheatgrass (*Bromus tectorum*). Even assuming re-vegetation was successful, there is an increased risk of predation on ground nests by newly accommodated synanthropic predators. Raven, coyotes and other opportunistic predators will benefit from an open corridor, putting sagebrush obligate species at further risk. The introduction of aggressive fauna and flora invasive species are often linked to human disturbances, such as new roads and construction of facilities associated with these proposed parcel sales and later development.

In my expert opinion, due to established scientific evidence of the effects of oil and gas development on Greater Sage-grouse, the scientifically-proven inadequacy of proposed stipulations proposed by the BLM for these parcels, and the density of grouse in sage-grouse Core Areas reflecting the importance of these areas grouse, I conclude that if the protested 42 parcels are sold and developed, it would have devastating effects on the grouse population in the state and therefore may trigger a listing by the USFWS.

Respectfully,

Alison Holloran
Director of Science – Rocky Mountain Region
Audubon Rockies

# Exhibit C: WY BLM Lease Sale (May 2012)

(Highlighting Parcels Within Core Areas and Within 25% Breeding Density Polygons)

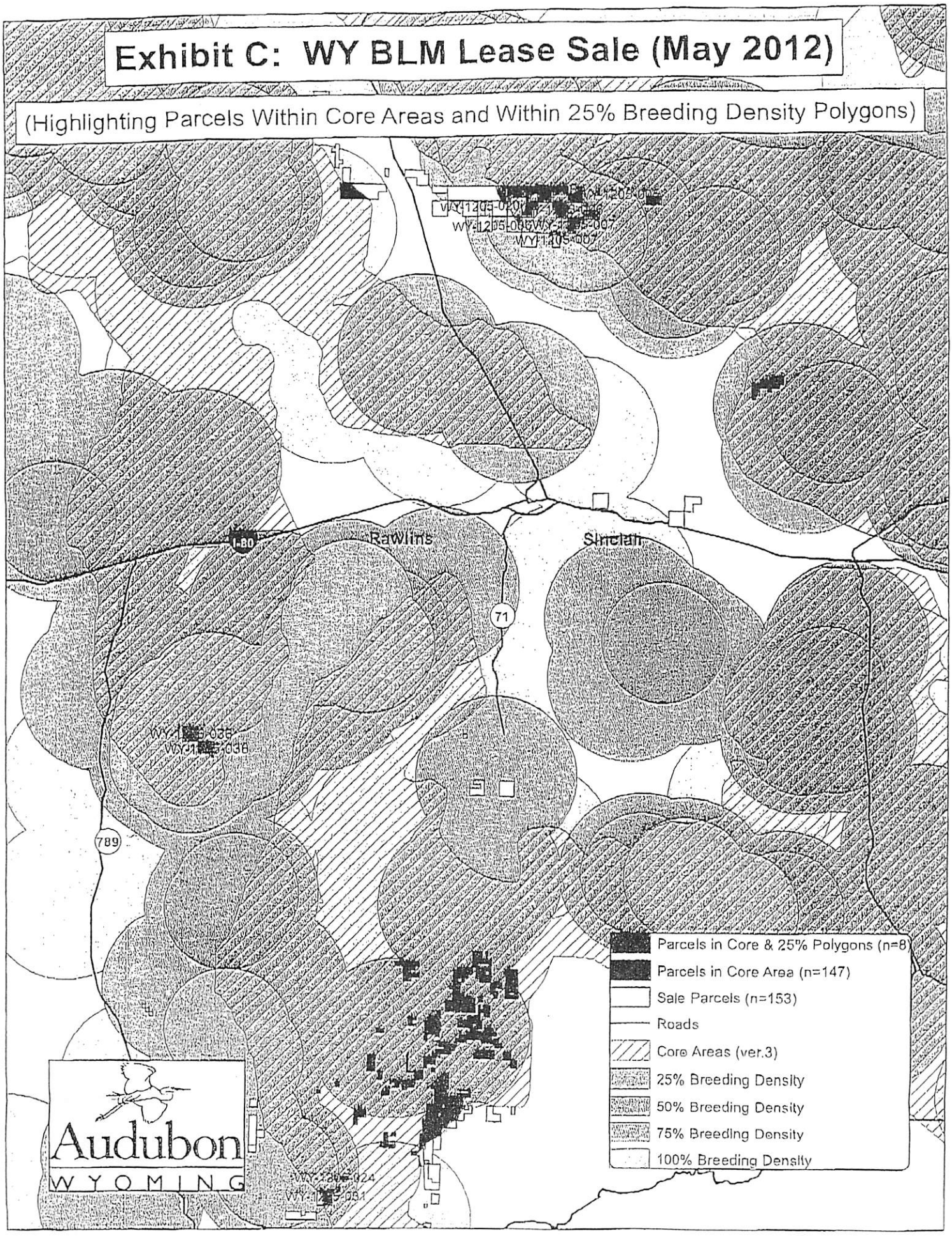


Exhibit D (9 pages)

AUDUBON WYOMING * NEVADA WILDERNESS PROJECT
THE WILDERNESS SOCIETY * WYOMING OUTDOOR COUNCIL
NATIONAL WILDIFE FEDERATION * OREGON NATURAL DESERT ASSOCIATION
THE WILD UTAH PROJECT * AUDUBON SOCIETY OF PORTLAND
NATIONAL AUDUBON SOCIETY * AUDUBON CALIFORNIA * AUDUBON COLORADO
SPOKANE AUDUBON SOCIETY * WESTERN RESOURCE ADVOCATES
ROCKY MOUNTAIN WILD * MONTANA AUDUBON * AUDUBON SOCIETY OF NEVADA
IDAHO CONSERVATION LEAGUE * COLORADO ENVIRONMENTAL COALITION

August 27, 2011

Secretary Ken Salazar
United States Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Via U.S. Postal and email (exsec@ios.doi.gov)

Re: Conservation community's interest in range-wide conservation of Greater Sage-Grouse

Dear Secretary Salazar,

