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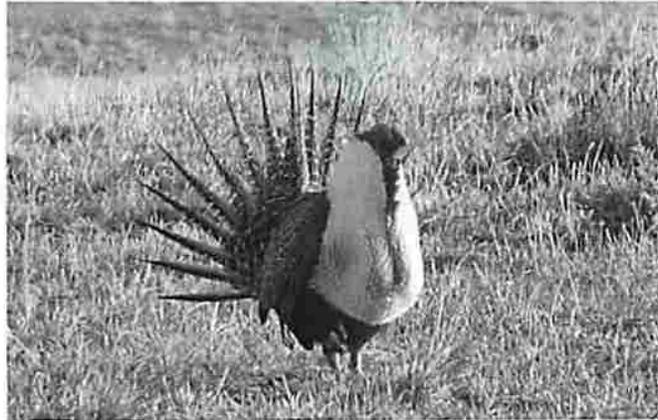
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Sage-Grouse and Sagebrush Conservation



The Importance of Sage-Grouse

The greater sage-grouse is an icon of western sagebrush ecosystems. It is a large, rounded-winged, spike-tailed, ground-dwelling bird, about two feet tall and weighing from two to seven pounds. Females are a mottled brown, black and white. Males are larger and have a large white ruff around their neck and bright yellow air sacks on their chest, which they inflate during their elaborate mating displays carried out in breeding areas known as leks. The birds are found at elevations ranging to 9,000 feet and are highly dependent on sagebrush for cover and feed.

Greater sage-grouse conservation is urgent. Once seen in great numbers across sagebrush landscapes of the West, sage-grouse have declined in number over the past one hundred years because of the loss, degradation, and fragmentation of sagebrush habitats essential for their survival. Greater sage-grouse now occupy only about 56% of the habitat that was available to them before the arrival of settlers of European descent.

Sagebrush ecosystems are home to a surprisingly abundant number of wildlife species that depend on this complex and often fragile ecosystem type. If sage grouse populations are in trouble, it means other sagebrush-dependent species are, too. We consider our work critical to help all species that depend on sagebrush habitat.

Governmental Roles

States manage all resident wildlife, including sage-grouse, through their respective wildlife management divisions or departments. Federal agencies such as the BLM and the U.S. Forest Service are responsible for managing habitat on the lands under their respective jurisdictions. The USDA Natural Resources Conservation Service started a special Sage Grouse Initiative (SGI) in 2010 to implement conservation practices on private lands achieving sage grouse conservation through sustainable agriculture. Local governments, Tribal governments and private landowners or administrators also play an important role managing wildlife and habitat.

Sage-grouse benefit from and make use of suitable habitat regardless of its ownership and management responsibility, so it is important that all stakeholders be engaged in any conservation effort.

The BLM's Role

As the steward of more than half of all remaining sagebrush habitat in the United States, ranging up to 47 million acres of land if you include buffered lek locations, the BLM is playing a leading role in developing and implementing land management actions to conserve the sage-grouse.

Maintaining and restoring sagebrush landscapes on public lands is the BLM's primary means of conserving sage-grouse populations and one of its most important current programs. The BLM is working in partnership with its sister agencies and the Western states to develop new or revised approaches to sage-grouse conservation through land-use plans. Working with our partners, we will use these land use plans to implement actions range-wide so we can conserve

Welcome to our site!



The BLM's new Greater Sage-grouse conservation website is part of the agency's efforts to maintain and restore sagebrush landscapes on public lands. This site is intended to make it easy to find out about how the BLM is doing its work. The BLM's approach includes dividing the sage-grouse range into Rocky Mountain and Great Basin regions. The agency on Dec. 9 announced its public scoping process in the Federal Register.

Now available: The May 2012 Scoping Summary Report, which documents the results of the public and agency scoping and outreach process under the National Greater Sage-Grouse Planning Strategy.

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Public Scoping Meetings

Meeting dates and locations have been scheduled: [Go to Rocky Mountain Region schedule](#) » | [Go to Great Basin Region schedule](#) »

MAPS and GRAPHICS

[Greater Sage-grouse Breeding Densities Map](#)



EXHIBIT

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and restore the greater sage-grouse and its habitat on BLM lands over the short term and the long term.

Greater Sage-Grouse and Wildland Fire

Wildfires are a leading cause of sagebrush habitat loss, and the BLM is addressing the effects of wildland fire on sage-grouse habitat by taking appropriate action before and during wildfires. The BLM's aim is to limit the damage from unwanted wildfires in sagebrush habitat by thorough planning before a fire, prompt action during the fire, and effective rehabilitation of a burned area after the fire. To learn more about what the BLM is doing to address wildfire in greater sage-grouse habitat, [click here](#). For more details on BLM's wildland firefighting policy in greater sage-grouse habitat, read our Instructional Memorandum.

Comments and Feedback

General questions about the planning strategy should be directed to SageQuery@blm.gov. You can also visit our [Frequently Asked Questions page](#).

See where the Greater-sage Grouse are found »

Planning Strategy Flowchart



How the teams are structured »

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Last updated: 05-23-2012

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Rocky Mountain Region – National Greater Sage-Grouse Planning Strategy

The Rocky Mountain Region includes Colorado, Montana, North Dakota, South Dakota, northeastern Utah, and Wyoming.

Background

In March 2010, the United States Fish and Wildlife Service (USFWS) published its listing decision for the greater sage-grouse as "Warranted but Precluded." Inadequacy of regulatory mechanisms was identified as a major threat to the species in the USFWS finding on the petition to list the greater sage-grouse. The USFWS has identified the principal regulatory mechanism for the BLM as conservation measures in Resource Management Plans (RMPs).

Based on the identified threats to the greater sage-grouse and the USFWS timeline for making a listing decision on this species, the BLM needs to incorporate explicit objectives and adequate conservation measures into RMPs within the next 3 years in order to conserve greater sage-grouse and avoid a potential listing under the Endangered Species Act. The planning strategy will evaluate the adequacy of BLM RMPs and address, as necessary, revisions and amendments throughout the range of the greater sage-grouse (with the exception of the bi-state population in California and Nevada and the Washington state population segment, which will be addressed through other planning efforts).

The BLM has determined that the proposed strategy is a major federal action which requires the preparation of Environmental Impact Statements (EISs) in accordance with the National Environmental Policy Act (NEPA). The BLM will seek public and agency input to identify issues to address in the EISs and coordinate with other federal, state, and local government agencies in preparing the EISs. The BLM will conduct detailed environmental studies on the proposed and alternative policies, and analyze how implementation of the policies may affect the quality of the environment.

Overview of the National Planning Strategy

The BLM is developing a national strategy to preserve, conserve, and restore sagebrush habitat, the ecological home of the greater sage-grouse. The BLM will issue national policy and direction, based on local needs and information, to guide the agency's actions and raise the importance of sagebrush conservation in BLM planning efforts. At the local level, the BLM will initiate or continue to work on formal plan "amendments" for BLM RMPs to reflect new conservation measures. Greater sage-grouse habitat is addressed in as many as 98 current BLM RMPs or Management Framework Plans (the name given to an earlier generation of RMPs).

For the purposes of this planning effort, the BLM has divided the greater sage-grouse's range into an Rocky Mountain and Great Basin Region. This division allows for closer cooperation and partnerships on region-specific conservation and habitat restoration measures. Sage-grouse face distinct challenges in different parts of the country. For example, wildfire is a large challenge in the Great Basin Region, whereas energy development is fragmenting habitat in the Rocky Mountain Region. Dividing the greater sage-grouse's range into two regions makes it easier to tailor conservation actions to the specific conditions of an area.

A flow chart shows how this strategy is structured.

Rocky Mountain Region Planning Strategy

Regional efforts will also allow the BLM to focus on the differing threats and conservation opportunities available between the two regions. The Rocky Mountain Region (Colorado, most of Montana, North Dakota, South Dakota, northern and northeastern Utah and Wyoming) will focus on addressing the continued loss, fragmentation and degradation of greater sage-grouse habitat as a result of energy development and the accompanying infrastructure. The Great Basin Region will also address other threats identified through the planning process.

The BLM is developing interim management measures with the help of our state and federal partners to help ensure that sagebrush habitat is conserved in the short term until we can address conservation measures through resource management plan RMP amendments or revisions as necessary. RMPs are the BLM's basic land-use plans and provide the platform for long-term decisions effecting public land management over the next 15-25 years.

We'll start the process to amend or revise RMPs to reflect new conservation measures, starting in fall 2011.

The EIS process is guided by NEPA. As with all EISs, the NEPA process is kicked off with the publication of a Notice of Intent (NOI) in the *Federal Register*. You can view the NOI under this site's Documents and Resources page.

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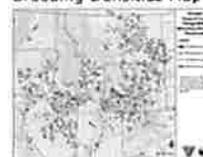
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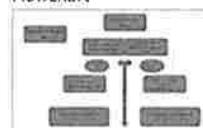
MAPS and GRAPHICS

Greater Sage-grouse Breeding Densities Map



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Next Steps

We'll need the help of the public as we move forward. In early 2012, we'll begin the "public scoping" process where we ask interested people, organizations and other agencies for their thoughts and opinions. Where the public scoping process is not appropriate or available, the BLM will hold additional public workshops to engage the public while we address the needs of the greater sage-grouse on BLM lands. All public involvement will culminate with publication of several Final EISs in 2014.

Keep Informed

To keep informed, visit the the Rocky Mountain Region Contacts page.

Last updated: 04-26-2012

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Notice

Notice of Intent To Prepare Environmental Impact Statements and Supplemental Environmental Impact Statements To Incorporate Greater Sage-Grouse Conservation Measures Into Land Use Plans and Land Management Plans

A Notice by the [Land Management Bureau](#) on [12/09/2011](#)

Summary

In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Federal Land Policy and Management Act of 1976, as amended (FLPMA), and the Resources Planning Act of 1974, as amended by the National Forest Management Act 1976 (NFMA), the Bureau of Land Management (BLM) and the Forest Service (FS) intend to prepare Environmental Impact Statements



(EIS) and Supplemental EISs, and by this notice are announcing the beginning of the scoping process to solicit public comments and identify issues. The BLM is the lead agency on these EISs and Supplemental EISs and the FS is participating as a cooperating agency.

These EISs/Supplemental EISs will be coordinated under two regions: An Eastern Region and a Western Region. The Eastern Region includes BLM land use plans in the States of Colorado, Wyoming, North Dakota, South Dakota, and portions of Utah and Montana. The Western Region includes BLM land use plans in California, Idaho, Nevada, Oregon, and portions of Utah and Montana. For each of these regions, the FS will include those areas that were identified by the FWS as high priority areas for greater sage-grouse within the NFS units listed below.

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DATES:

This notice initiates the public scoping process for the EISs/Supplemental EISs. Comments on issues may be submitted in writing until February 7, 2012. The date(s) and location(s) of all scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site for the Eastern Region at <http://www.blm.gov/wo/st/en/prog/more/sagegrouse/eastern.html>, and for the Western Region at <http://www.blm.gov/wo/st/en/prog/more/sagegrouse/western.html>. In order to be included in the Draft EISs/Supplemental EISs, all scoping comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. Comments that are specific to a particular area or land use plan should be identified as such. We will provide additional opportunities for public participation upon publication of the Draft EISs/Supplemental EISs.

ADDRESSES:

You may submit comments related to the greater sage-grouse planning effort by any of the following methods:

- Eastern Region

o Web site: <http://www.blm.gov/wo/st/en/prog/more/sagegrouse/eastern.html>

oEmail: sageeast@blm.gov

oFax: (307) 775-6042

oMail: Eastern Region Project Manager, BLM Wyoming State Office, 5353 Yellowstone, Cheyenne, Wyoming 82009

- Western Region

oWeb site: <http://www.blm.gov/wo/st/en/prog/more/sagegrouse/western.html>

oEmail: sagewest@blm.gov

oFax: (775) 861-6747

oMail: Western Region Project Manager, BLM Nevada State Office, 1340 Financial Blvd., Reno, Nevada 89502

Documents pertinent to the Eastern Region will be coordinated through the BLM Wyoming State Office. Documents pertinent to the Western Region will be coordinated through the BLM Nevada State Office.

Though BLM and NFS lands in Utah are distributed between the Western and Eastern Regions, all such lands will be addressed in one EIS, or through ongoing plan revision processes. All comments applicable to the Utah EIS should be sent to the Western Region.

FOR FURTHER INFORMATION CONTACT:

For further information and/or to have your name added to our mailing list, contact Chuck Otto, Eastern Region Project Manager, telephone (307) 775-6062; address 5353 Yellowstone Road, Cheyenne, Wyoming 82009; email cotto@blm.gov, or: Brian Amme, Western Region Project Manager, telephone (775) 861-6645; address 1340 Financial Boulevard, Reno, Nevada 89520; email bamme@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-(800) 877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

In April 2010, the U.S. Fish and Wildlife Service (FWS) published its listing decision for the greater sage-grouse indicating that listing was "Warranted but Precluded" due to higher listing priorities under the Endangered Species Act. The inadequacy of regulatory mechanisms to conserve the greater sage-grouse and its habitat was identified as a significant threat in the FWS finding on the petition

to list the greater sage-grouse as a threatened or endangered species. The FWS has identified conservation measures to be included in the respective agencies' land use plans as the principal regulatory mechanisms to assure adequate conservation of the greater sage-grouse and its habitat on public lands. For the BLM, these land use plans are Resource Management Plans (RMP). For the FS, these are Land and Resource Management Plans (LMP). In view of the identified threats to the greater sage-grouse, and the FWS timeline for making a listing decision on this species, the BLM and FS propose to incorporate consistent objectives and conservation measures for the protection of greater sage-grouse and its habitat into relevant RMPs and LMPs by September 2014 in order to avoid a potential listing under the Endangered Species Act. These conservation measures would be incorporated into RMPs and LMPs through the plan amendment and revision processes of the respective agencies. The BLM and FS expect to prepare EISs to analyze proposed amendments to some land use plans that are not currently undergoing amendment or revision. For plans already undergoing amendment or revision, the BLM and FS will consider incorporating conservation measures either through the ongoing amendment or revision processes, or through supplemental environmental analyses as appropriate.

The BLM and FS intend to evaluate the adequacy of sage-grouse conservation measures in RMPs and selected LMPs, and consider conservation measures, as appropriate, in proposed RMP and selected LMP amendments and/or revisions throughout the range of the greater sage-grouse (with the exception of the bi-state population in California and Nevada and the Washington State distinct population segment, which will be addressed through other planning efforts).

The BLM currently expects to evaluate sage-grouse conservation measures in 68 planning areas, and the FS expects to evaluate sage-grouse conservation measures in 9 LMPs. The plans applicable to these planning areas are listed below.

BLM Wyoming has already begun undertaking a programmatic EIS specific to the greater sage-grouse. This programmatic EIS will analyze amendments to all of the State's RMPs not currently being amended or revised to address needed changes to the management and conservation of greater sage-grouse habitats. The ongoing RMP revisions in Wyoming will evaluate conservation measures through existing planning processes.

Below is a list of RMPs and LMPs that the BLM and FS intend to evaluate. Some RMPs/LMPs are already undergoing either revision or amendment. In cases in which an ongoing plan revision or amendment may not be completed by September 2014, the underlying completed RMP is also listed, as it may be amended. FS LMPs are denoted below in parentheses.

Within the Eastern Region, the potentially affected BLM RMPs and FS LMPs include:

- Colorado
- Colorado River Valley RMP revision

- Grand Junction RMP revision (and existing 1987 Grand Junction RMP)
- Kremmling RMP revision
- Little Snake RMP (2011)
- White River RMP Oil and Gas amendment
 - Montana/Dakotas
- Billings RMP revision (and existing 1984 Billings RMP)
- Headwaters RMP (1984)
- HiLine RMP revision (and existing 1988 West HiLine RMP)
- Judith, Valley, and Phillips RMP (1992)
- Miles City RMP revision (and existing 1985 Powder River and 1995 Big Dry RMPs)
- North Dakota RMP (1988)
- South Dakota RMP revision (and existing 1986 South Dakota RMP)
- Upper Missouri River Breaks NM RMP (2008)
 - Utah
- Park City Management Framework Plan (MFP) (1975)
- Price RMP (2008)
- Randolph MFP (1980)
- Salt Lake District Isolated Tracts Planning Analysis (1985)
- Vernal RMP (2008)
- Uinta National Forest Revised Forest Plan (2003) (FS)
 - Wyoming (please note that BLM Wyoming has already issued a Notice of Intent to begin an EIS that will amend all completed plans to address needed changes in the management and conservation of greater sage-grouse habitat)
- Bighorn Basin RMP revision
- Buffalo RMP revision (and existing 1985 Buffalo RMP)

- Casper RMP (2007)
- Kemmerer RMP (2010)
- Lander RMP revision
- Newcastle RMP (2000)
- Pinedale RMP (2008)
- Rawlins RMP (2008)
- Rock Springs RMP revision (and existing 1997 Green River RMP)
- Thunder Basin National Grassland LMP (not included in BLM Wyoming Notice of Intent above) (FS)

Within the Western Region, the potentially affected RMPs and LMPs include:

- California
 - Alturas RMP (2008)
 - Eagle Lake RMP (2008)
 - Surprise RMP (2008)
- Idaho
 - Birds of Prey NCA RMP (2008)
 - Bruneau RMP revision (and existing 1983 Bruneau RMP)
 - Challis RMP (1999)
 - Craters of the Moon NM RMP (2006)
 - Four Rivers RMP revision (and existing 1988 Cascade and 1983 Kuna RMPs)
 - Jarbidge RMP revision
 - Lemhi RMP (1987)
 - Owyhee RMP (1999)
 - Pocatello RMP revision
 - Shoshone-Burley RMP revision (and existing 1980 Bennett Hills/Timmerman Hills, 1985 Cassia,

1975 Magic, 1985 Monument, 1981 Sun Valley, and 1982 Twin Falls MFPs/RMPs)

○ Upper Snake RMP revision (and existing 1983 Big Lost, 1985 Medicine Lodge, 1981 Big Desert, and 1981 Little Lost-Birch Creek MFPs/RMPs)

○ Curlew National Grassland Management Plan (2002) (FS)

○ Caribou National Forest Revised Forest Plan (2003) (FS)

○ Sawtooth National Forest Revised Forest Plan (2003) (FS)

- Montana

○ Butte RMP (2009)

○ Dillon RMP (2006)

- Nevada

○ Battle Mountain RMP revision (and existing 1997 Tonopah and 1986 Shoshone-Eureka RMPs)

○ Black Rock Desert NCA RMP (2004)

○ Carson City RMP revision (and existing 2001 Carson City RMP)

○ Elko RMP (1987)

○ Ely RMP (2008)

○ Wells RMP (1985)

○ Winnemucca RMP revision

○ Humboldt National Forest Land and Resource Management Plan (1986) (FS)

○ Toiyabe National Forest Land and Resource Management Plan (1986) (FS)

- Oregon

○ Andrews RMP (2005)

○ Baker RMP revision (and existing 1989 Baker RMP)

○ Brothers-Lapine RMP (1989)

○ John Day RMP revision

○ Lakeview RMP amendment (and existing 2003 Lakeview RMP)

- Southeastern Oregon RMP amendment (and existing 2003 Southeastern Oregon RMP)
- Steens RMP (2005)
- Three Rivers RMP (1992)
- Two Rivers RMP (1989)
- Upper Deschutes RMP (2005)
 - Utah
- Box Elder RMP (1986)
- Cedar City RMP revision (and existing 1983 Pinyon and 1986 Cedar-Beaver-Garfield-Antimony RMPs)
- Grand Staircase-Escalante NM RMP (1999)
- House Range RMP (1987)
- Kanab RMP (2008)
- Pony Express RMP (1990)
- Richfield RMP (2008)
- Warm Springs RMP (1986)
- Dixie National Forest Land and Resource Management Plan (1986) (FS)
- Fishlake National Forest Land and Resource Management Plan (1986) (FS)

The purpose of the public scoping process is to determine relevant issues relating to the conservation of the greater sage-grouse and its habitat that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EISs/Supplemental EISs.

At present, the BLM has identified the following preliminary issues:

- Greater Sage-grouse Habitat Management
- Fluid Minerals
- Coal Mining
- Hard Rock Mining
- Mineral Materials
- Rights-of-Way (including transmission)

- Renewable Energy Development
- Fire
- Invasive Species
- Grazing
- Off Highway Vehicle Management and Recreation

Preliminary planning criteria include:

- The BLM and FS will utilize the Western Association of Fish and Wildlife Agencies (WAFWA) Conservation Assessment of Greater Sage-grouse and Sagebrush Habitats (Connelly, et al. 2004), and any other appropriate resources, to identify greater sage-grouse habitat requirements and best management practices.
- The approved RMP amendments/revisions will be consistent with the BLM's National Sage-grouse Conservation Strategy.
- The approved RMP amendments/revisions will comply with FLPMA, NEPA, and Council on Environmental Quality regulations at 40 CFR parts 1500-1508 and Department of the Interior regulations at 43 CFR part 46 and 43 CFR part 1600; the BLM H-1601-1 Land Use Planning Handbook, "Appendix C: Program-Specific and Resource-Specific Decision Guidance Requirements" for affected resource programs; the 2008 BLM NEPA Handbook (H-1790-1), and all other applicable BLM policies and guidance.
- The approved LMP amendments/revisions will comply with NFMA, NEPA, Council on Environmental Quality regulations at 40 CFR parts 1500-1508, Regulations of the Secretary of Agriculture at 36 CFR part 219 and FSM 1920 and FSH 1909.12.
- The RMP and LMP amendments/revisions will be limited to making land use planning decisions specific to the conservation of greater sage-grouse habitats.
- The BLM and FS will consider allocative and/or prescriptive standards to conserve greater sage-grouse habitat, as well as objectives and management actions to restore, enhance, and improve greater sage-grouse habitat.
- The RMP and LMP amendments/revisions will recognize valid existing rights.
- Lands addressed in the RMP and LMP amendments/revisions will be public lands (including surface-estate split estate lands) managed by the BLM, and National Forest System lands, respectively, in greater sage-grouse habitats. Any decisions in the RMP and LMP amendments/revisions will apply only to Federal lands administered by either the BLM or the FS.
- The BLM and FS will use a collaborative and multi-jurisdictional approach, where appropriate, to determine the desired future condition of public lands and National Forest System lands for the conservation of greater sage-grouse and their habitats.
- As described by law and policy, the BLM and FS will strive to ensure that conservation measures are as consistent as possible with other planning jurisdictions within the planning area boundaries.
- The BLM and FS will consider a range of reasonable alternatives, including appropriate management prescriptions that focus on the relative values of resources while contributing to

the conservation of the greater sage-grouse and sage-grouse habitat.

- The BLM and FS will address socioeconomic impacts of the alternatives. Socio-economic analysis will use an accepted input-output quantitative model such as IMPLAN or RIMSII, and/or JEDI for renewable energy analysis.
- The BLM and FS will endeavor to use current scientific information, research, technologies, and results of inventory, monitoring, and coordination to determine appropriate local and regional management strategies that will enhance or restore greater sage-grouse habitats.
- Management of greater sage-grouse habitat that intersects with Wilderness Study Areas (WSAs) on Public lands administered by the BLM will be guided by the Interim Management Policy for Lands Under Wilderness Review (IMP). Land use allocations made for WSAs must be consistent with the IMP and with other laws, regulations, and policies related to WSA management.
- For BLM-administered lands, all activities and uses within greater sage-grouse habitats will follow existing land health standards. Standards and guidelines (S&G) for livestock grazing and other programs that have developed S&Gs will be applicable to all alternatives for BLM lands.
- The BLM and FS will consult with Indian tribes to identify sites, areas, and objects important to their cultural and religious heritage within greater sage-grouse habitats.
- The BLM and FS will coordinate and communicate with State, local, and tribal governments to ensure that the BLM and FS consider provisions of pertinent plans, seek to resolve inconsistencies between State, local, and tribal plans, and provide ample opportunities for state, local, and tribal governments to comment on the development of amendments or revisions.
- The BLM and FS will develop vegetation management objectives, including objectives for managing noxious weeds and invasive species (including identification of desired future condition for specific areas), within greater sage-grouse habitat.
- The RMP and LMP amendments/revisions will be based on the principles of Adaptive Management.
- Reasonable Foreseeable Development Scenarios and planning for Fluid Minerals will follow the BLM Handbook H-1624-1 and current fluid minerals manual guidance for fluid mineral (oil and gas, coal-bed methane, oil shale) and geothermal resources. For NFS lands, the FS will use applicable and relevant policy and procedures.
- The RMP and LMP amendments/revisions will be developed using an interdisciplinary approach to prepare reasonable foreseeable development scenarios, identify alternatives, and analyze resource impacts, including cumulative impacts to natural and cultural resources and the social and economic environment.
- The most current approved BLM and FS corporate spatial data will be supported by current metadata and will be used to ascertain greater sage-grouse habitat extent and quality. Data will be consistent with the principles of the Information Quality Act of 2000.
- State Game and Fish agencies' greater sage-grouse data and expertise will be utilized to the fullest extent practicable in making management determinations on Federal lands.

The BLM and FS will utilize and coordinate the NEPA commenting process to help fulfill the public

involvement process under Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), if applicable, as provided for in 36 CFR 800.2(d)(3). Native American tribal consultations will be conducted in accordance with policy, and tribal concerns will be given due consideration, including impacts on Indian trust assets. Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM's or FS's decision on this proposal are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency. The public is also invited to nominate or recommend areas on public lands for greater sage-grouse and their habitat to be considered as Areas of Critical Environmental Concern as a part of this planning process (BLM Manual 1613.3.31). Parties interested in leasing and development of Federal coal in the planning area should provide coal resource data for their area(s) of interest. Specifically, information is requested on the location, quality, and quantity of Federal coal with development potential, and on surface resource values related to the 20 coal unsuitability criteria described in 43 CFR part 3461. This information will be used for any necessary updating of coal screening determinations (43 CFR 3420.1-4) in the Decision Area and in the environmental analysis.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority:

40 CFR 1501.7, 43 CFR 1610.2.

Edwin Roberson,

Assistant Director, Renewable Resources and Planning.

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Site Feedback

A Report on National Greater Sage-Grouse Conservation Measures

Produced by:
Sage-grouse National Technical Team

December 21, 2011



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Introduction

Sagebrush landscapes have changed dramatically over the last two centuries. The vast expanses of sagebrush crossed by early European settlers and used by sage-grouse have been lost, fragmented, or altered due to invasive plants, changes in fire regimes, and impact of land uses (Knick et al. 2003, Knick and Connelly 2011a). As a consequence, sage-grouse and many other wildlife species that depend on sagebrush have undergone long-term range-wide population declines. Sage-grouse populations now occupy approximately one-half of their pre-European settlement distribution (Schroeder et al. 2004). 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). The need to address higher priority species and limited funding precluded immediate listing action. However, a litigation settlement requires that a listing decision be made by the U.S. Fish and Wildlife Service (USFWS) by September, 2015.

The Bureau of Land Management (BLM) manages approximately 50% of the sagebrush habitats used by sage-grouse (Knick 2011). Therefore, management actions by BLM in concert with other state and federal agencies, and private land owners play a critical role in the future trends of sage-grouse populations. To ensure BLM management actions are effective and based on the best available science, the National Policy Team created a National Technical Team (NTT) in August of 2011. The BLM's objective for chartering this planning strategy effort was to develop new or revised regulatory mechanisms, through Resource Management Plans (RMPs), to conserve and restore the greater sage-grouse and its habitat on BLM-administered lands on a range-wide basis over the long term. The National Greater Sage-Grouse Planning Strategy Charter charged the NTT to serve as a scientific and technical forum to:

- Understand current scientific knowledge related to the greater sage-grouse.
- Provide specialized sources of expertise not otherwise available.
- Provide innovative scientific perspectives concerning management approaches for the greater sage-grouse.
- Provide assurance that relevant science is considered, reasonably interpreted, and accurately presented; and that uncertainties and risks are acknowledged and documented.
- Provide science and technical assistance to the Regional Management Team (RMT) and Regional Interdisciplinary Team (RIDT), on request.
- Articulate conservation objectives for the greater sage-grouse in measurable terms to guide overall planning.

Introduction
National Technical Team

- Identify science-based management considerations for the greater sage-grouse (e.g., conservation measures) that are necessary to promote sustainable sage-grouse populations, and which focus on the threats (75 FR 13910) in each of the management zones.¹

The National Technical Team (NTT) met from August 28 through September 2, 2011, in Denver, Colorado, and a subset of the team met December 5-8 in Phoenix, Arizona, to further articulate the scientific basis for the conservation measures. Members of the team included resource specialists and scientists from the BLM, State Fish and Wildlife Agencies, USFWS, Natural Resources Conservation Service (NRCS) and U.S. Geological Survey (USGS).

This document provides the latest science and best biological judgment to assist in making management decisions. Fortunately, recent emphasis on sage-grouse conservation has resulted in a substantial number of publications dealing with a variety of aspects of sage-grouse ecology and management, summarized in the 2010 listing petition (75 FR 13910), as well as Knick and Connelly (2011b). Habitat requirements and other life history aspects of sage-grouse, excerpted from the USFWS listing decision (75 FR 13910), are summarized in Appendix A to provide context for the proposed conservation measures. We have attempted to describe the scientific basis for the conservation measures proposed within each program area. Perspectives on the nature and interpretation of the available science are in Appendix B.

The conservation measures described in this report are not an end point but, rather, a starting point to be used in the BLM's planning processes. Due to time constraints, they are focused primarily on priority sage-grouse habitat areas. General habitat conservation areas were not thoroughly discussed or vetted through the NTT, and the concept of connectivity between priority sage-grouse habitat areas will need more development through the BLM planning process.

¹ Identified in the Western Association of Fish and Wildlife Agencies (WAFWA) Conservation Strategy (Stiver et al. 2006).

Goals and Objectives

The BLM, along with a host of other state and federal agencies who participated in development of the Greater Sage-grouse Comprehensive Conservation Strategy (Stiver et al. 2006), endorsed the goal of that document which was "to maintain and enhance populations and distribution of sage-grouse by protecting and improving sagebrush habitats and ecosystems that sustain these populations". Although it was understood that at least in the short term this goal of maintaining sage-grouse population size and distribution as based on trends from 1965 - 2003, or enhancing above these levels was aspirational, the NTT supports it as a guiding philosophy against which management actions and policies of BLM should be weighed. Therefore, the conservation measures and strategies that follow assume the goal and objectives below.

Goal

Maintain and/or increase sage-grouse abundance and distribution by conserving, enhancing or restoring the sagebrush ecosystem upon which populations depend in cooperation with other conservation partners.

Until such time as more specific conservation objectives relative to sage-grouse distribution or abundance by sage-grouse management zone, state, or population are developed, 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).

Sage-grouse populations have the greatest chance of persisting when landscapes are dominated by sagebrush and natural or human disturbances are minimal (Aldridge et al. 2008, Knick and Hanser 2011, Wisdom et al. 2011). Within priority habitat, a minimum range of 50-70% of the acreage in sagebrush cover is required for long-term sage-grouse persistence (Aldridge et al. 2008, Doherty et al. 2010, Wisdom et al. 2011). Fire and invasion by exotic grasses are widespread causes for habitat loss, particularly in the western part of the sage-grouse range (Miller et al. 2011). Human land use, including tillage agriculture, historic grazing management, energy development, roads and power line infrastructure, and even recreation have contributed both individually and cumulatively to lower numbers of sage-grouse across the range (75 FR 13910, Knick et al. 2011).

New Paradigm

Through the establishment of the National Sage-grouse Planning Strategy, the Bureau of Land Management has committed to a new paradigm in managing the sagebrush landscape. That new paradigm will require collaborative conservation efforts among private, state, tribal, and other federal partners to conserve sage-grouse. 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. Adequacy of management adjustments will be measured by science-based effectiveness monitoring of the biological response of sagebrush landscapes and sage-grouse populations. Ultimately, success will be measured by the maintenance and enhancement of sage-grouse populations well into the future.

Objectives

The overall objective is to protect priority sage-grouse habitats from anthropogenic disturbances that will reduce distribution or abundance of sage-grouse. Priority sage-grouse habitats are areas that have the highest conservation value to maintaining or increasing sage-grouse populations. These areas would include breeding, late brood-rearing, winter concentration areas, and where known, migration or connectivity corridors. These areas have been, or will be identified by state fish and wildlife agencies in coordination with respective BLM offices. Priority habitat designations must reflect the vision, goals and objectives of this overall plan if the conservation measures are to be effective. Additionally, there is an opportunity for synergy and collaboration with WAFWA in order to identify a consistent way to designate priority sage-grouse habitat areas and develop a range-wide priority habitat area map. This collaborative and overarching approach could help ensure activities immediately outside the priority areas do not impact priority habitat.

To reach this objective, it will be necessary to achieve the following sub-objectives for priority habitat:

- Designate priority sage-grouse habitats for each WAFWA management zone (Stiver et al. 2006) across the current geographic range of sage-grouse that are large enough to stabilize populations in the short term and enhance populations over the long term.
- To maintain or increase current populations, manage or restore priority areas so that at least 70% of the land cover provides adequate sagebrush habitat to meet sage-grouse needs.
- Develop quantifiable habitat and population objectives with WAFWA and other conservation partners at the management zone and/or other appropriate scales. Develop a monitoring and adaptive management strategy to track whether these objectives are being met, and allow for revisions to management approaches if they are not.ⁱⁱ
- Manage priority sage-grouse habitats so that discrete anthropogenic disturbances cover less than 3% of the total sage-grouse habitat regardless of ownership. Anthropogenic features include but are not limited to paved highways, graded gravel roads, transmission lines, substations, wind

ⁱ As population trends within each Management Zone respond, long-term success can be judged based on comparisons with data from the 1965-2003 period for that specific Management Zone (Stiver et al., 2006).

ⁱⁱ Professional judgment as derived from Holloran 2005, Walker et al. 2007, Doherty et al. 2008, Doherty et al. 2011, Naugle et al. 2011a,b.

turbines, oil and gas wells, geothermal wells and associated facilities, pipelines, landfills, homes, and mines.ⁱⁱⁱ

- In priority habitats where the 3% disturbance threshold is already exceeded from any source, no further anthropogenic disturbances will be permitted by BLM until enough habitat has been restored to maintain the area under this threshold (subject to valid existing rights).
- In this instance, an additional objective will be designated for the priority area to prioritize and reclaim/restore anthropogenic disturbances so that 3% or less of the total priority habitat area is disturbed within 10 years.

Note to add context to above objective: Disturbance can be described within categories as discrete (having a distinct measurable impact in space and time) or diffuse (pressure is exerted over broad spatial or temporal scales) (Turner and Gardner 1991). Most anthropogenic disturbance (roads, power lines, oil/gas wells, tall structures) are discrete disturbances. Livestock grazing is a diffuse disturbance. Fire can be either discrete or diffuse depending on its characteristics and the scales at which it is measured. Sage-grouse are extremely sensitive to discrete disturbance (Johnson et al. 2011, Naugle et al. 2011a,b) although diffuse disturbance over broad spatial and temporal scales can have similar, but less visible effects.

Spatial and temporal scales are important components in measuring and interpreting the effects of disturbance (Johnson and St-Laurent 2011). A discrete event might be significant to individuals or local communities but have little effect on the larger population or region (See Figure 2 in Appendix B). Therefore, defining the spatial extent (the region bounding the analysis), spatial and temporal scale (the dimension of the event), and the resolution (the precision of the measurement) are fundamental inputs into any assessment of disturbance (Wheatley and Johnson 2009).

Two spatial extents for measuring anthropogenic disturbance will be used: 1) the area contained within individual priority areas and 2) each one-mile section within the priority area. This hierarchical arrangement allows concentrated anthropogenic disturbance to exceed recommended thresholds within a smaller area, yet still maintain an overall level at the scale to which sage-grouse respond within priority areas.

- (1) Large-scale disturbances that impact sage grouse distribution and abundance at any level will not be permitted within priority areas (subject to valid existing rights). Other, smaller scale proposed anthropogenic disturbances will not disturb more than a total of 3% of the acreage within each priority area.

ⁱⁱⁱ Professional judgment as derived from Holloran 2005, Walker et al. 2007, Doherty et al. 2008, Doherty et al. 2011, Naugle et al. 2011a,b.

- (2) Proposed anthropogenic surface disturbances within an individual priority area will be encouraged to occur in areas of existing development, or areas of non-suitable habitats. Suitable buffers, depending on the occurrence of adjacent seasonal habitats and local information (e.g. migratory vs. non-migratory populations; [Connelly et al. 2000]) may be applied in siting a proposed anthropogenic surface disturbance to protect surrounding suitable, undisturbed habitats.
- (3) Concentrating or clustering disturbances locally while maintaining total disturbance below 3% at the priority habitat scale may cause some one-mile² analysis sections to exceed the 3% anthropogenic disturbance goal. For example, a sand and gravel mine can result in intensive development of 40 acres, effectively rendering that area unsuitable for sage-grouse. The actual 40-acre disturbance may not push total anthropogenic disturbance to more than 3% for the entire priority area, but obviously has a significant local impact. In these situations, 40 acres of off-site mitigation will be necessary to offset this loss of habitat. The priority is to implement off-site mitigation within the priority sage-grouse habitat, followed by general sage-grouse habitat.

If a project proponent agrees to site proposed anthropogenic surface disturbance within areas of existing development or areas of non-suitable habitat in a priority area, and the resulting localized total surface disturbance exceeds 3% (but the anthropogenic surface disturbance of the entire priority area does not exceed 3%), the need for off-site mitigation should be evaluated on a case-by-case basis.

Additionally, there are sub-objectives that must be met in general sage-grouse habitat. General sage-grouse habitat is occupied (seasonal or year-round) habitat outside of priority habitat. These areas have been, or will be identified by state fish and wildlife agencies in coordination with respective BLM offices.

It will be necessary to achieve the following sub-objectives for general habitat:

- Quantify and delineate general habitat for capability to provide connectivity among priority areas (Knick and Hanser 2011).
- 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.
- Assess general sage-grouse habitats to determine potential to replace lost priority habitat caused by perturbations and/or disturbances and provide connectivity (Knick and Hanser 2011) between priority areas.
 - These habitats should be given some priority over other general sage-grouse habitats that provide marginal or substandard sage-grouse habitat.

Goals and Objectives
National Technical Team

- **Restore historical habitat functionality to support sage-grouse populations guided by objectives to maintain or enhance connectivity. Total area and locations will be determined at the Land Use Plan level.**
- **Enhance general sage-grouse habitat such that population declines in one area are replaced elsewhere within the habitat.**

Conservation Measures

The following conservation measures are designed to achieve population and habitat objectives stated in this report. They are organized by resource programs.

Travel and Transportation

The Travel and Transportation program is principally focused on road networks within the sage-grouse range. Roads can range from state or interstate highways to gravel and two-track roads. Within the sage-grouse range, 95% of the mapped sagebrush habitats are within 2.5 km (1.55 miles) of a mapped road; density of secondary roads exceeds 5 km/km² (3.1 miles/247 acres) in some regions (Knick et al. 2011).

Roads have multiple impacts on wildlife in terrestrial ecosystems, including:

- 1) Increased mortality from collision with vehicles;
- 2) Changes in behavior;
- 3) Loss, fragmentation, and alteration of habitat;
- 4) Spread of exotic species; and
- 5) Increased human access, resulting in facilitation of additional alteration and use of habitats by humans (Formann and Alexander 1998, Jackson 2000, Trombulak and Frissel 2000).

The effect of roads can be expressed directly through changes in habitat and sage-grouse populations and indirectly through avoidance behavior because of noise created by vehicle traffic (Lyon and Anderson 2003, 75 FR 13910).

Priority sage-grouse habitat areas

- Limit motorized travel to designated roads, primitive roads, and trails at a minimum.
- Travel management should evaluate the need for permanent or seasonal road or area closures.
- Complete activity level plans within five years of the record of decision. During activity level planning, where appropriate, designate routes with current administrative/agency purpose or need to administrative access only.
- Limit route construction to realignments of existing designated routes if that realignment has a minimal impact on sage-grouse habitat, eliminates the need to construct a new road, or is necessary for motorist safety
- Use existing roads, or realignments as described above to access valid existing rights that are not yet developed. If valid existing rights cannot be accessed via existing roads, then build any new road constructed to the absolute minimum standard necessary, and add the surface disturbance to the total disturbance in the priority area. If that disturbance exceeds 3 % for that area, then make additional, effective mitigation necessary to offset the resulting loss of sage-grouse habitat (see Objectives).

- Allow no upgrading of existing routes that would change route category (road, primitive road, or trail) or capacity unless the upgrading would have minimal impact on sage-grouse habitat, is necessary for motorist safety, or eliminates the need to construct a new road.
- Conduct restoration of roads, primitive roads and trails not designated in travel management plans. This also includes primitive route/roads that were not designated in Wilderness Study Areas and within lands with wilderness characteristics that have been selected for protection.
- When reseeding roads, primitive roads and trails, use appropriate seed mixes and consider the use of transplanted sagebrush.

Recreation

Recreational activities in sagebrush habitats range from hiking, camping and hunting to lek viewing, and off-highway vehicle (OHV) use. Many of these activities are benign uses in sagebrush habitats. However, excessive use, such as repeated disturbance to leks for viewing that disrupts sage-grouse breeding activities, can have negative effects (75 FR 13910). Off-trail recreation by OHV users can fragment habitat and create corridors for spread of exotic plant species (Knick et al. 2011).

Special Recreation Permits (SRP)

- Only allow SRPs that have neutral or beneficial affects to priority habitat areas.

Lands/Realty

The Lands and Realty program primarily influences rights-of-way (ROWs), land tenure adjustments, and proposed land withdrawals. Existing and proposed developments for ROWs (such as powerlines, pipelines, and renewable energy projects) and access to various mineral claims or energy development locations have the potential to cause habitat loss and fragmentation that decreases habitat and population connectivity. Roads also create corridors that facilitate spread of exotic plant species (Gelbard and Belnap 2003). In addition, roads and infrastructure networks can increase sage-grouse mortality from increased predation and collisions with vehicles. Sage-grouse may avoid areas because of noise from vehicle traffic (Lyon and Anderson 2003). Adjustments for land tenure and strategically-located land withdrawals can be used to increase connectivity within sage-grouse populations and sagebrush habitats (Knick and Hanser 2011). In addition, land acquisitions and withdrawals may be important conservation strategies because increased development on private lands, which is not subject to mitigation, will focus greater needs for conservation of sage-grouse and sagebrush on public lands (Knick et al. 2011).

Rights of Way

Priority sage-grouse habitat areas

- Make priority sage-grouse habitat areas exclusion areas for new ROWs permits. Consider the following exceptions:

- Within designated ROW corridors encumbered by existing ROW authorizations: new ROWs may be co-located only if the entire footprint of the proposed project (including construction and staging), can be completed within the existing disturbance associated with the authorized ROWs.
- Subject to valid, existing rights: where new ROWs associated with valid existing rights are required, co-locate new ROWs within existing ROWs or where it best minimizes sage-grouse impacts. Use existing roads, or realignments as described above, to access valid existing rights that are not yet developed. If valid existing rights cannot be accessed via existing roads, then build any new road constructed to the absolute minimum standard necessary, and add the surface disturbance to the total disturbance in the priority area. If that disturbance exceeds 3% for that area, then make additional effective mitigation necessary to offset the resulting loss of sage-grouse.
- Evaluate and take advantage of opportunities to remove, bury, or modify existing power lines within priority sage-grouse habitat areas. Sage-grouse may avoid powerlines because of increased predation risk (Steenhof et al. 1993, Lammers and Collopy 2007). Powerlines effectively influence (direct physical area plus estimated area of effect due to predator movements) at least 39% of the sage-grouse range (Knick et al. 2011). Deaths resulting from collisions with powerlines were an important source of mortality for sage-grouse in southeastern Idaho (Beck et al. 2006, 75 FR 13910)
- Where existing leases or ROWs have had some level of development (road, fence, well, etc.) and are no longer in use, reclaim the site by removing these features and restoring the habitat.

Planning Direction Note: While engaged in this sage-grouse EIS planning process, relocate existing designated ROW corridors crossing priority sage-grouse habitat void of any authorized ROWs, outside of the priority habitat area. If relocation is not possible, undesignate that entire corridor during the planning process.

General sage-grouse habitat areas

- Make general sage-grouse habitat areas "avoidance areas" for new ROWs.
- Where new ROWs are necessary, co-locate new ROWs within existing ROWs where possible.

Land Tenure Adjustment

Priority sage-grouse habitat areas

- Retain public ownership of priority sage-grouse habitat. Consider exceptions where:
 - There is mixed ownership, and land exchanges would allow for additional or more contiguous federal ownership patterns within the priority sage-grouse habitat area.
 - Under priority sage-grouse habitat areas with minority federal ownership, include an additional, effective mitigation agreement for any disposal of federal land. As a final preservation measure consideration should be given to pursuing a permanent conservation easement.

- Where suitable conservation actions cannot be achieved, seek to acquire state and private lands with intact subsurface mineral estate by donation, purchase or exchange in order to best conserve, enhance or restore sage-grouse habitat.

Proposed Land Withdrawals

Priority sage-grouse habitat areas

- Propose lands within priority sage-grouse habitat areas for mineral withdrawal.
- Do not approve withdrawal proposals not associated with mineral activity unless the land management is consistent with sage-grouse conservation measures. (For example; in a proposed withdrawal for a military training range buffer area, manage the buffer area with sage-grouse conservation measures.)

Range Management

Potential impacts of herbivory on sage-grouse and their habitat include:

- 1) Long-term effects of historic overgrazing on sagebrush habitat;
- 2) Sage-grouse habitat changes due to herbivory;
- 3) Direct effects of herbivores on sage-grouse, such as trampling of nests and eggs;
- 4) Altered sage-grouse behavior due to presence of herbivores; and
- 5) Impacts to sage-grouse and sage-grouse behavior from structures associated with grazing management (Beck and Mitchell 2000).

Managing livestock grazing to maintain residual cover of herbaceous vegetation so as to reduce predation during nesting may be the most beneficial for sage-grouse populations (Beck and Mitchell 2000, Aldridge and Brigham 2003). Other management objectives that control livestock movements and grazing intensities can be achieved broadly through rotational grazing patterns or locally through water and salt placements (Beck and Mitchell 2000). Treatments used to manipulate vegetation ultimately may have far greater effect on sage-grouse through long-term habitat changes rather than direct impacts of grazing itself (Freilich et al. 2003, Knick et al. 2011). An important objective in managing livestock grazing is to maintain residual cover of herbaceous vegetation to reduce predation during nesting (Beck and Mitchell 2000) and to maintain the integrity of riparian vegetation and other wetlands (Crawford et al. 2004). Proper livestock management (timing, location, and intensity) can assist in meeting sage-grouse habitat objectives and reduce fuels (Briske et al. 2011).

- Within priority sage-grouse habitat, incorporate sage-grouse habitat objectives and management considerations into all BLM grazing allotments through AMPs or permit renewals.

