
APPENDIX A—PUBLIC COMMENTS

INTRODUCTION

This appendix contains public comments received during the scoping period. This includes all oral comments received during the public scoping meetings, as well as all written comments (i.e., hard copy letters and emails). Each comment letter was read and individual comments were identified, truncated when necessary, and entered into an Access database. Each comment was categorized by the major resource/use raised in the comment. This appendix contains all the individual comments from that analysis process. As these comments are taken from public letters, they may contain inconsistencies in terminology, acronyms, references, or inconsistent or inaccurate policy statements. These were not corrected in this appendix. Terminology and acronyms were carried over from the original comments without an attempt to interpret or define them. In addition, comments that contained verbatim duplicate comments were not duplicated in this appendix or in the comment or issue analysis, as the National Environmental Policy Act (NEPA) or the Federal Land Policy and Management Act (FLPMA) does not require or encourage accounting for the number of comments (e.g., votes), but addressing and identifying issues to consider in the environmental impact statement (EIS).

AIR QUALITY

Comment: The sage grouse NEPA analysis needs to address the impacts of climate change

FISH AND WILDLIFE

Comment: Despite its size, sagebrush steppe is among the most imperiled landscapes in North America (Wisdom et al. 2005; Noss et al. 1995). Millions of acres have been lost to crop agriculture, urban development, and other land uses (Connelly et al., in press (a)), while remaining sagebrush habitat is degraded and fragmented by gas and oil drilling, livestock grazing, unnatural fire, invasive species, roads, fences, utility corridors and related effects (Wisdom et al. 2005). Habitat loss and degradation continues (Connelly et al., in press (a)) and efforts to protect and restore sagebrush steppe are inadequate, ineffective and hampered by myriad factors (Wisdom et al. 2005; Connelly et al, in press (a)).

Comment: Wisdom et al. (2005) identified 26 threats to sagebrush habitat—it may be less difficult to maintain sagebrush habitat at higher elevations that receive greater precipitation, than at lower, drier sites. In general, areas with high potential to maintain sagebrush are characterized by mountain big sagebrush communities and low sagebrush varieties. Areas at lower elevations with less potential to maintain habitat are mostly Wyoming big sagebrush. These dry sites are more vulnerable to cheat grass (*Bromus tectorum*) incursion and unnatural fire.

Comment: Wisdom et al. (2005) also analyzed the potential to restore former sagebrush steppe based on elevation and precipitation (data based on Comer et al. 2002). Areas converted to crop agriculture, urban development, etc. have low potential for restoration. Areas at low elevation that receive less precipitation also have low potential for restoration due to their vulnerability to cheat grass incursion and unnatural fire.

Comment: Approximately 4 percent of sage-grouse current distribution is in BLM WSAs range wide. Congress should designate these WSAs as wilderness to provide permanent protection for sagebrush habitat. BLM Areas of Critical Environmental Concern (ACECs), an administrative designation, also cover areas of sage grouse habitat in Wyoming. ACECs offer varying levels of protection to habitat and

wildlife. The BLM should increase environmental protections in existing ACECs, and designate new ACECs in essential habitat to conserve sage-grouse and other sagebrush-dependent species.

Comment: I think this RMP amendment effort will be well-served if it focuses on that broader array of species and ecosystem issues and not just the sage grouse.

Comment: Second, we ask that the BLM make sure that any recommendations that it makes for non-core areas are scientifically defensible. We support the concept that non-core areas should received less protection than core areas, but non-core areas should not be sacrificed by applying stipulations that scientific research has shown to be ineffective such as the quarter mile no development buffer around sage-grouse leks. The importance of non-core areas as corridors between core areas and as non-breeding habitat is still poorly understood and we don't want the BLM to risk core-area populations by sacrificing non-core populations

Comment: And, finally, we ask that the BLM focus on the sagebrush ecosystem and the sagebrush obligate species as a whole, and use the latest peer-reviewed science to inform its management decisions with regards to this ecosystem and its suite of species.

Comment: What I'm concerned about in the scoping process with sage-grouse is that the multiple layers. We have a state effort on core, setting core sage-grouse areas, and that's definitely going to have a great influence over what's going on, on the federal land that's either within those areas or adjacent to it.

Comment: Also I wanted to bring out the points that -- like under the sagebrush, conservative sagebrush habitat that those items listed seem to be more reactive. And it would be good to look at proactive options like look for opportunities to revitalize degraded habitat and that could be potential mitigation opportunities for project proponents that -- and I think it would be a good idea to include that in the mapping effort that would -- you're looking at mapping prime -- different key habitat now, but you -- I think they should consider looking at habitat with a little effort where it could be improved and made better and made whole and -- like controlling noxious weeds.

Comment: The sagebrush ecosystem is extremely challenging to recover. Efforts should be directed towards improving our ability to effectively reclaim disturbed habitat.

Comment: We recommend that BLM consider using Adaptive Management (AM) as a tool that would allow field offices to modify their management approach based upon new data acquired through activity monitoring.

GENERAL (PROCESS/POLICY)

Comment: Integration of Multiple Use Principles in the Plan Amendment Process The Notice of Intent advises that the purpose of the plan amendments is to incorporate the policies set forth in the two Wyoming IM's, which deal exclusively with sage grouse habitat management. The Federal Land Policy and Management Act ("FLPMA") directs BLM to use and observe principles of multiple use in developing and revising plans and to use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences. 43 U.S.C. §1712(c). Thus, it will be important for BLM to bear in mind, as it prepares the plan amendments, the other uses for which the public lands are to be managed and to give appropriate consideration to the impacts that implementation of the IM's may have on other resources and uses. The BLM's Wind Energy Development Policy (Instruction Memorandum No. 2009-043 dated December 19, 2008) requires that initiation of any new planning effort to create, revise, or amend a BLM land use plan will comply with policy provided in the Wind Energy Development Policy. Further, the BLM Land Use Planning Handbook (H-1601-1) requires

that land use planning efforts address existing and potential development areas for renewable energy projects, including wind energy. The BLM encourages the development of wind energy within acceptable areas, consistent with the Energy Policy Act of 2005 and the BLM Energy and Mineral Policy (August 26, 2008). Thus, the BLM's present effort to amend its land use plans to revise greater sage-grouse and sagebrush management must comply with the Wind Energy Development Policy by addressing existing and potential development areas for renewable energy projects, including the Chokeycherry and Sierra Madre Wind Energy Project. PCW has initiated multiple actions, to be referenced in the pending Wind Energy Project EIS, which address the potential impacts of its Wind Energy Project on greater sage-grouse, and bring it into conformity with the Governor's Executive Order 2010-4 issued August 18, 2010. These include a draft Candidate Conservation Agreement with Assurances, development of a comprehensive Conservation Plan, and a modification of the Wind Energy Project to completely avoid development in Sage-Grouse Core Management Areas Version 3. For these reasons, when BLM designates sage-grouse key habitat area it should consider the Chokeycherry and Sierra Madre Wind Energy Project as contemplated by IM 2009-043.

Comment: IM 2010-012 and State of Wyoming Core Areas For purposes of analysis in the RMP planning effort and associated EIS, the BLM has identified greater sage-grouse key habitat areas and sage-grouse connectivity areas (see attached Planning Area and Surface Ownership map – scoping meeting handout). We understand these sage-grouse key habitat areas and sage-grouse connectivity areas to be the same as those identified by the Wyoming Governor's Sage-Grouse Implementation Team (SGIT) in its Sage-Grouse Core Management Areas Version 3 map2 (finalized June 29, 2010) (see IM 2010-012 – “WY BLM sage-grouse Key Habitat Areas correspond to the State of Wyoming's Core Population Areas (Core Areas)”). Wyoming's Sage-Grouse Core Management Areas Version 3 was developed based upon input from a broad coalition of interested stake-holders including the BLM. BLM should adopt Wyoming's Sage-Grouse Core Management Areas Version 3 as its sage-grouse key habitat areas and make permanent the boundaries for purposes of its land use planning decisions, unless revised by a future RMP amendment. At the scoping meeting in Rawlins there was some suggestion that the BLM may adopt a strategy that allows sage-grouse key habitat areas to be revised as Wyoming revises its Sage-Grouse Core Management Areas. Please note that the Governor's Executive Order 2010-4 states that “Absent substantial and compelling information, these Core Population Areas should not be altered for at least five (5) years.” This provision was included precisely because land users require long-term certainty as to what activities may be permitted in a particular area. Though we recognize that conditions on the ground may change over time and that the agency should have some flexibility to respond to those changes, an RMP that does not “provide by tracts or areas for the use of public lands,” 43 U.S.C. §1712(a), does not satisfy FLPMA's requirements.

Comment: IM 2010-022 The scoping notice states that the RMP amendments will incorporate policies from BLM Wyoming's Instruction Memoranda 2010-012 and 2010-013. The BLM should also consider in its plan amendments Instruction Memorandum No. 2010-022 – Managing Structures for the Safety of Sage-grouse, Sharp-tailed grouse, and Lesser Prairie-chicken (December 2, 2009). In summary, IM 2010-022 instructs Field Offices to consistently take measures to help avoid collision mortality and injury associated with fences and wind energy structures on some public lands. Studies have shown that sage-grouse mortality associated with fences occurs (see for instance, Call and Maser 1985, Danvir 2002, Christensen 2009) and there is speculation and anecdotal evidence that it could be significant (Call and Maser 1985, Danvir 2002, Wolfe 2006, Wolfe et al. 2007). Removal or marking of fences near leks could have a substantial beneficial effect on greater sage-grouse populations both inside and outside of sage-grouse key habitat areas.

Comment: Policy Statement 4 (Project Location and Analysis) of IM 2010-012 provides that BLM will conduct an effects analysis for a proposed action out to a minimum of 4 miles for relatively small individual proposed actions and a minimum of 11 miles from the project boundary for large-scale

proposed actions. The procedure for conducting the effects analysis is not well understood by the public and should be fully disclosed and evaluated in the EIS, and incorporated into the RMP amendments.

Comment: NEPA directs the BLM to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources (H-1790-1 – National Environmental Policy Act Handbook, Section 6.6.1, p. 49). The BLM must analyze a reasonable number of alternatives, including the no action alternative, to cover the full spectrum of alternatives (see Question 1b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981). Policy Statement 5 (Resource Management Plans) of IM 2010-012 provides examples of a range of alternatives for analysis. The examples in summary are (1) the No Action Alternative (RMP specific - continue existing management policies), (2) the Resource Protection Alternative (restrict development on all public lands), (3) the Resource Use Alternative (described by BLM as possibly the same as the No Action Alternative), and (4) the Balanced Alternative (apply Resource Protection Alternative management to sage-grouse key habitat areas). We do not believe the Resource Use Alternative is, or should be, the same as the No Action Alternative. There is currently inconsistency between Field Offices in the application of stipulations and conditions of approval including timing and spatial restrictions and permissible activities within greater sage-grouse habitats. The Resource Use Alternative should evaluate the consistent application of greater sage-grouse management strategies and policies across all Field Offices and the expected benefits and impacts on greater sage-grouse populations and public land uses resulting from those strategies and policies if implemented consistently.

Comment: The BLM recently released interim management guidelines in order to maintain the decision space while it promulgates an amendment to its land-use plan. These interim management guidelines also do not constitute the serious corrective action needed. The interim management guidelines were developed in collaboration with the Petroleum Association of Wyoming (an industry lobbying group) at a closed meeting in Laramie on May 8, 2008 and presented to the public at a meeting in Buffalo on May 28, 2008. The interim management direction as presented at the meeting would halt the approval of pending and future APDs, but only in areas designated as high-quality sage grouse habitat. High-quality sage grouse habitat was defined spatially in a way which, among other criteria, excludes any area with well densities greater than 1 well per 500 acres. Thus, all areas previously affected by coalbed methane development, regardless of their previous quality as sage grouse habitat, were excluded. The only areas considered for protection were thus two strips of habitat along the eastern and western edges of the basin; sage grouse habitats in the center of the basin have essentially been written off by BLM. In addition, loopholes were provided that would permit CBM drilling in high-quality habitats if one of the following conditions is present: 1. There is existing infrastructure already in the area. It is unclear at this point whether "existing infrastructure" includes agriculture-related roads, ranch buildings, and plugged and abandoned oil and gas wells. 2. If there are existing or approved (and not yet drilled) coalbed methane wells in the area. 3. If the possibility exists that there will be drainage of coalbed methane from beneath federal lands or minerals to wells on neighboring private minerals. 4. If the land/minerals ownership pattern is fragmented with isolated parcels of federal ownership. Given the large number of loopholes, it appears that CBM development will be halted only in places not likely to be targeted for development in any case. This problematic state of affairs must not be repeated in the sage grouse plan amendments.