We are a consortium of conservation organizations that is interested in establishing effective, proactive management actions, long-term habitat protections and funding mechanisms that will bolster sage-grouse populations and eliminate the need to federally list this iconic species. On behalf of our organizations and our concerned members across the region, we appreciate Interior's recent efforts to coordinate resources and develop strategies for sage-grouse conservation. Two things are clear: 1) past efforts have failed to sufficiently conserve sage-grouse and their habitat, resulting in the 2010 finding that listing the Greater Sage-Grouse is "warranted but precluded"; and 2) there is an urgent need to develop and implement substantive conservation measures between now and 2015, when the U.S. Fish and Wildlife Service (USFWS) will reconsider the status of the bird.

We are encouraged by the Bureau of Land Management's (BLM) announcement of a regional strategy that focuses on the conservation of sage-grouse and the protection of their habitat. This strategy, which includes both short-term and long-term approaches, must result in the **consistent application of adequate regulatory mechanisms that are scientifically defensible**. Given the expanse of sage-grouse habitat managed by the BLM and the short timeline proposed for this regional planning effort, inconsistent application of regulatory protections within states and across the sage-grouse's range could be detrimental to sage-grouse conservation efforts.

As our nation's energy demands fuel the continued push for development on western lands, we are concerned that BLM field offices will continue to make decisions that could further degrade remaining sage-grouse crucial habitat. We ask that the agency follow the precautionary principle of **developing conservative interim guidelines** for all field offices that clearly specify actions that are appropriate and inappropriate in sage-grouse habitat. Furthermore, **decisions that could**

**push the species closer to a full listing should be avoided.** Pending final decisions on RMP amendments and the regional planning process, BLM *must at least preserve or improve the status quo of habitat conditions for sage-grouse* -- to avoid dooming conservation efforts from the start.

