PLAN CHANGE NO. 1

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Decision No: Wildlife

DESCRIBE EXACTLY WHAT IS TO BE DELETED, ADDED, REWRITTEN, ETC. IN MOST CASES, THE NEW TEXT SHOULD BE STATED VERBATIM.

CHANGE: Add Conservation Measures Committed to by the Bureau from Biological Opinion WY8796b

Conservations Measures Committed to by the Bureau

1) Due to the immediacy of fire suppression operations, site specific ESA Sec. 7 consultation prior to a wildfire is not performed. No calls on effects determinations for the species will be made until after the emergency fire suppression action has occurred. Emergency consultation with the U.S. Fish and Wildlife Service is initiated as soon as practicable during or following a wildfire to determine if necessary measures need to be implemented to avoid adverse impacts to listed species both during suppression efforts, and during rehabilitation efforts.

2) Coordination between BLM biologists and fire suppression crews through the fire resource advisor will help promote exchanges of knowledge regarding known threatened and endangered species and their habitats at a fire location.

3) Use of "Emergency Consultations for Wildfire Suppression Activities" memorandum (FWS, June 2004) laying out operating guidelines for emergency consultation.

4) Coordination will take place between the Fire Management Officer and BLM biologists during the planning process to ensure the most desirable effects for wildlife habitat will be realized and reduce possible negative results to wildlife or habitat values.

5) Prior site selection for water collection locations shall be conducted with BLM biologists for the conservation of Ute ladies'-tresses and its habitat.

6) If reseeding is necessary for rehabilitation, native short grass and forb species will be used in black-footed ferret habitat (prairie dog towns).

7) Coordination occurs between BLM forestry personnel and BLM biologists on forestry management plans and projects.

8) The speed limit on all project roads will not exceed 35 mph, where possible.

9) Timing stipulations to reduce the impacts to species during nesting, roosting, or flowering seasons are used.

10) Due to the immediacy of HAZMAT incident operations, site specific ESA Sec. 7 consultation prior to an incident is not performed for emergency actions. No calls on effects determinations for the species will be made until after the emergency HAZMAT incident action has occurred. Emergency consultation with the U.S. Fish and Wildlife Service is initiated as soon as practicable during or following an incident to determine if necessary

measures need to be implemented to avoid adverse impacts to listed species both during clean up efforts, and during rehabilitation efforts.

11) For HAZMAT sites that are not addressed as emergency actions under CERCLA, routine ESA Sec. 7 consultation is required, in addition to adherence to other federal and state regulatory procedures.

12) If revegetation is necessary after a hazardous material has been cleaned up, species native to the adjacent area will be seeded.

13) Coordination will take place between BLM realty staff and BLM biologists to identify land exchanges that would benefit listed species or their habitats.

14) Use stipulations will be applied when grazing permits come up for renewal.

15) Grazing management practices will restore, maintain, or improve plant communities. Grazing management strategies consider hydrology, physical attributes, and potential for the watershed and the ecological site (BLM Wyoming Guidelines for Livestock Grazing Management).

16) Grazing management practices will incorporate the kinds and amounts of use that will restore, maintain, or enhance habitats to assist in the recovery of federal threatened and endangered species or the conservation of federally-listed species of concern and other state-designated special status species. Grazing management practices will maintain existing habitat or facilitate vegetation change toward desired habitats. Grazing management will consider threatened and endangered species and their habitats (BLM Wyoming Guidelines for Livestock Grazing Management).

17) BLM will utilize livestock grazing, mowing/haying, and prescribed burning as management tools to maintain favorable habitat conditions for Ute ladies'-tresses orchid where feasible. Mowing and grazing, with proper timing and intensity, reduces the native and exotic plant competition for light and possibly for water, space and nutrients.

18) Stipulations or conditions will be included in the terms of the contract to ensure protection of the natural resource found there and reclamation of the land following project completion.

19) Reclamation plans will be developed to restore disturbed areas to conditions as close to pre-disturbance conditions as possible.