Comment: We support the three-tiered WAFWA approach to sage grouse conservation and recovery as the legitimate blueprint for sage grouse recovery: (1) protect the robust populations we have; (2) save the populations currently facing threats; and (3) recover populations that have been extirpated. Unfortunately, there are no current management frameworks that have been proposed in Wyoming that accomplish all three of these goals. The Governor's core area proposal comes closest (demonstrating how weak competing conservation strategies are), but would only partially address the first goal and leave the other two goals completely unaddressed; by contrast, plans from the Local Working Groups, industry consortia,

the Wyoming Landscape Conservation Initiative, and current and proposed BLM Resource Management Plans offer little or no hope of achieving even one of these goals.

Comment: A second key point is prevent the loss of sage grouse populations currently at risk due to human induced activities. WAFWA Forum participants (WAFWA 2006b), in the context of mineral development, recommended: “Develop no ‘net loss’ criteria and methods to accurately assess current habitat/population status, potential impacts and mitigation needs (e.g. habitat equivalency, mitigation ratios, mitigation banking), and mechanisms for implementation.” Final Forum Report, Appendix 2 at 38. The producible measure of success in this regard is listed as “Favorable trend in AREA of available habitat and ABUNDANCE of Greater Sage-grouse.” Id at 39, emphasis in original. This is the right goal statement; unfortunately, current land-use policy range wide and in Wyoming is not setting the standards needed to achieve these goals.

Comment: In Montana, BLM Core Areas adopted in RMPs are larger than those that were recommended by the Montana Fish, Wildlife, and Parks Department (David Naugle, pers. comm.), so there is already a precedent for BLM adopting stronger measures than recommended by the state on sage grouse Core Areas.

Comment: The BLM should be wary of relying heavily on adaptive management, as declines that trigger management corrections may occur years after conditions have changed irreversibly, and thus the opportunity for corrective action may be missed for lack of immediate population response. If adaptive management is pursued, there are some requirements for effective implementation:

- Establish excellent baseline data in terms of populations and habitats so downward trends will be recognized as a departure from the norm;
- Monitor the key attributes sensitive to change on a regular schedule, applying statistical testing to determine when significant change is occurring;
- Identify benchmarks at which corrective action is automatically triggered;
- Set out a plan of remedial actions in advance to identify the corrective action(s) to be taken.

Comment: Scoping issues to be addressed: The Purpose and Need for the sage grouse plan amendments should be to amend existing RMPs to improve sage grouse protections to a level that maintains viable populations of sage grouse, at current levels or above, throughout the planning area. At minimum, the NEPA analysis should address the following:

- Managing for connectivity that permits the free dispersal of sage grouse between core areas.
- Setting aside large tracts of Core sage grouse habitats for long-term conservation.
- Strengthening sage grouse protections inside core areas to a level that maintains or increases populations. This should be a standard incorporated into each RMP.
- Providing NSO buffers of at least 2 miles inside core areas to protect breeding and nesting habitats from impacts.
- Evaluating winter habitat and placing key wintering areas with an adequate buffer (at least 2 miles) off-limits to industrial activity.
- Excluding core areas and all other lands within 5 miles of an active sage grouse lek from wind turbine permitting.
- Excluding transmission lines from Core Areas, pursuant to the new BLM nationwide sage grouse IM.

- Identifying key early and late brood-rearing habitats and placing them off-limits to industrial use, with a biologically adequate buffer.
- Managing grazing levels in a way that is compatible with sage grouse habitat needs, and in Core areas, managing grazing to optimize sage grouse habitat conditions rather than maximizing livestock production.
- Evaluating the impact of climate change on the likely future distribution of sage grouse habitats, and setting forth a framework for maintaining sage grouse populations in the event of spatial shifts in habitat availability and/or quality.
- Prioritizing roads for closure to minimize road densities inside sage grouse Core areas. • Providing seasonal closures for existing roads within 2 miles of sage grouse leks.
- Evaluating the impact of invasive weeds (especially cheat grass) on sage grouse habitats, and providing a management framework to reduce or (better yet) eliminate them over time.
- Analyzing the degree of threat of West Nile virus and assessing the impact of BLM permitted activities in increasing that threat.
- Requiring underground injection of produced water to prevent the construction of reserve pits that serve as breeding grounds for *Culex* spp. mosquitoes that are carriers of West Nile virus.
- Requiring mandatory use of closed-loop (pitless) drilling to reduce well pad size and habitat loss.
- Assessing the impact of air pollution on the health and fitness of sage grouse, and requiring green completions to reduce smog creation.
- Assessing the impact of noise from drilling rigs, compressor stations, and other equipment on displaying sage grouse and enplacing measures to ensure that noise pollution is regulated below the appropriate decibel level to allow sage grouse to breed unhindered.
- Assessing the impacts of BLM-permitted activities on predation patterns, particularly with regard to coyote control, which results in an increase of smaller meso-predators that prey on grouse, eggs, or chicks at a much higher rate than do coyotes.
- Assessing the impacts of permitted activities that increase the nesting populations of ravens, an important nest predator, by providing nest platforms, and crating standards to minimize this effect in sage grouse habitats.
- Assessing the impact of fences as causes of sage grouse mortality, preventing new fence construction within 5.3 miles of sage grouse leks to protect nesting habitat, and eliminating existing fence in these areas to the greatest extent practicable.

Comment: We further request that the BLM undertake a comprehensive review of each scientific article or technical report contained in the Literature Cited section of these comments, so that the agency can render a decision that is fully informed by the best available science.

Comment: BLM has management responsibility for the sage-grouse and many other sagebrush obligates pursuant to the provisions in its Special Status Species Management Manual (MS-6840). Consequently the BLM should ensure the guidance and requirements in this Manual are fully considered in these RMP amendments.

Comment: The BLM must not only incorporate the Wyoming BLM's IM Nos. WY-2010-012 and WY-2010-013, which were highlighted in the Wyoming State Office's Notice of Intent, but also must incorporate the BLM's national IM No. 2010-071, which was not mentioned in the RMP amendment scoping notice. In addition, the BLM must also incorporate national IM No. 2010-022, which addresses

fences and wind energy structures. The BLM's RMP amendments should also, at a minimum, concur with Governor Freudenthal's Executive Order (EO) 2008-02 and the Wyoming Game and Fish's recently approved —Wildlife protection recommendations for wind energy development in Wyoming. Moreover, other relevant documents and guidance this RMP amendment process should address include: Wyoming Game and Fish Commission Mitigation Policy (September 7, 2007). Western Association of Fish and Wildlife Agencies (WAFWA) Memorandum of Understanding (November 14, 2008). U.S. Fish and Wildlife letter to the Wyoming Game and Fish Department regarding wind energy development in core sage-grouse areas (July 7, 2009). Wyoming Game and Fish Department Recommendations for Development of Oil & Gas Resources within Crucial and Important Wildlife Habitats. Wyoming Game and Fish Department Stipulations for Development of Core Sage Grouse Population Areas. Wyoming Game and Fish Department Sage-Grouse Memorandum dated January 29, 2008.

Comment: With these thoughts in mind, we submit herewith the comments of Dr. Carl Wambolt, a recognized expert on sagebrush and sagebrush ecology. These comments were originally submitted to BLM as part of the Pinedale RMP revision, but they have general significance in terms of appropriate management of the sagebrush ecosystem. In particular, they make it clear that —burn and plow efforts aimed at —decadent stands of sagebrush are not well grounded in science and are in fact not supported by the science. Unfortunately some suggest that destroying sagebrush (establishing an earlier seral stage) is warranted as a sage-grouse conservation measure, but we feel the science indicates otherwise, and we hope the RMP revisions will adopt provisions that reflect the current science regarding sagebrush ecology. In addition to Dr. Wambolt's comments there are three other publications that BLM should carefully consider: · Baker, W.L. 2006. Fire and Restoration of Sagebrush Ecosystems, Wildlife Society Bulletin, 34(1):177-185. Welch, B.L. and C. Criddle. 2003. Countering Misinformation Concerning Sagebrush, USDA Forest Service, Rocky Mountain Research Station, Research Paper RMRS-RP-40. Welch, B.L. 2005. Big Sagebrush: A Sea Fragmented into Lakes, Ponds, and Puddles. USDA Forest Service, Rocky Mountain Research Station, General Technical Report RMRS-GTR-144. These scientific reports document that the —burn and plow approach to sagebrush management is not well grounded in science, and in fact is refuted by it.

Comment: As it incorporates greater sage-grouse management policies from IM WY-2010-012 and WY-2010-013 into the six RMPs, BLM must recognize that industry can develop resources in the planning areas in an environmentally friendly manner and provide the nation with an abundant source of clean affordable energy while protecting local sage grouse populations and habitat. Over the last several years, IPAMS members have taken a unique and comprehensive approach to working cooperatively with BLM, state agencies, local working-groups and others to develop sophisticated mitigation measures to protect local populations of greater-sage grouse and their habitat in areas of oil and gas development in Wyoming and across the region.

Comment: Further, in order to clarify the policies in the revised RMPs and ensure management consistency between the Governor's Sage-Grouse Implementation Team and the Wyoming Game and Fish Department (WGFD), BLM should delay initiating this amendment process until it has incorporated any changes into the IM.

Comment: BLM must ensure that the scope of the amendments and associated EIS is limited to the incorporation of the Wyoming IM 2010-012 and 2010-013.

Comment: BLM field offices may need additional resources to institute the management policies set forth in IM WY- 2010-012 and 2010-013. Specifically, BLM field offices may require additional staff with relevant expertise to administer new greater sage-grouse management requirements for individual projects, such as developing polygons for density restrictions within core areas.

Comment: Additionally, BLM must ensure that the preparation of the EIS and RMP amendments does not prevent BLM field office employees from regularly processing other NEPA documents, Applications for Permits to Drill (APDs), and sundry notices in a timely manner. The administrative efficiency of BLM field offices is directly related to industry's ability to provide affordable energy resources from public lands in Wyoming.

Comment: BLM should refrain from arbitrarily adding to designated core areas. Adding areas of habitat connectivity and other areas to the core areas should be performed through a collaborative process with state agencies, the Governor's Implementation Team, and local working groups.

Comment: Because the timing, distance, and density requirements within core areas are so extensive, operators need ample flexibility when operating outside of core areas. IPAMS asks the BLM to consider the heavy burden it asks operators to bear when complying with the greater sage-grouse standards within core areas when applying timing, distance, and density restrictions for leks, nesting/early brood-rearing habitat, and areas of "suitable habitat" outside core areas. It is not unreasonable to request that BLM recognize these considerations and make appropriate concessions with regard to the extensive operating requirements within core areas.

Comment: The revised RMPs should allow the BLM to critically assess information about habitat on a local or regional basis when it considers greater sage-grouse stipulations on individual projects.

Comment: Efforts of local working groups, including site-specific research, must be identified and incorporated into the planning process when applicable.

Comment: BLM must also ensure that sage grouse management requirements in the RMPs as well as stipulations on individual projects are consistent with guidance from the Governor's Sage Grouse Implementation Team and the WGFD.

Comment: Accordingly, IPAMS recommends that the greater sage-grouse stipulations on future oil and gas development reflect the findings found in the attached study (Appendix A)1.

Comment: IPAMS recommends that BLM field offices utilize Adaptive Management (AM) to adjust approaches for greater sage-grouse management based on new data acquired through monitoring. AM will allow BLM the necessary flexibility to modify management policies and decisions based on what is actually happening on the ground.

