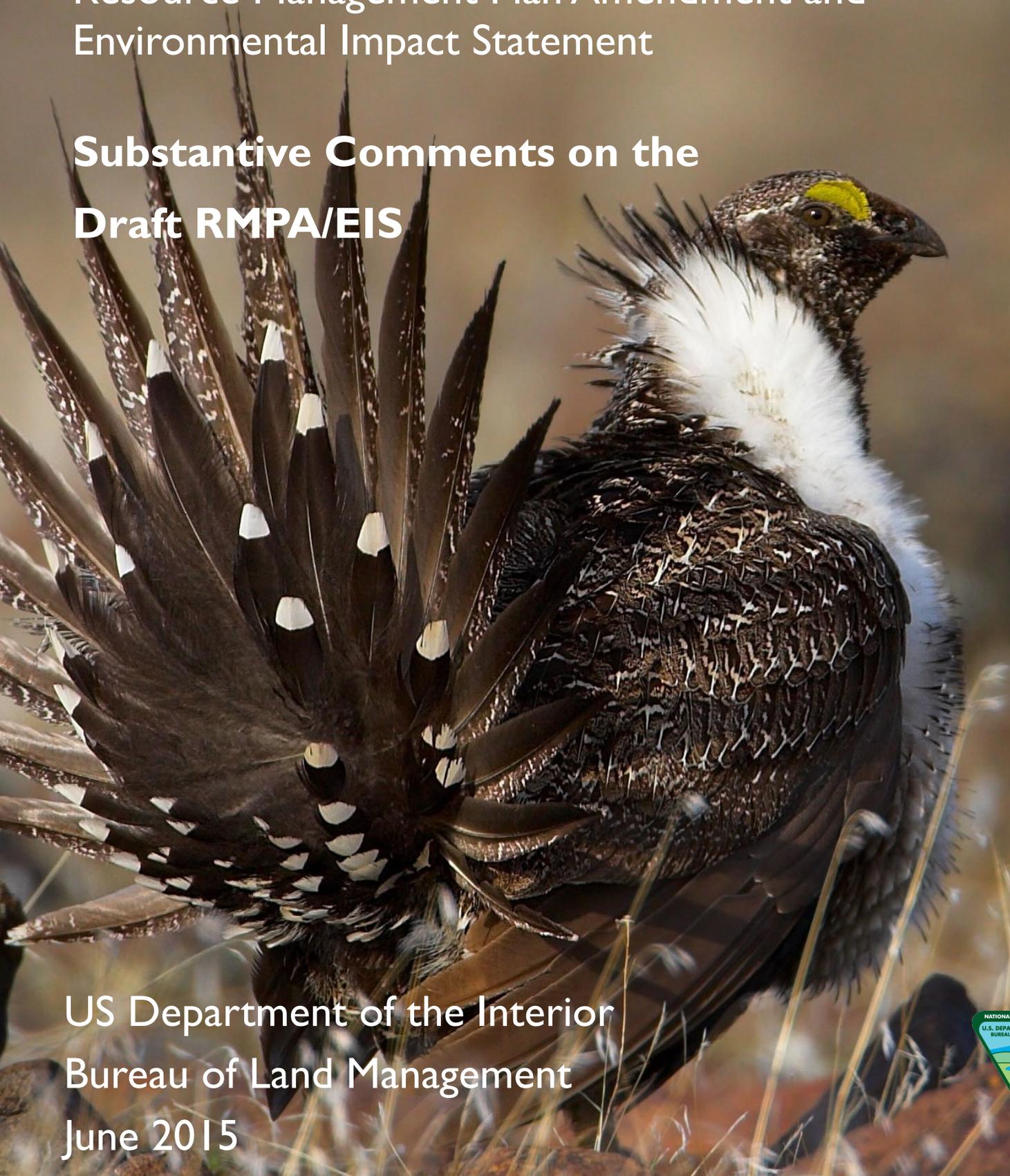


Lewistown Field Office

Greater Sage-Grouse

Resource Management Plan Amendment and
Environmental Impact Statement

**Substantive Comments on the
Draft RMPA/EIS**



US Department of the Interior
Bureau of Land Management
June 2015



The Bureau of Land Management's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

Cover Photo: Steve Ting

TABLE OF CONTENTS

Section	Page
1. NEPA	5
1.1 Cooperating Agency Relationships.....	5
1.2 Range of Alternatives.....	5
1.3 Best Available Info Baseline Data.....	7
1.4 Cumulative Impacts.....	7
1.5 Mitigation Measures.....	8
2. FEDERAL LAND POLICY AND MANAGEMENT ACT	10
2.1 Inventories.....	11
2.2 Consistency with Other State, County, or Local Plans.....	11
2.3 Other Laws.....	12
3. GREATER SAGE-GROUSE	13
3.1 NTT Report/Findings.....	13
3.2 COT Report.....	14
3.3 Range of Alternatives.....	15
3.4 Best Available Information Baseline Data.....	21
3.5 Impact Analysis.....	25
3.6 Cumulative Impact Analysis.....	27
3.7 Mitigation Measures.....	28
4. AREAS OF CRITICAL ENVIRONMENTAL CONCERN	29
4.1 Range of Alternatives.....	29
5. CLIMATE CHANGE	31
5.1 Impact Analysis.....	31
6. CULTURAL AND HERITAGE RESOURCES	32
6.1 Impact Analysis.....	32
7. FIRE AND FUELS	32
7.1 Range of Alternatives.....	32
7.2 Mitigation Measures.....	33
8. FISH AND WILDLIFE	34
8.1 Range of Alternatives.....	34
9. LANDS AND REALTY	34
9.1 Range of Alternatives.....	34
9.2 Best Available Information Baseline Data.....	36
9.3 Impact Analysis.....	37
10. LEASABLE MINERALS	37
10.1 Range of alternatives.....	37
10.2 Impact Analysis.....	40
10.3 Mitigation Measures.....	40

TABLE OF CONTENTS

Section	Page
11. LIVESTOCK GRAZING	40
11.1 Range of Alternatives.....	41
11.2 Best Available Information Baseline Data	45
11.3 Impact Analysis.....	49
11.4 Mitigation Measures	49
12. LOCATABLE MINERALS	50
12.1 Range of Alternatives.....	50
12.2 Mitigation Measures	50
13. RECREATION	51
13.1 Range of Alternatives.....	51
14. SALABLE MINERALS	51
14.1 Range of Alternatives.....	51
15. SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE	51
15.1 Impacts Analysis	51
16. SOIL RESOURCES	52
16.1 Impact Analysis.....	52
17. TRAVEL MANAGEMENT	52
17.1 Range of Alternatives.....	52
18. VEGETATION	54
18.1 Range of Alternatives.....	54
19. WATER RESOURCES	54
19.1 Range of Alternatives.....	54
19.2 Cumulative Impact Analysis.....	55
20. WILDERNESS AREAS/WILDERNESS STUDY AREAS	55
20.1 Range of Alternatives.....	55
21. DISTURBANCE CAP	58
22. PREDATION	59
23. NOISE	60
24. WEEDS/INVASIVE PLANTS	60

SUBSTANTIVE COMMENTS ON THE LEWISTOWN FIELD OFFICE GREATER SAGE-GROUSE DRAFT RMPA/EIS

After publishing the Lewistown Field Office Greater Sage-Grouse Draft Resource Management Plan Amendment (RMPA)/Environmental Impact Statement (EIS), the US Department of the Interior, Bureau of Land Management (BLM) conducted a public comment period from November 8, 2013, to February 5, 2014. The BLM received written comments by mail, e-mail, and submission at the public meetings. Comments covered a spectrum of thoughts, opinions, ideas, and concerns. The BLM recognizes that commenters invested considerable time and effort to submit comments on the Draft RMPA/EIS and has developed a comment analysis methodology to ensure that all comments were considered as directed by the National Environmental Policy Act (NEPA) regulations.

According to NEPA, the BLM is required to identify and formally respond to all substantive public comments. The BLM developed a systematic process for responding to comments to ensure all substantive comments were tracked and considered. Upon receipt, each comment letter was assigned an identification number and logged into the BLM's comment analysis database, CommentWorks, which allowed the BLM to organize, categorize, and respond to comments. Substantive comments from each letter were coded to appropriate categories based on the content of the comment, retaining the link to the commenter. The categories generally follow the sections presented in the Draft RMPA/EIS, though some relate to the planning process or editorial concerns.

Comments similar to each other were grouped under a topic heading, and the BLM drafted a statement summarizing the issues contained in the comments. The responses were crafted to respond to the comments, and, if warranted, a change to the EIS was made.

Although each comment letter was diligently considered, the comment analysis process involved determining whether a comment was substantive or nonsubstantive in nature. In performing this

analysis, the BLM relied on the Council on Environmental Quality's regulations to determine what constituted a substantive comment.

A substantive comment does one or more of the following:

- Questions, with a reasonable basis, the accuracy of the information and/or analysis in the Draft RMPA/EIS
- Questions, with a reasonable basis, the adequacy of the information and/or analysis in the Draft RMPA/EIS
- Presents reasonable alternatives other than those presented in the Draft RMPA/EIS that meet the purpose and need of the proposed action and addresses significant issues
- Questions, with a reasonable basis, the merits of an alternative or alternatives
- Causes changes in or revisions to the proposed action
- Questions, with a reasonable basis, the adequacy of the planning process itself

Additionally, the BLM's NEPA Handbook (H-1790-1) identifies the following types of substantive comments:

- Comments on the Adequacy of the Analysis: Comments that express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate are substantive in nature but may or may not lead to changes in the Proposed RMPA/Final EIS. Interpretations of analyses should be based on professional expertise. Where there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the manager responsible for preparing the EIS (Authorized Officer) does not think that a change is warranted, the response should provide the rationale for that conclusion.
- Comments That Identify New Impacts, Alternatives, or Mitigation Measures: Public comments on a Draft EIS that identify impacts, alternatives, or mitigation measures that were not addressed in the draft are substantive. This type of comment requires the Authorized Officer to determine whether it warrants further consideration. If it does, the Authorized Officer must determine whether the new impacts, new alternatives, or new mitigation measures should be analyzed in the Final EIS, a supplement to the Draft EIS, or a completely revised and recirculated Draft EIS.
- Disagreements with Significance Determinations: Comments that directly or indirectly question, with a reasonable basis, determinations regarding the significance or severity of impacts are substantive. A reevaluation of these determinations may be warranted and may lead to changes in the Final EIS. If, after reevaluation, the Authorized Officer does not think that a change is warranted, the response should provide the rationale for that conclusion.

Comments that failed to meet the above description were considered nonsubstantive. Many comments received throughout the process expressed personal opinions or preferences, had little relevance to the adequacy or accuracy of the Draft RMPA/EIS, represented commentary regarding resource management and/or impacts without any real connection to the document being reviewed, or were considered out of scope because they dealt with existing law, rule, regulation, or policy. These comments did not provide specific information to assist the planning team in making changes to the alternatives or impact analysis in the Draft RMPA/EIS and are not addressed further in this document. Examples of nonsubstantive comments include the following:

- “The best of the alternatives is Alternative D (or A, B, or C).”
- “The preferred alternative does not reflect balanced land management.”
- “The BLM needs to change the Taylor Grazing Act and charge higher grazing fees.”
- “I want the EIS to reflect the following for this area: no grazing, no drilling, no mining, and no off-highway vehicles (OHV).”
- “More areas should be made available for multiple uses (drilling, OHVs, right-of-ways [ROW]) without severe restrictions.”

Opinions, feelings, and preferences for one element or one alternative over another, and comments of a personal and/or philosophical nature, were all read, analyzed, and considered. However, because such comments are not substantive in nature, the BLM did not include them in the report and did not respond to them. While all comments were reviewed and considered, comments were not counted as “votes.” The NEPA public comment period is neither considered an election, nor does it result in a representative sampling of the population. Therefore, public comments are not appropriate to be used as a democratic decision-making tool or as a scientific sampling mechanism.

Comments citing editorial changes to the document were reviewed and incorporated. The Proposed RMPA/Final EIS has been technically edited and revised to fix typographic errors, missing references, definitions, and acronyms, and other clarifications as needed.

Copies of all comment documents received on the Draft RMPA/EIS are available by request from the BLM’s Montana State Office. Comments received by mail, email, and at meetings, or delivered orally during the public meetings are tracked by commenter name and submission number.

Campaign Letters

Several organizations and groups held standardized letter campaigns for the National Greater Sage-Grouse Planning Strategy through which their constituents were able to submit the standard letter or a modified version of the letter indicating support for the group’s position on the BLM RMPA actions. Individuals who submitted a modified standard letter generally added new comments or information to the letter or edited it to reflect their main concern(s). Modified letters with unique comments were given their own letter number and coded appropriately. All commenters who used an organization’s campaign letter were tracked in the BLM commenter list and are available from the BLM upon request.

How This Report is Organized

This report is organized by the primary topic and then by specific issue subtopics that relate to an aspect of NEPA, the BLM planning processes, or specific resources and resource uses. For example, all substantive comments that relate to aspects of NEPA fall under the heading “1, NEPA”. This includes subsections such as cooperating agencies, range of alternatives, and Geographic Information Systems (GIS) data and analysis. You can find the comments related to Greater Sage-Grouse under the “3, Greater Sage-Grouse” heading. Each topic or subtopic contains the substantive comments identified for that topic area. See sample below.

I.2 Range of Alternatives

Topic or subtopic name

Unique CommentWorks database code

Comment Number: LFOSG-14-0037-1

Comment Excerpt Text:

Substantive comment extracted from comment letter

The National Environmental Policy Act (“NEPA”) requires that the BLM consider a reasonable range of alternatives. See 42 U.S.C. § 4332(2)(C)(iii). Considering the presence of endangered, special status, and sensitive species in the planning area, a no grazing alternative and 50% reduction from actual use in permitted grazing should be included within the reasonable range of alternatives for the RMPA/DEIS.

They layout of this report corresponds with **Appendix O**, Response to Comments on the Draft Resource Management Plan Amendment/Environmental Impact Statement, of the Proposed RMPA/Final EIS, available on the project website: <https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=36877>.

Note: In the Lewistown Field Office Greater Sage-Grouse Draft RMPA/EIS, Alternatives B, C, and D delineated priority habitat (PH) and general habitat (GH). In the Proposed RMPA/Final EIS, PH has been changed to priority habitat management areas (PHMA) and GH has been changed to general habitat management areas (GHMA). The boundaries of these areas have not changed. Similar to the Draft RMPA/EIS, the areas delineated as PHMA and GHMA would be the same under Alternatives B, C and D, and the Proposed Plan Amendment in the Final EIS. Because the public comments refer to the Draft RMPA/EIS, the terms PH and GH may be used in the comments.

I. NEPA

Comment Number: LFOSG-14-0006-1

Comment Excerpt Text:

Importantly, thus far, each DEIS and proposed Resource Management Plan Amendment for greater sage-grouse has taken fundamentally different approaches in proposing designated priority and general habitats, and vastly different proposed management prescriptions to conserve the species. Such a patchwork approach is fundamentally inadequate to conserve the greater sage-grouse. Given the sage-grouse's wide distribution in the western United States and Canada, conserving the species requires a range-wide management framework that establishes specific standards common across the landscape to protect and restore habitat across all of the birds range. Without such a uniform and consistent framework, the individual and far ranging Plan Amendments are bound to miss the mark in providing adequate regulatory mechanisms to avoid listing the greater sage-grouse under the ESA.

I.1 COOPERATING AGENCY RELATIONSHIPS

Comment Number: LFOSG-14-0001-1

Comment Excerpt Text:

On page 2-13, the last paragraph states - "State objectives would be used for fine-scale analysis, unless local objectives are developed at the field office level, in partnership with MFWP and USFWS". We would suggest that if local field office objectives are developed, that local cooperating partners (NRCS, Conservation Districts, Grazing Districts, County Commissions, etc.) also be included in that process. These on-the-ground organizations can, and should provide input, if it is determined that new objectives are needed.

The "State objectives" statement is also found on the following pages and our suggestion should be applied in all instances on:

- pages 2-30 and 2-31, Alternative D - Range Management,

- pages 2-31 and 2-32, Alternative D-Implementing Management Actions...
- page 4-121, Alternative D section 4.12.7,
- pages 4-172 and 4-182, Impacts from Range Management

Comment Number: LFOSG-14-0027-1

Comment Excerpt Text:

- On page 2-13, the last paragraph states - "State objectives would be used for fine-scale analysis, unless local objectives are developed at the field office level, in partnership with MFWP and USFWS". Petroleum County Conservation District strongly suggest that if local field office objectives are developed, that local cooperating partners (NRCS, Conservation Districts, Grazing Districts, County Commissions, etc.) also be included in that process. These on-the-ground organizations can, and should provide input; if it is determined that new objectives are needed.
- The "State objectives" statement is also found on the following pages and our suggestion should be applied in all instances on:
 - pages 2-30 and 2-31, Alternative D - Range Management,
 - pages 2-31 and 2-32, Alternative D-Implementing Management Actions...
 - page 4-121, Alternative D section 4.12.7,
 - pages 4-172 and 4-182, Impacts from Range Management

I.2 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0006-7

Comment Excerpt Text:

While these goals and objectives are laudable the management actions Alternative D prescribes are insufficient to achieve the goals of protecting PH from anthropogenic disturbances and "enhancing ecological

integrity across the landscape” since large-scale disturbance in sage-grouse habitats will continue to occur under these actions. Additionally, BLM’s objective to balance limited resources among competing human uses and conservation interests will lead to further decline of the sage-grouse given the current and historical imbalance favoring development that has resulted in destruction of sagebrush habitat and declines in sage-grouse populations

Comment Number: LFOSG-14-0007-4

Comment Excerpt Text:

Two other alternatives in the draft plan, Alternative B (NTT report) and Alternative C (conservation organizations) would facilitate voluntary grazing permit retirement in sage-grouse habitat, but would require that land managers “[a]nalyze the adverse impacts of no livestock use on wildfire and invasive species threats (Crawford et al. 2004) in evaluating retirement proposals” (2-35, Table 2-4). While this proviso was included in the NTT report and could rightly be included in Alternative B, it was not included in alternatives submitted by conservation organizations that was the basis of Alternative C. We request that this stipulation be removed from Alternative C, as well as the similar requisite in Alternative D. Alternatively, if these provisos are included in either alternative, we request that planners also be required to analyze the beneficial impacts of eliminating livestock grazing in sagebrush steppe on sage-grouse ecology; native vegetation, including species composition and structure; biological crusts and soil retention; restoration and resiliency of riparian and upland habitats; plant and animal abundance and diversity; water infiltration, and water quality and quantity; and climate change.

Comment Number: LFOSG-14-0022-10

Comment Excerpt Text:

we recommend that BLM develop a new Alternative that is based upon the best available science and which utilizes more appropriate management requirements than the universal closures and likely NSO stipulations that would be utilized in

Alternatives B, C, and D if actual leasing decisions were to be made.

Comment Number: LFOSG-14-0022-5

Comment Excerpt Text:

the laws require both agencies to foster and develop mineral activities, not stifle and prohibit such development. It does not appear this was one of the agencies’ goals when preparing the RMPA/DEIS. Rather it is evident that the agencies are intent upon limiting what it considers to be a damaging presence on federal lands.

Comment Number: LFOSG-14-0035-11

Comment Excerpt Text:

We appreciate the effort in Table 4-3 to summarize how threats would be ameliorated under each alternative, and found the table useful. It would be helpful to provide additional clarification in the FEIS with respect to proposed actions, BMPs/RDFs, and threat amelioration determinations, as discussed in the comments below. Sagebrush elimination, conifer expansion, recreation, and (non-water development) range management structures / fencing were not specifically addressed and we recommend that these threats be directly addressed in the table. We also recommend that all threats be addressed in the same format, including the assessment of consistency with COT Report objectives that was provided for some threats.

Comment Number: LFOSG-14-0037-1

Comment Excerpt Text:

The National Environmental Policy Act (“NEPA”) requires that the BLM consider a reasonable range of alternatives. See 42 U.S.C. § 4332(2)(C)(iii). Considering the presence of endangered, special status, and sensitive species in the planning area, a no grazing alternative and 50% reduction from actual use in permitted grazing should be included within the reasonable range of alternatives for the RMPA/DEIS.

Comment Number: LFOSG-14-0037-24

Comment Excerpt Text:

BLM’s claim that removing livestock grazing would not meet the purpose and need of the document

suggests that perhaps the purpose and need itself is problematic. NEPA regulations forbid constructing the purpose and need of a plan to narrowly as to foreclose reasonable actions. However, in this case, the need is for changes in management of GRSG habitats in order to avoid the continued decline of populations across the species range, and the purpose is “to identify and incorporate appropriate conservation measures to conserve, enhance, and/or restore GRSG habitat by reducing, eliminating, or minimizing threats to that habitat.” RMPA/DEIS at I-3. Livestock grazing poses direct and indirect threats to GRSG; a range of alternatives that reduce, eliminate, or minimize threats to the habitat would include a range of alternatives that reduce, eliminate, and minimize livestock grazing intensity, extent, seasonality, and authorizations in the planning area. The RMPA/DEIS fails on this count.

Comment Number: LFOSG-14-0037-26

Comment Excerpt Text:

The BLM’s own Land Use Planning Handbook directs the agency to, “[i]dentify lands available or not available for livestock grazing considering the following factors: 1. Other uses of the land; 2. terrain characteristics; 3. soil, vegetation, and watershed characteristics; 4. the presence of undesirable vegetation, including significant invasive weed infestations; and 5. the presence of other resources that may require special management or protection, such as special status species...” BLM Land Use Planning Handbook at I3. Thus, in modifying the RMP with this RMP Amendment specifically to manage sage-grouse, a species harmed by livestock grazing, it is well within reason that the agency would revisit the allowable uses within the project area and compare the effects of levels of livestock exclusion.

I.3 BEST AVAILABLE INFO BASELINE DATA

Comment Number: LFOSG-14-0004-17

Comment Excerpt Text:

However, this DEIS relies on outdated data or methodologies and does not sufficiently quantify or detail information to support scientific and other

impact analysis conclusions and discussions in the DEIS.

In particular, the DEIS relies on incomplete information to make conclusions. For instance, section 4.2.2 does not mention the effect of wind energy on sage-grouse when discussing effects of other energy development. Agencies must make clear if they lack complete information for the EIS. See 40 CFR 1502.22. Where information is needed, agencies must obtain the information unless the means to obtain it are unknown or is prohibitively expensive to obtain. Id. at 1502.22(b). The final EIS should make this ambiguity clear in light of the duty to adequately disclose or describe the limitations, assumptions, and applicability of modeling or methodologies used in the EIS

I.4 CUMULATIVE IMPACTS

Comment Number: LFOSG-14-0004-16

Comment Excerpt Text:

The DEIS fails to identify reasonably foreseeable future actions. For example, the fact that there are 12 wind testing applications does not equate to reasonably foreseeable utility scale wind energy projects. We also question why hunting and predator control is determined to be outside the scope of the DEIS. The DEIS also fails to meaningfully identify the spatial scope of cumulative impact area for renewable energy. For example, Table 5.1 does not include any cumulative impact with regard to wind power.

Comment Number: LFOSG-14-0022-8

Comment Excerpt Text:

BLM admits in the RMP/DEIS that most GRSG activity and the highest conservation value and quality habitat are represented within PPH. Given this situation, we emphatically object to BLM’s proposal to extend the same exact set of restrictions to PGH. BLM has failed to provide thorough and concise scientific justification for this proposed action. Notwithstanding our objections to unwarranted, excessive management strategies for oil and gas leasing and development outlined in the other Montana RMPAs (Miles City, HiLine, Billings/Pompey’s Pillar), they at least

separated management strategies by PH and GH. BLM needs to explain why its management focus in LFO is the same in both habitat categories.