20) If crucial wildlife habitats are disturbed, these disturbed areas would be reclaimed to approximate original conditions (topography, vegetation, hydrology, etc.) after completion of activities in the area, in part to ensure suitable habitats are present on the reclaimed landscape. Reclamation would attempt to return the plant community to the pre-existing condition as soon as possible.

21) All reclamation proposals must conform to federal and state agency permit requirements and must be approved by the BLM.

22) Prohibit the sale and disposal of salable minerals in areas containing known Ute ladies'-tresses orchid populations.

23) Completion of oil and gas conditions of approval prior to authorizing an APD and enforcement of site-specific APD condition of approval will be assured.

24) Changes in season of livestock use will be required in riparian areas where overuse is occurring.

25) Application of chemicals shall be in accordance with EPA guidelines and following the Department of Interior's restricted chemical use list. Only chemicals approved by the Department of the Interior for use on Public land will be authorized.

26) Chemical applications will be timed so that they will not occur during nesting, brooding, or roosting seasons.

27) Where possible, chemicals will be chosen that will have no effect to other species in the area such as birds or mammals.

28) Buffer zones along water ways and riparian areas will be used unless chemical is safe for use in these areas.

29) The Newcastle BLM Field Office (sic. Manager) is to meet annually with the local APHIS/WS supervisor to review the proposed animal damage management program actions for the coming year and assure they are in compliance with the Approved Newcastle RMP (2000).

30) The local APHIS/WS supervisor is to provide the Newcastle FO manager with a report of the activities conducted for the prior year. The Newcastle FO manager is responsible to review this document and assess if activities are in compliance with applicable laws, regulations, and agreements.

31) The Newcastle FO manager is responsible for ensuring that the APHIS/WS is conducting consultation with the FWS for ADC activities on public lands within the Newcastle planning area.

32) To conserve and protect natural areas, planned trails are created to control human traffic.

33) Discharging firearms will not be authorized in prairie dog towns or complexes where black-footed ferrets have been documented.

34) Recreation use will be monitored as an aid in deciding what level of management is needed as well as what development opportunities could be pursued. Coordination with other federal and state agencies to determine where recreational uses are occurring will take place to monitor intensity and season of use in potential listed species habitat.

35) Public land areas that have potential for water based recreation will be monitored to determine intensity and season of use in potential listed species habitat.

36) If high OHV use is documented in any location on public land, an analysis to determine if the area needs special designation to protect listed species or their habitat will be performed.

37) Site management plans will be developed for high intensity OHV use areas.

38) Areas will be closed to off road travel if sensitive areas are identified that require this protective measure.

39) Surveys for the Ute ladies'-tresses orchid will be conducted in potential habitat according to the current FWS survey guidelines within both special management areas. The surveys will be conducted for three consecutive years in potential orchid habitat. If the first survey shows that suitable habitat doesn't exist, even though streams occur in an area to be impacted, these areas may be dropped from further surveys. In suitable orchid habitat in these special management areas, current activities will cease and the authorization of new activities will be held until surveys are completed.

40) Surveys for the slender moonwort will be conducted according to the current FWS survey guidelines within both special management areas. The surveys will be conducted for at least two consecutive years in potential moonwort habitat. In potential moonwort habitat in these special management areas, the authorization of new activities will be held until surveys are completed.

41) Stipulations will be applied to projects to insure that the resulting action does not distract from the visual character of the area to the extent that the character of the viewshed would be compromised.

42) The object of watershed and water resource management is to maintain or improve surface and groundwater quality consistent with existing and anticipated uses and applicable state and federal water quality standards; provide for the availability of water to facilitate authorized uses; and to minimize harmful consequences of erosion and surface runoff from BLM administered public land surface (Approved Newcastle RMP, page 17).

43) Any activities occurring in riparian or wetland areas will be surveyed and water quality monitored as a safeguard to protect potential Ute ladies'-tresses habitat.

44) BLM will maintain and restore riparian habitats and systems where they occur on Public land.