- Work cooperatively on integrated ranch planning within sage-grouse habitat so operations with deeded/BLM allotments can be planned as single units.
- Prioritize completion of land health assessments and processing grazing permits within priority sage-grouse habitat areas. Focus this process on allotments that have the best opportunities for conserving, enhancing or restoring habitat for sage-grouse. Utilize Ecological Site Descriptions (ESDs) to conduct land health assessments to determine if standards of range-land health are being met.
- Conduct land health assessments that include (at a minimum) indicators and measurements of structure/condition/composition of vegetation specific to achieving sage-grouse habitat objectives (Doherty et al. 2011). If local/state seasonal habitat objectives are not available, use sage-grouse habitat recommendations from Connelly et al. 2000b and Hagen et al. 2007.

Implementing Management Actions after Land Health and Habitat Evaluations

- Develop specific objectives to conserve, enhance or restore priority sage-grouse habitat based on ESDs and assessments (including within wetlands and riparian areas). If an effective grazing system that meets sage-grouse habitat requirements is not already in place, analyze at least one alternative that conserves, restores or enhances sage-grouse habitat in the NEPA document prepared for the permit renewal (Doherty et al. 2011b, Williams et al. 2011).
- Manage for vegetation composition and structure consistent with ecological site potential and within the reference state to achieve sage-grouse seasonal habitat objectives.
- Implement management actions (grazing decisions, AMP/Conservation Plan development, or other agreements) to modify grazing management to meet seasonal sage-grouse habitat requirements (Connelly et al. 2011c). Consider singly, or in combination, changes in:
 - 1) Season or timing of use;
 - 2) Numbers of livestock (includes temporary non-use or livestock removal);
 - 3) Distribution of livestock use;
 - 4) Intensity of use; and
 - 5) Type of livestock (e.g., cattle, sheep, horses, llamas, alpacas and goats) (Briske et al. 2011).
- During drought periods, prioritize evaluating effects of the drought in priority sage-grouse habitat areas relative to their needs for food and cover. Since there is a lag in vegetation recovery following drought (Thurrow and Taylor 1999, Cagney et al. 2010), ensure that post-drought management allows for vegetation recovery that meets sage-grouse needs in priority sage-grouse habitat areas.

Riparian Areas and Wet Meadows

- Manage riparian areas and wet meadows for proper functioning condition within priority sage-grouse habitats.
 - Within priority and general sage-grouse habitats, manage wet meadows to maintain a component of perennial forbs with diverse species richness relative to site potential (e.g., reference state) to facilitate brood rearing. Also conserve or enhance these wet meadow complexes to maintain or increase amount of edge and cover within that edge to minimize elevated mortality during the late brood rearing period (Hagen et al. 2007, Kolada et al. 2009, Atamian et al. 2010).
- Where riparian areas and wet meadows meet proper functioning condition, strive to attain reference state vegetation relative to the ecological site description.
 - For example: Within priority sage-grouse habitat, reduce hot season grazing on riparian and meadow complexes to promote recovery or maintenance of appropriate vegetation and water quality. Utilize fencing/herding techniques or seasonal use or livestock distribution changes to reduce pressure on riparian or wet meadow vegetation used by sage-grouse in the hot season (summer) (Aldridge and Brigham 2002, Crawford et al. 2004, Hagen et al. 2007).
- Authorize new water development for diversion from spring or seep source only when priority sage-grouse habitat would benefit from the development. This includes developing new water sources for livestock as part of an AMP/conservation plan to improve sage-grouse habitat.
- Analyze springs, seeps and associated pipelines to determine if modifications are necessary to maintain the continuity of the predevelopment riparian area within priority sage-grouse habitats. Make modifications where necessary, considering impacts to other water uses when such considerations are neutral or beneficial to sage-grouse.

Treatments to Increase Forage for Livestock/Wild Ungulates

Priority sage-grouse habitat areas

- Only allow treatments that conserve, enhance or restore sage-grouse habitat (this includes treatments that benefit livestock as part of an AMP/Conservation Plan to improve sage-grouse habitat.^{iv}
- Evaluate the role of existing seedings that are currently composed of primarily introduced perennial grasses in and adjacent to priority sage-grouse habitats to determine if they should be restored to sagebrush or habitat of higher quality for sage-grouse. If these seedings are part of an AMP/

^{iv} Conserve or enhance means to allow no degradation and can mean that the improvement or livestock supplement is part of a grazing/AMP/Conservation Plan that facilitates meeting sage-grouse habitat objectives within a pasture or allotment.

Conservation Plan or if they provide value in conserving or enhancing the rest of the priority habitats, then no restoration would be necessary. Assess the compatibility of these seedings for sage-grouse habitat or as a component of a grazing system during the land health assessments (Davies et al. 2011).

- For example: Some introduced grass seedings are an integral part of a livestock management plan and reduce grazing pressure in important sagebrush habitats or serve as a strategic fuels management area.

Structural Range Improvements and Livestock Management Tools

Priority sage-grouse habitat areas

- Design any new structural range improvements and location of supplements (salt or protein blocks) to conserve, enhance, or restore sage-grouse habitat through an improved grazing management system relative to sage-grouse objectives. Structural range improvements, in this context, include but are not limited to: cattleguards, fences, exclosures, corrals or other livestock handling structures; pipelines, troughs, storage tanks (including moveable tanks used in livestock water hauling), windmills, ponds/reservoirs, solar panels and spring developments. Potential for invasive species establishment or increase following construction must be considered in the project planning process and monitored and treated post-construction.
- When developing or modifying water developments, use best management practices (BMPs, see Appendix C) to mitigate potential impacts from West Nile virus (Clark et al. 2006, Doherty 2007, Walker et al. 2007b, Walker and Naugle 2011).
- Evaluate existing structural range improvements and location of supplements (salt or protein blocks) to make sure they conserve, enhance or restore sage-grouse habitat.
 - To reduce outright sage-grouse strikes and mortality, remove, modify or mark fences in high risk areas within priority sage-grouse habitat based on proximity to lek, lek size, and topography (Christiansen 2009, Stevens 2011).
 - Monitor for, and treat invasive species associated with existing range improvements (Gelbard and Belnap 2003 and Bergquist et al. 2007).

Retirement of Grazing Privileges

- Maintain retirement of grazing privileges as an option in priority sage-grouse areas when base property is transferred or the current permittee is willing to retire grazing on all or part of an allotment. Analyze the adverse impacts of no livestock use on wildfire and invasive species threats (Crawford et al. 2004) in evaluating retirement proposals.

Planning direction Note: Each planning effort will identify the specific allotment(s) where permanent retirement of grazing privileges is potentially beneficial.

Wild Horse and Burro Management

Wild horses and burros have the potential to impact habitats used by sage-grouse by reducing grass, shrub, and forb cover and increasing unpalatable forbs and exotic plants including cheatgrass (Beever and Aldridge 2011). Effects of wild equids on habitats may be especially pronounced during periods of drought or vegetation stress. Wild equids have different grazing patterns than domestic livestock, thus increasing the magnitude of grazing across the entire landscape (Beever and Aldridge 2011).

Ongoing Authorizations/Activities

- Manage wild horse and burro population levels within established Appropriate Management Levels (AML).
- Prioritize gathers in priority sage-grouse habitat, unless removals are necessary in other areas to prevent catastrophic environmental issues, including herd health impacts.

Proposed Authorization/Activities

- Within priority sage-grouse habitat, develop or amend herd management area plans (HMAPs) to incorporate sage-grouse habitat objectives and management considerations for all BLM herd management areas (HMAs).
 - For all HMAs within priority sage-grouse habitat, prioritize the evaluation of all AMLs based on indicators that address structure/condition/composition of vegetation and measurements specific to achieving sage-grouse habitat objectives.
- Coordinate with other resources (Range, Wildlife, and Riparian) to conduct land health assessments to determine existing structure/condition/composition of vegetation within all BLM HMAs.
- When conducting NEPA analysis for wild horse and burro management activities, water developments or other rangeland improvements for wild horses in priority sage-grouse habitat, address the direct and indirect effects to sage-grouse populations and habitat. Implement any water developments or rangeland improvements using the criteria identified for domestic livestock identified above in priority habitats.

Minerals

The primary potential risks to sage-grouse from energy and mineral development are:

- 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 (Bergquist et al. 2007, Walston et al. 2009, Naugle et al. 2011).

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.

Mechanisms that lead to avoidance and decreased fitness have not been empirically tested but rather suggested from multiple correlative and observational studies. For example, abandonment may increase if leks are repeatedly disturbed by raptors perching on power lines near leks (Ellis 1984), by vehicle traffic on nearby roads (Lyon and Anderson 2003), or by noise and human activity associated with energy development during the breeding season (Remington and Braun 1991, Holloran 2005, Kaiser 2006, Blickley and Patricelli *In review*). One recently completed research study in Wyoming (Blickley et al. *In press*), experimentally validates noise from natural gas drilling and roads resulted in a decline of 29% and 73% respectively in male peak attendance at leks relative to paired controls; declines were immediate and sustained throughout the experiment with low statistical support for a cumulative effect of noise over time. Collisions with nearby power lines and vehicles and increased predation by raptors may also increase mortality of birds at leks (Connelly et al. 2000). Alternatively, roads and power lines may indirectly affect lek persistence by altering productivity of local populations or survival at other times of the year. For example, sage-grouse mortality associated with power lines and roads occurs year-round (Beck et al. 2006, Aldridge and Boyce 2007), and ponds created by coal bed natural gas development may increase the risk of West Nile virus mortality in late summer (Walker et al. 2004, Zou et al. 2006, Walker et al. 2007b). Loss and degradation of sagebrush habitat can also reduce carrying capacity of local breeding populations (Swenson et al. 1987, Braun 1998, Connelly et al. 2000, 2000b, Crawford et al. 2004). Birds may avoid otherwise suitable habitat as the density of roads, power lines, or energy development increases (Lyon and Anderson 2003, Holloran 2005, Kaiser 2006, Doherty et al. 2008, Carpenter et al. 2010).

Negative responses of sage-grouse to energy development were consistent among studies regardless of whether they examined lek dynamics or demographic rates of specific cohorts within populations. Sage-grouse populations decline when birds avoid infrastructure in one or more seasons (Doherty et al. 2008, Carpenter et al. 2010) and when cumulative impacts of development negatively affect reproduction or survival (Aldridge and Boyce 2007), or both demographic rates (Lyon and Anderson 2003, Holloran 2005, Holloran et al. 2010). 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). Sage-grouse in the Powder River Basin were 1.3 times more likely to occupy winter habitats that had not been developed for energy (12 wells per 4 square kilometers or 12 wells per 1.5 square miles), and avoidance of developed areas was most pronounced when it occurred in high-quality winter habitat with abundant sagebrush (Doherty et al. 2008). In a similar study in Alberta, avoidance of otherwise suitable

wintering habitats within a 1.9-kilometer (1.2 mile) radius of energy development resulted in substantial loss of functional habitat surrounding wells (Carpenter et al. 2010).

Long-term studies in the Pinedale Anticline Project Area in southwest Wyoming present the most complete picture of cumulative impacts and provide a mechanistic explanation for declines in populations. Early in development, nest sites were farther from disturbed than undisturbed leks, the rate of nest initiation from disturbed leks was 24 percent lower than for birds breeding on undisturbed leks, and 26 percent fewer females from disturbed leks initiated nests in consecutive years (Lyon and Anderson 2003). As development progressed, adult females remained in traditional nesting areas regardless of increasing levels of development, but yearlings that had not yet imprinted on habitats inside the gas field avoided development by nesting farther from roads (Holloran 2005). The most recent study confirmed that yearling females avoided infrastructure when selecting nest sites, and yearling males avoided leks inside of development and were displaced to the periphery of the gas field (Holloran et al. 2010). Recruitment of males to leks also declined as distance within the external limit of development increased, indicating a high likelihood of lek loss near the center of developed oil and gas fields (Kaiser 2006). The most important finding from studies in Pinedale was that sage-grouse declines are explained in part by lower annual survival of female sage-grouse and that the impact on survival resulted in a population-level decline (Holloran 2005). High site fidelity but low survival of adult sage-grouse combined with lek avoidance by younger birds (Holloran et al. 2010) resulted in a time lag of 3–4 years between the onset of development activities and lek loss (Holloran 2005). The time lag observed by Holloran (2005) in the Anticline matched that for leks that became inactive 3–4 years after natural gas development in the Powder River Basin (Walker et al. 2007a). Analysis of seven oil and gas fields across Wyoming showed time lags of 2–10 years between activities associated with energy development and its measurable effects on sage-grouse populations (Harju et al. 2010).

Impacts as measured by the number of males attending leks are most severe near the lek, remain discernible out to >4 miles (Holloran 2005, Walker et al. 2007, Tack 2009, Johnson et al. 2011), and often result in lek extirpations (Holloran 2005, Walker et al. 2007). Negative effects of well surface occupancy were apparent out to 3.1 miles, the largest radius investigated, in 2 of 7 study areas in Wyoming (Harju et al. 2010). Curvilinear relationships show that lek counts decreased with distance to the nearest active drilling rig, producing well, or main haul road and that development within 3 to 4 miles of leks decrease counts of displaying males (Holloran 2005). All well-supported models in Walker et al. (2007) indicate a strong negative effect, estimated as proportion of development within either 0.5 miles or 2 miles, on lek persistence. A model with development at 4 miles had less support, but the regression coefficient indicated that negative impacts within 4 miles were still apparent. Two additional studies reported negative impacts apparent out to 8 miles on large lek occurrence (>25 males; Tack 2009) and out to 11.7 miles on lek trends (Johnson et al. 2011), the largest scales evaluated.

Past BLM conservation measures have focused on 0.25 mile No Surface Occupancy (NSO) buffers around leks, and timing stipulations applied to 0.6 mile buffers around leks to protect both breeding and nesting activities. Given impacts of large scale disturbances described above that occur across seasons and impact all demographic rates, applying NSO or other buffers around leks at any distance is unlikely to be effective. Even if this approach were to be continued, it should be noted that protecting even 75 to >80% of nesting

hens would require a 4-mile radius buffer (Table 1). Even a 4-mile NSO buffer would not be large enough to offset all the impacts reviewed above. A 4-mile NSO likely would not be practical given most leases are not large enough to accommodate a buffer of this size, and lek spacing within priority habitats is such that lek-based buffers may overlap and preclude all development.

We do not include timing restrictions on construction and drilling during the breeding season because they do not prevent impacts of infrastructure (e.g., avoidance, mortality) at other times of the year, during the production phase, or in other seasonal habitats that are crucial for population persistence (e.g., winter; Walker et al. 2007). Seasonal timing restrictions may be effective during the exploration phase. Instead, 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.

For these reasons, we believe the conservation strategy most likely to meet the objective of maintaining or increasing sage-grouse distribution and abundance is to exclude energy development and other large scale disturbances from priority habitats, and where valid existing rights exist, minimize those impacts by keeping disturbances to 1 per section with direct surface disturbance impacts held to 3% of the area or less.

% Nests within 2-mi. radius	% Nests Within 4-mi. radius	Location	Study
46.4 (n = 13/28)	85.7 (n = 24/28)	North Park, CO	Peterson (1980)
59.5 (n = 182/306)	85 (n = 260/306)	Idaho	Autenrieth (1981)
71.8 (n = 51/71)	90.1 (n = 64/71)	North Park, CO	Giesen (1995)
49.5 (n = 192/388)	77.1 (n = 299/388)	Moffat County, CO	Thompson et al. 2005, Thompson 2006
48.4 (n = 15/31)	96.8 (n = 30/31)	Eagle and South Routt Counties, CO	Graham and McConnell 2004, Graham and Jones 2005
44.7 (n = 152/340)	74.4 (n = 243/340)	Wyoming	Holloran and Anderson (2005)
35.5 (n = 86/238)	61 (n = 145/238) @ 3 miles (data unavailable at this time for 4 miles)	Montana	Moynahan and Lindberg (2006)
35.5 (n = 27/76)	76.3 (n = 58/76)	Montana	Tack (2009)
50 (n = 495)	>80 (n = 495)	Oregon	Hagen (2011)

¹Data obtained from Colorado Greater Sage-grouse Conservation Plan and additional recent studies/plans.

Fluid Minerals

Unleased Federal Fluid Mineral Estate

Alternative A

- Close priority sage-grouse habitat areas to fluid mineral leasing. Upon expiration or termination of existing leases, do not accept nominations/expressions of interest for parcels within priority areas.
- Allow geophysical exploration within priority sage-grouse habitat areas to obtain exploratory information for areas outside of and adjacent to priority sage-grouse habitat areas. Allow geophysical operations only by helicopter-portable drilling methods and in accordance with seasonal timing restrictions and/or other restrictions that may apply.

Alternative B

- Close priority sage-grouse habitat areas to fluid mineral leasing. Consider an exception:
 - When there is an opportunity for the BLM to influence conservation measures where surface and/or mineral ownership is not entirely federally owned (i.e., checkerboard ownership). In this case, a plan amendment may be developed that opens the priority area for new leasing. The plan must demonstrate long-term population increases in the priority area through mitigation (prior to issuing the lease) including lease stipulations, off-site mitigation, etc., and avoid short-term losses that put the sage-grouse population at risk from stochastic events leading to extirpation.
- Allow geophysical exploration within priority sage-grouse habitat areas to obtain exploratory information for areas outside of and adjacent to priority sage-grouse habitat areas. Only allow geophysical operations by helicopter-portable drilling methods and in accordance with seasonal timing restrictions and/or other restrictions that may apply.

Leased Federal Fluid Mineral Estate

Priority sage-grouse habitat areas (with varying levels of exploration & development)

Apply the following conservation measures through Resource Management Plan (RMP) implementation decisions (e.g., approval of an Application for Permit to Drill, Sundry Notice, etc.) and upon completion of the environmental record of review (43 CFR 3162.5), including appropriate documentation of compliance with NEPA. In this process evaluate, among other things:

1. Whether the conservation measure is "reasonable" (43 CFR 3101.1-2) with the valid existing rights; and
2. Whether the action is in conformance with the approved RMP.^y

^y Plan conformance means, "a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or amendment." 43 CFR 1601.0-5(b).

Provide the following conservation measures as terms and conditions of the approved RMP:

- Do not allow new surface occupancy on federal leases within priority habitats, this includes winter concentration areas (Doherty et al. 2008, Carpenter et al. 2010) during any time of the year.
Consider an exception:
 - If the lease is entirely within priority habitats, apply a 4-mile NSO around the lek, and limit permitted disturbances to 1 per section with no more than 3% surface disturbance in that section.
 - If the entire lease is within the 4-mile lek perimeter, limit permitted disturbances to 1 per section with no more than 3% surface disturbance in that section. Require any development to be placed at the most distal part of the lease from the lek, or, depending on topography and other habitat aspects, in an area that is less demonstrably harmful to sage-grouse.
- Apply a seasonal restriction on exploratory drilling that prohibits surface-disturbing activities during the nesting and early brood-rearing season in all priority sage-grouse habitat during this period.
- Do not use Categorical Exclusions (CXs) including under the Energy Policy Act of 2005, Section 390 in priority sage-grouse habitats due to resource conflicts.
- Complete Master Development Plans in lieu of Application for Permit to Drill (APD)-by-APD processing for all but wildcat wells.
- When permitting APDs on existing leases that are not yet developed, the proposed surface disturbance cannot exceed 3% for that area. Consider an exception if:
 - Additional, effective mitigation is demonstrated to offset the resulting loss of sage-grouse (see Objectives).
 - When necessary, conduct additional, effective mitigation in 1) priority sage-grouse habitat areas or – less preferably – 2) general sage-grouse habitat (dependent upon the area-specific ability to increase sage-grouse populations).
 - Conduct additional, effective mitigation first within the same population area where the impact is realized, and if not possible then conduct mitigation within the same Management Zone as the impact, per 2006 WAFWA Strategy – pg 2-17.
- Require unitization when deemed necessary for proper development and operation of an area (with strong oversight and monitoring) to minimize adverse impacts to sage-grouse according to the Federal Lease Form, 3100-11, Sections 4 and 6.
- Identify areas where acquisitions (including subsurface mineral rights) or conservation easements, would benefit sage-grouse habitat.
- Require a full reclamation bond specific to the site. Insure bonds are sufficient for costs relative to reclamation (Connelly et al. 2000, Hagen et al. 2007) that would result in full restoration. Base the reclamation costs on the assumption that contractors for the BLM will perform the work.

- Make applicable Best Management Practices (BMPs, see Appendix D) mandatory as Conditions of Approval within priority sage-grouse habitat.

Solid Minerals

Coal

Priority sage-grouse habitat areas

- *Surface mines*: Find unsuitable all surface mining of coal under the criteria set forth in 43 CFR 3461.5.
- *Sub-surface mines*: Grant no new mining leases unless all surface disturbances (appurtenant facilities) are placed outside of the priority sage-grouse habitat area.
- For coal mining operations on existing leases:
 - *Sub-surface mining*: in priority sage-grouse habitat areas, place any new appurtenant facilities outside of priority areas. Where new appurtenant facilities associated with the existing lease cannot be located outside the priority sage-grouse habitat area, co-locate new facilities within existing disturbed areas. If this is not possible, then build any new appurtenant facilities to the absolute minimum standard necessary.

General sage-grouse habitat

- Apply minimization of surface-disturbing or disrupting activities (including operations and maintenance) where needed to reduce the impacts of human activities on important seasonal sage-grouse habitats. Apply these measures during activity level planning.
 - Use additional, effective mitigation to offset impacts as appropriate (determined by local options/needs).

Locatable Minerals

Priority sage-grouse habitat areas

- Propose withdrawal from mineral entry based on risk to the sage-grouse and its habitat from conflicting locatable mineral potential and development.
 - Make any existing claims within the withdrawal area subject to validity patent exams or buy out. Include claims that have been subsequently determined to be null and void in the proposed withdrawal.
 - In plans of operations required prior to any proposed surface disturbing activities, include the following:
 - Additional, effective mitigation in perpetuity for conservation (In accordance with existing policy, WO IM 2008-204). Example: purchase private land and mineral rights or severed subsurface mineral rights within the priority area and deed to US Government).

- Consider seasonal restrictions if deemed effective.
- Make applicable Best Management Practices (see Appendix E) mandatory as Conditions of Approval within priority sage-grouse habitat.

Non-energy Leasable Minerals (i.e. sodium, potash)

Priority sage-grouse habitat areas

- Close priority habitat to non-energy leasable mineral leasing. This includes not permitting any new leases to expand an existing mine.
- For existing non-energy leasable mineral leases, in addition to the solid minerals BMPs (Appendix E), follow the same BMPs applied to Fluid Minerals (Appendix D), when wells are used for solution mining.

Saleable Mineral Materials

Priority sage-grouse habitat areas

- Close priority habitat to mineral material sales.
- Restore saleable mineral pits no longer in use to meet sage-grouse habitat conservation objectives.

Mineral Split Estate

Priority sage-grouse habitat areas

- Where the federal government owns the mineral estate, and the surface is in non-federal ownership, apply the conservation measures applied on public lands.
- Where the federal government owns the surface, and the mineral estate is in non-federal ownership, apply appropriate Fluid Mineral BMPs (see Appendix D) to surface development.

Wildfire Suppression, Fuels Management and Fire Rehabilitation

These programs address the threats resulting from wildfires and post-wildfire effects along with a program (fuels management) designed to try to reduce these impacts. Together these programs provide a significant opportunity to influence sagebrush habitats that benefit sage-grouse. Wildfire, particularly in low elevation Wyoming big sagebrush systems, has resulted in significant habitat loss primarily because of subsequent invasion by cheatgrass and other exotic plant species (Miller et al. 2011). The number of fires and total acreage burned has increased throughout the sage-grouse range (Miller et al. 2011). Long-term monitoring following prescribed fire is important because treatments may not increase either yield or nutritional quality of forbs eaten by sage-grouse, and also may decrease abundance of insects that are important for growth of sage-grouse chicks (Beck et al. 2009, Rhodes et al. 2010). Therefore, it is critical

not only to conduct management actions that reduce the long-term loss of sagebrush but also to restore and recover burned areas to habitats that will be used by sage-grouse (Pyke 2011). Prescribed fire is a tool that can assist in the recovery of sagebrush habitat in some vegetation types (Davies et al. 2011).

Fuels Management

Priority sage-grouse habitat areas

- Design and implement fuels treatments with an emphasis on protecting existing sagebrush ecosystems.
 - Do not reduce sagebrush canopy cover to less than 15% (Connelly et al. 2000, Hagen et al. 2007) unless a fuels management objective requires additional reduction in sagebrush cover to meet strategic protection of priority sage-grouse habitat and conserve habitat quality for the species. Closely evaluate the benefits of the fuel break against the additional loss of sagebrush cover in the EA process.
 - Apply appropriate seasonal restrictions for implementing fuels management treatments according to the type of seasonal habitats present in a priority area.
 - Allow no treatments in known winter range unless the treatments are designed to strategically reduce wildfire risk around or in the winter range and will maintain winter range habitat quality.
 - Do not use fire to treat sagebrush in less than 12-inch precipitation zones (e.g., Wyoming big sagebrush or other xeric sagebrush species; Connelly et al. 2000, Hagen et al. 2007, Beck et al. 2009). However, if as a last resort and after all other treatment opportunities have been explored and site specific variables allow, the use of prescribed fire for fuel breaks that would disrupt the fuel continuity across the landscape could be considered, in stands where cheatgrass is a very minor component in the understory (Brown 1982).
 - Monitor and control invasive vegetation post-treatment.
 - Rest treated areas from grazing for two full growing seasons unless vegetation recovery dictates otherwise (WGFD 2011).
 - Require use of native seeds for fuels management treatment based on availability, adaptation (site potential), and probability of success (Richards et al. 1998). Where probability of success or native seed availability is low, non-native seeds may be used as long as they meet sage-grouse habitat objectives (Pyke 2011).
 - Design post fuels management projects to ensure long term persistence of seeded or pre-treatment native plants. This may require temporary or long-term changes in livestock grazing management, wild horse and burro management, travel management, or other activities to achieve and maintain the desired condition of the fuels management project (Eiswerth and Shonkwiler 2006).

- Design fuels management projects in priority sage-grouse habitat to strategically and effectively reduce wildfire threats in the greatest area. This may require fuels treatments implemented in a more linear versus block design (Launchbaugh et al. 2007).

During fuels management project design, consider the utility of using livestock to strategically reduce fine fuels (Diamond et al. 2009), and implement grazing management that will accomplish this objective (Davies et al. 2011 and Launchbaugh et al. 2007). Consult with ecologists to minimize impacts to native perennial grasses.

Fire operations

- In priority sage-grouse habitat areas, prioritize suppression, immediately after life and property, to conserve the habitat.
- In general sage-grouse habitat, prioritize suppression where wildfires threaten priority sage-grouse habitat.
- Follow Best Management Practices (WO IM 2011-138, see appendix E.)

Emergency Stabilization and Rehabilitation (ES&R)

- Prioritize native seed allocation for use in sage-grouse habitat in years when preferred native seed is in short supply. This may require reallocation of native seed from ES&R projects outside of priority sage-grouse habitat to those inside it. Use of native plant seeds for ES&R seedings is required based on availability, adaptation (site potential), and probability of success (Richards et al. 1998). Where probability of success or native seed availability is low, non-native seeds may be used as long as they meet sage-grouse habitat conservation objectives (Pyke 2011). Re-establishment of appropriate sagebrush species/subspecies and important understory plants, relative to site potential, shall be the highest priority for rehabilitation efforts.
- Design post ES&R management to ensure long term persistence of seeded or pre-burn native plants. This may require temporary or long-term changes in livestock grazing, wild horse and burro, and travel management, etc., to achieve and maintain the desired condition of ES&R projects to benefit sage-grouse (Eiswerth and Shonkwiler 2006).
- Consider potential changes in climate (Miller et al. 2011) when proposing post-fire seedings using native plants. Consider seed collections from the warmer component within a species' current range for selection of native seed. (Kramer and Havens 2009).

Habitat Restoration

Habitat restoration cross-cuts all programs. It is an important tool to create and/or maintain a landscape that benefits sage-grouse.

- Prioritize implementation of restoration projects based on environmental variables that improve chances for project success in areas most likely to benefit sage-grouse (Meinke et al. 2009).
 - Prioritize restoration in seasonal habitats that are thought to be limiting sage-grouse distribution and/or abundance.
- Include sage-grouse habitat parameters as defined by Connelly et al. (2000), Hagen et al. (2007) or if available, State Sage-Grouse Conservation plans and appropriate local information in habitat restoration objectives. Make meeting these objectives within priority sage-grouse habitat areas the highest restoration priority.
- Require use of native seeds for restoration based on availability, adaptation (ecological site potential), and probability of success (Richards et al. 1998). Where probability of success or adapted seed availability is low, non-native seeds may be used as long as they support sage-grouse habitat objectives (Pyke 2011).
- Design post restoration management to ensure long term persistence. This could include changes in livestock grazing management, wild horse and burro management and travel management, etc., to achieve and maintain the desired condition of the restoration effort that benefits sage-grouse (Eiswerth and Shonkwiler 2006).
- Consider potential changes in climate (Miller et al. 2011) when proposing restoration seedings when using native plants. Consider collection from the warmer component of the species current range when selecting native species (Kramer and Havens 2009).
- Restore native (or desirable) plants and create landscape patterns which most benefit sage-grouse.
- Make re-establishment of sagebrush cover and desirable understory plants (relative to ecological site potential) the highest priority for restoration efforts.
- In fire prone areas where sagebrush seed is required for sage-grouse habitat restoration, consider establishing seed harvest areas that are managed for seed production (Armstrong 2007) and are a priority for protection from outside disturbances.

Monitoring of Sage-grouse and Sagebrush Habitats

Given the degree of uncertainty associated with managing natural resources, adaptive management approaches that include rigorous monitoring protocols to support them are essential if conservation goals are to be realized (Walters 1986, Burgman et al. 2005, Stankey et al. 2005, Turner 2005, Lyons et al. 2008). Recent efforts to develop range-wide policy and conservation measures for sage-grouse have emphasized the importance of improving monitoring efforts on both sage-grouse distribution and population trends, and the habitat they depend on (Wambolt et al. 2002, Stiver et al. 2006, Reese and Boyer 2007, Connelly et al. 2011a).

Monitoring is necessary to provide an objective appraisal of the effects of potentially positive conservation actions, and to assess the relative negative effects of management actions to sage-grouse populations and their habitats. Adaptive management planning also reveals substantial gaps in knowledge about key processes and functional relationships (Walters 1987), and therefore helps to identify and prioritize research needs. Ideally, monitoring attributes of sage-grouse habitat and sage-grouse populations will allow linking real or potential habitat changes from natural events and management actions to vital rates of sage-grouse populations (Stiver et al. 2006, Naugle and Walker 2007). Population monitoring led by State wildlife agencies and consistent long-term habitat monitoring among all jurisdictions will enable managers to identify indicators associated with population change across large landscapes and to ameliorate negative effects with appropriate conservation actions (Burgman et al. 2005, Turner 2005).

Sage-grouse select habitats at multiple scales across large landscapes (Connelly et al. 2003, Stiver et al. 2006), which monitoring strategies for sage-grouse habitats must reflect. At landscape levels (RMP level), monitoring should track percent of sagebrush and cover and maturity of stands, preservation of key seasonal habitat components, and the degree of connectivity among populations, seasonal habitats and stands. At the project level, a truly effective monitoring strategy will include measures as to how plant communities respond, how that relates to structural and other sage-grouse habitat requirements, and how sage-grouse populations respond demographically. Quantitative data for habitat measurements should be collected that are sensitive to the land use change being proposed (Stiver et al 2006). Monitoring must occur over the proper time frames to evaluate temporal variation of important components of sage-grouse habitats (Stiver et al. 2006).

Recognizing the importance of monitoring both sage-grouse habitat and populations, BLM in November 2004, completed the National Sage-Grouse Habitat Conservation Strategy (USDI BLM 2004) to address conservation and management of sage-grouse. The overarching goal was to "provide a consistent and scientifically based approach for collection and use of monitoring data for sagebrush habitats, sage-grouse and other components of the sagebrush community." Four action items were identified to accomplish this goal: 1) Develop, cooperatively with our partners, appropriate monitoring strategies and protocols at the appropriate scale for sage-grouse habitat in conjunction with the development of the range-wide conservation action plan; 2) Develop, cooperatively with our partners, a sage-grouse habitat assessment methodology in conjunction with development of the range-wide conservation action plan; 3) Incorporate the sage-grouse habitat assessment framework into the land health assessment process for evaluating indicators of healthy rangelands; and 4) in conjunction with the development of the range-wide conservation action plan, issue guidance for collecting fine-scale monitoring and assessment information and incorporating requirements into implementation projects and plans.

To date, BLM has completed portions of the above action items. In August 2010, the Sage-Grouse Habitat Assessment Framework: Multi-scale Habitat Assessment Tool was completed (Stiver et al. 2010). The assessment framework provides policy makers, resource managers, and natural resource specialists a comprehensive framework for landscape conservation in sagebrush ecosystems with an emphasis on sage-grouse. Implementation policy directing consistent use of the assessment still needs to be completed by BLM in addition to other guidance identified in the strategy.

BLM has recently completed the agency's Assessment, Inventory, and Monitoring (AIM) Strategy (Toevs 2011). The AIM strategy identifies "core indicators" for reporting landscape level attributes. The AIM strategy has resulted in BLM adopting the Natural Resource Conservation Service's National Resource Inventory (NRI) methodology as part of BLM's Landscape Monitoring Project. The NRI protocols provide BLM a statistical framework for evaluating management actions, and programs and policies at a landscape or regional level. Initial NRI data collection occurred on all lands managed by BLM during the summer of 2011. During the summer of 2012 additional NRI monitoring sites are being incorporated to evaluate sagebrush habitats that contain approximately two-thirds of the sage-grouse populations west wide. At this time, the remaining sage-grouse populations have not been identified for long-term habitat monitoring due to funding short falls. In addition to prioritizing funding to fully achieve this objective, habitat monitoring protocols at a fine scale to evaluate impacts at a project level remain to be developed.

Estimates of sage-grouse population size are not available for any population, rather trends in population size are estimated through a lek count index. Exact estimates of sage grouse abundance, while desirable, are probably less important than trends and particularly how sage grouse respond to management actions.

Counts of males attending leks in the spring have been used by wildlife agencies as the primary index to population trends since Patterson suggested that this method might be useful in 1952 (Patterson 1952). Use of convenience sampling to monitor bird populations has been criticized (Ellingson and Lukacs 2003), and lek counts in particular have been challenged as inconsistently conducted, inherently biased and without any known relationship to population size (Beck and Braun 1980, Walsh et al. 2004, Sedinger 2007). Despite limitations of the method, lek counts remain the best available information on population trends over time, and pragmatic strategies to improve population estimation remain elusive (Reese and Bowyer 2007).

It is beyond the scope of this report to develop methodology to better estimate sage-grouse distribution and abundance, but rather to emphasize that WAFWA should convene a technical group for this purpose, and that this group should consider ways to:

1. Standardize, at least within management zones, lek count methodology.
2. Develop and implement methodology to estimate the number of leks in an unbiased manner (Walsh et al. 2004, Sedinger 2007), and determine the location of new or previously unknown leks (particularly important since priority habitat designations are based in large part on locations of leks).
3. Develop and implement methodology to estimate the proportion of males detected while attending leks, and explore degree and nature of variability.
4. Develop and explore methodology to estimate sex ratios within sage-grouse populations.
5. Use Geographic Information System (GIS) mapping technology and analytical tools to track changes in distribution over time, connectivity among populations and population segments, and explore spatially explicit models that link sage-grouse population performance with ecological indicators (Naugle and Walker 2007).

The standardization of monitoring methods and implementation of a defensible monitoring approach is vital if BLM and other conservation partners are to use the resulting information to guide implementation of conservation activities (Naugle and Walker 2007). Monitoring strategies for sage-grouse habitat and populations must be collaborative, as habitat occurs across varied land ownership (52% BLM, 8% USFS, 31% private 5% state, 4% BIA and other Federal; 75 FR 13910), and state fish and wildlife agencies have primary responsibility for population level management of wildlife, including monitoring.

Acronyms

AML	Appropriate Management Level
AMP	Allotment Management Plan
APD	Application of Permit to Drill
BLM	Bureau of Land Management
BMPs	Best Management Practices
CX	Categorical Exclusion
ERMA	Extensive Recreation Management Areas
ESA	Endangered Species Act
ESD	Ecological Site Description
ES&R	Emergency Stabilization and Rehabilitation
IM	Instruction Memorandum
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NGO	non-governmental organization
NMAC	National Multi-Agency Coordination Group
NRCS	Natural Resources Conservation Service
NPT	National Policy Team
NTT	National Technical Team
RIDT	Regional Interdisciplinary Team
RMP	Resource Management Plan
RMT	Regional Management Team
ROW	Right-of-Way
SRMA	Special Recreation Management Area
SRP	Special Recreation Permit
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WAFWA	Western Association of Fish and Wildlife Agencies

Glossary

2008 WAFWA Sage-grouse MOU: A memorandum of understanding (MOU) among Western Association of Fish and Wildlife Agencies, U.S. Department of Agriculture, Forest Service, U.S. Department of the Interior, Bureau of Land Management, U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of the Interior, Geological Survey, U.S. Department of Agriculture, Natural Resources Conservation Service, and the U.S. Department of Agriculture, Farm Service Agency. The purpose of the MOU is to provide for cooperation among the participating state and federal land, wildlife management and science agencies in the conservation and management of sage-grouse (*Centrocercus urophasianus*) sagebrush (*Artemisia* spp.) habitats and other sagebrush-dependent wildlife throughout the western United States and Canada and a commitment of all agencies to implement the 2006 WAFWA Conservation Strategy.

2011 Partnership MOU: A partnership agreement among the United States Department of Agriculture Natural Resource Conservation Service, Forest Service, United State Department of the Interior, Bureau of Land Management, and Fish and Wildlife Service. 2011. This MOU is for range management – to implement NRCS practices on adjacent federal properties.

Administrative Access: A term used to describe access for resource management and administrative purposes such as fire suppression, cadastral surveys, permit compliance, law enforcement and military in the performance of their official duty, or other access needed to administer BLM-managed lands or uses.

Avoidance Areas: Areas to be avoided but that may be available for location of ROWs with special stipulations.

Best Management Practices (BMPs): A suite of techniques that guide or may be applied to management actions to aide in achieving desired outcomes. BMPs are often developed in conjunction with land use plans, but they are not considered a planning decision unless the plans specify that they are mandatory.

Casual Use: Casual use means activities ordinarily resulting in no or negligible disturbance of the public lands, resources, or improvements. For examples for rights of ways see 43 CFR 2801.5. For examples for locatable minerals see 43 CFR 3809.5.

Conservation Plan: The recorded decisions of a landowner or operator, cooperating with a conservation district, on how the landowner or operator plans, within practical limits, to use his/her land according to its capability and to treat it according to its needs for maintenance or improvement of the soil, water, animal, plant, and air resources.

Conserve: To cause no degradation or loss of sage-grouse habitat. Conserve can also refer to maintaining intact sagebrush steppe by fine tuning livestock use, watching for and treating new invasive species and maintaining existing range improvements that benefit sage-grouse etc.

Ecological Site: A distinctive kind of land with specific physical characteristics that differs from other kinds of land in its ability to produce a distinctive kind and amount of vegetation.

Exploration: Active drilling and geophysical operations to:

- a. Determine the presence of the mineral resource; or
- b. Determine the extent of the reservoir.

Development: Active drilling and production of wells

Development Area: Areas primarily leased with active drilling and wells capable of production in payable quantities.

Enhance: The improvement of habitat by increasing missing or modifying unsatisfactory components and/or attributes of the plant community to meet sage-grouse objectives. Examples include modifying livestock grazing systems to improve the quantity and vigor of desirable forbs, improving water flow in riparian areas by modifying existing spring developments to return more water to the riparian area below the development, or marking fences to minimize sage-grouse hits and mortality.

General Sage-grouse Habitat: Is occupied (seasonal or year-round) habitat outside of priority habitat. These areas have been identified by state fish and wildlife agencies in coordination with respective BLM offices.

Integrated Ranch Planning: A method for ranch planning that takes a holistic look at all elements of the ranching operations, including strategic and tactical planning, rather than approaching planning as several separate enterprises.

Large Scale Anthropogenic Disturbances: Features include but are not limited to paved highways, graded gravel roads, transmission lines, substations, wind turbines, oil and gas wells, geothermal wells and associated facilities, pipelines, landfills, agricultural conversion, homes, and mines.

Late Brood Rearing Area: Habitat includes mesic sagebrush and mixed shrub communities, wet meadows, and riparian habitats as well as some agricultural lands (e.g. alfalfa fields, etc).

Lek:^v A traditional courtship display area attended by male sage-grouse in or adjacent to sagebrush dominated habitat. A lek is designated based on observations of two or more male sage-grouse engaged in courtship displays. Sub-dominant males may display on itinerant strutting areas during population peaks. Such areas usually fail to become established leks. Therefore, a site where less than five males are observed strutting should be confirmed active for two years before meeting the definition of a lek (Connelly et al 2000, Connelly et al. 2003, 2004).

Lek Complex: A lek or group of leks within 2.5 km (1.5 mi) of each other between which male sage-grouse may interchange from one day to the next. Fidelity to leks has been well documented.

^v Each State may have a slightly different definition of lek, active lek, inactive lek, occupied, and unoccupied leks. Regional planning will use the appropriate definition provided by the State of interest.

Visits to multiple leks are most common among yearlings and less frequent for adult males, suggesting an age-related period of establishment (Connelly et al. 2004).

Active Lek: Any lek that has been attended by male sage-grouse during the strutting season.

Inactive Lek: Any lek where sufficient data suggests that there was no strutting activity throughout a strutting season. Absence of strutting grouse during a single visit is insufficient documentation to establish that a lek is inactive. This designation requires documentation of either: 1) an absence of sage-grouses on the lek during at least 2 ground surveys separated by at least seven days. These surveys must be conducted under ideal conditions (April 1-May 7 (or other appropriate date based on local conditions); no precipitation, light or no wind, half-hour before sunrise to one hour after sunrise) or 2) a ground check of the exact known lek site late in the strutting season (after April 15) that fails to find any sign (tracks, droppings, feathers) of strutting activity. Data collected by aerial surveys should not be used to designate inactive status as the aerial survey may actually disrupt activities.

Occupied Lek: A lek that has been active during at least one strutting season within the prior 10 years.

Unoccupied Lek: A lek that has either been "destroyed" or "abandoned."

Destroyed Lek: A formerly active lek site and surrounding sagebrush habitat that has been destroyed and is no longer suitable for sage-grouse breeding.

Abandoned Lek: A lek in otherwise suitable habitat that has not been active during a period of 10 consecutive years. To be designated abandoned, a lek must be "inactive" (see above criteria) in at least four non-consecutive strutting seasons spanning the 10 years. The site of an "abandoned" lek should be surveyed at least once every 10 years to determine whether it has been re-occupied by sage-grouse.

Master Development Plans: A set of information common to multiple planned wells, including drilling plans, Surface Use Plans of Operations, and plans for future production.

Mitigation: Compensating for resource impacts by replacing or providing substitute resources or habitat.

Notice-level Mining Activities: To qualify for a Notice the mining activity must: 1) constitute exploration, 2) not involve bulk sampling of more than 1,000 tons of presumed ore, 3) must not exceed 5 acres of surface disturbance, and 4) must not occur in one of the special category lands listed in 43 CFR 3809.11(c). The Notice is to be filed in the BLM field office with jurisdiction over the land involved. The Notice does not need to be on a particular form but must contain the information required by 43 CFR 3809.301(b).

Offsite Mitigation: Compensating for resource impacts by replacing or providing substitute resources or habitat at a different location than the project area.

Plan of Operations: A Plan of Operations is required for all mining activity exploration greater than 5 acres or surface disturbance greater than casual use on certain special category lands. Special category lands are described under 43 CFR 3809.11(c) and include such lands as designated Areas of Critical Environmental Concern, lands within the National Wilderness Preservation System, and areas closed to off-road vehicles, among others. In addition, a plan of operations is required for activity greater than casual use on lands patented under the Stock Raising Homestead Act with Federal minerals where the operator does not have the written consent of the surface owner (43 CFR 3814). The Plan of operations needs to be filed in the BLM field office with jurisdiction over the land involved. The Plan of Operations does not need to be on a particular form but must address the information required by 43 CFR 3809.401(b).

Priority Sage-grouse Habitat: Areas that have been identified as having the highest conservation value to maintaining sustainable sage-grouse populations. These areas would include breeding, late brood-rearing, and winter concentration areas. These areas have been identified by state fish and wildlife agencies in coordination with respective BLM offices.

Range Improvement: The term range improvement means any activity, structure or program on or relating to rangelands which is designed to improve production of forage; change vegetative composition; control patterns of use; provide water; stabilize soil and water conditions; and provide habitat for livestock and wildlife. The term includes, but is not limited to, structures, treatment projects, and use of mechanical means to accomplish the desired results.

Roads, Primitive Roads and Trails: Roads, primitive roads or trails that have been specifically designated for motorized use through a public implementation-level National Environmental Policy Act process in accordance with 43 CFR, Part 8340.

Reclamation: Rehabilitation of a disturbed area to make it acceptable for designated uses. This normally involves re-contouring, replacement of topsoil, re-vegetation, and other work necessary to ensure eventual restoration of the site.

Reference State: The reference state is the state where the functional capacities represented by soil/site stability, hydrologic function, and biotic integrity are performing at an optimum level under the natural disturbance regime. This state usually includes, but is not limited to, what is often referred to as the potential natural plant community.

Restoration: Implementation of a set of actions that promotes plant community diversity and structure that allows plant communities to be more resilient to disturbance and invasive species over the long term. The long-term goal is to create functional, high quality habitat that is occupied by sage-grouse. Short-term goal may be to restore the landform, soils and hydrology and increase the percentage of preferred vegetation, seeding of desired species, or treatment of undesired species.

State: A state is comprised of an integrated soil and vegetation unit having one or more biological communities that occur on a particular ecological site and that are functionally similar with respect to the three attributes (soil/site stability, hydrologic function, and biotic integrity) under natural disturbance regimes.

Stochastic: Randomly determined event, chance event, a condition determined by predictable processes and a random element.

Surface Disruption: Resource uses and activities that are likely to alter the behavior of, displace, or cause stress to sage-grouse occurring at a specific location and/or time. Surface disruption includes those actions that alter behavior or cause the displacement of sage-grouse such that reproductive success is negatively affected, or the physiological ability to cope with environmental stress is compromised. Examples of disruptive activities may include noise, vehicle traffic, or other human presence regardless of the associated activity.

Surface Disturbance: Suitable habitat is considered disturbed when it is removed and unavailable for immediate sage-grouse use.

- a. Long-term removal occurs when habitat is physically removed through activities that replace suitable habitat with long term occupancy of unsuitable habitat such as a road, powerline, well pad or active mine. Long-term removal may also result from any activities that cause soil mixing, soil removal, and exposure of the soil to erosive processes.
- b. Short-term removal occurs when vegetation is removed in small areas, but restored to suitable habitat within a few years (< 5) of disturbance, such as a successfully reclaimed pipeline, or successfully reclaimed drill hole or pit.
- c. Suitable habitat rendered unusable due to numerous anthropogenic disturbances
- d. Anthropogenic surface disturbance are surface disturbances meeting the above definitions which result from human activities.