1.5 MITIGATION MEASURES

Comment Number: LFOSG-14-0004-13

Comment Excerpt Text:

The final EIS should include more alternative design features and mitigation measures that:

- 1) recognize sage-grouse habitat quality and protection in proportion to potential sage-grouse conservation;
- 2) recognize the efforts of local, regional, statewide, and private conservation initiatives; and
- 3) provide for compensatory on-site and off-site mitigation (such as mitigation banks).

In our experience, onsite mitigation options are often limited because BLM appears to believe that sage-grouse will disappear from the project area of a wind farm. If the term mitigation is used in its classic sense, as defined by the FWS and Corps of Engineers, mitigation includes (in this order) avoidance, minimization, and compensation. Using this definition, avoidance of as much impact through project siting, design and/or operation should constitute an onsite mitigation action, as would minimizing other impacts through project design or operation.

Offsite mitigation options should include compensatory mitigation, in which sage-grouse habitat would be improved in some substantial way to provide a net benefit. Compensatory mitigation options include, but are not limited to, juniper removal, marking fences and transmission lines, decommissioning existing roads, replanting burned areas, controlling non-native species, managing livestock, restoring higher quality native vegetation, and limiting public access to important areas, including lekking, nesting, and winter ranges. Offsite mitigation can also most easily be accomplished on private lands through conservation banking or through Candidate Conservation Agreements with

Assurances (CCAAs) and on public lands (if feasible) through Candidate Conservation Agreements (CCAs).

We further noted that Appx A, Required Design Features, proposes numerous features for fluid minerals but is unclear on whether they would apply to wind energy, which the DEIS likens to oil and gas field development. This should be clarified in the final DEIS

Comment Number: LFOSG-14-0006-4

Comment Excerpt Text:

Furthermore, many of the alternatives do not provide quantifiable, scientific valid parameters that will allow BLM and Forest Service to measure the success of these efforts. In its framework regarding effectiveness monitoring the RMP/EIS merely states in one single paragraph that the BLM and Forest Service in coordination with state agencies will analyze monitoring data to accomplish effective monitoring for the Amendment as implemented. Additionally, the RMP/EIS provides that effectiveness monitoring will be used to inform the BLM and USFS' adaptive management strategy, without further detailing any metrics or even measurable timelines

Comment Number: LFOSG-14-0006-6

Comment Excerpt Text:

although the DEIS mentions monitoring and evaluating the success of conservation efforts, they provide no further details regarding the framework for the monitoring and evaluation process, a timeline for monitoring and evaluation, and as mentioned above metrics for evaluating conservation success. In its draft monitoring and evaluation plan the BLM and USFS state they will begin working with the Western Association of Fish and Wildlife Agencies (WAFWA) collecting various data including baseline vegetation cover data and disturbance data, and document progress annually toward full implementation of the land use plan. However, the agencies do not provide further detail on a deadline for data collection.¹⁶ Furthermore, the agencies propose that data will be reported every five years "or as needed to respond to emerging issues," providing no assurance that the

public will be able access monitoring and evaluation data.¹⁷ Thus the DEIS is not certain to be effective because they lack quantifiable parameters and provisions for monitoring and evaluating the implementation status or the success of conservation efforts, without which BLM will be unable to evaluate whether the Amendments will actually conserve and restore sage-grouse populations and habitats

Comment Number: LFOSG-14-0008-1

Comment Excerpt Text:

To provide certainty as committed to in the Draft RMPA/EIS, we recommend that the Final RMPA/EIS include the adaptive management plan with the following details:

- Specific timelines for periodic reviews and adjustments;
- Specific criteria for determining whether additional mitigation measures are needed;
- Specific mechanisms to consider and implement additional mitigation measures; and
- Specific thresholds that would trigger changes in management actions, monitoring or mitigation.

Comment Number: LFOSG-14-0008-2

Comment Excerpt Text:

We additionally recommend that the BLM include more precautionary management actions in the Preferred Alternative, and use adaptive management to relax conservation measures as GRSG populations increase or achieve sustainability. This precautionary approach to adaptive management planning appears to be worth considering because of the slowness of the GRSG to move into expanded or improved habitat and the unpredictability of GRSG populations. Many of the land management practices and decisions covered by the Draft RMPA/EIS would result in permanent impacts with few opportunities to reduce habitat fragmentation. For example, once a new road is constructed there would be permanent impacts to GRSG habitat. For activities with more permanent impacts, it is not clear whether adaptive management

would be successful in increasing the protection of GRSG habitat once the land management practices and decisions have been made, which suggests that it would be better initially to err on the conservative side and provide for relaxation of requirements, as appropriate, through adaptive management.

Comment Number: LFOSG-14-0022-12

Comment Excerpt Text:

BLM must outline in detail how it will handle monitoring the effectiveness of mitigation practices. Given the various mitigation policies being proposed through this RMPA/DEIS (Appendix B), the demonstrated effectiveness of such practices must be an integral part of any monitoring program. Of particular concern is that no provision is included for those measures which reclaim or enhance habitat either onsite or offsite related to a project. A tracking system for identifying habitat improvements must be incorporated into the implementation plan; one which does not rely exclusively or extensively on the Geographic Information Systems (“GIS”) because it would be managed by a federal agency with tight budgets and limited staff hours for database management.

Comment Number: LFOSG-14-0022-13

Comment Excerpt Text:

it is vague as to when, how or whether new field data will be collected and tracked by the agencies. The trigger structure needs to be more fully explained in the context of when NSO, TL, CSU or other measures that may be imposed or relaxed based upon new findings. Moreover, since “hard triggers” are when agencies will take “immediate action” to stop “continued deviation” from conservation objectives, these measures would likely require subsequent NEPA analysis.

Comment Number: LFOSG-14-0022-22

Comment Excerpt Text:

We recognize the need to monitor the implementation and effectiveness of the RMPA. However, the BLM has not provided adequate specificity regarding how this will be accomplished. The RMPA/DEIS merely describes the type of

approach that will be taken to implement a monitoring framework. Without something closer to a final product, it is impossible to clearly understand and comment on such a policy. This raises substantial issues with NEPA compliance-particularly when results from the monitoring framework will lead to management changes through adaptive management.

Comment Number: LFOSG-14-0022-24

Comment Excerpt Text:

We recommend that BLM reexamine the RDFs and mitigation measures to ensure they are technically feasible, appropriate and retain an adequate level of flexibility when their use is contemplated for use on a site-specific basis. Prior assessment of RDFs on a “site-specific basis” is also vital and applying them only when “reasonable” makes sense and is appropriate. Since some of these design features may prove effective only in certain instances, we recommend they be incorporated as “preferred” or “suggested”, rather than “required.” BLM must acknowledge that site-specific circumstances will typically dictate whether certain design features are technically feasible, economic, or appropriate. Therefore, instead of utilizing a list of rigid RDFs, we recommend the agencies keep a list of practical best management practices (BMP) that can be applied based upon site-specific circumstances as appropriate.

2. FEDERAL LAND POLICY AND MANAGEMENT ACT

Comment Number: LFOSG-14-0004-10

Comment Excerpt Text:

the strict single-species management being pursued by BLM and the FS through the current sage-grouse policy is clearly a violation of the multiple-use policy that Congress has repeatedly declared in several federal statutes and the balancing of interests that those statutes require. In other words, to manage these public lands for the protection of a single species and categorically limit other interests on specified land is clearly inconsistent with the statutory intent of both FLPMA and NFMA. Consistent with these statutes, BLM and the FS should manage federal public lands pursuant to the multiple-use and

sustainable-yield mandates and not rule out certain activities on those lands, such as excluding important uses, including renewable energy development, from certain areas.

Comment Number: LFOSG-14-0004-12

Comment Excerpt Text:

any EIS’s “purpose and need” statement should focus on the diverse uses that federal lands should promote, including renewable energy development. While sage-grouse conservation must be pursued, it should not overly burden the advancement of other productive activities. Federal law makes clear that an EIS governing land management plans must “recognize competing values.” The principles of multiple use and sustained yield should play a central role in framing the DEIS considering that both BLM and the FS maintain multiple use mandates for their land that trump single-species management.

Comment Number: LFOSG-14-0004-8

Comment Excerpt Text:

This sage-grouse management policy described in the NTT Report, in conjunction with the NOI and the IMs, elevates sage-grouse management above other multiple uses on the federal public lands. This is the case even though BLM and the FS have established their multiple-use management mandate, which trumps single-species management, in the Federal Land Policy and Management Act of 1976, as amended, (FLPMA), the National Forest Management Act of 1976 (NFMA), and the Multiple-Use Sustained-Yield Act of 1960

Comment Number: LFOSG-14-0022-14

Comment Excerpt Text:

Because BLM is essentially establishing a new rule to require compensatory mitigation, in ways it sees fit without consideration of need or lease rights, it is evident that BLM believes it has authority to unilaterally modify its current commitments to operators with respect to APDs, leases, rights-of-way or approved projects to require compensatory mitigation. This is clearly contrary to FLPMA; further, it signals BLM is willing to arbitrarily place greater importance on aesthetic resource values over other

uses, such as minerals and other commodity development.

Comment Number: LFOSG-14-0037-25

Comment Excerpt Text:

FLPMA and its implementing regulations and policies require BLM to utilize the land use planning process to determine “allowable” uses of public lands, including whether to exclude major uses under FLPMA Section 202(e). By failing to consider an alternative to exclude livestock grazing from the entire planning area, the BLM cannot reasonably be said to have taken a hard look at the uses of these public lands or complied with the directions of FLPMA.

2.1 INVENTORIES

Comment Number: LFOSG-14-0037-3

Comment Excerpt Text:

To ensure that BLM has adequate information to complete this task, FLPMA also directs the Secretary to “prepare and maintain on a continuing basis an inventory of public lands and their resources and other values... This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.” Id. § 1711(a). BLM is obligated to “arrange for resource, environmental, social, economic, and institutional data and information to be collected, or assembled if already available.” 43 C.F.R. § 1610.4-3. An RMP/EIS is the ideal location for summarizing this inventory and analyzing the impacts of the proposed land uses.

2.2 CONSISTENCY WITH OTHER STATE, COUNTY, OR LOCAL PLANS

Comment Number: LFOSG-14-0004-15

Comment Excerpt Text:

The DEIS states that BLM and the FS recognize the importance of state and local plans, as well as plans developed by other federal agencies and tribal governments, and will strive to be consistent with or complementary to the management actions in these plans whenever possible. However, it appears that the agencies did not consider how their following

planning efforts conflict with: (1) the BLM Manual 6840 Special Status Species Management; and (2) Wind PEIS and BMP approach. See 40 CFR 1502.16(c) (requiring the consideration of “[p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned”)

Comment Number: LFOSG-14-0008-4

Comment Excerpt Text:

3. Disclosure of the Montana Greater Sage-Grouse Habitat Conservation Strategy

We note that the Montana Greater Sage-Grouse Habitat Conservation Advisory Council recently released its November 1, 2013 Draft Montana Greater Sage-Grouse Habitat Conservation Strategy (Montana Strategy) for review and comment. This citizen-based Advisory Council was directed by the Montana Governor to “gather information, furnish advice, and provide recommendations on policies and actions for a state-wide strategy” to conserve the GRSG. The Advisory Council intends to evaluate public comments on the Draft Montana Strategy and then modify/finalize its recommendations to the Governor in January 2014. After finalizing the Montana Strategy and developing an implementation plan, the Governor will submit the Montana Strategy to the USFWS for review with the expectation that the USFWS will determine its adequacy.

We recommend that the Final RMPA/EIS disclose the status of the Montana Strategy, the USFWS review and recommendations, and the implications for activities on BLM lands. If the Montana Strategy has been finalized and its adequacy determined by the USFWS, we recommend that it be incorporated into the Final RMPA/EIS.

Comment Number: LFOSG-14-0022-7

Comment Excerpt Text:

Under Executive Order No. 2-2013, Montana Governor Bullock mandated the establishment of a Greater GRSG Habitat Conservation Advisory Council with a stated purpose “to gather information,

furnish advice, and provide to the Governor recommendations on policies and actions for a state-wide strategy to preclude the need to list the Greater GRSG under the Endangered Species Act (ESA), by no later than January 31, 2014.”

Similarly the RMPA/EIS needs to explain how the final planning document will correspond with the state of Montana GRSG population management objectives.

2.3 OTHER LAWS

Comment Number: LFOSG-14-0004-1

Comment Excerpt Text:

Prior to the issuance of the December 2011 IMs, AWEA suggested to BLM that the policies set forth in those documents should not be established through the issuance of IMs but rather evaluated through a notice-and-comment process as they would determine the outcomes of the RMPs at issue in the NOI. Rather than go through the notice-and-comment process, BLM issued the IMs, which were made effective immediately. However, because the guidance documents drive the policies that will ultimately be adopted in the RMPs and LMPs, AWEA nonetheless submitted comments on the documents promoting the incorporation of greater sage-grouse conservation measures into RMPs and LMPs.

The purpose of the IMs indicates that the policies driving the actual conservation measures were determined when the IMs were issued and were determined without an opportunity to comment. BLM has never provided an explanation as to why IMs, which add substantive requirements to the National Strategy, and the NOI do not require conformity with the Administrative Procedure Act (APA). Thus, as we understand the situation and explain further below, failure to provide notice and an opportunity to comment on the IMs was a violation of the APA.

Comment Number: LFOSG-14-0004-3

Comment Excerpt Text:

it is clear that the IMs are legislative, and not interpretive, rules and, therefore, should have been

noticed for comment. The IMs do not interpret sufficiently concrete statutory language from the FLPMA, or any other statute or regulation, to qualify as interpretive. Put simply, these documents do not constitute interpretive rules because BLM is explicitly invoking its statutory authority and setting out substantive new rules instead of interpreting previous legislative rules. If Congress had already acted legislatively, BLM could have exercised its own delegated legislative authority, but, since the IMs and the NTT Report do not stay within the language of the FLPMA, they add substantive content to the statute and are therefore legislative rules subject to APA section 553's notice-and-comment requirements.

Comment Number: LFOSG-14-0004-4

Comment Excerpt Text:

The IMs governing sage-grouse conservation satisfy the test for federal action that is subject to NEPA review. The failure to complete this review shielded the IMs' provisions from scrutiny, specifically with respect to the evaluation of other reasonable alternatives that could have achieved BLM's conservation objectives while not overly burdening wind energy development. The wind industry's contributions in mitigating climate change also received no analysis or consideration as a mitigating effect due to the fact that these documents were not subject to NEPA. Given these shortcomings, the IMs should not have been relied upon in formulating the DEIS.

Comment Number: LFOSG-14-0004-5

Comment Excerpt Text:

Additionally, the NOI was issued to help guide the preparation of an EIS. NEPA implementing regulations specifically address what actions are allowed during the time period in which an EIS is being prepared, and state that “[w]hile work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment.” Applied here, the December 2011 IMs

do not fall into any of the exemptions associated with this rule and constitute an independent action with an environmental impact for which the appropriate NEPA analysis should have been completed.

Comment Number: LFOSG-14-0006-2

Comment Excerpt Text:

SUWA makes clear that the agencies have the discretion to include specific, discrete language within their respective land management plans to make sage-grouse conservation actions mandatory and binding on the landscape in order to ensure that the greater sage-grouse population is restored. However, here, because the plan includes significant discretionary language (e.g. avoidance) the agencies are not, in reality, meaningfully bound to meet any of the goals within the proposed plan amendments and implement all of the actions to protect the sage-grouse. Vague mandates within the plans could be ignored or watered down even without new plan amendments well before the next overarching plan amendment review period 15 years from now.¹²

Under SUWA, the inclusion of this discretionary language provides little assurance that the agencies will actually implement conservation measures, with the result being that there will be a general inability for the public to hold either agency accountable for actually effectively implementing the goals, objectives, standards and guidelines put forth in the DEIS. For this reason, the Preferred Alternative D, as well as the other alternatives as currently proposed in the DEIS do not meet the first criterion in the PECE Policy [Policy for Evaluating Conservation Efforts]

Comment Number: LFOSG-14-0006-3

Comment Excerpt Text:

The DEIS also does not meet the PECE Policy standards for ensuring that conservation measures are certain to be effective when implemented. First, the Preferred Alternative D does not state explicit incremental objectives and dates for the conservation effort, and does not describe the steps necessary for implementing the conservation effort. The draft monitoring framework merely states an implementation workbook will be completed within

one year of the ROD to track the status of implementation of each management action, and that it will be “maintained as actions occur.”¹³ The draft mitigation strategy states that BLM will establish a Mitigation Implementation Team for each management zone covering the planning area that will “coordinate mitigation strategies” among various federal and state land management agencies. However, the strategy provides no clarity on when the team be assembled, what strategies they will adopt, and how mitigation strategies will ensure sage-grouse survival and recovery in conjunction with the implementation of the alternatives in this RMP/EIS.

3. GREATER SAGE-GROUSE

3.1 NTT REPORT/FINDINGS

Comment Number: LFOSG-14-0004-6

Comment Excerpt Text:

Pursuant to 40 CFR 1502.24, agencies must insure the professional integrity, including scientific integrity, of the discussions and analyses in an EIS. However, even though peer reviewer comments were highly critical of the draft NTT report, BLM failed in its duty to adequately consider and incorporate those opposing scientific viewpoints. For instance, The NTT Report is not supported by the Western Association of Fish and Wildlife Agencies (WAFWA) as BLM’s sole source of Sage-grouse management direction. In a letter sent to the Interior Secretary on May 16, 2013, WAFWA member states made it clear that they never endorsed the sole use of the NTT or any other scientific publication to determine appropriate management of sage-grouse habitat. Rather, they believe that a variety of peer-reviewed publications which collectively provide the best available science for sage-grouse should have been used by BLM as the basis for conserving the sage-grouse, thereby avoiding a listing under the ESA. WAFWA went on to recommend that management and regulatory mechanisms be based upon the best available science which would provide the best strategy for near- and long-term management of sage-grouse and provides the best opportunity for precluding the need to list the species under the ESA.

Comment Number: LFOSG-14-0004-7*Comment Excerpt Text:*

We also note that the NTT Report is inconsistent with the requirements of FACA. In enacting FACA, Congress declared that “standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees” and that “the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees.” In accordance with these declarations, FACA requires the publication of a Federal Register notice when an advisory committee is established. Despite this mandate, no Federal Register notice was published with respect to the preparation of the NTT.

Another central principle imposed by FACA is to “require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” This requirement of balanced participation was not adhered to in the preparation of the NTT. According to the NTT, members of the team included personnel from “the BLM, State Fish and Wildlife Agencies, USFWS, Natural Resources Conservation Services (NRCS) and U.S. Geological Survey (USGS).” Despite the diverse balance of federal agency personnel represented, no private interests from industry or the NGO arena were present, thereby preventing the committee from considering the requisite range of perspectives.

Comment Number: LFOSG-14-0022-2*Comment Excerpt Text:*

the NTT report is clearly biased as evidenced by its assertion that oil and gas “impacts are universally negative and typically severe,” particularly since the NTT utilized little or no useful and site-specific data upon which to base that conclusion.

3.2 COT REPORT**Comment Number: LFOSG-14-0022-20***Comment Excerpt Text:*

The COT report essentially ignores the effects of predation on GRSG productivity, does not identify predators of GRSG nor does it suggest measures to lessen or mitigate effects of predation. The COT report states that predation may be significant at the local level, particularly if habitat quantity and quality are compromised. However, the USFWS did not identify predation as a significant range-wide threat in the evaluation to list the GRSG under the Endangered Species Act.

Comment Number: LFOSG-14-0022-3*Comment Excerpt Text:*

Instead, the COT report chose to limit its recommendations to restrictions on activities that have never been demonstrated to cause a population decline. The COT report’s recommendation to regulate nonthreatening activities combined with its disregard of a major, actual threat to GRSG demonstrates a clear lack of scientific integrity in the COT report.

Comment Number: LFOSG-14-0022-4*Comment Excerpt Text:*

we also advise BLM to reconsider its dependence on the COT report in the RMPA/DEIS. To do otherwise would be inconsistent with the ESA, the Data Quality Act (DQA) and current Presidential and Interior Department memoranda and orders.

Comment Number: LFOSG-14-0035-1*Comment Excerpt Text:*

A preliminary, qualitative assessment of DEIS proposed action consistency with the COT Report is provided for each alternative in the attached Matrix (USFWS BLM RMP Alternative Review Matrix). It should be noted that consistency ratings did not consider COT Report threat classifications (e.g., ratings at this stage did not consider whether threats were widespread, localized, or not known to be present in the planning area). We hope this

information enhances the BLM's own COT Report consistency evaluation presented in the DEIS.

Comment Number: LFOSG-14-0035-2

Comment Excerpt Text:

The DEIS proposes alternative actions, components, and other conservation measures that would benefit the GSG and improve GSG conservation in the LFO planning area under all of the action alternatives (B, C, and D [agency preferred]) in comparison to the no action alternative (A). However, we do not believe that the RMPA purpose, goals, and objectives for GSG are thus far clearly met, nor threat amelioration yet clearly demonstrated, by the preferred or other alternatives analyzed in the DEIS. Based on the following comments, as well as comments and information presented in the attached matrix, we recommend that BLM provides some additional clarification, detail, and measures with respect to individual actions across all alternatives to demonstrate COT Report consistency, GSG conservation, and threat amelioration in the LFO planning area.

3.3 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0007-1

Comment Excerpt Text:

The preferred alternative does not require that livestock grazing maintain a minimum grass height in sage-grouse nesting and brood-rearing habitats (see Table 1). Sage-grouse habitat objectives in priority habitat would be based, in part, on the Greater Sage-Grouse Draft Monitoring Framework (Appendix B), which doesn't describe preferred habitat characteristics (including recommended grass height), and state or local objectives, which are not defined ((2-30 , 2-31, 2-32, Table 2-4). The final plan should require that grazing maintain habitat characteristics, including grass height, recommended in Connelly et al. (2000).

Comment Number: LFOSG-14-0020-1

Comment Excerpt Text:

That said, we ask that the BLM consider expanding boundaries where Audubon's Musselshell Important Bird Area suggests that boundaries should be larger.

Comment Number: LFOSG-14-0020-3

Comment Excerpt Text:

We are disappointed that the Draft RMPA/EIS does not specifically recognize the IBA program.

Montana has a total of 40 Important Bird Areas, one of which is located partially or wholly within the Lewistown Field Office's boundary: the Musselshell IBA. This IBA overlaps considerably with the MFWP Core Areas, with some exceptions. Because both efforts relied on the same initial approach to determining core areas, we suggest erring on the side of caution and considering both boundaries when determining the boundary of the RMPA's Sage-Grouse Preliminary Priority Habitat (PPH), reducing—or avoiding—development and disturbance within both the MFWP identified Core Area and the Montana Audubon classified Important Bird Areas (see Figure 1 below). Combining these two boundaries would specifically add acreage to the RMPA's proposed PPH.

Comment Number: LFOSG-14-0020-4

Comment Excerpt Text:

We prefer the goal found in Alternative B: "Manage or restore priority areas so that at least 70% of the land cover provides adequate sagebrush habitat to meet GRSG needs; Manage PH so that discrete anthropogenic disturbances cover less than 3% of the total GRSG habitat." The comparable goal to Alternative C and D (preferred alternative) appears to be unmeasurable—so that there will not be any way to determine if the goal is reached

Comment Number: LFOSG-14-0020-8

Comment Excerpt Text:

Disruptive Activities and Seasonal Provisions. We support limiting activities near sage-grouse winter range from December 1 to March 15. However, the stipulation has a buffer around it that is lek-

dependent. As we learn more about sage-grouse, we are finding out that Montana birds migrate seasonally. Any identified winter range should be protected with timing restrictions AND buffers (preferably a 4 mile buffer).