45) All BLM field offices are required to implement a special status species management program (including T/E species), and conduct and maintain current inventories (including mapping) of special status species (SSS) on Public lands (BLM Manual 6840 – Special Status Species Management). To the extent possible, this resource data shall be accumulated and assimilated in a geographic information system (GIS) format for ease of future use whenever possible.

46) Results of all threatened, endangered, proposed, and candidate species surveys shall be reported to the FWS Wyoming Field Office.

47) The BLM will require an analysis of effects to all resources, including special status species during activity planning. Coordination between BLM planners, BLM resource specialists (including biologists), and activity proponents during the activity planning and site specific implementation stages will be required to exchange information about threatened and endangered species locations, any necessary activity constraints, and conservation measures.

48) When project proposals are received in potential endangered, threatened, proposed, or candidate species habitat, the BLM shall coordinate with the USFWS at the earliest possible date so that the USFWS can advise on project design. This should minimize the need to redesign projects at a later date to include conservation measures, determined as appropriate by the USFWS. Currently, project proposals are reviewed by regional federal ESA streamlining "level 1" teams, which include a USFWS member.

49) The BLM requires clearances and/or surveys for authorized activities in areas known or suspected to be essential habitat for animals and plants classified as threatened, endangered, proposed, candidate, or other special status species. These clearances and surveys will be done in accordance with BLM and FWS guidelines, as appropriate, to verify the presence or absence of these species. All clearances shall be performed prior to activity implementation.

50) In the event that a T&E species is identified during a project clearance or survey, the project or management action will include protection requirements for the species and its habitat. These protective requirements may include project relocation, modification, or postponement, if necessary.

51) BLM will not sell or exchange any land which offers critical or essential habitat for any listed, proposed, or candidate species.

52) To reduce the likelihood of BLM management actions affecting black-footed ferrets in the Newcastle planning area now or in the future, the following conservation measures or best management practices (BMPs) will be implemented:

53) If suitable prairie dog town/complex avoidance is not possible, surveys of towns/complexes for ferrets will be conducted in accordance with FWS guidelines and recommendations. This survey information will be provided to the BLM and FWS in accordance with Section 7 of the ESA, and the Interagency Cooperation Regulations (50 CFR Part 402). In Wyoming, black-footed ferret surveys are not currently required in black-tailed prairie dog towns, however, there may be circumstances where BLM surveys are desired in habitat suitable for ferret reintroductions.

54) In habitat suitable for black-footed ferret reintroduction (if such habitat is identified in the planning area) the BLM will maintain the integrity of the prairie dog complex. This will be done in accordance with the existing BLM prairie dog control and management policies.

55) The BLM will evaluate the utility of locating projects at least 50 meters from prairie dog towns.

56) As part of an overall wildlife inventory program, BLM will conduct periodic field surveys for black footed ferrets on public lands in potential habitat.

57) The BLM will provide its authorized lessees/permittees, that have projects in ferret habitat, with informational fact sheets about black-footed ferrets. These materials shall be posted in common areas and circulated in a memorandum among all employees and service providers. The fact sheets shall illustrate the black-footed ferret and its sign; describe morphology, tracks, scat, skull, habitat characteristics, behavior, current status, and causes of decline; and the relationship between project development and impacts to black-footed ferrets, especially regarding canine distemper.

58) BLM authorized operators and contractors, working in potential ferret habitat, will be shown how to identify black-footed ferrets and their sign, and will also be provided information about the species habitat requirements, natural history, status, threats, possible impacts of project development activities, and ways to minimize these impacts.

59) The BLM will notify the public that unauthorized use of poisons for black-tailed prairie dog control is not allowed on public lands.

60) The BLM will ensure that black-tailed prairie dog conservation is being addressed on all authorization evaluations and other environmental assessments.