Transition: A shift between two states. Transitions are not reversible by simply altering the intensity or direction of factors that produced the change. Instead, they require new inputs such as revegetation or shrub removal. Practices, such as these, that accelerate succession are often expensive to apply.

Unitization: Operation of multiple leases as a single lease under a single operator

Wildcat Well: An exploratory oil well drilled in land not known to be an oil field.

Wildland Fire: Any non-structure fire that occurs in the vegetation and/or natural fuels. Includes both prescribed fire and wildfire (NWCG Memo #024-2010 April 30, 2010. www.nwcg.gov).

Winter Concentration Areas: Sage-grouse winter habitats which are occupied annually by sage-grouse and provide sufficient sagebrush cover and food to support birds throughout the entire winter (especially periods with above average snow cover). Many of these areas support several different breeding

populations of sage-grouse. Sage-grouse typically show high fidelity for these areas, and loss or fragmentation can result in significant population impacts.

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Appendices

Appendix A. Life History Requirements of Greater Sage-grouse (excerpted from 75 FR 13910)

Greater sage-grouse depend on a variety of shrub-steppe habitats throughout their life cycle, and are considered obligate users of several species of sagebrush (e.g., *Artemisia tridentata* ssp. *wyomingensis* (Wyoming big sagebrush), *A. t. ssp. vaseyana* (mountain big sagebrush), and *A. t. tridentata* (basin big sagebrush)) (Patterson 1952, Braun et al. 1976, Connelly et al. 2000a, Connelly et al. 2004, Miller et al. 2011). Greater sage-grouse also use other sagebrush species such as *A. arbuscula* (low sagebrush), *A. nova* (black sagebrush), *A. frigida* (fringed sagebrush), and *A. cana* silver sagebrush (Schroeder et al. 1999, Connelly et al. 2004). Thus, sage-grouse distribution is strongly correlated with the distribution of sagebrush habitats (Schroeder et al. 2004). Sage-grouse exhibit strong site fidelity (loyalty to a particular area even when the area is no longer of value) to seasonal habitats, which includes breeding, nesting, brood rearing, and wintering areas (Connelly et al. 2004, Connelly et al. 2011b). Adult sage-grouse rarely switch between these habitats once they have been selected, limiting their adaptability to changes.

During the spring breeding season, male sage-grouse gather together to perform courtship displays on areas called leks. The proximity, configuration, and abundance of nesting habitat are key factors influencing lek location (Connelly et al., 1981, and Connelly et al., 2000b, cited in Connelly et al., 2011). Leks can be formed opportunistically at any appropriate site within or adjacent to nesting habitat (Connelly et al. 2000a) and, therefore, lek habitat availability is not considered to be a limiting factor for sage-grouse (Schroeder et al. 1999). Nest sites are selected independent of lek locations, but the reverse is not true (Bradbury et al. 1989, Wakkinen et al. 1992). Thus, leks are indicative of nesting habitat.

Females have been documented to travel more than 20 km (12.5 mi) to their nest site after mating (Connelly et al. 2000a), but distances between a nest site and the lek on which breeding occurred is variable (Connelly et al. 2004, Connelly et al. 2011b). Average distance between a female's nest and the lek on which she was first observed ranged from 3.4 km (2.1 mi) to 7.8 km (4.8 mi) in five studies examining 301 nest locations (Schroeder et al. 1999).

Productive nesting areas are typically characterized by sagebrush with an understory of native grasses and forbs, with horizontal and vertical structural diversity that provides an insect prey base, herbaceous forage for pre-laying and nesting hens, and cover for the hen while she is incubating (Gregg 1991, Schroeder et al. 1999, Connelly et al. 2000a, Connelly et al. 2004, Connelly et al. 2011b). Sage-grouse also may use other shrub or bunchgrass species for nest sites (Klebenow 1969, Connelly et al. 2000a, Connelly et al. 2004). Shrub canopy and grass cover provide concealment for sage-grouse nests and young, and are critical for reproductive success (Barnett and Crawford 1994, Gregg et al. 1994, DeLong et al. 1995, Connelly et al. 2004).

Hens rear their broods in the vicinity of the nest site for the first 2-3 weeks following hatching (within 0.2-5 km (0.1-3.1 mi)), based on two studies in Wyoming (Connelly et al. 2004). Forbs and insects are essential nutritional components for chicks (Klebenow and Gray 1968, Johnson and Boyce 1991, Connelly et al. 2004). Therefore, early brood-rearing habitat must provide adequate cover (sagebrush canopy cover of 10 to 25 percent; Connelly et al. 2000a) adjacent to areas rich in forbs and insects to ensure chick survival during this period (Connelly et al. 2004, Hagen et al. 2007).

All sage-grouse gradually move from sagebrush uplands to more mesic areas (moist areas such as streambeds or wet meadows) during the late brood-rearing period (3 weeks post-hatch) in response to summer desiccation of herbaceous vegetation (Connelly et al. 2000a). Summer use areas can include sagebrush habitats as well as riparian areas, wet meadows and alfalfa fields (Schroeder et al. 1999). These areas provide an abundance of forbs and insects for both hens and chicks (Schroeder et al. 1999, Connelly et al. 2000a).

As vegetation continues to desiccate through the late summer and fall, sage-grouse shift their diet entirely to sagebrush (Schroeder et al. 1999). Sage-grouse depend entirely on sagebrush throughout the winter for both food and cover (Connelly et al. 2011a). Sagebrush stand selection is influenced by snow depth (Patterson 1952, Hupp and Braun 1989), availability of sagebrush above the snow to provide cover (Connelly et al. 2004; and references therein) and, in some areas, topography (e.g., elevation, slope and aspect, Beck 1977, Crawford et al. 2004).

Many populations of sage-grouse migrate between seasonal ranges in response to habitat distribution (Connelly et al. 2004). Migration can occur between winter and breeding and summer areas, between breeding, summer and winter areas, or not at all. Migration distances of up to 161 km (100 mi) have been recorded (Patterson 1952), however, distances vary depending on the locations of seasonal habitats (Schroeder et al. 1999). Migration distances for female sage-grouse generally are less than for males (Connelly et al. 2004), but in one study in Colorado, females travelled further than males (Beck 1977). Almost no information is available regarding the distribution and characteristics of migration corridors for sage-grouse (Connelly et al. 2004). Sage-grouse dispersal (permanent moves to other areas) is poorly understood (Connelly et al. 2004, Knick and Hanser 2011) and appears to be sporadic (Dunn and Braun 1986). Estimating an "average" home range for sage-grouse is difficult due to the large variation in sage-grouse movements both within and among populations. This variation is related to the spatial availability of habitats required for seasonal use and annual recorded home ranges have varied from 4 to 615 square kilometers (km²) (1.5 to 237.5 square miles (mi²)), Connelly et al. 2011b).

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Appendix A.
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Wakkinen, W.L., K.P. Reese, and J.W. Connelly. 1992. Sage grouse nest locations in relation to leks. *Journal of Wildlife Management* 56:381-383.

Appendix B. Scientific Inference

When making natural resource management decisions, managers desire a high level of certainty that their management actions will have the anticipated outcome (Ratti and Garton 1994, Garton et al. 2005). Unfortunately, natural systems have inherent complexity and stochasticity that make certainty in wildlife management decisions challenging (Williams et al. 2002). In an effort to ameliorate some of this uncertainty, managers use quality, published scientific investigations which are reliant upon thoughtful research design (Ratti and Garton 1994, Garton et al. 2005) to guide population and habitat management decisions. When relevant peer reviewed literature does not exist, managers have to resort to best professional judgment and/or unpublished studies. In addition, when using published and unpublished literature, managers must also be cognizant of the research findings for certainty of the conclusions, the scientific method, and if the findings can be applied from the data and results (Murphy and Noon 1991).

Most wildlife research is located along a continuum of field studies (Ratti and Garton 1994, Garton et al. 2005; Fig. 1) and provides varying degrees of reliable knowledge (Romesburg 1981, Hurlbert, 1984, Eberhardt and Thomas 1991). The more rigorous the research design, results, and conclusions, the more confident managers can be in the anticipated outcome (Ratti and Garton 1994, Garton et al. 2005). Research that bases its results and interpretation on an integrated research process includes field level experiments, field study, and modeling (Fig. 1). If designed appropriately, these research efforts can provide for a more broad-based application of research results as opposed to descriptive natural history studies (Ratti and Garton 1994, Garton et al. 2005) (Fig. 1).

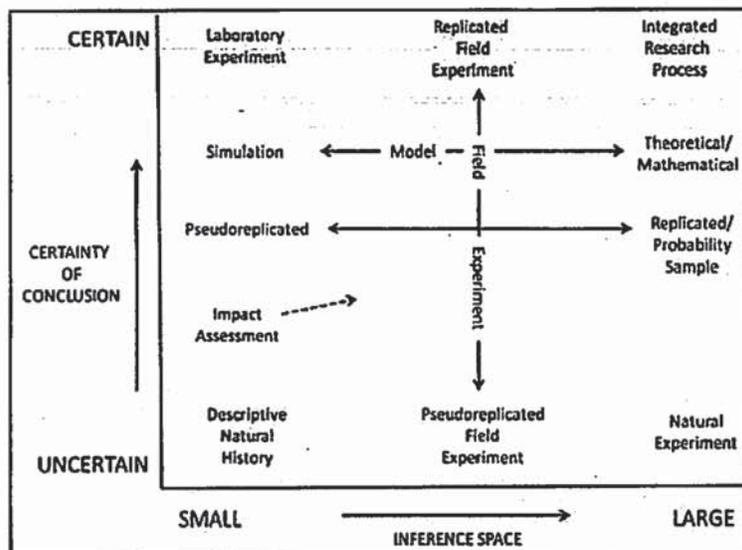


Figure 1. The spectrum of types of wildlife studies that can produce results and conclusions with a large amount of certainty over a very large area of applicability (adapted from Ratti and Garton 1994 and Garton et al. 2005).

Because sage-grouse research has been on-going for over 60 years, managers have access to published literature from several studies (metareplication (Johnson 2002)) that includes different years, study areas, methods, and investigators (Johnson 2002) which leads to more certainty in conclusions (for example see Hagen et al. 2007). In contrast, for some management actions, access to published and unpublished literature may be limited to a single descriptive study. A single descriptive study and/or professional judgment has the lowest level of certainty and lowest inference space. Unfortunately, it may be the only information available on the subject. Ultimately, the result is succinctly summarized by Anderson et al. (2001:312) who stated, "In the long run, science is safeguarded by repeated studies to ascertain what is real and what is merely a spurious result from a single study."

Management in sagebrush ecosystems is further complicated by new forms of development or the unprecedented pace at which traditional uses are increasing. Wind and other renewable energy sources are being proposed and developed in areas that previously had undergone little development. The applicability of results from previous research in other regions on oil and gas development to these new forms of land use is unknown, but is the best information currently available. We also do not know how sagebrush and sage-grouse respond to the increasing intensity of all uses ranging from traditional commodity development to nonconsumptive activities, such as recreation and OHV travel that is occurring across their range. Although previous research can guide management decisions, the changes due to the cumulative effect of this new level of increased development may take years to be fully expressed in habitat and population response.

No single research study, or even a series of studies, regardless of design, and/or inference extent can provide complete certainty in their conclusion(s). As a result, managers must be vigilant in their judgment of research study design, its inference space, and applicability to their management issue when making management decisions. This report cites a large number of published and unpublished studies that can be placed along the continuum of certainty of conclusion and inference space (Fig. 1). Many of the studies cited are from different researchers, study sites, methodologies, and/or years which assists and improves the certainty of the conclusion and inference space (Fig. 1), but ultimately, it is incumbent upon managers to assess their level of risk (consequences of being wrong) with management decisions based upon the cited findings.

The large spatial scales occupied by sage-grouse seasonally (as much as 1,700 mi²; Leonard et al. 2000) have made research on how they respond to habitat perturbations difficult to conduct. Although strength of inference is strongest for replicated experiments, studies of this nature have not been conducted on large scale perturbations such as oil and gas developments, wind farms, coal mines, powerlines, etc. We therefore relied on retrospective and correlational studies that looked at changes in sage-grouse distribution, abundance or demographic rates over time following these developments. We gave greater credence to conclusions obtained from multiple studies conducted at different locations at different times that showed similar results.

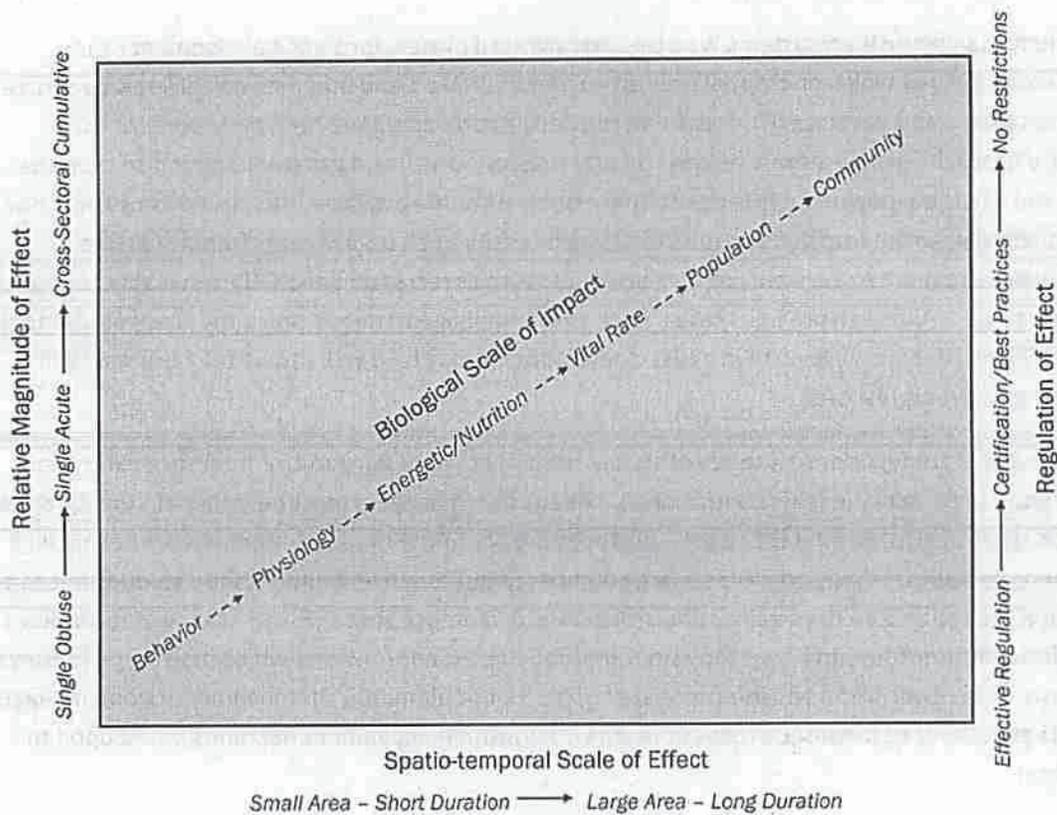


Figure 2. Schematic representation of a typology for classifying and predicting the impacts of human-wildlife interactions (as modified from Johnson and St-Laurent 2011).

Conservation measures described in this report are derived from interpretation of the best available scientific studies using our best professional judgment. Because there is a degree of uncertainty about the

effectiveness of these conservation measures, we recommend a rigorous adaptive management process be employed, with population and habitat monitoring as well as feedback loops so that conservation measures or policies that are ineffective can be changed (Lyons et al. 2008).

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Appendix B.
National Technical Team

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Appendix C. BMPs for how to make a pond that won't produce mosquitoes that transmit West Nile virus (from Doherty (2007)).

The following are seven distinct site modifications that if adhered to, would minimize exploitation of CBNG ponds by *Culex tarsalis*:

1. Increase the size of ponds to accommodate a greater volume of water than is discharged. This will result in un-vegetated and muddy shorelines that breeding *Cx. tarsalis* avoid (De Szalay and Resh 2000). This modification may reduce *Cx. tarsalis* habitat but could create larval habitat for *Culicoides sonorensis*, a vector of blue tongue disease, and should be used sparingly (Schmidtman et al. 2000). Steep shorelines should be used in combination with this technique whenever possible (Knight et al. 2003).
2. Build steep shorelines to reduce shallow water (>60 cm) and aquatic vegetation around the perimeter of impoundments (Knight et al. 2003). Construction of steep shorelines also will create more permanent ponds that are a deterrent to colonizing mosquito species like *Cx. tarsalis* which prefer newly flooded sites with high primary productivity (Knight et al. 2003).
3. Maintain the water level below that of rooted vegetation for a muddy shoreline that is unfavorable habitat for mosquito larvae. Rooted vegetation includes both aquatic and upland vegetative types. Avoid flooding terrestrial vegetation in flat terrain or low lying areas. Aquatic habitats with a vegetated inflow and outflow separated by open water produce 5-10 fold fewer *Culex* mosquitoes than completely vegetated wetlands (Walton and Workman 1998). Wetlands with open water also had significantly fewer stage III and IV instars which may be attributed to increased predator abundances in open water habitats (Walton and Workman 1998).
4. Construct dams or impoundments that restrict down slope seepage or overflow by digging ponds in flat areas rather than damming natural draws for effluent water storage, or lining constructed ponds in areas where seepage is anticipated (Knight et al. 2003).
5. Line the channel where discharge water flows into the pond with crushed rock, or use a horizontal pipe to discharge inflow directly into existing open water, thus precluding shallow surface inflow and accumulation of sediment that promotes aquatic vegetation.
6. Line the overflow spillway with crushed rock, and construct the spillway with steep sides to preclude the accumulation of shallow water and vegetation.
7. Fence pond site to restrict access by livestock and other wild ungulates that trample and disturb shorelines, enrich sediments with manure and create hoof print pockets of water that are attractive to breeding mosquitoes.

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Appendix D. Best Management Practices for Fluid Mineral Development

Priority Habitats - BMPs are continuously improving as new science and technology become available and therefore are subject to change. Include from the following BMPs those that are appropriate to mitigate effects from the approved action.

Roads

- Design roads to an appropriate standard no higher than necessary to accommodate their intended purpose.
- Locate roads to avoid important areas and habitats.
- Coordinate road construction and use among ROW holders.
- Construct road crossing at right angles to ephemeral drainages and stream crossings.
- Establish speed limits on BLM system roads to reduce vehicle/wildlife collisions or design roads to be driven at slower speeds.
- Establish trip restrictions (Lyon and Anderson 2003) or minimization through use of telemetry and remote well control (e.g., Supervisory Control and Data Acquisition).
- Do not issue ROWs to counties on newly constructed energy development roads, unless for a temporary use consistent with all other terms and conditions included in this document.
- Restrict vehicle traffic to only authorized users on newly constructed routes (use signing, gates, etc.)
- Use dust abatement practices on roads and pads.
- Close and rehabilitate duplicate roads.

Operations

- Cluster disturbances, operations (fracture stimulation, liquids gathering, etc.), and facilities.
- Use directional and horizontal drilling to reduce surface disturbance.
- Place infrastructure in already disturbed locations where the habitat has not been restored.
- Consider using oak (or other material) mats for drilling activities to reduce vegetation disturbance and for roads between closely spaced wells to reduce soil compaction and maintain soil structure to increase likelihood of vegetation reestablishment following drilling.
- Apply a phased development approach with concurrent reclamation.
- Place liquid gathering facilities outside of priority areas. Have no tanks at well locations within priority areas (minimizes perching and nesting opportunities for ravens and raptors and truck traffic). Pipelines must be under or immediately adjacent to the road (Bui et al. 2010).

- Restrict the construction of tall facilities and fences to the minimum number and amount needed.
- Site and/or minimize linear ROWs to reduce disturbance to sagebrush habitats.
- Place new utility developments (power lines, pipelines, etc.) and transportation routes in existing utility or transportation corridors.
- Bury distribution power lines.
- Corridor power, flow, and small pipelines under or immediately adjacent to roads.
- Design or site permanent structures which create movement (e.g. a pump jack) to minimize impacts to sage-grouse.
- Cover (e.g., fine mesh netting or use other effective techniques) all drilling and production pits and tanks regardless of size to reduce sage-grouse mortality.
- Equip tanks and other above ground facilities with structures or devices that discourage nesting of raptors and corvids.
- Control the spread and effects of non-native plant species (Evangelista et al: 2011). (E.g. by washing vehicles and equipment.)
- Use only closed-loop systems for drilling operations and no reserve pits.
- Restrict pit and impoundment construction to reduce or eliminate threats from West Nile virus (Doherty 2007).
- Remove or re-inject produced water to reduce habitat for mosquitoes that vector West Nile virus. If surface disposal of produced water continues, use the following steps for reservoir design to limit favorable mosquito habitat:
 - Overbuild size of ponds for muddy and non-vegetated shorelines.
 - Build steep shorelines to decrease vegetation and increase wave actions.
 - Avoid flooding terrestrial vegetation in flat terrain or low lying areas.
 - Construct dams or impoundments that restrict down slope seepage or overflow.
 - Line the channel where discharge water flows into the pond with crushed rock.
 - Construct spillway with steep sides and line it with crushed rock.
 - Treat waters with larvicides to reduce mosquito production where water occurs on the surface.
- Limit noise to less than 10 decibels above ambient measures (20-24 dBA) at sunrise at the perimeter of a lek during active lek season (Patricelli et al. 2010, Blickley et al. *In preparation*).
- Require noise shields when drilling during the lek, nesting, broodrearing, or wintering season.
- Fit transmission towers with anti-perch devices (Lammers and Collopy 2007).

- Require sage-grouse-safe fences.
- Locate new compressor stations outside priority habitats and design them to reduce noise that may be directed towards priority habitat.
- Clean up refuse (Bui et al. 2011).
- Locate man camps outside of priority habitats.

Reclamation

- Include objectives for ensuring habitat restoration to meet sage-grouse habitat needs in reclamation practices/sites (Pyke 2011). . Address post reclamation management in reclamation plan such that goals and objectives are to protect and improve sage-grouse habitat needs.
- Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, topsoiling and revegetating cut and fill slopes.
- Restore disturbed areas at final reclamation to the pre-disturbance landforms and desired plant community.
- Irrigate interim reclamation if necessary for establishing seedlings more quickly.
- Utilize mulching techniques to expedite reclamation and to protect soils.

General sage-grouse habitat

Best Management Practices

Make applicable BMPs mandatory as Conditions of Approval within general sage-grouse habitat. BMPs are continuously improving as new science and technology become available and therefore are subject to change. At a minimum include the following BMPs:

Roads

- Design roads to an appropriate standard no higher than necessary to accommodate their intended purpose.
- Do not issue ROWs to counties on energy development roads, unless for a temporary use consistent with all other terms and conditions included in this document.
- Establish speed limits to reduce vehicle/wildlife collisions or design roads to be driven at slower speeds.
- Coordinate road construction and use among ROW holders.
- Construct road crossing at right angles to ephemeral drainages and stream crossings.
- Use dust abatement practices on roads and pads.

- Close and reclaim duplicate roads, by restoring original landform and establishing desired vegetation.

Operations

- Cluster disturbances, operations (fracture stimulation, liquids gathering, etc.), and facilities.
- Use directional and horizontal drilling to reduce surface disturbance.
- Clean up refuse (Bui et al. 2010).
- Restrict the construction of tall facilities and fences to the minimum number and amount needed.
- Cover (e.g., fine mesh netting or use other effective techniques) all drilling and production pits and tanks regardless of size to reduce sage-grouse mortality.
- Equip tanks and other above ground facilities with structures or devices that discourage nesting of raptors and corvids.
- Use remote monitoring techniques for production facilities and develop a plan to reduce the frequency of vehicle use.
- Control the spread and effects from non-native plant species. (e.g. by washing vehicles and equipment.)
- Restrict pit and impoundment construction to reduce or eliminate augmenting threats from West Nile virus (Dougherty 2007).

Reclamation

- Include restoration objectives to meet sage-grouse habitat needs in reclamation practices/sites (Pyke 2011). Address post reclamation management in reclamation plan such that goals and objectives are to enhance or restore sage-grouse habitat.

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National Technical Team

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Appendix E. Best Management Practices for Locatable Mineral Development

BMPs are continuously improving as new science and technology become available and therefore are subject to change. Include from the following BMPs those that are appropriate to mitigate effects from the approved action.

Roads

- Design roads to an appropriate standard no higher than necessary to accommodate their intended purpose.
- Locate roads to avoid important areas and habitats.
- Coordinate road construction and use among ROW holders.
- Construct road crossing at right angles to ephemeral drainages and stream crossings.
- Establish speed limits on BLM system roads to reduce vehicle/wildlife collisions or design roads to be driven at slower speeds.
- Do not issue ROWs to counties on mining development roads, unless for a temporary use consistent with all other terms and conditions included in this document.
- Restrict vehicle traffic to only authorized users on newly constructed routes (e. g., use signing, gates, etc.)
- Use dust abatement practices on roads and pads.
- Close and reclaim duplicate roads, by restoring original landform and establishing desired vegetation.

Operations

- Cluster disturbances associated with operations and facilities as close as possible.
- Place infrastructure in already disturbed locations where the habitat has not been restored.
- Restrict the construction of tall facilities and fences to the minimum number and amount needed.
- Site and/or minimize linear ROWs to reduce disturbance to sagebrush habitats.
- Place new utility developments (power lines, pipelines, etc.) and transportation routes in existing utility or transportation corridors.
- Bury power lines.
- Cover (e.g., fine mesh netting or use other effective techniques) all pits and tanks regardless of size to reduce sage-grouse mortality.
- Equip tanks and other above ground facilities with structures or devices that discourage nesting of raptors and corvids.

- Control the spread and effects of non-native plant species (Gelbard and Belnap 2003, Bergquist et al. 2007).
- Restrict pit and impoundment construction to reduce or eliminate threats from West Nile virus (Doherty 2007).
- Remove or re-inject produced water to reduce habitat for mosquitoes that vector West Nile virus. If surface disposal of produced water continues, use the following steps for reservoir design to limit favorable mosquito habitat:
 - Overbuild size of ponds for muddy and non-vegetated shorelines.
 - Build steep shorelines to decrease vegetation and increase wave actions.
 - Avoid flooding terrestrial vegetation in flat terrain or low lying areas.
 - Construct dams or impoundments that restrict down slope seepage or overflow.
 - Line the channel where discharge water flows into the pond with crushed rock.
 - Construct spillway with steep sides and line it with crushed rock.
 - Treat waters with larvicides to reduce mosquito production where water occurs on the surface.
- Require sage-grouse-safe fences around sumps.
- Clean up refuse (Bui et al. 2010).
- Locate man camps outside of priority sage-grouse habitats.

Reclamation

- Include restoration objectives to meet sage-grouse habitat needs in reclamation practices/sites. Address post reclamation management in reclamation plan such that goals and objectives are to protect and improve sage-grouse habitat needs.
- Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, topsoiling and revegetating cut and fill slopes.
- Restore disturbed areas at final reclamation to pre-disturbance landform and desired plant community.
- Irrigate interim reclamation as necessary during dry periods.

Utilize mulching techniques to expedite reclamation.

Literature Cited:

Bergquist, E., P. Evangelista, T. J. Stohlgren, and N. Alley. 2007. Invasive species and coal bed methane development in the Powder River Basin, Wyoming. *Environmental Monitoring and Assessment* 128:381-394.

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Appendix F. Best Management Practices for Fire & Fuels (wo IM 2011-138)

Fuels Management BMPs:

1. Where applicable, design fuels treatment objective to protect existing sagebrush ecosystems, modify fire behavior, restore native plants, and create landscape patters which most benefit sage-grouse habitat.
2. Provide training to fuels treatment personnel on sage-grouse biology, habitat requirements, and identification of areas utilized locally.
3. Use fire prescriptions that minimize undesirable effects on vegetation or soils (e.g., minimize mortality of desirable perennial plant species and reduce risk of hydrophobicity).
4. Ensure proposed sagebrush treatments are planned with interdisciplinary input from BLM and /or state wildlife agency biologist and that treatment acreage is conservative in the context of surrounding sage-grouse seasonal habitats and landscape.
5. Where appropriate, ensure that treatments are configured in a manner (e.g., strips) that promotes use by sage-grouse (See Connelly et al., 2000*)
6. Where applicable, incorporate roads and natural fuel breaks into fuel break design.
7. Power-wash all vehicles and equipment involved in fuels management activities prior to entering the area to minimize the introduction of undesirable and/or invasive plant species.
8. Design vegetation treatment in areas of high frequency to facilitate firefighting safety, reduce the risk of extreme fire behavior; and to reduce the risk and rate of fire spread to key and restoration habitats.
9. Give priority for implementing specific sage-grouse habitat restoration projects in annual grasslands first to sites which are adjacent to or surrounded by sage-grouse key habitats. Annual grasslands are second priority for restoration when the sites not adjacent to key habitat, but within 2 miles of key habitat. The third priority for annual grasslands habitat restoration projects are sites beyond 2 miles of key habitat. The intent is to focus restoration outward from existing, intact habitat.
10. As funding and logistics permit, restore annual grasslands to a species composition characterized by perennial grasses, forbs, and shrubs.
11. Emphasize the use of native plant species, recognizing that non-native species may be necessary depending on the availability of native seed and prevailing site conditions.
12. Remove standing and encroaching trees within at least 100 meters of occupied sage-grouse leks and other habitats (e.g., nesting, wintering, and brood rearing) to reduce the availability of perch sites for avian predators, as appropriate, and resources permit.

13. Protect wildland areas from wildfire originating on private lands, infrastructure corridors, and recreational areas.

14. Reduce the risk of vehicle or human-caused wildfires and the spread of invasive species by planting perennial vegetation (e.g., green-strips) paralleling road rights-of-way.

15. Strategically place and maintain pre-treated strips/areas (e.g., mowing, herbicide application, and strictly managed grazed strips) to aid in controlling wildfire should wildfire occur near key habitats or important restoration areas (such as where investments in restoration have already been made).

Fire Management BMPs:

1. Develop state-specific sage-grouse toolboxes containing maps, a list of resource advisors, contact information, local guidance, and other relevant information.

2. Provide localized maps to dispatch offices and extended attack incident commanders for use in prioritizing wildfire suppression resources and designing suppression tactics.

3. Assign a sage-grouse resource advisor to all extended attack fires in or near key sage-grouse habitat areas. Prior to the fire season, provide training to sage-grouse resource advisors on wildfire suppression organization, objectives, tactics, and procedures to develop a cadre of qualified individuals.

4. On critical fire weather days, pre-position additional fire suppression resources to optimize a quick and efficient response in sage-grouse habitat areas.

5. During periods of multiple fires, ensure line officers are involved in setting priorities.

6. To the extent possible, locate wildfire suppression facilities (i.e., base camps, spike camps, drop points, staging areas, hell-bases) in areas where physical disturbance to sage-grouse habitat can be minimized. These include disturbed areas, grasslands, near roads/trails or in other areas where there is existing disturbance or minimal sagebrush cover.

7. Power-wash all firefighting vehicles, to the extent possible, including engines, water tenders, personnel vehicles, and ATVs prior to deploying in or near sage-grouse habitat areas to minimize noxious weed spread.

8. Minimize unnecessary cross-country vehicle travel during fire operations in sage-grouse habitat.

9. Minimize burnout operations in key sage-grouse habitat areas by constructing direct fireline whenever safe and practical to do so.

10. Utilize retardant and mechanized equipment to minimize burned acreage during initial attack.

11. As safety allows, conduct mop-up where the black adjoins unburned islands, dog legs, or other habitat features to minimize sagebrush loss.

**Appendix F.
National Technical Team**

Literature Cited:

Connelly, J.W., M.A Schroeder, A.R. Sands, and C.E. Braun 2000. Guidelines to Manage Sage-grouse Populations and Their Habitats. Wildlife Society Bulletin 28:967-985.

Appendix G. National Technical Team Members

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Charlie Beecham	<i>BLM, Colorado</i>
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Tim Griffiths	<i>Natural Resources Conservation Service</i>
Christian Hagan	<i>Oregon Dept. of Fish and Wildlife</i>
Doug Havlina	<i>BLM, National Interagency Fire Center</i>
Don Kemner	<i>Idaho Fish and Game</i>
Steve Knick	<i>U.S. Geological Survey</i>
Ben Kniola	<i>BLM, Washington Office-310</i>
Lauren Mermejo	<i>BLM, Utah</i>
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Tom Rinkes	<i>BLM, Idaho</i>
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Jeff Rose	<i>BLM, Oregon</i>
Robin Sell	<i>BLM, Colorado</i>
David Wood	<i>BLM, Montana</i>

This chart shows how the strategy is structured among national and regional teams. Return to Greater Sage-grouse Website »



Return to Greater Sage-grouse Website »

Last updated: 12-15-2011

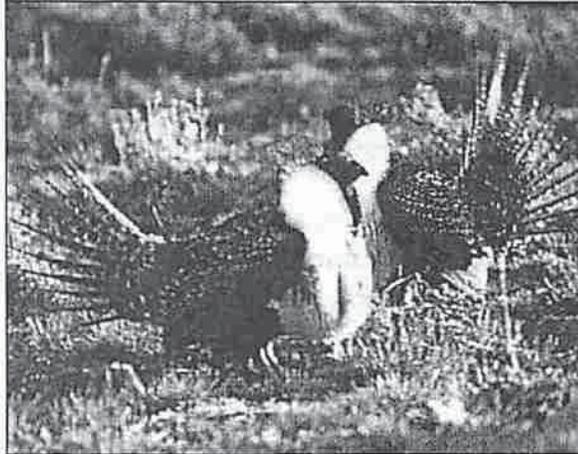
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BLM National Greater Sage-Grouse Planning Strategy

What is the BLM National Greater Sage-Grouse Planning Strategy?

The BLM National Greater Sage-Grouse Planning Strategy is a planning approach that provides the framework and structure for transparent interagency and stakeholder collaboration on long-term greater sage-grouse conservation and habitat restoration.



Under the planning strategy, the BLM will review its principal, existing regulatory framework for sage-grouse conservation—the land use planning process—to determine the development and implementation of new or revised regulatory mechanisms.

The focus will be on incorporating regionally-appropriate, science-based conservation measures into BLM land use planning efforts through coordinated, cooperative stakeholder engagement.

Greater sage-grouse benefit from and make use of suitable habitat—regardless of land ownership and management responsibility, so the BLM planning strategy uses an open and collaborative approach to foster cooperative conservation efforts across the regions and states that make up the greater sage-grouse range.

The planning strategy illustrates the Bureau's continued commitment to long-term, rangewide sage-grouse conservation and habitat restoration and acknowledges the added value of engaging all stakeholders in cooperative conservation efforts.

Why was a new planning approach developed?

In April 2010, the U.S. Fish and Wildlife Service (FWS) found that the greater sage-grouse warrants the protection of the Endangered Species Act (ESA) but that listing the species was precluded by the need to address other, higher-priority species first. One reason for the FWS decision was an identified need for more adequate regulatory mechanisms to ensure species conservation.

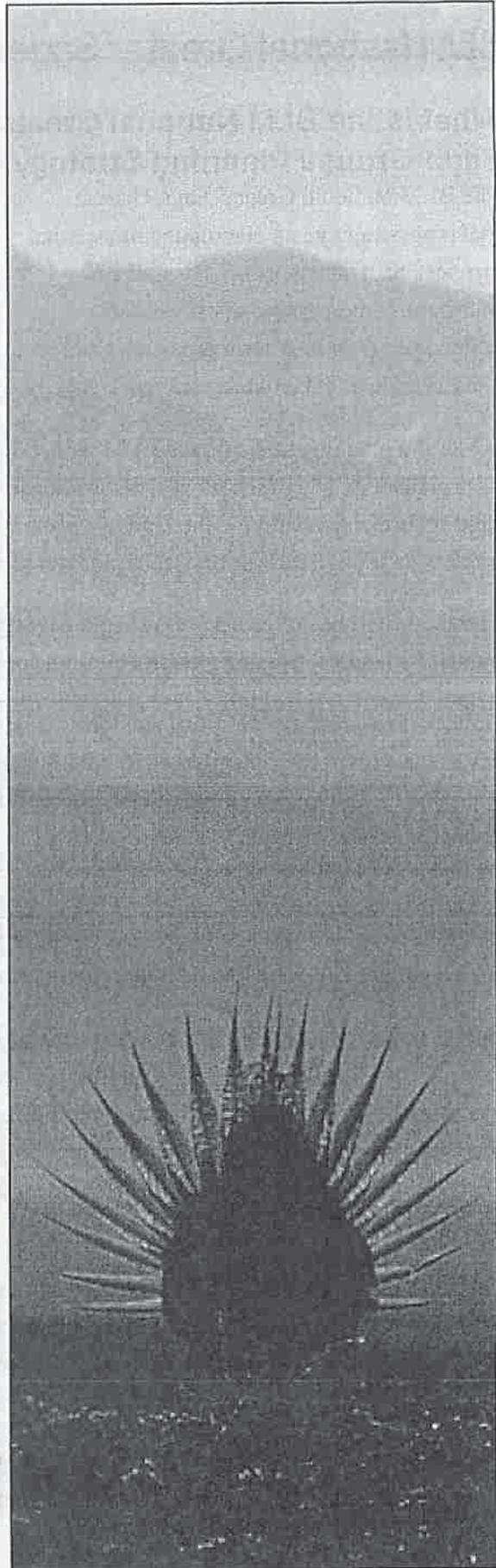
The FWS greater sage-grouse decision placed the species on the candidate list for future action, which provided stakeholders such as Federal agencies, states, and private landowners with additional opportunities to continue working cooperatively to conserve the species and restore its habitat.

The BLM also used this opportunity to develop the new planning strategy, which is directed toward long-term conservation and habitat restoration on BLM-administered lands rangewide.



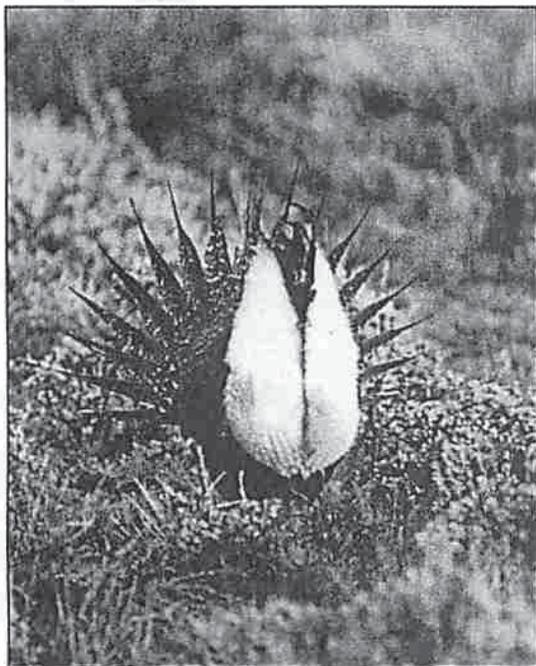
BLM National Greater Sage-Grouse Planning Strategy Highlights

- ◆ Creates a rangewide approach that allows for improved collaboration and coordination and addresses ecoregional differences by dividing sage-grouse range into an Eastern Region and a Western Region.
- ◆ Eastern Region will include Colorado, Montana, North Dakota, South Dakota, northeastern Utah, and Wyoming where major sage-grouse threats include habitat loss and fragmentation due to energy development—both oil and gas and renewables.
- ◆ Western Region will include California, Idaho, Nevada, Oregon, and most of Utah, with a small portion of southwestern Montana where major sage-grouse threats include habitat loss and fragmentation due to invasive plant species and wildfire impacts.
- ◆ Creates several governance teams to ensure ongoing coordination and oversight, both regionally and nationally, using an interagency and multi-state approach that engages all stakeholders.
 - A National Policy Team will provide national policy guidance on sage-grouse conservation and consistent planning objectives.
 - A National Technical Team (NTT) will use the best science available to derive recommended conservation measures.
 - Two Regional Management Teams (RMTs) will coordinate planning and strategy implementation efforts across the states and provide direction at specific points to ensure consistency.
 - Two Regional Interdisciplinary Teams (RIDTs) will coordinate the development of EISs and RMP amendments using policy guidance provided by the National Policy Team.
 - State-level Interdisciplinary Teams (SIDTs) will conduct the required environmental analyses to transform goals and objectives into regulatory mechanisms for greater sage-grouse conservation.



Oregon Implementation of the National Strategy

Implementing the National Greater Sage-grouse Planning Strategy allows Oregon BLM the opportunity to fully consider long-term sage-grouse conservation and habitat restoration guidance contained in the Greater Sage-Grouse Conservation Assessment and Strategy for Oregon published by Oregon Department of Fish and Wildlife. To date, an Interdisciplinary Team (IDT) has been formed, a contractor hired and the Resource Management Plan (RMP) process has begun.



Historic Sage-grouse habitat encompassed 17.7 million acres in Oregon (prior to Euro-American settlement). Currently, Sage-grouse occupy 14-15 million acres in Oregon which is approximately 80% of their historic distribution. About 70% of the current Sage-grouse distribution (about 10 million acres) occurs on lands administered by BLM.

Ongoing RMP Efforts in Oregon

Oregon BLM will consider new sage-grouse conservation information as part of the following ongoing RMP and accompanying National Environmental Policy Act (NEPA) efforts:

- Baker RMP revision (Vale)
- John Day RMP revision (Prineville)
- Lakeview RMP amendment (Lakeview)
- Southeastern Oregon RMP amendment (Vale)

New RMP Amendments in FY 2012

Oregon BLM will be revising or amending the RMPs below and expects to begin a 60-day formal public scoping period on or about Dec. 9 of this year following publication of a Notice of Intent in the *Federal Register*:

Andrews	Burns District	Brothers LaPine (East)	Prineville District
Steens	Burns District	Two Rivers	Prineville District
Three Rivers	Burns District	Upper Deschutes	Prineville District

A lot of good work has already been done by BLM and our partners to conserve and restore sagebrush habitat as evidenced by 80% of the historic range is occupied by sage-grouse. Considering the ODFW strategy and other conservation measures at the planning and regional scale provides an opportunity to continue the good work and adjust plan direction where necessary for the conservation of the species.

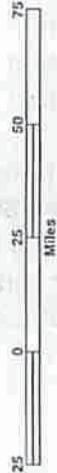
Updated as of 11/29/2011



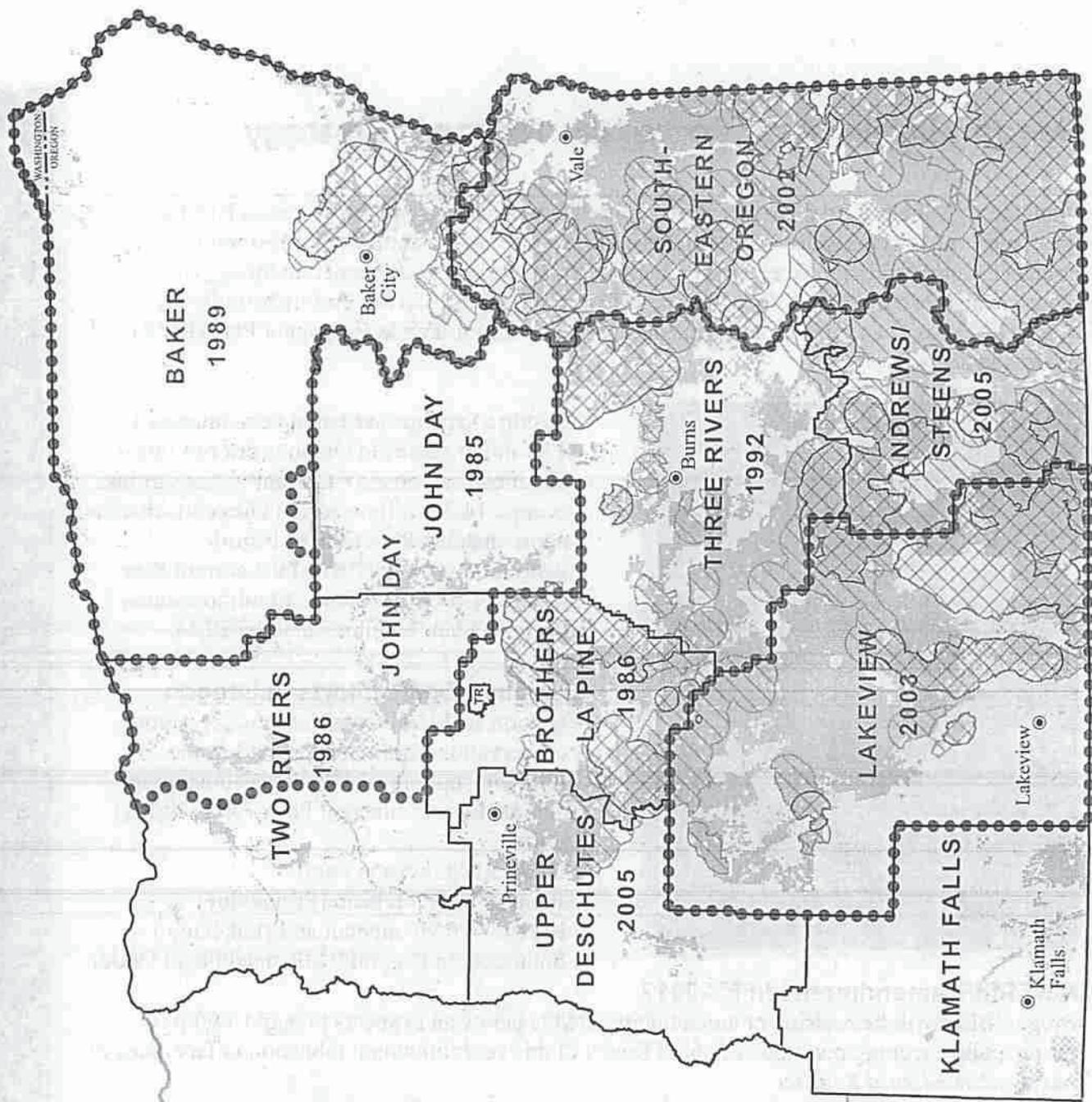
**Bureau of Land Management
Eastern Oregon RMP Boundaries
and
Oregon Department of Fish and Wildlife
Sage-Grouse Core Habitat**

Legend

- BLM Office
- Active RMP Boundary
- Draft RMP Boundary
- ODFW Greater Sage-grouse Habitat
- Core Area
- Low Density
- BLM Administered Land



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Information was derived from various sources and is not guaranteed. This product was developed through digital means and may be updated without notification.