Comment Number: LFOSG-14-0022-11

Comment Excerpt Text:

It is essential for the RMPA/DEIS to disclose the specific criteria that will be used to assess whether an activity “compromises the functionality of the habitat.” The uncertainty regarding how BLM will estimate such impacts makes it virtually impossible for a project proponent to determine the feasibility and viability of a potential project located in GRSG habitat.

Comment Number: LFOSG-14-0023-7

Comment Excerpt Text:

DEIS (2-30) Action: GRSG habitat objectives would be considered when evaluating an allotment’s conformance with land health standards prior to renewing a grazing authorization.

Comment: It is unclear which objectives constitute the “GRSG habitat objectives” to which the DEIS repeatedly refers. If these are the objectives outlined in the Habitat Assessment Framework, we have concerns.

Comment Number: LFOSG-14-0024-1

Comment Excerpt Text:

It would also be helpful to develop specific and quantifiable habitat and population objectives. Essentially, what does successful recovery look like? The BLM Lewistown unit is historically a place that sage-grouse thrive (Figure 1). However, these numbers have receded as anthropogenic disturbances have increased. There are a number of BLM tracts of land that are no longer considered PH or even GH, but have been in the past. This proves that the importance of managing not just for what is present and at current thresholds, but what is historically and ecologically relevant. For this reason, we recommend that all management actions that are to take place in PH, also extend outwards for a 15 kilometer buffer

zone (Figure 2). This would also allow more connectivity between the CMR Wildlife Refuge. This would benefit GRSG populations greatly, as part of a healthy population includes analyzing metapopulations for genetic diversity.

SEE ATTACHMENT for: Figure 1- Historic Distribution of Sage Grouse in Central Montana

SEE ATTACHMENT for: Figure 2- 15 km buffer zone replicating historic GRSG range

Therefore, we disagree with the choice not to include limits to anthropogenic choices within PH. Most of the disturbances that interfere with sage grouse are classified as discrete. Discrete disturbances include roads, power lines, oil/gas wells, communication towers, etc. In general, sage-grouse are sensitive to these types of disturbances (Johnson et al. 2011, Naugle et al. 2011a,b). We feel that discrete anthropogenic disturbances in PH and 15 KM around it should not exceed 3% of the total sage-grouse habitat, regardless of ownership. We define anthropogenic features as paved highways, graded gravel roads, transmission lines, substations, wind turbines, oil and gas wells and their associated facilities, pipelines, homes, and mines. Furthermore, in areas where there is already more than 3% disturbance, there should be no further anthropogenic disturbances allowed until the habitat has been restored to a disturbance level of 3% or lower of the total sage-grouse habitat.

Comment Number: LFOSG-14-0024-15

Comment Excerpt Text:

There are a number of tracts of BLM land surrounding PH and GH that have restoration potential for sagebrush habitat (Figure 6). Many of these areas are historically significant to sage-grouse, but have been degraded over time from human impact. Figure 6 shows many of these areas in blue. Therefore, it is important to conserve areas not just within PH or GH, but also surrounding them.

SEE ATTACHMENT for Figure 6 – Soil Restoration Potential for Sage-grouse Habitat

Comment Number: LFOSG-14-0024-3

Comment Excerpt Text:

For PH, we recommend the following:

- Travel management should evaluate the possibility of permanent or seasonal road or area closures.
- Complete travel management within five years of the ROD. In the interim, exercise the use of BLM IM No. 2013-035.
- Use existing roads, or realignments to access valid existing rights that are not yet developed. If it cannot be accessed by an existing road, then build the road to absolute minimum standards, adding the surface disturbance to the total of the habitat. If the construction exceeds 3%, then establish mitigation standards. We thank the BLM for choosing this option.
- Do not allow the upgrading of any existing routes that would upgrade the route category unless it is necessary for safety reasons or eliminates the need for the construction of a new road.
- Restore roads, two-tracks, and trails not designated in travel management plans. When restoring roads, also include primitive route/roads that were not designated in WSAs and within potential and existing lands with wilderness characteristics.

Comment Number: LFOSG-14-0035-23

Comment Excerpt Text:

Invasive Plants, Fire, and Sagebrush Treatment. The Service has funded the Western Association of Fish and Wildlife Agencies (WAFWA) to develop a set of concise, prioritized and integrated actions land managers and policy makers can take to preclude the dominance of invasive species and reduce their influence on the fire cycle in sagebrush ecosystems. BLM should continue to incorporate this and additional guidance into the FEIS as it becomes available; discussion between BLM and the Service is ongoing with respect to invasive species and fire. A

timeline for LFO completion of the GSG Wildfire and Invasive Species Habitat Assessment in Appendix K should be provided in the FEIS.

Comment Number: LFOSG-14-0035-36

Comment Excerpt Text:

Some proposed actions in the DEIS are conditioned such that they would not impact the "functionality" of GSG habitat. An example is provided from Table 2-4 under Alternative D for fluid minerals: Surface-disturbing/disruptive activities would avoid or minimize disturbance to GSG or their habitat. Except as identified above or during emergency situations, activities would not compromise the functionality of the habitat. A definition for functionality and description of criteria/standards and assessment methodology to evaluate functionality should be provided for this term as it applies to GSG.

Comment Number: LFOSG-14-0035-7

Comment Excerpt Text:

The DEIS specifies no permanent lek buffers in the preferred alternative; seasonal lek and winter habitat surface use restrictions are only provided for solid minerals development. We recommend that BLM consider adding permanent lek buffers in the Best Management Practices/Required Design Features (BMP/RDF) measures or as components of the preferred alternative actions. Please consider a range of 1 to 4 mile permanent lek buffers relative to proposed surface-disturbing and disruptive activities in PH. We consider 4 mile lek buffers to be protective of most nesting habitat in Montana; lesser buffers may be effective when considered in combination with other conservation measures and the nature of the proposed activity. Permanent lek buffers in general habitat (GH) and seasonal buffers in both PH and GH should also be considered relative to surface-disturbing and disruptive activities.

Comment Number: LFOSG-14-0035-8

Comment Excerpt Text:

Lek buffers should be applied to "occupied" leks as defined in the DEIS (active during at least one strutting season during prior 10 years). If applied to "active" leks, then the definition for "active" leks in

the DEIS (any lek that has been attended by male GSG during the strutting season) should minimally be revised to be consistent with Connelly et al. (2000), who define an active lek as a traditional display area in or adjacent to sagebrush-dominated habitats that has been attended by >2 male sage grouse in >2 of the previous 5 years.

Comment Number: LFOSG-14-0035-9

Comment Excerpt Text:

The rationale for any proposed GSG distance buffers in the appendices or within alternative components should be provided and discussed. Where lek buffers are not specified in the selected alternative, the DEIS should provide clear explanation as to how similar GSG protections would be achieved (e.g., use of No Surface Occupancy [NSO] stipulations, exclusion areas, noise limitations, etc.).

Comment Number: LFOSG-14-0037-14

Comment Excerpt Text:

The potential conflict between livestock grazing and sage-grouse intensifies near water sources due to the importance of these areas to sage-grouse, particularly during early brood rearing. Heavy cattle grazing near springs, seeps, and riparian areas can remove grasses used for cover by grouse.⁴⁰ “[R]apid removal of forbs by livestock on spring or summer ranges may have a substantial adverse impact on young grouse, especially where forbs are already scarce.”⁴¹ The BLM must modify its preferred alternative that protect and restore sage-grouse habitat, native plants, particularly in riparian areas. This should be done, not with fencing that poses other problems for sage-grouse and other wildlife, but through reduction and removal of livestock grazing in pastures that include riparian areas.

⁴⁰ Klebenow, D. A. 1982. Livestock grazing interactions with sage grouse. Proc. Wildlife-Livestock Relations Symp. 10: 113-123.

⁴¹ Call, M. W. and C. Maser. 1985. Wildlife habitats in managed rangelands – the Great Basin of southeastern Oregon: sage grouse. Gen. Tech. Rep.

PNW-187. U.S. Forest Service, Pacific Northwest Forest and Range Exp. Stn. Portland, OR.

Comment Number: LFOSG-14-0037-15

Comment Excerpt Text:

The paper, “A Blueprint for Sage-grouse Conservation and Recovery (Braun 2006) states “if livestock grazing is permitted on public rangelands, is to not exceed 25-30% utilization of herbaceous forage each year. Grazing should not be allowed until after 20 June and all livestock should be removed by 1 August with a goal of leaving at least 70% of the herbaceous production each year to form residual cover to benefit sage-grouse nesting the following spring.” The RMPA/DEIS does not adopt any such meaningful management parameters, and even the reduced grazing alternative (C2) only calculates reductions to 30 percent. The permissible level of 50 percent utilization does not protect sage-grouse habitat and cannot be considered adequate in uplands or riparian areas.

Comment Number: LFOSG-14-0037-8

Comment Excerpt Text:

The BLM National Sage-grouse Habitat Conservation Strategy is entitled “Guidance for the Management of Sagebrush Plant Communities for Sage-Grouse Conservation,” and hence is directly applicable to the instant planning area. The Strategy includes a host of enforceable limitations and requirements on livestock grazing to protect sagebrush habitats, and to maintain, enhance or restore sagebrush habitat, including:

- Avoid constructing livestock management facilities (i.e., corrals, tanks, troughs, pipelines, fences, etc.) next to leks;
- Design and locate the placement of fences for livestock . . . so as not to disturb important sage-grouse habitat areas;
- Consider seasonal closures to protect priority sage-grouse habitat if other alternatives will not achieve desired objectives;

- Use grazing practices that promote the growth and persistence of native shrubs, grasses and forbs needed by sage-grouse for seasonal food and concealment. . . Vegetation structure (height) should be managed so as to provide adequate cover for sage-grouse during the nesting period;
- Maintain seeps, springs, wet meadows, and riparian vegetation in a functional and diverse condition for young sage-grouse;
- Maintain sagebrush and understory diversity . . . adjacent to crucial season sage-grouse habitat unless removal is necessary to achieve sage-grouse habitat management objectives;
- Where other grazing management options are not achieving, or cannot achieve, the desired objectives, a short-term option may be livestock exclusion.⁷

These measures must be directly incorporated in the current plan for the RMPA/DEIS to comply with the agency’s own regulation.

Comment Number: LFOSG-14-0037-9

Comment Excerpt Text:

The U.S Fish and Wildlife Service will consider the Policy for Evaluating Conservation Efforts (“PECE Policy”) as the yardstick to determine the adequacy of existing regulatory mechanisms when considering whether listing is warranted. Implementation must be certain and the proposed plan in question must be known to be effective. According to the PECE policy, “We will make this evaluation based on the certainty of implementing the conservation effort and the certainty that the effort will be effective.”⁸ The BLM must incorporate this certainty into the current planning effort.

Comment Number: LFOSG-14-0039-14

Comment Excerpt Text:

New research (Copeland et al. 2013) projects continued sage grouse population declines at 14-29 percent in Wyoming if its Core Area standards are fully enforced; the Lewistown Alternatives D does not even meet this bar. The same study estimates

that, even when bolstered by \$250 million in targeted conservation easements on private property (a very unlikely assumption), the Core Area policies would only cut anticipated sage grouse population declines by half in Wyoming, and by two-thirds within high abundance areas. We are concerned that sage grouse in Montana may fare even worse given that BLM’s Alternative D is less protective in many respects than the State of Wyoming Core Area policy.

Comment Number: LFOSG-14-0039-19

Comment Excerpt Text:

Kaczor (2008) found that a residual stubble height of 10.2 inches best provided for the habitat needs of nesting sage grouse in South Dakota. The RMP should include at least one alternative that targets a residual summer height of at least 18 cm throughout sage grouse nesting habitat during the nesting season.

Comment Number: LFOSG-14-0039-27

Comment Excerpt Text:

The National Technical Team Report prescribes a number of conservation measures for sage grouse General Habitat, the lands outside priority habitat. These include avoidance for the purposes of rights-of-way and enhanced riparian area protections, for example. The Lewistown DEIS does not appear to consider alternatives to provide all enhanced protections for sage grouse Priority and General Habitats of the type recommended in the National Technical Team report. Under current BLM policy, the agency must fully consider implementing the recommendations of the National Technical Team in at least one alternative, and this direction applies to Priority and General Habitats alike. This shortcoming should be addressed in the Final EIS, and General Habitats should be accorded the protections necessary to maintain viable populations of this BLM Sensitive Species.

Comment Number: LFOSG-14-0039-28

Comment Excerpt Text:

We are concerned that the BLM has not fully considered the Sage-grouse Recovery Alternative or the National Technical Team recommendations in full, and has not provided sufficient explanation for

why this has occurred. In particular, measures to protect sage grouse wintering habitat are almost entirely absent from all alternatives, and there is no impacts analysis for permitted activities on wintering sage grouse and their habitats.

Comment Number: LFOSG-14-0039-30

Comment Excerpt Text:

The BLM has also not considered protections for sage grouse for lands outside Priority Habitats, and has not fully considered NTT or Sage-grouse Recovery Alternative measures proposed for sage grouse general habitats. What will be the impact of permitted activities on grouse populations that fall outside the Priority Habitats/ACEC boundaries under this plan? The DEIS is silent on this matter. The DEIS does not provide sufficient detail in its analysis to determine the impacts of permitted activities on sage grouse under either alternative.

Comment Number: LFOSG-14-0039-7

Comment Excerpt Text:

Land surface disturbance in sage grouse habitat is widely known to affect the species. Disturbance thresholds are commonly applied in areas of energy development, even though there has been little science to date establishing the disturbance threshold by percentage of land area at which significant impacts to sage grouse begin to occur. Under Alternative D, there is no limit on the amount of cumulative disturbance allowed in sage grouse core habitat. Importantly, infrastructure (including roads, pipelines, and powerlines) also have been identified as a principal threat in the Lewistown Field Office (with expansion expected), and they also contribute to habitat loss, fragmentation, and sage grouse displacement. This protective measure needs to be applied to existing fluid mineral leases as a Condition of Approval, and to all other forms of human disturbance as well

Comment Number: LFOSG-14-0039-8

Comment Excerpt Text:

It is also important that lek buffers be applied to all leks (active, inactive, and historic). If lek buffer protections go away when a lek becomes inactive or

historic, then permittees of various sorts have a perverse incentive to drive leks to extirpation in order to escape from protective measures in the future. Lek buffers in the plan amendment should be drafted accordingly, applying to all sage grouse leks regardless of activity status.

Comment Number: LFOSG-14-0040-11

Comment Excerpt Text:

Active Lek Buffers should be identified based on latest science

It appears that the BLM has not adopted active lek buffers for any development in the preferred Alternative. However, the BLM reviews the considerable science on the importance of these areas and potential impacts from development particularly from oil and gas development and infrastructure development citing the deleterious impacts up to 4 miles in several studies (4-11 & 14). A 4 mile buffer is considered in Alternative B and C for fluid mineral leasing as recommended by the NTT in combination with disturbance thresholds and well density limits as well as in alternative C for new road construction. In all sage-grouse areas where buffers are used, we agree with the state wildlife agencies that a buffer preventing energy development within 4 miles of active leks is preferred (unless greater protections are recommended in this document or new information indicates it should be greater) to protect as many nests as possible. Including that all pump stations and other permanent structures should be placed a minimum of 2 miles (3.2 km) from the nearest lek, with a preferred distance of >4 miles (6.4 km) from active leks, based upon the best-available data from Naugle et al. (2011).

Comment Number: LFOSG-14-0040-13

Comment Excerpt Text:

WWF has also produced, along with partners at the University of Wyoming, a spatially explicit map showing where West Nile virus is most likely to become prevalent under climate change conditions (Schrag et al. 2010). Areas with a high threat of West Nile virus should be prioritized for reduction of standing water and other factors that increase the

likelihood of acting as *Culex* mosquito breeding grounds.

Comment Number: LFOSG-14-0040-2

Comment Excerpt Text:

Support goal for RMPA and clearly assess if the conservation measures are those that will best attain the goal We support the RMPA goal identified by the BLM to “Maintain and/or increase GRSG abundance and distribution by conserving, enhancing, or restoring the sagebrush ecosystem upon which populations depend, in cooperation with other conservation partners.” We suggest that the BLM consider expanding this to include this additional language from the Lander RMP (FEIS at 122): “Sustain the integrity of the sagebrush biome to provide the amount, continuity, and quality of habitat that is necessary to maintain sustainable populations of greater sage-grouse and other species by achieving the objectives below.” This addition would help clarify the importance of connectivity areas and the importance of the sagebrush biome to other species.

Comment Number: LFOSG-14-0040-3

Comment Excerpt Text:

We appreciate and support that the BLM intends to further refine delineation of Priority Habitat (PH) and General Habitat (GH). In doing so, the BLM should clarify if the PH as delineated includes winter concentration areas and corridors and ensure these are mapped and included with appropriate conservation measures.

Comment Number: LFOSG-14-0040-4

Comment Excerpt Text:

Although the BLM notes that there is no indication that the sage-grouse in the planning area may be migratory (DEIS at 3-8) this should also be clarified in revising the PH and GH.

**3.4 BEST AVAILABLE INFORMATION
BASELINE DATA**

Comment Number: LFOSG-14-0001-3

Comment Excerpt Text:

A study done in Central Montana in 2011 and 2012 — “Sage Grouse Grazing Evaluation Study” was funded by NRCS, MTFWP, and USFWS. Agency personnel conducted the study showing “very positive” results for vegetation, nest success, chick and hen survival, from “Any 2 year grazing combination that includes at least a year of rest.” “Positive” results for the above came from “Any 2 year grazing combination that does not graze during nesting, brood rearing, or fall/winter treatment in consecutive years.”

These quotes come from pages 25-28 of this study.

Comment Number: LFOSG-14-0004-18

Comment Excerpt Text:

The concept of delineating PPH and PGH for sage-grouse is generally sound, inasmuch as the sage-grouse is a landscape species and thus roams over a very large area to meet its seasonal needs for survival. However, the current application of that concept by BLM is inconsistent and unjustifiably broad.

BLM does not provide a quantitative definition of PPH. Due to the lack of appropriate funding, most sage-grouse populations have generally not been well studied, and to the extent sage-grouse populations have been studied, the quality of data varies for each population. Each state BLM office has therefore individually established its own PPH maps, using varying degrees of available population data. In states that have not completed their delineations of PPH, BLM relied on the analysis by Doherty et al. to map PPH.

Comment Number: LFOSG-14-0004-19

Comment Excerpt Text:

Furthermore, most PPH maps appear to be developed without regard to actual habitat on the ground, resulting in the incorporation of non-habitat

within the PPH areas. Given that there are many such areas within the PPH that do not provide habitat for sage-grouse, BLM's current definition of PPH is not only vague and inconsistent but also overly broad. Such a broad delineation of PPH will unnecessarily limit productive legitimate economic uses of these federal public lands.

Comment Number: LFOSG-14-0004-20

Comment Excerpt Text:

Both PPH and PGH maps should be amended in the RMPs based on site-specific data. Such amendments have already been made in Wyoming and Oregon in response to public outcry regarding the original PPH and PGH designations in those states. Until this is corrected, PPH and PGH delineation should be subject to site-specific field evaluation as to their importance to local sage-grouse instead of simply prohibiting development. This would allow for this process to avoid blanket prohibition of wind development in large areas without appropriate site-specific evaluations first.

Comment Number: LFOSG-14-0007-5

Comment Excerpt Text:

The following new information related to sage-grouse and sagebrush steppe was published during preparation of the Lewistown plan and should be considered in planning process, as appropriate.

I. Beschta, R. L., D. L. Donahue, D. A. DellaSala, J. J. Rhodes, J. R. Karr, M. H. O'Brien, T. L. Fleischner, C. Deacon-Williams, Cindy. 2012. Adapting to climate change on western public lands: addressing the ecological effects of domestic, wild, and feral ungulates. Environmental Management, available at <http://fes.forestry.oregonstate.edu/sites/fes.forestry.oregonstate.edu/files/PDFs/Beschta/Beschta2012EnvMan.pdf>.

- Domestic livestock and other ungulates alter vegetation, soils, hydrology, and wildlife species composition and abundances that exacerbate the effects of climate change on western landscapes. Removing or reducing livestock grazing across large areas of public

land would alleviate a widely recognized and long-term stressor and make ecosystems less susceptible to the effects of climate change.

2. Knick, S. T., S. E. Hanser, K. L. Preston. 2013. Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range, U.S.A. Ecology and Evolution, available at <http://onlinelibrary.wiley.com/doi/10.1002/ece3.557/pdf>.

- Sage-grouse require sagebrush-dominated landscapes containing minimal levels of anthropogenic disturbance. Ninety-nine percent of remaining active sage-grouse leks were in landscapes with less than 3 percent disturbance within 5 km of the lek, and 79 percent of the area within 5 km was in sagebrush cover.

3. Patricelli, G. L., J. L. Blickley, S. L. Hooper. 2012. The impacts of noise on greater sage-grouse: a discussion of current management strategies in Wyoming with recommendations for further research and interim protections. Unpublished report. Prepared for the Bureau of Land Management, Lander Field Office and Wyoming State Office, Cheyenne and Wyoming Game and Fish Department; available at <http://www.wy.blm.gov/jio-papo/papo/wildlife/reports/sage-grouse/2012sgNoiseMon.pdf>.

- Maximum noise levels from land use and development allowed under the Wyoming state sage-grouse core area policy near sage-grouse leks and other habitat are untested, may be difficult to measure, and may be too high to support sage-grouse conservation within and outside core areas.

4. Copeland, H. E., A. Pocewicz, D. E. Naugle, T. Griffiths, D. Keinath, J. Evans, J. Platt. 2013. Measuring the effectiveness of conservation: a novel framework to quantify the benefits of sage-grouse conservation policy and easements in Wyoming. PLoS ONE 8(6): e67261. doi:10.1371/journal.pone.0067261. Available

at
www.plosone.org/article/fetchObject.action?uri=info%3Adoi%2F10.1371%2Fjournal.pone.0067261&representation=PDF.

- Modeling indicates that the Wyoming sage-grouse core area conservation strategy, fully applied, plus \$250 million invested in targeted conservation easements, would slow, but not stop projected sage-grouse population declines in the state. The Wyoming core area policy prohibits or restricts surface occupancy within 0.6 miles of sage-grouse leks, generally limits development to one site per 640 acres, and limits cumulative surface disturbance to 5 percent per 640 acres in core habitat.

5. Taylor, R. L., J. D. Tack, D. E. Naugle, L. S. Mills. 2013. Combined effects of energy development and disease on greater sage-grouse. *PLoS ONE* 8(8): e71256. doi:10.1371/journal.pone.0071256. Available at <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0071256>.

- The predicted cumulative impact of dense fluid minerals development (3.1 wells/km²) and West Nile virus outbreaks on greater sage-grouse quadrupled inactivity at leks in northeast Wyoming compared to the individual impacts of development or disease.

Noting the deleterious effects of cumulative impacts on sage-grouse, the researchers concluded that "conservation measures should maintain sagebrush landscapes large and intact enough so that leks are not chronically reduced in size due to energy development, and therefore vulnerable to becoming inactive due to additional stressors." They also advised "placing new developments outside of core [habitat] areas has the greatest likelihood of sustaining [sage-grouse] populations."