If a black-footed ferret is found

61) Observations of black-footed ferrets, their sign, or carcasses on the project area and the location of the suspected observation, however obtained, would be reported within 24 hours to the appropriate BLM wildlife biologist and Field Supervisor of the U.S. Fish and Wildlife Service in Cheyenne, Wyoming, at extension (307) 772- 2374. Proper observation documentation should include a description of what was seen, the date and time it was seen, the exact location it was seen, and the observer's name and telephone number. Carcasses, or other suspected ferret remains, should also be collected by BLM employees, and deposited with the FWS Wyoming Field Office along with the above data as soon as possible.

62) In the event surveys find a black-footed ferret or its sign, the BLM will stop all project activities that may directly, indirectly, or cumulatively affect the prairie dog colony/complex until Section 7 consultation is conducted with FWS, and an appropriate course of action is agreed upon.

63) If any black-footed ferrets or their sign are found within a prairie dog town or complex previously determined to be unsuitable for, or free of, ferrets, then all previously authorized, project-related activities (or actions on any future application that may directly, indirectly, or cumulatively affect the colony/complex) on-going in such towns or complexes will be suspended immediately and Section 7 consultation re-initiated with the USFWS.

64) BLM shall ensure that ferret surveys are conducted at prairie dog towns and complexes where any evidence of black-footed ferrets is found, such as ferret skeletal material or hair.

65) For BLM project-related activities, vehicle speed limits shall not exceed 35 miles per hour at night when in areas where black-footed ferrets have been found.

66) The conservation measures listed below are based on the statewide programmatic bald eagle biological opinion (USFWS 2004a). These conservation measures are designed to minimize impacts of authorized activities under the RMP.

67) Activities and habitat alterations that may disturb bald eagles will be restricted within suitable habitats that occur within bald eagle buffer zones (see BLM 2004, Appendix 4) Deviations may be made after consultation with the FWS.

Zone 1 (within 0.5 mile, year round) is intended to protect active and alternative nests. For active nests, minimal human activity levels are allowed during the period of first occupancy to two weeks after fledging.

Zone 2 (from 0.5 mile to 1 mile from the nest, February 1 to August 15) is intended to protect bald eagle primary use areas and permits light human activity levels.

Zone 3 is designated to protect foraging/concentration areas year-round 2.5 miles from the nest.

These buffer zone distances were modified for this process from the Greater Yellowstone Bald Eagle Management Plan after discussions with the FWS. The Greater Yellowstone Bald Eagle Management plan contains the most thorough investigation of the impacts of disturbance to nesting and roosting bald eagles in Wyoming to date (see GYBEWG 1996). However, because the Greater Yellowstone bald eagle investigations were conducted in forested mountainous habitat inside the Greater Yellowstone Ecosystem, the Wyoming BLM will extend nest buffer zones 1 and 2 and roost buffer zones in lands which they administer in Wyoming. These extensions of buffer zones are based on the following three principles: (A) the majority of BLM-managed lands in Wyoming are not mountainous and forested. On the contrary, bald eagle habitat on BLM-managed lands in the Newcastle planning area consists mainly of riparian habitat composed principally of open cottonwood stands with wide expanses of grasslands surrounding them. These expanses of open grasslands allow visual disturbances (i.e. line of site is greater in the grasslands) to nesting or roosting eagles to take place beyond the buffer zones which were developed for the Greater Yellowstone ecotype, (B) there is a lack of research of the needs of nesting bald eagles in the grassland/shrubland areas of the state so the zones were also increased to "err on the side of the species", and (C) the bald eagles in Wyoming outside of Yellowstone Park may be less habituated to humans than those inside Yellowstone Park since the park annually receives multitudes of human recreational visitors (BLM 2002, 2003b).

68) Activities that may disturb bald eagles will be restricted within 1 mile of known communal winter roosts during the period of November 1 to April 1, annually. No ground disturbing activities will be permitted within 0.5 mile of active roost sites year round. Deviations may be made after consultation with the Service.

