# United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Washington, DC 20240
http://www.blm.gov

In Reply Refer To:
PP-NV-BSSG-15-02
1617.2 (210) P

MAY - 6 2016

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Erik Molvar
WildEarth Guardians
319 S. 6th Street
Laramie, Wyoming 82070

Dear Mr. Molvar:

The Bureau of Land Management (BLM) has carefully reviewed and considered your letter dated March 13, 2015, regarding the Proposed Greater Sage-Grouse Bi-State Distinct Population Segment (DPS) Plan Amendment and Final Environmental Impact Statement (PRMPA/FEIS). As the Acting Assistant Director for Resources and Planning, I am delegated the authority to review and resolve all protests of BLM land use plans. The purpose of this letter is to inform you of the results of my review.

As outlined in the Dear Reader Letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 describe the requirements for filing a valid protest. I find that you meet these requirements, in part, and therefore portions of your protest letter are considered valid protest issues. I have determined that your letter also included comments, opinions, or observations which were not substantiated with a concise statement of why the State Director's proposed decision is believed to be wrong; issues not previously raised in the planning process; and/or issues not germane to the planning process. As such, your protest is dismissed in part. Your valid protest issue(s) are addressed in the Director's Protest Resolution Report.

After careful review of your protest letter, I am upholding the following portion(s) of your protest:

**Issue Number:** PP-NV-BSSG-15-02:

*"BLM proposes to adopt B-LUSU-S-01, prohibiting tall structures within 2 miles of a lek (FEIS at 23). This permits tall structures to be built between 2 and 4 miles of a lek (in prime nesting and brood-rearing habitat), in connectivity areas, and throughout wintering habitat. For perch inhibitors and tall structures limitations, BLM proposes no direction, because this would be 'covered by C-LUSU-S-04' (FEIS at 23, 24). If BLM were adopting C-LUSU-S-04, we would agree, for the purposes of new tall structures. However, it does not appear that BLM intends to adopt C-LUSU-S-04 at this juncture".*

**Response:**
*"The BLM agrees that it should have identified the buffer distance for tall structures as four (4) miles from active or pending leks. This is consistent with management prescriptions proposed by the Forest Service (FS). Specifically, the BLM proposes the action from Alternative C, which states that tall structures, which could serve as predator perches, will not be authorized within four (4) miles of an active or pending lek (C-LUSU-S-04). The 4-mile lek buffer accords with other prescriptions of surface disturbance in Sage-grouse habitat and is consistent with the best science available".*

I conclude that the BLM Nevada State Director, the Carson City District Office Manager, and the Battle Mountain Field Office Manager did not follow the applicable laws, regulations, and policies and consider all relevant resource information and public input in addressing this issue in the Proposed Greater Sage-Grouse Bi-State DPS Plan Amendment and Final Environmental Impact Statement (PRMPA/FEIS). There is basis for changing this plan amendment as a result of your protest. Therefore, your protest is granted in part.

In regards to the remaining protest issue(s) from your letter, and for reasons more fully set forth in the Protest Resolution Report, I conclude that the BLM Nevada State Director, the Carson City District Office Manager, and the Battle Mountain District Office Manager followed the applicable laws, regulations, and policies and considered all relevant resource information and public input in developing the Proposed Greater Sage-Grouse Bi-State DPS Plan Amendment and Final Environmental Impact Statement (PRMPA/FEIS). There is no basis for changing the remaining decisions in this plan amendment as a result of your protest. Therefore, your protest is denied in part. All valid protest issues received on this plan amendment have been addressed in the Director's Protest Resolution Report, incorporated by reference herein, and which is posted for public review at http://www.blm.gov/wo/st/en/prog/planning/protest_resolution.html.

This completes my review and is the final agency action for the Department of the Interior on the concerns raised in your letter. At the time the BLM issues a decision to take an action that implements the Proposed Greater Sage-Grouse Bi-State Distinct Population Segment (DPS) Plan Amendment and Final Environmental Impact Statement (PRMPA/FEIS), any party to a case adversely affected by that decision may appeal such decision to the Interior Board of Land Appeals.

Thank you for your interest in public lands. I encourage you to become involved as the Greater Sage-Grouse Bi-State Distinct Population Segment (DPS) Plan Amendment is implemented. If you have any questions or would like to request a copy of the Director's Protest Resolution Report, please contact John Ruhs, BLM Nevada State Director, at (775) 861-6400, or at 1340 Financial Blvd., Reno, Nevada 89502.

Sincerely,

Kristin M. Bail

Kristin Bail
Acting Assistant Director
Resources and Planning