6. Blickley, J.L., K. R. Word, A. H. Krakauer, J. L. Phillips, S. N. Sells, C. C. Taff, J. C. Wingfield, G. L. Patricelli. 2012. Experimental chronic noise is related to elevated fecal corticosteroid metabolites in lekking

male greater sage-grouse (*Centrocercus urophasianus*). *PLoS ONE* 7(11): e50462. doi:10.1371/journal.pone.0050462.

- Anthropogenic noise from energy development and roads can cause greater sage-grouse to avoid otherwise suitable habitat and increase stress responses in birds that do remain, which could affect disease resistance, survival and reproductive success. The effects of noise from many common activities in the sagebrush biome significantly expands the human footprint on the landscape and impacts on sage-grouse.

7. Howe, K. B., P. S. Coates, D. J. Delehanty. 2014. Selection of anthropogenic features and vegetation characteristics by nesting Common Ravens in the sagebrush ecosystem. *Condor* 116: 35-49.

- The proximity of transmission lines was, among other factors, predictive of nest location for common ravens in/near sagebrush steppe. The research supports other findings that transmission lines subsidize ravens, a predator of sage-grouse.

Comment Number: LFOSG-14-0011-1

Comment Excerpt Text:

The State mapped core areas (includes 76% of displaying males in MT), which must be the equivalent of PACs. Your map (Fig 3-2) shows areas with >75% breeding density, but your map of PH is different on the southeast end of the planning area. I didn't see any explanation for this change.

Comment Number: LFOSG-14-0021-6

Comment Excerpt Text:

3-8. 2nd paragraph: "There are approximately 148 leks within the planning area, 77 of which were active in 2013" is incorrect. There are a total of 168 leks in the planning area, 146 which are not "confirmed inactive," and 71 which were active in 2013.

Comment Number: LFOSG-14-0021-7

Comment Excerpt Text:

3-15. 2.2.3 Conditions on BLM-Administered Lands, Yellowstone Watershed Population, where it states "there were 60 and 72 active leks in 2012 and 2013, respectively... yielded 83 active leks." There were 64 and 71 active leks in 2012 and 2013. In 2013, all but one of every single CA, AHM, or UC leks was surveyed, so the total active (known) leks for the area should be 71, not 83 (unless there is additional data from 2012 that FWP does not have).

Comment Number: LFOSG-14-0022-17

Comment Excerpt Text:

The lack of indication or expectation that GRSG are migratory in the planning area needs to have a basis in research. BLM must provide a specific citation for this assertion. Most importantly, BLM must also explain whether, prior to studies by Smith (2013), the migratory nature of GRSG near Glasgow was known or expected.

Comment Number: LFOSG-14-0022-19

Comment Excerpt Text:

Page 3-18 Chapter 3 presents historic information on GRSG leks over the period 1952 to 2012. Diagram 3-1 and 3-2 on page 3-16 appear to show cyclic variations in the numbers of leks and the numbers of large leks over the period of record.

COMMENT: The discussion of GRSG trends fails to address the fact that GRSG population parameters are cyclical and that data for Wyoming (and perhaps for this planning area) indicate that major fluctuations in GRSG populations have occurred over periods of record spanning decades.

Comment Number: LFOSG-14-0022-23

Comment Excerpt Text:

We strongly recommend that the numerous ecological sites throughout PPMAs, PPGAs, PPH and PGH that do not contain GRSG habitat for a variety of other reasons be recognized and incorporated into the initial monitoring baseline to ensure they are accounted for and not counted toward habitat disturbance.

Comment Number: LFOSG-14-0035-15

Comment Excerpt Text:

BLM-administered lands comprise approximately 19% of proposed PH and 11% of proposed GH in the planning area. The proposed PH (Alternatives B, C, and D) appears to be inclusive of Montana Fish, Wildlife and Parks (FWP) mapped sage-grouse core areas and COT Report PACs in the Planning Area (FWP core areas and PACs are identical), which we support. Direct comparison (acres) of PH/GH with FWP core areas/GH and FWS PACs should be provided to clarify consistency with the State and PAC strategy. If inconsistencies are identified, PH should be revised to include all core areas/PACs, or clear rationale should be provided as to how these proposed areas are consistent with the core area/PAC mapping and protection intent, along with explanation as to how GSG conservation will be achieved in core areas/PACs not included in BLM PH. Mechanisms for incorporating new PAC/core information into PH (State core/connectivity habitat revisions, etc.) should be included in the FEIS.

Comment Number: LFOSG-14-0039-15

Comment Excerpt Text:

According to one WAFWA commentor, "Some of these proposals are of questionable value, and may actually be detrimental, in terms of impact on sage grouse conservation" (WAFWA 2006:13). We suspect that many (if not most) such habitat enhancement projects are also prescribing treatments that will harm rather than help sage grouse habitat quality, but instead of being vetted by review from independent scientists, they are proceeding forward in the absence of any critical evaluation of their end effects. Braun et al. (2005) and Rowland (2004) provide basic reviews of sage grouse habitat requirements from a vegetative perspective.

Comment Number: LFOSG-14-0039-26

Comment Excerpt Text:

The Lewistown DEIS does not disclose the current thresholds of surface disturbance by population area as baseline information, nor does it estimate the projected disturbance percentage by area for each alternative.

Comment Number: LFOSG-14-0039-29*Comment Excerpt Text:*

There is a notable absence of baseline information in the DEIS on wintering habitats, and the lack of impacts analysis leaves open the question of how heavily wintering sage grouse will be affected by permitted activities under the new RMP, and what effect this will have on the viability of sage grouse populations both inside and outside Priority Habitats.

Comment Number: LFOSG-14-0039-3*Comment Excerpt Text:*

For the Great Basin, Connelly et al. (2000) recommended leaving residual grass cover at least 18 cm in height, available during the nesting season. This finding was empirically confirmed by Hagen et al. (2007). Taylor et al. (2010:41) stated, “Manipulating nest success with a 2 inch increase in grass height yielded an 8% increase in predicted population growth, suggesting that populations will benefit from moderate changes in grazing practices, one of the few tools available to managers to enhance populations.” We are concerned that the BLM’s emphasis on grazing to reduce cheatgrass in some alternatives will collaterally reduce nesting cover below this critical threshold. Herman-Brunson et al. (2009) found that sage grouse nest survival decreased when residual grass cover was < 16 cm in height. According to Kaczor (2008: 26) grass height is positively correlated with nest success, and this researcher recommended, “Land managers should attempt to leave or maintain maximum grass heights [greater than or equal to] 26 cm, the inflection point for 50% nest success.” See Attachment 8, and see Kaczor et al. (2011), Attachment 9. Heath et al (1997) also found that near Farson, Wyoming, nests with taller grass heights were more successful than those with shorter heights. The agencies should implement a standard within the plan to address a measurable stubble height that must remain throughout the nesting season in grouse nesting habitat. We recommend at minimum using the 7.1-inch residual stubble height standard as recommended by Connelly et al. (2000). Attachment 10. The BLM should evaluate this standard and other residual stubble height standards for nesting and

other habitats to determine which approach best represents the best science.

Comment Number: LFOSG-14-0039-4*Comment Excerpt Text:*

Text on Affected Environment with regard to sage grouse habitat failed to discuss the winter habitat needs of the birds, in spite of clear scientific evidence that impacts to sage grouse by oil and gas development on winter ranges can have profound effects on the birds (Walker 2008).

Comment Number: LFOSG-14-0039-6*Comment Excerpt Text:*

The Belt Mountains sage grouse population has no proposed Priority Habitat to be designated under the DEIS. DEIS at 3-8. This population is believed to have fewer than 100 breeding males and is considered “at high risk” for extirpation. DEIS at 3-6. By failing to designate any Priority Habitat in this region, BLM appears to be conceding this population to extirpation. This is an unacceptable result because it would further constrict the occupied range of sage grouse in Montana and underscore the need for listing the bird as Threatened or Endangered under the ESA. BLM should designate all lands within 5.3 miles of an active lek, along with occupied habitat connections between these lek buffers, as Priority Habitat under the Lewistown plan amendment.

Comment Number: LFOSG-14-0040-6*Comment Excerpt Text:*

The BLM should ensure that new information on connectivity from new studies including the USGS Range-Wide Genetic Connectivity of Greater Sage-Grouse Populations study (<http://fresc.usgs.gov/research/researchPage.aspx?ResearchPageID=123>) is incorporated and appropriate conservation measures are adopted in the RMPA.

3.5 IMPACT ANALYSIS**Comment Number: LFOSG-14-0035-10***Comment Excerpt Text:*

We were unable to locate where indicators of impacts to GSG (acres of sagebrush habitat and

average male lek attendance for large, medium, and small leks) were applied in the effects analysis or discussion. These indicators should be factored into the analysis in order to facilitate adequate alternative evaluation.

Comment Number: LFOSG-14-0037-13

Comment Excerpt Text:

Fences have now been found to be a major source of sage grouse mortality yet no analysis of current effects of this mortality on populations and habitat fragmentation has been provided in the EIS. The table listing the miles of fencing on RMPA/DEIS page 3-161 is not contextualized or analyzed in terms of the collision risk for sage-grouse

Comment Number: LFOSG-14-0037-17

Comment Excerpt Text:

The preferred alternative does not identify what constitutes a “high risk” area for fence collisions, nor the criteria to identify them later. The RMPA/DEIS is the place to define how risk will be determined, and to set a limit on what level of fence-related mortality is sufficient to adversely affect sage-grouse populations. Instead, the BLM has left these trigger levels vague and at the discretion of local management for enforcement and implementation, but no meaningful monitoring schedules, minimum triggers, or timeframes for mitigation are specified.

Comment Number: LFOSG-14-0037-27

Comment Excerpt Text:

Moreover, the BLM’s excuse for ignoring this alternative conflates large herbivore adaptations of the mixed grass prairie ecosystem in the planning area with the need to continue livestock grazing. RMPA/DEIS at 2-20. The agency fails to distinguish the impacts of wild bison from those of domestic cattle and implies adequate surrogacy in the ecological niche. See Steuter and Hidinger 1999. A highlight of the aforementioned paper relevant here is the higher standing crop of mixed prairie vegetation that remains under bison at the onset of the dormant season. *Id.* at 334. Other research demonstrates the resultant vegetation structure differences between bison and cattle, and the influence these differences

have on the abundance of small mammals. See Matlack et al. The implications of this on sage-grouse habitat are not discussed in the DEIS, and assumptions about the role of livestock in lieu of wild bison are unsupported.

Comment Number: LFOSG-14-0037-30

Comment Excerpt Text:

The RMPA/DEIS’s reliance on meeting habitat criteria does not address the threats of nest disturbance, trampling, flushing, or egg crushing that livestock pose to nesting sage-grouse. The very existence of cattle, sheep, and horses in nesting areas is a threat that is unmitigated and inadequately analyzed in the RMPA/DEIS. Importantly, none of the alternatives presented entailed any analysis of the different threats by class of livestock nor did they propose changing the class of livestock where, for example, sheep browsing in fall and winter might be affecting the vigor of sagebrush or sheep grazing during nesting season would have a high probability of nest trampling. See Beck and Mitchell, 2000, as cited in Manier et al. 2013.

Comment Number: LFOSG-14-0037-36

Comment Excerpt Text:

The RMPA/DEIS fails to disclose the impacts of the many thousands of miles of fencing that already occur within sage-grouse habitat. Under a “No Grazing” alternative, all of these fences could be removed, but the RMPA/DEIS’s failure to fully analyze Alternative C has deprived the reader of information about the benefits of a fence-free landscape.

Comment Number: LFOSG-14-0037-38

Comment Excerpt Text:

The RMPA/DEIS fails to consider the number of roads and the extent of vertical structures relating to livestock grazing operations that pose threats to GRSG, and no reductions in these impacts are proposed under any of the management alternatives. See Manier et al 2013, Howe et al. 2013. The failure to analyze the impacts of roads and livestock-related traffic on sage-grouse leks is just one of the failures to take a hard look at cumulative impacts of this activity. In particular, the effect of early morning

traffic near lek sites for livestock water hauling, sheep trucking operations, supplemental feeding, etc. should have been analyzed. Additionally, the presence of vertical structures increases the likelihood of nesting by ravens, which also increases the problem of raven predation on sage-grouse. Id. An analysis of this cumulative impact of transmission lines in sage-grouse habitat is necessary, and the buffer zone overlays for utility impacts must consider these linear features. The RMPA/DEIS does not apply buffer requirements to livestock developments or analyze the existing windmills, powerlines, fence posts, corrals, handling chutes, or other livestock related infrastructure throughout the planning area.

Comment Number: LFOSG-14-0039-21

Comment Excerpt Text:

Under current management (Alternative A), BLM argues that the number of large leks are expected to be maintained. DEIS at 4-19. However, elsewhere, BLM recognizes that the average lek attendance has been declining for years under the same existing management, with the number of large leks decreasing and the number of small leks increasing. Diagram 3-2, DEIS at 3-16. Thus, BLM's analysis is in direct conflict with observed facts, a major "hard look" problem with the agency's analysis. BLM must provide evidence supporting and justifying its claim that numbers of large leks will suddenly be maintained under Alternative A, given the history of decline under the same management.

Comment Number: LFOSG-14-0039-30

Comment Excerpt Text:

The BLM has also not considered protections for sage grouse for lands outside Priority Habitats, and has not fully considered NTT or Sage-grouse Recovery Alternative measures proposed for sage grouse general habitats. What will be the impact of permitted activities on grouse populations that fall outside the Priority Habitats/ACEC boundaries under this plan? The DEIS is silent on this matter. The DEIS does not provide sufficient detail in its analysis to determine the impacts of permitted activities on sage grouse under either alternative.

Comment Number: LFOSG-14-0040-5

Comment Excerpt Text:

In addition, the BLM should consider how conservation actions especially along the Missouri Breaks National Monument impact or complement those adjacent public lands. This would be articulated through providing additional information on surrounding federal lands and considering in adjacent management actions in cumulative effects for such measures as improving riparian area conditions in conjunction with other federal landowners in the watershed or suggesting complementary stipulations for sage grouse habitat that overlaps boundaries.

3.6 CUMULATIVE IMPACT ANALYSIS

Comment Number: LFOSG-14-0035-12

Comment Excerpt Text:

We recommend that the GSG cumulative effects discussion in the FEIS incorporate the Montana Greater Sage-Grouse Habitat Conservation Strategy and executive order intended to be implemented in spring 2014. The regulatory scope of this executive order is likely to include State and some private lands, depending on the permits involved and may overlap with BLM management.

Comment Number: LFOSG-14-0039-25

Comment Excerpt Text:

We are concerned that the BLM has not fully considered the cumulative impact of exurban development on adjoining private lands in the Belt Mountains region, which might combine with impacts of permitted activities on federal lands to extirpate sage grouse breeding populations. Exurban development is noted as a threat for the Belt Mountains population, which is at high risk for extirpation. DEIS at 3-6. Aldridge et al. (2008) found that the single greatest factor predicting sage grouse extirpation was human population density in 1950, and that counties with population densities greater than 4 people per square kilometer had increased likelihood of extirpation, with no difference in extirpation rates at higher population densities, presumably because the habitat had become unsuitable for sage grouse persistence at 4 people per

km². According to Aldridge et al. (2008), sage grouse were extirpated from virtually all counties where population density reached 25 people per km². Please provide analysis of private lands that meet or exceed the 4 person per km² and 25 persons per km² countywide thresholds that are inside Priority or General Habitats and in proximity to federal lands (for the entire planning area), and analyze the cumulative impacts that exurban development may have under each alternative when combined with reasonably foreseeable consumptive uses on nearby federal lands.

3.7 MITIGATION MEASURES

Comment Number: LFOSG-14-0035-13

Comment Excerpt Text:

Required Design Features and Best Management Practices. The GSG mitigation measures and conservation actions in Appendices C and D contain many measures that, if applied, could be of potential conservation benefit to GSG. However, it appears that several project types and threat categories are not addressed within these measures. Additionally, the measures are currently proposed to be applied where "appropriate and necessary". As such, the Service cannot rely on the certainty of their implementation or effectiveness and would be unable to consider these measures when making a listing decision. We therefore recommend the following to increase the RDF/BMP conservation benefit and certainty of implementation/effectiveness:

- Please state explicitly in the FEIS, Appendices C /D, or other relevant appendices that these BMPs and RDFs (and possibly other) measures will be applied to proposed projects such that the projects comply with the RMPA GSG purpose, need, goals, and objectives. Proposed projects that do not comply should not receive approval.
- We recommend that measures specific to powerlines, pipelines, cell towers, and recreation should be added to these appendices as they do not currently appear to be included in the appendices or

elsewhere in the DEIS. The additional RDFs for solid minerals in Appendix D (but omitted from Appendix C) should be included in the final selected set of BMPs/RDFs. Reference to Service communication tower siting guidance should also be included. We recommend that BMPs/RDFs provide clear consistency with conservation measures and options included in the COT Report.

- Per our comment above, we recommend that BLM consider adding permanent and seasonal lek buffers in the BMP/RDF measures or as components of the preferred alternative actions.
- We recommend that noise stipulations pertain to all surface disturbance/disruptive activities, including both during facility construction and long-term operation. We recommend allowance of no more than 10 dB above ambient or no more than a maximum of 34 dB at the edge of active leks (Blickely and Patricelli 2012).
- We recommend that compensatory mitigation be addressed or referenced for all surface disturbance activities in these appendices, and tied to Appendix G (see specific compensatory mitigation comment below).

Comment Number: LFOSG-14-0035-14

Comment Excerpt Text:

Compensatory Mitigation, Monitoring, and Adaptive Management. Compensatory mitigation requirements (for unavoidable impacts) do not appear to be explicitly discussed under any of the alternatives in the DEIS, nor specified in Appendices C or D. Section 2.5 provides a summary of the general regional mitigation strategy contained in Appendix G, which we generally support; however, no discussion regarding compensatory mitigation is provided in this or other sections and should be added. The possibility of compensatory mitigation is mentioned in Table 2-4 and Appendix D (under Solid Minerals only). However, it is not presented as a requirement, nor is it discussed consistently with respect to all surface

disturbance project types. The FEIS should convey how, and under what circumstances, GSG compensatory mitigation would be consistently applied for each surface disturbance related program. The FEIS should also incorporate the final (when available) Regional Mitigation Manual Section and, where appropriate, BLM Instruction Memorandum No. 2013-142.

Additional information regarding development of an adaptive management plan for the LFO planning area, including the development timeline and content of hard and soft adaptive management triggers and responses, as discussed in Section 2.7.2, should be provided. The Service recommends that the FEIS include final habitat monitoring and adaptive management frameworks which we understand are currently in development. Additional monitoring comments relating to specific threats are provided below. In the FEIS, it is highly important that the BLM provide a clear description of how these three components will be integrated into the structure of the selected alternative. Discussion between BLM and the Service is ongoing with respect to compensatory mitigation, monitoring, and adaptive management.

Comment Number: LFOSG-14-0035-4

Comment Excerpt Text:

The DEIS did not provide sufficient detail for us to fully evaluate the adequacy of several key components of the plan, including: habitat and disturbance monitoring, adaptive management, fire and invasive species management, and mitigation. We are participating on national interagency teams associated with these plan components and will continue to provide input on these components through our membership on these teams. It is critical that the FEIS provide additional specificity in each of these areas. Specific areas of uncertainty include, but are not limited to: details on how habitat and disturbance be monitored; triggers and responses for adaptive management; methods of landscape-scale prioritization and implementation of step-down assessments for addressing threats from fire and invasive species; and, details on how mitigation will be

applied. Additional details regarding these areas are provided in the comments below.

4. AREAS OF CRITICAL ENVIRONMENTAL CONCERN

4.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0020-7

Comment Excerpt Text:

Priority Habitat versus ACEC Status

The BLM is proposing “Priority Habitat” within the Lewistown RMPA. These areas generally follow the boundaries of the FWP sage-grouse “core areas” designated in 2010, as well as Audubon’s Musselshell Sage-Steppe and Bridger Sage-Steppe Important Bird Areas.

Montana Audubon supports ACEC status for the sage-grouse Priority Habitats that are larger in size. This strategy is proposed under Alternative C for tracks at least 4,000 acres of unfragmented habitat. It makes sense to explore an option like that for larger tracks of unfragmented habitat, because sage-grouse are so sensitive to fragmentation.

We also believe that ACEC status is appropriate for larger tracks of unfragmented habitat for the following reasons:

- BLM Manual 1613, item .5 (Relationship of ACEC's to Other Designations), states that the “ACEC designation is the principal BLM designation for public lands “where special management is required to protect important natural, cultural, and scenic resources and to identify natural hazards.”” BLM special management areas are supposed to be designated as ACECs. There is no official recognition of PHs—only ACECs.
- BLM Manual 1613, item 53 C (Other BLM Designations and Management Areas/Special Management Areas Avoided), specifically states that the use of the terms “special area” or “special management area” are to be

avoided. These terms are relative and have little useful meaning. This is required to avoid ambiguities and to provide an appropriate context to BLM designation of areas requiring special management attention, consistent with designation authority under the FLPMA and the planning regulations (43 CFR 1610.7).” Note that although PHs do not specifically use the term “special area” or “special management area,” the concept behind PHs is exactly what Manual 1613 was trying to avoid: ambiguities.

- BLM Manual 1613, item 64 (Conformance Determinations and NEPA Compliance), specifically states that “[a]ll actions to be conducted or authorized by a BLM official must be in conformance with the provisions of the RMP as defined in 43 CFR 1601.0-5(b). Whenever an ACEC may be affected by the implementation of an authorized or permitted activity, the decision instrument authorizing the specific action must include a description of the special management measures to be applied. An environmental analysis for a proposed action which might affect an ACEC must identify impacts, if any, on the ACEC and must incorporate by reference the pertinent portions of the EIS prepared for the RMP.” Because of this provision, we believe ACEC status for larger tracks of PH will provide far greater protection than a PH designation, because specific permitted activities would be subject to an environmental analysis under NEPA, which should include public comment. This provision will prevent an excessive number of waivers, exemptions and modifications to stipulations.

If the BLM feels that PH designation has some benefits that ACECs do not, the BLM could adopt Priority Habitat status on top of the ACEC status. There is no prohibition for the BLM to manage and protect the numerous values that lands may have by overlapping designations, such as Wilderness Study Areas (WSAs), ACECs, Special Recreation

Management Areas (SRMAs), and Wild and Scenic River Segments. For example, the BLM’s Jarbidge RMP in southern Idaho designated the Bruneau/Jarbidge River ACEC and the Salmon Falls Creek ACEC, which overlap the Bruneau River-Sheep Creek WSA, Jarbidge River WSA, and Lower Salmon Falls Creek WSA. This area also includes Salmon Falls Creek, deemed eligible for protection under the National Wild and Scenic Rivers System (see pages 212 – 216 of the Analysis of the Management Situation for the Jarbidge Resource Management Plan: Resource Management Plan/Environmental Impact Statement (July 2007), available at http://www.blm.gov/pgdata/etc/medialib/blm/id/plans/jarbidge_rmp/documents/analysis_of_the_management.Par.59385.File.dat/part13.pdf). These overlapping designations ensure that the BLM protects both the relevant and important values associated with the ACECs and the wilderness character of the WSAs. In certain situations, overlapping designations are needed to fully protect these unique resources.

In addressing objections to “layering” of designations (through “establishment of ACECs or SRMAs over WSAs and Wild and Scenic Rivers”) raised in connection with the Monticello (Utah) RMP, the BLM responded:

“Layering” is planning. Under FLPMA’s multiple use mandate, BLM manages many different resource values and uses on public lands. Through land use planning BLM sets goals and objectives for each of those values and uses, and prescribes actions to accomplish those objectives. Under the multiple use concept, BLM doesn’t necessarily manage every value and use on every acre, but routinely manages many different values and uses on the same areas of public lands. The process of applying many individual program goals, objectives, and actions to the same area of public lands may be perceived as “layering”... Layering of program decisions is not optional for BLM, but is required by the FLPMA and National BLM planning and program specific regulations.