69) Appropriately timed surveys in bald eagle habitats shall be conducted prior to any activities and subsequent authorization of activities that may disturb bald eagles or their habitats. A qualified biologist would be approved by the BLM to conduct such bald eagle surveys. All nest surveys should be conducted using standard procedures (see BLM 2004, Appendix 5) that minimize the potential for adverse effects to nesting raptors. In the event species occurrence is verified, the proponent may be required to modify operational plans, at the discretion of the authorized officer, to include the appropriate measures for minimization of effects to the bald eagle and its habitats.

70) As per Section 7 of the Act, the BLM will conduct site-specific consultation with the FWS prior to authorization of any actions authorized under the Approved Newcastle RMP (BLM 2000) which "may affect" bald eagles. It is expected that all determinations will be a "may affect, not likely to adversely affect" the bald eagle.

71) Power lines must be built to standards identified by the Avian Power Line Interaction Committee (see APLIC 1996 or most recent version).

72) In the event a dead or injured bald eagle is observed, the Service Wyoming Field Office (307) 772-2374 and the Service Law Enforcement Office (307) 261-6365 will be notified within 24 hours of the discovery.

73) BLM will monitor and restrict, when and where necessary, authorized or casual use activities that may adversely impact bald eagles or their habitats, including, but not limited to, recreation, livestock grazing, mining, and oil and gas activities. Monitoring results should be considered in the design and implementation of future projects.

74) Each year the BLM shall verify the status (active vs. inactive) of known bald eagle nests, communal winter roosts, and concentration areas on lands administered by the BLM within the RMP area. As a matter of maintaining inventory information, the BLM shall coordinate annually with the Service, WGFD, and other appropriate entities to determine the status of known and new bald eagle nests, communal winter roosts, and

other concentration areas. Known bald eagle nests, communal winter roosts, and concentration areas will be assumed active if status has not been verified. To monitor the impacts of site-specific projects authorized under the Approved Newcastle RMP (August 2000), that may affect bald eagles, the BLM shall prepare a report describing the progress of each such site-specific project, including implementation of the conservation measures, and impacts to the bald eagle. The report, which shall be submitted annually to the Service's Wyoming Field Office by January 1 beginning after first full year of implementation of the Proposed Action (RMP), shall list and describe:

1. Effects resulting from activities of each site-specific project;

2. Results of annual, periodic monitoring which evaluates the effectiveness of the conservation measures. Include items such as:

    a. assessment of whether implementation of each site-specific project is consistent with that described in the BA;

    b. documentation of sightings of bald eagles during activities of each sitespecific project.

75) The BLM will not exchange or sell public lands within 1 mile of critical or essential bald eagle habitat including nests, communal winter roosts, and foraging/concentration areas.

76) The BLM will coordinate with APHIS - Wildlife Services Division to minimize potential impacts to the bald eagle and its habitat from pest/predator control programs that may be included in the local animal damage control plan. The BLM will ensure that the FWS is included in this coordination.

77) To reduce the likelihood of BLM authorized actions affecting Ute ladies'-tresses populations that may be discovered in the future in the Newcastle planning area, the following conservation measures will be implemented:

78) Periodic field surveys will be conducted on public lands in potential Ute ladies'-tresses habitat for new populations of the species, and to monitor current species status.

79) Use of integrated pest management practices (grazing and biological) will be conducted on invasive plant species infestations on public lands. The use of herbicides for weed control within Ute ladies'-tresses orchid habitat will be restricted.

80) Authorized grazing and mowing of any hay fields or riparian areas present on public lands in known orchid habitat will be constrained from July 1st through September 30th.

81) The BLM will ensure projects on Public lands that could affect the hydrologic regime and/or vegetation of the riparian ecosystems will not have a negative impact on known/occupied Ute ladies'-tresses habitat.

82) Construction of roads, trails, and other surface disturbances will be prohibited in known/ occupied orchid habitat so weed introduction, and other impacts detrimental to the species will be minimized.

83) The BLM will prohibit biological control of weeds in Ute ladies'-tresses habitat until the impact of the control agent has been fully evaluated and determined not to adversely affect the plant population.

84) The BLM will apply a COA on all APDs within areas containing known populations of Ute ladies'-tresses orchid, prohibiting all surface-disturbing activities.