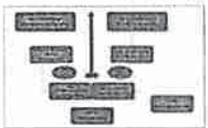
REGIONAL and TOPICS PAGES

- Home
- Rocky Mountain Region
- Great Basin Region
- Conservation
- Documents and Resources
- News and Information
- Frequently Asked Questions

MAPS and GRAPHICS



See where the Greater-sage Grouse are found »



How the teams are structured »



Where the BLM and Sage-grouse overlap »

Foundational Documents

BLM's current efforts build on an extensive foundation of previous work with our sister Federal agencies, State wildlife agencies and other partners. The following links provide background on the underpinnings of our current joint efforts:

- November 2004 BLM National Sage-Grouse Habitat Conservation Strategy (243 kb PDF)
- November 2004 Guidance for Addressing Sagebrush Habitat Conservation in BLM Land Use Plans (81kb PDF)
- November 2004 Guidance for Management of Sagebrush Plant Communities for Sage-Grouse Conservation (363kb PDF)
- 2008 Sagebrush Memorandum of Understanding among Federal agencies and the Western Association of Fish and Wildlife Agencies
- Western Association of Fish and Wildlife Agencies Greater Sage-Grouse Comprehensive Conservation Strategy (2006) (4MB PDF)

March 5, 2010 Sage-Grouse Management Considerations for Energy Development (Supplement to National Sage-Grouse Habitat Conservation Strategy)

Background on March 5, 2010 Sage-Grouse Guidance

BLM National Greater Sage-Grouse Planning Strategy Charter, August 22, 2011 (2MB)

Federal Register Notice:

The BLM's Notice of Intent to Address Sage-Grouse in Land Management Plans (December 9, 2011).

Instruction Memoranda:

Greater Sage-Grouse Interim Management Policies and Procedures (12/27/11)

BLM National Greater Sage-Grouse Land Use Planning Strategy (12/27/11)

Webinars:

Greater Sage-Grouse: A Federal and State Partnership for Conservation Success 04/17/12

Scoping Summary Report, May 2012

The Scoping Summary Report documents the results of the public and agency scoping and outreach process under the National Greater Sage-Grouse Planning Strategy.

Summary Report | Appendix A | Appendix B | Appendix C, Part 1 | Appendix C, Part 2

Scoping Meeting Materials:

Download a PDF package of materials used at Great Basin scoping meetings

Project Timeline for Greater Sage-grouse Planning Strategy

The release of the Draft EIS for each state is a culmination of many months of public scoping, agency coordination, and planning efforts.

Each Eastern Region RMP revision, amendment or supplement will have an independent timeline for completion of Final Records of Decision by the Spring 2014 deadline. On-going and new RMP amendment timelines will be available in the future at individual state websites listed in the Contact Information section above. The release of the Draft EIS for each state is a culmination of many months of public scoping, agency coordination, and planning efforts.

A general project timeline with completed and anticipated dates:

Action	Date
Notice of Intent Published in Federal Register	December 2011
60-Day Scoping Period	December 2011 to February 2012
90-Day Draft EIS Public Comment Period	January 2013 to March 2013
Publish Final EIS & Proposed RMP Amendment	Fall 2013
Issue Record of Decision & Approved Resource Management Plan Amendment	Spring 2014

Maps

View the BLM's Greater Sage-grouse breeding density Map

Individual State Wildlife Agency Greater Sage-grouse Conservation Plans

California (942kb PDF)

Colorado



- Idaho (6.6mb PDF)
- Montana (2.8mb PDF)
- Nevada (942kb PDF)
- North Dakota (1.4mb PDF)
- Oregon (14mb PDF)
- South Dakota (723kb PDF)
- Utah (2.6mb PDF)
- Wyoming

Additional Resources

U.S. Fish & Wildlife Service:

- FWS Sage-Grouse website
- Sage-Grouse 12 Month Finding on the Petition to List Greater Sage-Grouse
- Endangered Species website
- Listing a Species and Threatened or Endangered (328kb PDF)

Natural Resources Conservation Service (USDA):

- Sage Grouse Initiative (SGI) brochure (PDF)
- SGI Homepage
- Habitat Management leaflet (720kb PDF)
- Seriously Sage Grouse Children's Activity Book (1.2 MB PDF)

U.S. Geological Survey:

- SAGEMAP GIS Database and Portal

GRSG Preliminary PRIORITY Habitat (PPH) GIS Data as of 3/21/2012*

State	PPH Developed By	PPH GIS Data Source	Notes
California	State/BLM	BLM	California Fish and Game and California BLM cooperatively defined PPH
Colorado	State/BLM	State Website	Colorado Parks and Wildlife Preliminary Priority Habitat is synonymous with Colorado BLM PPH
Idaho	ID BLM	State Website	Idaho BLM PPH is referred to as Priority Area in the GIS metadata
Montana	State/BLM	State Website	Montana Fish Wildlife & Parks Sage-grouse Core Areas are synonymous with Montana BLM PPH
N Dakota	State/BLM	BLM	North Dakota Game and Fish Department and Montana/Dakotas BLM defined PPH
Nevada	State/BLM	State Website	Nevada Department of Wildlife GRSG Habitat Categories 1 & 2 are synonymous with NV BLM PPH
Oregon	State/BLM	BLM	Oregon Department of Fish and Wildlife GRSG Core Areas are synonymous with OR BLM PPH
S Dakota	MT BLM	BLM	Montana/Dakotas BLM defined PPH
Utah	State/BLM	BLM	Utah Division of Wildlife Resources Occupied Habitat is synonymous with UT BLM PPH
Wyoming	State/BLM	State Website	Wyoming Game and Fish Sage-grouse Core Areas (Version 3 including Connectivity Areas) are synonymous with Wyoming BLM PPH

GRSG Preliminary GENERAL Habitat (PGH) GIS Data as of 3/21/2012*

State	PPH Developed By	PPH GIS Data Source	Notes
California	State/BLM	BLM	California Fish and Game and California BLM cooperatively defined PGH
Colorado	State/BLM	State Website	Colorado Parks and Wildlife Preliminary General Habitat is synonymous with CO BLM PGH and both also consider Habitat Linkages
Idaho	ID BLM	State Website	Idaho BLM PGH is referred to as General Area in the GIS metadata
Montana	Schroeder et al.	State Website	Montana/Dakotas BLM refer to PGH using Schroeder et al. Range Map (2004)
N Dakota	Schroeder et al.	BLM	Montana/Dakotas BLM refer to PGH using Schroeder et al. Range Map (2004)
Nevada	State/BLM	State Website	Nevada Department of Wildlife Habitat Category 3 is synonymous with NV BLM PGH
Oregon	State/BLM	BLM	Oregon Department of Fish and Wildlife GRSG Low Density areas and additional Sage-grouse Currently Occupied Habitat (BLM, 2006) translate to OR BLM PGH
S Dakota	Schroeder et al.	BLM	Montana/Dakotas BLM refer to PGH using Schroeder et al. Range Map (2004)
Utah	N/A	N/A	All Utah Division of Wildlife Resources Occupied Habitat considered PPH; No PGH defined
Wyoming	State/BLM	State Website	Wyoming Game and Fish Current Sage-grouse Distribution is synonymous with Wyoming BLM PGH

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
<http://www.blm.gov/>
December 22, 2011

In Reply Refer To:
1110 (170/200/300/400) P

EMS TRANSMISSION 12/27/2011
Instruction Memorandum No. 2012-043
Expires: 09/31/2013

To: All Field Office Officials
From: Director
Subject: Greater Sage-Grouse Interim Management Policies and Procedures

Program Areas: All Programs.

Purpose: This Instruction Memorandum (IM) provides interim conservation policies and procedures to the Bureau of Land Management (BLM) field officials to be applied to ongoing and proposed authorizations and activities that affect the Greater Sage-Grouse (*Centrocercus urophasianus*) and its habitat. This direction ensures that interim conservation policies and procedures are implemented when field offices authorize or carry out activities on public land while the BLM develops and decides how to best incorporate long-term conservation measures for Greater Sage-Grouse into applicable Land Use Plans (LUP). This direction promotes sustainable Greater Sage-Grouse populations and conservation of its habitat while not closing any future options before the planning process can be completed.

This IM supplements the direction for Greater Sage-Grouse contained in Washington Office (WO) IM 2010-071 (*Gunnison and Greater Sage-Grouse Management Considerations for Energy Development*) and is consistent with WO-IM-2011-138 (*Sage-Grouse Conservation Related to Wildland Fire and Fuels Management*). The Gunnison Sage-Grouse, bi-state distinct population segment in California and Nevada, and the Washington State distinct population segment are not covered by this IM and will be addressed through other policies and planning efforts. WO-IM-2010-071 remains applicable to the Gunnison Sage-Grouse.

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

Policy/Action: As summarized in the BLM's National Strategy, emphasis for protecting and managing Greater Sage-Grouse habitat incorporates the following principles:

- 1) Protection of unfragmented habitats;
- 2) Minimization of habitat loss and fragmentation; and
- 3) Management of habitats to maintain, enhance, or restore conditions that meet Greater Sage-Grouse life history needs.

To provide guidance to field offices about how to promote these principles, this IM transmits policies and procedures that apply to ongoing and proposed BLM actions, including use authorizations, within Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH). PPH comprises areas that have been identified as having the highest conservation value to maintaining sustainable Greater Sage-Grouse populations. These areas would include breeding, late brood-rearing, and winter concentration areas. These areas have been identified by the BLM in coordination with respective state wildlife agencies. PGH comprises areas of occupied seasonal or year-round habitat outside of priority habitat. These areas have been identified by the BLM in coordination with respective state wildlife agencies.

The policies and procedures identified in this IM are designed to minimize habitat loss in PPH and PGH and will advance the BLM's objectives to maintain or restore habitat to desired conditions by ensuring that field offices analyze and document impacts to PPH and PGH and coordinate with states and the Fish and Wildlife Service when issuing the decisions described below. These policies and procedures are in addition to and do not replace more protective measures in existing LUPs. The direction in this IM is time-limited: for each planning area where Greater Sage-Grouse occur, the conservation policies and procedures described in this IM will be applied until the BLM makes decisions through the land use planning process. All such LUP decisions are expected to be completed by the end of 2014. The BLM field offices do not need to apply the conservation policies and procedures described in this IM in areas in which (1) a state and/or local regulatory mechanism has been developed for the conservation of the Greater Sage-Grouse in coordination and concurrence with the FWS (including the Wyoming Governor's Executive Order 2011-5, Greater Sage-Grouse Core Area Protection); and (2) the state sage-grouse plan has subsequently been adopted by the BLM through the issuance of a state-level BLM IM. If BLM programs are not addressed in the adopted state Greater Sage-Grouse plan then program direction will default to the policies and procedures set forth in this WO IM.

PPH and PGH data and maps have been developed through a collaborative effort between the BLM and the respective state wildlife agencies and are stored at the National Operations Center (NOC). These science-based maps were developed using the best available data and may change as new information becomes available. Such changes would be science-based and coordinated with the state wildlife agencies so that the resulting delineation of PPH and PGH provides for sustainable populations. In those instances where the BLM state offices have not completed this delineation, the Breeding Bird Density maps developed by Doherty 2010(1) will be used. The NOC will establish the process for updating files to include the latest PPH and PGH delineations for each state. This information will assist in applying the interim conservation policies and procedures identified in Sections I and II below. As LUPs are amended or revised, the BLM state offices will be responsible for coordinating with the NOC to use the newest delineation of PPH and PGH. BLM staff may access the PPH and PGH data, using the following link: \\blm\dfs\loc\EGIS\OC\Wildlife\Transfers\GREATER_SAGE_GROUSE_GIS_DATA. Non-BLM personnel, may access these maps through the respective state wildlife agency.

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

I. Interim Conservation Policies and Procedures for "Preliminary Priority Habitat"

Through these policies and procedures, you should seek to maintain, enhance, or restore conditions for Greater Sage-Grouse and its habitat. These policies and procedures apply to PPH only. Separate policies and procedures for PGH are provided in Section II of this IM.

Integrated Vegetation Management



Proposed Authorizations/Activities

- Evaluate land treatments (including Greater Sage-Grouse habitat treatments) in a landscape-scale context to address habitat fragmentation, effective patch size, invasive species presence, and protection of intact sagebrush communities. Coordinate land treatments with adjacent land owners to avoid any unintended negative landscape effects to Greater Sage-Grouse.
- When designing vegetation treatments, reference Ecological Site Descriptions (ESD), where available; the BLM *Integrated Vegetation Management Handbook* (H-1740-2); and a white paper developed by the Western Association of Fish and Wildlife Agencies entitled, *Prescribed Fire as a Management Tool in Xeric Sagebrush Ecosystems: Is it Worth the Risk to Sage-Grouse?*
- Coordinate, plan, design, and implement vegetation treatments (e.g., pinyon/juniper removal, fuels treatments, green stripping) and associated effectiveness monitoring between Resources, Fuels Management, Emergency Stabilization, and Burned Area Rehabilitation programs to:
 - o Promote the maintenance of large intact sagebrush communities;
 - o Limit the expansion or dominance of invasive species, including cheatgrass;
 - o Maintain or improve soil site stability, hydrologic function, and biological integrity; and
 - o Enhance the native plant community, including the native shrub reference state in the *State and Transition Model*, with appropriate shrub, grass, and forb composition identified in the applicable ESD where available.
- When conducting National Environment Policy Act (NEPA) analysis for vegetation treatments, document your analysis of (1) short- and long-term objectives and (2) direct, indirect, and cumulative effects of treatment types on Greater Sage-Grouse and its habitat.
- Pursue short-term objectives that include maintaining soil stability and hydrologic function of the disturbed site so a resilient plant community can be established.
- Pursue a long-term objective to maintain resilient native plant communities. Choose native plant species outlined in ESDs, where available, to revegetate sites. If the commercial supply of appropriate native seed/plants is limited, work with the BLM Native Plant Materials Development Program (NPMMP) through your respective State Office Plant Conservation Program Lead. It is a primary objective of the NPMMP to ensure native plants used by Greater Sage-Grouse are being collected and developed into commercially viable crops. If currently available supplies are limited, use the materials that provide the greatest benefit for Greater Sage-Grouse. When necessary, analyze the use of non-native species that do not impede long-term reestablishment goals of native plant communities and Greater Sage-Grouse habitat.
- Meet vegetation management objectives that have been set for seeding projects prior to returning the area to authorized uses, specifically livestock grazing. This generally takes a minimum of two growing seasons (see Handbook H-1742, *Emergency Fire Rehabilitation Handbook*). When treating invasive species, use the standard operating procedures and best management practices outlined in the *2007 Vegetation Treatments Using Herbicides on BLM Lands in 17 States Environmental Impact Statement* and applicable practices found in its accompanying *Biological Assessment*.
- Where pinyon and juniper trees are encroaching on sagebrush plant communities, design treatments to increase cover of sagebrush and/or understory to (1) improve habitat for Greater Sage-Grouse; and (2) minimize avian predator perches and predation opportunities on Greater Sage-Grouse.
- Implement management actions, where appropriate, to improve degraded Greater Sage-Grouse habitats that have become encroached upon by shrubland or woodland species.
- Identify opportunities for prescribed fire; including where prescribed fire has been identified as the most appropriate tool to meet fuels management objectives and Greater Sage-Grouse conservation objectives, and the potential expansion or dominance of invasive species has been determined to be minimal through an invasive species risk determination for the treatment project (see BLM Manual Section 9015). Before using prescribed fire, field offices must analyze the potential expansion or dominance of invasive species as a result of this treatment.

Wildfire Emergency Stabilization and Burned Area RehabilitationBoth Ongoing and Proposed Authorizations/Activities

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

Wildfire Suppression and Fuels ManagementOngoing Authorizations/Activities

- Threatened, endangered, and sensitive species (including sage-grouse) and associated habitats will continue to be a high natural resource priority for National and Geographic Multi-Agency Coordination Groups, whose purpose is to manage and prioritize wildland fire operations on a national and geographic area scope when fire management resource shortages are probable.
- Greater Sage-Grouse protection and habitat enhancement is a high priority for the fire management program. A full range of fire management activities and options will be utilized to sustain healthy ecosystems (including Greater Sage-Grouse habitats) within acceptable risk levels. Local agency administrators and resource advisors will convey protection priorities to incident commanders.
- Comply with the policies established in WO-IM-2011-138 (Sage-Grouse Conservation Related to Wildland Fire and Fuels Management) or successor guidance, regarding suppression operations and fuels management activities.
- Identify opportunities for prescribed fire; including where prescribed fire has been identified as the most appropriate tool to meet fuels management objectives and Greater Sage-Grouse conservation objectives, and the potential expansion or dominance of invasive species has been determined to be minimal through an invasive species risk determination for the treatment project (see BLM Manual Section 9015). Before using prescribed fire, field offices must analyze the potential expansion or dominance of invasive species as a result of this treatment.

Rights-of-Way (ROW) (e.g., Renewable Energy Projects, Roads, Powerlines, Pipelines)Existing Authorized ROW (i.e., permit has been issued and the project may have been constructed)

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

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

- **If the BLM has issued or, within 90 days of the issuance of this Instruction Memorandum, the BLM issues a Draft EIS (DEIS) or a Finding of No Significant Impact (FONSI)** (i.e., permit application has been received and is currently being analyzed through an EIS or EA)
 - o Work with applicants to minimize habitat loss, fragmentation, and direct and indirect effects to Greater Sage-Grouse and its habitat.
 - o Determine, in coordination with the respective state wildlife agency, whether the proposed ROW would likely have more than minor adverse effects to Greater Sage-Grouse and its habitat. If the proposed ROW would likely have more than minor adverse effects, then implement the

policies and procedures set forth in the section immediately below ("All Other Pending and Future Applications").

- **All Other Pending and Future Proposed Applications**

- o Conduct pre-application meetings for all new ROW proposals consistent with the ROW regulations (43 CFR 2804.10) and consistent with current renewable energy ROW policy guidance (WO-IM-2011-061, issued February 7, 2011).
- o For pending applications, assess the impact of the proposed ROW on Greater Sage-Grouse and its habitat, and implement the following:
 - Ensure that reasonable alternatives for siting the ROW outside of the PPH or within a BLM-designated utility corridor are considered and analyzed in the NEPA document.
 - Identify technically feasible best management practices, conditions, etc. (e.g., siting, burying powerlines) that may be implemented in order to eliminate or minimize impacts.
- o For ROWs where the total project disturbance from the ROW and any connected action is less than 1 linear mile, or 2 acres of disturbance, develop mitigation measures related to construction, maintenance, operation, and reclamation activities that, as determined in cooperation with the respective state wildlife agency, would cumulatively maintain or enhance Greater Sage-Grouse habitat.
- o For ROW applications where the total project disturbance from the ROW and any connected action is greater than 1 linear mile or 2 acres of disturbance, it is BLM policy that where a field office determines that it is appropriate to authorize a ROW, the following process must be followed:
 - The BLM will document the reasons for its determination and require the ROW holder to implement measures to minimize impacts to sage-grouse habitat.
 - In addition to considering opportunities for onsite mitigation, the BLM will, to the extent possible, cooperate with project proponents to develop and consider implementing appropriate offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (Refer to WO-IM-2008-204, Off-Site Mitigation). When developing such mitigation, the BLM should consider compensating for the short-term and long-term direct and indirect loss of Greater Sage-Grouse and its habitat.
 - Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed ROW and mitigation measures would cumulatively maintain or enhance Greater Sage-Grouse habitat, the proposed ROW decision must be forwarded to the appropriate BLM State Director, State Wildlife Agency Director, and FWS representative for their review. If this group is unable to agree on the appropriate mitigation for the proposed ROW, then the proposed decision must be forwarded to the Greater Sage-Grouse National Policy Team with the addition of the State Wildlife Agency Director, when appropriate, for its review. If the National Policy Team and the State Wildlife Agency Director are unable to agree on the appropriate mitigation for the proposed ROW, the National Policy Team will coordinate with and brief the BLM Director for a final decision in absence of consensus.
- o Field offices retain the discretion to reject or deny a ROW application, where appropriate, or defer making a final decision on an application until the completion of the LUP process described in the *National Greater Sage-Grouse Planning Strategy* for the affected area.

Leasable Minerals (Energy and Non-energy)

Proposed Leasing (i.e., a lease has not been issued and, therefore, no valid existing rights have been established)

- **Solid Mineral Leasing (Coal, Oil Shale, and Non-energy)**

Assess the impact to Greater Sage-Grouse and its habitat, and implement the following:

- o **If the BLM has issued or, within 90 days of the issuance of this Instruction Memorandum, the BLM issues a DEIS or a FONSI:**
 - Work in cooperation with applicants to minimize habitat loss, fragmentation, and direct and indirect effects to Greater Sage-Grouse and its habitat. Determine, in coordination with the respective state wildlife agency, whether the proposed leasing decision would likely have more than minor adverse effects to Greater Sage-Grouse and its habitat. If the proposed leasing decision would likely have more than minor adverse effects, then implement the policies and procedures set forth in the section immediately below ("All Other Proposed Solid Mineral Leasing").

- o **All Other Proposed Solid Mineral Leasing**

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

- The BLM will document the reasons for its determination and implement measures to minimize impacts to sage-grouse habitat.
 - In addition to considering opportunities for onsite mitigation, the BLM will consider whether it is appropriate to condition the lease with a requirement for offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation).
 - Unless the BLM determines, in coordination with their respective state wildlife agency, that the proposed lease and mitigation measures would cumulatively maintain or enhance Greater Sage-Grouse habitat, the proposed lease must be forwarded to the appropriate BLM State Director, State Wildlife Agency Director, and FWS representative for their review. If this group is unable to agree on the appropriate mitigation for the proposed lease, then the proposed decision must be forwarded to Greater Sage-Grouse National Policy Team with the addition of the State Wildlife Agency Director, when appropriate, for its review. If the National Policy Team and the State Wildlife Agency Director are unable to agree on the appropriate mitigation for the proposed lease, the National Policy Team will coordinate with and brief the BLM Director for a final decision in absence of consensus.
 - Exception: New leases may be issued for mine expansion provided the mines will undergo concurrent surface mine reclamation and will result in minimal additional surface disturbance adjacent to an existing operation.
- o Field offices retain the discretion to not move forward with a nomination, or defer making a final decision on a leasing nomination until the completion of the LUP process described in the *National Greater Sage-Grouse Planning Strategy* for the affected area.

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

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

- The BLM will document the reasons for its determination and require the lessee to implement measures to minimize impacts to sage-grouse habitat.
- In addition to considering opportunities for onsite mitigation, the BLM will consider whether it is appropriate to condition the lease with a requirement for offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation).
- Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed lease and mitigation measures would cumulatively maintain or enhance Greater Sage-Grouse habitat, the proposed lease decision must be forwarded to the appropriate BLM State Director, State Wildlife Agency Director, and FWS representative for their review. If this group is unable to agree on the appropriate mitigation for the proposed lease, then the proposed decision must be forwarded to the Greater Sage-Grouse National Policy Team with the addition of the State Wildlife Agency Director, when appropriate, for its review. If the National Policy Team and the State Wildlife Agency Director are unable to agree on the appropriate mitigation for the proposed lease, the National Policy Team will coordinate with and brief the BLM Director for a final decision in absence of consensus.
- Exception: Where drainage is likely or the lands are designated as No Surface Occupancy (NSO) in the existing LUP, the BLM may issue new

leases with an NSO stipulation. The NSO stipulation will also have appropriate exception, waiver, and modification criteria. **Note:** A Controlled Surface Use stipulation is not an appropriate substitution for an NSO stipulation.

- Field offices retain the discretion to not move forward with a nomination or defer making a final decision on a leasing decision until the completion of the LUP process described in the *National Greater Sage-Grouse Planning Strategy* for the affected area.

Authorizations on Existing Leases (i.e., the lease has been issued and valid existing rights have been established)

- Existing Authorizations (i.e., a permit has been issued)
 - Where Greater Sage-Grouse conservation opportunities exist, work in cooperation with operators to minimize habitat loss, fragmentation, and direct and indirect effects to Greater Sage-Grouse and its habitat.
 - Fluid Minerals: Issue Written Orders of the Authorized Officer (43 CFR 3161.2) requiring reasonable protective measures consistent with the lease terms where necessary to avoid or minimize effects to Greater Sage-Grouse populations and its habitat.
- Proposed Pending Authorizations (i.e., permit application has not been received or has been received and is being processed)
 - If the BLM has issued or, within 90 days of the issuance of this Instruction Memorandum, the BLM issues a DEIS or a FONSI:
 - Work in cooperation with applicants to minimize habitat loss, fragmentation, and direct and indirect effects to Greater Sage-Grouse and its habitat.
 - Determine, in coordination with the respective state wildlife agency, whether the proposed authorization would likely have more than minor adverse effects to Greater Sage-Grouse and its habitat. If the proposed authorization would likely have more than minor adverse effects, then implement the policies and procedures set forth in the section immediately below ("All Other Proposed Authorizations").
 - All Other Proposed Authorizations

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

 - Where the BLM has not issued a permit for development, design future conditions or restrictions to minimize adverse effects to Greater Sage-grouse and its habitat (e.g., Best Management Practices (BMP), noise limitations, seasonal restrictions, minimization of habitat fragmentation, improved reclamation standards, proper siting/designing infrastructure, restoring habitat) prior to permit approval. These measures may be in addition to and more protective or restrictive than the stipulations and restrictions identified in approved LUPs, when reasonable (43 CFR 3101.1-2), supported by science, and analyzed through the NEPA process.

Fluid Minerals: Consider suspending non-producing leases in instances where mitigation would not adequately protect the integrity of Greater Sage-Grouse habitat until the BLM amends or revises the LUPs. Consistently apply protective measures to split estate lands.
 - In areas where Greater Sage-Grouse populations have been substantially diminished, and where few birds remain, include actions in the authorization (e.g., siting/designing infrastructure, hastened habitat restoration) that will minimize habitat loss and promote restoration of habitat when development activities cease.
 - In addition to considering opportunities for onsite mitigation, the BLM will, to the extent possible, cooperate with project proponents to develop and consider implementing appropriate offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation). When developing such mitigation, the BLM should consider compensating for the short-term and long-term direct and indirect loss of Greater Sage-Grouse and its habitat.
 - For geophysical exploration activities, include seasonal timing limitations and BMPs as permit conditions of approval to eliminate or minimize surface-disturbing and disruptive activities within nesting and brood-rearing habitat and winter concentration areas.
 - Fluid Minerals: Ensure authorizations under Onshore Oil and Gas Order No. 7 (Disposal of Produced Water) consider the potential impacts to Greater Sage-Grouse from West Nile virus and develop appropriate mitigation measures.

Grazing Permit/Leases Issuance/Grazing Management

Grazing can have localized adverse effects on Greater Sage-Grouse habitat depending on the condition of the habitat and the grazing practices used. Depending on design and application, grazing practices can also be used as a tool to protect intact sagebrush habitat and increase habitat extent and continuity which is beneficial to Greater Sage-Grouse and its habitat. Given the potential financial constraints in addressing the primary threats identified by the FWS, enhanced management of livestock grazing may be the most cost-effective opportunity in many instances to improve Greater Sage-Grouse habitat on public lands.

To promote grazing practices that will protect PPH and minimize adverse effects on Greater Sage-Grouse and its habitat, the BLM will implement the following:

Ongoing Authorization Activities

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

Proposed Authorizations/Activities - Permit/Lease Renewal/Issuance

- When several small or isolated allotments occur within a watershed or delineated geographic area, strive to evaluate all of the allotments together. Prioritize this larger geographic area against other PPH areas for processing permits/leases for renewal.
- Coordinate BMPs and vegetative objectives with NRCS for consistent application across jurisdictions where the BLM and NRCS have the greatest opportunities to benefit Greater Sage-Grouse, particularly as it applies to the NRCS's National Sage-Grouse Initiative (<http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/farmbill/initiatives/?&cid=steldevb1027671>).
- Pursue opportunities to incorporate multiple allotments under a single management plan/strategy where incorporation would result in enhancing Greater Sage-Grouse populations or its habitat as determined in coordination with respective state wildlife agency.
- Where current livestock grazing management has been identified as a causal factor in not meeting Land Health Standards (43 CFR 4180), use the process in WO-IM-2009-007, Process for Evaluating Status of Land Health and Making Determinations of Causal Factors When Land Health Standards Are Not Achieved, to identify appropriate actions.
- Evaluate progress towards meeting standards that may affect Greater Sage-Grouse or its habitat prior to authorizing grazing on an allotment that was not achieving land health standards in the last renewal cycle, and livestock was a significant causal factor. Where available, use current monitoring data to identify any trends (e.g., progress) toward meeting the standards. Where monitoring data are not available or inadequate to determine whether progress is being made toward achieving Land Health Standards, an interdisciplinary team should be deployed as practicable to conduct a new land health assessment. The NEPA analysis for the permit/lease renewal must address a range of reasonable alternatives including alternatives that improve Greater Sage-Grouse habitat.
- If livestock grazing was the cause of not achieving land health standards that have potential to impact Greater Sage-Grouse or its habitat in the last permit renewal cycle, an interdisciplinary team should be deployed as practicable to conduct a new land health evaluation to determine if the allotment is making progress and if livestock grazing remains a causal factor.
- Plan and authorize livestock grazing and associated range improvement projects on BLM lands in a way that maintains and/or improves Greater Sage-Grouse and its habitat. Analyze through a reasonable range of alternatives any direct, indirect, and cumulative effects of grazing on Greater Sage-Grouse and its habitats through the NEPA process:
 - Incorporate available site information collected using the *Sage-Grouse Habitat Assessment Framework*[2] when evaluating existing resource condition and developing resource solutions,
 - Incorporate management practices that will provide for adequate residual plant cover (e.g., residual grass height) and diversity in the understories

of sagebrush plant communities as part of viable alternatives. When addressing residual cover and species diversity, refer to the ESD and "State and Transition Model," where they are available, to guide the analysis.

- Evaluate and implement grazing practices that promote the growth and persistence of native shrubs, grasses, and forbs. Grazing practices include kind and numbers of livestock, distribution, seasons of use, and livestock management practices needed to meet both livestock management and Greater Sage-Grouse habitat objectives.
- Evaluate the potential risk to Greater Sage-Grouse and its habitats from existing structural range improvements. Address those structural range improvements identified as posing a risk during the renewal process.
- Balance grazing between riparian habitats and upland habitats to promote the production and availability of beneficial forbs to Greater Sage-Grouse in meadows, mesic habitats, and riparian pastures for Greater Sage-Grouse use during nesting and brood-rearing while maintaining upland conditions and functions. Consider changes to season-of-use in riparian/wetland areas before or after the summer growing season.
- To ensure that the NEPA analysis for permit/lease renewal has a range of reasonable alternatives:
 - Include at least one alternative that would implement a deferred or rest-rotation grazing system, if one is not already in place and the size of the allotment warrants it.
 - Include a reasonable range of alternatives (e.g., no grazing or a significantly reduced grazing alternative, current grazing alternative, increased grazing alternative, etc.) to compare the impacts of livestock grazing on Greater Sage-Grouse habitat and land health from the proposed action.
 - If land treatments and/or range improvements are the primary action for achieving land health standards for Greater Sage-Grouse habitat maintenance or enhancement, clearly display the effects of such actions in the alternatives analyzed.

Fences (Applicable to all programs)

- Evaluate the need for proposed fences, especially those within 1.25 miles³ of leks that have been active within the past 5 years and in movement corridors between leks and roost locations. Consider deferring fence construction unless the objective is to benefit Greater Sage-Grouse habitat, improve land health, promote successful reclamation, protect human health and safety, or provide resource protection. If the BLM authorizes a new fence, then, where appropriate, apply mitigation (e.g., proper siting, marking, post and pole construction) to minimize or eliminate potential impacts to Greater Sage-Grouse as determined in cooperation with the respective state wildlife agency.
- To improve visibility, mark existing fences that have been identified as a collision risk. Prioritizing fences within 1.25 miles³ of a lek, fences posing higher risks to Greater Sage-Grouse include those:
 - On flat topography;
 - Where spans exceed 12 feet between T-posts;
 - Without wooden posts; or
 - Where fence densities exceed 1.6 miles of fence per section (640 acres).³

Water Developments (applicable to all programs)

Proposed Authorizations/Activities

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

Special Recreation Permits

Ongoing Authorization/Activities

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

Proposed Authorizations/Activities

- Work with permit applicants to avoid impacts to Greater Sage-Grouse and its habitat.
- It is BLM policy that where a field office determines that it is appropriate to authorize a proposed special recreation permit, the following process must be followed:
 - The BLM will document the reasons for its determination and require the permittee to implement measures to minimize impacts to sage-grouse habitat.
 - In addition to considering opportunities for onsite mitigation, the BLM will consider whether it is appropriate to condition the permit with a requirement for offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation).
 - Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed permit and mitigation measures would cumulatively maintain or enhance Greater Sage-Grouse habitat, the proposed special recreation permit decision must be forwarded to the appropriate BLM State Director, State Wildlife Agency Director, and FWS representative for their review. If this group is unable to agree on the appropriate mitigation for the proposed special recreation permit, then the proposed decision must be forwarded to the Greater Sage-Grouse National Policy Team with the addition of the State Wildlife Agency Director, when appropriate, for its review. If the National Policy Team and the State Wildlife Agency Director are unable to agree on the appropriate mitigation for the proposed special recreation permit, the National Policy Team will coordinate with and brief the BLM Director for a final decision in absence of consensus.
- Field offices retain the discretion to not move forward with a special recreation permit application or defer making a final decision on a special recreation permit decision until the completion of the LUP process described in the *National Greater Sage-Grouse Planning Strategy* for the affected area.

Recreation Sites

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

Travel Management

Ongoing Authorizations/Activities

- Evaluate authorizations and use and implement seasonal road/primitive road/trail restrictions if continued use would result in habitat alterations or other physical disturbances that impair life history functions of the Greater Sage-Grouse, such as breeding, brood-rearing, migration patterns, or winter survival, as appropriate.

- Place a high priority on closing and reclaiming unauthorized motor vehicle routes.
- Limit and enforce motorized vehicle use to existing or designated roads, primitive roads, and trails and seasons of use to prevent habitat loss or other physical disturbance that impair life history functions of the Greater Sage-Grouse, such as breeding, migration patterns, or winter survival.

Proposed Authorizations/Activities

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

Locatable Minerals

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

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

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

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

Salable Minerals

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

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

Proposed Authorizations/Activities

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

- All Other Proposed Authorizations/Activities

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

- The BLM will document the reasons for its determination and implement measures to minimize impacts to sage-grouse habitat.
 - In addition to considering opportunities for onsite mitigation, the BLM will, to the extent possible, cooperate with project proponents to develop and consider implementing appropriate offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would avoid or minimize habitat and population-level effects (refer to WO-IM-2008-204, Off-Site Mitigation). When developing such mitigation, the BLM should consider compensating for the short-term and long-term direct and indirect loss of Greater Sage-Grouse and its habitat.
 - Unless the BLM determines, in coordination with the respective state wildlife agency, that the proposed pit and mitigation measures would cumulatively maintain or enhance Greater Sage-Grouse habitat, the proposed pit authorization decision must be forwarded to the appropriate BLM State Director, State Wildlife Agency Director, and FWS representative for their review. If this group is unable to agree on the appropriate mitigation for the proposed authorization, then the proposed decision must be forwarded to the Greater Sage-Grouse National Policy Team with the addition of the State Wildlife Agency Director, when appropriate, for its review. If the National Policy Team and the State Wildlife Agency Director are unable to agree on the appropriate mitigation for the proposed authorization, the National Policy Team will coordinate with and brief the BLM Director for a final decision in absence of consensus.
 - Exception- Pit Expansion Only: New permits may be issued for pit expansion, provided there are no adverse effects on Greater Sage-Grouse and its habitat.
- Field offices retain the discretion to not move forward with an authorization, where appropriate, or defer making a final decision on regarding an authorization until the completion of the LUP process described in the *National Greater Sage-Grouse Planning Strategy* for the affected area.

Grasshopper and Mormon Cricket Control and Management

Proposed Authorizations/Activities

- If grasshopper control is proposed, the NEPA analysis must address impacts on Greater Sage-Grouse and its habitat.
- Continue to implement WO-IM-2010-084, Grasshopper and Mormon Cricket Treatments within Sage-grouse Habitat, and reference WY-IM-2010-12, Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands including the Federal Mineral Estate, for grasshopper or Mormon cricket control.
- Coordinate with local Animal and Plant Health Inspection Service (APHIS) personnel and state wildlife agencies concerning treatments in Greater Sage-Grouse habitat.
- Management actions and operating procedures may include, but are not limited, to the following:
 - Evaluate and restrict or modify treatment methods and timing of use or other mitigation.
 - Avoid spraying treatment areas in May and June (or as appropriate to local circumstances) to provide insect availability for early development of Greater Sage-Grouse chicks.
 - Application timing should be implemented to reduce disturbance and impacts to Greater Sage-Grouse.
 - Use approved chemicals with the lowest toxicity to Greater Sage-Grouse that still provide effective control of grasshopper and Mormon cricket. Coordinate with APHIS to determine the approved chemical with the lowest toxicity.
 - Evaluate the appropriate percentages of Environmental Protection Agency (EPA) allowable chemical rates and the pros and cons of available chemical use, in coordination with state wildlife agencies, FWS, and APHIS.
 - Use *Carbaryl* only when necessary to treat large grasshopper and Mormon cricket populations late in the season. APHIS will coordinate the use with the respective BLM state office prior to any application.
 - Implement effectiveness monitoring, if warranted.

Wild Horse and Burro Management

Ongoing Authorizations/Activities

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

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

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

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

Vegetation and Resource MonitoringOngoing Authorizations/Activities

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

Proposed Authorizations/Activities

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

II. Interim Conservation Policies and Procedures for "Preliminary General Habitat"

The intent of these interim conservation policies and procedures in PGH is to reduce and mitigate adverse effects on Greater Sage-Grouse and its habitat to the extent practical. These policies and procedures differ from those applied to PPH.

- When approving uses and authorizations, consider and analyze management measures that would reduce direct, indirect, and cumulative adverse effects on Greater Sage-Grouse and its habitat. For example, consider alternatives that would increase buffer distances around active leks and timing restrictions within existing LUPs as needed to further reduce adverse effects on Greater Sage-Grouse and its habitat.
- Consider deferring authorizations in PGH where appropriate, depending on local characteristics, new science and/or data (e.g., migratory corridors or habitat between PPH), and relative habitat importance if authorizations could result in Greater Sage-Grouse population loss in PPH.
- Consider offsite mitigation measures in collaboration with state wildlife agencies and project proponents when authorizing activities.
- Evaluate and address anticipated fence collision risks within 1.25 miles³ of leks and other seasonal habitats. Where NEPA analysis suggests that a deviation from this distance is warranted, modifications of this distance are acceptable.

Timeframe: This IM is effective immediately and will remain in effect until the BLM completes the LUP process described in the *National Greater Sage-Grouse Planning Strategy*.

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

Background: In March 2010, the FWS published its petition decision for the Greater Sage-Grouse as "Warranted but Precluded." Inadequacy of regulatory mechanisms was identified as one of the major factors in the FWS's finding on Greater Sage-Grouse. The FWS has identified the principal regulatory mechanism for the BLM as protective measures embedded in LUPs. The BLM is identifying sage-grouse conservation measures for consideration through the planning process, with a target decision date of September 2014. The goal is to conserve habitat necessary to sustain Greater Sage-Grouse populations and reduce the likelihood of listing under the Endangered Species Act.

In July 2011, the BLM announced the *National Greater Sage-Grouse Planning Strategy* which provides a framework for establishing adequate regulatory mechanisms (conservation measures) in applicable BLM LUPs throughout the range of the Greater Sage-Grouse.

Manual/Handbook Sections Affected: None.

Coordination: This IM was coordinated with the Office of National Landscape Conservation System and Community Partnership (WO-400), Assistant Director, Renewable Resources and Planning (WO-200), Minerals and Realty Management (WO-300), Fire and Aviation (FA-100), BLM state offices, FWS, and state wildlife agencies.

Contact: State Directors may direct any questions or concerns to Edwin Roberson, Assistant Director, Renewable Resources and Planning (WO-200), at 202-208-4896 or eroberso@blm.gov, and Michael D. Nedd, Assistant Director, Minerals and Realty Management (WO-300), at 202-208-4201 or mnedd@blm.gov.

Signed by:
Mike Pool
Acting, Director

Authenticated by:
Ambyr Fowler
Division of IRM Governance, WO- 560

1 Attachment
1-Definitions (2 pp)

[1] Doherty, K. E., J.D. Tack, J.S. Evans and D. E. Naugle. 2010. Mapping breeding densities of Greater Sage-Grouse: A tool for range-wide conservation planning. BLM Completion Report: Interagency Agreement # L10PG00911.

[2] Stiver, S.J., E.T Rinkes, AND D.E. Naugle. 2010. Sage-grouse Habitat Assessment Framework. U.S. Bureau of Land Management. Unpublished Report. U.S. Bureau of Land Management, Idaho State Office, Boise, Idaho.

[3] Stevens, B.S. 2011. Impacts of Fences on Greater Sage-Grouse in Idaho: Collision, Mitigation, and Spatial Ecology (Master's Thesis). University of Idaho, Moscow, Idaho.

Last updated: 12-29-2011

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UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
<http://www.blm.gov/>
December 27, 2011

In Reply Refer To:
1110 (230/300) P

EMS TRANSMISSION 12/27/2011
Instruction Memorandum No. 2012-044
Expires: 09/30/2013

To: All Field Officials
From: Director
Subject: BLM National Greater Sage-Grouse Land Use Planning Strategy

Program Areas: All Programs.

Purpose: This Instruction Memorandum (IM) provides direction to the Bureau of Land Management (BLM) for considering Greater Sage-Grouse conservation measures identified in the Sage-Grouse National Technical Team's - *A Report on National Greater Sage-Grouse Conservation Measures* (Attachment 1) during the land use planning process that is now underway in accordance with the 2011 *National Greater Sage-Grouse Planning Strategy* (Attachment 2).

This IM supplements direction for Greater Sage-Grouse contained in WO IM No. 2010-071 (*Gunnison and Greater Sage-Grouse Management Guidelines for Energy Development*), the BLM's 2004 *National Sage-Grouse Habitat Conservation Strategy* and is a component of the 2011 *National Greater Sage-Grouse Planning Strategy* (Attachment 2). It is also consistent with WO IM No. 2011-138 (*Sage-Grouse Conservation Related to Wildland Fire and Fuels Management*).

In March 2010, the U.S. Fish and Wildlife Service (FWS) published its decision on the petition to list the Greater Sage-Grouse as "Warranted but Precluded." 75 Fed. Reg. 13910 (March 23, 2010). Over 50 percent of the Greater Sage-Grouse habitat is located on BLM-managed lands. In its "warranted but precluded" listing decision, FWS concluded that existing regulatory mechanisms, defined as 'specific direction regarding sage-grouse habitat, conservation, or management' in the BLM's Land Use Plans (LUPs), were inadequate to protect the species. The FWS is scheduled to make a new listing decision in Fiscal Year (FY) 2015.

The BLM has 68 land use planning units which contain Greater Sage-Grouse habitat. Based on the identified threats to the Greater Sage-Grouse and the FWS timeline for making a listing decision on this species, the BLM needs to incorporate explicit objectives and desired habitat conditions, management actions, and area-wide use restrictions into LUPs by the end of FY 2014. The BLM's objective is to conserve sage-grouse and its habitat and potentially avoid an ESA listing.

In August 2011, the BLM convened the Sage-Grouse National Technical Team (NTT), which brought together resource specialists and scientists from the BLM, State Fish and Wildlife Agencies, the FWS, the Natural Resources Conservation Service (NRCS), and the U.S. Geological Survey (USGS). The NTT met in Denver, Colorado in August and September 2011, and in Phoenix, Arizona in December 2011, and developed a series of science-based conservation measures to be considered and analyzed through the land use planning process. This IM provides direction to the BLM on how to consider these conservation measures in the land use planning process.



In order to be effective in our ability to conserve Greater Sage-Grouse and their habitat, the BLM will continue to work with its partners including: the Western Association of Fish and Wildlife Agencies (WAFWA), FWS, USGS, NRCS, U.S. Forest Service (USFS), and Farm Services Agency (FSA) within the framework of the Sagebrush Memorandum of Understanding (2008) and the *Greater Sage-Grouse Comprehensive Conservation Strategy* (2006).

Policy/Action: The BLM must consider all applicable conservation measures when revising or amending its RMPs in Greater Sage Grouse habitat. The conservation measures developed by the NTT and contained in Attachment 1 must be considered and analyzed, as appropriate, through the land use planning process by all BLM State and Field Offices that contain occupied Greater Sage-Grouse habitat. While these conservation measures are range-wide in scale, it is expected that at the regional and sub-regional planning scales there may be some adjustments of these conservation measures in order to address local ecological site variability. Regardless, these conservation measures must be subjected to a hard look analysis as part of the planning and NEPA processes. This means that a reasonable range of conservation measures must be considered in the land use planning alternatives. As appropriate, the conservation measures must be considered and incorporated into at least one alternative in the land use planning process. Records of Decision (ROD) are expected to be completed for all such plans by the end of FY 2014. This is necessary to ensure the BLM has adequate regulatory mechanisms in its land use plans for consideration by FWS as part of its anticipated 2015 listing decision.

When considering the conservation measures in Attachment 1 through the land use planning process, BLM offices should ensure that implementation of any of the measures is consistent with applicable statute and regulation. Where inconsistencies arise, BLM offices should consider the conservation measure(s) to the fullest extent consistent with such statute and regulation.

The NTT-developed conservation measures were derived from goals and objectives developed by the NTT and included in Attachment 1. These goals and objectives are a guiding philosophy that should inform the goals and objectives developed for individual land use plans. However, it is anticipated that individual plans may develop goals and objectives that differ and are specific to individual planning areas.

Through the land use planning process, the BLM will refine Preliminary Priority Habitat and Preliminary General Habitat data (defined below) to: (1) identify Priority Habitat and analyze actions within Priority Habitat Areas to conserve Greater Sage-Grouse habitat functionality, or where possible, improve habitat functionality, and (2) identify General Habitat Areas and analyze actions within General Habitat Areas that provide for major life history function (e.g., breeding, migration, or winter survival) in order to maintain genetic diversity needed for sustainable Greater Sage-Grouse populations. Any adjustments to the NTT recommended conservation measures at the local level are still expected to meet the criteria for Priority and General Habitat Areas.

Preliminary Priority Habitat (PPH): Areas that have been identified as having the highest conservation value to maintaining sustainable Greater Sage-Grouse populations. These areas would include breeding, late brood-rearing, and winter concentration areas. These areas have been/are being identified by the BLM in coordination with respective state wildlife agencies.

Preliminary General Habitat (PGH): Areas of occupied seasonal or year-round habitat outside of priority habitat. These areas have been/are being identified by the BLM in coordination with respective state wildlife agencies.

PPH and PGH data and maps have been/are being developed by the BLM through a collaborative effort between the BLM and the respective state wildlife agency, and are stored at the National Operations Center (NOC). These science-based maps were developed using the best available data and may change as new information becomes available. Such changes would be science-based and coordinated with the state wildlife agencies so that the resulting delimitation of PPH and PGH provides for sustainable populations. In those instances where the BLM State Offices have not completed this delineation, the Breeding Bird Density maps developed by Doherty 2010[1] As LUPs are amended or revised, the BLM State Offices will be responsible for coordinating with the NOC to use the newest delineation of PPH and PGH. To access the PPH and PGH data, please use the following link: \\blm\dfs\loc\EGIS\OC\Wildlife\Transfers\GREATER_SAGE_GROUSE_GIS_DATA. will be used. The NOC will establish the process for updating files to include the latest PPH and PGH delineations for each state. This information will assist in

applying the conservation measures identified in Attachment 1 below.