As stated by the BLM, because different designations serve different purposes, and management is often limited to protect only those values relevant to those particular designations, the fact that an

ACEC may lie within a WSA (or PH!) does not justify failing to designate the ACEC and the fact that a proposed PH may overlap with an ACEC does not obviate the need for the PH.

Comment Number: LFOSG-14-0023-15

Comment Excerpt Text:

DEIS (5-32) (Alternative C) Livestock grazing, while allowed within the Acid Shale-Pine Forest ACEC boundary, is steadily declining in the region due to drought and the increasing use of land for residential and recreational uses. Combined with the unstable shale soils and lack of forage, the Acid Shale-Pine Forest ACEC has been and would continue to be less attractive to grazing when compared to adjacent grasslands. Long-term cumulative impacts from removing livestock grazing could occur within the new GRSG ACEC proposed under Alternative C. The removal of grazing could support the relevant and important values of the proposed GRSG ACEC. (Emphasis added).

Comment: The underlined language would imply that BLM may consider Alternative C's proposed ACEC to meet the "relevance and importance" criteria required of an ACEC under 43 CFR 1610.7.2. We strongly disagree with this. While these lands are important to cattle ranchers, wildlife, and communities that depend on the public lands, they are not (1) lands with significant qualities of special worth, (2) fragile, sensitive, rare, irreplaceable, exemplary, unique, threatened or vulnerable to change, or (3) otherwise warrant protection. Montana has millions of acres of sage-grouse habitat that for centuries has coexisted with similar land management. Should BLM decide to designate a new ACEC and remove grazing, it will eliminate viable ranches from these areas, and ranchers will no longer be able provide their important management.

5. CLIMATE CHANGE

5.1 IMPACT ANALYSIS

Comment Number: LFOSG-14-0021-8

Comment Excerpt Text:

Several times throughout the document, it states that cheatgrass doesn't pose a threat to spreading due to climate conditions. Please consider addressing climate change and potential impacts of decreased precipitation and warming temperatures on cheatgrass and other invasive species' spread, and how these impacts may be addressed by the BLM to mitigate impacts to GRSG habitat, if that is within the scope of this document and planning process

Comment Number: LFOSG-14-0037-10

Comment Excerpt Text:

As required by Secretary of the Interior Order No. 3289, the BLM must "consider and analyze potential climate change impacts when undertaking long-range planning exercises."²³ Certainly an RMP and EIS constitutes such a long-range planning . This entails accounting for the impacts of livestock grazing either as both emitters of greenhouse gases (GHGs) and for the reduced ability of the landscape as a carbon sink when vegetation is removed as forage, i.e. "carbon pools" that are extracted and turned into methane in livestock intestines.

Comment Number: LFOSG-14-0037-37

Comment Excerpt Text:

The DRMPA/DEIS does not adequately address the significant cumulative stress of climate change and incorporate recent science suggesting that a reduction in ungulate grazing would improve ecological resilience in the face of temperature and precipitation changes. See Beschta et al 2012. The RMPA/DEIS does not discuss the impacts of livestock grazing on the climate resilience or the contributions of GHGs in the planning area. The impacts of climate change on a healthy resilient system are far less than on a system where resource extraction, such as livestock grazing is the predominant use. The levels of livestock grazing utilization that takes place on BLM lands places it in effect and unnatural stress upon the

vegetative communities which did not even all with this non-native invasive species, cattle. There is much research regarding the impacts of drought under various levels of herbivory, the majority of which shows significant impacts to vegetation from the level of utilization generally authorized or allowed by the BLM. The impacts of drought are quite similar to that predicted from global warming and thus the research regarding herbivory effects and drought are quite analogous and useful for the analysis of the impacts of climate change.

6. CULTURAL AND HERITAGE RESOURCES

6.1 IMPACT ANALYSIS

Comment Number: LFOSG-14-0037-6

Comment Excerpt Text:

The BLM must consider the impacts of proposed livestock grazing throughout the planning area on the important cultural and historic resources found on these public lands. Trampling, displacement, desecration, and degradation are all possible impacts of livestock grazing; the RMPA/EIS must provide specific tolerance parameters, monitoring, and other requirements to ensure for the protection and preservation of these areas.

7. FIRE AND FUELS

7.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0020-5

Comment Excerpt Text:

Fuels Management: We believe that the BLM should change its recommendation on prescribed burning in PH and GH. In order to better parallel the Montana Strategy, the BLM should adopt a stipulation such as this: "Prescribed burns will be prohibited in sagebrush habitat in PH and GH unless those prescribed burns are approved by BLM and can be satisfactorily shown to result in no loss of habitat or be beneficial to sage-grouse habitat."

Comment Number: LFOSG-14-0021-3

Comment Excerpt Text:

Under Alternative D sagebrush canopy cover will not be reduced to less than 15% unless a fuels management objective requires additional reduction- in sagebrush cover to- meet strategic protection of priority habitat. Once lost, sagebrush habitat is difficult or impossible to restore making loss of priority habitat, even when mitigated elsewhere, a last alternative. Restoration of a shrub-dominated community often requires > 20-30 years, landscape restoration may require centuries or longer, and sage-grouse can take even longer to use recovered or restored landscapes (Knick et al. 2011). Thus, FWP recommends treatment of sagebrush habitat be a last alternative for fuels management and, if deemed necessary, local FWP and Service biologists should be consulted prior to implementation to ensure treatment benefits will exceed impacts to sage-grouse habitats.

Comment Number: LFOSG-14-0023-2

Comment Excerpt Text:

Comment: Grazing reductions will detract from productive partnerships and sage-grouse habitat. Neither scientific evidence nor regulatory requirements support removing or reducing grazing in allotments that are working toward meeting rangeland health standards. To the contrary, grazing and ranching are contributing to sage-grouse conservation, in the following ways:

- Grazing is an important tool to reduce wildfire fuels, control invasive plant communities and protect sagebrush ecosystems. Working ranches and grazing reduce the risk of catastrophic fires which directly contribute to sage-grouse conservation. Fire is one of the primary factors linked to population declines of greater sage-grouse and the primary cause of recent large-scale losses of sage-grouse habitat. Fighting these fires has become increasingly problematic due to federal budget constraints and an increasingly burdensome regulatory environment. Many

ranches are the best resource for first response and initial attack on wildfires due to their proximity to the fires in sparsely populated corners of Montana, which notably also contain some of the best sage-grouse habitat in the state. If there are fewer ranchers and fewer resources, there will be more fires with more expansive sage-grouse habitat devastation, leading to a reduction in sage-grouse.

- Furthermore, peer-reviewed studies have clearly demonstrated that grazing livestock reduces the threat of catastrophic wildfire by controlling the fuel load and increasing productivity of grasses that are less fire prone.² Moreover, peer-reviewed studies have proven that when rangeland is burned, it is much less prone to invasion by annual invasive weeds like cheat grass if it has been grazed.³ Due to reduced fuel loads and cooler burn temperatures, grazed rangeland is more likely to reestablish native bunch grass communities, while burned ground that has not been grazed is more likely to establish cheat grass communities. In light of these findings, appropriate grazing should be recognized in the RMPA as a primary tool in the prevention of wildfire and reduction of invasive weeds—two of the primary threats to sage grouse habitat.

¹ Davies, K. et al, Long-term Moderate Livestock Grazing Reduces The Risk, Size, and Severity of Wildfires. Oregon State University Beef Research Report,15-17 (2010); Diamond, J.M., Effects of targeted cattle grazing on fire behavior of cheatgrass-dominated rangeland in the northern Great Basin, USA. International Journal of Wildland Fire, 944–950 (2009). ²Davies, K. et al., Saving the sagebrush sea: An ecosystem conservation plan for big sagebrush plant communities. Biological Conservation 144, 2573–2584 (2011).

³ Davies, K.W., T.J. Svejcar, J.D. Bates. 2009. Interaction of historical and non-historical disturbances maintains native plant communities.

Ecological Applications 19:1536-1545. Also Davies, K.W., J.D. Bates, T.T. Svejcar, and C.S. Boyd. 2010. Effects of long-term livestock grazing on fuel characteristics in rangelands: an example from the sagebrush steppe. Rangeland Ecology & Management 63:662-669.

Comment Number: LFOSG-14-0035-24

Comment Excerpt Text:

The preferred alternative does not prohibit prescribed fire in sagebrush habitats per the COT Report recommendations. Prescribed fire should be prohibited in sagebrush, including GSG breeding and winter habitats. If necessary, such prescribed fire should only be allowed on a case-by-case basis if can be determined (along with specification as to how this determination would be made and a risk assessment) to be neutral or beneficial to GSG. These conditions and supporting information should be included in the FEIS for the selected alternative. In Chapter 4 it is stated that in the LFO, controlled burning is used primarily in ponderosa pine areas to limit conifer spread and is not used in GSG habitat. If fire is not used in GSG habitat, the FEIS should clarify why prescribed burning in GSG habitat is included in the preferred alternative. The FEIS should also explain how post-burn restoration programs under the preferred alternative would help regrowth more than they would under all other alternatives, as stated in Chapter 4.

7.2 MITIGATION MEASURES

Comment Number: LFOSG-14-0035-25

Comment Excerpt Text:

Restoration monitoring commitments in the DEIS (e.g., duration, targets, etc.), and commitments to make adequate corrections to management efforts if needed under each action alternative, are unclear and should be listed and discussed. To meet the intent of the COT Report, all post-fire monitoring and control of invasives should be conducted for a minimum of 3 years. Measures for avoiding and minimizing sagebrush elimination, including avoidance of sagebrush removal in breeding or wintering habitats, should be specifically addressed in the FEIS.

8. FISH AND WILDLIFE

8.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0022-16

Comment Excerpt Text:

Page 3-5 Habitat loss and modification from human activities are primary causes of declining populations, particularly for species that are highly adapted to specific ecological niches.

Comment: In the context of the above paragraph, this statement applies to all special-status species and appears to be a broad generalization. This statement must be supported by a specific reference to credible scientific literature that would support this assertion.

9. LANDS AND REALTY

9.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0021-1

Comment Excerpt Text:

Under Alternative D priority sage-grouse habitat will be Managed as 'avoidance areas for Right of Ways. Recent research suggests that oil and gas development and associated infrastructure can negatively impact sage-grouse lek persistence up to 4 miles from the lek (Holloran 2005, Walker et al. 2007, Harju et al. 2010). A permanent disturbance buffer around active leks is recommended to minimize impacts to sage-grouse throughout their annual habitat requirements (Coates et al. 2013 recommend a buffer of 3-5 miles). Research also suggests that cumulative anthropogenic surface disturbance in excess of 3% of the landscape has negative impacts on sage-grouse lek occurrence (Knick et al. 2013). Where new ROW's are required (except wind energy, see comments below), FWP encourages the BLM to consider an exclusion buffer within a scientifically-defensible distance of active leks in priority and general habitat.

Comment Number: LFOSG-14-0021-2

Comment Excerpt Text:

Research specifically on wind energy is still developing; however impacts to sage-grouse from

wind development are expected to be similar to impacts from oil and gas development and anthropogenic surface disturbance. The BLM may want to consider excluding rather than avoiding wind energy in priority habitats until additional information becomes available. This would be consistent with recommendations in the U.S. Fish' and Wildlife Greater Sage-grouse Conservation Objectives Report and other current management guidance.

Comment Number: LFOSG-14-0024-5

Comment Excerpt Text:

We recommend the following actions in priority sage-grouse habitat:

- Make priority sage-grouse habitat areas exclusion areas for ROWs. It appears that cost and processing time are the issue for an avoidance area as described in Table 2-6 whereas exclusion areas, as described in Table 2-6, only cause an extension for processing time and making linear block ROWs more difficult. Please describe how this would shift development onto private land. Exceptions may include:
 - Co-location of new ROWs only if the impacts can be completed within existing disturbance with the existing ROW. Consolidation of existing features should not exceed a corridor width of greater than 200m. Also, habitat function lost should be replaced.
 - For valid, existing rights, co-locate new ROWs within existing ROWs or however best to minimize impacts to sage-grouse habitat. Use only existing roads and realignments to access undeveloped valid, existing rights. For any new road, only build to the absolute minimum necessary. Include any new construction in the disturbance for the habitat. If the construction exceeds 3% total habitat disturbance, enforce mitigation standards.

- Evaluate power lines to remove, bury or modify them to minimize impacts. Sage-grouse avoid perching points for avian predators, so burying, modifying, or removing power lines will reduce predation risk (Steenhof et al. 1993, Lammers and Collopy 2007).
- Remove transmission lines and roads that are duplicates or no longer functional.
- In areas where existing leases or ROWs have remaining roads, fences, wells, and facilities that are no longer in use, reclaim the site by removing these features and restoring the habitat.
- Designate general habitat as “avoidance areas” for new ROWs
- Co-locate new ROWs within existing ROWs where possible
- Propose lands within PH for all mineral withdrawal.

Comment Number: LFOSG-14-0035-17

Comment Excerpt Text:

We also recommend that wind energy development be specifically excluded in PH in the selected alternative. The FEIS should reference the FWS 2012 Land-based Wind Energy Guidelines where such development may ultimately be considered in ROW avoidance or other areas. GSG would be considered a species of habitat fragmentation concern per the Guidelines

Comment Number: LFOSG-14-0035-18

Comment Excerpt Text:

Alternative D designates PH and some or all of GH as ROW avoidance areas. We recommend that PH be designated as ROW exclusion areas, or if they are designated as ROW avoidance areas, then the FEIS should specify that only projects demonstrated by the BLM to have no impacts on the maintenance of neutral or positive GSG population trends and habitats would be allowed. Again, we recommend that wind energy development be excluded in PH in the selected alternative. It is unclear from Table 4-3

whether all or a portion of GH would be ROW avoidance area under the preferred alternative. We are supportive of designating all GH as avoidance areas. Additionally, while concentrating infrastructure development and applying appropriate RDFs/BMPs could decrease the amount of affected GSG habitat, it is incorrect to consider these "direct beneficial effects from infrastructure on GSG" as stated in Table 4-3. Based on the discussion in Chapter 4, we have concerns that BLM lands in PH and GH under Alternative D would be used primarily to consolidate ROW activity, rather than first and foremost as important GSG areas/habitats to be avoided per the BLM definition of "ROW avoidance areas". Consolidation can potentially reduce impact footprints at the landscape level; however, PH avoidance (unless projects are demonstrated to have no impacts on the maintenance of neutral or positive GSG population trends and habitats) should be the highest priority. The preferred alternative does not currently specify under what specific conditions ROWs would be authorized in avoidance areas.

Comment Number: LFOSG-14-0035-19

Comment Excerpt Text:

While some infrastructure measures are provided for fluid and solid minerals projects, the DEIS does not appear to provide RDFs/BMPs that apply to stand-alone powerline, pipeline, cell tower, or similar infrastructure projects that could be applied to BLM lands. Such measures should be included in the FEIS, should include reference to appropriate buffers, and explicitly be tied to required compliance with RMPA GSG goals and objectives

Comment Number: LFOSG-14-0035-27

Comment Excerpt Text:

Agricultural Conversion / Ex-Urban Development. In addition to the actions and measures included in the DEIS for the action alternatives, we specifically recommend that no relinquishment or land exchanges be permitted that would result in agricultural conversion or urban development in PH/GH

Comment Number: LFOSG-14-0037-4*Comment Excerpt Text:*

FLPMA also requires that each Right-of-Way (ROW) grant shall, among other things, contain (a) terms and conditions which will (i) carry out the purposes of this Act and rules and regulations issued thereunder; (ii) minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment..." 42 U.S.C. § 1765. Here, where the RMPA/DEIS analyzes ROWs under a range of alternatives, the agencies must ensure that the terms and conditions imposed by the LUPA will achieve these legal requirements.

Comment Number: LFOSG-14-0039-5*Comment Excerpt Text:*

The NTT Report recommends that all electrical distribution lines be buried within Core Areas, period. Under Alternative D, Priority Habitats would be an avoidance area, not an exclusion area. Power lines may also cause changes in lek dynamics, with lower growth rates observed on leks within 0.25 miles of new power lines in the Powder River Basin of Wyoming as compared with those further from the lines, a difference attributed to increased raptor predation (Braun et al. 2002). Powerlines should be excluded from Priority Habitats, as in Alternatives B and C.

Comment Number: LFOSG-14-0040-8*Comment Excerpt Text:*

The BLM concludes that, "ROW exclusion areas would protect GRSG habitat and reduce habitat fragmentation on BLM-administered lands..." (DEIS at 4-22). However, the BLM argues that because of the checkerboard ownership in the area, creating exclusions on BLM land could force development onto private land and more important habitat could be impacted by adopting an ROW exclusion (DEIS at 4-22). This argument is flawed and not supported by adequate evidence except for a summary of acreages of land in quality habitat by ownership. In fact, the BLM identifies in Alternative C, 96,246 acres of large blocks of contiguous BLM Priority Habitat (DEIS Figure 2-17) indicating that there are large areas that are not as checker-boarded where significant benefits

from exclusion would be realized. The BLM should provide an adequate argument for not adopting ROW exclusion for PH. Then, at the least, the BLM should consider adopting the strongest conservation identified by the NTT and proposed in Alternative B, ROW exclusion, for the identified large, contiguous areas.

Comment Number: LFOSG-14-0040-9*Comment Excerpt Text:*

With 16% of the BLM land having adequate wind energy potential (~70% in PPH) and given the number of policies driving renewable energy development on BLM lands (DEIS at 3-21) it is clearly important to address this issue proactively.

9.2 BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: LFOSG-14-0024-6*Comment Excerpt Text:*

Please define the framework for deciding avoidance vs. exclusion and how "avoidance" will be implemented in the Lewistown unit.

Comment Number: LFOSG-14-0036-2*Comment Excerpt Text:*

C. (Page 252) - Transmission lines and major power lines Following construction, GRSG avoidance of vertical structures, likely due to raptors perching on them, may result in habitat exclusion via behavioral response. One study reported that the frequency of raptor/GRSG interactions during the breeding season increased 65 percent and golden eagle interactions alone increased 47 percent where a transmission line had been constructed (Ellis 1985). GRSG have been observed to avoid brood-rearing habitats within three miles of power lines (LeBeau 2012). Higher densities of power lines within four miles of a lek negatively influence lek attendance .

Comment Number: LFOSG-14-0039-17*Comment Excerpt Text:*

BLM notes that there currently are no wind power projects on BLM lands in Montana. DEIS at 3-97. However, the 90-tower Judith Gap wind farm was

constructed in 2005 on state trust lands and apparently within the planning area.⁷ This is a serious failure to disclose relevant information. Therefore, BLM's inference that the threat of wind power development is a remote possibility is not upheld by the facts. In order to meet NEPA's baseline information requirements, please disclose all wind power operations, both active and proposed, within and adjacent to the planning area. In addition, there are over 42,000 acres in the planning area considered to have commercial wind power potential by virtue of having Class 4 or higher wind power potential in PPH. Table 3-60, DEIS ay 3-98. This agrees well with the USFWS assertion that wind power development poses a significant threat to sage grouse and their habitats.

9.3 IMPACT ANALYSIS

Comment Number: LFOSG-14-0011-3

Comment Excerpt Text:

Table 5-1 shows the infrastructure and miles of road and powerlines already authorized and pending decisions. These actions, in addition to continued off-route travel all have the potential to negatively affect sage grouse habitat and populations. Alternative D tries to avoid impacts in PH, but preserves management flexibility (as stated in the DEIS). How will the continued alteration of habitat maintain or improve conditions for sage grouse?

10. LEASABLE MINERALS

10.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0008-3

Comment Excerpt Text:

At this time, we recommend including a discussion in the Final RMPA/EIS regarding how this "stand-alone" LFO GRSG RMPA will ensure GRSG protection without considering these important stipulations. We note that the Preferred Alternative's required design features (RDFs) include some land-use restrictions for fluid mineral development in PH and GH (e.g., locate roads to avoid important areas/habitats, locate new compressor stations outside PH, locate man

camps outside of PH). However, we also note that the Preferred Alternative includes some beneficial RDFs and best management practices (BMPs) for solid mineral development that are not included in the fluid mineral development requirements (e.g., no surface use in nesting habitat from March 1 — June 15; restrict maintenance and related activities in GRSG breeding/nesting complexes from March 1 — June 15 between 4-8 a.m. and 7-10 p.m.; no surface use within GRSG wintering areas from December 1 — March 31). Without related revisions to oil and gas leasing stipulations, these RDFs and BMPs take on a much greater importance. As such, we also recommend clarifying the statement in Section 2.4.6 to specify that RDFs are included in the operating constraints that will be applied to existing leases as Conditions of Approval.

Comment Number: LFOSG-14-0024-10

Comment Excerpt Text:

Also, there is no apparent plan or intent for the removal of leases after expiration or termination either. We do not feel this is acceptable considering Figure 3-5 of the DEIS shows that nearly all of the existing leases are held in PH, amounting to nearly 74,000 acres.

Comment Number: LFOSG-14-0024-13

Comment Excerpt Text:

Nonenergy Leasable Minerals

All priority areas and 15 km surrounding should be closed to nonenergy leasable minerals. There should also be no leases allowed to expand any current mines within the PH and 15 km surrounding. Considering there is not a single acre closed to nonenergy leasable minerals, surface disturbance is bound to increase by more than 3% of the habitat.

Comment Number: LFOSG-14-0024-7

Comment Excerpt Text:

The most basic conservation strategy most likely to produce healthy populations of sage-grouse is to exclude energy development and other major disturbances from PH and 15 km surrounding PH, minimize impacts from valid, existing rights to one

per section, with surface disturbance impacts not exceeding 3% of the area or less. Upon the expiration or termination of existing leases, no longer accept nominations for these leases within priority habitat.

For leased federal fluid mineral estate in priority habitat and adjacent areas, do not allow new surface occupancy within PH and 15 km surrounding PH during any time of the year. If the lease is held within PH or 15 km surrounding, impose a 3-mile NSO around the lek, limiting permitted disturbances to 1 per section with no more than 3% of surface disturbance in that section. In Wyoming, negative effects of surface occupancy have been apparent out to 3.1 miles in 2 of 7 study areas (Harju et al. 2010). If the entire lease is within the 3-mile lek perimeter, only allow disturbances to 1 per section with no more than 3% surface disturbance for that section. Also, require that developments are located as far as possible from the lek within that section or in the location that is least harmful to sage-grouse.

Comment Number: LFOSG-14-0024-8

Comment Excerpt Text:

We feel it would be beneficial to not use Categorical Exclusions, including under the Energy Policy Act of 2005, Section 390, in PH or 15 km surrounding PH. For the APD permitting process on existing, undeveloped leases, do not allow the proposed surface disturbance to exceed 3% of that area unless effective mitigation efforts can be demonstrated and enforced. It would also be beneficial to require a full reclamation bond specific to each site under 43 CFR, parts 3104.2, 4104.3, and 3104.5. The bonds should be sufficient to cover the cost of full reclamation assuming that contractors for the BLM will complete reclamation. If leases exist in PH or 15 km surrounding, make BMPs mandatory as part of the conditions of approval.

Comment Number: LFOSG-14-0025-9

Comment Excerpt Text:

Summary of Impacts to GRSG from Oil and Gas Development

Action: Alternatives B, C, and D would apply RDFs as COAs where appropriate and necessary to drilling permits for currently leased federal minerals.