Comment: Scientists stress repeatedly the importance of accurate resource inventories and assessments in land management planning. BLM itself recognizes its obligation to determine the locations, population trend, and habitat needs of sage-grouse, a sensitive species, to inform its management decisions. See BLM Manual 6840 - Special Status Species Management, .06

Comment: BLM violated NEPA by failing to take a "hard look" at the impacts of livestock grazing on sage-grouse habitat.

Comment: As discussed above, where sensitive species are present on BLM lands, BLM must use the same protective measures BLM uses to protect "candidate species" to ensure that BLM does not contribute to the need for the species to become listed under the Endangered Species Act (ESA).

Comment: Here, BLM's cursory review of the impacts of grazing on sensitive species does not satisfy NEPA's "hard look" mandate. BLM failed to even identify current sage-grouse population numbers or key habitat locations, and ignored the vast scientific literature concerning livestock grazing and energy

development impacts on sage-grouse and their habitats, as described above. By ignoring the science describing impacts on sage-grouse, and ignoring the various methods of addressing those impacts, BLM has made an uninformed – as well as an unwise – decision, in violation of NEPA and BLM’s own management principles.

Comment: BLM further violated NEPA by failing to consider adequately the cumulative effects of present and potential local energy development and multiple permit renewals in the same geographic region.

Comment: BLM must analyze impacts occurring outside of the immediate project vicinity.

Comment: Western Watersheds Project has been the primary driver of the efforts to protect and recover sage grouse for nearly a decade yet stunningly, the BLM failed consider WWP a ‘stakeholder’ in the process. It must be that BLM only considers ‘stakeholders’ to be those with a direct financial interest in the outcome, which means the usual industry interests who always fight against conservation. The BLM, like its sister agency the MMS, is in bed with the industries it’s supposed to be regulating. This is why the ‘actions’ taken by the BLM since 2000 have only led to the continuing decline of the species.

Comment: We are also quite disappointed by the following statement in the Federal Register: “Specialists with expertise in the following disciplines will be involved in the planning process: rangeland management, minerals and geology, outdoor recreation, archaeology, paleontology, wildlife and fisheries, lands and realty, hydrology, soils, sociology, and economics.” The problem with this is that it puts the needs of the species second. What needs to happen is that the BLM needs to contract with an independent panel of the recognized most expert sage grouse biologists to write the RMP amendments, including goals, objectives and requirements. Anything short of this will simply be a waste of time as the species slips further and further down. Unfortunately, BLM biologists cannot be trusted with this task as there is far too much control of their work by the corporate culture of the agency with its ‘get out the cut’ mentality.

Comment: So this is the first and foremost process that needs to happen. The foundation of this process needs to be constructed on the unbiased, scientific expertise of the foremost sage grouse experts who are not BLM employees. Without this the foundation will be rotten, leading only to a collapsed structure down the road.

Comment: Secondly, the BLM must remove head from sand and realize the obvious – The current very poor and declining status of sage grouse is the result of the cumulative impacts of the actions currently permitted by the BLM. While there are some additional cumulative impacts added by private lands, these are insignificant compared with the BLM inputs as a simple GIS analysis will show.

Comment: This requires the BLM to radically shift its primary focus, which has always been the transfer of basically free public resources for private profit, to an ecosystem and science based management.

Comment: The EIS must provide an in-depth examination of all of BLM’s previous ‘efforts’ at recovering sage grouse and analyze why those actions failed. Such an analysis is critical to informed decision-making and to avoid repeating the same mistakes the BLM has made in the past.

Comment: Likewise, the BLM must provide an in-depth analysis of the effectiveness of the actions proposed, what the likelihood of their implementation based on past history and how each action provides for recovery of the species based on current science.

Comment: The actions proposed cannot, as explained above, merely maintain the status quo, as the status quo is a long-term and continued decline in the species populations and habitats. They must actually remove the stressors impacting the species.

Comment: FLPMA, the core authority for BLM's management duties, requires the agency to manage the public lands to "protect the quality of" various values including ecological, environmental, and water resources. 43 U.S.C. § 1701 (a)(8). The statute also mandates that BLM manage the lands to provide food and habitat for fish and wildlife. *Id.* The BLM must also balance resources uses on the public lands to reflect the long-term interests of the American people, 43 U.S.C. § 1702(c), manage the lands to achieve high annual output, 43 U.S.C. § 1702(h), and avoid "permanent impairment of the productivity of the land." 43 U.S.C. § 1702(c). Section 102.8 of FLPMA requires that the BLM: (8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use (emphasis added) Section 302(b) of FLPMA requires that the BLM: In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands. (emphasis added) Section 302(c) requires: (c) The Secretary shall insert in any instrument providing for the use, occupancy, or development of the public lands a provision authorizing revocation or suspension, after notice and hearing, of such instrument upon a final administrative finding of a violation of any term or condition of the instrument, including, but not limited to, terms and conditions requiring compliance with regulations under Acts applicable to the public lands and compliance with applicable State or Federal air or water quality standard or implementation plan

Comment: As part of the current process, the BLM needs to thoroughly review and implement National Sage-Grouse Habitat Conservation Strategy - 1.3.1 Guidance for Addressing Sagebrush Habitat Conservation in BLM Land Use Plans This guidance document requires that the BLM: "Describe and analyze at least one alternative that maximizes conservation of sagebrush habitat (emphasizing special status species habitat) through objectives, land use plan decisions and management direction."

Comment: Also as part of the current process, the BLM needs to thoroughly review and implement National Sage-Grouse Habitat Conservation Strategy - 1.4.1 Guidance for the Management of Sagebrush Plant Communities for Sage-Grouse Conservation

Comment: For an analysis of the impacts of livestock grazing on sage grouse, we provide you with the BLM's own review titled BLM Review of Livestock Grazing Management Literature Addressing Grazing Management for Sage-Grouse Habitat - July 11, 2006. In addition, we also provide the BLM's Synthesis of Livestock Grazing Management Literature Addressing Grazing Management for Greater Sage-Grouse Habitat in the Wyoming Basin - Southern Rocky Mountains Ecoregions Both of these need to be thoroughly reviewed and implemented in the resultant amendments.

Comment: Also important to informed decision-making, especially in regards to habitat manipulation, would be a thorough review of the following two USDA Rocky Mountain Research Station publications RMRS-GTR-144 and RMRS-RP-40.

Comment: Another important publication that must be thoroughly reviewed and incorporated into the amendments is Birds in a Sagebrush Sea – Managing Sagebrush Habitats for Bird Communities which is available at: <http://fishandgame.idaho.gov/cms/wildlife/nongame/birds/sagebrush.pdf> Livestock Impacts on the Herbaceous Components of Sage Grouse Habitat: A Review (Hockett, Intermountain Journal of Sciences 2002) likewise provides critical information on sage grouse and impacts to the species by

livestock grazing along with recommendations. We provide this as an attachment. We also provide two sets of comments to the Pinedale RMP DEIS by noted sage grouse experts Dr. Clait Braun and Dr. Carl Wambolt. Influences of Livestock Grazing on Sage Grouse Habitat - Beck and Mitchell (Wildlife Society Bulletin 2000) also is provided here as it contains useful information for the present consideration.

Comment: Flowing from FLPMA, the BLM has developed a wide range of regulations implementing FLPMA and other laws: such as 43 CFR 1601 and 43 CFR 4100 and its' subparts.

Comment: A critical note here is that the regulations require not only an assessment of compliance with Standards but also conformance with Guidelines. 43 CFR 4180.2(c)(1) states that "If a standards assessment indicates to the authorized officer that the rangeland is failing to achieve standards or that management practices do not conform to the guidelines, then the authorized officer will use monitoring data to identify the significant factors that contribute to failing to achieve the standards or to conform with the guidelines." What this means is that the BLM must review current management as part of its assessment process to determine if the management in place conforms to the 9 guidelines. This is a critical step ignored by the Wyoming BLM in its processes.

Comment: Prior to the development of monitoring plans, a thorough review of BLM Manual 4400 and BLM Manual H-4400-1 must also be completed.

Comment: Given that, we respectfully request clarification on the basis for the selection of the screen's elements – specifically "suitable habitat", "eleven square miles of contiguous, manageable, unleased Federal minerals," and "potential drainage issues." How were these defined and what science are they based on?

Comment: Have the "eleven square miles of contiguous, manageable, unleased Federal minerals" been identified around the state? Will this map change to reflect these potentially redefined "eleven square mile" areas as lease parcels around the state expire? If so, how often will these maps be updated? And if a parcel within the "eleven square mile" area is leased, does the protective status suggested with the "eleven square mile" criteria change as well?

Comment: This revised executive order (2010-4) should be considered in these RMP Amendments.

Comment: This Amendment will undeniably affect grazing permittees, agriculture producers, landowners and other citizens, as well as our natural resources, over a large area of Wyoming.

Comment: Officials need to consider these effects: direct, indirect, cumulative, economic, social, and environmental.

Comment: We request meetings of cooperators to help develop goals, objectives, management actions, alternatives, and Draft and Final EIS documents.

Comment: The Amendment should allow BLM officials and grazing permittees the opportunity to work cooperatively and provide flexibility in making case-by-case decisions in the best interests of affected natural resources and area citizens.

Comment: Management prescriptions in the Amendment must reflect multiple use resource principles. Congressional mandates, federal statutes, and implementing regulations call for multiple uses on BLM administered lands. WDA particularly believes BLM should specifically include the Congressional policy expressed in the Federal Land Policy and Management Act of 1976 (FLPMA) about livestock grazing in the Amendment. FLPMA Sec. 102(8) states "The Congress declares that it is the policy of the United

States that...the public lands be managed in a manner...that will provide food and habitat for fish and wildlife and domestic animals..." Through experience we have learned many in the public are unaware of this Congressional policy. Yet that policy is critical to livestock grazing in planning area. It is critical that FLPMA is expressed in the Amendment.

Comment: Glossary definitions are extremely important to the actual uses and meanings of those defined terms in the Amendment. The definition for surface disturbance is particularly significant for livestock grazing. Overly broad definitions create unintended consequences. WDA recommends planners and cooperators utilize and evaluate the "surface-disturbing activity" definition in the Casper BLM EIS/RMP. We also ask that care is taken when developing definitions for "wildlife disturbing activity," "disruptive activity" and similar terms.

Comment: The Notice of Intent states that planning criteria will include Wyoming IMs 2010-012 and 2010-013, the Wyoming Governor's Executive Order (WY EO 2008-2) and the BLM National Sage-Grouse Habitat Conservation Strategy (Nov. 2004). The WDA strongly recommends that planning criteria also includes information from Grazing Influence, Objective Development, and Management in Wyoming's Greater Sage-grouse Habitat (Cagney et al. 2010), and recommendations developed by Local Sage-Grouse Working Groups and the forthcoming Great Sage-Grouse Programmatic CCAA for Wyoming Ranch Management. In addition, peer-reviewed science and solid monitoring data should underlie decisions. The Amendment needs to identify the science supporting the discussions, decisions and actions.

Comment: First, we'd like to ask that the BLM incorporate all of the instruction memoranda related to sage-grouse. Several of these were not mentioned in the scoping announcement. For example, No. 2010-022, which addresses fences and wind energy structures; and national IM 2010-071, which addresses sage-grouse management considerations for energy development.

Comment: It's been my past experience in the past dealing with BLM that they've been very rigid in their PODs and lack of communication with other cooperators, other federal agencies, cooperating agencies.

Comment: And also have -- DOE is funding wildlife decision support system pilot studies, and I think it would be a good idea to interact with that group and present that -- incorporate that in some fashion into a resource management plan and EIS.

Comment: The BLM manages approximately one third of Wyoming's surface area and is responsible for mineral rights on nearly two-thirds, making your agency a critical player in deciding the future of wildlife and energy development in the state. As a candidate species under the Endangered Species Act, the USFWS will be reviewing the status of this sagebrush-obligate species annually. Therefore, policies listed in IM No. 2010-012 and 2010-013 should also be incorporated in RMPs that are currently being revised – Lander, Bighorn, and Buffalo. This step would ensure that field offices statewide manage sagebrush and sage-grouse in a manner consistent with current federal and state policy guidelines.