Timeframe: This IM is effective immediately and will remain in effect until LUPs are revised or amended by the end of FY 2014.

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

Background: Following a full status review in 2005, the FWS determined that the Greater Sage Grouse was "not warranted" for protection. Decision documents in support of that determination noted the need to continue and/or expand all efforts to conserve sage-grouse and their habitats. As a result of litigation challenging the 2005 determination, the FWS revisited the determination and concluded in March 2010 that the listing of the Greater Sage-Grouse is warranted but precluded by higher priority listing actions.

In November 2004, the BLM published the *National Sage-Grouse Habitat Conservation Strategy*. The BLM National Strategy emphasizes partnerships in conserving Greater Sage-Grouse habitat through consultation, cooperation, and communication with WAFWA, FWS, NRCS, USFS, USGS, state fish and wildlife agencies, local sage-grouse working groups, and various other public and private partners. In addition, the *Strategy* set goals and objectives, assembled guidance and resource materials, and provided comprehensive management direction for the BLM's contributions to the ongoing multi-state sage-grouse conservation effort.

In July 2011, the BLM announced its *National Greater Sage-Grouse Planning Strategy* (Attachment 2). The goal of the *Strategy* and this IM is to review existing regulatory mechanisms and to implement new or revised regulatory mechanisms through the land use planning process to conserve and restore the Greater Sage-Grouse and their habitat. The Gunnison Sage-Grouse, bi-state population in California and Nevada and the Washington State distinct population segments of the Greater Sage-Grouse will be addressed through other policies and planning efforts.

Manual/Handbook Sections Affected: None.

Coordination: This IM was coordinated with the office of National Landscape Conservation System and Community Partnership (WO-170), Assistant Director, Renewable Resources and Planning, (WO-200), Minerals and Realty Management (WO-300), Fire and Aviation (WO-400), BLM State Offices, FWS and state fish and wildlife agencies.

Contact: State Directors may direct questions or concerns to Edwin Roberson, Assistant Director, Renewable Resources and Planning (WO-200) at 202-208-4896 or edwin_roberson@blm.gov; and Michael D. Nedd, Assistant Director, Minerals and Realty Management (WO-300) at 202-208-4201 or mike_nedd@blm.gov.

Signed by:
Mike Pool
Acting, Director

Authenticated by:
Ambyr Fowler
Division of IRM Governance, WO-560

2 Attachments:

- 1 - Sage-Grouse National Technical Team - *A Report on National Greater Sage-Grouse Conservation Measures*, December, 2011 (74 pp)
- 2 - 2011 BLM National Greater Sage-Grouse Planning Strategy (8 pp)

[1] Doherty, K. E., J.D. Tack, J.S. Evans and D. E. Naugle. 2010. Mapping breeding densities of greater sage-grouse: A tool for range-wide conservation planning. BLM Completion Report: Interagency Agreement # L10PG00911.

BLM

Wyoming State Office – Oil and Gas



United States Department of the Interior
Bureau of Land Management
Wyoming State Office

Competitive Oil and Gas Lease Sale Results

Date of Sale: **May 1, 2012**

May 1, 2012

Sale Results

SERIAL	PAR	NAME	ADDRESS	CITY	ST	ZIP	Bid/Acre	ACRES	Total Bonus
WYW180793	1	BULLOCK CORPORATION	PO BOX 484	MORRISON	CO	804650484	\$28.00	320.000	\$8,320.00
WYW180794	2	HOOVER & STACY INC	PO BOX 2328	CHEYENNE	WY	820032328	\$46.00	1,088.600	\$50,094.00
WYW180795	3	DIAMOND D OPERATING CO LLC	12836 HIGHWAY 171	LONGVILLE	LA	70652	\$2.00	639.940	\$1,280.00
WYW180796	4	Vaquero Energy Inc	5060 CALIFORNIA AVE STE 640	BAKERSFIELD	CA	933090728	\$85.00	320.000	\$20,800.00
WYW180797	5	RED RIVER OIL AND GAS LLC	4696 S CLARKSON ST	ENGLEWOOD	CO	801135956	\$24.00	2,355.650	\$56,544.00
WYW180798	6	RED RIVER OIL AND GAS LLC	4696 S CLARKSON ST	ENGLEWOOD	CO	801135956	\$85.00	1,984.600	\$129,025.00
WYW180799	7	RED RIVER OIL AND GAS LLC	4696 S CLARKSON ST	ENGLEWOOD	CO	801135956	\$50.00	1,400.000	\$70,000.00
WYW180800	8	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$100.00	740.190	\$74,100.00
WYW180801	9	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$60.00	723.560	\$43,440.00
WYW180802	10	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$43.00	2,232.150	\$96,019.00
WYW180803	11	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$50.00	1,135.760	\$56,800.00
WYW180804	12	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$50.00	2,156.310	\$107,850.00
DELETED	13							1,963.960	
WYW180805	14	YATES PETROLEUM CORP	105 S 4TH ST	ARTESIA	NM	882102177	\$8.00	439.530	\$3,520.00
WYW180806	15	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$15.00	1,571.030	\$23,560.00
DELETED	16							1,651.420	
DELETED	17							2,195.620	
DELETED	18							863.530	
WYW180807	19	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$2.00	1,159.220	\$2,320.00
WYW180808	20	RED RIVER OIL AND GAS LLC	4696 S CLARKSON ST	ENGLEWOOD	CO	801135956	\$37.00	2,449.640	\$90,650.00
WYW180809	21	RED RIVER OIL AND GAS LLC	4696 S CLARKSON ST	ENGLEWOOD	CO	801135956	\$110.00	2,221.960	\$244,420.00
WYW180810	22	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$18.00	639.120	\$11,520.00
WYW180811	23	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$33.00	680.150	\$22,473.00
WYW180812	24	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$71.00	1,305.280	\$92,726.00
WYW180813	25	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$40.00	1,159.230	\$46,400.00

May 1, 2012

Sale Results

SERIAL	PAR	NAME	ADDRESS	CITY	ST	ZIP	Bid/Acre	ACRES	Total Bonus
WYW180814	26	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$12.00	260.870	\$3,132.00
DELETED	27							695.130	
WYW180815	28	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$16.00	1,755.360	\$28,096.00
WYW180816	29	BROWN MAURICE W	614 S GREELEY HWY	CHEYENNE	WY	820072850	\$16.00	2,004.270	\$32,080.00
WYW180817	30	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$15.00	720.000	\$10,800.00
WYW180818	31	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$51.00	640.520	\$32,691.00
WYW180819	32	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$40.00	600.000	\$24,000.00
WYW180820	33	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$90.00	807.030	\$72,720.00
WYW180821	34	ENTEK GRB LLC	535 16TH ST STE 620	DENVER	CO	802024242	\$23.00	320.000	\$7,360.00
WYW180822	35	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$8.00	40.000	\$240.00
WYW180823	36	VAQUERO ENERGY INC	5060 CALIFORNIA AVE STE 640	BAKERSFIELD	CA	933090728	\$46.00	1,124.150	\$51,750.00
WYW180824	37	VAQUERO ENERGY INC	5060 CALIFORNIA AVE STE 640	BAKERSFIELD	CA	933090728	\$33.00	39.680	\$1,320.00
WYW180825	38	VAQUERO ENERGY INC	5060 CALIFORNIA AVE STE 640	BAKERSFIELD	CA	933090728	\$34.00	80.000	\$2,720.00
WYW180826	39	TINKER MIKE A	PO BOX 440733	AURORA	CO	800440733	\$40.00	40.000	\$1,600.00
WYW180827	40	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$64.00	160.000	\$10,240.00
WYW180828	41	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$4,650.00	920.000	\$4,278,000.00
WYW180829	42	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$340.00	680.000	\$231,200.00
WYW180830	43	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$59.00	640.000	\$37,760.00
WYW180831	44	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$90.00	643.360	\$57,960.00
WYW180832	45	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$75.00	1,285.220	\$96,450.00
WYW180833	46	MARSHALL & WINSTON INC	PO BOX 50880	MIDLAND	TX	797100880	\$80.00	640.000	\$51,200.00
WYW180834	47	MARSHALL & WINSTON INC	PO BOX 50880	MIDLAND	TX	797100880	\$105.00	640.000	\$67,200.00
WYW180835	48	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$32.00	646.500	\$20,704.00
WYW180836	49	WEXPRO COMPANY	333 SOUTH STATE STREET	SALT LAKE CITY	UT	84111	\$48.00	1,721.590	\$82,656.00
WYW180837	50	WEXPRO COMPANY	333 SOUTH STATE STREET	SALT LAKE CITY	UT	84111	\$40.00	2,365.260	\$94,640.00

May 1, 2012

Sale Results

SERIAL	PAR	NAME	ADDRESS	CITY	ST	ZIP	Bid/Acre	ACRES	Total Bonus
WYW180838	51	WEXPRO COMPANY	333 SOUTH STATE STREET	SALT LAKE CITY	UT	84111	\$55.00	2,360.000	\$129,800.00
WYW180839	52	WEXPRO COMPANY	333 SOUTH STATE STREET	SALT LAKE CITY	UT	84111	\$70.00	2,493.160	\$174,580.00
WYW180840	53	WEXPRO COMPANY	333 SOUTH STATE STREET	SALT LAKE CITY	UT	84111	\$65.00	1,884.270	\$122,525.00
WYW180841	54	TIMBERLINE PRODUCTION CO LLC	800 WERNER CT STE 220	CASPER	WY	826011362	\$45.00	500.230	\$22,545.00
WYW180842	55	TIMBERLINE PRODUCTION CO LLC	800 WERNER CT STE 220	CASPER	WY	826011362	\$55.00	2,560.000	\$140,800.00
WYW180843	56	PAUL&LYNN SAWYER REV LVNG TRST	327 ROAD 4DT	MEETEETSE	WY	824339724	\$34.00	1,288.660	\$43,826.00
WYW180844	57	VAQUERO ENERGY INC	5060 CALIFORNIA AVE STE 640	BAKERSFIELD	CA	933090728	\$36.00	1,712.220	\$61,668.00
WYW180845	58	VAQUERO ENERGY INC	5060 CALIFORNIA AVE STE 640	BAKERSFIELD	CA	933090728	\$10.00	637.700	\$6,380.00
WYW180846	59	QEP ENERGY COMPANY	1050 17TH ST STE 500	DENVER	CO	802651050	\$17.00	1,317.920	\$22,406.00
WYW180847	60	LIBERTY PETROLEUM CORP	PO BOX 1549	NEW YORK	NY	100280013	\$3.00	946.230	\$2,841.00
WYW180848	61	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$8.00	2,175.560	\$17,408.00
WYW180849	62	PAUL&LYNN SAWYER REV LVNG TRST	327 ROAD 4DT	MEETEETSE	WY	824339724	\$26.00	640.000	\$16,640.00
WYW180850	63	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$10.00	2,560.000	\$25,600.00
WYW180851	64	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$9.00	1,758.290	\$15,831.00
WYW180852	65	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$10.00	2,560.000	\$25,600.00
WYW180853	66	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$7.00	1,675.200	\$11,732.00
WYW180854	67	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$5.00	882.620	\$4,415.00
WYW180855	68	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$8.00	2,560.000	\$20,480.00
WYW180856	69	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$3.00	2,520.000	\$7,560.00
WYW180857	70	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$6.00	2,556.440	\$15,342.00
WYW180858	71	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$6.00	2,560.000	\$15,360.00
WYW180859	72	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$6.00	2,559.600	\$15,360.00
WYW180860	73	KIRKWOOD OIL & GAS LLC	PO BOX 2850	CASPER	WY	82602	\$4.00	1,244.430	\$4,980.00
WYW180861	74	SANALL MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$3.00	1,600.000	\$4,800.00
WYW180862	75	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$31.00	1,976.420	\$61,287.00

May 1, 2012

Sale Results

SERIAL	PAR	NAME	ADDRESS	CITY	ST	ZIP	Bid/Acre	ACRES	Total Bonus
WYW180863	76	BROWN MAURICE W	614 S GREELEY HWY	CHEYENNE	WY	820072850	\$7.00	2,122.350	\$14,861.00
WYW180864	77	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$7.00	1,600.000	\$11,200.00
WYW180865	78	LIBERTY PETROLEUM CORP	PO BOX 1549	NEW YORK	NY	100280013	\$7.00	2,083.280	\$14,588.00
WYW180866	79	LIBERTY PETROLEUM CORP	PO BOX 1549	NEW YORK	NY	100280013	\$11.00	2,220.110	\$24,431.00
WYW180867	80	CONLEY RESOURCES LLC	PO BOX 100	LARKSPUR	CO	801180100	\$2.00	2,400.000	\$4,800.00
WYW180868	81	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$4.00	2,552.940	\$10,212.00
WYW180869	82	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$4.00	2,520.000	\$10,080.00
WYW180870	83	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$2.00	2,556.680	\$5,114.00
WYW180871	84	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$2.00	2,556.720	\$5,114.00
WYW180872	85	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$2.00	2,560.000	\$5,120.00
WYW180873	86	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$4.00	2,325.760	\$9,304.00
	87							2,559.840	
	88							2,080.400	
	89							2,560.000	
WYW180874	90	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$2.00	2,560.000	\$5,120.00
WYW180875	91	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$2.00	2,522.800	\$5,046.00
	92							2,560.000	
WYW180876	93	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$3.00	1,120.000	\$3,360.00
WYW180877	94	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$2.00	2,560.000	\$5,120.00
WYW180878	95	PAULALYNN SAWYER REV LVNG TRST	327 ROAD 4DT	MEETEETSE	WY	824339724	\$48.00	120.000	\$5,760.00
WYW180879	96	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$42.00	2,252.710	\$94,626.00
WYW180880	97	VAQUERO ENERGY INC	5060 CALIFORNIA AVE STE 640	BAKERSFIELD	CA	933090728	\$20.00	1,942.540	\$38,860.00
WYW180881	98	VAQUERO ENERGY INC	5060 CALIFORNIA AVE STE 640	BAKERSFIELD	CA	933090728	\$20.00	1,920.000	\$38,400.00
WYW180882	99	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$20.00	1,839.240	\$36,800.00
WYW180883	100	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$26.00	1,880.000	\$48,880.00

May 1, 2012

Sale Results

SERIAL	PAR	NAME	ADDRESS	CITY	ST	ZIP	Bid/Acre	ACRES	Total Bonus
	101							2,273.210	
WYW180884	102	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$2.00	2,138.710	\$4,278.00
	103							1,480.740	
WYW180885	104	PAUL&LYNN SAWYER REV LVNG TRST	327 ROAD 4DT	MEETEETSE	WY	824339724	\$2.00	2,557.490	\$5,116.00
WYW180886	105	FARMER KENNETH K	PO BOX 2885	CASPER	WY	826022885	\$2.00	2,389.610	\$4,780.00
	106							2,520.000	
WYW180887	107	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$2.00	2,518.880	\$5,038.00
WYW180888	108	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$60.00	1,478.680	\$88,740.00
WYW180889	109	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$60.00	160.000	\$9,600.00
WYW180890	110	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$57.00	400.950	\$22,857.00
WYW180891	111	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$52.00	640.000	\$33,280.00
WYW180892	112	TRUJILLO ANIM M	PO BOX 1252	CHEYENNE	WY	820031252	\$38.00	1,398.470	\$53,162.00
WYW180893	113	YATES PETROLEUM CORP	105 S 4TH ST	ARTESIA	NM	882102177	\$150.00	1,960.000	\$294,000.00
WYW180894	114	TRUJILLO ANIM M	PO BOX 1252	CHEYENNE	WY	820031252	\$35.00	160.000	\$5,600.00
WYW180895	115	VAQUERO ENERGY INC	5060 CALIFORNIA AVE STE 640	BAKERSFIELD	CA	933090728	\$105.00	87.000	\$9,135.00
WYW180896	116	YATES PETROLEUM CORP	105 S 4TH ST	ARTESIA	NM	882102177	\$29.00	1,186.560	\$34,423.00
WYW180897	117	YATES PETROLEUM CORP	105 S 4TH ST	ARTESIA	NM	882102177	\$44.00	1,400.000	\$61,600.00
WYW180898	118	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$8.00	1,922.460	\$15,384.00
WYW180899	119	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$10.00	2,481.540	\$24,820.00
WYW180900	120	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$8.00	2,399.640	\$19,200.00
WYW180901	121	R C MICHAEL CO INC	1212 RAINTREE DR # A5	FORT COLLINS	CO	805281871	\$16.00	640.000	\$10,240.00
WYW180902	122	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$40.00	960.000	\$38,400.00
WYW180903	123	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$42.00	200.000	\$8,400.00
WYW180904	124	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$4.00	2,080.000	\$8,320.00
WYW180905	125	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$12.00	120.000	\$1,440.00

May 1, 2012 Sale Results

SERIAL	PAR	NAME	ADDRESS	CITY	ST	ZIP	Bid/Acre	ACRES	Total Bonus
WYW180906	126	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$14.00	640.000	\$8,960.00
WYW180907	127	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$4.00	2,441.870	\$9,768.00
WYW180908	128	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$10.00	680.000	\$6,800.00
WYW180909	129	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$20.00	640.000	\$12,800.00
WYW180910	130	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$2.00	2,186.950	\$4,378.00
WYW180911	131	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$2.00	2,383.240	\$4,768.00
WYW180912	132	BASELINE MINERALS INC	518 17TH ST STE 1050	DENVER	CO	802024113	\$4.00	1,101.960	\$4,408.00
WYW180913	133	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$4.00	625.300	\$2,504.00
WYW180914	134	BULLOCK VAN K	PO BOX 484	MORRISON	CO	804650484	\$3.00	641.980	\$1,926.00
WYW180915	135	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$2.00	1,276.190	\$2,554.00
	136							1,759.310	
WYW180916	137	BULLOCK VAN K	PO BOX 484	MORRISON	CO	804650484	\$2.00	2,560.000	\$5,120.00
	138							1,255.720	
WYW180917	139	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$2.00	2,126.970	\$4,254.00
WYW180918	140	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$2.00	1,800.000	\$3,600.00
WYW180919	141	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$2.00	2,437.870	\$4,876.00
WYW180920	142	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$2.00	2,553.200	\$5,108.00
	143							1,914.140	
	144							2,240.000	
	145							1,868.230	
	146							1,278.620	
WYW180921	147	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$79.00	2,370.060	\$187,309.00
WYW180922	148	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$2.00	2,320.000	\$4,640.00
WYW180923	149	TRUJILLO ANN M	PO BOX 1252	CHEYENNE	WY	820031252	\$2.00	1,707.170	\$3,416.00
WYW180924	150	SANALI MINES & MINERALS LLC	2515 WARREN AVE SUITE 500	CHEYENNE	WY	82001	\$2.00	12.320	\$26.00

May 1, 2012 Sale Results

SERIAL	PAR	NAME	ADDRESS	CITY	ST	ZIP	Bid/Acre	ACRES	Total Bonus
WYW180925	151	PAUL&LYNN SAWYER REV LVING TRST	327 ROAD 4DT	MEETEETSE	WY	824339724	\$2.00	348.250	\$698.00
								38.370	
WYW180926	153	STONE ENERGY CORPORATION	625 E KALISTE SALOOM RD	LAFAYETTE	LA	705082540	\$2.00	879.600	\$1,760.00

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

In Reply Refer to:
3100 (921Bargsten)
May 2012 Protests

APR 30 2012
p 33

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Erik Molvar
Biodiversity Conservation Alliance
P.O. Box 1512
Laramie, Wyoming 82073

Bruce Pendery
Wyoming Outdoor Council
444 East 800 North
Logan, Utah 84321

Nada Culver
The Wilderness Society
1660 Wynkoop Street, Suite 850
Denver, Colorado 80202

Sharon O'Toole
Ladder Livestock Company, LLC
P.O. Box 159
Savery, Wyoming 82332

Cathy Purves
Trout Unlimited
250 North 1st Street
Lander, Wyoming 82520

Mike Chiropolos
Western Resource Advocates
2260 Baseline Road, Suite 200
Boulder, Colorado 80302

DECISION

PROTESTS DENIED OR DISMISSED

ALL PROTESTED PARCELS WILL BE OFFERED FOR SALE

Between February 27, 2012 and March 2, 2012, the Bureau of Land Management (BLM), Wyoming State Office (WSO), timely received seven protests to specific oil and gas lease sale parcels from (1) Biodiversity Conservation Alliance (BCA);¹ (2) Wyoming Outdoor Council (WOC); (3) The Wilderness Society (TWS); (4) Ladder Livestock Company, LLC (LLC); (5) Trout Unlimited (TU); (6) Western Resource Advocates, representing the National Audubon Society and Audubon Wyoming (Audubon); and (7) Meghan Lally. The single-page protest submitted by Meghan Lally was received by facsimile, and did not include the mailing address of the protestor.

The BLM received nominations for the May 1, 2012, competitive oil and gas lease sale (May 2012 Sale) until July 1, 2011, and for Federal fluid mineral estate located in the BLM Wyoming's High Desert District (or HDD, which includes the Rawlins, Rock Springs, Kemmerer and Pinedale Field Offices; however, the May 2012 Sale does not include any parcels within the Pinedale Field Office). After

¹ BCA indicates in their letterhead that Rocky Mountain Wild also is a party to their protest, and the protest states that BCA's representative (Erik Molvar) is "signing on behalf of" Rocky Mountain Wild; however, The May 2012 Competitive Oil and Gas Sale Booklet provides (at page ix): "If the party signing the protest is doing so on behalf of an association... the signing party must reveal the relationship between them." Because BCA's protest does not do so, we consider the protest to be submitted solely by BCA.



preliminary adjudication of the nominated parcels by the WSO, the parcels were reviewed by the field offices and District Office, including interdisciplinary review, field visits to nominated parcels (where appropriate), review of conformance with the Resource Management Plan (RMP) decisions for each planning area, and preparation of an Environmental Assessment (EA) documenting National Environmental Policy Act (NEPA) compliance.²

During the BLM's review of these parcels prior to the sale, the WSO also independently screened each of the parcels, confirmed plan conformance,³ coordinated with the State of Wyoming Governor's Office and Game and Fish Department, evaluated recent changes to national and state BLM policies, and considered on-going efforts by the BLM in Wyoming to revise or amend RMPs for planning areas subject to this sale, including the BLM's on-going planning efforts related to the management of greater sage-grouse habitat on public lands.

The HDD's oil and gas lease sale EA (DOI-BLM-WY-040-EA11-213), along with the draft, unsigned Finding of No Significant Impact (FONSI)⁴ were released on November 1, 2011, for a 30-day public review period, ending December 1, 2011. The EA tiered to the existing field office/resource area RMPs and their respective Environmental Impact Statements (EISs), in accordance with 40 CFR 1502.20:⁵

Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review... the subsequent ...environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action.

The BLM described its purpose and need for the EA, including (EA v.2 at page 2):

The BLM's purpose for offering parcels and subsequent issuance of leases in the May 2012 lease sale is to provide areas for the potential exploration and development of additional oil and gas resources to help meet the nation's current and expanding need for energy sources, while protecting other resource values in accordance with guiding laws, regulations, and Land Use Planning decisions...

The offering for sale and subsequent issuance of oil and gas leases is needed to meet the requirements of [the Mineral Leasing Act of 1920, the Federal Land Policy Management Act of 1976], and the minerals management objectives in the Kemmerer, Rawlins, and Green River Resource Management Plans (RMPs)...

Decisions to be made based on this analysis include which parcels would be offered for lease, which parcels would be deferred..., which parcels are not available for leasing, and what stipulations will be placed on the parcels that would be offered for lease.⁶

² <http://www.blm.gov/wy/st/en/info/NEPA/documents/og-ea/2012/may.html>

³ See BLM's Land Use Planning Handbook at page 42: "After the RMP is approved, any authorizations and management actions approved... must be specifically provided for in the RMP or be consistent with the terms, conditions, and decisions in the approved RMP." See also 43 CFR 1610.5-3.

⁴ See the BLM's NEPA Handbook H-1790-1 at page 76. Though the BLM has elected to release a draft, unsigned FONSI for public review in this instance, the BLM is not asserting that any of the criteria in 40 CFR 1501.4(c)(2) are met.

⁵ See also the BLM's NEPA Handbook H-1790-1 at pages 27-28.

⁶ While a decision to be made includes what stipulations will be placed on the parcels offered for lease, this is intended as a means to ensure conformance with the decisions in the approved RMPs (see the BLM's Land Use Planning Handbook H-1601-1

The EA considered three alternatives in detail (EA v.2 at pages 8-9):

- The No Action alternative (Alternative A) which considered not offering any of the 243 parcels (a total of 416,173.80 acres) available for lease
- The "Proposed Action" alternative (Alternative B) which included offering 136 entire parcels and portions of 17 parcels (a total of 231,777.52 acres, or 56% of that area nominated and available)
- The "Maximum Parcels Offering" alternative (Alternative C) which was identical to the Proposed Action alternative, but including offering those available parcels deferred in Alternative B, for a total of 243 parcels (a total of 416,213.80 acres)

The EA also considered one alternative (offering all the parcels available for leasing with a No Surface Occupancy, or NSO, stipulation), but eliminated it from detailed analysis.

The seven protests are protesting, in total, the offering of 85 unique parcels described in the WSO's Notice of Competitive Oil and Gas Lease Sale for May 1, 2012 (Notice) that was published and released to the public on February 1, 2012. Subsequent to the Notice being published, 5 entire parcels and portions of 2 parcels were deferred by the BLM from this sale, at the BLM's discretion,⁷ and in consideration of the "No Action" alternative (see EA v.2 at page 8).⁸

Six entire parcels (preliminary parcel numbers WY-1205-013, -016, -017, -018, -028, and -094) protested by BCA are not being offered in this sale, and so BCA's protest to these six parcels is summarily dismissed. A single parcel protested by TU (final parcel number -027) was deferred in its entirety, and so TU's protest to this parcel is summarily dismissed. In total, then, eighty-five parcels have been protested in the May 2012 Sale.⁹

The remainder of our response will address the protestors' arguments related to these 85 parcels. The BLM has reviewed the protestors' arguments in their entirety; the protestors' substantive arguments are numbered and provided in bold, with BLM responses following. Our responses, in some cases, address individual arguments that are identical or similar to those raised by other protestors. For this reason, the BLM's resolution of the individual arguments raised is inseparable from the sum of our responses.

ISSUES – BIODIVERSITY CONSERVATION ALLIANCE (BCA)

BCA notes in their arguments (at page 1) that they reference the preliminary parcel numbers identified in the EA, not the final parcel numbers designated in the Notice. For this reason, and for BCA's arguments alone, we will use preliminary parcel numbers when responding to BCA's protest (see also Attachment 1).

BCA participated in the HDD's public review of the EA, and provided comments to which the HDD

at Appendix C, page 23). To the extent that the BLM may consider adding to, deleting, or modifying the constraints (stipulations) identified in the approved RMP, the BLM would need to first amend the RMP.

⁷ See the Mineral Leasing Act of 1920, as amended, providing that lands subject to disposition under the Act "which are known or believed to contain oil or gas deposits may be leased by the Secretary." (Emphasis added). 30 U.S.C. § 226(a). This discretion may be exercised in the interest of conservation, wildlife protection, and other purposes in the public interest.

⁸ See "[Corrected] Information Notice #2" dated March 5, 2012, available at: http://www.blm.gov/wy/st/en/programs/energy/Oil_and_Gas/Leasing/2012/05notice2.html

⁹ See Attachment 1 for a complete list of the protested parcels, including a cross-reference between preliminary and final parcel numbers.

responded in Appendix F of the EA (v.2). Many of BCA's arguments are identical to the comments they provided the HDD during their review of the EA; we refer BCA to HDD's responses in Appendix F of the EA (v.2) for additional detail on the BLM's position regarding the arguments BCA repeats in their protest.

1. "We protest [44 parcels] because these parcels are within Core Area yet not recommended for deferral... the BLM should defer all leasing in Priority Habitats... ." (BCA Protest at pages 3-4).

BLM Response

First, we note that of the 44 parcels BCA protests in this argument, five have been deferred (as described above) and six (preliminary parcel numbers -020, -023, -024, -034, -036, and -042) are not actually located in State of Wyoming Core Population Areas (also known as "Key Habitats" or "Priority Habitats"). This leaves 33 parcels protested by BCA under their sage-grouse arguments (BCA's Protest, pages 3-8).

On August 1, 2008, the Wyoming Governor issued Executive Order 2008-2,¹⁰ establishing a "core population area strategy" for sage-grouse in Wyoming, an approach accommodated by the BLM, including in BLM-Wyoming's Instruction Memorandum (IM) No. WY-2012-019.¹¹ The Core Population Area strategy has been endorsed by the U.S. Fish and Wildlife Service (USFWS)¹²:

The Service does indeed believe the "core population area strategy," as outlined in the Implementation Team's correspondence to the Governor, is a sound framework for a policy by which to conserve greater sage-grouse in Wyoming.

BLM Wyoming IM No. WY-2012-019 (at pages 13-15 and the IM's attachment number 7) requires the BLM to conduct a sage-grouse screen on every reviewed oil and gas parcel to determine if the parcel should be offered for sale or deferred pending completion of on-going RMP revisions and amendments in all 10 BLM Wyoming field offices. Screening criteria are described in the IM and the results are provided for all parcels in the May 2012 oil and gas lease sale EA (EA at Appendix C). This screen provides for an objective, repeatable evaluation of nominated parcels to ensure that contiguous blocks of unleased sage-grouse habitat in Core Areas are not leased until the BLM's public RMP revision or amendment¹³ processes have been completed, and to balance (1) the need to provide energy production from public lands and the jobs energy production provides¹⁴ with (2) the need to ensure the outcomes of

¹⁰ Wyoming Office of the Governor, Executive Order 2008-2 "Greater Sage-Grouse Core Area Protection." This Executive Order has since been re-issued (most recently June 2, 2011 as EO 2011-5) and the core population area strategy remains in place.

¹¹ IM No. WY-2012-019 ("Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands Included the Federal Mineral Estate"), dated February 10, 2012. Previously, substantially similar policies were in place (IM No. WY-2010-012 and -013). IM No. WY-2012-019 was signed after the publication of the Sale Notice, but prior to the date of the lease sale; resultantly, the BLM has determined that it will comply with this policy. A consistency review of the final parcels for this sale and the new policy yielded the changes described in Information Notice #2, which additionally deferred five entire and two partial parcels.

¹² Letter from Brian Kelly (USFWS Wyoming Field Supervisor) to Ryan Lance (Wyoming Office of the Governor), dated May 7, 2008

¹³ See 75 FR 30054-30055, May 28, 2010. See also 76 FR 77008-77011, December 9, 2011. For the HDD, only a single office is currently engaged in a RMP revision, the Rock Springs Field Office (encompassed by the 1997 Green River RMP). See 76 FR 5607-5608, February 1, 2011.

¹⁴ Although this view is not expressed by any of the protestors, the HDD also received public comments from, among others, the Coalition of Local Governments (see EA at Appendix F, Comment #37 and #38) that voiced opposition to the BLM deferring

the EISs are not prejudiced or the decision-maker's ability to select from a range of reasonable alternatives designed to enhance protection of sage-grouse habitat is not impeded.

Oil and gas leasing is an important implementation decision arising from the approved RMPs, granting certain rights to the lessee. However, the BLM also has certain obligations to regulate the lessee's or operator's actions on the lease, as described in our regulations (such as 43 CFR 3101.1-2 and 43 CFR 3162.5-1(a)), on the BLM Lease Form 3100-11 (such as standard lease term Sec. 6), and under applicable laws (such as the Federal Land Policy Management Act (FLPMA)). Along with these obligations, the BLM also complies with procedural requirements of NEPA and other applicable substantive laws such as the Endangered Species Act (ESA) and the National Historic Preservation Act, (NHPA). As required by law and regulation, the lessee or their operator must first submit a plan and obtain approval from the BLM in order to initiate surface-disturbing activities on their lease.¹⁵ At that time, the BLM will prepare an environmental record of review to determine, among other things, the appropriate terms and conditions of approval for the plan of operations submitted by the operator.

The BLM has initiated planning efforts across the range of the greater sage-grouse to consider recent scientific studies and conclusions related to the conservation measures used by the BLM on public lands. These planning efforts use an open and public process, and take into account the BLM's multiple-use and sustained yield mandates under the FLPMA.¹⁶

The 33 (remaining) parcels protested by BCA in this argument are located within the State of Wyoming's Core Population Areas for sage-grouse, but do not meet the criteria described in BLM Wyoming policy and in the HDD's oil and gas lease sale EA (see EA at pages 9, 83-85, and Appendix C – "Greater Sage-grouse Screen").¹⁷ Both the HDD and the WSO conducted independent screens of the parcels to determine which parcels (or portions of parcels), under the applicable BLM policy, would be deferred until completion of the sage-grouse amendments or pending plan revisions. The HDD and WSO deferred any portions of parcels within 0.6-mi. of occupied leks in Core, and used unleased Federal fluid mineral estate for determining the 11 mi.² criterion.¹⁸ The EA describes potential impacts under Alternative B to sage-grouse and their habitats on these parcels (see EA at pages 123-124), and includes analysis considering application of a seasonal Timing Limitation (TL) stipulation during sage-grouse nesting and early brood-rearing periods (EA at pages 125-126 and Appendix B) in conformance with the approved RMPs. We find that offering these parcels is in conformance with the approved RMPs, complies with current BLM policy, and that a rational basis exists for offering these parcels while the on-going RMP revisions and amendments are being considered. For the reasons described above, we deny this portion of BCA's protest.

2. **"...the BLM Sage-grouse National Technical Team has issued a *Report on National Greater Sage-Grouse Conservation Measures...* These provisions have not been attached as stipulations to any of the leases to be offered at auction. Leases should pass through this screen of recommendations before being offered, in order to prevent the BLM from**

parcels in Core Areas until the sage-grouse amendments or plan revisions are completed.

¹⁵ See the Mineral Leasing Act of 1920, as amended. 30 U.S.C. § 226(g): "No permit to drill on an oil and gas lease issued under this chapter may be granted without the analysis and approval by the Secretary concerned of a plan of operations covering proposed surface-disturbing activities within the lease area." See also Onshore Oil and Gas Order No. 1 parts IV and VII. See also 43 CFR 3162.3-1(c) and 3162-3-3.

¹⁶ See BLM-Washington Office IM No. 2012-044 ("BLM National Greater Sage-Grouse Land Use Planning Strategy"). December 27, 2011.

¹⁷ In the remainder of our response, our citations of the EA will refer to Version 2 of the EA posted on the BLM's public website.

¹⁸ See also EA at Appendix F, Response to Comment #34

foreclosing on management options available to the agency under the Sage Grouse Plan Amendment process.” (BCA Protest at page 4).

BLM Response

Continuing its protest of the 33 parcels described in Issue No. 1, BCA refers to the BLM’s National Technical Team (NTT) report, released in BLM – Washington Office IM No. 2012-044. BCA argues that several conservation measures for “Priority Habitats” or Core Population Areas be applied to the parcels offered in the May 2012 Sale. First, the IM describes the intent of the report:

The BLM must consider all applicable conservation measures when revising or amending its RMPs in Greater Sage Grouse habitat. The conservation measures developed by the NTT and contained in [the NTT Report] must be considered and analyzed, as appropriate, through the land use planning process...

The NTT Report also emphasizes the intent of the conservation measures in the report for land use planning purposes (at page 5):

The conservation measures described in this report are not an end point but, rather, a starting point to be used in the BLM’s planning processes

The NTT Report does not weigh the conservation measures relative to the BLM’s multiple-use and sustained yield mandate. As such, it would be premature for the BLM to apply the conservation measures as a “screen” to implementation decisions prior to completion of the RMP revisions or amendments, which will consider the conservation measures relative to other land use objectives;¹⁹ on a Greater sage-grouse range-wide basis; and through coordination with the states (and the states’ wildlife management agencies), the USFWS, other cooperating agencies, and the public. The conservation measures in the NTT Report must be considered and analyzed through the BLM’s land use planning process, and were not intended or designed to be applied to implementation decisions (such as leasing decisions) prior to their evaluation through the RMP process. Offering lease parcels subject to the numerous conservation measures described in the NTT Report (some of which, we note, are described as “alternatives” in the NTT Report) would not be in conformance with the current, approved RMPs, and so the BLM will not apply those measures until the plan revisions or amendments are completed.

BCA then argues that to offer lease parcels without application of conservation measures from the NTT Report would “foreclos[e] on management options available to the agency” under the RMP amendment process (BCA’s Protest at page 4). However, this overlooks that the BLM has already established an objective process to ensure that the BLM’s decision-maker(s) will be able to freely select from the range of alternatives contemplated in the RMP sage-grouse amendments and plan revisions – the process is described as the “sage-grouse leasing screen” in the BLM-Wyoming instruction memoranda. The Council on Environmental Quality’s (CEQ’s) regulations at 40 CFR 1506.1 describe the limitations on actions during the NEPA process, including (a):

Until an agency issues a record of decision... no action concerning the proposal shall be taken

¹⁹ Where there are competing resource values in the same area, Section 103(c) of FLPMA (43 U.S.C. §1702(c)) requires that the BLM manage the public lands and their various resource values so that they are utilized in the combination that will best meet our multiple use and sustained yield mandates.

which would: (1) Have an adverse environmental impact; or (2) Limit the choice of reasonable alternatives.

The Department of the Interior's (DOI's) NEPA regulations at 43 CFR 46.160 further explain:

During the preparation of a program or plan NEPA document, the Responsible Official may undertake any major Federal action in accordance with 40 CFR 1506.1 when that action is within the scope of, and analyzed in, an existing NEPA document supporting the current plan or program, so long as there is adequate NEPA documentation to support the individual action.

Lastly, the BLM's NEPA Handbook²⁰ provides:

You must not authorize any action that would limit the choice of alternatives being analyzed under the NEPA until the NEPA process is complete (40 CFR 1506.1). However, this requirement does not apply to actions previously analyzed in a NEPA document that are proposed for implementation under an existing land use plan.

Offering and subsequently issuing competitive oil and gas leases at the May 2012 Sale is an implementation decision under the applicable RMPs.²¹ In the May 2012 Sale, as described in the Notice and as modified by Information Notice #2, 49 percent of the reviewed lease parcel acreage was deleted or deferred, primarily as a result of the BLM-Wyoming Greater sage-grouse screen. We believe the EA and RMP EISs to which it is tiered provide adequate disclosure for the decision-maker and in compliance with NEPA regarding the potential impacts to sage-grouse and their habitats from leasing the protested parcels. BLM-Wyoming's sage-grouse screening process provides an objective, reasonable means for the BLM to ensure that decision-making under the current RMPs and during preparation of the sage-grouse amendments and plan revisions is cautious; in order to ensure the collective RMP amendments' and revisions' range of alternatives is available for the Responsible Official to select from. For these reasons, this portion of BCA's protest is denied.

3. "Parcels 73, 76, 221, and 225 are listed as deferred in Appendix C of the EA, yet are not listed as 'deferred' and are numbered for sale in the Parcel Number Crossover List..." (BCA Protest at page 4).

BLM Response

BCA is incorrect in asserting that Appendix C of the EA lists these parcels as "deferred." The disposition of these parcels as described in Appendix C of the EA (both v.1 and v.2) is correct ("[p]artially"), and each parcel is appropriately listed in the Notice. We have reviewed Appendix C of the EA (both v.1 and v.2), the Notice, and the administrative record. All four of these parcels are correctly being offered in part, and are accurately described as such in the record.

4. "Parcels 69 and 215 are listed in Appendix C of the EA as having the requisite sage grouse habitat, 11 square miles of contiguous unleased and manageable sage grouse habitat, and no listed drainage issues, meaning that under Wyoming IMs 2010-12 and -13, they should have

²⁰ BLM Handbook H-1790-1 (January 30, 2008) at page 3.

²¹ See BLM's Land Use Planning Handbook (H-1601-1, dated March 11, 2005) at Appendix C, page 24: "Implementation Decisions: Offer leases with appropriate stipulations."

been deferred from the lease auction. Yet they appear not to have been. Given the lack of justification that has been provided, the decision not to defer these parcels appears to be arbitrary and capricious and an abuse of discretion.” (BCA Protest at page 5).

BLM Response

BCA is correct in describing the sage-grouse screen results for these two parcels as characterized in Appendix C of the EA. The description provided by the BLM in the EA is, however, incorrect. Both the HDD and the WSO, when conducting their independent sage-grouse screens, found that these parcels did not warrant deferral under current BLM-Wyoming policy.

As previously described above, IM No. WY-2010-013 has expired, and was subsequently replaced and superseded by IM No. WY-2012-019.

Parcel -069 is located partially within the State of Wyoming’s Version 3 Core Population (Core) Area, but the BLM’s screening of this parcel determined that it is not coterminous with 11 mi.² of unleased Federal fluid mineral estate. This finding has been re-confirmed (see Attachment 2).

Parcel -215 is located partially within the Core Area, but the BLM’s screening of this parcel determined that it is not coterminous with 11 mi.² of unleased Federal fluid mineral estate. This finding has been re-confirmed (see Attachment 3).

These errors that BCA identified in Appendix C of the EA will be corrected before a decision record is signed.

5. “...impacts of oil and gas development to sage-grouse include (1) direct habitat loss from new construction, (2) increased human activity and pumping noise causing displacement, (3) increase legal and illegal harvest, (4) direct mortality associated with reserve pits, and (5) lowered water tables resulting in herbaceous vegetation loss. These impacts have not been thoroughly evaluated with full NEPA analysis.” (BCA Protest at pages 5-6).

BLM Response

See previous responses, above;²² the BLM Wyoming’s RMP revisions and amendments are currently evaluating (through the public NEPA process) potential impacts to sage-grouse arising from energy development on public lands, and in consideration of recent scientific inquiries regarding impacts to sage-grouse and the appropriate conservation measures to avoid or reduce impacts from energy development. The BLM is in the process of updating current sage-grouse conservation measures in the applicable plans (hence the statewide amendment or revision of RMPs’ sage-grouse habitat management decisions).

Often, where the context and intensity of environmental impacts such as those described by BCA remain unidentifiable until exploration activities are proposed, the Application for Permit to Drill (APD) may be the first useful point at which a site-specific environmental appraisal can be undertaken (*Park County Resource Council, Inc. v. U.S. Department of Agriculture*, 10th Cir., April 17, 1987). In addition, the Interior Board of Land Appeals (IBLA) has decided that, “the BLM is not required to undertake a site-specific environmental review prior to issuing an oil and gas lease when it previously analyzed the

²² See also the HDD’s response to BCA’s identical comment on the draft EA at Appendix F, Comment #156.

environmental consequences of leasing the land..." (*Colorado Environmental Coalition, et al.*, IBLA 96-243, decided June 10, 1999). However, when site-specific impacts are reasonably foreseeable at the leasing stage, NEPA requires the analysis and disclosure of such reasonably foreseeable site-specific impacts (*N.M. ex rel. Richardson v. BLM*, 565 F.3d 683, 719-19 (10th Cir. 2009)). Although certain site-specific impacts remain unforeseeable at this time, the analysis in the May 2012 Oil and Gas Lease Sale EA provides additional disclosure and analysis of the anticipated environmental impacts associated with our decision to offer and possibly issue leases for these parcels.

6. **"It is clear from the scientific evidence that the current [sage-grouse] protections are inadequate and are contributing to the further decline of the bird's populations. This information constitutes significant new information that requires amendment of the Resource Management Plans before additional oil and gas leasing can move forward...**

If the BLM and other federal agencies intend to keep the sage-grouse from accelerating beyond other listing priorities, more protective measures... must be undertaken now. In the interim, deferral of leasing is the appropriate course of action." (BCA Protest at pages 6 and 7, respectively).

BLM Response

Should a parcel be offered, a successful bid received, a lease issued, and oil and gas development be proposed (as the HDD points out in the EA at page 6, a small proportion of leases issued in Wyoming have ever been developed), the BLM will have the ability to apply protection measures for sage-grouse and their habitats on the Federal oil and gas leases. IM No. WY-2012-019 provides several timing, distance, and disturbance conservation measures for benefit of sage-grouse, and requires (at page 8):

All recommendations, mitigation and conservation measures will be considered in site-specific documentation of NEPA compliance. As appropriate, these measures may be incorporated into COAs of permits, plans of development, and/or other use authorizations.

Prior to surface-disturbing activities on the parcels (should they be leased) the BLM requires a detailed plan of operations for development of the lease. Prior to approval of the plan of operations, BLM conducts site-specific environmental review, and any APD will include (at a minimum) public posting (see 43 CFR 3162.3-1(g)). The BLM retains substantial authority to regulate environmental aspects of Federal oil and gas lease operations through approval (see 43 CFR 3162.3) of APDs or Sundry Notices (SNs), and through the issuance of orders and instructions of the authorized officer (see 43 CFR 3161.2). As previously described, the BLM also can regulate the lessee's or operator's actions on the lease, as described in our regulations (such as 43 CFR 3101.1-2 and 43 CFR 3162.5-1(a)),²³ on the BLM Lease Form 3100-11 (such as standard lease term Sec. 6), and under applicable laws (such as FLPMA). In the HDD's response to BCA's comments on the EA (at Appendix F, Comment #153), the HDD also explained:

²³ See also *Yates Petroleum Corporation*, 176 IBLA 144 (September 30, 2008): "When making a decision regarding discrete surface-disturbing oil and gas development activities following site-specific environmental review, BLM has the authority to impose reasonable measures to minimize adverse impacts on other resource values, including restricting the siting or timing of lease activities."

In the event the sage grouse amendment to those governing RMPs implements more stringent measures, those measure would be considered as Conditions of Approval through the NEPA process at the time a development proposal is received.

Aside from completing the approved RMP EISs, the HDD's May 2012 lease sale EA analyzed and disclosed the purpose and need, alternatives, affected environment, and environmental consequences (to the extent reasonably foreseeable) of offering the parcels and possibly issuing leases as described in the Notice. The EA included site-specific review of individual parcels and potentially-affected resources.

In the May 2012 Sale, the HDD followed BLM policy (the sage-grouse screen) to ensure that the Responsible Official may select from a reasonable range of alternatives in the sage-grouse RMP amendments or plan revisions. The HDD prepared documentation of NEPA compliance, considered conformance with the approved RMPs, and provided recommendations to the WSO on the disposition of each parcel based upon their interdisciplinary review.

We find that offering (and subsequently issuing, should a successful bid be received by the BLM) the lease parcels described in the Notice (and as modified by Information Notice #2) is in conformance with the approved land use plans, and the lease stipulations described in the Notice provide adequate protection measures for those parcels to be offered in sage-grouse habitat, and given the substantial authority the BLM has to condition approval of lease development actions with reasonable measure to protect natural resources and environmental quality. Where the BLM has identified, through policy guidance, a need to defer parcels within Core Areas to ensure that the Responsible Official's choice of reasonable alternatives is not limited, the HDD appropriately deleted or deferred certain May 2012 parcels. For these reasons, we deny this portion of BCA's protest.