Comments Regarding Alternative A-D in reference to LWC area of Square Butte, located in 20N 12E and LWC area Judith Mountains, located in 16N 20E, 12N 20E, and 16N 9E

l. As stated in the Lewistown Field Office Sage-Grouse Draft RMPA/EIS on page C-1, the Judith Resource area and the Headwaters Resource Management Plans (RMPs) does not currently have any Required Design Features (RDFs).

a. Listed RDFs are applicable in Alternatives B and C (Draft RMPA/EIS C-1), but not in Alternative D.

b. Since applying RDFs “would apply regulatory mechanisms needed to stop population decline and habitat loss” (Draft EIS 2-45), they will need to be adopted for Alternative D in these areas.

Comment Number: LFOSG-14-0035-16

Comment Excerpt Text:

. New oil and gas development is deferred for all alternatives in the DEIS pending the RMP revision and the DEIS indicates that no new drilling permits are anticipated in the next decade in the planning area. However, it is difficult to determine exactly which operating constraints to protect GSG will occur for currently existing leases. For example, the DEIS (Table 2-4) lists several operating constraints for leases under all action alternatives, but states that the standard stipulations in Appendix J apply to existing leases. However, Table 4-3 indicates that the measures in Appendices C/D would apply to existing leases, and Section 3.7 indicates that BLM reserves the right to require additional mitigation measures in the form of conditions of approval (COAs) after a lease is issued if doing so is necessary to fulfill the BLM's multiple-use mandate. We recommend that lek buffers, noise restrictions at the edge of active leks (no more than 10 dB above ambient or no more than a maximum of 34 dB), and other measures be applied to existing leases where possible in required

compliance with RMPA GSG goals and objectives (please see our BMP/RDF comments above).

Comment Number: LFOSG-14-0039-16

Comment Excerpt Text:

In the Lewistown Field Office, an existing protest resolution decision does not allow oil and gas leasing of nominated parcels that would require a special stipulation that would protect important wildlife values, which apparently includes sage grouse Priority and General Habitats. DEIS at I-12, 3-48. It is unclear that this decision will extend through the entire lifespan of the amended Lewistown RMP. BLM notes that the RMP revision process is slated to begin in 2013. DEIS at I-13. However, it is now 2014 and we have detected no evidence of a pending RMP revision beyond the amendment of this RMP with regard to sage grouse. We are concerned that the protest resolution decision will be mooted by the completion of the Lewistown Greater Sage-Grouse RMP Amendment and Record of Decision, at which point all lands would once again be available for leasing. If this is the case, then it is necessary for BLM to impose conservation measures in this RMP amendment that preclude future oil and gas leasing to prevent impacts to greater sage grouse from BLM decision flowing from this plan amendment and the RMP it modifies. If on the other hand, this is not the case and oil and gas leasing will be precluded throughout the lifespan of the RMP amendment as a result of the protest resolution decision, then it costs the BLM nothing to withdraw PPH and PGH from future fluid minerals leasing, and doing so eliminates any possible ambiguity and fortifies BLM's certainty of regulatory mechanisms in the context of a USFWS review of the greater sage grouse in 2015.

Comment Number: LFOSG-14-0039-2

Comment Excerpt Text:

The Preferred Alternative would not apply appropriate density limits for wellpads and other surface disturbances as Conditions of Approval on existing fluid mineral leases, pursuant to National Technical Team ("NTT") recommendations. NTT (2011) recommendations would limit surface disturbances to no more than one per section on

existing fluid mineral leases. This should be implemented for all leases (future and existing) and for other types of similar disturbance in the final plan. Please review the best available science and make a determination regarding whether one wellpad/disturbance per section, or no limit at all, is the most scientifically supported approach or whether no limit on wellpad density would best achieve the purpose and need of the plan amendment. Please consider the following studies which directly address the threshold of well density at which impacts to sage grouse occur: Holloran (2005), Doherty (2008), Walker et al. (2007), Tack (2009), Taylor et al. (2012), and Copeland et al. (2013).

Comment Number: LFOSG-14-0040-7

Comment Excerpt Text:

We agree with the BLM that not leasing in Priority Habitat is an adequate conservation measure as recommended by the NTT report for unleased fluid mineral estate. However, it is unclear that this temporary cessation of leasing would provide adequate conservation tied to the goal of this amendment and does not preclude the BLM from adopting adequate measures in this amendment. Addressing this issue more specifically now is especially important since the BLM states that fluid leasing could become prevalent in this area in the future (DEIS at 4-1). We believe that BLM should identify specific fluid mineral leasing conservation measures appropriate for conservation of this sensitive species and habitat tied to the goal of this amendment. Given the science on impacts from energy development cited within the planning document (DEIS at 3-14) as well as in the National Technical Team report and that fluid minerals are identified as a priority threat for this area, at the minimum the surface occupancy impacts from them should be excluded in Priority Habitat through NSO designations (as adopted in the HiLine draft RMP/EIS Preferred Alternative). WWF recommends addressing unleased federal fluid mineral leasing in this amendment and specifically identifying conservation measures for PH that would close them to future leasing or designate them as NSO.

10.2 IMPACT ANALYSIS

Comment Number: LFOSG-14-0022-6

Comment Excerpt Text:

the RMPA/DEIS fails to explain what actually constitutes valid existing rights and how they relate to the new land use management alternatives considered in the planning document.

10.3 MITIGATION MEASURES

Comment Number: LFOSG-14-0035-33

Comment Excerpt Text:

Under Alternative D, prospecting permits for non-energy leasable mineral development would be subject to mitigation, but mitigation is not described or defined.

11. LIVESTOCK GRAZING

Comment Number: LFOSG-14-0007-3

Comment Excerpt Text:

The BLM should reconsider whether sage-grouse habitat is “chiefly valuable” for livestock grazing.

Most grazing on BLM lands occurs within grazing districts established by the Taylor Grazing Act of 1934 (43 U.S.C. § 315). The act required the Secretary of Interior to determine that lands within grazing districts were “chiefly valuable” for livestock grazing (43 U.S.C. § 315). However, the Secretary can also separately conclude that any lands within grazing districts are “more valuable or suitable for any other use than for [grazing]” (43 U.S.C. § 315f). To meet the purpose and need of the National Greater Sage-Grouse Planning Strategy (76 Fed. Reg. 77009) and the Lewistown DRMPA/EIS (I-1), the Secretary should, as part of the current planning process, reconsider whether sage-grouse habitat, or a subset of extant habitat (e.g., priority habitat), in grazing districts is still “chiefly valuable” for grazing as opposed to other priorities, such as sage-grouse conservation.

Comment Number: LFOSG-14-0023-6

Comment Excerpt Text:

DEIS (2-35): Action: In PH, when a current grazing permittee/lessee is willing to relinquish grazing preference on all or part of an allotment, the associated authorized use would become vacated from the base property.

Comment: Proposal to Allow Grazing Permit Retirement Is Unacceptable

There is statutory evidence, supported by case law, that the BLM is overstepping its bounds in the DEIS by suggesting that grazing permits may be terminated (see e.g. DEIS Vol. 2 p.166, etc.). Although the Secretary may decrease grazing or temporarily rest an allotment for the sake of rangeland health, Taylor Grazing Act and Federal Land Policy Management Act mandate that forage resources on grazing districts are to be made available for grazing:

BLM may impose temporary reductions, or permittees may voluntarily reduce their grazing levels. The presumption is, however, that if and when range conditions improve and more forage becomes available, permissible grazing levels will rise. ...Congress intended that once the Secretary established a grazing district under the TGA, the primary use of that land should be grazing (PLC v. Babbit, 167 F.3d 1287, 1308 10th Cir. 1999).

By allowing for permit termination in the planning area, BLM would not only be in danger of violating the law; it would be opening the floodgates to harassment of ranchers by radical special interest groups bent on eliminating grazing. This has proven to be the case in past instances where Congress acted to make permit retirement legal in specific areas, such as the Owyhee Wilderness Area in Idaho.

Comment Number: LFOSG-14-0028-3

Comment Excerpt Text:

The proposed standards and guidelines contravene the TGA because they myopically focus on sage-grouse range management to the detriment of livestock grazing and development of the range.

Comment Number: LFOSG-14-0028-4

Comment Excerpt Text:

Put simply, the TGA places limits on the BLM's discretion to devote grazing districts for purposes other than grazing and, in proposing sage-grouse specific management standards and guidelines, the BLM is crossing the bounds of its discretion.

Comment Number: LFOSG-14-0037-19

Comment Excerpt Text:

Under the Taylor Grazing Act, the BLM must prevent injury to public lands.⁶³ The Act's goal of stabilizing the livestock industry is "secondary" to the goals of safeguarding the rangeland and providing for its orderly use.⁶⁴

⁶³ 43 U.S.C. §315(a).

⁶⁴ Public Lands Council v. Babbitt, 167 F.3d 1287, 1298n.5 (10th Cir. 1999), aff'd, 120 S.Ct. 1815 (2000).

11.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0020-6

Comment Excerpt Text:

Treatments to Increase Forage for Livestock/Wild Ungulates (Hoofed Animals): We oppose treatments of sagebrush habitats to increase forage for livestock unless it can be shown that there is no loss of habitat for GRSG. Instead, the BLM should adopt the policy in the Montana Draft Greater Sage-Grouse Habitat Conservation Strategy (Montana Strategy).

If the BLM would adopt the same standard as the Montana Strategy, the stipulation would read something like this: "Sagebrush eradication and treatment programs aimed at reducing or eliminating sagebrush will be prohibited on BLM lands unless those treatments are approved and can be satisfactorily shown to result in no loss of habitat or be beneficial to sage-grouse habitat. Sagebrush treatments are considered disturbance and will contribute to the 3% disturbance factor. Sagebrush canopy cover should be maintained at present levels. Treatments to enhance sagebrush-grassland will be evaluated based upon the existing habitat quality and the functional level post-treatment. Restored

sagebrush grassland habitats that provide effective cover and food for sage-grouse should be recognized as part of the habitat base; this provision serves as an incentive for restoring and protecting converted habitats."

Comment Number: LFOSG-14-0021-10

Comment Excerpt Text:

3-66. "For all allotments determined to not be achieving standards due to current livestock grazing management, changes in livestock grazing management were implemented through changes in the mandatory and/or other terms and conditions of the grazing permits or leases by grazing decision in accordance with BLM grazing regulations.... The effectiveness of the management changes implemented will be evaluated on a 10-year cycle, based on the dates of the watershed plans listed above. As of the current time, none of the allotments have been reassessed to determine if the changes implemented have resulted in allotments that were not achieving standards to meet or make significant progress." If possible, please consider making these assessments a priority where they occur in PPH.

Comment Number: LFOSG-14-0023-1

Comment Excerpt Text:

The DEIS, at p. ES-2, cites USFWS' finding that a "the inadequacy of existing regulatory mechanisms" is a threat to sage grouse. However, this is inaccurate as applied to livestock grazing and range management. In its 2010 listing decision, the USFWS stated that it lacked "the information necessary to assess how [the implementation of current rangeland health assessments] affects sage-grouse conservation." Therefore, it is inappropriate for the BLM to develop alternatives designed to change current regulations without first understanding and quantifying the effectiveness of the current framework

Comment Number: LFOSG-14-0023-13

Comment Excerpt Text:

DEIS (4-172) Wet meadows and riparian areas in PH would be managed to maintain forbs, edge cover, and species richness to facilitate GRSG brood rearing. Seasonal restrictions on livestock grazing would be

used to reduce pressure on riparian vegetation used by GRSG in summer.

DEIS (4-183) The proposed actions described under Alternative D would restrict grazing in PH and would provide range enhancements to benefit GRSG.

Comment: In the DEIS, there are Alternatives A and D, state that the number of AUM's and acreages available for grazing will be equal. It is our concern that statements as referenced above, "seasonal restrictions" and "restrict grazing", will be the preferred action in grazing decisions. Our main concern will be grazing will be reduced as a "first action", instead of implementation of alternative strategies that could potentially address resource concerns. It is also stated in DEIS (5-15) Livestock grazing is not considered a substantial threat to GRSG in the LFO because grazing systems have been implemented on most allotments to provide for GRSG habitat needs throughout the year

Comment Number: LFOSG-14-0023-14

Comment Excerpt Text:

(2-13): Similar to Alternative A, Alternative D would limit motorized travel in the planning area to existing roads, primitive roads, and trails. Similar to Alternative B, route construction in PH would be limited to realignments of existing designated routes. However, construction of access roads to existing rights would be less restrictive and would be evaluated on a case-by-case basis. Similar to Alternative B, Alternative D would emphasize restoration of nondesignated roads, primitive roads, and trails in PH, following completion of travel management plans.

2-27 Action: During route designation and travel planning in PH, travel management would evaluate the need for permanent or seasonal road or area closures where vehicle use is causing or would cause considerable adverse effects on habitat.

2-27 - Action: The BLM may close or restore unauthorized, user created roads and trails to prevent resource damage, including impacts on GRSG.

Comment: The BLM should not amend the RMPs to prohibit new road construction nor limit travel to "existing roads, primitive roads and trails." This concept has been implemented on portions of BLM lands and had very negative consequences. This concept also has the potential to limit or preclude use of historic routes that may not be obviously discernible on the landscape but nonetheless are invariably needed for our members to manage their allotments, grazing administration, fire management and other activities. Permittees should be consulted before any roads or trails are "restored" or otherwise compromised. Proper livestock management should be at the basis of such decisions

Comment Number: LFOSG-14-0023-8

Comment Excerpt Text:

DEIS (2-55) Action: Structural range improvements would be allowed in PH but costs and time to construct these structures may be increased due to GRSG conservation measure requirements; full utilization of permitted AUMs may be impacted.

Comment: We have concerns over Alternatives B and D and the potential impacts to livestock grazing. By reducing flexibility and increasing costs, improving range conditions will be difficult. We recommend the continuance of some management flexibility to adapt to conditions and make changes to address the conditions. Our organizations also have concerns over the reference that AUM's will be reduced, while the document clearly states the AUM's and acreages will still be available at current levels.

Comment Number: LFOSG-14-0026-1

Comment Excerpt Text:

We object to considering the retirement of grazing privileges in the preferred alternative as we have not seen evidence that well managed grazing has adverse effects on Greater Sage-Grouse.

Montana Fish, Wildlife, and Parks partnered with the Bureau of Land Management to study sage-grouse populations in southeast Montana. In the study, authored by Melissa Foster, Windy Davis, and Ashley Beyer, sage-grouse were captured and radio collared

in order to track such things as: 1) demographic rates (i.e., nest success, brood success, hen survival) and identify hen mortality; 2) seasonal movements; 3) relate vegetation to nest and brood success. In their report from January, 2011, they found:

"Grazing is ubiquitous in the 'area', yet we did not detect any effect of livestock presence or grazing history on nest success, nor did we observe any direct negative impact of livestock on nesting grouse (e.g., trampling of nests)."

44. . . practices that benefit sage-grouse are often congruous with managed livestock grazing..."

Since we have not seen any reports indicating well managed grazing is detrimental to sage-grouse, we think any reference to retirement of grazing privileges should be removed from alternative D.

Comment Number: LFOSG-14-0027-2

Comment Excerpt Text:

Regarding the subject of eliminating/retiring/unavailability of grazing - on page 1-13 under the heading "Issues Beyond the Scope of the Plan - elimination of grazing" is bulleted. Yet, on pages 2-36, 4-117, 4-140, 4-165, and 4-194, elimination, retirement, or unavailability of grazing is listed as an option for Alternative D. We do not believe this subject should be addressed in this amendment.

Comment Number: LFOSG-14-0028-2

Comment Excerpt Text:

In the RMPA/EIS, the BLM describes the purpose and need as follows: "Inadequacy of regulatory mechanisms was identified as a significant threat in the USFWS finding on the petition to list the GRSB." RMPA/EIS at 1-3. "Changes in management of GRSB habitats are necessary to avoid the continued decline of populations that are anticipated across the species' range." RMPA/EIS at 1-3. Put most simply in the federal register notice of intent, the core purpose of the RMPAs is to "avoid a potential listing under the Endangered Species Act." 76 FR 77009. As applied to livestock grazing and range management, the BLM's statement of the purpose and need is inaccurate and misleading because the FWS never found, nor has the

BLM found, that existing regulatory mechanisms applicable to livestock grazing and range management pose a threat to sage grouse habitat or populations, much less that changes in such regulatory mechanisms are necessary to avoid a listing decision.

Comment Number: LFOSG-14-0035-21

Comment Excerpt Text:

The DEIS introduction section states "For BLM-administered lands, all activities and uses within GSG habitats will follow (emphasis added) land health standards. It should be clarified here that specific GSG habitat objectives are to be developed and applied under the selected alternative. The timeline for development of these GSG objectives in the selected alternative should be specified, and the GSG objectives to be applied in the interim should be referenced. We recommend interim application of objectives based on Connelly et al. (2000) and Hagen et al. (2007). Appendix F should also include GSG objectives or reference objectives to be applied until local objectives are developed. Discussion in the monitoring appendix (Appendix B) suggests that habitat indicator data collected at the fine and site scales will be consistent with the Habitat Assessment Framework (HAF) and Connelly et al. (2000), and potentially adjusted for local conditions. While we support this approach, the relationship (including timelines) between GSG objectives development and application as discussed in Chapter 2, Appendix B, and Appendix F is not clear and should be more fully described. We also recommend addressing how habitat objectives would be handled during drought periods

Comment Number: LFOSG-14-0035-22

Comment Excerpt Text:

Based on Table 2-4, it is currently unclear whether application of and adherence to GSG objectives would be "considered" or "required" under Alternative D in PH. Application and adherence to GSG objectives should be required in the selected alternative. Allotment assessment prioritization under Alternative D is also unclear; are expiring permits in PH prioritized, or are allotments with the best GSG opportunity (regardless of permit status) prioritized?

We recommend the latter approach and increasing the frequency of allotment assessment (currently approximately 10 years) in PH. Also, the monitoring timeframes and consequences of allotment non-compliance with objectives following corrective action implementation should be specified. Increasing frequency of allotment assessment and conveying the consequences for non-compliance are important, given that the LFO is currently unable to determine through monitoring whether grazing management changes implemented on 105,437 acres of preliminary PH and preliminary GH that were not meeting standards have resulted in those lands meeting standards.

Comment Number: LFOSG-14-0036-1

Comment Excerpt Text:

II. Livestock grazing

Ain Montana Outdoors November-December 2013 issue "Where can Sage Grouse Live" article,

(<http://fwp.mt.gov/mtoutdoors/HTML/articles/2013/sagegrouse.htm#.Ut2uStPn9aQ>) states, there are two ways to convince people to conserve sage-grouse habitat: (1) help them do it voluntarily, or (2) require them. The Sage-Grouse Initiative (SG!) was created by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) in 2010 in large part to help ranchers graze their cows in ways that benefit sagebrush grasslands. Because nearly 40 percent of the nation's 186 million acres of sage-grouse habitat is on private property where ranchers often run cattle, the timing and intensity of grazing affects the big birds' survival.

The article describes a private ranch north of Roundup, Montana plan to implement a pastures program enabling the ranch to move cattle throughout the year. The rancher can now move their three herds among 26 separate pastures so that the cattle never stay in one place long enough to overgraze grasses and forbs, the article states.

B. It is my opinion that livestock numbers (AUM) do not need to be reduced, but moving the cattle is the key. The allotment plan will describe the requirement

for Guidelines for Livestock Grazing Management. Following these guidelines will keep the allotment meeting Standards and Guidelines and a healthy landscape. These guidelines will keep the permittee profitable and allow the community to prosper.

Comment Number: LFOSG-14-0037-18

Comment Excerpt Text:

In the BLM's own 2006 paper titled Review of Livestock Grazing Management Literature Addressing Grazing Management of Sage Grouse Habitat the BLM determined from its review of the literature that "No treatment should be considered where sagebrush cover is less than 20 percent or within 2 miles of breeding, nesting, or brood areas." This is echoed in a wide range of other research papers, a few of which we provide for your review as attachments. The other significant issue regarding such land manipulations is a high likelihood significant increases in invasive species. The RMPA/DEIS does not address this.

Comment Number: LFOSG-14-0037-2

Comment Excerpt Text:

The Federal Lands Policy and Management Act of 1976 states that public lands should be managed, "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values..." See 43 U.S.C. 1701 § 102. It also directs the BLM to, "mak[e] the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources." A full exploration of the judiciousness of allowing ongoing livestock grazing on these public lands should be included in the analysis.

Comment Number: LFOSG-14-0037-23

Comment Excerpt Text:

The RMPA/DEIS fails to take a "hard look" at a range of alternatives for livestock grazing. All four alternatives take an "all or nothing" approach. Alternatives A, B and D (agency preferred) all

maintain the same acres of habitat open for all classes of livestock (Table 2-3) and the same number of AUM. Alternative C closes all the same acres and makes all the AUM unavailable. RMPA/DEIS at 2-22, 2-31. This is not a range of alternatives; it is a black-and-white approach that fails to consider the significance of certain areas or to modify livestock numbers in response to sage-grouse habitat needs.

The RMPA/DEIS failed to consider the elimination of livestock grazing from BLM lands in the planning area because that would not “meet the purpose and need” of the document. RMPA/DEIS at 2-19. The BLM claims this was unnecessary because of Alt. C, which would restrict grazing in PH and GH. However, the BLM does not discuss that its current classification of PH and GH is subject to change and the agency is failing to proactively manage for connectivity and population expansion, or even consider historic habitats. The BLM is starting with a limited habitat definition (“non-habitat,” which, we note, is undefined in the RMPA/DEIS) and failing to consider the impacts of its actions under a more inclusive definition. This failure violates NEPA and is but one example of the inadequacy of the RMPA/DEIS as a regulatory mechanism to prevent sage-grouse imperilment.

Comment Number: LFOSG-14-0037-33

Comment Excerpt Text:

The RMPA/DEIS states that it will focus efforts on allotments that have the “best opportunities for conserving, enhancing or restoring habitat for GRS,” and that these allotments would receive high priority for monitoring, evaluation, and management. RMPA/DEIS at 2-31. Nowhere does BLM identify these allotments or even the criteria under which allotments will be evaluated to determine their priority, or even when the BLM will establish criteria to rank allotments by priority, or what constitutes the “best opportunity.” The RMPA is the place to set the appropriate plans in motion if the BLM is serious about protecting sage-grouse habitat. Since the RMPA does not, it is insufficient for establishing adequate regulatory mechanism to avoid ESA listing.

Comment Number: LFOSG-14-0040-12

Comment Excerpt Text:

Fences should be removed, modified or marked in high-risk areas: WWF commends the BLM for identifying the importance of fence impacts to wildlife. As noted by the BLM structural range improvements, particularly fences, can impact greater sage-grouse especially through collisions and providing aerial predators with perches (DEIS at 3-63). However, under ROWs and Structural Improvements the BLM does not explicitly state that targeted actions for improving fences (either removing or modifying although the BLM does identify marking as a specific action) will be conducted and if they are it could be up to 10 years before adjustments are made (DEIS at 2-35). The BLM should adopt specific conservation actions in Alternative D to address fence issues by prioritizing then modifying or removing them in an accelerated and clearly defined timeline.

**11.2 BEST AVAILABLE INFORMATION
BASELINE DATA**

Comment Number: LFOSG-14-0013-1

Comment Excerpt Text:

On page 1-13, elimination of grazing is listed as an issue beyond the scope of the plan, yet on page 2-35, retirement of grazing privileges is considered in alternatives B, C, and D. I don't believe there is evidence to support retirement of grazing as a necessary means to protect sage-grouse.

Comment Number: LFOSG-14-0021-9

Comment Excerpt Text:

3-34. Allotments meeting rangeland health standards: how many are in PPH and PGH, are these allotments a priority for improvement? Same with PFC ratings for streams, will these be a priority for improvement?