High priority areas for conservation and restoration **should be designated by BLM's planning process across the range as core areas.** Management actions within these core areas should focus on maintaining and enhancing grouse habitats and viable populations. **However, populations that are small and isolated** (such as along the periphery of their range or on seasonal **habitats) must also be included in the planning process and given special management considerations.**

We applaud recognition by the BLM of the urgency for rapid and meaningful, landscape scale sage-grouse conservation actions. However, effectiveness and public support should not be undermined by the urgent need for such action. The composition of the planning teams needs to be carefully considered. The National Technical team should be composed of sage-grouse and sagebrush experts, including state game and fish agency personnel, who provide recommendations based on peer-reviewed science. The **Policy, Regional, and State teams** ***should include broad stakeholder involvement, including representatives from the conservation community.*** Careful consideration of team compositions and processes used will be essential for ensuring credibility and public support. As this planning effort moves forward at a rapid pace, communication with the public will be critical. Thus, **elements of a successful strategy should include** 1) sustained outreach to stakeholders (including but not limited to public comment under the National Environmental Policy Act); 2) the adoption and implementation of new policies; 3) rigorous monitoring and adaptive management; and 4) enforcement. For specifics, we feel at a minimum the Department should undertake the attached guidelines (*see Appendix*) to ensure that the Greater Sage-grouse is not federally listed and adequate guidance for managers is in place.

Finally, we hope that as the BLM proceeds in its regional conservation efforts, the **process will be open and transparent.** We recognize that because of the large range occupied by sage-grouse, all stakeholders have an interest in seeing this effort be successful. Success will depend on BLM-wide and interagency commitments, using MOUs or other appropriate means, to ensure requisite conservation measures are adopted as federal policy. Our organizations look forward to remaining engaged and providing assistance as the BLM develops its regional sage-grouse conservation strategy.

Sincerely,

Brian Rutledge
Executive Director/ VP Intermountain West
Audubon Wyoming

*On behalf of:*

John Tull
Conservation Director
Nevada Wilderness Project

Nada Culver
Senior Counsel
The Wilderness Society

Mike Chiropolos
Lands Program Director
Western Resource Advocates

Lara Rozzell
Public Lands Energy Fellow
Idaho Conservation League

Kathleen C. Zimmerman
Senior Policy Advisor || Public Lands Program
National Wildlife Federation

Kim Marie Thorburn
Board of Directors
Spokane Audubon Society

Ken Strom
Interim Executive Director
Audubon Colorado

Matt Little
Conservation Director
Oregon Natural Desert Association

Sophie Osborn
Wildlife Program Director
Wyoming Outdoor Council

Wayne Martinson
Utah Important Bird Areas Coordinator
National Audubon Society

Allison L. Jones
Conservation Biologist
The Wild Utah Project

Dan Taylor
Director of Public Policy
Audubon California

Bob Sallinger
Conservation Director
Audubon Society of Portland

Megan Mueller
Senior Conservation Biologist
Rocky Mountain Wild

Mike Daulton
Senior Director for Government Relations
National Audubon Society

Robin Wilson
Director of Bird Conservation
Audubon Society of Nevada

Steve Hoffman
Executive Director
Montana Audubon

Luke Schafer
West Slope Campaign Coordinator
Colorado Environmental Coalition

Cc:

U.S. Department of Interior
Steve Black, Counselor to the Secretary of the Interior
David Hayes, DOI Deputy Secretary
Michael Bean, DOI Counselor to Assistant Secretary for Fish and Wildlife and Parks
Marcilynn Burke, DOI Acting Assistant Secretary for Land and Minerals Management
Ned Farquhar, DOI Deputy Assistant Secretary for Land and Minerals Management

U.S. Fish & Wildlife Service
Dan Ashe, USFWS Director
Rowan Gould, USFWS Deputy Director
Pat Deibert, USFWS National Sage-Grouse Coordinator
Steve Guertin, USFWS Regional Director Mountain Prairie Region (Region 6)

U.S. Fish & Wildlife Service *(continued)*
Noreen Walsh, USFWS Deputy Regional Director Mountain Prairie Region (Region 6)
Ren Lohoefener, USFWS Regional Director Pacific Southwest Region (Region 8)
Alexandra Pitts, USFWS Deputy Regional Director Pacific Southwest Region (Region 8)
Robyn Thorson, USFWS Regional Director Pacific Region (Region 1)
Richard Hannan, USFWS Deputy Regional Director Pacific Region (Region 1)