7. **"Regarding Parcel 72, BLM notes that the proposed Sage Grouse ACECs in the Rock Springs Field Office have been withdrawn from that Sage Grouse Amendment process... While this is consistent with a conversation between BCA [and the BLM], [the BLM] represented that the Sage Grouse ACECs would be considered in detail during the Rock Springs RMP revision... Thus, BCA's concerns that leasing of this parcel will impair BLM's ability [to] consider a range of reasonable alternatives and foreclose options in the RMP planning process remains unaddressed."** (BCA Protest at page 8).

BLM Response

Designation of Areas of Critical Environmental Concern (ACECs) is not a part of the proposed action or alternatives for the May 2012 Sale.²⁴ To the extent that BCA is concerned that offering Parcel -072 prior to revision of the Green River RMP could impair the BLM's ability to consider or select from a range of reasonable alternatives for protection of sage-grouse, please refer to the BLM response for Issue No. 6, above.

²⁴ See also the HDD's response to BCA in the EA at Appendix F, Comment #151, which states in part that the area encompassing Parcel -072: "is no longer being considered for ACEC through the sage grouse RMP amendment. The parcel is in the Chicken Springs Unit and is partially surrounded by the Horseshoe Basin, Canyon Dome, and Whiskey Canyon federal oil and gas exploratory units identified in the December 2009 letter from the BLM Wyoming State Director to the Governor of Wyoming. The letter states, 'Any parcel nominated for oil and gas leasing located within a Federal oil and gas exploratory unit agreement will be offered for sale with existing stipulations as defined for the area in accordance with the existing Green River RMP...'"

8. "...we protest [24 parcels] as being within lands with wilderness characteristics yet not complying with BLM policy regarding such lands... The Rawlins RMP, as cited by the BLM, relies upon the previously leased character of Lands with Wilderness Character[istics] as a pretext for not managing the lands to protect these same wilderness characteristics. This decision is inconsistent with IM 2011-154²⁵... ...this turn of events underscores the arbitrary and capricious nature of BLM's decision on Lands with Wilderness Character[istics] made as part of the EIS process. BLM's reliance on this legally deficient RMP to support this lease sale violates NEPA[]... voiding the legal validity of leases issued pursuant to this RMP as 'fruit of a poisonous tree.'" (BCA Protest at pages 8-9).

BLM Response

First, of the 24 parcels protested by BCA for concerns about the BLM's management of wilderness characteristics, one parcel (-094) was deferred by the BLM from the May 2012 Sale. Thus, BCA is protesting a total of 23 parcels for this and the remainder of their arguments related to wilderness characteristics.

Second, the Rawlins Record of Decision (ROD) and approved RMP²⁶ is not a decision subject to this protest. See also HDD's response to BCA's comments in the EA at Appendix F, Comment #205, which states in part:

It is beyond the scope of this EA to evaluate RMP decisions.

See also HDD's response to BCA's comments in the EA at Appendix F, Comment #208:

The Rawlins RMP went through a 30-day protest period as provided on the land use plan decisions contained in the Proposed RMP/Final EIS in accordance with 43 CFR Part 1610.5-2. BLM received 79 protest letters that were subsequently resolved by the BLM Director, whose decision constitutes final agency action for the [DOI] and Record of Decision was approved on December 24, 2008... A determination of the legal sufficiency is beyond the scope and authority of this EA.

BCA's protest of the RMP decision was properly addressed by the BLM in the BLM-Washington Office's "Director's Protest Resolution Report" for the Rawlins RMP.²⁷ For these reasons, we dismiss this portion of BCA's protest.

9. "The BLM is making the decision to lease the [protested] parcels today. In doing so, it must comply with IM 2011-154, which did not exist in 2009 when the Rawlins RMP was approved... Because the decision to lease these parcels does not comply with IM 2011-154, we protest the wilderness character parcels." (BCA Protest at page 9).

²⁵ "Requirement to Conduct and Maintain Inventory Information for Wilderness Characteristics and to Consider Lands with Wilderness Characteristics in Land Use Plans" (July 25, 2011).

²⁶ Approved December 24, 2008.

²⁷ http://www.blm.gov/style/mediablib/blm/wo/Planning_and_Renewable_Resources/wyoming.Par.46496.File.pdf/Rawlins_Directors_Protest_Resolution_Report_12.24.08.pdf

BLM Response

Section 201(a) of FLPMA requires:

The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values. The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands.

As the language of the statute acknowledges, preparation and maintenance of an inventory or identification of areas (such as lands with wilderness characteristics) shall not, of itself, change or prevent change to the management of public lands. BLM IM No. 2011-154 provides the following direction to the BLM:

Consistent with FLPMA and other applicable authorities, the BLM will continue to consider the wilderness characteristics on public lands as part of its multiple-use mandate in developing and revising land use plans and when making subsequent project level decisions.

Attachment 2 of this IM states (at page 1):

The BLM will use the land use planning process to determine how to manage lands with wilderness characteristics as part of the BLM's multiple-use mandate.

So, while the BLM will consider wilderness characteristics²⁸ on public lands as a resource when making project-level decisions in the context of multiple-use management, the IM directs the BLM to use the RMP process in making the determination as to how manage lands with wilderness characteristics. In this case, the 2008 Rawlins ROD and approved RMP did not close the areas encompassing the protested parcels to oil and gas leasing or otherwise change the RMP's management goals and objectives to protect wilderness characteristics.

In the EA (at pages 86-88), the BLM described the affected environment with respect to wilderness characteristics and values, and provided a screen of every reviewed parcel (EA at Appendix D) in the May 2012 Sale to determine if any parcels contain wilderness characteristics based upon a September 2011 review by a BLM field office interdisciplinary team. The EA also considered the impacts to wilderness characteristics under Alternative B (at pages 126-127), and described how lease stipulations were applied, where appropriate under the approved RMP, to protect resource values.

The HDD responded to a similar BCA comment on the draft EA, including (EA at Appendix F, Comment #195):

The BLM has completed the requisite inventories required through IM 2011-154 for the areas containing the parcels on the May 2012 lease list. Refer to Agency responses to comments 70 and 74.

²⁸ The BLM uses the same criteria for identifying wilderness characteristics as described in Section 2(c) of the Wilderness Act (see FLPMA §103(i) and IM No. 2011-154 at Attachment 1, page 4).

The EA and HDD's interdisciplinary review of the protested parcels have determined that offering the parcels listed in the Notice (and with the stipulations described) is in accordance with current BLM policy and in conformance with the approved RMPs. Only a single parcel (a portion of -046) was determined to have wilderness characteristics during the HDD and Rawlins Field Office review of the May 2012 Sale parcels (see EA at Appendix D, unnumbered page 3). This parcel is entirely located within an existing Federal oil and gas unit (the Endurance Unit), is located within one mile of an active well, and is located adjacent to Federal oil and gas leases held by production (see Attachment 4). This parcel was appropriately considered for offering in the May 2012 Sale since, as the EA describes, the area is open to leasing subject to the constraints identified in the approved RMP. For these reasons, we deny this portion of BCA's protest.

10. "...the parcels in the Devils Playground citizens' proposed wilderness cannot be offered without a violation of NEPA because the Green River RMP EIS never addressed the presence of absence of wilderness qualities in this area in detail... Appendix D of the EA offers no clarity regarding when, whether, or why the BLM has determined that this area lacks one or more wilderness characteristics." (BCA Protest at pages 9-10).

BLM Response

While the 1997 Green River RMP stated "[w]ilderness management will not be addressed" in the EIS (Final EIS, or FEIS, at page 8), it acknowledged that wilderness was addressed in two other documents, the 1990 Rock Springs District Final Wilderness EIS and the 1987 Adobe Town-Ferris Mountains Final Wilderness EIS (*Id.*). The FEIS also stated (at page 34) that new discretionary uses in parts of the planning area "could be reviewed to ensure they do not create conflicts with management and preservation of wilderness values." In the May 2012 Sale EA, the BLM determined whether each lease sale parcel was a part of an area having wilderness characteristics, in accordance with current BLM policy (see EA at Appendix D) and in compliance with NEPA. The EA (at page 88) explains:

Parcels 156, 158, 160, 161, 162, 163, 164, 165, 167, 184, 185, 188, and 189 fall within the Devils Playground citizens' proposed wilderness area. However, as shown in Appendix D, BLM has determined that the area containing these parcels does not contain lands with wilderness characteristics.

In accordance with current BLM policy and FLPMA, the HDD considered the potential for wilderness characteristics occurring on the protested parcels.²⁹ Although BCA asserts that Appendix D of the EA "offers no clarity" regarding the BLM's determination, we find that the EA provides adequate information to ensure the decision-maker is informed when considering potential impacts to wilderness characteristics, to the extent foreseeable. The BLM's site-specific determination whether each parcel contains wilderness characteristics is described in detail in Appendix D, and addressed applicable criteria such as whether (1) the parcel is part of an area having more than 5,000 acres of roadless land; (2) the "imprint of man's work [is] substantially unnoticeable;" (3) an "outstanding opportunity for solitude or primitive recreation" exists; (4) the area contains "natural features of scientific, educational, scenic, or historical value; and (5) the parcel is located within a citizen-proposed wilderness area.

We disagree with BCA's assertion that offering parcels within the Devil's Playground Citizen-Proposed Wilderness (CPW) would result in a violation of NEPA, and find that the May 2012 Sale EA provides

²⁹ See also HDD's response to BCA's comment to the draft EA, at Comment #195 in Appendix F to the EA.

adequate information to ensure the decision-maker is well informed about potential impacts to wilderness characteristics when selecting an alternative and determining significance under NEPA.

11. "...Parcels 45, 46, and 60-66 fall within the Adobe Town Dispersed Recreation Use Area... The BLM is undertaking a Visual Resource Management plan amendment for the Rawlins Field Office, and the Adobe Town DRUA... must be considered for more stringent (at least Class II VRM) management... Leasing these parcels... during the pendency of the VRM plan amendment could foreordain the outcomes of this VRM plan amendment and will certainly foreclose a number of options for long-term protection for these parcels." (BCA Protest at page 10).

BLM Response

First, the HDD has determined (see EA at Appendix D) that Parcels -045, -046, and -062 through -066 are located within the Adobe Town Dispersed Recreation Use Area (DRUA); this determination conflicts with BCA's assertion that Parcels -060 and -061 are located within the DRUA.³⁰ In addition, as previously described, the BLM did not include Parcel -060 in the Notice.

As we previously noted, one of the parcels (-046) is located entirely within an existing Federal oil and gas unit (the Endurance Unit). Parcel -045 is located adjacent to the Endurance Unit, and the adjacent leases are currently held by production (see Attachment 4). Parcels -062 through -066 are also almost entirely surrounded by existing Federal oil and gas leases, some of which are currently held by production (Attachment 5).³¹

Upon completion of the 2008 Rawlins Record of Decision (ROD) and approved RMP, and as previously described, the BLM-Washington Office resolved protests submitted to the ROD. Several protests challenged the Visual Resource Management (VRM) objectives and designations in the ROD.³² After reviewing the protests, the BLM-Washington Office issued this decision (Director's Protest Resolution Report at page 140):

In further review of the primary issue from the protest letters as stated above, the BLM grants the protest and will provide a clarification in the ROD. The VRM class designation and decision portions of the PRMP/FEIS have been remanded... Using [an] updated inventory as a baseline, VRM class designations will be considered and analyzed in a future VRM-targeted EIS for the planning area.

In response to a protest of the ROD by BCA and regarding VRM classification near the Adobe Town Wilderness Study Area (WSA), the BLM-Washington Office responded, in part (Director's Protest Resolution Report at page 141):

The VRM class and viewshed analysis will be taken into consideration during environmental analysis for any project-level proposal within the planning area.

³⁰ Parcels -060 and -061 are located in T.24N., R.96W., 6th P.M. Compare to map 2-59 in the Rawlins RMP FEIS.

³¹ Attachments 4 and 5 also raise questions about BCA's claim that (at BCA's Protest, page 8) "...the vast majority of the lands on the southeast and south side of the Adobe Town WSA have become substantially unleased today as a result of lease expirations..."

³² BLM's VRM policy is provided in BLM Manual Section 8400, available at: [<http://www.blm.gov/nstc/VRM/8400.html>], including use of the BLM's Visual Resource Inventory (BLM Handbook H-8410-1).

As the HDD responded to another commenter on the draft EA (EA at Appendix F, Comment #72):³³

The 2008 Rawlins RMP (Map 2-50) designates the area containing parcels 045 and 046 as VRM Class III. The Rawlins Field Office is in the process of revising the 2008 RMP to readdress VRM designations across the field office area. As part of that process a visual resource inventory (VRI)³⁴ was completed in 2011. The VRI identifies the area with parcels 045 and 046 as being in a visual quality class II area. Until the RMP amendment/revision is completed the existing RMP decisions remain in full force and effect...

In addition, the BLM applied several lease stipulations to all of the protested parcels listed in the Notice and located within the DRUA (see Notice at pages 34-35 and 39-43), including a DRUA Controlled Surface Use (CSU) stipulation:

Surface occupancy or use will be restricted or prohibited unless the operator and surface managing agency arrive at an acceptable plan for mitigation of anticipated impacts... protecting recreation opportunity class setting within the Adobe Town Dispersed Recreation Use Area.

A "recreation opportunity class setting" is derived from the BLM's planning policies and decisions for recreation on public lands. The BLM Manual Section 8320³⁵ provides (at Part 06.C.6, emphasis added):

Recreation and visitor services planning requires coordination with other programs (e.g., travel and transportation management, visual resource management, cultural, wildlife, and law enforcement) to ensure decisions are compatible across programs.

To this end, the BLM retains the authority, through the DRUA CSU lease stipulation, to ensure that (should a lease be issued and if subsequent development is proposed) lease development activities on these leases will comply with the applicable VRM requirements and to the extent recreation settings and VRM objectives are compatible.³⁶ This stipulation, along with the substantial authority the BLM has to condition approval of lease development actions with reasonable measures to protect natural resources and environmental quality (see our response to Issue No. 6, above), will ensure that by offering these lease parcels the BLM will not limit the choice of reasonable alternatives in the VRM amendment. Design features and mitigation measures that the BLM may require to be used for protection of the recreational setting on these leases include (where appropriate) use of low-profile tanks and production equipment, coloration or camouflage of above-ground facilities, offsite production measurement and remote monitoring/telemetry, hastened reclamation of disturbed areas, and siting of facilities in topographically-favorable locations to avoid visual intrusion.³⁷

To the extent that BCA indicates they believe that the BLM should refrain from issuing these leases because the BLM has initiated the VRM plan amendment, the IBLA has held that BLM may offer parcels for lease and issue new leases when an RMP is being revised, if the leasing decision conforms to the existing RMP (see *Sierra Club Legal Defense Fund, Inc.*, 124 IBLA 130, 140 (1992)).³⁸

³³ See also HDD's response to Comment #147 (EA at Appendix F).

³⁴ Available at: <http://www.blm.gov/wy/st/en/programs/Planning/rmps/rawlins/vri.html>

³⁵ See BLM Manual Section 8320 ("Planning for Recreation and Visitor Services"), March 29, 2011.

³⁶ See also Appendix 37 of the Rawlins RMP FEIS.

³⁷ These, and other VRM protection measures the BLM employs are described at http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/best_management_practices/technical_information.html

³⁸ See also *Southern Utah Wilderness Alliance*, 163 IBLA 14, 27 (2004).

Acceptance of appellants' position that once BLM has decided to prepare a new land use plan for an area, it must suspend action in conformance with the prevailing plan would seriously impair BLM's ability to perform its management responsibilities. We therefore reject this challenge to BLM's decision.

In this decision, the IBLA recognized that acceptance of the protestor's position would seriously impair the BLM's ability to perform its land management responsibilities. As in *Sierra Club Legal Defense Fund, Inc.*, there is no dispute here that the proposed sale partially implements the goals and objectives in the approved RMPs.

Offering these protested parcels is in conformance with the approved RMP, and the BLM retains the authority to ensure that potential lease development operations do not limit the BLM's ability to select from a reasonable range of alternatives in the VRM amendment. For the reasons described above, we deny this portion of BCA's protest.

12. "Substantial controversy surrounds drilling in the Adobe Town area... The Rawlins BLM received over 80,000 public comments explicitly asking the BLM to withdraw Adobe Town [CPW]... from future oil and gas development. The state Environmental Quality Council designated the lands included in the lease area as 'Very Rare or Uncommon' under state law in 2007... In determining whether a project has a significant impact, one of the considerations is 'The degree to which the effects on the quality of the human environment are likely to be highly controversial.' 40 CFR 1508.27(b)(4). In this case, the large number of individuals who have written in opposition to drilling in the Adobe Town citizens' proposed wilderness constitutes a great deal of controversy... If for no other reason than this, BLM should undertake a full-scale EIS prior to approving these lease offerings" (BCA Protest at page 10).

BLM Response

In this argument, BCA overlooks the fact that the BLM did undertake an EIS (actually, three RMP EISs) prior to deciding to offer these parcels. As we previously described, the EA is tiered to the RMP EISs for the Rawlins, Rock Springs, and Kemmerer field office planning areas (see EA at pages 2-3).

In addition, BCA misunderstands the regulations they cite in arguing that the public "controversy" which they fomented, in part, prevents the BLM from determining that impacts under Alternative B are not significant, as described in the draft, unsigned FONSI.³⁹

In *Arizona Zoological Society et al.* (167 IBLA 347, decided January 25, 2006), the IBLA determined:

In determining whether preparation of an environmental impact statement is required with respect to a project, one consideration is whether the effects of the project on the quality of the human environment are highly controversial in that there is a substantial dispute as to the size, nature, or effect of an action. Disagreement regarding the efficacy of a project is properly distinguished from controversy over the impacts of the project and does not require an environmental impact statement.

³⁹Since the RMP EISs have already evaluated potentially significant impacts arising from the BLM's land use planning decisions, the BLM anticipates a "finding of no new significant impacts." See 43 CFR 46.140(c).

Citing other cases (see 167 IBLA 347, 356-357), the Board noted that:

"[C]ontroversial" refers to cases "where a substantial dispute exists as to the size, nature, or effect of a major Federal action rather than to the existence of opposition to a use."

In this instance, BCA believes that the existence of opposition to drilling in the Adobe Town Area arising from a different BLM decision constitutes "controversy" under the regulations at 40 CFR 1508.27(b)(4). We believe that the EA's disclosure of effects to resources present in the Adobe Town area, and as tiered to the RMPs' EISs, is comprehensive and accurate, to the extent impacts are foreseen and can be predicted. We deny this portion of BCA's protest.⁴⁰

ISSUES – WYOMING OUTDOOR COUNCIL (WOC)

WOC participated in the HDD's public review of the EA, and provided comments to which the HDD responded in Appendix F of the EA. We refer WOC to HDD's responses in Appendix F of the EA for additional detail on the BLM's position regarding the arguments WOC raises or repeats in their protest.

WOC (and all of the following protestors) used the final parcel numbers as described in the Notice, and so our responses will reference the final parcel numbers (see also Attachment 1).

13. "The basis of our protest of the parcels located in the Kemmerer Field Office, parcels -141, -147, -148, -149, -150, and -151, is that they are located in an area where pursuant to the terms of the Kemmerer [RMP] activities in this area must maintain large, contiguous blocks of sagebrush habitat, but such protections are lacking as to the protested parcels. Consequently, the terms of the Kemmerer RMP would not be met if these parcels are sold, which is a violation of Federal law...." (WOC Protest at page 2).

BLM Response

In this argument, WOC cites to the Kemmerer's approved RMP,⁴¹ including its description of the planning area's goals and objectives as stated in the RMP, and concluded (WOC Protest at page 5) "...the protested parcels cannot be leased as currently configured because to do so would not be in accordance with the Kemmerer RMP, and would therefore violate the requirements of [FLPMA] and BLM's supporting planning regulations."

However, WOC overlooks that the RMP decided that oil and gas leasing is consistent with the decisions in the RMP ROD that WOC cites;⁴² the approved RMP kept the subject area open to oil and gas leasing, subject to the constraints identified in the RMP. As the ROD and approved RMP state (at page 2-26, decision #2014):

⁴⁰The Environmental Quality Council's (EQC's) April 10, 2008 designation of this area as "Very Rare or Uncommon" does not result in any cognizable effect to the Federal government's ability to manage public lands. As the HDD has also pointed out, the EQC's designation (at Finding of Fact No. 38) states "[t]he designation protects the area from non-coal surface mining only.... The designation does not limit oil and gas leasing, exploration, drilling, production or related construction." Lastly, the State of Wyoming legislature passed legislation in 2011 (Wyo. Stat. §35-11-112(a)(v)) revoking the Environmental Quality Council's (EQC's) ability to designate lands in this manner, primarily in response to the designation of Adobe Town by the EQC. See March 5, 2011 Casper Star-Tribune Article at http://trib.com/news/state-and-regional/article_94742b51-a2c0-51b2-b9c9-ad8647e306a5.html

⁴¹ Approved May 24, 2010.

⁴² See also HDD's response to WOC for a similar comment on the draft EA (EA at Appendix F, Comment #128).

Fluid mineral leasing is currently allowed on areas within large, contiguous blocks of federal land containing sagebrush, mountain shrub, and aspen habitat.

In essence, then, WOC protests a decision made in the RMP ROD, by claiming that offering the protested oil and gas parcels "as currently configured" would "violate" FLPMA and our planning requirements. However, we find that offering these parcels, with the stipulations described in the Notice, is in conformance with the approved RMP, and complies with FLPMA, our regulations, and the approved RMP. The decision to open this area to oil and gas leasing in the ROD and approved RMP is not the subject of protest in the May 2012 Sale; by offering these protested parcels, the BLM is implementing the decisions from the May 2010 Kemmerer ROD and approved RMP. For these reasons, we deny this portion of WOC's protest.

14. "Parcels -045, -049, -050, -051, -052, and -053 are located in the Adobe Town area of the Rawlins Field Office. ...to offer them, at least as currently stipulated, would be contrary to the policy for oil development in this area evidenced in BLM's recently released 2012 Oil Shale and Tar Sands Draft Programmatic Environmental Impact Statement ('Oil Shale EIS'). Sale of these parcels would also not be in accordance with the settlement the BLM entered into in the lawsuit challenging BLM's approval of the 2008 Rawlins RMP." (WOC Protest at page 5).

BLM Response

On February 3, 2012, the BLM began a 30-day public comment period for the 2012 Draft Oil Shale and Tar Sands Programmatic EIS (OSTS DPEIS).⁴³ This draft EIS was prepared to (OSTS DPEIS' "Dear Reader" letter at page 3):

...reconsider which lands should be open to future leasing of oil shale and tar sands resources.

As the OSTs DPEIS explains, this effort is being made in order to "reassess" the allocations made as a result of litigation brought by a coalition of environmental groups and because of a (OSTS DPEIS at page ES-1):

...settlement agreement entered into by the United States to resolve the lawsuit and in light of new information that has emerged since the 2008 OSTs PEIS was prepared.

The OSTs DPEIS describes the BLM's purpose and need for preparing the EIS, noting (OSTS DPEIS at page 1-4, footnote number 2).⁴⁴

This PEIS does not address opening or closing lands to development of other resources or the hydraulic fracturing of other types of shale for the production of oil and gas.

⁴³ Available at <http://ostseis.anl.gov/>

⁴⁴ See also OSTs DPEIS at page 1-13.

WOC first argues that to offer lands for oil and gas leasing in the Adobe Town area (specifically, the EQC's "Very Rare or Uncommon Area" or in areas determined to have wilderness characteristics) where the OSTs PDEIS is considering one alternative to not allow oil shale leasing in this area is "inconsistent" (WOC Protest at page 6).⁴⁵

While the WOC is entitled to their belief that these areas "should not be available for [oil and gas] leasing" (WOC Protest at page 6) that is contrary to the decisions made in the applicable approved RMPs. The protested parcels have been reviewed by the BLM, and all are in areas open to oil and gas leasing in the approved RMPs (EA at page 3):

The Kemmerer, Rawlins, and Green River RMPs identify lands open, closed, and unavailable for leasing... Of the 67 parcels in the RFO, three (3) are completely unavailable for leasing based on decisions in the Rawlins RMP/ROD. Portions of four (4) additional Rawlins parcels fall within areas that are unavailable for leasing. Of the 140 nominated parcels in the RSFO, six (6) parcels are completely unavailable for leasing based on decisions in the Green River RMP/ROD. Eight (8) additional parcels in the Rock Springs Field Office contain areas that are also unavailable for leasing. The unavailable parcels and portions of parcels are listed below. None of the parcels in the Kemmerer Field Office would be located in areas that are designated as unavailable for leasing.

The EA describes that any parcels within areas closed to oil and gas leasing have been deleted from the sale (EA at pages 3-5). WOC's challenge of the BLM's decision to offer the protested parcels is again, in essence, a challenge to the BLM's decisions made to have certain lands open and available for oil and gas leasing, a decision made at the time the RMPs were approved. The RMP decisions to open the areas encompassed by the protested parcels to oil and gas leasing are not the subject of this protest response. For these reasons, this portion of WOC's protest is denied.

Next, WOC argues that offering the protested parcels is "[n]ot in [a]ccordance" (WOC Protest at page 6) with the terms of a settlement agreement made by the BLM in recent litigation.⁴⁶ WOC asserts that (*Id.*):

Under the terms of the settlement the BLM agrees to take several actions relative to recognizing, if not protecting, wilderness qualities in the Adobe Town area.

WOC's characterization of the terms of the agreement differs from the plain language of the agreement; the BLM stands by its commitments to the specific terms in the agreement. In their protest, WOC depicts the terms of the agreement, specifically those related to BLM's commitment to consider VRM designations in certain areas, and evaluation of wilderness characteristics (WOC Protest at pages 6-7).

As described previously in our response to BCA's protests (see Issue No. 11, above), the Rawlins Field Office is currently engaged in amending the approved Rawlins RMP for the purpose of designating VRM classifications, and upon remand from the BLM-Washington Office (WO).⁴⁷ Offering the protested parcels is in conformance with the approved RMP and in consideration of the interim VRM designations

⁴⁵ We note that the OSTs PDEIS also considers alternatives that would allow for oil shale and tar sands leasing in these areas (OSTs PDEIS at pages ES-5 to ES-9).

⁴⁶ *Natural Resources Defense Council et al. v. Bureau of Land Management*, Case No. 1:10-cv-00734 (BAH), District Court for the District of Columbia.

⁴⁷ The specific terms of the settlement agreement state, in part and with emphasis added, that the BLM will "commit to consider" certain VRM designations "during the new plan review... to establish VRM class designations..."

identified by the WO on remand.⁴⁸ The BLM retains the authority to ensure that potential lease development operations do not limit the BLM's ability to select from a reasonable range of alternatives in Rawlins' VRM amendment.

As also previously described in our response to BCA's protests (see number 9, above), the EA evaluated whether each parcel reviewed contained wilderness characteristics (in accordance with current BLM policy), and considered impacts to wilderness characteristics in the EA. As previously displayed (see Attachments 4 and 5), these six parcels protested by WOC are located in areas where numerous existing leases are present and adjacent to areas undergoing oil and gas development.

The BLM is cognizant of the terms in the settlement agreement, and will continue to comply with the agreement. We disagree with WOC's arguments that the BLM must defer the protested parcels in order to comply with the terms of the settlement agreement. For the reasons described above, we deny this portion of WOC's protest.

ISSUES – THE WILDERNESS SOCIETY (TWS)

TWS participated in the HDD's public review of the EA, and provided comments to which the HDD responded in Appendix F of the EA. We refer TWS to HDD's responses in Appendix F of the EA for additional detail on the BLM's position regarding the arguments TWS raises or repeats in their protest.

On pages 2-3 of TWS' protest, they refer to seven parcels from the November 2011 Competitive Oil and Gas Lease Sale, and characterize the BLM's review and decision-making with those seven parcels. Offering of those parcels is not proposed in the May 2012 Sale, and TWS here protests seven *different* parcels. We will not address TWS' concerns with the November 2011 sale parcels further in this response.

15. “[TWS] protests the [BLM's] decision to offer seven parcels [-041, -042, -049 through -053]....” (TWS Protest at page 1).⁴⁹ “Offering the protested parcels in the May 2012 Lease Sale would violate NEPA...” (TWS Protest at page 4).

BLM Response

First, TWS argues that the EA “does not accurately portray the wilderness characteristics of the Protested Parcels” (TWS' Protest at page 4). TWS cites the OSTs PDEIS to refute the EA's determination that only a portion of Parcel -042 contains wilderness characteristics (TWS' Protest at pages 5-7).

TWS argues (at page 6):

⁴⁸ See the Director's Protest Resolution Report at page 140: “The public will have an opportunity to comment during the subsequent NEPA environmental analysis process regarding Rawlins VRM. Until such time, the Approved Plan will utilize the VRM class designations as established and analyzed in the no action Alternative (Alternative 1) in the Rawlins PRMP/FEIS.” Thus, the parcels are located in areas currently classified as VRM Class III (Parcels -062 through -066 are adjacent to areas of VRM Class IV in the BLM-Colorado Little Snake Field Office that are also currently open to oil and gas leasing).

⁴⁹ These are the identical Adobe Town area parcels shown in Attachments 4 and 5, though they are displayed with their preliminary parcel numbers in those maps (see Attachment 1 to cross-reference parcel numbers). These parcels were also protested by BCA and WOC, with the single exception that WOC did not protest Parcel -042.

Here, the BLM has released contradictory findings on whether the Protested Parcels contain or do not contain wilderness characteristics... This contradiction undermines the integrity of the analysis and decisions for the May 2012 lease sale, and provides the public with little assurance that offering the Protested Parcels "would not impact wilderness characteristics...." May 2012 Lease Parcels Final EA at 126....

Specifically, TWS refers in their protest to pages 3-34 through 3-36 of the OSTIS PDEIS and the EA (at page 87, which states that all parcels other than a portion of parcel -042 are located in areas "determined not to have wilderness characteristics"). The OSTIS PDEIS provides a description of Lands with Wilderness Characteristics (LWCs) in the Adobe Town area, and states (at page 3-34):

The [Adobe Town] WSA also sits within a larger area that was designated by the Wyoming Environmental Quality Council in 2008 as the Adobe Town "Very Rare or Uncommon Area." The Very Rare or Uncommon Area includes 180,910 total acres, of which 167,517 acres are public land. Its boundary overlaps 50,025 acres of the oil shale basin. Finally, these areas are located within a much larger area of land that has been identified as having wilderness characteristics. Table 3.1.1-7 presents the acreage overlapping the oil shale resource within the Adobe Town specially designated area and identified lands with wilderness characteristics.

Table 3.1.1-7 is located on page 3-36 of the OSTIS PDEIS, and is entitled "Rawlins Field Office LWCs and Adobe Town WSA and Very Rare or Uncommon Area That Overlap with Oil Shale Resources." A map of these areas in relation to the "Most Geologically Prospective Oil Shale Resources" is provided in Figure 3.1.1-13 of the OSTIS PDEIS.

In our review of the OSTIS PDEIS and the EA, we agree that the two documents appear contradictory as to whether certain areas contain wilderness characteristics. Comparing Figure 3.1.1-13 of the OSTIS PDEIS to the location of the seven parcels protested by TWS, the parcels are located within areas identified in the OSTIS PDEIS as either "Adobe Town – Very Rare or Uncommon Area" (Parcels -041 and -042) or "Kinney Rim South – Lands to Be Managed to Protect Wilderness Characteristics" (Parcels -049 to -053).

However, we have determined that the OSTIS PDEIS's information and data on wilderness characteristics in this area is not accurate and the May 2012 EA provides a more accurate and substantive description of wilderness characteristics of the specific parcels.

The Rawlins Field Office recently updated its inventory of wilderness characteristics in this area, including the entire area encompassing these protested parcels, and in accordance with the BLM's policy contained in BLM-Washington Office IM 2011-154. On September 12, 2011, the Rawlins Field Office Field Manager reviewed and approved the findings of an interdisciplinary team of BLM resource specialists.⁵⁰ These findings were based upon a review of available information, data, and field visits to the inventoried areas. A review of these findings and the supporting information substantiates the EA's conclusion that only a portion of Parcel -042 is located within an area having wilderness characteristics.

⁵⁰ These records are maintained by the BLM and are entitled: "Documentation of BLM Wilderness Inventory Findings on Record (Form 1)" for the "2002 Adobe Town Citizen's Proposed Wilderness WY-030-411" areas B-F, "2002 Kinney Rim North WY-030-412-N" Area B, and "2002 Kinney Rim South WY-030-412-S" areas C-E. All were signed by the BLM Rawlins Field Manager on September 12, 2011.

We find that the BLM has appropriately relied upon the findings of a detailed, site-specific review. We acknowledge that the OSTIS PDEIS contains inaccurate information, and have contacted the agency personnel responsible for preparation of the Final EIS to ensure more accurate information will be included in the final document. We find that through the actions taken by the HDD and Rawlins Field Office, the BLM remains in compliance with Section 201 of FLPMA and the decision-maker is adequately informed in selecting an alternative from the May 2012 Competitive Oil and Gas Lease Sale EA.

Furthermore, we note that offering the protested parcels is in conformance with the 2008 ROD and approved Rawlins RMP, which determined that this area is open to leasing and that wilderness characteristics, if present, would not be managed "for" by the BLM (at page 1-3). In the Director's Protest Resolution Report, the BLM-Washington Office denied a protest on this point, determining (at page 150):

... [t]he BLM is not required to manage for wilderness characteristics simply because they may exist.

For these reasons, we deny this portion of TWS' protest.

- 16. "The Rawlins RMP is flawed and cannot support a decision to lease the protested parcels." (TWS' Protest at page 7, formatting modified for clarity).**

BLM Response

As we have described, the Rawlins RMP is not the subject of this protest. We deny this portion of TWS' protest, and refer TWS to the Director's Protest Resolution Report for the 2008 Rawlins ROD and approved RMP.⁵¹

ISSUES – LADDER LIVESTOCK COMPANY LLC (LLC)

LLC did not participate in public review of the EA offered by the BLM.

- 17. "In [lease parcel] WY-1205-008, the sites in Section 012 and Section 013 are immediately contiguous to the headquarters of our ranching operation...we believe that this area is not appropriate for such activities...we have placed Conservation Easements on 2800 acres of our mountain ranchlands, including all the private land adjoining these parcels to the east. The proposed lease areas in Sections 12 and 13 lie about ¼ [mile] to the west of Battle Creek itself, and run-off from those areas drains directly into Battle Creek. In addition, the water for our household, livestock, and some irrigation originates in springs on the southeast side of Battle Mountain which are contiguous to the proposed lease areas. We are concerned with the effects drilling and associated activities could have on our abundant and pristine water source...the window for drilling would be August 15th to November 15th, due to the stipulations in place for various species. This coincides with the big game hunting seasons... . We have a concern for air quality... . We are also protesting the leases in WY-1205-009." (LLC Protest at pages 1-3).**

⁵¹ See also HDD's response to TWS' EA comments on the draft EA (at the EA's Appendix F, Comment #78-80, 83).

BLM Response

In their protest, LLC brings forward their concerns about the offering of parcels near their ranching operations, particularly with regard to the effects of lease development operations upon their adjacent lands, and concerns regarding potential impacts of lease development activities upon a variety of resources.

The BLM acknowledges these concerns, and will address potential impacts from operations at the time lease development operations are proposed, should a successful bid be received, the lease issued, and lease development actions be proposed for review by the BLM. However, Parcels WY-1205-008 and 009 are located in an area that is available for oil and gas leasing in the approved 2008 Rawlins RMP, and offering these parcels is in conformance with the approved land use plan.

Parcel -008 includes 8 stipulations (including TL stipulations from November 15 through August 15 of each year for the benefit of sharp-tailed grouse, raptors, big game crucial winter range, and bald eagle roosts; CSU stipulations for VRM Class I and/or Class II areas; and an additional lease notice regarding the U.S. Forest Service's Medicine Bow National Forest Battle Mountain Research Natural Area). Parcel -009 includes 7 stipulations, including TL stipulations from November 15 through July 31).

The EA (and the RMP EISs to which it tiers) describes the affected environment of the planning areas and potential impacts and mitigation measures that could be employed by the BLM to avoid or reduce impacts to, among other resources:

- air resources (at pages 117-122)
- soils and water quality, including impacts from wind and water erosion (at pages 127-128, 130-133)
- livestock grazing (at page 133)
- hunting and recreation (at pages 133-134)

The RMP also includes a number of specific measures for protection of the resources LLC is concerned about. Prior to authorizing development of any Federal oil and gas lease, the BLM will prepare an environmental record of review (43 CFR 3162.5-1) and, in accordance with Onshore Oil and Gas Order No. 1, conduct onsite reviews of the proposal, document compliance with NEPA, post the an Application for Permit to Drill for 30 days prior to a decision, and ensure any disturbed areas are returned to productive use in accordance with the objectives of the RMP. The BLM routinely requires measures to protect livestock operations, soils, air and water quality, and other resources and land uses. In addition, other Federal and state agencies may regulate certain aspects of lease development, including the permitting of Storm Water Pollution Prevention Plans (SWPPPs) by the Wyoming Department of Environmental Quality.⁵²

A portion of Parcel -008 and all of -009 are located on split-estate (where the Federal mineral estate is severed from the privately-owned surface estate). In accordance with Onshore Oil and Gas Order No. 1 and BLM policy, the BLM will consider the views of the landowner should development of the split-estate portion of a lease be proposed (assuming a lease is issued and subsequent development activities are proposed), among other requirements provided by regulation and policy.

⁵² See http://dcq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp

We find that offering these parcels is in conformance with the approved RMP. While LLC is concerned about impacts that may arise should these parcels be leased and developed, LLC has not provided objective data or new information that calls into question the BLM's analysis and disclosure of impacts from offering these parcels in the May 2012 Sale. For the reasons described, we deny LLC's protest of this parcel.

ISSUES – TROUT UNLIMITED (TU)

TU participated in the HDD's public review of the EA, and provided comments to which the HDD responded in Appendix F of the EA. We refer TU to HDD's responses in Appendix F of the EA for additional detail on the BLM's position regarding the arguments TU raises or repeats in their protest.

In their protest, TU lists 24 parcels that they are protesting, inadvertently describing a total of 25 (TU Protest at page 1). In addition, one of the parcels (WY-1205-027) protested by TU was deferred in its entirety (as described in Information Notice #2). Thus, TU protests a total of 23 parcels; their substantive arguments are addressed, below.

18. **"The BLM is relying on a number of land management decisions that are outdated, one of which dates back to 1997 (Green River RMP), or are in the process of being amended.... Although the BLM is in the process of updating many of these documents, the BLM continues to rely on the outdated documents in making its present leasing decisions."** (TU Protest at page 3).⁵³

BLM Response

The HDD responded to a similar comment made by the BCA to the draft EA (Appendix F at Comment #198):

The Green River RMP was approved in October 1997 and the Rawlins RMP, as revised, was approved in December 2008. Both are within their intended twenty-year lifespan.

As we also described in our response to Issue No. 11, the IBLA has held that BLM may offer parcels for lease and issue new leases when an RMP is being revised.

Offering these protested parcels is in conformance with the approved RMP, and the BLM retains the authority to ensure that potential lease development operations do not limit the BLM's ability to select from a reasonable range of alternatives in the RMP amendments and revision. We find that it was appropriate for the BLM to tier to, and incorporate by reference, the RMP EISs. For the reasons described above, we deny this portion of TU's protest.

19. **"...the BLM did not satisfy NEPA because it conducted its analysis of the lease offerings based on outdated information and it failed to consider and analyze significant new information that directly relates to the impacts of oil and gas development on fisheries in the area."** (TU Protest at page 4).

BLM Response

⁵³ TU provides similar arguments in another section (at page 11) of their protest.

See our response to Issue No. 18, above. Additionally, in this portion of the protest, TU does not identify any "significant new information" for the BLM to consider.

20. "If the BLM is going to proceed with the Lease Sale in spite of [CEQ regulations at 40 CFR 1506.1], all parcels within the Green River, Kemmerer, and Rawlins RMPs should contain No Surface Occupancy ("NSO") stipulations to keep available more alternatives for management of these parcels in the RMPs, as well as to conserve existing fisheries, wildlife, and recreational values." (TU Protest at page 5).

BLM Response

If, in this argument, TU refers to the specific watercourse buffer NSO recommendations they made in their comments on the EA, please refer to the HDD's responses (EA at Appendix F, Comments #'s 43 and 48).⁵⁴

In the EA, the BLM specifically considered, but eliminated from detailed analysis, an alternative considering offering all parcels with a NSO (EA at page 9) because such an alternative would not meet the purpose and need, and:

...it would only prohibit surface occupancy for oil and gas development; whereas other non-oil & gas occupancy may not be similarly constrained. Further, it unnecessarily constrains oil and gas occupancy in areas where [the applicable] RMPs have determined that less restrictive stipulations would adequately mitigate the anticipated impact.^{55]}

Offering all of the May 2012 Sale parcels with a NSO stipulation covering all of the entire parcels is not in conformance with the approved RMP (see also footnote number six, above). Here, the BLM has not determined there is a need to add to, delete, or modify the constraints identified in the approved RMPs, has found that the lease stipulations provide adequate resource protection, and has proposed and substantiated a finding of no (new) significant impacts based upon the context and intensity of impacts described in the EA (see draft unsigned FONSI at pages 3-7).⁵⁶ Imposition of a NSO on all parcels offered in this sale would change the level of constraint in many parts of the planning areas (see BLM's Land Use Planning Handbook at Appendix C, page 23) from "moderate" or "open subject to existing laws, regulations, and formal orders" constraints to a "major" constraint; furthermore, a NSO is not the least restrictive stipulation necessary to effectively accomplish the resource objectives identified in the RMPs. Imposition of a NSO on all parcels would require a plan amendment, and could not be carried out by the BLM without completing the appropriate public land use planning processes. Regardless, this level of constraint (NSOs on all parcels offered) is unnecessary, as the current stipulations provide

⁵⁴ See also the HDD's responses to TU's comments on the draft EA at Appendix F, Comment #'s 63-64).

⁵⁵ See also the BLM's Planning for Fluid Mineral Resources Handbook, H-1624-1 (May 7, 1990), at page III-11: "The least restrictive stipulation that effectively accomplishes the resource objectives or uses for a given alternative should be used."

⁵⁶ The BLM's responsibilities in this manner are also clearly described in BLM-Washington Office IM 2010-117 ("Oil and Gas Leasing Reform - Land Use Planning and Lease Parcel Reviews" dated May 17, 2010): "...the field office will evaluate whether oil and gas management decisions identified in the RMP (including lease stipulations) are still appropriate and provide adequate protection of the resource values.... If the lease stipulations do not provide adequate resource protection, it may be necessary to develop new lease stipulations or revise existing ones. A lease stipulation may be revised consistent with modification criteria found in the RMP.... Generally, the creation or revision of a lease stipulation that is not clearly consistent with the terms, conditions, and decisions of the approved RMP, or a stipulation that is revised to change from a moderate to a major constraint may not be in conformance with the RMP...; therefore, a plan amendment may be necessary...." (at page 8).

adequate resource protection to the parcels offered (and with consideration to the parcels deleted or deferred from the sale). TU has not provided objective evidence otherwise, and so this portion of TU's protest is denied.

21. "Here, site-specific impacts are reasonably foreseeable at the leasing stage because [citing *New Mexico ex re. Richardson v. BLM* (10th Cir. 2009)] 'considerable exploration has already occurred on adjacent land, and a natural gas supply is known to exist beneath the parcels.' Accordingly, the BLM was required – but failed – to consider and analyze site-specific impacts to fish and wildlife resources in its EA." (TU Protest at page 5).

BLM Response

To the extent possible, the BLM has identified the impacts associated with oil and gas operations, and in a manner that is site-specific. For example, the EA provides a detailed description of the resources present on each of the parcels (see EA at Table 3.2, which provides 55 pages summarizing the resources known or suspected to be present based upon the available data, the interdisciplinary review, and site visits conducted to applicable parcels). Correspondingly, the EA describes (again, for each individual parcel) the applicable lease stipulations at Table 4.1a designed to protect resources identified in the affected environment portion of the EA under Alternative B.

For the BLM to provide a more site-specific and detailed analysis of the impacts from lease development activities would require the BLM to speculate on the density of drilling locations, the number, characteristics, and specifications of related production equipment, and the rate at which the leases would be developed. The BLM cannot speculate in this manner; to do so would likely either under-estimate impacts or over-estimate impacts. The impacts associated with construction, drilling, production, abandonment, and reclamation of well locations can vary significantly across Wyoming and the HDD. For example, Federal lease development in Wyoming may involve directional drilling from a single wellpad per square mile, targeting deep formations bearing relatively dry natural gas produced without aid of wellhead pumps, little associated water production, and having a productive life of 30 years or more. For purposes of contrast, Federal lease development may also involve drilling from eight or more wellpads per square mile to shallow coal seams for production of natural gas and condensate, requiring wellhead pumps, associated with large amounts of produced water, and having a productive life of less than 10 years.

In many cases, different geologic fluid mineral prospects overlap a single area. As another example, Parcels -037 and -038 (which are protested by TU) are located within an approximately 10-mile radius of the historic Browning oil field, Cow Creek coalbed natural gas field, and the Creston deep gas field. Conducting a speculative exercise about the density, rate, and extent of drilling and the potential impacts from complex multi-year plans of operation on lease parcels would be not only possibly inaccurate and misleading for the BLM and public, but also unnecessary. BLM's NEPA Handbook H-1790-1 at page 59 states: "...you are not required to speculate about future actions." See also *Southern Utah Wilderness Alliance*, 159 IBLA 220 (June 16, 2003): "a future action need not be considered significant when the reasonably foreseeable future action is speculative."

TU also asserts that all of the parcels are in areas where "considerable exploration has already occurred on adjacent lands, and a natural gas supply is known to exist beneath the parcels." However, most of the parcels in the May 2012 Sale protested by TU are located in areas where very little exploration has occurred on adjacent lands (see Attachment 6) and, correspondingly, the nature and extent of hydrocarbon reserves is not known under all of the parcels. We note that (based upon a cursory Geographic

Information Systems-based review by the WSO) only three of the 23 parcels protested by TU appear to be located in an oil and gas field-development project area analyzed by the BLM under NEPA (Parcels -024, -037, and -038 are located within the Atlantic Rim Natural Gas Development Project EIS area, see Attachment 6).⁵⁷ See also EA at page 6:

BLM has not received any specific development proposals concerning the proposed lease parcels addressed in this EA.

So, we disagree with TU that the BLM “failed” to consider the site-specific impacts to fish and wildlife resources in the EA, and find that the BLM provided a detailed, site-specific review of the parcels. The EA considered impacts from oil and gas development to the extent foreseeable (as did the RMP EISs to which the EA tiers). The BLM will, as described elsewhere in our protest response, have opportunity to analyze the site-specific impacts of development activities should they be proposed, and consistent with the law, our regulations, and BLM policy. For these reasons, we deny this portion of TU’s protest.

22. “The EA failed to provide a significant review of habitat impacts likely to occur due to leasing parcel in critical big game habitat.” (TU Protest at page 7).