Comment Number: LFOSG-14-0023-12

Comment Excerpt Text:

DEIS (4-159) Environmental Consequences (Special Status Species – Other Species of Issue. In general, the more acres that are open to grazing under a given alternative, the greater the risk for impacts.

Comment: Our organizations strongly disagree with this statement. BLM has not shown the scientific evidence or documentation to support this statement, in fact, there are numerous citations throughout the document that reference the benefits of grazing. We recommend this statement be deleted from the final document.

Comment Number: LFOSG-14-0023-3

Comment Excerpt Text:

- Grazing also improves greater sage-grouse habitat by increasing the quality and accessibility of forbs for sage-grouse.⁴
 - According to NRCS sage-grouse initiative (SGI), partnerships with ranchers have contributed to over 2.1 million acres of improved grazing systems, boosting sage-grouse nest success by 10 percent. These systems are dependent on producers' ability to utilize both public and private lands.
 - Neither BLM nor peer reviewed scientific studies offer direct experimental evidence that links grazing practices to population levels of greater sage-grouse.⁵ To the contrary, at Hart Mountain National Antelope Refuge in Oregon, where livestock have been excluded since 1995, abundance of sage-grouse have fluctuated similarly as they have elsewhere in Oregon.⁶ These fluctuations included a population decline that occurred at the same rate from 2007-2009 as other high elevation populations in Oregon over that time period.⁷
 - Indeed, certain livestock grazing effects have positive consequences for sage-grouse.⁸ Furthermore, Davies et al. (2011) found that "appropriately managed grazing is critical to protecting the sagebrush ecosystem (sage-grouse habitat)" and that "livestock grazing per se is not a stressor threatening the sustainability of the ecosystem."⁹
 - Working ranches offer some of the best habitat for wildlife, including the sage-grouse. According to USFWS, "Long experience in

working with commercial and industrial partners have shown us that a more collaborative approach, rather than a strictly regulatory one, will be more effective in recovering [species] on private lands."¹⁰

4 Olson, B.E. and J.R. Lacey, 1994. Sheep: A method for controlling rangeland weeds. *Sheep & Goat Res. J.* 10:105-112; Derner, J.D., et al. (2002). Carbon Storage on Shortgrass and Northern Mixed-Grass Prairies. Meeting Abstract (2002).

5 Connelly J. et al, Habitat and Management: Sage Grouse Management, 231 (1997); Braun et al.,137 (1987).

6 Hagen C., Greater Sage Grouse Conservation Assessment & Strategy for Oregon, 43 (2011).

7 Id.

8 Evans C., The relationship of cattle grazing to sage-grouse use of meadow habitat on the Sheldon National Refuge; Univ. of Nevada, 37 (1986).

9 Davies, K. et al., Saving the sagebrush sea: An ecosystem conservation plan for big sagebrush plant communities. *Biological Conservation* 144, 2573–2584 (2011).

10 FR 78, Vol 192, 61451 (2013)

The RMPA needs to more accurately reflect and analyze the benefits of grazing and ranches to sage-grouse in all of its parts, including the baseline, the cumulative effects, and the alternative analysis.

Comment Number: LFOSG-14-0027-3

Comment Excerpt Text:

Planned cattle grazing can have a positive affect on sage-grouse habitat. A BLM and MTFWP sponsored study reported in January of 2011 on page 30 – "...practices that benefit sage-grouse are often congruous with managed livestock grazing."

A study done in Central Montana in 2011 and 2012 – "Sage Grouse Grazing Evaluation Study" was funded

by NRCS, MTFWP, and USFWS. Agency personnel conducted the study showing “very positive” results for vegetation, nest success, chick and hen survival, from “Any 2 year grazing combination that includes at least a year of rest.” “Positive” results for the above came from “Any 2 year grazing combination that does not graze during nesting, brood rearing, or fall/winter treatment in consecutive years.”

These quotes come from pages 25-28 of this study.

In conclusion, the Petroleum County Conservation District believes these studies and others indicate that cattle grazing is a positive for sage-grouse habitat. The District Board members do not think retirement of grazing should be considered in this RMP Amendment.

Comment Number: LFOSG-14-0037-12

Comment Excerpt Text:

Biological invasions, especially invasion by exotic annual grasses such as cheatgrass, are consistently cited as among the most important challenges to maintenance of healthy sagebrush communities.³⁰ Estimates of the rapid spread of weeds in the West include 2,300 acres per day on BLM lands and 4,600 acres per day on all western public lands.³¹ Clearly, the BLM needs to consider the cause of these infestations and the contribution of domestic livestock grazing to them.

A recent study published in the Journal of Applied Ecology concludes that livestock grazing contributes to the domination of some western landscapes by cheatgrass, an invasive grass that both destroys sage-grouse habitat and increases the frequency of wildfire.³² To mitigate the spread of cheatgrass, the study suggests maintaining and restoring bunchgrasses and soil crusts, two ecological features that are quickly degraded under the hooves of livestock. Such mitigation would require the decrease or elimination of livestock grazing in the affected areas.

Anderson and Inouye³³ found that viable remnant populations of native grasses and forbs are able to take advantage of improved growing conditions when livestock are removed. They found further that

despite depauperate and homogenous conditions of permanent plots in 1950, after 45 years of no livestock grazing, vegetation had been anything but static, clearly refuting claims of long-term stability under shrub dominance. Mean richness per plot of ALL growth forms increased steadily in the absence of domestic livestock grazing. Grasses and forbs increased significantly.

30 Miller, R. F., S. T. Knick, D. A. Pyke, C. W. Meinke, S. E. Hanser, M. J. Wisdom, A. L. Hild. 2011. Characteristics of sagebrush habitats and limitations to long-term conservation. Pages 145-184 in S. T. Knick and J. W. Connelly (eds). Greater Sage-Grouse: Ecology and Conservation of a Landscape Species and its Habitants. Studies in Avian Biol. Series, vol. 38. Cooper Ornithological Society. Univ. Calif. Press. Berkeley, CA.; Wisdom, M. J., M. M. Rowland, R. J. Tausch. 2005c. Effective management strategies for sagegrouse and sagebrush: a question of triage? Trans. N. Wildl. Nat. Res. Conf. 70: 206-227.

31 See 65 Fed. Reg. 54544.

32 Reisner, Michael D.; Grace, James B.; Pyke, David A.; Doescher, Paul S. 2013. Conditions favouring Bromus tectorum dominance of endangered sagebrush steppe ecosystems. Journal of Applied Ecology.

33 Anderson, Jay E. and Rishard S. Inouye. 2001. Landscape-Scale Changes in Plant Species Abundance and Biodiversity of a Sagebrush Steppe Over 45 Years. Ecological Monographs, 71(4), 2001, pp. 531-556.

Comment Number: LFOSG-14-0037-31

Comment Excerpt Text:

Nowhere does the RMPA/DEIS provide a thorough disclosure of existing management of livestock grazing operations, as required by NEPA, and nowhere are the current conditions or even the most current monitoring event on the allotments discussed. The RMPA/DEIS admits in the social and economic condition analysis that Alternative C’s impacts may be less than predicted, “since actual use of allotments used in the analysis of current conditions is below the

level of permitted use.” RMPA/DEIS at 2-65. Elsewhere it says, “[A]ctual use of allotments has decreased in many areas over the past decade as a result of drought.” RMPA/DEIS at 3-67. Nowhere does the RMPA/DEIS disclose what the actual use has been and how the preferred alternative to maintain AUM compares to the current actual management of the allotments.

The preferred alternative does not address the fact that were livestock use to increase to the fully permitted levels, conditions for sage-grouse would certainly be worse. Rather than provide conservation measures for sage-grouse, the RMPA/DEIS would effectively indemnify the higher numbers. There are only 526 allotments in the planning area (RMPA/DEIS at, e.g., 3-15. ; surely, the agencies could have taken a hard look at the average billed use or annual authorizations and made meaningful recommendations pertaining to why livestock use at the higher levels is not viable, not appropriate, not realistic, etc. Lacking this discussion, the RMPA/DEIS lacks a hard look at the baseline conditions or the preferred alternative.

Nowhere does the RMPA/DEIS discuss changing the seasonality of grazing on BLM lands within the planning area, which prevents the reader from understanding how spring or spring-fall grazing regimes could affect sage-grouse. Nowhere does the RMPA/DEIS provide any in-depth information about GRSG habitat that is not meeting land health standards due to livestock grazing. RMPA/DEIS at 3-160. In general, the RMPA/DEIS has not taken a hard look at the details that hide the devil of declining sage-grouse populations in the project area.

Comment Number: LFOSG-14-0039-22

Comment Excerpt Text:

Likewise, for livestock grazing, the EIS includes the following conclusory statement: “Livestock grazing is not considered a substantial threat to GRSG in the LFO because grazing systems have been implemented on most allotments to provide for GRSG habitat needs throughout the year.” DEIS at 5-15. This statement is directly contradicted by analysis

elsewhere in the DEIS that demonstrates that a significant acreage of rangeland (including acreage within sage grouse habitats) is not meeting land health standards, and that a significant proportion of stream miles within sage grouse habitat are not meeting Properly Functioning Condition for riparian health. Connelly et al. (2000) found that sage grouse require a residual stubble height of 18 cm in nesting and brood-rearing habitat to provide sufficient hiding cover for sage grouse, a finding confirmed by Hagen et al. (2007). In order to support the assertion that current range management systems are providing adequately for sage grouse nesting and brood-rearing habitats, BLM would need to provide evidence that these habitats have their requisite residual stubble height of grasses during their critical season of use by grouse. Where is this evidence? There appears to be no such analysis even attempted in the DEIS.

Comment Number: LFOSG-14-0039-23

Comment Excerpt Text:

BLM rangeland health status for allotments in the planning area are not clearly presented in the Lewistown DEIS, ‘baseline information’ deficiency pursuant to NEPA. Some 316 out of 526 grazing allotments are in fact meeting rangeland health standards at present (DEIS at 3-34), which leaves 210 allotments that are not meeting rangeland health standards. What is the acreage of PPH not meeting rangeland health standards overall, and what acreage of PGH is not meeting such standards? According to the DEIS, a total of 81,900 acres of PPH and 23,800 acres of PGH are not currently meeting rangeland health standards due to livestock grazing. DEIS at 3-63. How many acres are not meeting these standards due to other causes, and what exactly are these other causes? How would these metrics change under each alternative? Clearly, the status quo is not yielding adequate results in regard to rangeland health, so more stringent requirements are needed. We are further concerned that the BLM’s approach to rectifying allotments not meeting land health standards includes requiring the construction of “range improvements” such as water developments and fences (DEIS at 3-66) that may be harmful to sage grouse and their habitats. Please review allotments

found not to be meeting range health standards between Draft and Final EIS to determine to what extent areas that have been documented to have land health issues have been able to recover, and which remedial measures produce the most effective results at meeting land health metrics.

11.3 IMPACT ANALYSIS

Comment Number: LFOSG-14-0023-4

Comment Excerpt Text:

Comment: The HAF indicators were developed without public comment or inclusion of the best available science and should not be used to guide management actions. It is incumbent upon the BLM to immediately obtain science and implement changes to the indicators so that it reflects local ecosystem conditions. As it stands, the HAF indicators include stubble and shrub height standards that could be impossible to reach in many areas for various reasons, including natural limitations. The RMPA does not evaluate the impacts the HAF will have on grazing management, particularly if indicators are not adjusted to reflect variability across the BLM Districts at issue in the RMPA. If BLM proposes using the HAF indicators, the RMPA must set forth how BLM will use the indicators, where BLM will use the indicators, and the likely impacts to BLM and permittees as a result of using the HAF. None of the alternatives do this analysis. The loss of AUMs on sage-grouse habitat will impact our members by decreasing the availability of forage in the area, and by harming local agribusinesses.

Comment Number: LFOSG-14-0037-28

Comment Excerpt Text:

Moreover, nowhere is the RMPA/DEIS explicit about the utilization limits on vegetation types in the planning area; only the drought management plan references certain standards that trigger livestock management changes. Nowhere does the RMPA/DEIS analyze the fact that utilization is averaged across pastures, across vegetation species, and throughout the year. BLM allow for utilization to exceed the upper limits if there is going to be time remaining in the growing season for the vegetation to grow back

or if there are “underutilized” parts of the pasture to offset heavy use. Thus, even with conservative utilization limits the reality of how utilization is applied as a trigger in livestock grazing does not sufficiently protect priority habitats for sage-grouse at a given time in the sage-grouse lifecycle. This is not disclosed or analyzed in the RMPA/DEIS but presents a significant bar to adequacy of regulatory mechanisms when direct threats are considered.

Comment Number: LFOSG-14-0037-34

Comment Excerpt Text:

For example, the RMPA/DEIS does not consider livestock grazing to be a surface disturbing activity, despite the mechanics of heavy ungulate disturbance during the nesting and early-brood rearing season. This failure to define the problem appropriately is the basis of the problem with the analysis; the revised RMPA/EIS should include the surface disturbing effects of livestock.

11.4 MITIGATION MEASURES

Comment Number: LFOSG-14-0011-2

Comment Excerpt Text:

However, in the livestock grazing section (p 3-62) you have already identified 48 or 54 (I saw both numbers listed) allotments in sage grouse habitat that are not meeting standards. These analyses have taken place since 2005, and the effectiveness of changes aren’t monitored for 10 years. I understand it takes several years to see the effects of changes, but if the changes aren’t effective after 10 years, what does this mean for sage grouse? How many years can sage grouse hang on with no improvement (or continued decline) in habitat? I would suggest that aggressive actions resulting in improvements sooner, rather than long-term be taken if you are serious about conserving sage grouse.

Comment Number: LFOSG-14-0035-32

Comment Excerpt Text:

Range Improvement Structures/Fencing. Under Alternatives B and D, range improvement structure and supplements would be designed to conserve, restore, or enhance GSG habitat, which we support.

Such projects, as well as livestock trailing, should also incorporate timing considerations at the implementation phase such that they avoid and minimize impacts to GSG. Placement of new fences and livestock management facilities (including corrals, loading facilities, water tanks and windmills) should consider their impact on GSG and, to the extent practicable, be placed at least 1 km from occupied leks (Stevens et al. 2012). Existing and new fences necessary for range improvements should be marked with permanent flagging or other suitable devices to reduce GSG collisions per Stevens et al. (2012), if they are considered to be in high risk areas for collision (within 2 kms of occupied leks).

The proposed 10-year existing structure evaluation period under the preferred alternative is unlikely to achieve timely conservation and should be shortened to the extent possible in the selected alternative, with prioritization applied to important GSG habitats. Additionally, approximate timeframes for responding to identified problem structures should be provided.

Comment Number: LFOSG-14-0037-29

Comment Excerpt Text:

Standards and guidelines are usually assessed at a distance from livestock water developments, in areas of “moderate” livestock use. The RMPA/DEIS does not discuss how the key areas used in S&G assessments overlaps with sage-grouse habitat or whether the S&G parameters specifically measure the impacts of livestock at specific points in sage-grouse lifecycles. The RMPA/DEIS does not explicitly link the measurements of the S&G assessments to the criteria established for sage-grouse nesting and brooding success, only that these criteria will be developed at some unspecified future date. Without site-specific monitoring or a clear connection between the rangeland health standards and the habitat needs of sage-grouse, meeting the S&Gs cannot be considered as providing fully functioning sage grouse habitat or an adequate regulatory mechanism to prevent listing.

12. LOCATABLE MINERALS

12.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0024-11

Comment Excerpt Text:

Locatable Minerals

Figure 2-16 of the DEIS, which shows withdrawals and recommendations for withdrawals for locatable minerals is nearly nonexistent. In fact, the only location that appears to be withdrawn is the Acid-Shale Forest north of Teigen. Also, there seem to be very few proposed withdrawals outside of PH. There is a nearly 150,000 acres of BLM land west of the PH that provide connectivity with the CMR. If there were no withdrawals in this area, that could pose a significant threat to genetic diversity. If not completely, then areas with at least 50% breeding density should be closed to locatable minerals.

For projects in PH and 15 km surrounding, make any existing claims within the withdrawal area subject to a validity exam or a buy-out. In that, include claims that have been determined null and void. Also, prescribe and enforce BMPs as COA within PH and 15 km surrounding. As with other surface disturbances, the BLM needs to impose either seasonal or timing restrictions or both.

12.2 MITIGATION MEASURES

Comment Number: LFOSG-14-0035-34

Comment Excerpt Text:

At a minimum, we recommend that language similar to Alternative B be included in the selected alternative for locatable mineral development. We recommend that in PH, offset mitigation and measures are required to prevent unnecessary or undue degradation (App. D) in the plan of operations.

Comment Number: LFOSG-14-0035-37

Comment Excerpt Text:

BMPs for locatable mineral development are “suggested” under Alternative D; such BMPs should be required to the extent possible (e.g., applied as

RDFs) in compliance with RMPA GSG goals and objectives.

13. RECREATION

13.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0024-4

Comment Excerpt Text:

Recreation

It is unclear how the environmental consequences of Alt. D will be similar to Alt. B. Considering the BLM will still manage dispersed camping and issue SRPs that have a neutral or beneficial effect on PH, this should promote backcountry areas and sage-grouse habitat. We feel this should expand to 15 km surrounding PH and GH. As described in Table 2-6, managing areas as ROW exclusion areas in PH and GH, recreational opportunities would be protected in those areas and protect the desired settings in the Judith Valley SRMA and 11 ERMAs. Alt. C appears to be effective. The only distinction between Alternative C and D is that Alt. D does not include GH.

Comment Number: LFOSG-14-0035-31

Comment Excerpt Text:

The DEIS states that BLM regulations (43 CFR, Parts 8341.2 and 8364.1) allow for area, road or trail closures where OHVs are causing, or would cause considerable adverse effects on wildlife and its habitat. However, no discussion is provided as to whether OHV areas have been identified to be causing adverse GSG impacts, or whether such evaluations have taken place (or are proposed). This information should be provided in the FEIS. The DEIS also states that during the breeding season, recreation permits would not be issued in the vicinity of leks to promote nesting success. We support this concept; however, we recommend that RDFs/BMPs for recreation be added to for the selected alternative to address lek buffers and include other GSG measures pertaining to recreational development/use. Also please see Infrastructure above for travel management planning comments.

14. SALABLE MINERALS

14.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0024-12

Comment Excerpt Text:

We are unclear in Table 2-6.19 for Alt. D. Will RDFs be required for existing salable mineral operations or is it assumed that this alternative will produce the similar results as Alt B?

Comment Number: LFOSG-14-0024-14

Comment Excerpt Text:

Salable Minerals

It is not reasonable that only 0.9% of the total PH and only 0.5% of total GRS habitat is closed to salable minerals. However, it is commendable that the BLM will restore pits no longer in use, and where disposal is deemed to be in the public interest. However, we would like clarification on what is defined to be the "public interest."

Comment Number: LFOSG-14-0035-35

Comment Excerpt Text:

The effects of salable mineral development on GSG were not, but should be, assessed in Chapter 4 for each alternative, and conservation measures consistent with the achievement of RMPA GSG goals and objectives should be applied in the selected alternative. Also, it is unclear whether PH/GH constitutes "key wildlife areas" for salable mineral development as suggested in Table 4-3 and would therefore require no surface occupancy under Alternative D, We recommend that PH/GH be considered as such "key wildlife areas" in the selected alternative.

15. SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

15.1 IMPACTS ANALYSIS

Comment Number: LFOSG-14-0004-21

Comment Excerpt Text:

More specifically, the incremental socioeconomic impacts of the proposed action and each alternative

should be evaluated in the cumulative effects section of the EIS. Therefore, the final EIS should address the local, regional, and national socioeconomic effects related to wind energy on:

- 1) Employment;
- 2) Economic Development; and
- 3) Taxable Income

Comment Number: LFOSG-14-0037-20

Comment Excerpt Text:

A thorough economic calculation must consider the value lost from negative environmental impacts to: water quality and quantity, wildlife habitat quality and quantity, and native vegetation. The costs of further exotic species and weed expansions, diminished recreational opportunities, potential species loss, intrinsic land value, and beauty must also be calculated.

Comment Number: LFOSG-14-0037-22

Comment Excerpt Text:

In accordance with its multiple use mission, the BLM must consider land uses other than grazing in its calculation of the economic and social values of each alternative, including administrative costs and environmental impacts to water, wildlife, plants, recreation, potential species loss, intrinsic land value, and beauty.

16. SOIL RESOURCES

16.1 IMPACT ANALYSIS

Comment Number: LFOSG-14-0037-16

Comment Excerpt Text:

Eroding soil and manure throughout watersheds end up in streams as increased sediment load, excessive nutrients, and pathogen contamination. Various grazing management strategies have not been found to reduce such watershed degradation.⁶² The Final LUPA/EIS needs to discuss the impacts of each of the alternatives on the soil and watershed conditions within the planning area and to provide appropriate mitigation measures under each alternative. A list of

impaired waters and the sources of contamination within the watersheds of these public lands would be an appropriate place to begin taking a “hard look” at potential grazing effects from the public lands.

Comment Number: LFOSG-14-0037-32

Comment Excerpt Text:

The RMPA/DEIS present an insufficient analysis of the impacts of livestock on soils and soil processes, which the RMPA/DEIS does admit determine to a large extent the structure and function of ecosystems. It doesn’t overlay grazing allotments with sensitive soil maps, and it doesn’t assess whether the regional S&Gs are sufficient to capture the soil impacts of livestock that precludes sagebrush recruitment. This is woefully inadequate and defies the requirements of NEPA.

17. TRAVEL MANAGEMENT

17.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0003-1

Comment Excerpt Text:

The AMA would like to take this opportunity to offer assistance inventorying and mapping off-highway-vehicle trails with in the Lewistown Field Office’s management area.

Additionally, we would like to ask the BLM to observe trail neutrality when closing trails and areas used by OHVs in subsequent National Environmental Planning Act processes, as mentioned on page 1-20. The AMA believes this is the only way to guarantee that the BLM simultaneously respects recreationists and conservationists stake in our nation's public lands.

Comment Number: LFOSG-14-0022-25

Comment Excerpt Text:

Coordinate road construction and use among ROW or SUA holders.

Comment: Not all users may be able to coordinate activities on roads. Some authorization holders may pre-date others and activities may not coincide among users. We recommend modifying this RDF as

follows: “Coordinate road construction and use among right-of-way or special use authorization holders consistent with rights granted.”

Comment Number: LFOSG-14-0023-9

Comment Excerpt Text:

DEIS (3-55) Action: OHVs are also used throughout the planning area to manage livestock grazing. OHVs must therefore remain on existing travel routes at all times unless travel is administrative use or an exception as described in the OHV ROD (BLM 2003b).

Comment: Our organizations support the use of OHV's for administrative use for livestock grazing. The use of these vehicles is critical to management of livestock and allotments by permittees. The final decision should clarify that ranching activities are amongst the authorized off-road uses.

Comment Number: LFOSG-14-0024-2

Comment Excerpt Text:

Travel & Transportation Management

Road networks are a known obstacle to the success of sage-grouse. To a sage-grouse, a road can be a state or interstate highway, gravel road, or a two-track that hasn't been used in years. Roads are problematic for sage-grouse and wildlife in general for a number of reasons. Roads lead to increased mortality due to collisions, loss or fragmentation to habitat, and the spread of exotic species. Sage-grouse populations are indirectly affected because of noise created by vehicles that spark avoidance behaviors.

Montana is filled with vast expanses of roads. The type and size vary greatly, but they are nearly omnipresent in much of the prairie. This calls for the greater protection of public lands as there is no way to control private landowner developments. Figure 1 illustrates the density of roads in comparison to type of sage-grouse habitat. A great amount of this habitat is already filled with roads, therefore it is important to prioritize road closures in and around priority habitat and general habitat.