U.S. Bureau of Land Management
Robert Abbey, BLM Director
Mike Pool, BLM Deputy Director of Operations
Dwight Fielder, BLM Division Chief of Fish, Wildlife and Plant Conservation
Jim Kenna, Director for BLM California
Helen Hankins, Colorado State Director
Steven Ellis, Idaho State Director
Jamie Connell, Montana/Dakotas State Director
Amy Lueders, Acting Nevada State Director
Ed Shepard, Oregon/Washington State Director
Juan Palma, Utah State Director
Don Simpson, Wyoming State Director

U.S. Forest Service
Tom Tidwell, USFS Chief

Natural Resources Conservation Service
David White, NRCS Director
Tim Griffiths, NRCS Sage-grouse Initiative Coordinator

## APPENDIX

Incorporating science-based conservation measures is a critical *first* step in conserving the necessary habitat to preclude the need to list the Greater Sage-Grouse. Goals should include *adequate minimum standards across the region* and *landscape-scale management strategies*, which states or field offices should seek to exceed where conditions are appropriate. The following guidelines concerning management of sagebrush habitat and sage-grouse should be considered the *minimum* needed to ensure adequate regulatory mechanisms are in place -- one of the concerns specified in the USFWS' March 2010 Finding.

- The interim guidelines, programmatic EISs, and RMP amendments should ensure that each BLM field office manages sagebrush and sage-grouse in a **consistent manner**.
- The National **Technical Team**, composed of sage-grouse and sagebrush experts, **should consider existing state and federal resources and significantly improve upon these by incorporating the latest scientific information**. Understanding the failures of these well-intentioned efforts will help the BLM develop its new regional strategy, which should include range-wide prescriptions, restrictions, and stipulations developed by the national technical committee.
- **State game and fish agency personnel provide extensive local knowledge**. We encourage coordination with state agencies, which may provide the best information on local sage-grouse populations and help ensure management consistency within each state. As species managers, they should be full partners in the regional planning process and implementation.
- As planning moves forward, **sufficient funding must be secured not only to meet the immediate needs of this range-wide strategy but also to ensure long-term success.** A consistent and long-term commitment must be made to ensure species maintenance and recovery. Efforts should be focused not only on core populations, which will require monitoring to determine successes and address failures, but also on smaller critical populations located in the periphery of the range.
- **Core areas** delineate high priority areas for sage-grouse conservation and restoration and thus **should be designated by BLM's planning process**. The Sage-Grouse Breeding Density Map, spearheaded by the BLM, is the first cooperative federal-state-private effort that looks at sage-grouse densities in a consistent manner across the West. This tool provides a peer-reviewed, scientifically defensible foundation for important range-wide focal areas having high densities of Greater Sage-Grouse, thus allowing for the establishment of priority conservation areas range-wide.
  - **Development should be avoided in core areas, unless it can be demonstrated that the activity will not cause declines in sage-grouse populations.** Stipulations, based on best available science, should be applied as a means to minimize impacts.
  - BLM should **conduct an inventory of each core area – documenting vegetation, land ownership, existing disturbances, etc.** This knowledge is critical for establishing baseline data and enabling effective review of proposed actions.
  - Particular sage-grouse core areas should be designated as **Areas of Critical Environmental Concern** (ACEC – 43 U.S.C. 1702). This would allow for special management to protect and prevent irreparable damage to important wildlife habitat. This type of progressive and sound management would protect high quality sage-grouse habitat, sage-grouse populations, and the several hundred other species that depend on sagebrush habitats.
- In addition to core areas, managers should concentrate on protecting **important seasonal habitat** for sage-grouse and recognize the value of **connectivity** to maintaining genetic viability. Additional effort is needed to identify these areas and to collect baseline data

(both on the species and the existing land use pressures). With compromised populations or during extreme weather conditions, these habitats become even more critical.