BLM Response

In their arguments, TU describes information about impacts to big game, opines about the utility of TL stipulations for big game, and characterizes recent studies conducted on impacts to big game from energy development.

The May 2012 Sale EA describes whether each parcel is located within big game crucial winter range (CWR) or a known migration route in Table 3.2, and the EA provides an overview of the affected environment relative to big game (EA at pages 82-83). Impacts to big game from oil and gas operations are discussed at pages 122-123 and 126 of the EA, and (with the most significant detail) in all of the RMP EISs to which the EA tiers. In addition, the BLM has coordinated closely with the Wyoming Game and Fish Department (WGFD) during preparation of the RMPs (to which the State of Wyoming was a cooperating agency) and the May 2012 Sale EA, and met on January 4 and April 12, 2012 with representatives of the WGFD and the Governor’s Office to discuss the May 2012 Sale, specific protection measures for the lease parcels, and to consider the State of Wyoming’s input and wildlife population management objectives in our decision-making. As the EA describes (at page 126), the BLM will continue to take into account the WGFD’s “Recommendations for Development of Oil and Gas Resources within Important Wildlife Habitats.”⁵⁸

We disagree with TU’s argument that the EA does not provide adequate analysis of the impacts to big game and their habitats. An EA need only briefly discuss the likely impacts of a proposed action (“[b]y nature, it is intended to be an overview of environmental concerns, not an exhaustive study of all environmental issues which the project raises,” see *Bales Ranch, Inc.*, 151 IBLA 353, 358 (2000)). TU has not provided objective information to support its contention that the BLM failed to comply with NEPA. For these reasons, we deny this portion of TU’s protest.

⁵⁷ One other parcel (-153) is located within the Seminole Road Gas Development Project EIS area, but this project never proceeded past a pilot project, a FEIS was never published, and a ROD never signed.

⁵⁸ Version 6.0 (April 2010, as updated and amended). Available at: http://wgfd.wyo.gov/web2011/Departments/Wildlife/pdfs/HABITAT_OILGASRECOMMENDATIONS0000333.pdf

23. **“...the BLM fails to assess with any specificity how oil and gas development will impact the trout populations and other wildlife habitat on the proposed lease parcels.” (TU Protest at page 7).**

BLM Response

Please see our response to Issue Nos. 21 and 22, above. We also refer TU to the other portions of the EAs and RMP EISs that address other (non-big game) wildlife resources and impacts.

For example, the EA describes the potential for Colorado River cutthroat trout (CRCT) and Bonneville cutthroat trout (BCT) to be present at individual parcels in Table 3.2 of the EA (see also pages 85-86 of the EA). Potential impacts to CRCT and BCT are described at pages 125-126 of the EA.⁵⁹

Consistent with our responses and rationale provided in this and previous responses, we deny this portion of TU's protest.

24. **“The BLM EA does not include consistent conformance with the BLM's Instruction Memorandum 2010-117 for consideration of new information.” (TU Protest at page 7).**

“The BLM EA does not include conformance with the BLM's Instruction Memorandum 2012-039 for consideration of important wildlife habitat mapping information.” (TU Protest at page 9).

BLM Response

BLM instruction memoranda do not provide requirements to which the BLM must ensure “conformance.” The BLM's adherence to the guidance provided in IM 2010-117 and IM 2012-039 cited by TU is outside the scope of this protest, and BLM-Wyoming has followed these policies.

TU overlooks or perhaps is unaware (or misinformed, as the record has shown – see EA at Appendix F, Comment #51) of the efforts that BLM-Wyoming has undertaken to (1) evaluate lease stipulation consistency across field office (and state) boundaries, (2) update our Memorandum of Understanding (MOU) with the WGFD, (3) coordinate with the WGFD on lease sale reviews,⁶⁰ (4) conduct site visits to parcels under review, (5) work with WGFD, other wildlife agencies, and our cooperators and partners in developing accurate maps of wildlife corridors and critical habitats, and take actions to ensure our decision-making is consistent with applicable laws, regulations, and policies. To the extent, in this argument, that TU advocates “development of new lease stipulations” and “revised lease stipulations” (TU's Protest at page 9), we refer TU to our response in Issue No. 20.

⁵⁹ See also the HDD's responses to TU's comments on the draft EA at Appendix F, Comment #'s 44-48.

⁶⁰ The TU appears to be misinformed in this regard; for the May 2012 sale, the BLM provided a copy of the preliminary lease list to the WGFD, shared our preliminary screen results, requested the WGFD's review of the lease stipulations and draft EA, exchanged information with WGFD staff, met face-to-face with WGFD representatives on two separate occasions, incorporated specific changes to the sale as a result of the coordination, and briefed the Governor's designated representative on the BLM's sale review. See also EA at pages 146-147 (“Consultation and Coordination”). TU's contention that the BLM “practice[s] [a] level of communication among agencies which does not perpetuate a more collaborative approach toward multiple use protection” (TU's Protest at page 8) is belied by the record and without merit.

25. **"The EA has not substantiated its statement on page 2 that the mitigation measures developed in the EISs... have reduced and minimized the anticipated impacts associated with the projected development to acceptable levels below the significance thresholds." (TU Protest at page 10).**

BLM Response

In this argument, TU provides their opinion that the EA has not substantiated a FONSI (or FONNSI). In making their argument, TU believes the BLM "confuses stipulations with mitigations and they are significantly different" (TU Protest at page 10).

Mitigation is defined in the CEQ's regulations at 40 CFR 1508.20 as including:

- (a) *Avoiding the impact altogether by not taking certain action or parts of an action.*
- (b) *Minimizing impacts by limiting the degree or magnitude of an action and its implementation.*
- (c) *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.*
- (d) *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.*
- (e) *Compensating for the impact by replacing or providing substitute resources or environments.*

The BLM's NEPA Handbook (at page 61) states "[m]itigation includes specific means, measures or practices that would reduce or eliminate effects of the proposed action or alternatives. Lastly, the BLM's Land Use Planning Handbook (at Appendix C, page 23) provides that areas exist where it may be determined that "lease stipulations may be required to mitigate impacts to other land uses or resource values." We find that the EA, and as proposed in the draft unsigned FONSI, provides adequate disclosure for the decision-maker to reach an informed decision regarding whether offering the parcels, as described in Notice and modified by Information Notice #2, will result in significant impacts under NEPA. We disagree with TU's opinion on the BLM's approach to mitigating impacts through the use of lease stipulations. We find that the lease stipulations applied to the protested parcels, and as supported through the EA and RMPs to which the EA tiers, are appropriate and effective mitigation measures.

26. **"The BLM, through its Wyoming State Director, is a participant in the CRCT Conservation Team and a signatory to the Team's Conservation Agreement, which obligates the BLM to ensure implementation of CRCT conservation actions..." (TU Protest at page 12).**

BLM Response

TU refers to the now-expired "Conservation Agreement For Colorado River Cutthroat Trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming" signed by BLM-Wyoming on October 10, 2006.⁶¹

We believe that the offering of the parcels as described and stipulated in the Notice of Competitive Oil and Gas Lease Sale – May 1, 2012 (and as amended by Information Notice #2), is in conformance with the approved RMPs, and meets the objectives of the now-expired Conservation Agreement to be protective of CRCT and its habitats (particularly given the BLM's authority to modify or condition lease

⁶¹ This agreement was made for a term of five years, through 2011 (Agreement at Part VIII.). Available at: http://www.fws.gov/mountain-prairie/species/fish/crct/CRCT_Conservation_Agreement_Final_Dec06.pdf

development activities at the time a site-specific proposal is submitted for BLM review). For these reasons, we deny this portion of TU's protest.

- 27. "The sale of lease parcels in watersheds that contain these at-risk native fish species without strong buffer stipulations and a thorough environmental analysis jeopardizes the recovery and stabilization efforts underway." (TU Protest at page 15).**

BLM Response

In the EA, the BLM provides a description of how Lease Notice No. 1 (see the Notice of Competitive Oil and Gas Lease Sale – May 1, 2012 at page 113) provides for a 500-foot buffer of "surface water and/or riparian areas" (at pages 85-86). Please also refer to the HDD's response to your comment in the EA at Appendix F, Comment #53.

Furthermore, our regulations at 43 CFR 3101.1-2 ("Surface Use Rights") also provide:

A lessee shall have the right to use so much of the leased lands as is necessary to explore for, drill for, mine, extract, remove and dispose of all of the leased resource in a leasehold subject to: Stipulations attached to the lease; restrictions deriving from specific, nondiscretionary statutes; and such reasonable measures as may be required by the authorized officer to minimize impacts to other resource values, land uses or users not addressed at the time operations are proposed. To the extent consistent with lease rights granted, such reasonable measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specification of interim and final reclamation measures. At a minimum, measures shall be deemed consistent with lease rights granted provided that they do not: require relocation of proposed operations more than 200 meters; require that operations be sited off the leasehold; or prohibit new surface disturbing operations for a period in excess of 60 days in any lease year.

Consistent with these regulations, the BLM may require *at a minimum* that operations be relocated 200 meters (656 feet).⁶² At the time specific lease facilities are proposed (should a lease be issued, and should development of the lease be proposed), the BLM will consider the applicant's plan of operations, and will require that operations protect natural resources and environmental quality (see 43 CFR 3161.2), including watercourses and native fish species.

Such protective measures may include relocation of proposed facilities and operations *more than* 500 or even 656 feet, based upon the data and evidence evaluated in the BLM's site-specific environmental record of review, and upon review of the measures relative to the lease rights granted. With the BLM's substantial authority to determine "the appropriate terms and conditions" (43 CFR 3162.5-1(a)) of the proposed lease development activities and in with consideration of the resource-management implications

⁶² See also *Yates Petroleum Corporation*, 176 IBLA 144, 156 (2008). In that case, an appellant challenged a BLM-Wyoming field office decision to impose operational constraints beyond a relocation of 200 meters or a delay of 60 days: "Yates [the appellant] posits an interpretation of the rule, however, that limits BLM's authority to impose siting and timing parameters in COAs requiring relocation of proposed operations by no more than 200 meters or prohibiting surface disturbance for a period not to exceed 60 days.... But Yates' constrained interpretation of a "reasonable measure" is at odds with the plain language of the regulation, which describes what measures "at a minimum" are deemed consistent with lease rights, and does not purport to prohibit as unreasonable *per se* measures that are more stringent. The Preamble to the regulation is just as clear: "[T]he authority of the Bureau to prescribe 'reasonable,' but more stringent, protection measures is not affected by the final rulemaking." 53 Fed. Reg. 17,340-341 (May 16, 1988).

of scientific findings, we agree with the HDD's response in the EA. For the reasons provided in this (and previous) responses, we deny this portion of TU's protest.

28. **"With respect to this lease sale, new information has become available regarding the reality of climate change in Wyoming, and the associated impacts on fish and wildlife and their habitats. Such information was not included in the BLM's previous land management planning NEPA analysis...." (TU Protest at page 17).**

BLM Response

In the May 2012 Sale EA, the BLM explained (at page 66):

In addition to the air quality information in the RMPs cited above, new information about greenhouse gases (GHGs) and their effects on national and global climate conditions has emerged since the RMPs were prepared.

The EA provides a detailed description of the affected environment with respect to climate and climate change (see EA at pages 71-75), and provides analysis of the potential impacts (EA at pages 118-122), including potential impacts to wildlife. The EA states (at page 118):

The administrative act of leasing... would not result in any direct GHG emissions. However, in regard to future development, the assessment of GHG emissions and climate change is in its formative phase. While it is not possible to accurately quantify potential GHG emissions in the affected areas as a result of making the proposed tracts available for leasing, some general assumptions however can be made: offering the proposed tracts may contribute to drilling new wells.

The EA contradicts TU's assertion that the BLM is offering these parcels "without taking climate change into account" (TU Protest at page 18). TU argues that the EA "should include updated references on the impacts to watersheds and habitat based upon recent and numerous studies rather than claiming the difficulty in evaluating any climate change impacts" (TU Protest at page 17). However, the EA does include several references (aside from those contained in the text already referenced, above, see EA at pages 148-149).

The Department of the Interior, in promulgating its own regulations regarding implementation of NEPA,⁶³ stated:

The extent to which agencies address the effects of climate change on the aspects of the environment affected by the proposed action depends on the specific events of the proposed action, their nexus with climate change effects on the same aspects of the environment, and their implications for adaptation to the effects of climate change. Whether and to what extent greenhouse gas emissions and/or climate change effects warrant analysis is the type of determination that Responsible Officials make when determining the appropriate scope of the NEPA analysis.

In our review of the EA, we find that the BLM has provided concise, meaningful disclosure and analysis

⁶³ 73 FR 61293 (October 15, 2008).

of the effects of offering the parcels in relation to climate and climate change, provided adequate reference to the information they have considered, and appropriately defined the scope of the NEPA analysis with regard to climate and climate change. For these reasons, we deny this portion of TU's protest.⁶⁴

29. **"TU protests [ten] parcels in the Rawlins Field Office resource area because these parcels are located in sensitive native and wild trout coldwater fisheries watersheds... TU's main concern is the lack of any substantial setback or buffer establishment that would further protect these important watersheds." (TU Protest at page 18).**

BLM Response

Please refer to our response to Issue No. 27, above. Consistent with the rationale in that portion of our response, we deny this portion of TU's protest.

30. **"TU protests [12] parcels in the Rock Springs Resource Area because these lease parcels are located in watersheds that are potential CRCT habitat and other coldwater fisheries...." (TU Protest at page 23). "TU is not asking that these parcels be removed from any lease sale; rather, we specifically request stronger lease stipulations that provide protection measures for water quality and habitat that is suitable for future populations of CRCT...." (*Id.*).**

BLM Response

Please refer to our response to Issue No. 27, and refer to Footnote 56. The BLM has determined that, for the parcels to be offered in the May 2012 Sale, the lease stipulations under the approved RMPs are adequate to protect resource values. TU has not provided objective data or evidence to contradict this determination. For these reasons, we deny this portion of TU's protest.

31. **"TU protests [3] parcels in the Kemmerer Resource Area because these lease parcels are located in watersheds defined as potential Colorado River cutthroat trout habitat and potential Bonneville cutthroat trout habitat.... Reducing the risk of increasing harm to sensitive species can be completed by establishing stronger buffers along streams and rivers...." (TU Protest at page 25).**

BLM Response

While increasing watercourse buffers may reduce potential impacts to a resource such as sensitive species, where there are competing resource uses and values in the same area, Section 103(c) of FLPMA (43 U.S.C. §1702(c)) requires that the BLM manage the public lands and their various resource values so that they are utilized in the combination that will best meet multiple use and sustained yield mandates. Please refer to our response to Issue No. 27, and refer to Footnote 56. The BLM has determined that, for the parcels to be offered in the May 2012 Sale, the lease stipulations under the approved RMPs are adequate to protect resource values. TU has not provided objective data or evidence to contradict this determination. For these reasons, we deny this portion of TU's protest.

⁶⁴ See *Bristlecone Alliance*, 179 IBLA 51 (2010), *Powder River Basin Resource Council*, 180 IBLA 119, 136 (2010), and *Center for Biological Diversity, et al*, 181 IBLA 325 (January 12, 2012).

32. **“...leasing is a major federal action, despite BLM’s attempts to dispute that claim; simultaneously, the BLM informs the public that once a lease is sold, they are barred from prohibiting surface disturbances (unless there is a NSO) as it would violate the lease holder’s contractual rights.” (TU Protest at page 28).**

BLM Response

The decision to offer these parcels was made in conformance with the applicable resource area land use plan RODs and approved RMPs. Approval of the RMPs to which the May 2012 Sale EA tiered was made through preparation of an EIS and ROD.⁶⁵ So, for each of the RMPs under which parcels are offered in the May 2012 Sale, the BLM has already completed an EIS that addresses leasing of Federal oil and gas.

TU’s characterization of the BLM’s own understanding of the limitations in prohibiting surface disturbance, absent a NSO, is incorrect. Please refer to our response for Issue No. 27 with regards to surface use rights.

ISSUES – AUDUBON

Audubon participated in the HDD’s public review of the EA, and provided comments to which the HDD responded in Appendix F of the EA. We refer Audubon to HDD’s responses in Appendix F of the EA for additional detail on the BLM’s position regarding the arguments Audubon raises or repeats in their protest.

In their protest, Audubon lists 42 parcels that they are protesting “comprising tens of thousands of acres of public land or mineral estate within identified Greater sage-grouse Core Population Areas...” (Audubon Protest at page 1). The BLM has confirmed that all of the protested parcels are, in fact, located either entirely or partially in Core Area.

33. **“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.” (Audubon Protest at page 1). “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 Protest at page 2).**

BLM Response

Please refer to our responses above and in particular to Issue No. 1. The EA (and the EISs to which it tiers) describe potential impacts to sage-grouse, and we find that the record provides adequate information for the decision-maker to determine if significant (new) impacts may occur under the alternatives

⁶⁵ See 516 DM 11.8(B)(1). See also 43 CFR 1601.0-6, which states “[a]pproval of a resource management plan is considered a major Federal action significantly affecting the quality of the human environment...”

analyzed. Of the 143 parcels reviewed by the BLM for the May 2012 Sale that were located in Core Areas, the BLM has deferred or deleted 101 (71 percent) of the parcels entirely; additional portions of parcels were deferred or deleted, as well.⁶⁶ The parcels (or portions of parcels) that the BLM intends to offer for the May 2012 Sale have all passed the BLM-Wyoming's sage-grouse screen. While Audubon contends that any additional leasing in Core Areas will "have significant impacts," we find that the decision-maker has adequate information and data from which to make a decision for the May 2012 Sale.

On the USFWS' listing decision, BLM has explained to the public:⁶⁷

Based on the identified threats to the greater sage-grouse and the USFWS timeline for making a listing decision on this species, the BLM needs to incorporate explicit objectives and adequate conservation measures into RMPs within the next 3 years in order to conserve greater sage-grouse and avoid a potential listing under the Endangered Species Act. The planning strategy will evaluate the adequacy of BLM RMPs and address, as necessary, revisions and amendments throughout the range of the greater sage-grouse....

In the interim, until the BLM is able to "incorporate explicit objectives and adequate conservation measures into RMPs" through our land use planning process, the BLM-Wyoming has provided policy direction (IM No. WY-2012-019) through coordination with the State of Wyoming and USFWS (among others) for making implementation decisions (such as offering and issuing oil and gas leases) under approved RMPs, while balancing the need for energy production from public lands.

We deny this portion of Audubon's protest.

34. **"Although BLM applied the sage-grouse screen, per IM WY-2010-013, it failed to account for new scientific findings and recommendations set forth in [the NTT Report]. BLM's analysis of the lease parcels is inadequate because it was not revisited to consider the scientific recommendations of the [NTT Report]." (Audubon Protest at page 2). "At this point in time, a conservation approach to grouse conservation must defer to the NTT recommendations." (Audubon Protest at page 3).**

BLM Response

Please see our responses above and in particular our responses to Issue No. 2. This portion of Audubon's protest is denied.

35. **"...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." (Audubon Protest at page 3).**

BLM Response

In this argument, Audubon refers to the BLM's data and published map showing "Greater Sage-grouse

⁶⁶ Of the 438,432 acres reviewed for the May 2012 sale by the BLM, approximately 45,686 acres would be offered in Core Areas as described in the Notice and as modified by Information Notice #2. Based upon other information collected by the WSO, the BLM-Wyoming has deferred 666,722 acres of lease parcels within Core Areas since 2010.

⁶⁷ See <http://www.blm.gov/wo/st/en/prog/more/sagegrouse/eastern.html>

Range-Wide Breeding Density Thresholds.”⁶⁸ These data (and the polygon boundaries displaying the breeding densities) were developed (through contract) by the BLM, as described to the public.⁶⁹

Although some state fish and wildlife agencies have identified sage-grouse “core areas,” the fundamental question, “where are the sage-grouse?” had never before been answered on a range-wide scale. This is the first cooperative federal-state-private effort that looks at sage-grouse densities in a consistent way across the West using a peer-reviewed scientific methodology....

“It is important to emphasize that the Breeding Bird Density Map is not a substitute for state specific delineation of core habitat areas,” cautions Frank Quamen, who manages the project from the BLM’s National Operations Center in Denver. “The map is a backdrop to the States’ efforts – a big-picture look at where the birds are West-wide.” Some States, such as Wyoming, have already delineated core habitat areas while others are using the Breeding Bird Density Map as a starting point for this task.

In implementing the BLM’s sage-grouse screen for lease parcels, the BLM does not use the “coarse scale” breeding density map but, rather, the State of Wyoming’s Core Population Areas map.⁷⁰ The State’s Core Areas provide the BLM (and other landowners and agencies) with the appropriate boundaries for applying the Governor’s Core Population Area strategy, which has been supported by the USFWS.

The USFWS recognized the Wyoming Core Areas as those areas within Wyoming that were “identified preliminarily as high density breeding areas for sage-grouse by the Wyoming State Governor’s Executive Order.”⁷¹ Thus, as agreed to by the State of Wyoming, USFWS, and BLM, the Core Areas provide a fine-scale delineation of high-density breeding areas for sage-grouse.

For these reasons, we deny this portion of Audubon’s protest.

36. “...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..., (4) compromise the Audubon Vision of ‘Open spaces rich in birds and other wildlife, and citizens who value that richness;’ (5) violate [FLPMA] provisions, including the multiple-use, sustained-yield mandate 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 the Interior’s stewardship responsibility of the nation’s public lands and wildlife resources.” (Audubon Protest at pages 4-5).

BLM Response

First, the BLM has determined that offering the parcels as described in the Notice (and as modified by Correction #2) will not constrain the BLM’s ability to complete the RMP sage-grouse amendments or select from a reasonable range of alternatives in those RMP EISs (see our response to Issue Nos. 1 and 2, above). Offering these parcels is in conformance with the approved RMPs and applicable BLM policy.

⁶⁸ See http://www.blm.gov/wo/st/en/prog/more/sagegrouse/documents_and_resources/greater_sage-grouse0.html

⁶⁹ See http://www.blm.gov/wo/st/en/prog/more/fish_wildlife_and/sage-grouse-conservation/bird_density.html

⁷⁰ Currently “Version 3” of the Core Areas. Available at <http://gf.state.wy.us/web2011/wildlife-1000382.aspx>

⁷¹ FWS’s 12-Month Finding, page 40, available at <http://www.fws.gov/wyominges/PDFs/Findings/SageGrouse/FR03052010.pdf>

The BLM has substantial authority to ensure that (should a successful bid be received, a lease issued, and development operations proposed on the protested parcels) current and appropriate conservation measures are applied to actions taken on Federal oil and gas leases.

Next, Audubon argues that offering the protested parcels would “violate” existing BLM policies. In fact, offering the parcels is consistent with current BLM policy (as we have described, above). Rather, not offering the protested parcels would be inconsistent with policy, since all of the protested parcels passed the sage-grouse leasing screen described in current BLM policy (IM No. WY-2012-019).

In response to Audubon’s argument that the BLM has violated NEPA, we have carefully reviewed the EA prepared by the HDD which tiers to the applicable RMP EISs. We find that the record provides ample information and disclosure for the decision-maker to make an informed decision.

In *Robertson v. Methow Valley Citizens Council* (490 U.S. 332 (1989)), the U.S. Supreme Court found:

NEPA itself does not impose substantive duties mandating particular results but simply prescribes the necessary process for preventing uninformed – rather than unwise – agency action. If adverse environmental effects of the proposed action are adequately identified and evaluated, the agency is not constrained by NEPA from deciding that other values outweigh environmental costs.

NEPA is an “essentially procedural” statute, meant to ensure “a fully informed and well-considered decision, not necessarily” the best decision. *Vermont Yankee Nuclear Power Corp. v. Natural Res. Def. Council, Inc.*, 435 U.S. 519 (1978).

The intent of preparing an environmental assessment is to briefly provide sufficient evidence and analysis for determining whether to prepare an EIS or a FONSI (40 CFR 1508.9).

We find that the BLM has provided “reasoned analysis containing quantitative or detailed qualitative information” (BLM’s NEPA Handbook at page 131) in the EA and RMP EISs to which it tiers – has taken a hard look – about the effects of offering the protested parcels, and has satisfied NEPA’s procedural requirements.

Next, Audubon argues that offering and leasing the protested parcels will “compromise” Audubon’s vision of “[o]pen spaces rich in birds and wildlife, and citizens who value that richness.” However, the BLM must consider applicable laws, regulations, and policies that have prompted the BLM to consider offering the protested parcels; to the extent that Audubon’s vision aligns with the goals and objectives of the approved RMPs, offering these parcels may not compromise Audubon’s vision. Regardless, the BLM cannot defer to a single entity’s vision when fulfilling its obligations under FLPMA and the Mineral Leasing Act (MLA). During the RMP process, Audubon has had (and continues to have) ample opportunity to provide input to the management goals and objectives for management of public lands.

Next, Audubon argues that offering the protested parcels will violate FLPMA’s multiple use and sustained yield mandates, and the prohibition of “undue or unnecessary degradation.”

Section 302(a) of FLPMA directs the Secretary of the Interior to manage the public lands under principles of multiple use and sustained yield “in accordance with the land use plans developed under section

202 of this Act...” Section 302(b) of the Act states in part, “[i]n managing the public lands the Secretary shall, by regulations or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.”

As we have described, previously, offering the protested parcels is in conformance with the approved RMPs, which were prepared pursuant to Section 202(c) of FLPMA, which requires:

In the development and revision of land use plans, the Secretary shall— (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law...

Audubon has not provided objective evidence that the approved RMPs do not “use and observe” the principles of multiple use and sustained yield. Regardless, a challenge of the RMPs is outside the scope of this protest.

Similarly, Audubon has not demonstrated that offering these parcels (with the stipulations provided as described in the Notice and in consideration of the Core Area Population strategy and the BLM’s related policies) will result in injury to sage-grouse. Accordingly, “unnecessary or undue degradation” to the public lands will not occur, and Audubon has failed to show otherwise. As the IBLA held in *Colorado Environmental Coalition*, 165 IBLA 221. 229 (2005):

...to show that an action results in undue or unnecessary degradation of leasehold land, at a minimum, an appellant would have to show that a lessee’s operations are or were conducted in a manner that does not comply with applicable law or regulations, prudent management practice, or reasonably available technology, such that the lessee could not undertake that action pursuant to a valid existing right.

Finally, Audubon argues that by offering these parcels in accordance with the approved RMPs, the BLM is “at risk” of undermining the public’s trust in the DOI’s stewardship of the public lands. We disagree. In the BLM’s administration of activities on public lands for multiple-use management (“a deceptively simple term that describes the enormously complicated task of striking a balance among the many competing uses to which land can be put...⁷²), the BLM continues to follow applicable laws, our regulations, and policies to (43 CFR 1601.0-2):

...maximize resource values for the public through a rational, consistently applied set of regulations and procedures....

For the reasons described above, we deny this portion of Audubon’s protest.

37. “The Purpose and Need section must be changed to recognize that BLM must comply with all applicable law.... ...[and] must recognize BLM’s goals regarding sage-grouse recovery....” (Audubon Protest at pages 5-6).

⁷² *Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 58 (2004).

BLM Response

In the EA, the BLM identified the purpose and need, and clearly stated the importance of “protecting other resource values” subject to (EA at page 2):

...guiding laws, regulations, and Land Use Planning decisions....

While Audubon contends that the BLM did not explicitly “recognize” (Audubon Protest at page 5) that the BLM must “comply with all applicable law,” we find that the EA adequately discloses the purpose and need in context with applicable law.

Next, Audubon argues that the purpose and need fails to recognize BLM goals regarding sage-grouse recovery efforts. The purpose and need as described in the EA “briefly specif[i]es] the underlying purpose and need to which the agency is responding” (40 CFR 1502.13). The EA (and the EISs to which it tiers), the record, and BLM’s public disclosure on its sage-grouse conservation strategy show that the BLM carefully considered the conservation of sage-grouse and its habitat in developing alternatives for the May 2012 Sale in order to respond to the EA’s stated purpose and need. For these reasons, we deny this portion of Audubon’s protest.

- 38. “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.” (Audubon Protest at page 6).**

BLM Response

See our response to Issue No. 33, above. In addition, Audubon overlooks BLM’s alternative to defer all parcels, including those within sage-grouse core areas. The EA (at page 8) included “Alternative A – No Action” that would “not offer any of the ... parcels available for lease at the May 2012 lease sale.” This alternative remains available for the decision-maker to select, or a hybrid alternative that selects from elements of more than one alternative,⁷³ including deferral of all parcels located within Core Areas. Because the HDD’s EA included an adequate range of reasonable alternatives, we deny this portion of Audubon’s protest.

- 39. “The stipulations and other conditions in the Lease Sale have been repeatedly shown to be scientifically inadequate, and inconsistent with the NTT recommendations.” (Audubon Protest at pages 7-8).**

BLM Response

Please see our responses to Issue Nos. 2 and 6, above. We deny this portion of Audubon’s protest.

- 40. “...deferral of the core area parcels south of Rawlins is essential to ensuring continued connectivity between Colorado and Wyoming sage-grouse populations.” (Audubon Protest at page 8).**

⁷³ See 43 CFR 46.420(c): “The Responsible Official must not consider alternatives beyond the range of alternatives discussed in the relevant environmental documents, but may select elements from several alternatives discussed.”

BLM Response

BLM policy for protection of sage-grouse habitat (IM No. WY-2012-019),⁷⁴ under which offering the protested parcels is consistent, was crafted (at page 1):

...to manage Greater Sage-Grouse seasonal habitats and maintain connectivity in identified areas in support of the population management objectives set by the State of Wyoming.

The policy includes interim management conservation measures for "connectivity areas" (see pages 3-6, and this, at page 8):

Within sage-grouse connectivity habitats identified by the Governor's EO (2011-5), the BLM's goal is to maintain or enhance seasonal habitats in support of the connectivity population management objectives of the State

While the State of Wyoming and the Governor's Sage-Grouse Implementation Team have identified "connectivity areas" within the State of Wyoming, the protested parcels are not located in one of these areas. The BLM, in its management of public lands containing sage-grouse habitat in support of the population objectives established by the State of Wyoming, has appropriately considered potential impacts to sage-grouse, including connectivity of populations for genetic exchange. Therefore this portion of Audubon's protest is denied.

41. "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." (Audubon Protest at page 9). "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)...' It appears that BLM disputed (sic) May 2012 EA similarly failed to consider the WAFWA Report, a fatal flaw." (Audubon Protest at page 10).

BLM Response

None of the protested parcels are located within the Pinedale Field Office. In addition, though the EA does not specifically provide the WAFWA report as a reference, the BLM has considered the WAFWA report in developing its greater sage-grouse conservation strategy and applicable policies, including those that have been used in the BLM's process for reviewing the May 2012 Sale.⁷⁵ Therefore, we deny this portion of Audubon's protest.

⁷⁴ Though the BLM-Washington Office has issued an IM (No. 2012-043, "Greater Sage-Grouse Interim Management Policies and Procedures" dated December 22, 2011) regarding interim management actions in sage-grouse habitats, that policy does not apply to the fluid minerals program in Wyoming ("The BLM field offices do not need to apply the conservation policies and procedures described in this IM in areas in which (1) a state and/or local regulatory mechanism has been developed for the conservation of the Greater Sage-Grouse in coordination and concurrence with the FWS (including the Wyoming Governor's Executive Order 2011-5, Greater Sage-Grouse Core Area Protection); and (2) the state sage-grouse plan has subsequently been adopted by the BLM through the issuance of a state-level BLM IM."). Therefore, the applicable BLM policy is provided in IM No. WY-2012-019.

⁷⁵ Available at <http://www.wafwa.org/documents/pdf/GreaterSage-grouseConservationStrategy2006.pdf>

42. “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 Protest at page 10). “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. (Audubon Protest at page 11).

BLM Response

The EA addresses cumulative impacts at pages 142-143, including (at page 142):

Offering the subject parcels for lease, and the subsequent issuance of leases, in and of itself, would not result in any cumulative impacts. The referenced RMPs/EISs provide cumulative affects analysis for oil and gas development based on the reasonable, foreseeable oil and gas development scenario. This analysis is here by incorporated by reference. The offering of the proposed lease parcels is consistent with that analysis.

Other than pointing to the existence of other projects in the Rawlins planning area (of which the BLM was already aware), Audubon has not provided data or new information to suggest that the cumulative impacts analysis provided in the EA and EISs to which it tiers is inadequate. For these reasons, we deny this portion of Audubon’s protest.

ISSUES – MEGHAN LALLY

Meghan Lally did not participate in public review of the EA offered by the BLM. Since this protestor did not provide a mailing address, the WSO is unable to provide a written copy of our response to her.

43. “I would like to protest... parcel WY-1205-008. Battle Mountain has wildlife values that I believe would be irrevocably harmed by development in this area. I also live adjacent to some of the approved sites and I am concerned about impacts to the surface water supply of my home.” (Meghan Lally’s Protest at page 1).

BLM Response

The protestor challenges the BLM’s decision to offer Parcel -008 at the May 2012 Sale based upon concerns related to “development in this area,” presumably of oil and gas resources and not of home sites or other resources. While the EA acknowledges and discloses (to the extent foreseeable) impacts that may arise from development actions, there is uncertainty whether (should the lease be issued) development of lease parcel -008 will be proposed and what the context and intensity of site-specific impacts may be. In this protest, the BLM was not provided any objective data or information to support the protestor’s belief that wildlife resources would be “irrevocably harmed.” The EA (and the RMPs to which it tiers) provides a detailed review of the potential impacts to wildlife (see pages 122-126) and water resources (see pages 130-133).

Ms. Lally has failed to demonstrate that the offering the protested parcels is not in conformance with the approved RMPs, or that the May 2012 oil and gas leasing EA’s analysis “was premised on a clear error of

law or a demonstrable error of fact, or that the analysis failed to consider an environmental question of material significance to the action for which the analysis was prepared." *Randy A. Green*, 177 IBLA 264 (2009). For this reason, we deny the protest.

DECISION

After a careful review, it was determined that all of the protested parcels described in the Notice of Competitive Oil and Gas Lease Sale (as modified by Information Notice #2) will be offered at the May 1, 2012, sale. The protests to these parcels are denied or dismissed for the reasons described, above.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (Attachment 7). If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from your receipt of this decision. The protestor has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision, to the Interior Board of Land Appeals, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the protestor's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.



Larry Claypool
Deputy State Director,
Minerals and Lands

2 - Attachments

- 1 - BLM-Wyoming May 2012 Competitive Oil and Gas Lease Sale - Protested Parcels
- 2 - Sage-grouse Screening Map of Preliminary Parcel No. WY-1205-069
- 3 - Sage-grouse Screening Map of Preliminary Parcel No. WY-1205-215
- 4 - Map 1 of May 2012 Parcels, Adobe Town WSA, Adjacent Units, and Active Wells
- 5 - Map 2 of May 2012 Parcels, Adobe Town WSA, Adjacent Units, and Active Wells
- 6 - Map Displaying TU's Protested Parcels and BLM Oil & Gas Field Development NEPA Areas
- 7 - Form 1842-1

cc:

State Offices

District Manager, High Desert District

Field Manager, Kemmerer Field Office

Field Manager, Pinedale Field Office

Field Manager, Rawlins Field Office

Field Manager, Rock Springs Field Office

District Manager, High Plains District

District Manager, Wind River/Bighorn Basin District

Deputy State Director, Division of Minerals and Lands (920)

Deputy State Director, Division of Resources (930)

Chief, Branch of Fluid Minerals, Land, and Appraisal (921)

Chief, Branch of Leasing and Adjudication (923) e-mail & final copy on letterhead

Sue Moberly (923) e-mail & final copy on letterhead

Travis Bargsten (921) e-mail & final copy on letterhead

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
- 1. NOTICE OF APPEAL.....**
- 2. WHERE TO FILE**
- NOTICE OF APPEAL..... Bureau of Land Management
5353 Yellowstone Road, Cheyenne, WY 82009 or P. O. Box 1828, Cheyenne, WY 82003
- WITH COPY TO SOLICITOR... U.S. Department of the Interior, Office of the Solicitor, Rocky Mountain Region, 755 Parfet St., #151, Lakewood, CO 80215
- 3. STATEMENT OF REASONS**
- WITH COPY TO SOLICITOR..... U.S. Department of the Interior, Office of the Solicitor, Rocky Mountain Region, 755 Parfet St., #151, Lakewood, CO 80215
- 4. ADVERSE PARTIES.....**
- 5. PROOF OF SERVICE.....**
- 6. REQUEST FOR STAY.....**
- Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.
- Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

Attachment 1

May 2012 Oil and Gas Lease Sale Parcel Review (1205)										
Lease In Entirety (with applicable LNs and special lease stipulations)										
Defer or Delete in Entirety										
Defer or Delete in Part										
By: TDB		L=Lease, D=Defer, P=Partial, X=Delete								3/29/2012
Parcel No.		FO(s)	Core?	Protested						Acres
Preliminary	Final			BCA/RMW	WOC	TWS	LLC	TU	WRA	
-001	-001	RFO								320.00
-002	-002	RFO								1,088.60
-003	-003	RFO								639.94
-004	-004	RFO	Y	X					X	320.00
-005	-005	RFO	Y	X					X	2,355.65
-006	-006	RFO	Y	X					X	1,984.60
-007	-007	RFO	Y	X					X	1,400.00
-008	-008	RFO	Y	X			X	X	X	740.19
-009	-009	RFO	Y	X			X	X	X	723.56
-010	-010	RFO	Y	X					X	2,232.15
-011	-011	RFO	Y					X	X	1,135.76
-012	-012	RFO	Y					X	X	2,156.31
-013	-013	RFO	Y	X						-
-014	-014	RFO	Y	X					X	439.53
-015	-015	RFO	Y	X					X	1,571.03
-016	-016	RFO	Y	X						-
-017	-017	RFO	Y	X						-
-018	-018	RFO	Y	X						-
-019		RFO	Y							
-020	-019	RFO		X						1,159.22
-021	-020	RFO	Y	X					X	2,449.64
-022	-021	RFO	Y	X					X	2,221.96
-023	-022	RFO		X						639.12
-024	-023	RFO		X						680.15
-025	-024	RFO	Y	X				X	X	1,305.28
-026	-025	RFO	Y	X				X	X	1,159.23
-027	-026	RFO	Y	X					X	260.87
-028	-027	RFO	Y	X				X		-
-029		RFO	Y							
-030	-028	RFO	Y						X	1,755.36
-031	-029	RFO								2,004.27
-032	-030	RFO	Y						X	720.00
-033	-031	RFO	Y	X					X	640.52
-034	-032	RFO		X						600.00
-035	-033	RFO								807.03
-036	-034	RFO		X						320.00
-037		RFO	Y							
-038	-035	RFO	Y	X					X	40.00
-039		RFO								
-040	-036	RFO	Y	X					X	1,124.15
-041	-037	RFO						X		39.68

May 2012 Oil and Gas Lease Sale Parcel Review (1205)

Lease in Entirety (with applicable LNs and special lease stipulations)

Defer or Delete in Entirety

Defer or Delete in Part

By: TDB		L=Lease, D=Defer, P=Partial, X=Delete								3/29/2012
Parcel No.		FO(s)	Core?	Protested						Acres
Preliminary	Final			BCA/RMW	WOC	TWS	LLC	TU	WRA	
-042	-038	RFO		X				X		80.00
-043	-039	RFO								40.00
-044	-040	RFO								160.00
-045	-041	RFO		X	X	X				920.00
-046	-042	RFO		X		X				680.00
-047		RFO	Y							
-048		RFO	Y							
-049		RFO	Y							
-050		RFO	Y							
-051		RFO	Y							
-052	-043	RFO	Y	X					X	640.00
-053	-044	RFO	Y	X					X	643.36
-054	-045	RFO								1,285.22
-055	-046	RFO								640.00
-056	-047	RFO								640.00
-057		RFO	Y							
-058		RFO	Y							
-059		RFO	Y							
-060		RFO	Y							
-061	-048	RFO	Y	X					X	646.50
-062	-049	RFO		X	X	X				1,721.59
-063	-050	RFO		X	X	X				2,365.26
-064	-051	RFO		X	X	X				2,360.00
-065	-052	RFO		X	X	X				2,493.16
-066	-053	RFO		X	X	X				1,884.27
-067	-054	RSFO								500.23
-068	-055	RSFO								2,560.00
-069	-056	RSFO	Y	X					X	1,288.66
-070	-057	RSFO								1,712.22
-071	-058	RSFO								637.70
-072	-059	RSFO	Y	X					X	1,317.92
-073	-060	RSFO	Y	X					X	946.23
-074		RSFO	Y							
-075		RSFO	Y							
-076	-061	RSFO	Y	X					X	2,175.56
-077	-062	RSFO								640.00
-078		RSFO	Y							
-079		RSFO	Y							
-080		RSFO	Y							
-081		RSFO	Y							
-082		RSFO	Y							
-083		RSFO	Y							
-084		RSFO	Y							

May 2012 Oil and Gas Lease Sale Parcel Review (1205)

Lease in Entirety (with applicable LNs and special lease stipulations)

Defer or Delete in Entirety

Defer or Delete in Part

By: TDB		L=Lease, D=Defer, P=Partial, X=Delete								3/29/2012
Parcel No.		FO(s)	Core?	Protested						Acres
Preliminary	Final			BCA/RMW	WOC	TWS	LLC	TU	WRA	
-085		RSFO	Y							
-086		RSFO	Y							
-087		RSFO	Y							
-088		RSFO	Y							
-089		RSFO	Y							
-090		RSFO	Y							
-091		RSFO	Y							
-092		RSFO	Y							
-093		RSFO	Y							
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-095		RSFO	Y							
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-109		RSFO	Y							
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-119		RSFO	Y							
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-121		RSFO	Y							
-122		RSFO	Y							
-123		RSFO	Y							
-124		RSFO	Y							
-125		RSFO	Y							
-126		RSFO	Y							
-127		RSFO	Y							

May 2012 Oil and Gas Lease Sale Parcel Review (1205)

Lease In Entirety (with applicable LNs and special lease stipulations)

Defer or Delete in Entirety

Defer or Delete in Part

By: TDB		L=Lease, D=Defer, P=Partial, X=Delete								3/29/2012
Parcel No.		FO(s)	Core?	Protested						Acres
Preliminary	Final			BCA/RMW	WOC	TWS	LLC	TU	WRA	
-128		RSFO	Y							
-129		RSFO	Y							
-130		RSFO	Y							
-131		RSFO	Y							
-132		RSFO	Y							
-133		RSFO	Y							
-134		RSFO	Y							
-135		RSFO	Y							
-136		RSFO	Y							
-137		RSFO	Y							
-138		RSFO	Y							
-139		RSFO	Y							
-140		RSFO	Y							
-141		RSFO	Y							
-142		RSFO	Y							
-143		RSFO	Y							
-144		RSFO	Y							
-145		RSFO	Y							
-146		RSFO	Y							
-147		RSFO	Y							
-148		RSFO	Y							
-149		RSFO	Y							
-150		RSFO	Y							
-151		RSFO	Y							
-152		RSFO	Y							
-153		RSFO	Y							
-154		RSFO	Y							
-155		RSFO	Y							
-156	-063	RSFO		X						2,560.00
-157	-064	RSFO						X		1,758.29
-158	-065	RSFO		X				X		2,560.00
-159	-066	RSFO						X		1,675.20
-160	-067	RSFO		X						882.62
-161	-068	RSFO		X						2,560.00
-162	-069	RSFO		X						2,520.00
-163	-070	RSFO		X						2,556.44
-164	-071	RSFO		X						2,560.00
-165	-072	RSFO		X						2,559.60
-166	-073	RSFO								1,244.43
-167	-074	RSFO		X						1,600.00
-168		RSFO	Y							
-169		RSFO	Y							
-170	-075	RSFO							X	1,976.42

May 2012 Oil and Gas Lease Sale Parcel Review (1205)

Lease In Entirety (with applicable LNs and special lease stipulations)

Defer or Delete in Entirety

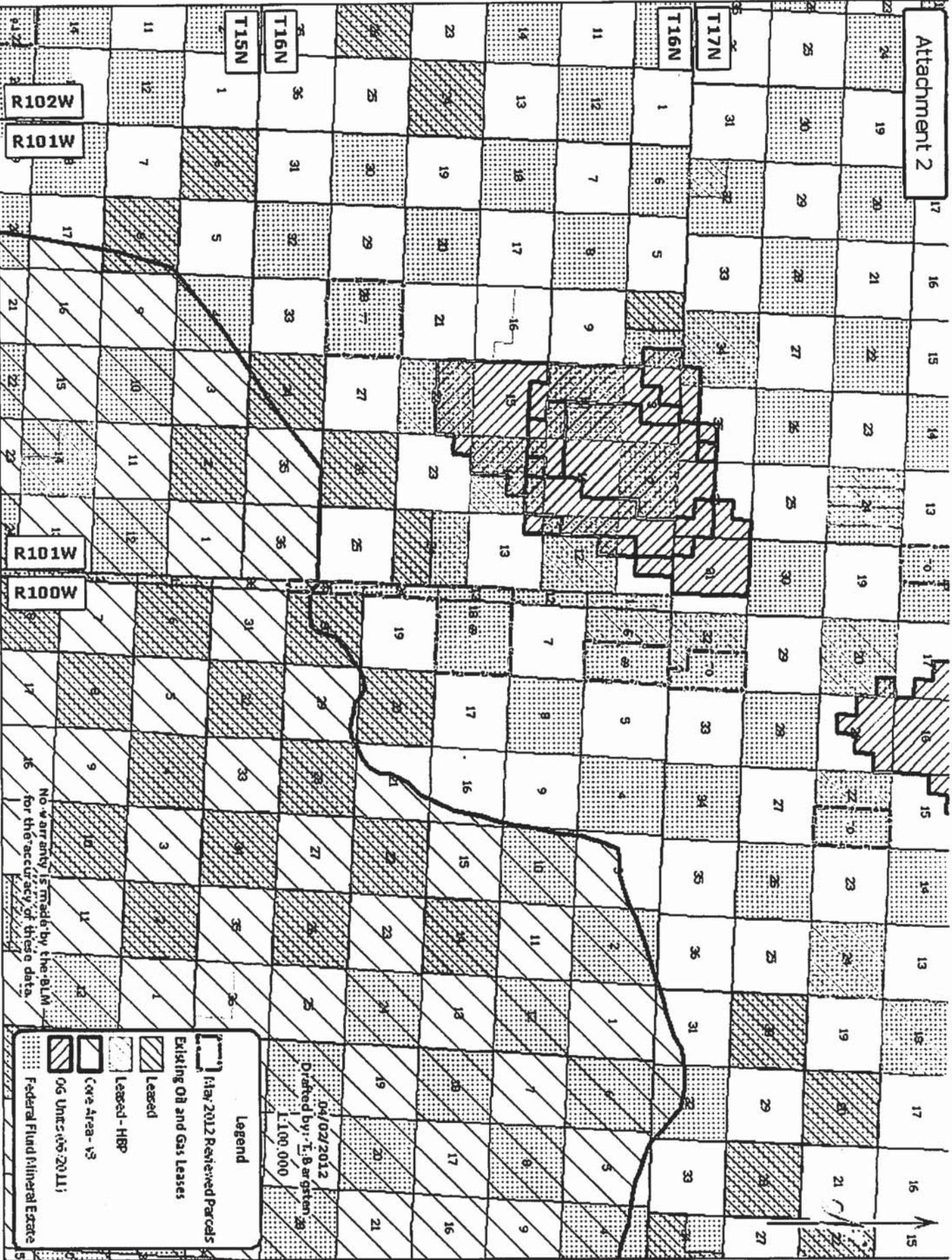
Defer or Delete in Part

By: TDB		L=Lease, D=Defer, P=Partial, X=Delete								3/29/2012
Parcel No.		FO(s)	Core?	Protested						Acres
Preliminary	Final			BCA/RMW	WOC	TWS	LLC	TU	WRA	
-214	-119	KFO								2,481.54
-215	-120	KFO	Y	X					X	2,399.64
-216	-121	KFO								640.00
-217	-122	KFO	Y	X					X	960.00
-218	-123	KFO								200.00
-219	-124	KFO								2,080.00
-220		KFO	Y							
-221	-125	KFO	Y	X					X	120.00
-222		KFO	Y							
-223	-126	KFO	Y	X					X	640.00
-224	-127	KFO								2,441.87
-225	-128	KFO	Y	X					X	680.00
-226		KFO	Y							
-227		KFO	Y							
-228	-129	KFO								640.00
-229	-130	KFO								2,188.95
-230	-131	KFO								2,383.24
-231	-132	KFO								1,101.96
-232	-133	KFO	Y	X					X	625.30
-233	-134	KFO	Y	X					X	641.98
-234	-135	KFO								1,276.19
-235	-136	KFO								1,759.31
-236	-137	KFO								2,560.00
-237	-138	KFO								1,255.72
-238	-139	KFO								2,126.97
-239	-140	KFO								1,800.00
-240	-141	KFO				X				2,437.87
-241	-142	KFO								2,553.20
-242	-143	KFO								1,914.14
-243	-144	KFO								2,240.00
-244	-145	KFO								1,868.23
-245	-146	KFO								1,278.62
-246	-147	KFO				X				2,370.06
-247	-148	KFO				X		X		2,320.00
-248	-149	KFO				X		X		1,707.17
-249	-150	KFO				X				12.32
-250	-151	KFO				X		X		348.25
-251	-152	KFO								38.37
-252	-153	RFO	Y					X	X	879.60

252 153 252 143 65 12 7 2 24 42 222,643.31
 61%

Actual: 59 12 7 2 23 42
 Actual (All): 85

Attachment 2



No warranty is made by the BLM for the accuracy of these data.