Comment: In addition, national BLM sage-grouse policies should be considered in the amendment – specifically IM No. 2010-071, which is focused on energy development and supplements the BLM's 2004 National Sage-Grouse Habitat Conservation Strategy (BLM National Strategy). This IM highlights management actions affecting sage-grouse habitat – particularly mapping, coordination, NEPA review, and monitoring. The national IM No. 2010-022 focuses on fences and wind energy structures and should also be incorporated. We strongly believe it is important to include these recent IM's for consistency across the range of sage-grouse and also because national policy will dominate where there may be conflicting provisions.

Comment: Inconsistent use of terminology, such as “suitable habitat” and “functional habitat”. We urge BLM to develop a formal set of definitions for frequently used language. A glossary of terms would help to ensure a uniform understanding of expected outcomes etc.

Comment: Effective best management practices and new stipulations, based on sound science, needs to be included in the amended RMPs.

Comment: While much effort has gone into developing these Resource Management Plans, sufficient resources and direction needs to be provided for effective enforcement.

Comment: Finally, we hope that as the BLM proceeds in its efforts related to sage-grouse and sagebrush habitat, the process will be open and transparent. We continue to demand that scientific principles be incorporated into decision-making and there be ample opportunity for public input.

Comment: It is important that BLM recognize that the establishment of the Wyoming's Core Population Area Strategy (Strategy) occurred via an Executive Order issued by the Governor of Wyoming. Because of this, it is subject to change by either the current Governor or subsequent administrations. For example, boundaries of core areas, connectivity management designations and habitat management recommendations can all be amended going forward. BLM must ensure that it does not memorialize the Governor's Executive Order to such a degree that even small changes to the Strategy will require planning amendments.

Comment: Anadarko looks forward to participating in the planning process and working cooperatively with the BLM and others to ensure that land management decisions will provide protection of local populations of Greater Sage-grouse while also ensuring that the many other economic benefits of public lands will continue to be enjoyed by residents either at the local, state or national level.

Comment: We are concerned that initiation of the RMP amendments may be premature since BLM has indicated it intends to modify its Sage-grouse Instruction Memorandum 2010-112 to ensure management consistency between BLM's management approach and the approach that will be adopted by the State of Wyoming based upon recommendations from its Sage-grouse Implementation Team. These recommendations are due by the end of this month, at which time they will be reviewed by the governor's office. It is then expected that an executive order will be issued. In our view, it would be prudent to delay the amendment process until after BLM has adopted any changes to its instruction memorandum. In so doing, BLM will have a final policy in place upon which to base the amendments.

Comment: Since habitat mapping appears to be based upon modeling and/or visual observations, what role will operators' ground truth efforts/habitat mapping, using the standards provided to us from BLM, have in the process?

Comment: Does BLM have adequate data to delineate winter use areas? It is important for field offices to have accurate information before imposing the elements of this IM.

Comment: What is the status of the BLM Habitat Assessment Framework and how will it be utilized in the context of employing site specific information rather than modeling results?

Comment: We encourage BLM to incorporate language regarding exemptions for emergency activities.

Comment: Under Density of Disturbances, it is stated, “...vegetation treatments that do not make the habitat unsuitable for sage grouse, fence lines, two-tracks, water pipelines, stock tanks, etc., should not be added to the density calculation.” Does BLM intend to exclude only livestock activities rather than all

actions that do not render habitat unsuitable, including oil and gas water lines and other non-surface disturbing activities?

Comment: With respect to habitat fragmentation, will measures designed to avoid fragmentation be limited to oil and gas activities or will BLM address all potential fragmenting activities, including wind farms, mining operations, recreation sites, campgrounds, etc.?

Comment: Will the West Nile virus measures be applied going forward or does BLM intend to require them on existing reservoirs?

Comment: Given the expansive scope of the land impacted by this process, it is vital that the scope of the amendments and associated EIS be as limited as possible. The analysis should be limited to identifying the core areas set forth by the Governor's Sage Grouse Implementation Team identifying the limits placed on development in core areas discussing the incentives and accommodations for increased development outside of core areas. And addressing the impact the restrictions will have on other resources, particularly the socio-economic impacts on communities, the state and the nation in restricting oil and gas production on public lands within core areas. It is also important to note that unlike the Wyoming Game and Fish Department, BLM is a multiple use agency with multiple resources to manage. Wildlife is but one resource BLM must manage, and sage grouse but one of the species. If the ultimate management of the bird doesn't preserve flexibility and common sense, there is no benefit to avoiding an actual listing of the bird as an endangered species.

Comment: More fundamentally, QEP questions the timing of the initiation of this EIS. The Governor's Implementation Team, an influential group assembled to advise the Governor and with no regulatory authority, is just today completing its latest round of work and preparing to deliver its recommendations to the Governor tomorrow. Presumably the Governor will then be issuing a replacement or additional Executive Order applicable to state agencies and lands. Before initiating RMP amendments designed to incorporate the Governor's Executive Order, and IM WY-2010-012, BLM should take the time to determine how the IM needs to be revised first. In addition, in its IM, BLM states the State Implementation Team will be revising Core Area boundaries when habitat mapping is complete. If that is the case: why- the rush to amend RMPs when mapping is predicted to be complete in a year's time?

Comment: Please include an analysis of the additional resources and staffing BLM field offices will need to implement the various alternatives analyzed in the EIS, and how BLM will ensure existing programs do not suffer. QEP is concerned that BLM staff is being allocated to too many areas other than ensuring APDs are processed in an efficient and timely manner.

Comment: The amendments and associated RMPs should address how BLM plans to honor the valid existing rights companies like QEP hold within what is assumed will be designated Core Areas. In addition, existing project-level EISs must govern sage grouse management regardless of RMP amendments. Your analysis should make this fact clear.

Comment: Given the extremely restrictive disturbance caps discussed in IM WY-2010- 012 and Wyoming EO 1008-2, how will BLM decide what use or which user will have precedence to create new disturbance? It seems that the precedence of the mineral estate should be considered in your analysis.

Comment: Given that sage grouse have and are populating Core Areas despite existing disturbance levels, it makes sense that the disturbance caps would apply to new disturbance after adoption of the amendments and not existing disturbance.

Comment: The Core Area strategy was based on several fundamental assumptions. Among those assumptions was the idea that areas with disturbance densities beyond that called for in core area stipulations would either be excluded from Core Area, or would be allowed to accommodate new development without impacting density restrictions if the developed area is within core. A second assumption was that in return for the restrictions within Core Areas, management agencies would do all they could to accommodate and incentivize development outside of core. The EIS must include these concepts.

Comment: Connectivity is a buzz-word that can be used to expand core area restrictions to almost any habitat throughout the State of Wyoming. What basis will be used to determine connectivity and corridors boundaries? The Governor's Implementation Team has stated that corridors will not be core areas. Will BLM honor that distinction?

Comment: When BLM discusses the goal of consolidating anthropogenic features on the landscape, BLM must also discuss the various reasons that goal cannot be met in many instances due to a host of reasons, including economic, land ownership patterns, geologic, practicality and others.

Comment: We have been frustrated in preparing these comments regarding the inaccessibility of referenced documents and BLM personnel to answer questions. We hope the agency is prepared to be more responsive as this process continues.

Comment: Devon strongly recommends that the RMP Amendments focus only on the analysis of Sage-Grouse protection and its habitat and the Amendment should refrain from including or revising other elements in the existing RMPs.

Comment: BLM is tasked with managing federal lands for multiple use, Devon recommends that the agency strike the appropriate balance between energy development, Sage-Grouse management, and other resource uses of public lands.

Comment: Before any amendments can be considered for the various RMPs, the Company requests several clarifications be made in the instructional memoranda, and that these clarifications be issued to the public in the next 30 to 60 days.

Comment: Please clarify how “Core Area” impacted by the project is defined. Does it include all Core Area in Wyoming, the polygon impacted by the project, or some other portion of a Core Area polygon?

Comment: Please clarify how the density of one disturbance location per 640 acres will be calculated. Will standard PLSS sections be used to define the 640 acres within which the disturbance will be evaluated?

Comment: It appears as if IM 2010-012 is largely focused on the oil and gas industry. For transmission lines, does each tower constitute a separate “disturbance” or can the project footprint across the 640-acre area (once that is defined per the question above) be considered one “disturbance”?

Comment: It would appear a number of exceptions are available for the oil and gas industry that are not available for other forms of disturbance. If the 11 square miles of contiguous habitat filter is available for oil and gas disturbance, it should be available for transmission line construction and operation as well.

Comment: Assuming the Wyoming Governor’s Sage Grouse Implementation Team (SGIT) Recommendations (including Criteria A, B and C to determine transmission line consistency with the core area strategy and recommended permitting process and stipulations for development in core areas)

are approved, how will the BLM incorporate these recommendations? Please include a BLM response to the approved recommendations for public review prior to incorporating it into any RMP amendment process.

Comment: BLM has an existing policy regarding offsite mitigation (IM-2008 204). Please clarify if projects with impacts in Core Areas will be required to include offsite mitigation and if so what ratio of impacted area to offsite mitigation acres will be required. Please clarify if BLM will impose this mitigation consistently on all proposed projects within Core Areas. Please clarify and specify if offsite mitigation will be required outside Core Areas.

Comment: Based upon the preliminary planning criteria provided in the May 28, 2010, Federal Register Notice, WGFD requests that the planning criteria for the Sage-Grouse Amendment be expanded to address potential permissive and restrictive parameters for wind development, transmission corridors and other non-oil and gas related activities in Sage-Grouse Core Areas.

Comment: The final amendment should also address if and how a Candidate Conservation Agreement (CCA) would affect future planning decisions under this amendment.

Comment: Spending general tax dollars to "restore" sage grouse so that murderous gun wackos can then kill them, when we have paid to restore them, makes absolutely no sense to me.

Comment: Where can I obtain the new BLM Sage Grouse Maps? I'm particularly looking for the Rawlins FO Area.

Comment: My question concerns the due date of the scoping comments regarding the NOI for RMP revision for sage grouse - The NOI states in part that the scoping deadline for comments may be 15 days after the public scoping meeting which meeting shall be noticed 15 days prior thereto. The NOI also states June 28, 2010 as the deadline for scoping comments. Which date is controlling?

Comment: The CST article mentions sage grouse mapping. Could you email me the shape files for this (unless this is the same process G&F releases as v3)

Comment: How will the BLM incorporate WY EO 2010-4 as it replaces WY EO 2008-2?

Comment: How does the BLM, or does the BLM, support the state of Wyoming's recommendation and favor for the development of CCAs or CCAAs?

Comment: How does the BLM intend, or does the BLM intend, to include/implement similar incentives as the state of Wyoming for development or portions of development to occur outside of core areas?

Comment: Although the policy statements of the IM imply that cumulative impacts should be taken into account for resource planning purposes, the IM provides no specific stipulations, conditions of approval, or processes for evaluating cumulative impacts and landscape-scale conservation. Without more specific guidance on how to evaluate cumulative impacts at the landscape level, the sage-grouse may continue to decline even with stricter energy development stipulations.

Comment: The May 2010 scoping notice (75 Fed. Reg. 30054) indicates that BLM is embarking on the EIS process to examine sage-grouse issues, and amend BLM land use plans in Wyoming, based on BLM Wyoming Instruction Memoranda Nos. 2010-12 and 2010-013. This is too limited a scope of issues, because these memoranda do not address critical BLM management issues affecting sage-grouse and their habitat – including livestock grazing and the designation of ACECs to protect key sagebrush reserves.

Comment: In amending the Wyoming RMPs and preparing supporting NEPA documents, the Wyoming State Office must consider the best available science. *Biodiversity Associates v. United States Forest Service*, 226 F. Supp. 2d 1270, 1279 (D. Wyo. 2002). This science indicates that BLM’s NEPA analysis must consider the impacts that the RMP revision will have on the sage-grouse range-wide. Under NEPA, the Wyoming Office must take a hard look at the impacts of livestock grazing, consider alternatives to the current grazing regime, and evaluate the cumulative impacts that livestock grazing, energy development, and climate change will have on the sage-grouse. Finally, the Federal Land Policy and Management Act requires BLM to comply with the directions of its own National Sagebrush Habitat Conservation Strategy.