- **Development activities should generally be directed to already-disturbed areas (avoiding intact habitat)**, in areas with the fewest environmental impacts, and be subject to science-based project design and stipulations that minimize impacts to sage-grouse. Energy development activities should be located as close to target human population centers as possible.
- Energy Development
  - **Identify areas not available for leasing or exclusion areas** (oil and gas leasing, wind energy development, solar, geothermal, transmission) to maintain quality habitat for sage-grouse. All alternatives except no-action should propose designating enough lands in such areas to ensure conservation of the species. Excluding priority sage-grouse habitat from energy development projects will allow land managers to take meaningful conservation actions. As recognized by IM 2010-071, the Mineral Leasing Act vests absolute discretion in the Secretary over mineral leasing decisions. The same legal authority extends to renewable energy and transmission projects
  - **Refrain from leasing inside core areas unless those leases contain appropriate, science-based stipulations that have been demonstrated to adequately protect sage-grouse populations and habitat from the impacts of development.** We are concerned that the BLM's reliance on conditions of approval (COA) as a surrogate for appropriate lease stipulations could lead to legal challenges, particularly in instances where such COAs are applied on a broad scale. We believe a more prudent approach is to defer all leasing within core habitat **until the RMP amendments incorporating new science-based stipulations have been completed.**
  - **Consider lease deferral for small parcels of known important sage-grouse habitat**, such as wintering habitat, breeding grounds or leks, nesting, and brood-rearing habitat. These areas can be extremely important to specific populations of sage-grouse during critical times of the year, especially if they are experiencing population pressures in surrounding areas.
  - Sagebrush landscapes, upon which sage-grouse depend, consist of few naturally occurring vertical structures. Therefore, **vertical structures** (such as *transmission lines, wind turbines, meteorological towers, and fences*) are **problematic for sage-grouse and their use should be avoided in important habitats.** Impacts to sage-grouse include *direct mortality* from collisions and *indirect impacts*, such as avoidance of an area, habitat disruption/degradation/fragmentation, reduced nesting/breeding density, habitat loss (abandonment, unsuitability), mortality from avian and synanthropic predators (i.e., predators that live near and benefit from an association with humans), and behavioral effects. These impacts can be avoided or reduced, however, with proper siting, operation and mitigation. Important habitat, such as core areas and critical seasonal habitats, should be avoided until research on the impact of vertical structures is completed and means for effectively minimizing these impacts are identified.
  - Avoid siting new temporary meteorological (met) towers near leks and other important sage-grouse habitat. Where wind turbines or met towers are considered appropriate, guy wires should be marked with recommended bird deterrent devices.
  - **Route transmission projects** to avoid priority sage-grouse habitats.
  - **Limit the density of cumulative disturbances** on the landscape to a scientifically-justifiable threshold of impacts, especially in all nesting, early brood rearing and winter habitats.
  - **Identify areas containing large, contiguous unleased Federal minerals.** These areas, especially in important sage-grouse habitat, should remain unleased and

undeveloped. Criteria for determining size of area needed for sustaining sage-grouse populations should be based on best available science and take into account current site-specific conditions (e.g. size and movement patterns of existing sage-grouse populations, surrounding landscape pressures) and recommendations of qualified biologists.

- **Close important habitat to future leasing when existing leases in sage-grouse habitat expire.**
- Base management on defensible and current science where leasing is permitted. **Effective best management practices (BMPs) and new stipulations**, based on best available science, need to be included in the amended RMPs and applied uniformly to all ground-disturbing activities across the region. Existing stipulations that have no scientific merit, such as providing only a 0.25 mile buffer around leks, should not be used. Enforceable BMPs should be applied at the initiation of projects, at the exploratory/planning stage, and throughout production.
- Where leasing is permitted, implement **site-specific conditions of approval**, that include location, design and timing of operations to avoid, minimize and mitigate impacts at all phases of development.