SEE ATTACHMENT FOR Figure 3– Road Density in Central Montana

We believe the BLM should, in PH and GH and 15KM surrounding, limit motorized travel to existing roads, primitive roads, and trails until travel management can be completed. It is well known that off-trail usage can lead to an increase in fragmented habitat and the spread of exotic plant species (Knick et al. 2011).

Comment Number: LFOSG-14-0025-2

Comment Excerpt Text:

II. 95% of mapped sagebrush habitats already fall within 2.5km of a mapped road (NNT Report 11),

a. Therefore, limiting motorized travel on these areas is critical.

b. It is recommended that administrative off-road use for BLM personnel and BLM authorized activities should be no less than 3% of total disturbance for this area (NNT Report 8). This standard of 3% disturbance has been developed to maintain the integrity of the habitat and landscape.

c. Evaluating the level of disturbance to the PH should be done periodically, and administrative off-road use should not be excluded from this evaluation.

d. Ultimately, assessment of authorized roads and ways should also consider connectivity of habitat in order to enhance genetic diversity (Knick and Hanser quoted in NTT 9).

Comment Number: LFOSG-14-0035-20

Comment Excerpt Text:

The Service recommends that a timeframe for travel management planning completion under Alternative D be specified, and such planning be clearly prioritized by its potential to affect important GSG habitat. We recommend that the following road density limitations (Knick et al. 2013) be incorporated within (minimally) 5 km (3.1 miles) of active leks in PH: <1.0 km/km² (1.61 mi/mi²) of secondary roads, 0.05 km/km² (0.08 mi/mi²) of highways, and 0.01 km/km² (0.02 milmi²) of interstate highways. We also recommend that road placement in GSG habitat, or

within 400 m (0.25 mile) of nesting habitat, be avoided where possible in PH (Wisdom et al. 2011). It is unclear why compensatory mitigation for roads is not referenced for the preferred alternative; the selected alternative should follow the compensatory mitigation strategy in Appendix G (please see the compensatory mitigation comment above).

Comment Number: LFOSG-14-0039-9

Comment Excerpt Text:

BLM should require that nesting habitats be delineated, and that new road construction be sited at least 0.8 mile from leks, nesting habitat, and winter concentration areas. Within these areas, jeep trails should be used for access, and seasonal closures to motor vehicles should be applied during breeding, nesting, and wintering periods.

18. VEGETATION

18.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0035-28

Comment Excerpt Text:

Conifer Encroachment. Mechanized treatments targeting conifer encroachment are generally referenced in the DEIS under Alternative B and C, and potentially under Alternative D, but are not discussed in terms of treatment prioritization, proposed total treatment area, timelines, etc. We recommend that such mechanized treatment be incorporated into the selected alternative, and that such supporting information be included in the FEIS.

Comment Number: LFOSG-14-0035-29

Comment Excerpt Text:

Based on long-term conifer encroachment, Chapter 4 states that since Alternative B would prioritize treatments in PH, and there is no PH in the planning area portion of the Belt Mountains population, it is unlikely that sagebrush habitats would be maintained on BLM-administered land in this population under Alternative B. However, no analysis with respect to this issue is provided for Alternatives C and D, under which treatments in GH are "allowed", but no local prioritization or plan for addressing conifer

encroachment has been specified. This issue is unlikely to be resolved under any alternative unless the area is targeted for conifer removal efforts. Such targeting should be identified in the FEIS for both planning area GSG populations under the selected alternative.

Comment Number: LFOSG-14-0035-30

Comment Excerpt Text:

The DEIS currently does not, but should contain measures addressing the "no net conifer gain" principle per the COT Report. We recommend that such measures be incorporated for GSG habitats, and prioritized within PH, in the FEIS. We also recommend enactment of measures to reduce conifer cover to 0% within (minimally) 1,000 meters of leks in PH where conifer encroachment is an issue to facilitate the preservation of lek and associated nesting activity (Baruch-Mordo et al. 2013). This could also potentially be employed as a restoration measure where leks may have been lost. However, if the lek is within 1 km of an old growth conifer stand, the old growth should be retained for its value to the ecosystem and other species. Please include a definition for an old growth conifer stand in the FEIS.

19. WATER RESOURCES

19.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0021-9

Comment Excerpt Text:

3-34. Allotments meeting rangeland health standards: how many are in PPH and PGH, are these allotments a priority for improvement? Same with PFC ratings for streams, will these be a priority for improvement?

Comment Number: LFOSG-14-0023-11

Comment Excerpt Text:

DEIS (4-62)

Riparian habitats would be managed to achieve PFC and the desired plant community. Livestock management would be compatible with achieving these conditions. Together, these management actions would help to enhance riparian vegetation

health and reduce impacts caused by livestock, such as trampling and overuse of riparian areas.

Comment: “Proper functioning condition” is not a desired condition, but rather an assessment tool used to see if more inventory is needed on riparian areas. Thus, “achieving” PFC will not be possible. This seems to set grazing up for failure.

Comment Number: LFOSG-14-0037-39

Comment Excerpt Text:

Relying so heavily on PFC assessments is problematic because they are subject to bias and inconsistency, and can vary from person to person. Also, PFC is a low bar for functionality given riparian meadows importance to sage-grouse brood-rearing, riparian areas and wet meadows. Using Ecological Site Descriptions and other data such as that from Connelly et al. 2000 and Hagen et al. 2007 would provide measureable benchmarks for riparian habitat conservation based on science. This would allow the public to understand what the objectives are, how they will be measured, and if they’re being met. Using qualitative indicators does not provide adequate regulatory mechanisms by which to ensure the protection of this species

19.2 CUMULATIVE IMPACT ANALYSIS

Comment Number: LFOSG-14-0023-16

Comment Excerpt Text:

DEIS (5-38) Cumulative Impacts (Water Resources) Livestock grazing can affect water resources through the trampling of soils and vegetation along and within natural water features and through the formation of fecal coliforms in waterways. Proposed rangeland improvement projects include an additional 65 miles of fencing, 84 miles of stockwater pipeline, and 87 stockwatering sites which could cumulatively impact waters through compaction and erosion of soils during construction which could result in runoff into waterways. In addition, the increase in stockwatering sites increases the risk of mosquito breeding habitat being created, which increases the risk of spreading West Nile virus.

Comments: It is important to include a more comprehensive review in this section as it relates to water resources. In (3-86) It is stated “Water developments are also influential sources of water for wildlife. Water developments can function for multiple uses. They provide additional and alternative sources of water for wildlife and livestock, and can decrease use of riparian areas. However, wildlife will often take advantage of available water developments.” We recommend the addition of this language that also references some of the benefits to water developments.

Comment Number: LFOSG-14-0037-5

Comment Excerpt Text:

C. Water Quality Standards

The BLM is required to meet the water quality standards of every state in which it administers public lands. Livestock grazing in and near streams results in increased E. coli and fecal coliform bacteria. The Final EIS and RMP must explain how the plan complies with Montana surface water quality standards for E. coli and fecal coliform bacteria, and this must be taken into consideration in the analysis of cumulative effects of the proposed action.

20. WILDERNESS AREAS/WILDERNESS STUDY AREAS

20.1 RANGE OF ALTERNATIVES

Comment Number: LFOSG-14-0025-1

Comment Excerpt Text:

Comments in reference to LWC area adjacent to Winnett (5N 28E and 15N 26E)

I. This area is located directed in PH.

a. Therefore, mitigation areas should also be located within the priority habitat (NTT Report 9).

Comment Number: LFOSG-14-0025-3

Comment Excerpt Text:

Action: roads used for commercial or administrative access on BLM-administered lands would be reclaimed, unless the route would provide specific

benefits for public access, would minimize impacts on the resources, and would be considered on a case-by-case basis

Comments in reference to LWC areas of Cottonwood Creek, Blood Creek, and Dovetail Creek, located in 17N27E, 17N28E, 10N28E, and 16N29E.

l. These areas are adjoining and less than ten miles from PH, and are all located within GH. Due to their geographic location, these areas are significant pieces of the landscape. Since they are already designated as LWC areas, it can be inferred that they will be critical for the maintenance and preservation of both PH and GH.

a. The guiding criteria of “adverse effects on habitat” should be evaluated and “guided by objectives to maintain or enhance connectivity,” as outlined in the NTT Report page 10.

b. Therefore, these areas should be limited to administrative off-road use, and current road systems should fall within the 3% disturbance criteria established in NTT (9).

c. When considering if the route provides ‘specific benefits for public access,’ the type of transport (non-motorized or motorized) should be a factor determining these benefits.

d. Ultimately, non-motorized transport has less impact than motorized transport and should be given priority when determining what constitutes allowable transportation.

e. Since these areas are considered lands with wilderness characteristics, restorations of roads not designated in travel management plans should also be considered in the decision to upgrade any roads, primitive roads, or trails.

f. The exact designation of the road, primitive road or trail should be considered alongside existing ROW or easements.

Comment Number: LFOSG-14-0025-4

Comment Excerpt Text:

Comments in reference to LWC area of West Crooked Creek, located in 19N 28E and 20N 28E.

l. This area is located in GH, but is less than two miles from an area delineated as PH. This LWC is generally located on BLM land, but includes several small islands of private land and the overall area shows a patchwork of private and public land.

a. Due to this geographic reality, when creating a travel management plan for this area, landowner access should be granted, subject to valid existing ROW.

b. Since the area is in close proximity to PH, a collaborative effort between the BLM, FWS and the interested private landowners should be made.

c. Finally, priority should be given to the decision that creates minimal impact on resources, but existing ROWs and landowner rights should be upheld.

Comment Number: LFOSG-14-0025-5

Comment Excerpt Text:

Action: same as above

Comments Regarding Alternative D in reference to LWC area of Square Butte, located in 20N 12E.

a. This area is located less than two miles from delineated GH. The area is surrounded by private land on all sides, and although it is not precisely in GH, its geographic location argues the merit of developing a collaborative RMP with local landowners.

b. This RMP should prioritize minimal sage-grouse habitat disturbance. If the area is used to mitigate affects in PH or GH, those mitigations should be done with the upmost use of collaborative planning.

Comment Number: LFOSG-14-0025-6

Comment Excerpt Text:

Action: SRPs in PH may be allowed if they are neutral or beneficial for GRS habitat.

Comments Regarding Alternative D in reference to all LWC areas, especially those in or adjacent to PH (Adjacent to Winnett, Arrow Creek, Blood Creek, Chain Buttes, Cottonwood Creek, Dovetail Creek, Drag Creek, and West Crooked Creek)

I. Lands with Wilderness Characteristics should be given special consideration when granting SRPs in these areas. Regulating recreation to ensure neutral or beneficial impacts on the landscape will help maintain connectivity to the surrounding priority and general habitats.

a. The areas should essentially be treated as PH regardless of their precise geographic location, since they are in or around PH.

b. When granting SRPs, primitive recreation such as hiking, camping, and hunting (without the use of OHVs) should be given priority over other types of recreation.

c. Additionally, the impact of recreational activities on sage-grouse habitat should be periodically assessed and SRPs should be adjusted accordingly.

Comment Number: LFOSG-14-0025-7

Comment Excerpt Text:

Action: PH would be managed as ROW avoidance areas. When new ROWs are required, collocate new ROWs within existing ROWs or where it best minimizes impacts on GRS and GRS habitat.

Comments Regarding Alternative D in reference to all LWC areas, especially those in or adjacent to PH (Adjacent to Winnett, Arrow Creek, Blood Creek, Chain Buttes, Cottonwood Creek, Dovetail Creek, Drag Creek, and West Crooked Creek)

I. These areas are all in or adjacent to PH and are LWC areas, therefore they should be managed as ROW avoidance areas as stated in the action above.

a. When managing existing ROW areas the surface disturbance should be added into the calculation of total disturbance for the area. Any new ROW areas

created should still be within the criteria of less than 3% of the total disturbance in the area.

b. If more than 3% of the total area is disturbed by the processes additional effective mitigation should be utilized (NTT 13).

c. Mitigation should be prioritized in PH, and should include, but not be limited to, replanting native grasses, transplanting sage, and preserving buffer areas around the site of disturbance.

Comment Number: LFOSG-14-0025-8

Comment Excerpt Text:

Action: Leases and permits (other than for cabin site leasing), which may be for agricultural, occupancy, and film production, would be considered on a case-by-case basis; however, PH would be ROW avoidance areas

Comments in reference to LWC area of West Crooked Creek, located in 19N 28E and 20N 28E.

I. This area is located in GH, but is less than two miles from an area delineated as PH. This LWC is generally located on BLM land, but includes several small islands of private land and the overall area shows a patchwork of private and public land.

a. Allocating ROWs in this area should be a collaborative effort between the BLM and relevant stakeholders.

b. When considering ROW allocations for the purpose of mineral withdrawal, land management should be consistent with sage-grouse conservation measures (NTT 14).

c. Any ROW allocation falling geographically close to, but not within, PH should be given special consideration that prioritizes maintaining habitat connectivity.

Comment Number: LFOSG-14-0039-20

Comment Excerpt Text:

This planning amendment addresses the protection of sage grouse habitats across the Lewistown Field

Office, therefore directly affecting the naturalness and outstanding opportunities for primitive and unconfined recreation. It therefore requires consideration of an alternative that would protect wilderness characteristics pursuant to BLM Manual 6320.06. The designation of new Lands with Wilderness Characteristics (“LWCs”) under BLM inventories in the planning area represents significant new information that must be addressed here. BLM states that it will not address the designation of new LWCs in this plan amendment. DEIS at I-14. BLM does not disclose the acreage or location of Lands with Wilderness Character that overlap with sage grouse Priority or General Habitats, merely noting that inventories are currently underway (DEIS at I-14). BLM apparently intends to ignore direction to address this issue in this land-management planning effort, despite the clear value in designating LWCs for protection of wilderness character to sage grouse conservation. This is arbitrary and capricious. We are concerned that BLM has not fully lived up to its obligations under Manual 6320, undertaking the process required for the planning and management of Lands with Wilderness Characteristics. This must be done under the RMP amendment at hand, and the plan amendment should further designate all LWCs falling within sage grouse habitats to preserve their naturalness, solitude, and outstanding opportunities for primitive and unconfined types of recreation. Such protections would directly address threats that have been identified as threatening the persistence of sage grouse, such as roads and infrastructure. This would confer addition protections on key sage grouse habitats, further buttressing the agency effort to apply adequate conservation measures for the bird.

21. DISTURBANCE CAP

Comment Number: LFOSG-14-0035-5

Comment Excerpt Text:

The preferred alternative does not include a percent surface disturbance cap. Alternative B includes an objective for remaining under 3% anthropogenic disturbance in GSG priority habitat (PH) and managing or restoring PH such that at least 70% of the land cover provides adequate sagebrush to meet

GSG needs. While this 3% disturbance cap objective is consistent with recent literature and viewed favorably by the Service, it is not clear in the DEIS how this objective would be implemented or measured (e.g., disturbance scale, baseline date, whether fire would be included, other types of disturbances to be included, spatial/utemporal monitoring scale, etc.). It is also not clear how the Alternative B components (including application of Appendix C) would be applied to comply with this objective, or how the net result of compliance with this objective compares with the impacts to GSG potentially resulting from other alternatives, including the preferred alternative. This analysis should be included in order to truly consider and compare the effects of Alternative B with the preferred alternative.

Comment Number: LFOSG-14-0035-6

Comment Excerpt Text:

The Service recommends implementation of a 3% disturbance cap, including fire; however, if your selected alternative does not include a 3% surface disturbance cap, then we recommend that you evaluate the available literature and provide a clear analysis and rationale in the FEIS of the comparable effects of your selected GSG conservation approach, along with how impacts would be measured. Consideration of the efficacy of other relevant conservation measures in your selected alternative could also be included in the justification

Comment Number: LFOSG-14-0039-1

Comment Excerpt Text:

Alternative D would apply a no limit on anthropogenic disturbance. According to the best available science, this cap should be set at 3% (see Knick et al. 2013, Kirol 2012). Relevant to the issue of the 3% disturbance cap, we ask the responsible official to make a formal determination concerning which of the available scientific information is the most accurate, reliable, and relevant in determining what percentage of land area should be allowed to be disturbed in order to achieve the stated goal of the RMP Amendment. We would further ask the BLM to determine whether a 3% disturbance cap or no disturbance cap (as proposed for Alternative D) is

the scientifically supported measure to apply as a Condition of Approval to existing fluid mineral leases. We would ask the BLM to consider the findings of Knick et al. (2013), which concluded in relevant part that 99% of the active leks in the study area (encompassing the entire western range of the greater sage grouse) were surrounded by habitat with 3% surface disturbance or less. See Attachment 1. We would ask the responsible official to consider the findings of Kirol (2012), which found for his study area immediately north of the planning area that surface disturbance greater than or equal to 4% of the land area had a significant negative impact on greater sage grouse brood rearing habitat. See Attachment 2. We would ask the responsible official to consider the findings of Copeland et al. (2013), which found that if all of the State of Wyoming sage grouse policy provisions (which include a 5% disturbance cap calculated using a Disturbance Density Calculation Tool) were implemented fully and to the letter, that a 9 to 15% decline in greater sage grouse populations would still occur statewide, including a 6 to 9% decline within designated Core Areas (where the 5% disturbance cap would be applied). We would ask the responsible official also to render the same determination regarding the accuracy, reliability, and relevance of science supporting the 3% disturbance cap proposed for implementation as a Condition of Approval for existing fluid mineral leases under Alternative B.

Comment Number: LFOSG-14-0040-10

Comment Excerpt Text:

Consider additional conservation measures for existing oil and gas leases: As noted by the BLM, there are 45,400 acres currently leased and undeveloped for oil and gas on BLM-administered land (PPH and PGH) within the planning area (DEIS 3-14). This is a significant amount of the limited BLM PH and provides an opportunity to consider additional measures that would limit impacts in PH. The BLM should adopt Alternative B conservation measures #1 that identifies a surface disturbance percentage cap, identifies well density limits and at a minimum, identifies lek buffers where there is no surface disturbance as recommended by the NTT for

Priority Habitat. There is considerable science on lek buffers, well density limits, and disturbance caps some as noted by the BLM (DEIS 3-13 & 14), including, “Generally, oil and gas developments within two to four miles of leks and/or nesting areas had deleterious effect on populations, with the effect increasing with increasing well density (Lyon and Anderson 2003; Walker et al. 2007; Johnson et al. 2011)” (DEIS 3-13 & 14). Additionally, the BLM in the Buffalo Field Office Draft RMP cites this research in their DRMP/EIS at 367, “Energy development within two miles of leks is projected to reduce the average probability of lek persistence from 87% to 5%” (Walker et al. 2007a). Current research suggests that impacts to leks from energy development are discernible out to a minimum of 4 miles, and that some leks within this radius have been extirpated as a direct result of energy development (Apa et al. 2008). Even with a timing limitation on construction activities, Greater Sage-Grouse avoid nesting in oil and gas fields because of the activities associated with operations and production.” The recent USGS report (Manier et al. 2013) further supports increasing lek buffers, specifically noting that the 1-km (0.6-mi) buffer is currently applied for development in many energy fields and that it may be ineffective. Recent research also supports the 3% disturbance threshold (Knick et al 2013) recommended in the NTT report included in Alternative B. The state of Wyoming has adopted a 5% disturbance threshold and the state of Montana is also considering this in its recommendations to the Governor.

22. PREDATION

Comment Number: LFOSG-14-0022-9

Comment Excerpt Text:

While we recognize that the state Division of Fish, Wildlife and Parks (MFWP) is responsible for addressing the issue of predation, it remains a serious concern with respect to the GRSG and must not be completely ignored by the agencies in the RMPA/DEIS. We question why the agencies have chosen to completely ignore this specific threat in its analysis since predation is a critical issue that must be fully considered directly in the Environmental

Consequences and associated management actions of the RMPA/DEIS.

23. NOISE

Comment Number: LFOSG-14-0022-28

Comment Excerpt Text:

We strongly object to ambient noise levels being set at a range of 20 to 24 dBA. This ambient noise range was determined from average noise readings of studies conducted in national parks and wilderness areas, as well as minimum noise readings taken in the Pinedale area in Wyoming. Importantly, this noise level has not been proven to be representative of average ambient noise on multiple-use lands outside of wilderness and national parks and is not scientifically supported anywhere, much less NV. Of concern is that this requirement would be difficult, if not impossible, to achieve. As such, any reference to 20 to 24 dBA as an ambient noise level must be disregarded and removed.

Comment Number: LFOSG-14-0024-9

Comment Excerpt Text:

We would like to see better clarification of noise restrictions. Does 32 decibels at the lek perimeter mean that activities can take place at the lek perimeter as long as they are under 32 decibels or that by the time the noise reaches the lek, it is no more than 32 decibels? Also, how will this be measured? Will this be appointed to the BLM or the responsibility of the leasee? Temporary noise should not exceed 32 decibels from 5 a.m. to 6 p.m. or from one hour before sunrise to 6 p.m.

Comment Number: LFOSG-14-0039-10

Comment Excerpt Text:

The Preferred Alternative limits noise to 32 dBA, the appropriate level, but provides a massive loophole by allowing exceedence of this threshold between 9 am and 6 pm. This is inappropriate and indefensible based on the best available science.

24. WEEDS/INVASIVE PLANTS

Comment Number: LFOSG-14-0035-26

Comment Excerpt Text:

The DEIS states that BLM will develop vegetation management objectives, including objectives for managing noxious weeds and invasive species and identifying the desired future condition for specific areas, within GSG habitat. A timeline for the development of these objectives should be provided. The DEIS also states that for all alternatives, integrated vegetation management would be used to control, suppress, and eradicate, where possible, noxious and invasive species, in accordance with BLM Handbook H-1740-2. Please provide a description / summary of this handbook in the FEIS in order to facilitate understanding and evaluation of these procedures and measures.

Comment Number: LFOSG-14-0039-18

Comment Excerpt Text:

While not necessarily associated with livestock grazing, in some areas, tamarisk and Russian olive are increasing in riparian areas; we are concerned that this will also degrade brood-rearing habitats through sage grouse avoidance of trees and creation of raptor perching and nesting habitat. What is the relationship between tamarisk and Russian olive invasion and livestock overgrazing in riparian habitats, and what does BLM propose to do to address the spread of these invasive trees?

Comment Number: LFOSG-14-0039-24

Comment Excerpt Text:

BLM argues that the elimination of livestock grazing from Priority Habitat under Alternative C would result in the increase in weed patch size and distribution as a result of the reduction in permittee-mediated weed eradication programs. DEIS at 4-25. BLM's failure to examine the available science, a "hard look" problem, has led the agency to a conclusion that is 180 degrees from reality. As noted elsewhere in these comments, livestock suppress native grasses favored as forage and increase the spread of noxious weeds and cheatgrass. By removing livestock grazing, BLM will have removed a primary vector of weed

seed distribution as well as eliminating a primary cause of bare grouse, the preferred habitat of noxious weeds. Livestock exclosure experiments (see, e.g., Yeo 2005) demonstrate conclusively that by removing livestock grazing, weeds decrease in the absence of any human intervention such as weed eradication programs. The current situation of widespread livestock grazing plus permittee-mediated weed programs has resulted in weed spread; a change to no livestock grazing plus a much smaller weed eradication program carried out by BLM personnel would result in weed contraction and recovery of native perennial grasses. Please re-examine the scientific literature and provide concrete evidence, comparable to the evidence we have supplied in this paragraph, that removal of grazing plus a reduction in weed control effort results in an expansion in weed patch size or spread.

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