Comment: The National Strategy places a particular emphasis on land use planning. Although BLM represented the National Strategy as a binding policy, the Wyoming Field Offices failed to abide by this policy in adopting the revised Pinedale, Kemmerer, Rawlins, and Casper RMPs, as alleged in the RMP Litigation. In order to remedy this legal violation and avoid committing error itself, the Wyoming State Office must comply with the National Strategy in further amending the Wyoming RMPs.

Comment: Under the National Environmental Policy Act, BLM must take a hard look at the impacts of its proposed actions. *Utah Shared Access Alliance v. United States Forest Service*, 288 F.3d 1205, 1207 (10th Cir. 2002). The requisite “hard look” must be based on the best available scientific information. *Biodiversity Associates*, 226 F. Supp. 2d at 1270. BLM must also consider a reasonable range of alternatives to its proposed action. In fact, an agency’s consideration of alternative courses of action is the “heart” and “lynchpin” of the NEPA process. *New Mexico ex rel. Richardson v. BLM*, 565 F.3d 683, 708 (10th Cir. 2009). An agency’s failure to consider even a single, reasonable alternative “renders the EIS inadequate.”

Comment: Climate change has and will continue to augment and intensify the impacts sage-grouse currently experience due to livestock grazing and energy development. The Pinedale, Kemmerer, Rawlins, and Casper RMPs violated NEPA in failing to consider the cumulative impacts of these three issues. The Wyoming State Office’s state-wide EIS should correct this defect.

Comment: It is likewise important to analyze the cumulative impacts of livestock grazing and energy development when they occur in the same area. “The negative effects of energy development often add to the impacts from other human development and activities and result in sage-grouse population declines.” 75 Fed. Reg. at 13942.

Comment: It is now beyond reasonable scientific dispute that the earth’s temperatures are rising and will continue to do so if existing levels of greenhouse gas emissions persist. Experts predict that the West will generally experience hotter and drier conditions as a result of climate change in the coming years which will reduce surface and groundwater levels. The net result of these changes will be less habitat for sage-grouse and other species that rely on native plant communities and riparian areas. In addition, increased temperatures and elevated levels of carbon dioxide in the air will promote larger, hotter and more frequent fires, as well as further cheat grass invasions and expansions. 75 Fed. Reg. at 13955-96. Thus, “the severity and scope of two of the significant threats to greater sage-grouse, frequent wildfire and *B. tectorum* colonization and establishment; as well as epidemic [West Nile Virus], [will] magnify within the foreseeable future due to the effects of climate change already underway.” *Id.* At 13957.

Comment: Given the significant impacts that livestock grazing, energy development, and climate change have on sage-grouse survival, the Wyoming State Office must analyze the cumulative impacts of these three issues in the NEPA analysis for its proposed statewide EIS.

Comment: BLM needs to carefully craft a statement of need and purpose. In too many past NEPA documents, BLM has stated the purpose and need of its action as promoting mineral development. In this situation, BLM is not responding to an application or even engaged in authorizing mineral development in this action. Thus, the purpose and need should clearly state the conservation and protection goals of the BLM. All alternatives should be designed to meet this conservation-focused purpose and need. This would be fully consistent with BLM's multiple use requirements and its duties under FLPMA to prevent undue and unnecessary degradation of the lands.

Comment: BLM should identify a robust range of reasonable alternatives. The consideration of these alternatives and proper analysis of their environmental benefits and impacts is critical to meeting NEPA mandates. In order to fulfill the requirements of NEPA, BLM must "devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits." 40 C.F.R. § 1502.14(b).

Comment: In addition to alternatives, BLM also has a duty under NEPA to discuss and take a "hard look" at measures that are needed to mitigate adverse environmental impacts of proposed actions. 40 C.F.R. §§ 1502.14(f), 1502.16(h), 1508.25(b). Some of these alternatives and mitigation measures should include larger buffers between sage-grouse habitat and surface activity, protecting sage-grouse nesting and winter habitat, changing boundaries of core areas identified by the state in order to protect sufficient habitat, reducing mineral development infrastructure, increasing well spacing, locating wells outside habitat, requiring underground power lines, reducing human activity through travel plans (requiring site visits to occur outside dawn or dusk hours and/or be limited to several times a week), reducing noise of development through preventing diesel generators, minimizing the spread of West Nile virus through evaporation ponds, or phased development of projects over a large area of land (with reclamation requirements for habitat before future development is allowed to proceed). These protective measures are important to consider both in the context of oil and gas leasing and approving development, such as oil and gas PODs or hard rock mineral plans of operations. Up front analysis of mitigation measures and alternatives will allow BLM to send a clear signal to industry that these measures will be applied at the development stage. Current lease rights must be honored; but none of these suggested mitigation measures will prevent the recovery of minerals and again, BLM must put its larger purpose and need of sage-grouse conservation (in accordance with the requirements under FLPMA) first and foremost in selecting alternatives. As the IBLA has held, "There is substantial support for the right of the Secretary of the Interior to regulate drilling rights in order to avoid adverse environmental impacts" and BLM therefore can lawfully consider "a wider range of alternatives, including the limitation or regulation of the manner and pace of development." Powder River Basin Resource Council, 120 IBLA 47, 55 (1991)

Comment: BLM needs to base its decisions on peer-reviewed scientific research. In some areas, BLM lacks the scientific understanding to know what measures are needed to conserve species or habitat. This is not the case when it comes to oil and gas development and sage-grouse.

Comment: The lack of scientific conclusions should not prevent BLM from acting to establish a protective framework. BLM should act cautiously and should acknowledge that additional mitigation measures may be necessary – either at the RMP level or at the site-specific level – if assumptions fail. This adaptive management approach is something BLM regularly dictates in its RMP-level decision-making, but often BLM fails to implement it at the project approval level. The RMP amendments must make it clear that BLM fully intends to fulfill any adaptive management promises and must establish a framework for ensuring that this fulfillment will happen.

Comment: Wyoming's Core Areas Framework must be fully vetted and discussed in BLM's EIS. Mitigation measures and alternatives must be discussed in the context of Wyoming's core areas framework, but the framework is just the beginning – not the end – of BLM's analysis. Site-specific

analysis and the application of scientifically defensible mitigation measures are important regardless of whether a project falls within or outside a state-designated “core area.” BLM must do its own habitat surveys and disclose the impacts of its actions. In terms of regional or state-wide implications, BLM must conduct various species viability scenarios and fully disclose levels of development projected inside and outside the “core areas.”

Comment: It is thus often difficult in a situation like sage-grouse population decline where there are many interacting factors to decide how one action will create benefits or impacts. However, NEPA calls for this very type of analysis. In the EIS, BLM must fully disclose a comprehensive reasonably foreseeable development scenario that will allow the agency to analyze cumulative impacts. This analysis must include not only foreseeable extractive mineral development (resulting from past, present, and future leasing or mineral locating) but also the possibility of large industrial facilities such as processing facilities, refineries, coal fired-power plants, electrical substations and other transmission infrastructure, carbon sequestration facilities, wind energy, natural gas plants, pipelines, and a host of other activities on or near BLM lands. BLM should also consider non-BLM authorized activity and climatic impacts, such as drought, fire, and climate change. BLM’s cumulative impacts analysis should not take place in a vacuum and must completely acknowledge the variety of threats facing sage-grouse populations throughout Wyoming. After this reasonably foreseeable development scenario disclosure, BLM must then take each alternative and disclose the incremental effects or benefits of the action in terms of reducing or increasing impacts from the foreseeable status quo. Cumulative impacts analysis is very important because cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 CFR § 1508.7. In doing this analysis, BLM must consider the landscape-scale habitat needs of sage-grouse. 2 CEQ, Considering Cumulative Effects Under the National Environmental Policy Act, January 1997.

Comment: BLM’s indirect effects section should consider impacts and benefits to other sage dependent species. The decline of the greater sage-grouse is just one symptom of a much larger problem – the decline of the sagebrush ecosystem. Sage-grouse is just one of many species that uses the sagebrush habitat and it has been used an indicator species of sagebrush ecosystem health. See, e.g. Steven E. Hanser and Steven T. Knick, Greater Sage-Grouse as an Umbrella Species for Shrubland Passerine Birds: a Multiscale Assessment, *ECOLOGY AND CONSERVATION OF GREATER SAGE-GROUSE: A LANDSCAPE SPECIES AND ITS HABITATS*, USGS, Nov. 2009, at 18: (“Management to benefit Greater Sage-Grouse may benefit the broader community of birds that use sagebrush steppe habitats”). Sagebrush ecosystem conservation may also benefit sage-dependent large game like pronghorn and mule deer. BLM should disclose the indirect benefits (or impacts) of its proposed action and alternatives on other species and the sagebrush ecosystem itself.

Comment: BLM needs to consider interim actions to protect sage-grouse pending the RMP amendments, including a leasing moratorium. NEPA prescribes limitations on the actions that agencies may take while preparing environmental documents. BLM’s approval of oil and gas leasing within important sage-grouse habitat will set in motion de facto decisions for the RMP Amendments related to sage-grouse and will likely eliminate management options prior to the analysis, release of the draft document, and involvement of the public. Additional leasing in sage-grouse habitat may foreclose alternatives that would otherwise be available had leasing not occurred. Of course, any interim actions chosen by BLM, including a leasing moratorium or the continued reliance on the pre-leasing screen established by the state office, may be considered actions which need to be analyzed under NEPA. However, this targeted NEPA analysis could presumably happen in a quicker timeframe than the EISs associated with the larger RMP amendments.

Comment: Additionally, pending the approval of the RMP Amendments, BLM must conduct comprehensive site-specific NEPA analysis for any actions approved in the interim. This is especially important in the context of oil and gas development where scientific research has shown that current RMP

analysis and mitigation measures are scientifically indefensible. BLM should not inappropriately rely on or “tier” to existing RMPs in order to forego the preparation of an EIS for any site-specific proposals.

Comment: Generally, Interwest recommends against large-scale land restrictions because the rules rely on mapping that is often too coarse and not current enough to provide accurate information about the proposed sites. These programs eliminate opportunities to develop high capacity resources (with fewer turbines overall) which may be developed in a manner which mitigate or avoid wildlife impacts.

Comment: We believe that any Core Population Area maps incorporated into BLM plans should be subject to variances described below. Instruction Manual 2010-012 provides for a variance based upon locally collected scientific data and information which is included in the NEPA analysis. BLM 1M WY-2010-012, Policy Statement 2, p. 7. We recommend that BLM continue to consider variance requests based on scientific data and information collected on specific sites proposed for development. We request that the BLM set forth procedures under which such variances will be granted. This will provide a predictable mechanism which is consistently applied across the BLM field offices.

LANDS AND REALTY

Comment: Transmission lines should be sited at least 5 miles from leks Current BLM Instruction Memoranda apply entirely inadequate regulations for power lines inside Core Areas. The NSO buffer for leks is a mere 0.6 mile, ensuring that powerlines will run right through the heart of prime nesting areas. Powerline collisions accounted for 33% of the mortality of sub-adult sage grouse on one Idaho population (Beck et al. 2006), indicating that powerlines themselves can be a major factor in sage grouse mortality. An NSO buffer of 3 miles from leks is needed to provide adequate distance.