Legend

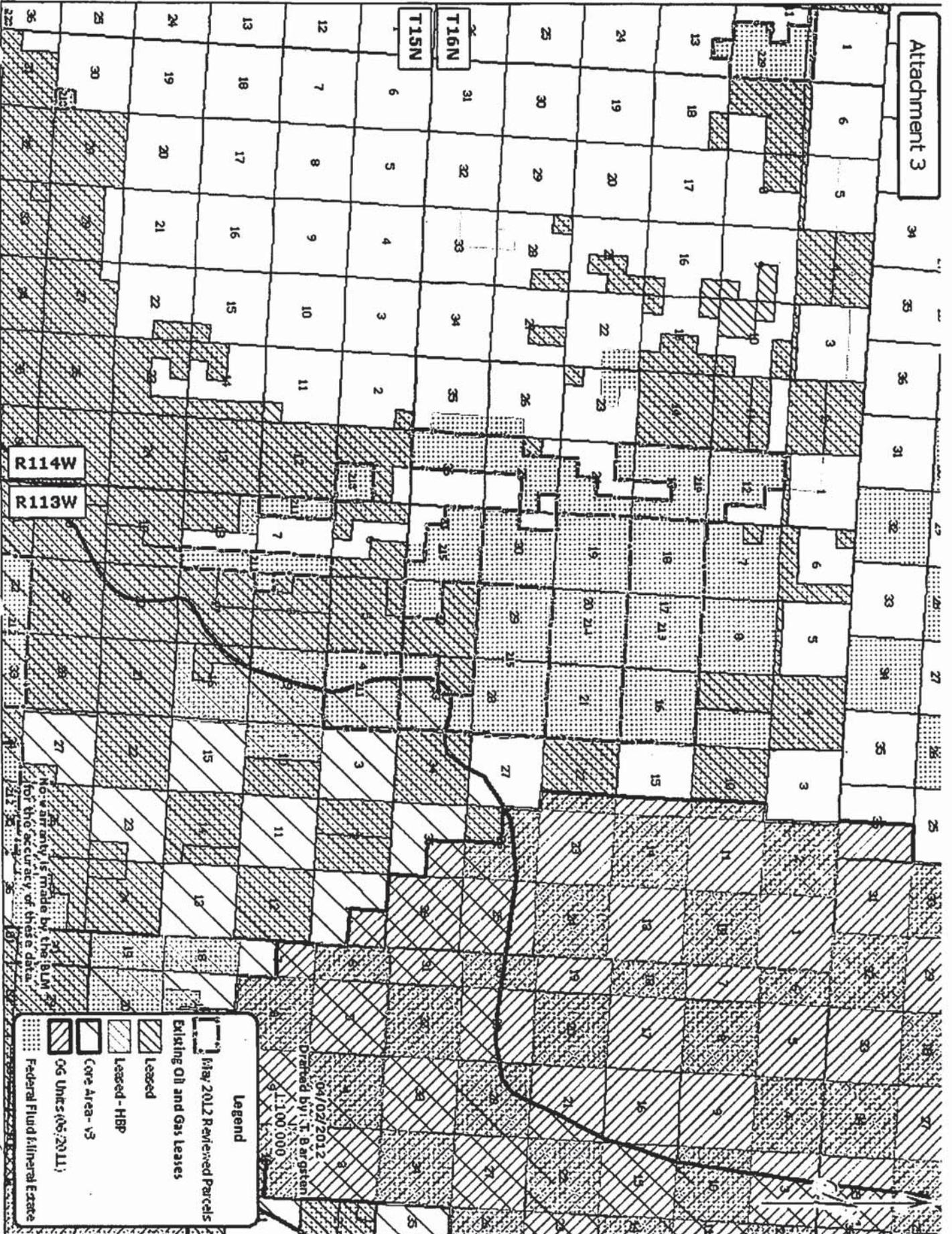
May 2012 Reviewed Parcels

Existing Oil and Gas Leases

- Leased
- Leased - HBP
- Core Area - V3
- OG Units (05/2011)
- Federal Fluid Mineral Estate

04/02/2012
 Drafted by: T. Bergsten
 1:100,000

Attachment 3



R114W
R113W

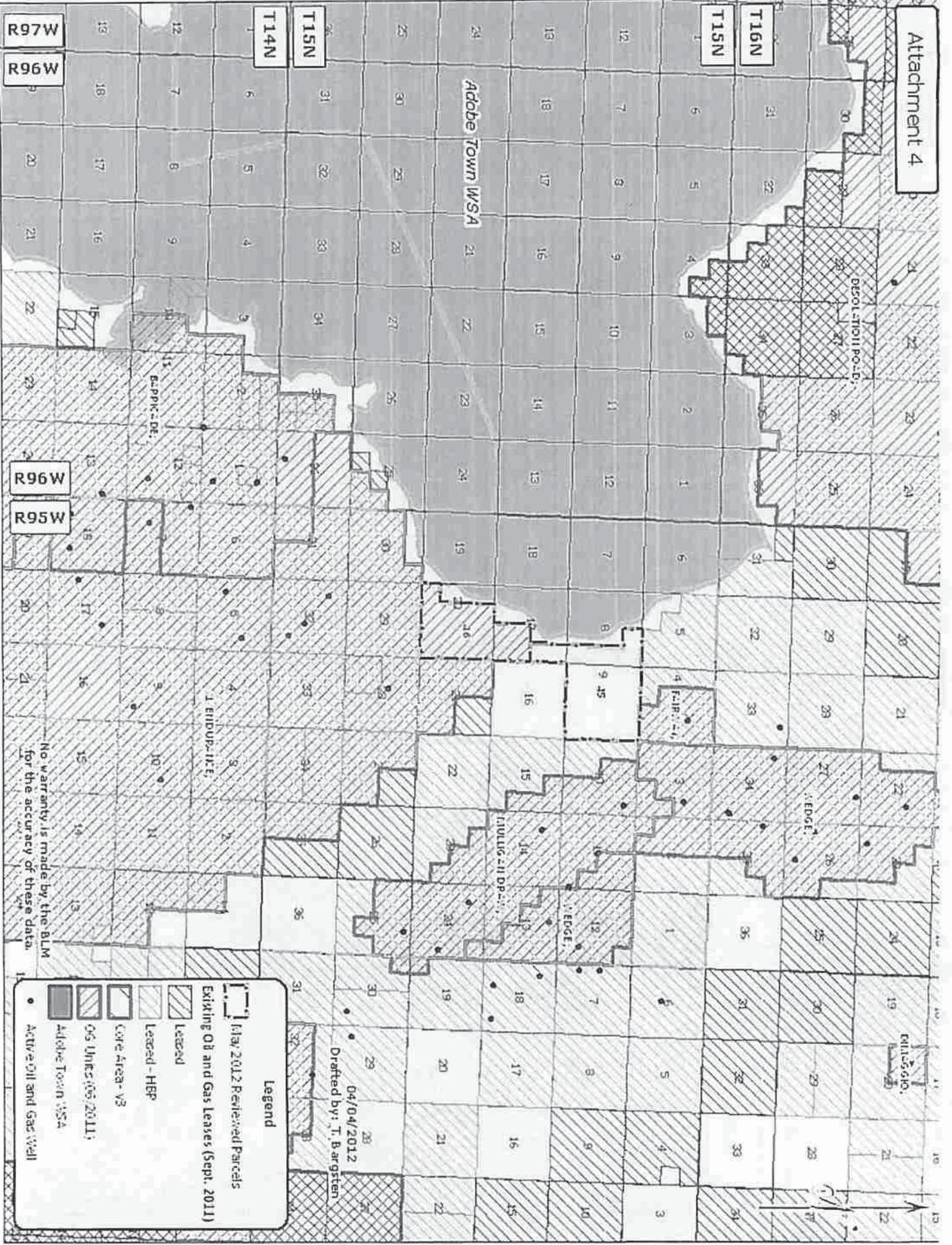
No warranty is made by the BLM for the accuracy of these data.

Legend

- May 2012 Reviewed Parcels
- Existing Oil and Gas Leases
- Leased
- Leased - HBP
- Core Area - V3
- OG Units (06/2011)
- Federal Fluid Mineral Estate

04/02/2012
Drawn by: T. Bargsten
1:100,000

Attachment 4



R97W
R96W

T14N
T15N

T16N
T15N

R96W
R95W

No warranty is made by the BLM
for the accuracy of these data.

Legend

- May 2012 Reviewed Parcels
- Existing Oil and Gas Leases (Sept. 2011)
- Lease
- Lease
- Lease - HBP
- Lease - HGP
- Core Area- V3
- 06 Units (06/2011)
- Adobe Town WSA
- Active Oil and Gas Well

04/04/2012
Drafted by: T. Bargsten

Attachment 5

R99W

R98W

R98W

R97W

T13N

T14N

T12N

T13N

Adobe Town WSA

No warranty is made by the BLM for the accuracy of these data.

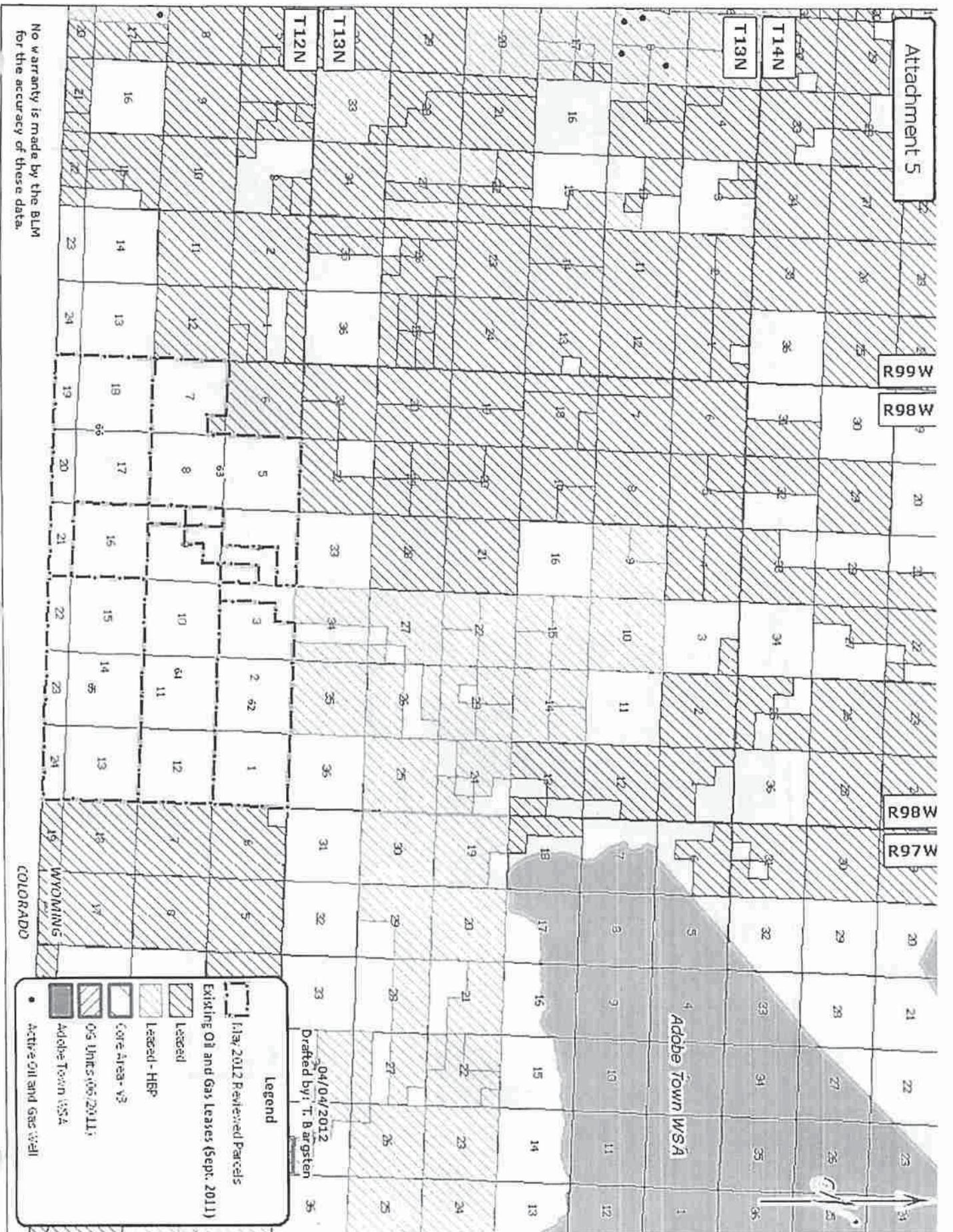
COLORADO

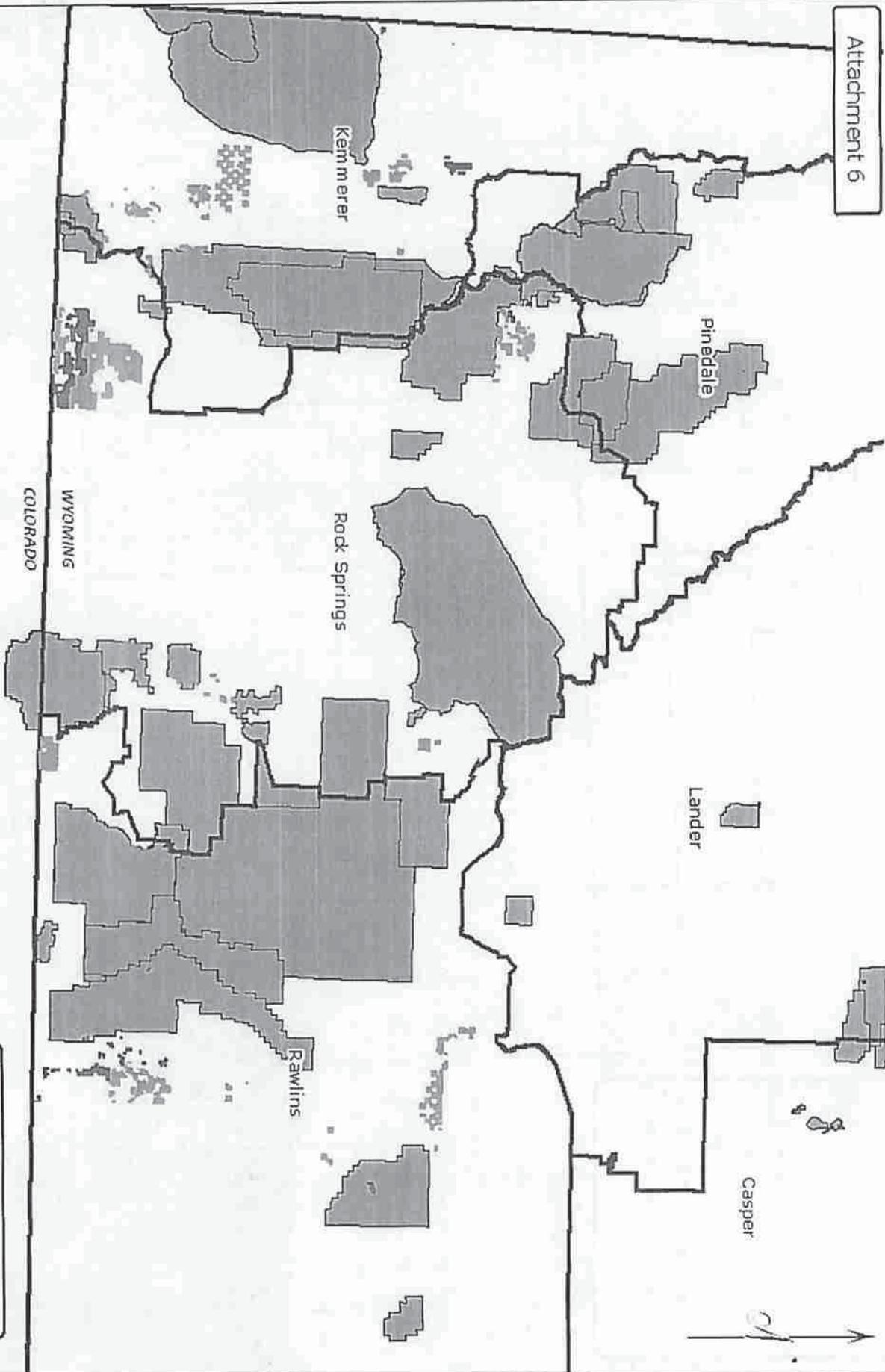
WYOMING

Legend

- May 2012 Reviewed Parcels
- Existing Oil and Gas Leases (Sept. 2011)
- Leased
- Leased - HRP
- Core Area - V3
- OS Unincorporated
- Adobe Town WSA
- Active Oil and Gas Well

04/04/2012
Drafted by: T. Burgen





1:1,500,000

04/11/2012
Drafted by: T. Barstun

No warranty is made by the BLM
for the accuracy of these data.

Legend

- Parcels Protested by TU
- May 2012 Final Parcels
- BLM-019 Oil & Gas NEPA Boundaries



BLM

BLM > More BLM Programs > Fish, Wildlife and Plant Conservation > Sage-grouse > Managing Needs

Print Page

- National**
- What We Do
 - Visit Us
 - Information Center
 - Get Involved
 - Our Offices/Centers
 - Contact Us

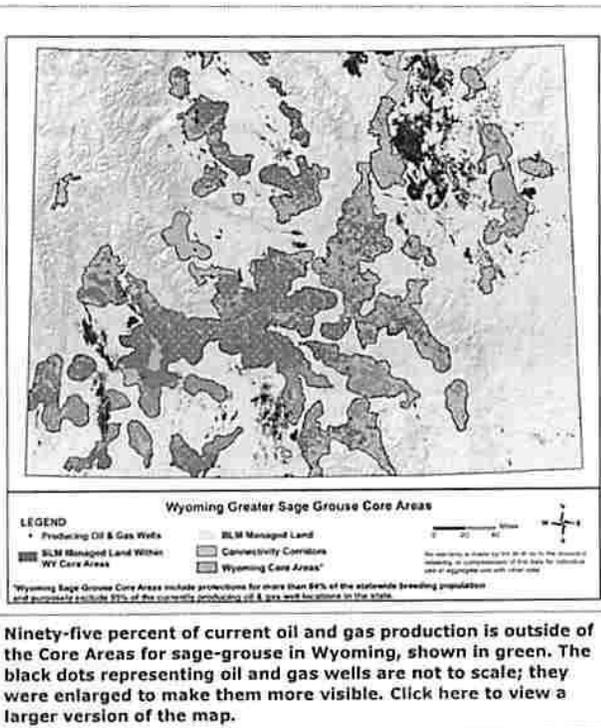
**The BLM's Balancing Act:
Managing the Needs of People and
Sage-grouse on Public Lands**

- The BLM and Sage-grouse Conservation
- BLM's Balancing Act
 - Breeding Bird Density Map
 - Protecting Habitat in Fire-Prone Areas
 - Telemetry Aids Restoration
 - More Information on Sage Grouse

As the wide open spaces of the West continue to shrink, people increasingly seek access to public lands for all types of commercial and recreational uses. Wildlife species, such as the sage-grouse, depend on these undeveloped spaces too. This puts the BLM at the center of a precarious balancing act, as managers must decide what lands can accommodate which combination of uses while also protecting habitat for a wide range of wildlife species.

When it comes to sage-grouse conservation, the BLM is taking a strategic approach in coordination with numerous state and other federal partners. New studies on the seasonal movements and needs of sage-grouse are helping State wildlife agencies and BLM identify the most important habitat areas needed by the species for long-term conservation. Once these priority habitat areas are identified, BLM managers can then begin to determine what land uses -- and intensity of land uses -- may be compatible with sage-grouse conservation within and outside of these areas. An increased emphasis on sage-grouse research has produced a growing body of information to help guide and inform these land use decisions. Interim measures to protect sage-grouse based on scientific research are now being implemented across BLM-managed lands and will be made a part of the BLM's land use plans governing sage-grouse habitat areas.

These plans, also called resource management plans or RMPs, provide a "blueprint" for how the BLM will manage public lands in a particular area over a period of time (generally 10 - 15 years). More than 160 land use plans cover all 245 million acres of BLM-managed public lands; about 73 of these address lands containing sage-grouse priority habitat areas and many are being updated to evaluate and implement new sage-grouse conservation practices. BLM's RMPs are developed, amended and revised at the field office level through an open, collaborative and public process.



Energy and Sage-grouse

The BLM manages vast oil and natural gas resources important to the nation, as well as significant renewable resources such as wind energy. But at the same time, the U.S. Fish and Wildlife has identified energy development, including wind, as a significant threat to sage-grouse habitat in some areas. The challenge for the BLM is to now consider appropriate levels of energy development in the context of protecting important sage-grouse habitat needed to support sustainable sage-grouse populations.

This is of particular relevance in Wyoming and Montana, where intense energy development pressures exists in areas directly overlapping important sage-grouse habitats. In both states, the BLM has implemented innovative new approaches with State Office policies and directives that are aimed at avoiding or minimizing impacts of oil, gas and other types of energy development within priority habitat areas.

Energy and Sage-grouse in Wyoming

Wyoming is home to approximately 40 percent of the entire range-wide population of greater sage-grouse and the BLM manages about eight million acres of priority sage-grouse habitat in the State. BLM-managed lands in Wyoming also support vast energy resources. The BLM has participated in a team approach with the State of Wyoming, U.S. Fish and Wildlife Service, private landowners, industry, and a diverse set of additional partners to develop a balanced approach to long-term sage-grouse conservation in light of the intense pressure for development of the state's abundant natural resources.

The approach relies on the establishment of priority habitat areas (the State of Wyoming calls them "Core Areas"), that encompass high-density breeding, brood rearing and other seasonal habitats of the greater sage-grouse. The focus of the strategy is to maintain habitats and populations within the priority habitat by restricting or prohibiting activities that may



cause habitat loss or fragmentation. The good news is that proactive efforts have already resulted in over 95 percent of currently producing oil and gas wells occurring outside of priority habitat in Wyoming, while 84 percent of Wyoming Sage-grouse attend leks within priority habitat.

Last year, the BLM released a sage-grouse habitat leasing screen that is helping its field offices determine if leasing should be deferred in particular areas of sage-grouse habitat. The screen relies on up-to-date GIS mapping of priority habitat areas and helps the BLM identify opportunities to conserve large contiguous blocks of habitat on public lands before making leasing decisions.

The goal is to support population objectives set by the Wyoming Game and Fish Department. The new approach also supports the Core Population Area Strategy of the Governor's Sage-Grouse Implementation Team (SGIT) and the Governor's Executive Order on sage-grouse. (Governor Mead's Order 2011-5 reaffirms the direction established by previous Wyoming EOs on sage-grouse.)

Within priority habitat, the new strategy is to consider and evaluate the limitation of surface disturbance to no more than five percent habitat loss and an average of no more than one disruptive activity per 640 acres; projects must also avoid active leks by 0.6 mile. In some cases, no activity would be permitted, pending evaluation of the full strategy which is occurring as BLM amends or revises its RMPs in Wyoming.

BLM-Wyoming issued guidelines in 2010 that contain measures considered for implementation on a case-by-case basis until RMP amendments and revisions are completed. The BLM is amending 6 of Wyoming's 10 resource management plans under a single Environmental Impact Statement, covering approximately 15 million acres of public land surface and 20 million acres of federal mineral estate in order to incorporate the new sage-grouse policies. The remaining four plans will be revised so that all 10 Wyoming Plans will address the BLM's approach to implementing the statewide strategy, consistently incorporating measures for management of priority habitats and associated support for State population management objectives and strategies.

Industry partners continue to make substantial contributions to sage-grouse conservation both financially and through support of the statewide conservation strategy in Wyoming. For example, in the Powder River Basin, ConocoPhillips, Noble Energy, and EnCana are funding a study using 40 GPS radio receivers to track sage-grouse habitat use in an area undergoing intensive oil and gas development. The results will be used to develop a management plan for field development. Devon Energy volunteers monitor several leks to collect population data. ConocoPhillips and Devon Energy are assisting with reclamation studies and techniques for sage-grouse habitat as well.

Energy and sage-grouse in Montana and the Dakotas

Because of Montana's highly fragmented land ownership patterns, and a relatively small portion of federal ownership in sage-grouse habitat, a collaborative approach is considered essential in protecting and enhancing sage-grouse habitat. (For comparison, the BLM in Wyoming manages more than half of the important breeding habitat for sage-grouse, whereas in Montana, the BLM manages about a quarter; in South Dakota, it is 1.4 percent.) At the same time, Montana and the Dakotas support relatively large and stable populations of sage-grouse on a large portion of its historic range. The BLM has an important opportunity to maintain, protect and enhance vast areas of existing habitat by using the most recent research to guide management.

Since 2008, the BLM has deferred leasing for energy development in priority sage-grouse habitat in Montana until resource management plans are revised. The revisions will take into account new information on sage-grouse habitat needs in order to protect this priority habitat and provide for connectivity between habitats. The approach builds on the "core areas" developed by the State and offers a suite of stipulations and restrictions for all uses, not just energy development. The RMP revisions address the majority of BLM-managed sage-grouse habitat in the three states (Montana and the Dakotas), update the BLM's approach to sage-grouse conservation and guide on-the-ground decision-making for sage-grouse habitat conservation and restoration.

The effectiveness of the approach will be evaluated by a monitoring program, and through adaptive management, modifications to achieve sage-grouse goals will be undertaken. The approach builds in flexibility and coordination across all field offices and has been coordinated with other agencies responsible for sage-grouse conservation in the region. This will aid in more effective sage-grouse conservation measures in an area with fragmented land ownership patterns. The goal for all the partners is not only to maintain existing habitat but to expand functional habitat to promote greater movement and genetic diversity of greater sage-grouse.

National Guidance

Some of the innovative conservation strategies modeled by Wyoming and Montana have been incorporated into new national policy for managing energy development in sage-grouse habitat on public lands across the West. This 2010 supplemental policy to the BLM's National Sage-Grouse Habitat Conservation Strategy instructs field offices to limit proposed oil, oil shale, and gas development as well as wind, solar and geothermal development and transmission rights of way in priority habitat areas until land use planning efforts can further evaluate proposed actions. It is designed to allow BLM State and Field Offices the flexibility they need to design and implement appropriate protective measures, working with their State and other partners, because threats to sage-grouse may vary geographically or from region to region.

In fact, all uses permitted on BLM-managed lands are subject to consideration and evaluation in light of potential impacts to sage-grouse. For example, the BLM is evaluating certain recreational activities, particularly off road vehicle use, and livestock grazing to address potential impacts. Again, as these activities cross jurisdictions, the BLM works with State



wildlife agencies and other partners to ensure conservation of priority sage-grouse habitat.

In response to requests from state and local governments to facilitate ways to conserve greater sage-grouse and protect its habitat, BLM scientists and managers met with state wildlife management officials July 16, 2011 to brief them on the agency's National Greater Sage-Grouse Planning Strategy. The meeting took place at the Western Association of Fish and Wildlife Agencies summer conference in Big Sky, Montana. The BLM strategy emphasizes a cooperative approach and provides a framework to advance efforts to implement timely conservation measures for sage-grouse and its habitat.

As part of the strategy, the BLM will incorporate science-based conservation measures into Resource Management Plans across regions where the greater sage-grouse are found. It will address principal threats to the sage-grouse identified by the U.S. Fish and Wildlife Service within different portions of the range and work closely with Western state fish and wildlife agencies. For more information, [click here](#).



Core areas take into account habitat needed by sage-grouse year-round.

Wyoming's Powder River Basin holds important energy resources as well as crucial sage-grouse habitat.

The BLM is taking a collaborative approach and updating its resource management plans where sage-grouse and energy development occur. For more information on BLM's current planning efforts, and planning maps in Montana, refer to the BLM Montana State Office's planning page [here](#).

Last updated: 08-03-2011

Bureau of Land Management National Greater Sage-Grouse Planning Strategy

Charter
August 22, 2011

I. Introduction

In April 2010, the U.S. Fish and Wildlife Service (USFWS) published its listing decision for the greater sage-grouse as "Warranted but Precluded." Inadequacy of regulatory mechanisms was identified as a major threat in the USFWS finding on the petition to list the greater sage-grouse. The USFWS has identified the principal regulatory mechanism for the Bureau of Land Management (BLM) as conservation measures in Resource Management Plans (RMPs). For the purpose of this document, the acronym RMP applies to all BLM land use plans. Based on the identified threats to the greater sage-grouse and the USFWS's timeline for making a listing decision on this species, the BLM needs to incorporate explicit objectives and adequate conservation measures into RMPs within the next three years in order to conserve greater sage-grouse and avoid a potential listing under the Endangered Species Act. The planning strategy will evaluate the adequacy of BLM RMPs and address, as necessary, revisions and amendments throughout the range of the greater sage-grouse (with the exception of the Gunnison population, the bi-state population in California and Nevada, and the Washington state distinct population segment, which will all be addressed through other planning efforts).

Greater sage-grouse habitat covers 73 BLM land use planning units (not including the excepted populations noted above). Within these areas, 22 are managed under Management Framework Plans or RMPs completed before 2000 and 21 are managed under RMPs completed since 2000. Currently, the BLM has 28 plans under revision. Twenty of these plans are in the Pre-Draft stage; five are between the Draft and Final Environmental Impact Statement (EIS); and two are between the Final EIS and the Record of Decision. In addition, BLM Wyoming is currently undertaking a programmatic EIS specific to the greater sage-grouse that will amend six completed plans and that will be incorporated into the revisions of four other plans.

II. Objective

The BLM's objective for chartering this planning strategy effort is to develop new or revised regulatory mechanisms, through RMPs, to conserve and restore the greater sage-grouse and its habitat on BLM-administered lands on a range-wide basis over the long-term.



III. Purpose

This Charter establishes the teams, team membership and team operating procedures for the BLM's National Greater Sage-Grouse Planning Strategy.

IV. Teams – Membership, Roles and Responsibilities

A. National Policy Team

The National Policy Team (NPT) will provide overall national policy guidance throughout the planning process. The NPT members (or their official designee) are composed of the Washington Office (WO) Assistant Directors (AD) from Renewable Resources and Planning, Minerals and Realty Management, Fire and Aviation Management, and National Landscape Conservation System and Community Partnerships, Division Chiefs for Decision Support and Planning, Rangeland Resources, Fish, Wildlife and Plant Conservation, Fluid Minerals, Solid Minerals, Lands, Realty and Cadastral Survey, the Manager of the Renewable Energy Coordination Office, U.S. Fish and Wildlife Service Representatives, a Director of a state fish and wildlife agency within the range of the greater sage-grouse, and the State Directors serving as the East and West Regional Management Team Leaders. The team is co-chaired by the AD for Renewable Resources and Planning, the AD for Minerals and Realty Management, and the U.S. Fish and Wildlife Service Deputy Regional Director Mountain-Prairie Region. The team serves as a Washington-level leadership forum to:

- Provide consistent national policy and guidance on the conservation of greater sage-grouse in the form of clear goals, objectives, and management considerations for planning.
- Oversee the development of consistent regulatory mechanisms across the range of the greater sage-grouse.
- Issue, through a national Instruction Memorandum (IM), interim direction to the field pending the completion of planning.
- Secure and allocate Bureau resources (staff and funding) to implement the national greater sage-grouse strategy.
- Ensure a direct interface between the BLM and the U.S. Fish and Wildlife Service.
- Ensure Bureau-wide communication and coordination both internally and externally throughout the planning process.

After the initial planning effort, the NPT will continue to monitor the planning process and development of Records of Decision as well as implementation of the regulatory mechanisms.

B. National Technical Team

The National Technical Team (NTT) serves as an independent, technical and science-based team to ensure the best information related to greater sage-grouse management is fully reviewed, evaluated and provided to the BLM for consideration in the land use planning process. Non-

BLM members of the NTT serve in an advisory capacity only, and their participation does not constitute endorsement of final agency recommendations or decisions. The team lead for the NTT will be the BLM Nevada, Deputy State Director for Resources. Meetings of this team will be on an as-needed basis and at the request of either the NPT or the Regional Management Teams (RMT). Members of the NTT will be composed of subject matter experts who have extensive technical expertise in their disciplines. Members include BLM representatives from the states within the range of greater sage-grouse, the BLM's National Operations Center (NOC), Fire and Aviation Management Directorate, state wildlife agencies, other Federal agencies (such as the Agricultural Research Service, the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service, and the U.S. Geological Survey). The membership of this team is expected to vary in response to specific issues or topics which may surface during the course of the planning effort.

Consequently, NTT work is anticipated to be of short-duration and high-intensity at various stages of the planning process. Overall, the NTT will serve as a scientific and technical forum to:

- Understand current scientific knowledge related to the greater sage-grouse.
- Provide specialized sources of expertise not otherwise available.
- Provide innovative scientific perspectives concerning management approaches for the greater sage-grouse.
- Provide assurance that relevant science is considered, reasonably interpreted, and accurately presented; and that uncertainties and risks are acknowledged and documented.
- Provide science and technical assistance to the RMT and Regional Interdisciplinary Team, on request.
- Articulate conservation objectives for the greater sage-grouse in measurable terms to guide overall planning.
- Identify science-based management considerations for the greater sage-grouse (e.g., conservation measures) that are necessary to promote sustainable sage-grouse populations, and which focus on the threats in each of the management zones.

C. Regional Management Teams

The Regional Management Teams (RMT), East and West are established to reflect the uniquely different threats to the greater sage-grouse across its range. The role of the RMTs is to provide overall leadership and guidance for the planning process to ensure that adequate conservation measures are developed and incorporated into RMP amendments/ revisions. East RMT members (or their official designee) include the BLM State Directors from Wyoming (Team Leader), Montana/Dakotas, Colorado, and Utah, the U.S. Fish and Wildlife Service Deputy Regional Director Mountain-Prairie Region, the state wildlife agency Directors for Wyoming Game and Fish, Montana Fish, Wildlife and Parks, Utah Division of Wildlife Resources, and Colorado Division of Parks and Wildlife.

West RMT members (or their official designee) include the BLM State Directors from Nevada (Team Leader), Idaho, Oregon/Washington, California, Utah, and Montana/Dakotas, the BLM Assistant Director for Fire and Aviation Management, the U.S. Fish and Wildlife Service

Regional Directors Pacific Region and Pacific Southwest Region, the U.S. Fish and Wildlife Service Deputy Regional Director Mountain-Prairie Region, the state wildlife agency Directors for the Nevada Department of Wildlife, Oregon Department of Fish and Wildlife, Idaho Department of Fish and Game, California Department of Fish and Game, Utah Division of Wildlife Resources, and Montana Fish, Wildlife and Parks. These RMTs provide regional leadership forums to:

- Develop shared goals, objectives, priorities, and direction across the states and Western Association of Fish and Wildlife Agency (WAFWA) management zones within the region.
- Coordinate planning, analyses, and plan implementation to ensure consistency within each WAFWA management zone across the region.
- Build regional awareness to facilitate the sharing of effective practices and strategies.
- Secure and allocate agency resources (staff and funding) across each region.
- Interface directly with the National Policy Team and the Executive Leadership Team.
- Facilitate partner engagement in the BLM planning process and foster broad collaboration for sage-grouse conservation.

The immediate focus of the RMTs for the development of RMP amendments/revisions will be as follows:

- The RMT Team Leaders will finalize RMT membership by August 31, 2011. Team Leaders may adjust RMT membership to ensure appropriate representation of federal, state or other cooperating agencies.
- Provide overall direction for initiation of the planning effort, including the establishment of sub-regional planning area boundaries by September 1, 2011.
- Evaluate the adequacy of current plans and ongoing revisions to determine the level of revision or amendment needed.
- Provide direction for a consistent Purpose and Need statement (for revisions underway, the teams should determine whether they can be synchronized with the regional effort or supplemented through the regional effort).
- Provide direction for the planning alternatives developed.
- Provide direction for analysis of the alternatives.
- Provide direction for a regional cumulative effects analysis of the plan decisions.
- Coordinate the selection of the Preferred Alternative for each Environmental Impact Statement.
- Appoint Regional Project Managers.

After the planning effort is completed, the RMTs will monitor implementation of the final plan decisions and will coordinate direction on emerging issues.

D. Regional Project Managers

The Regional Project Managers (PM) will lead the Regional Interdisciplinary Teams (RIDT) and attend sub-regional public and cooperators meetings to ensure consistency across their respective regions. The PMs will also act as advisors and consultants to their respective Regional Management Teams (RMT) and ensure that RMT direction and decisions are incorporated into the planning efforts. The PMs will call RIDT meetings, consulting with members in regard to the agendas. They will also closely monitor the planning efforts of the two regions throughout the process to maintain an appropriate level of consistency between the two regions. Additionally, the PMs may call upon Sub-regional Interdisciplinary Team members to collaborate on various issues throughout the process.

E. Regional Interdisciplinary Teams

The Regional Interdisciplinary Teams (RIDTs), East and West are also established to reflect the uniquely different threats to the greater sage-grouse across its range. The primary role of the RIDTs is to ensure consistency between the Sub-regional Interdisciplinary Teams (SIDT) (e.g., use of information, data, mapping, analyses, management actions and assumptions), to the maximum extent practical. It is expected that any inconsistencies within and between regions will be based on distinct ecological differences that are recognized and supported by RIDT experts. It is expected that RIDTs would be formed at the direction of the RMTs and composed of a representative staff from the SIDTs within each of the regions. The RIDTs will propose, for Regional Management Team (RMT) approval, the mechanics for incorporating direction and policy provided by the RMTs and National Policy Team into sub-regional analyses (for RMP amendments/ revisions) to ensure consistency within WAFWA management zones across the region. For RMP amendments, this may involve similar versions of Chapter 1 (Introduction, including Purpose and Need), Chapter 2 (Proposed Action and Alternatives), and cumulative effects analyses within a region or across the range of the greater sage-grouse.

F. Sub-regional Interdisciplinary Teams

The role of the Sub-regional Interdisciplinary Teams (SIDT) is to provide the sub-regional analyses to transform goals, objectives, management planning considerations, and conservation measures into the necessary regulatory mechanisms to conserve the greater sage-grouse on BLM-administered lands within and across the respective states and WAFWA management zones within their respective regions. The SIDTs will complete the required National Environmental Policy Act (NEPA) analysis (EISs) to develop the new or revised regulatory mechanisms, through RMPs, in order to conserve and restore the greater sage-grouse and its habitat on BLM-administered lands on a range-wide basis over the long term. The SIDTs will be composed of BLM staff from each of the sub-regions, as well as representatives of state wildlife agencies and the USFWS. Team members will be selected by each BLM State Office based on planning needs. The teams would generally include the Deputy State Director for Resources or a Branch Chief, and appropriate Program Leads from the BLM State Offices, as well as BLM District/ Field Office staff. These interdisciplinary teams are expected to operate collectively and separately during various stages of the planning process, as appropriate. The Regional Project Managers will provide overall leadership and direction to the SIDTs.

G. Team Operating Procedures

National Policy Team (NPT) Meetings

- The NPT will meet regularly on a schedule jointly developed by the Assistant Directors for WO-200, and WO-300. Meetings will address a wide range of topics, focusing on critical, policy related issues.
- The first meeting of the NPT will be held the week of September 5, 2011.

Regional Management Team (RMT) Meetings

- The individual RMTs will convene together in one location a minimum of two times during the year.
- Spring meetings will be held in Reno, NV (West RMT) and Cheyenne, WY (East RMT). A winter meeting will rotate among the states within each region. To the extent possible, meetings will be scheduled one year in advance.
- Regional Management Team meetings will focus on strategic issues, business issues, and the exchange of information.
- The hosting office will arrange administrative and logistical support for the Regional Management Team meetings.
- The East and West RMT leaders will chair the meetings and approve agendas. The RMT leaders will also provide an Executive Secretary to provide administrative support functions for the RMTs.
- Regional Management Team agenda items will be submitted to the Executive Secretary using a standard format. Each agenda item will have a RMT sponsor who will be responsible for the item being presented to the RMT.
- Agendas and advanced reading materials will be distributed by the Executive Secretary at least two weeks prior to each meeting.
- Meeting minutes will be summarized in sufficient detail to capture all items discussed, and recommendations, decisions, and assignments made.
- Attendance at meetings is critical and expected. When a member cannot attend, an acting member will be prepared and present with the appropriate authority to represent the member in discussions and decision making.

Regional Management Team (RMT) Conference Calls

- In the initial phases of the planning process, the East RMT conference calls will be held each Monday at 3:00 pm, Mountain Time. West RMT conference calls will be held each Thursday at 9:00 a.m., Pacific Time. The conference call schedule may be adjusted during the course of the planning process as appropriate.
- Regional Management Team Leaders will chair the meetings and approve the agenda.
- The RMT Executive Secretary will solicit agenda items and distribute agendas and advance reading materials for each conference call.
- Meeting minutes will be summarized in sufficient detail to capture all items discussed, and recommendations, decisions, and assignments made.

- Attendance at conference calls is critical and expected. When a member cannot attend, an acting member will be prepared and present with the appropriate authority to represent the member in discussions and decision making.

National Technical Team (NTT) Meetings

- The NTT meetings will focus on technical and scientific issues, and the exchange of information.
- Meetings of the NTT will be held as needed (issue or topic-based) and coordinated by the team leader (BLM Nevada, DSD for Resources). Requests for NTT meetings will be sent to the NTT leader for review and approval by either the National Policy Team or the Regional Management Teams, as appropriate. Concurrence between the East and West RMTs is required.
- Agendas and advanced reading materials will be distributed by the team leader at least one week prior to each meeting.
- Meeting minutes will be summarized in sufficient detail to capture all items discussed (including different perspectives), recommendations, and assignments made.
- Members will be allowed to review, amend and approve meeting minutes before they are finalized.
- The first meeting of the NTT will be held on August 29, 2011 in Denver, CO.

Regional Interdisciplinary Teams (RIDT) and Sub-regional Interdisciplinary Teams (SIDT)

- The Regional Project Managers in conjunction with the RIDTs and SIDTs will be responsible for establishing their own meeting and conference call schedules.
- The RIDT meetings should primarily focus on topics or issues related to consistency between the SIDTs (e.g., use of information, data, mapping, analyses, management actions and assumptions). Any identified inconsistencies between analysis areas should be addressed and an action plan developed (if necessary) to resolve or validate these inconsistencies. Inconsistencies should be documented and based on distinct ecological differences that are recognized and supported by RIDT experts.
- The SIDTs will complete the required NEPA analysis (EISs) for their respective sub-regions to develop new or revised regulatory mechanisms, through land use plans (RMPs), in order to conserve and restore the greater sage-grouse and its habitat on BLM-administered lands on a range-wide basis over the long term.

Decision Making

- Teams will operate using the consensus decision-making model. When consensus cannot be reached, the topic may be elevated to the next highest level in the organization for review and final decision. Issues will be presented to the next highest level in writing using a Decision Memo format. Issues raised will be clearly framed, will fully articulate different perspectives and will include a full range of options, solutions and desired outcomes.
- The RIDT and SIDTs do not have delegated authority for making final agency decisions. However, these teams are expected to formulate substantive recommendations for decisions which may be made by either the RMTs or the NPT. As such, the RIDT and SIDTs will use the consensus model for making their team recommendations and the same issue elevation process described above.

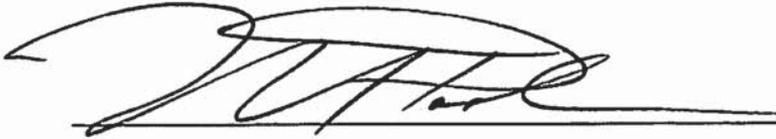
Consensus is a process that encourages critical discussion, leading to a broader, clearer perspective; the result is a decision constituting substantial agreement within a group. In this context, consensus is further defined as a decision whose implementation will be actively supported by all team members. In addition, consensus includes benefits of contributing to teamwork, encouraging trust, and engendering commitment from those making the decision. The person(s) who usually makes the decision must participate as an equal and accept the decision reached by the group for the process to be true consensus.

V. Funding

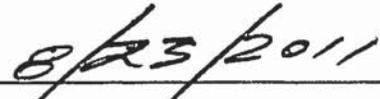
Funding for the Greater Sage-Grouse National Planning Strategy will be contained in the annual budget allocation supplied to each BLM State Office. The funding covers the salary for the BLM team members and includes funding to cover travel expenses for all BLM team members and State wildlife agency team members. Project planning, implementation and monitoring may be funded by existing and future program areas, initiatives and strategic funds.

VI. Charter Establishment

The establishment of the National Greater Sage-Grouse Planning Strategy is effective upon signature of the Deputy Director of Operations.



Mike Pool, Deputy Director of Operations



Date