- Grazing
  - Facilitate and promote **voluntary permit retirement range-wide** and within individual RMP amendments for *sage-grouse habitat areas identified as incompatible with grazing.*
  - Where livestock-related activities occur, develop appropriate standards to maintain a healthy rangeland. **Grazing management practices and/or facilities** (such as fences and water development) should occur in a manner that maintains or promotes the physical and biological conditions necessary to sustain healthy sage-grouse populations. Grass banking and herd reductions should be considered in certain situations. Monitoring should allow for identification of disruption to sage-grouse populations and impacts to native vegetation and soil stability. Adaptive management should be addressed early and used to avoid negative impacts to sage-grouse populations.
- Fences
  - Carefully evaluate new fences for sage-grouse collision risks and site fences in locations away from leks, nesting areas, ridge tops etc.
  - Require an equal amount of fence removal if new fence is approved within sage-grouse habitat.
  - Identify priority areas for flagging or marking existing fences to avoid collisions and recommend the use of sage-grouse fence diverters in these areas.
- Climate Change
  - The increase of severe droughts throughout the West, associated with climate change, will exacerbate fire frequency and intensity in the sagebrush ecosystem. Managers and researchers also predict that cheatgrass and other harmful invasive species will increase, further degrading the sagebrush steppe. These threats, acting independently and synergistically, are predicted to cause a 30-80% reduction of sagebrush habitat, depending on the extent of green-house gas emissions. A warming climate will make it more challenging to restore degraded habitat and plan for habitat connectivity amongst grouse populations. Therefore, on-the-ground implications of a warming climate must be incorporated in all of the strategies used to secure a sustainable future for this species.

- West Nile virus
  - West Nile Virus can have deleterious impacts on small and isolated populations of sage-grouse. **Limit man-made water developments** in mosquito breeding areas in sage-grouse habitat. Where this cannot be avoided, design water developments to inhibit growth of mosquitoes by reducing shallow stagnant water, sedimentation and vegetation growth. Focus on controlling mosquito populations in close proximity to sage-grouse leks rather than endorsing a broad use of adulticides.
- **Invasive species**
  - **Invasive species** are problematic for both native species and domestic livestock. The biggest threat to the sagebrush-steppe community, in addition to the slow regeneration of sagebrush, is the invasion of **cheatgrass** (*Bromus tectorum*). Cheatgrass has the potential to completely alter the ecosystem it invades, increase fire frequency, and prevent the establishment of sagebrush and native grass and forb understory. Activities that introduce and spread invasive species must be addressed and mitigated. Additionally, projects that use other non-natives such as crested wheatgrass to control faster-spreading species such as cheatgrass and medusahead, must be conducted very carefully and have long-term plans in place for eventual sagebrush and native grass restoration.
- Fire
  - The presence of fire on the landscape has a large impact on the probability of lek abandonment (Knick and Hanser 2009). Managers who use fire as a treatment for juniper control, invasive species and overall ecosystem health will need to have standards in place to determine where and when different types of fire management, such as broadcast burning, jackpot burning, spot treatments, are and are not appropriate in sage grouse habitat.
- **Project Analysis**
  - For the purpose of **effects analysis for a proposed action**, a sage-grouse habitat evaluation shall extend, at minimum, *out to 4 miles* from relatively small individual proposed actions and shall extend, at minimum, out 11 miles from the project boundary for large-scale proposed actions. This reflects the most current research that shows impacts to Greater Sage-Grouse leks from energy development are discernable out to a minimum of four miles (Holloran 2005, Walker et al. 2007, Walker 2008) and that 11 miles encompasses a significant portion of the seasonal habitats that will be affected. However, the scale of annual habitat needed is likely to be site dependent. Given that these data were based on research conducted in Wyoming, the area may need to be adjusted for site-specific conditions.
  - BLM should have a **standard review process for parcels proposed for development** (including fossil fuel, renewable, transmission, livestock management, water development), thus providing upfront clarity and certainty for all stakeholders. The process should incorporate: 1) participation by qualified sage-grouse biologists; 2) site-specific analysis including field visits to inform decisions; 3) projects impacting core areas should be postponed until the necessary stipulations can be added to the RMP governing the area.
  - **Comprehensive cumulative impact analysis will be key to sage-grouse conservation in the face of multiple threats.** Management decisions should be based on an evaluation of cumulative impacts *over a landscape*. Not only does this refer to the many types of energy development but also to other land use pressures, including efforts to manage other species/suppress undesirables. An example includes spraying diflubenzuron, carbaryl, and possibly malathion on sage-grouse habitat for grasshopper/mormon cricket suppression. This particular action leads to