Comment: TransWest Express Right-of-Way Application TWE has filed an application with BLM for a right-of-way grant for the construction, operation and maintenance of the TransWest Express Transmission Project (TWE Project) for which the BLM is preparing an Environmental Impact Statement pursuant to Section 102 (2)(C) of the National Environmental Policy Act of 1969 (see lead file WYW-177893). The TWE Project is a proposed, extra-high voltage (EHV) direct current (DC) transmission system extending between south-central Wyoming and southern Nevada. The TWE Project will provide the transmission infrastructure and capacity necessary to reliably and cost-effectively deliver approximately 3,000 megawatts (MW) of electric power from renewable energy resources in south-central Wyoming to markets in the Desert Southwest region. The proposed route for the TWE Project follows federally designated utility corridors wherever feasible. These federal corridors include corridors designated: (1) by the Department of Energy and BLM (lead federal agencies) in November 2008 as West-wide Energy Corridors pursuant to Section 368 of the Energy Policy Act; and (2) by the BLM and the United States Forest Service(USFS) in their respective land management plans (various dates). Portions of the West-wide Energy Corridors to be utilized by the TWE Project cross through sage-grouse key habitat areas. Designated Transmission Corridors as discussed above, federally designated utility corridors include the West-wide Energy Corridors designated by the DOE and BLM in November 2008 and those designated by federal agencies in their land management plans. BLM policy is to designate and manage corridors, sometimes referred to as rights-of-way in common. For instance, Section 503 of the Federal Land Policy and Management Act states that “In order to minimize adverse environmental impacts and proliferation of separate ROWs, the utilization of rights-of-way in common shall be required to the extent practical . . .” The BLM Manual provides that “Whenever possible the BLM will manage ROW use of public land through a system of designated corridors. Use of designated corridors for future ROW grants will be actively encouraged by the BLM.” [Section 2802.1.B.1]. The BLM Manual also states that the “BLM shall not make substantial investments in resource management activities within designated corridors, when such resource management is not compatible with ROW use.”[Section 2802.1.B.8.a]. The State of Wyoming has also recently designated transmission corridors within Sage-

Grouse Core Management Areas Version 3. The Governor's Executive Order 2010-4 provides that new transmission lines in Sage-Grouse Core Management Areas are to be (1) within ½ mile either side of existing 115 kV or larger transmission lines, (2) within the 2-mile wide transmission line corridors as illustrated on Attachment D of the Executive Order, or (3) if outside the corridors described in (1) and (2) above, in areas only where it can be demonstrated that the activity will not cause declines in greater sage-grouse populations. In comparing the State of Wyoming's transmission corridors to the West-wide Energy Corridors, the boundaries of the corridors are not coterminous. While in some areas the West-wide Energy Corridors are within the State of Wyoming's transmission corridors, in other instances there is no commonality between the two. We urge the BLM to work with the State of Wyoming to arrive at a common set of transmission corridors through sage-grouse key habitat areas acceptable to BLM, the State of Wyoming, and all other interested stakeholders including transmission developers. Until such corridors are established, BLM should continue to review and permit transmission lines sited in designated utility corridors established under current RMPs and the West-wide Energy Corridor Final Programmatic EIS.

Comment: Siting Transmission Lines The BLM should consider National guidance and policy in the siting and management of transmission lines in its RMP amendments. The West-wide Energy Corridor Final Programmatic EIS states²: “Compliance with NERC and regional reliability standards is essential to guaranteeing the reliability of the nation’s bulk electricity transmission network and nothing in this PEIS... replaces, or relaxes the applicability or enforceability of NERC or WECC reliability standards...” Where “corridors are inconsistent with the reliability standards or criteria, those specifications shall be deemed moot, replaced with specifications that are consistent with the applicable standards or criteria.” “Although there are various technical means ... that can preempt or limit the potential for line failures ... by far the most cost-effective preemptive strategy against multiple simultaneous line loss involves ensuring adequate distance separation between lines at the planning stage.” In line with its mission of multiple use and sustained yield, the BLM’s responsibility involves balancing the development of diverse resources, both renewable and non-renewable. The BLM should consider the effects of greater sage-grouse and sagebrush management and policies and its obligation to facilitate future siting of oil, gas, and hydrogen pipelines, as well as renewable energy development projects and electricity transmission and distribution facilities on Federal lands in the West to meet the region’s increasing energy demands while mitigating potential harmful effects to the environment. Utilization of designated corridors in sage-grouse key habitat areas in such manner so as to not compromise transmission reliability or the safety and security of America should be addressed in the RMP amendments and associated EIS.

Comment: We also urge the BLM to provide for flexibility in addressing impacts of transmission lines on greater sage-grouse and sagebrush management. Results of studies focused on determining the impacts of electric transmission lines on greater sage-grouse are highly variable and conflicting. Numerous studies indicate that no impacts occur or can be detected (Johnson et al. 2010, Douglas et al. 2005, Atamian et al. 2007) while others indicate that transmission lines can adversely impact greater sage-grouse populations or their habitats (Wisdom et al. 2010, Braun et al. 2002, Connelly et al. 2004). It is likely that the different results observed in these investigations are the result of site-specific habitat conditions and population-specific responses to transmission lines and associated environmental correlates. Additionally, the varied results of these studies might be explained by the different types of transmission lines that were evaluated or the level of landscape urbanization in which those transmission lines occurred. Because of the variability in the literature, the RMP amendments should provide flexibility to consider site specific habitat and landscape conditions as well as population-specific characteristics in the siting and permitting, construction, and mitigation phases of a project.

Comment: In response to the Energy Policy Act of 2005, several West-Wide Energy Corridors were designated in the Wyoming area. The intent of these Corridors was to concentrate energy infrastructure, yet there is nothing in IM 2010-012 that recognizes these corridors. Transmission lines utilizing these

corridors should be exempt from regulations or land use restrictions regarding sage-grouse. Please consider excluding the WWE Corridors from Core Area, just as important oil and gas production areas that still support important populations of sage grouse are excluded from Core Areas.

Comment: Where transmission lines are following existing transmission lines, even though separated by distances specified in the Western Electricity Coordinating Council's Planning Criteria or distances needed to ensure reliability, they should be exempt from regulations or land use restrictions regarding sage-grouse. Please consider excluding existing transmission line corridors from Core Area.

Comment: The Company has previously submitted information to the BLM regarding line separation or distance needed between power lines for reliability purposes. The report entitled "Rocky Mountain Power's response to The BLM's Request for Justification of Physical Separation Between Extra High Voltage Transmission Facilities" was recently re-submitted via email on August 5, 2010. BLM needs to carefully consider the requirement for line separation when developing recommendations and stipulations pertaining to transmission.

LIVESTOCK GRAZING

Comment: Unfortunately for the sage-grouse, livestock have grazed most of its habitat; scientists identify livestock grazing as an important factor associated with the widespread decline and degradation of sage-grouse habitat. (Hockett 2002), 107; see also Sage-Grouse Habitat Management Guidelines for Wyoming (July 24, 2007) ("Wyoming Guidelines"), 6 (recognizing that grazing "has the greatest potential to impact sagebrush habitats because it is the principle land management practice that affects herbaceous composition, cover, and height").

Comment: Mechanical and chemical methods were used to increase forage production for livestock and reduce or remove sagebrush. Conservation Assessment 7-28. The area of sagebrush "treated" between 1940 and 1994 on BLM land totaled over 180,000 km². Conservation Assessment 7-28. Excessive stocking and little management caused major changes in the composition of the plant community throughout the West. (Miller and Eddleman 2001). For example, improper grazing depleted the grass and forb understory and facilitated invasions by exotic plants species due to loss of understory, altered soils, or loss of soil crusts. Conservation Assessment 7-29. Excessive livestock and year-long or season-long grazing in the late 1800s and into this century resulted in severe degradation of riparian areas, resulting in the decreased availability of succulent forbs, and a shift towards more xeric adapted plants. (Miller and Edelman 2001), 23.

Comment: And scientists have found that the conventional wisdom suggesting 50% use actually results in range deterioration on semi-arid grasslands. (Hockett 2002), 108. Annual grazing in nesting habitat, regardless of the timing, can negatively impact the following year's nesting success.

Comment: As for riparian areas, grazing in summer and early fall can result in degraded "sacrifice areas" and the loss of wetland plants.

Comment: In other words, water developments in upland areas artificially concentrate livestock in important sage-grouse habitats, thereby exacerbating grazing impacts in those areas through vegetation trampling, soil compaction, and forage competition.

Comment: In addition to facilitating the spread of exotic plants, fences potentially increase mortality of sage-grouse by increasing predation rates by increasing the number of perches for raptors. Conservation Assessment 7-35. Other effects include the potential to create a predator corridor along fences, and habitat fragmentation. 12-Month Finding, 70 Fed. Reg. at 2257.

Comment: As for utilization rates, scientists determined that “moderate use” – removal of an average of 43% of the primary forage species – results in range deterioration in semi-arid grasslands.

Comment: Scientists also caution against the use of “range improvements.”

Comment: WWP recognizes, of course, that energy development itself is not a part of the grazing permit renewal process; BLM, however, cannot address adequately its proposed grazing decision without analyzing the cumulative impacts from – and mitigation measures of – nearby energy development. Indeed, the best management option for offsetting sage-grouse displacement resulting from energy development is to maintain or increase the carrying capacity of off-site habitats, including grazing allotments.

Comment: So while the Wyoming Department of Game and Fish lek count data shows rapid elimination of populations within oil and gas fields, lek count data from areas not impacted by oil and gas development show long-term and continual declines. What this means is that even without oil and gas fields eliminating populations throughout the state, currently permitted domestic livestock grazing is resulting in declines range-wide and without directly and effectively curtailing the impacts from this stressor the current declines will continue.

Comment: So the focus of the RMP amendments must be on reducing the stressor of domestic livestock permitting.

Comment: The current Standards adopted by the Wyoming BLM listed a number of "indicators" for each of the standards. Unfortunately, the methods applied in most Field Offices in the state fail to examine these indicators or others that may be applicable at the site-specific level.

Comment: The amendments must directly address this fact and provide a clear framework for implementing “appropriate actions” at the permit level to insure that the required “significant progress” is being made.

Comment: The BLM will actively promote a federally funded permit retirement program as part of its administrative solutions.

Comment: Planning criteria needs to include an objective ensuring management decisions are complimentary to other planning jurisdictions and adjoining properties. These planning jurisdictions and adjoining properties include deeded lands, and decisions reflected in the Amendment will critically impact landowners operations and planned livestock grazing management on these lands. For this reason, BLM officials need to make every effort to ensure their decisions regarding this Amendment are complimentary to adjoining properties.

Comment: Decisions affecting livestock grazing and other resource uses in the planning area will have significant direct impacts affecting grazing permittees. We encourage BLM officials to work with all grazing permittees and agriculture producers affected by this Amendment and learn their concerns and recommendations. Producers possess irreplaceable long-term, on-the-ground knowledge that should be utilized to its full advantage. They are particularly aware of impacts this Amendment will have on rangeland health, wildlife habitat, and livestock forage and can offer environmentally and economically sound recommendations. Thus, we strongly recommend BLM officials aggressively address the concerns and recommendations of these stewards throughout the planning process. This includes ensuring all grazing permittees directly affected by this plan receive all notices about this Amendment.

Comment: In addition to its economic significance, livestock grazing provides irreplaceable environmental and social values. These values contribute irreplaceable wildlife habitat, open spaces, rangeland buffers between federal lands and developments, scenic vistas, visual beauty, and the traditional image and heritage of the historic rural landscapes of Wyoming and the West. Losses of these essential environmental, historic, and social values of livestock grazing to users and visitors of the area and residents of impacted communities should be included in the scope of the EIS.

Comment: For several decades, BLM officials and grazing permittees have been working to improve rangeland health through the management of livestock grazing. The Amendment needs to adequately reflect these efforts. Range improvements, annual operating instructions, allotment management plans, monitoring, and other livestock grazing management tools have moved rangelands on these lands in a positive direction. The EIS chapters on affected environment and environmental consequences should acknowledge these efforts and improvements.

Comment: Livestock grazing is permitted on BLM lands and it is important that the sections of the EIS discussing livestock grazing specifically discuss livestock grazing management, just as the section on wildlife deals specifically with wildlife management. Livestock grazing must meet the provisions of grazing permits, allotment management plans and annual operating instructions. Thus, livestock grazing on federal lands within the planning area is managed. The desired effects are the result of agreed upon management practices of BLM officials and grazing permittees. For these reasons, the Amendment needs to address effects, goals, objectives and management actions of livestock grazing management, and not the actual act of livestock grazing.