85) The BLM will develop and implement a monitoring plan for the Ute' ladies tresses orchid if populations are discovered on public lands in the Newcastle planning area. The BLM will monitor Ute ladies'-tresses orchid population demographics. Flow timing, flow quantity, and water table characteristics will be monitored to ensure riparian vegetation is maintained.

86) The BLM will not authorize projects on public lands that affect the hydrology and vegetation of known/occupied Ute ladies'-tresses orchid habitat.

87) BLM will not authorize new recreation trail construction or maintenance through known/ occupied orchid habitat.

88) No herbicide use will be allowed in known or occupied Ute ladies'-tresses habitat.

89) BLM will conduct surveys in suitable habitat for the existence of Slender Moonwort individuals or populations.

90) BLM will conduct surveys in suitable habitat before allowing the use of herbicides or any other vegetation control measures to insure the Slender Moonwort is not adversely impacted by vegetation control measures.

91) BLM will conduct surveys in suitable habitat prior to authorizing any surface disturbing activities that may be detrimental to the Slender Moonwort.

DESCRIBE EXACT RATIONALE FOR THE CHANGE, TO INCLUDE REFERENCE MATERIAL (I.E., EA, RMP, IM, ETC).

REASON:

The conservation measures noted above will hereafter by utilized in all new land use and activity plan development (including revisions) and other resource management implementation actions (authorizations and projects) that involve activities that may impact species or habitats addressed in the conservation measures on BLM administered Public Lands in the Newcastle Field Office Planning area. These measures are based on current information and may be subject to change in the future based upon new information.

Consultation with the U.S. Fish and Wildlife Service is part of the planning process and incorporating conservation measures resulting from consultation are part of the planning process and compliance with the Endangered Species Act.

SIGNATURES AS APPROPRIATE

Specialist	[signature]	Date	12/2/2008
Field Manager	[signature]	Date	12/2/08

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

In Reply Refer To:
6840 (930) P

June 18, 2004

Instruction Memorandum No. WY-2004-051
Expires: 9/30/05

To: Field Managers and Deputy State Director, Minerals and Lands

From: Associate State Director

Subject: Resource Management Plan (RMP) Maintenance Action: Incorporation of Bureau of Land Management (BLM) Programmatic Biological Assessment (BA) for Bald Eagle and the United States Fish and Wildlife Service (FWS) Biological Opinion (BO) into Field Office RMPs.

Attached is a copy of the Wyoming BLM Statewide Programmatic BO for the Federally threatened bald eagle (Haliaeetus leucocephalus) issued in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et. seq.). The attached document transmits the FWS biological opinion based on a review of potential activities described under the RMPs of the BLM in Wyoming, and their potential effects on the bald eagle. This document also transmits the Service's concurrence with the "not likely to adversely affect" and "no effect" determinations presented in the August 2003 Bald Eagle Statewide Programmatic BA. Please view the programmatic bald eagle BA on the internet at www.wy.blm.gov/wildlife/biodocs.htm.

The preliminary determination is that this action is an RMP Maintenance Action as defined in 43 CFR 1610.5-4. All Wyoming Field Offices should review their existing RMPs, the Programmatic BA, and FWS Biological Opinion. If you agree with the preliminary determination, please maintain the official hard copy of your RMP within 30 days of the date of this Instruction Memorandum (IM). Please also maintain the web-based copy of your RMP during the same timeframe. Contact Bill Daniels, Wyoming State Office, at (307) 775-6105 or Karen Smith at Argonne National Laboratory (303) 986-1140 ext 267 for information updating this platform. If you believe this action may require an RMP amendment, please contact Walt George, Wyoming State Office, at (307) 775-6116.

If you have further questions regarding this IM, please contact Jeff Carroll at (307) 775-6090.

/s/ Alan L. Kesterke

1 - Attachment
1 - Fish and Wildlife Service Memorandum (ES-61411/W.02/WY7682b) and Biological Opinion (ES-6-WY-04-F002) (58 pp.)