wide scale reduction in insect numbers, an important food source for juvenile sage-grouse, thus leading to negative population level impacts.

- **Habitat Improvement, Reclamation and Restoration**
  - Sage-grouse populations are dependent upon healthy sagebrush. So called "**habitat improvement**" projects (e.g. mechanical sagebrush treatments) can be detrimental to sagebrush obligate species, such as sage-grouse. Scientifically defensible research is needed to **determine which activities are beneficial.** This information should be *maintained in a single database.*
  - Reclaiming or recovering sagebrush habitats is extremely challenging. Efforts should be directed towards **improving our ability to effectively reclaim degraded habitat**, which requires gathering site-specific baseline (pre-treatment) data to adequately evaluate success. **Reclamation should be *mandatory*** and managers must recognize that **methods for achieving success vary by region and are site-specific.** Reclamation efforts should be *monitored* and *results maintained in a single database* to improve our understanding and effectiveness. In addition, a process should be established to identify and address failed reclamation projects.
  - As the large landscapes required to sustain grouse populations become further fragmented by the **increasing frequency of wildfires, focus on restoration will become more important.** Sage-grouse have evolved in habitat that has extremely infrequent wildfires, enabling them to benefit from mature sagebrush stands. Habitat fragmentation and alteration due to fire may influence distribution (including lek abandonment) or migratory patterns. We suggest that a funded program be dedicated to identifying sagebrush landscapes at risk and that field offices be prepared with a response plan to avoid the conversion of compromised landscapes to invasive species following fires.
- **Mitigation**
  - **Mitigation,** to be meaningful in sage-grouse habitat, *must* create a *net increase* in sage-grouse habitat and be a *net benefit* to the local population.
- **Federal Ownership**
  - BLM should set forth a policy to retain important (core and non-core) **sage-grouse habitat in federal ownership.**
- **Terminology**
  - We urge BLM to develop a **formal set of definitions** for frequently used language to avoid inconsistent use of terminology, such as "suitable habitat" and "functional habitat." A glossary of terms, to be used throughout the interim guidelines and planning process, would help to ensure a uniform understanding of expected outcomes. Furthermore, we suggest BLM establish a general policy that if a parcel is located within a designated core area, it is presumed to contain (or be within) suitable sage-grouse habitat.
- **Monitoring and Adaptive Management**
  - Implementation of an effective monitoring and adaptive management process with performance based standards for each RMP is critical to the success of this effort. In addition to developing management prescriptions for sage-grouse, the technical committee should recommend triggers for adaptive management throughout the range and clearly specify the consequences that will result if triggers are reached. Triggers could include sage-grouse population target ranges, target levels of survival and recruitment in particular areas, measures of the cumulative level of surface disturbance and well density in core areas etc. Consequences that would result if triggers are reached would include increases in protective measures. Monitoring should be required and adequately funded.