Comment: Livestock grazing is an important tool used to enhance and sustain rangeland health. In Chapter Two of the EIS, which includes the goals, objectives, and management actions of the various resource values included in the Amendment, it is essential these goals, objectives and management actions for livestock grazing management include the promotion of livestock grazing management. This is a stark contrast to the belief that livestock grazing management exists only to promote all other resource values. Chapter Two should be written with the understanding that livestock grazing is an important resource value in and of itself.

Comment: In addition, this EIS should not single out the effects of livestock grazing on other resource values when other resource users create identical or similar impacts. All resource uses which affect another resource under study should be included. For example, it is essential neither wildlife nor livestock be spotlighted for credit or blame when both are responsible.

Comment: It is our understanding the Amendment will examine how proposed management of Greater sage-grouse will affect other resource values and uses. Often, the effects livestock grazing has upon other uses are focused on and the impacts of those uses upon livestock grazing management, forage availability and grazing permittees are overlooked. Planning needs to include the effects Greater sage-grouse management has upon livestock grazing management.

Comment: BLM needs to adopt policies that predict and enhance private landowners' ability to continue agricultural production on private lands that provide key wildlife habitat for now and into the future, particularly for sage-grouse habitat.

Comment: Livestock grazing contributes to the decline of the sage-grouse by fragmenting and degrading its sagebrush habitat. As the Service recently observed in its March 2010 Finding, "Currently, livestock grazing is the most widespread type of land use across the sagebrush biome almost all sagebrush areas are managed for livestock grazing." 75 Fed. Reg. at 13939 (citations omitted). In addition to degrading the sagebrush sea, livestock compete with sage-grouse directly. Grazing makes sage-grouse more susceptible

to predators and decreases nesting success because the livestock consume the grasses that sage-grouse rely upon for cover and the forbs that sage-grouse hens need for pre-laying nutrition. *Id.* at 13940. Grazing also promotes the introduction and spread of exotic plant species. For instance, livestock serve as a vector for the introduction of cheat grass, one of the leading causes for the larger and more frequent fires that Idaho and Nevada have experienced in recent years. Dyer, 2009 WL 484438 at *11. Invasions of state-designated noxious weeds are also “often associated with ground disturbances caused by wildfire, grazing, infrastructure, and other anthropogenic activity.” Infrastructure associated with grazing also increases sage-grouse mortality. Fences kill sage-grouse directly when the birds collide with them mid-flight and indirectly by providing perch sites for predatory raptors. *Id.* at 13929. Livestock also trail the corridors created by the fences and so further degrade sage-grouse habitat through soil erosion, compaction, the trampling of microbiotic soils crusts. Water developments such as troughs artificially concentrate livestock, resulting in sacrifices areas. They also provide fertile breeding grounds for mosquitoes that transmit West Nile virus. *Id.* at 13941.

Comment: The Field Offices also refused to consider grazing alternatives, summarily rejecting the idea of analyzing a no grazing alternative in the Pinedale, Kemmerer, Rawlins, or Casper RMPs. For instance, the four alternatives considered in the Rawlins RMP are identical with regard to livestock grazing. Similarly, none of the alternatives the Casper RMP considered in detail mandated any reduction in the area open to grazing or the permitted number of AUMS. In its proposed statewide EIS, the Wyoming Office must remedy both of these violations. Given the profound impacts that livestock grazing has on sage-grouse and their habitat – not to mention the fact that this practice is ubiquitous throughout the public lands – an analysis of the sage-grouse’s situation that fails to consider grazing impacts would be incomplete and, consequently, misleading. The Wyoming State Office should also consider one or more alternatives that significantly reduce livestock grazing.

MINERALS AND ENERGY

Comment: The BLM should continue to support wind energy development on public lands. As part of an overall strategy to develop a diverse portfolio of domestic energy supplies for our future, the National Energy Policy of 2001 and the Energy Policy Act of 2005 (Public Law 109-58, August 8, 2005) encourage the development of renewable energy resources, including wind energy. Section 211 of the Energy Policy Act established a goal that the BLM would approve 10,000 MW of non-hydropower renewable energy projects on federal lands by 2015. The development of wind energy will be an important contribution to that goal. The BLM Energy and Mineral Policy, signed by the Director on August 26, 2008, also recognizes that federal lands are an important source of the nation’s renewable energy resources, including wind energy (BLM 2008a). Precluding wind energy development on public lands without an objective NEPA analysis of a proposed action is inconsistent with national policy and Policy Statement 10 of IM 2010-012.

Comment: Oil shale development, uranium mining, and strip mining for coal should be excluded from lands within 5 miles of leks Oil shale and tar sands development is a principal threat to sage grouse persistence. Similarly, uranium and coal strip mining cause 100% habitat loss, while in-situ leaching for uranium results in a tight pattern of well pads, roads, and pipelines so dense as to completely destroy habitat effectiveness for sage grouse. These activities should also be precluded within 5 miles of leks, although underground mining may be allowable if surface disturbance and occupancy are not needed.

Comment: Once Core Areas are designated, they should be withdrawn from consideration for wind power projects until such time as scientific study can demonstrate the level and/or type of development that is compatible with maintaining sage grouse populations. Because wind turbines represent tall structures which sage grouse are widely accepted to avoid behaviorally, the erection of a wind power facility in or adjacent to sage grouse habitat potentially leads to the abandonment of that habitat by

grouse. For this reason, the USFWS (2003, and see Manville 2004) recommended siting wind turbine facilities at least 5 miles away from the leks of prairie grouse, which include the sage grouse and sharp-tailed grouse. We support these recommendations and the precautionary approach they adopt in the absence of firm evidence that utility-scale wind power generation is compatible with maintaining sage grouse habitat function. The same caution should apply to known wintering habitats. This precautionary approach should be applied until such point as valid scientific analysis shows that a lower level of protection is compatible with fully maintaining and recovering sage grouse populations.

Comment: It is estimated that this region has 284 trillion cubic feet (Tcf) of technically recoverable natural gas – enough gas to provide all of America’s current household energy needs for 60years. Any attempts to limit access to this resource in any given area requires our nation to rely more heavily on foreign sources of energy.

Comment: The majority of lands in the Intermountain West are managed by federal land management agencies, and new development will only occur if the BLM and others recognize the importance of allowing reasonable access to natural gas reserves to provide energy to an estimated 62million American households.

Comment: Does BLM plan to amend the Reasonable Foreseeable Development (RFD) scenarios for these RMPs in order to accommodate more extensive management requirements?

Comment: BLM should use the latest available data on the resource potential, factoring in unconventional reserves and technological advances.

Comment: CBNG development has substantial negative impacts on sage grouse populations. Sage grouse avoid areas with CBNG development during the breeding season, as well as winter, even though 70-80% of all sagebrush is within 200 meters of CBNG infrastructure. (Naugle et al. 2006), 5, 10, 11-12.

Comment: Impacts of oil and gas development include habitat fragmentation and direct loss of habitat for well pads, roads, and pipelines. Conservation Assessment 7-40; (Connelly et al. 2000), 974.

Comment: Female sage-grouse disturbed on leks by natural gas development must move farther from the lek to nest, and even then have lower nesting success relative to less disturbed sage-grouse. Matthew J. Holloran, Greater Sage-Grouse Population Response to Natural Gas Field Development in Western Wyoming (2005), 17.

Comment: As for energy development impacts, well density should be no greater than one well per section within 3 km of a lek. (Holloran 2005), 58. At a minimum, all areas within 5 km of known leks in suitable breeding habitat should be protected from development, including drilling and road construction.

Comment: While details about the application of the screen need to be clarified, we do strongly support the concept of a straight-forward, decision-tree approach to determining appropriate recommendations for leasing lands in Core Areas. A similar approach should be developed for other types of energy development, such as wind energy and uranium projects, on public land because it provides a clear, unbiased decision process.

Comment: When we decide we're going to drill in a township or in somewhere like a township in a large area, consolidate tank batteries into a least 1000 barrel to 10,000 barrel tanks so that these 400-barrel tanks aren't all over the area and trucks can come into one location, pick up their crude and not drive all over doing it.

Comment: Our members conduct their operations throughout Wyoming and have actively worked with BLM and the State to develop reasonable measures to protect sage-grouse and associated habitat. To that end, an unprecedented comprehensive effort is underway by the energy industry to ensure the survival of the sage-grouse in areas of oil and natural gas exploration and development. We urge BLM to recognize and iterate in the plan amendments the dynamic mitigation measures that have been utilized by the oil and gas industry for over two decades to protect sage-grouse.

Comment: BLM intends to reduce the “existing” level of density of energy production. Has BLM formulated specific criteria that will be used to determine the degree to which reductions should occur? How can a reduction of existing production be accomplished without abrogating operators’ valid existing rights?

Comment: There is a density limit in core areas. What level of activity will be permitted outside core areas?

Comment: BLM is to include the collection of baseline data and outline the components of post-project monitoring relative to project planning. What will be expected from industry in terms of data collection and the post-project monitoring components? Please explain the degree to which BLM’s authorities allow imposition of monitoring requirements on operators. Industry understand its obligations for mitigating impacts of its development proposals but remain uncertain regarding those associated with monitoring and the acquisition of baseline data.

Comment: There have been compliance issues regarding the time of reclamation efforts in the Powder River Basin where seeding activities are being subjected to timing restrictions. Given the fact that industry must operate within strict drilling windows and comply with 30-day reclamation requirements, it is important to allow seeding to proceed when conditions are most favorable as this will provide the opportunity for the most successful and timely reclamation to occur.

Comment: The IM fails to acknowledge that well spacing is predicated upon geologic structure and reservoir characteristics rather than by surface considerations. How does BLM intend to resolve this potential conflict without destroying the viability of a proposed project?

Comment: Implementing water management alternatives such as subsurface alternatives such as subsurface injection has the potential to render an existing or proposed project uneconomic. BLM must recognize that some operators have financial limitations or return on investment expectations that would preclude the use of subsurface injection or other more costly water management options.

Comment: More information is needed on the potential detrimental effects that wind turbines have on sage-grouse.

Comment: Like grazing, energy development has profound impacts on the sagebrush steppe and the species that depend upon it such as the sage-grouse. Oil and gas development directly causes sage-grouse populations to decline by causing the sage-grouse to abandon leks, decreasing lek attendance, decreasing nest initiation, decreasing nest success rates, and decreasing chick survival rates. 75 Fed. Reg. at 13942. Oil and gas development impacts sage-grouse indirectly by fragmenting sagebrush habitat, dividing it up with roads and other infrastructure. Oil and gas development also creates man-made ponds that harbor mosquitoes and serve as vectors for West Nile virus. Naugle et al, supra, at 8-9. It is particularly important for Wyoming BLM to address the impacts of oil and gas development on sage-grouse. In addition to containing the largest amount of remaining sagebrush habitat of any state, Wyoming contains over 26 million acres of federal mineral estate, 52 percent of which has already been authorized for development. 75 Fed. Reg. at 13943. Moreover, areas being developed in southwest Wyoming and northwest Colorado

are some of the largest and most ecologically intact sagebrush landscapes with the highest densities of sage-grouse remaining in North America. Documented negative impacts suggest the pace and extent of future development will have a large role in the future status of region-wide sage-grouse populations

Comment: All of these studies clearly demonstrate that BLM-authorized oil and gas development, with current mitigation measures, has severely impacted sage-grouse populations and habitat. This trend is likely to continue unless BLM puts in place stronger protective measures that will truly prevent or reduce impacts to sage-grouse and its habitat.

Comment: BLM should apply the conclusions of the studies related to oil and gas development as appropriate, but should also acknowledge the need for new research and information specifically related to wind and uranium development.

Comment: We discourage the BLM from precluding wind development in the Core Population Areas altogether. Rather, where locally collected scientific data, supported by comprehensive objective NEPA analysis presents compelling justification for variance, we believe that the BLM should approve wind development under limited circumstances approved under a variance request in accordance with IM 2010-012.