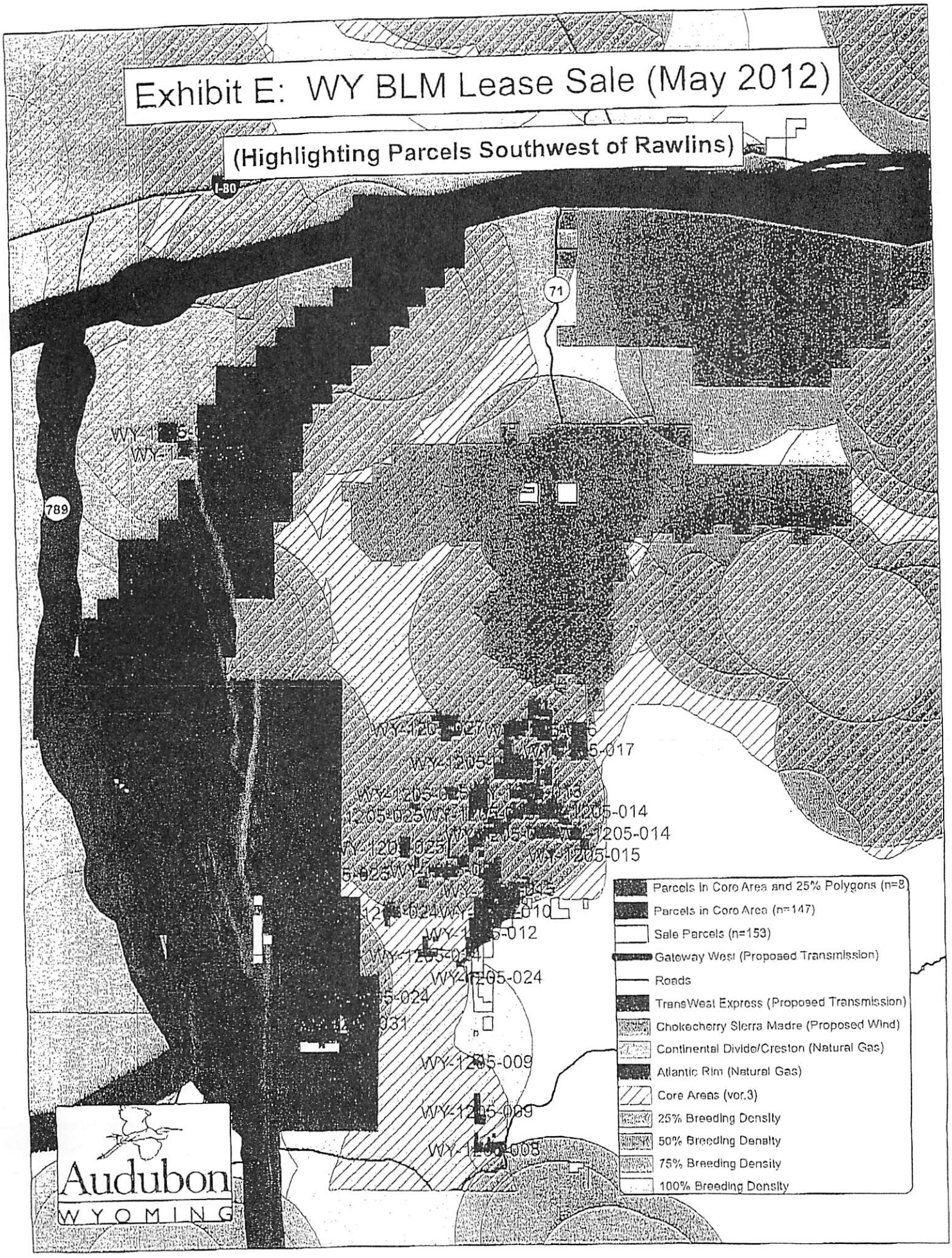


Exhibit E: WY BLM Lease Sale (May 2012)
(Highlighting Parcels Southwest of Rawlins)
I-80
71
789
WY-1205-017
WY-1205-014
WY-1205-015
WY-1205-012
WY-1205-024
WY-1205-009
WY-1205-008
Parcels in Core Area and 25% Polygons (n=8
Parcels in Core Area (n=147)
Sale Parcels (n=153)
Gateway West (Proposed Transmission)
Roads
TransWest Express (Proposed Transmission)
Chokecherry Sierra Madre (Proposed Wind)
Continental Divide/Creston (Natural Gas)
Atlantic Rim (Natural Gas)
Core Areas (ver.3)
25% Breeding Density
50% Breeding Density
75% Breeding Density
100% Breeding Density
Audubon
WYOMING