Comment: The Wind Energy Development Policy (IM-2009-043) should guide the RMP amendments, in that the Policy requires that "the initiation of any new planning effort to create, revise, or amend a BLM land use plan will comply with policy as provided in this IM". IM- 2009-043, Policy/Action. The Policy allows for site-specific land use plan amendment to be addressed concurrently with the processing of a wind energy application. In addition, the Visual Resource Management and other guidelines indicate that they are not intended to be used to exclude or preclude land uses, including opportunities for development of wind energy in areas with high wind energy resource potential, and are to be consistent with national energy priorities. IM-2009-043, VRM.

RECREATION

Comment: And I'm very concerned about the nature and the way that the core sage-grouse areas are set and their relationships, and I think that we're heading towards a strategy that is overly a cookbook approach where you're crunching numbers and acres and things to regulate oil and gas and other surface disturbance with -- while you're neglecting to address the disturbance to sage-grouse habitat that's done by the public at large recreational users. Certainly people on ATVs running through a lek have a lot more impact than an oil company operating several miles away in a responsible manner, as a way of example

SOCIOECONOMIC

Comment: As part of the RMP amendment process, BLM should address the socio-economic impacts of applying more restrictive sage grouse management requirements, factoring in the projected reduced level of activity inside core areas.

Comment: Therefore, BLM needs to analyze the effect on the local, state and national governments from the loss revenue that will arise from the implementation of the new sage-grouse policies. The analysis should also include loss of jobs and the increase of unemployment compensation.

Comment: Grazing on public lands represents a vital economic value to agricultural producers and to local communities. Impacts on this economic activity need to be included in the study. We urge BLM officials to coordinate with the Department of Agricultural and Applied Economics located in the

University of Wyoming, College of Agriculture. They have conducted several studies about the impact of policy upon agriculture throughout the state. The studies include the importance of Animal Unit Months (AUMs), the significance of input and output of state agriculture, and the costs and revenues to counties of agriculture compared to development. This Amendment will directly affect the continuation of livestock grazing and other agricultural operations on federal and private lands within and adjacent to the planning area and these evaluations of economic impacts upon agriculture need to be included in the EIS.

Comment: The EIS and amendment process, BLM is required to set forth the impacts of its decisions on local communities, the state and the nation. The Core Area restrictions will reduce economic activity, will reduce jobs in the private sector, and will reduce royalty and tax payments to all levels of government. The EIS should honestly address the cost of "saving" the sage grouse.

Comment: Devon recommends that BLM thoroughly analyze the socio-economic impacts against the protection of Sage-Grouse and its habitat. This would include not only restricted development in an area already leased, but also BLM's discretionary ability to defer leasing to protect Sage-Grouse leks and its habitat.

Comment: Growth-inducing effects, such as impacts on local housing availability, job creation, and impacts on roads and social facilities are important parts of an EIS. In the context of sage-grouse conservation, there may be other benefits and impacts to consider, such as impacts on job creation or preservation of some economic activities at the expense of others. The economic benefits of species conservation should be disclosed in the EIS, but we acknowledge this is tricky analysis to do. We encourage BLM to fully consider socio-economic impacts, but also disclose any uncertainties in its analysis in order to allow the reader to understand agency decision-making. Too often in the sage-grouse debate one side or the other makes broad statements about economic impacts or benefits without any specific information to back it up.

SPECIAL MANAGEMENT AREA DESIGNATIONS

Comment: Obviously, the amendments must create large-scale Sage Grouse ACEC's over large areas of nesting, brood rearing and winter habitat, with specific, enforceable objectives and requirements specific to sage grouse recovery and reductions in habitat fragmentation and degradation.

Comment: We would also like to see particular sage-grouse core areas within Wyoming designated as Areas of Critical Environmental Concern (ACEC – 43 U.S.C. 1702). This would allow for special management to protect and prevent irreparable damage to important wildlife habitat.

Comment: The scientific community is in agreement about why the sage-grouse is declining, and what it needs to survive. The destruction, degradation, and fragmentation of sagebrush habitat is the principal reason for the species' decline, and in order to survive, the sage-grouse needs large expansions of interconnected, intact sagebrush free from human disturbance. This consensus points to a clear path going forward: BLM should designate large, interconnected patches of intact sagebrush as Areas of Critical Environmental Concern ("ACECs") and establish appropriate management practices to protect these habitats, not only for sage-grouse but also many other sagebrush-obligate species.

Comment: Because BLM has the statutory authority and duty under FLPMA to establish and determine management prescriptions for ACECs as the top priority of the land use planning process, BLM must develop and analyze ACECs during the Wyoming EIS process in order to protect sage-grouse and other sagebrush obligate species. Since the primary management criterion for these ACECs would be the preservation of sagebrush obligate species, no activities harmful to sage-grouse would be authorized within the ACECs' borders.

Comment: To facilitate BLM’s development of such ACECs as part of the Wyoming EIS process, we are attaching to these comments a set of maps developed by WildEarth Guardians using the best available scientific information in order to identify essential habitats that we believe should be designated and protected as Sagebrush Reserve ACECs. We will be happy to provide you with more information about these maps and how they were developed during the EIS process, if BLM desires. Likewise, we would welcome the opportunity to meet with BLM to help identify appropriate management prescriptions for the Sagebrush Reserve ACECs.

SPECIAL STATUS SPECIES

Comment: Inconsistency of Timing Restrictions IM 2010-012 – Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands including the Federal Mineral Estate – provides for timing, distance and density restrictions under Policy Statement 2. The timing restrictions in IM 2010-012 (March 15 to May 15) are inconsistent with those in the approved Rawlins Resource Management Plan (March 1 to July 15). They are also inconsistent with those contained in the Permitting Process and Stipulations for Development in Sage-Grouse Core Areas developed by the SGIT (March 15 to June 30) and included in the Governor’s Executive Order 2010-4. The BLM should consider in its RMP amendments the need for consistency of these timing restrictions.

Comment: Variances from Timing and Spatial Stipulations Scientific information and regulatory approaches for establishing and implementing timing and spatial stipulations vary. While all timing and spatial stipulations should be reviewed across Wyoming and made consistent to the extent possible to provide greater certainty for public land users, we recognize that a “one size fits all” approach might not be appropriate in all cases or for all industries (oil and gas or mining stipulations might not apply to other land uses). To account for the scientific and regulatory uncertainty that is often associated with rigid uniform spatial and timing stipulations, the RMP amendment process should recognize the importance of site-specific conditions and should identify a waiver or exception process for all or a portion of the stipulations should site-specific conditions warrant the change. Topography, elevation, vegetation, and a number of other environmental variables need to be considered when applying any stipulation. Similarly, the type of activity should be considered before applying a spatial or timing stipulation. Some activities might be consistent with or beneficial for greater sage-grouse and sagebrush management and should not be precluded because of the timing of the activity or the proximity of that activity to sage-grouse habitat. IM 2010-012 provides a process for obtaining variances³. We support the issuance of variances from the policies set forth in IM 2010-012 when based upon locally collected scientific data and information that has undergone NEPA analysis. The RMP amendments should clearly set forth the process for obtaining variances in a manner that is readily accessible. Policy Statement 5 (Resource Management Plans) requires BLM to incorporate into WY BLM Field Office RMPs sage-grouse specific exception criteria for application of greater or lesser restrictions to short or long-term activities. Those exception criteria should be clear, based on local conditions, and reflective of multiple use considerations.

Comment: In addition, RMPs also typically contain provisions for obtaining exceptions from standardized RMP Best Management Practices. Based upon site specific conditions, Field Office managers may approve exceptions in limited circumstances. For instance, a Field Office manager may waive a timing restriction where it has been determined that a nest is unoccupied or abandoned. The BLM should incorporate the wildlife exception request process specific to greater sage grouse and sagebrush management into its RMP amendments.

Comment: Policy Statement 2 of IM 2010-012 references WY BLM Guidance for Use of Standardized Surface Use Definitions (WY IB 2007-029) for surface disturbing and disruptive activities. For non-emergency actions, the BLM defines “disruptive” activity in sage-grouse nesting habitats as an activity requiring people and/or activity to be in nesting habitats for a duration of 1 hour or more during a 24-hour

period during the nesting season in a site-specific area. WY IB 2007-029 defines “disruptive activities” in relevant part as “Those Public Land resource uses/activities that are likely to alter the behavior, displace, or cause excessive stress to existing animal or human populations occurring at a specific location and/or time.” The BLM should carefully consider and analyze in the EIS public lands uses and activities that may be inappropriately classified as “disruptive”. For instance, we are aware of no studies or peer reviewed scientific articles establishing that wind turbine maintenance is likely to alter the behavior, displace, or cause excessive stress to existing greater sage-grouse at a specific location and/or time. Studies have suggested that roads associated with oil and gas development impact greater sage-grouse due to their persistence and continued use even after drilling and operations cease (Lyon and Anderson 2003). A more recent study has suggested that natural gas impacts to greater sage-grouse are associated with relatively high levels of activity (Holloran 2009). Routine maintenance associated with a wind farm is infrequent compared to typical oil and gas operations. A wind turbine requires scheduled maintenance at approximately six month intervals, whereas a producing well may require daily visits. Road use within a wind farm occurs at a much lower level than that of a typical oil and gas development. Rather than applying broad stipulations to all development, BLM should carefully consider the available science and develop stipulations specific to each type of use. Specifically, the BLM should not consider scheduled turbine maintenance a disruptive activity in the absence of scientific studies supporting such finding.

Comment: Similarly, the BLM should carefully consider and analyze in the EIS public lands uses and activities that may be classified as “emergency”. For instance, component failure, such as turbine blade replacement or repair, may present an emergency situation or fall into the category of unscheduled maintenance. In either event, it is imperative that repairs be performed as quickly as possible. The Wind Energy Development Policy provides as a Best Management Practice that inoperative turbines be repaired, replaced or removed in a timely manner. Operators are required to demonstrate due diligence in the repair, replacement, or removal of turbines and failure to do so may result in termination of the right-of-way authorization (IM 2009-043 Attachment 1-17). RMP timing restrictions must be consistent with BMP requirements under the Wind Energy Development Policy.

Comment: The Wyoming Governor’s Executive Order 2010-4 provides under paragraph numbered 7 that “For activities outside of Core Population Areas, no more than one-quarter (1/4) mile no surface occupancy standard and a two mile seasonal buffer should be applied to occupied leks” [emphasis added]. The Executive Order encourages incentives to enable development of all types outside Core Population Areas even though some incentives may result in reduced numbers of sage-grouse outside of Core Population Areas⁴. Accordingly, the RMP amendment process should remove most or all restrictions related to surface disturbing or disruptive activities outside of the sage-grouse key habitat areas given the far greater restrictions imposed on key habitat areas. Without removing surface disturbing and disruptive activities stipulations, projects outside of Sage-Grouse Core Management Areas but nonetheless having leks, nesting habitat, and wintering habitat will have restrictions at all times except for the period between July 15 and November 15. Such restrictions will cause these project areas to become default sage-grouse key habitat areas, which is not consistent with Wyoming’s Core Area Strategy or the BLM’s multiple use mandate. The restrictions are also inconsistent with the intent of IM 2010-012 which is to manage sage-grouse key habitat areas in a more restrictive manner than non-key habitat areas.

Comment: The BLM’s planning process should address protocols for development in key habitat areas. Some activities and some types of development may not impact greater sage-grouse or the impacts may be consistent with sage-grouse management objectives. If these activities can demonstrate that the impacts are negligible or beneficial for greater sage-grouse, those activities should be approved by BLM. These activities are not limited to industrial development, grazing, or other impactful surface uses. For example, some sage-grouse conservation measures and habitat improvement projects require disruptive activities and surface disturbance in sage-grouse key habitat areas during periods of timing restrictions. Such activities may include spring vegetation planting (necessary for erosion control), reclamation, water

development, fence marking and removal, noxious weed treatment, approved sage-grouse monitoring efforts, and activities related to managing other resources.

Comment: The BLM should provide flexibility in its RMPs to review site specific proposals for wind energy development based upon local conditions and current best available science. Policy Statement 10 (Variances) of IM 2010-012 allows Field Offices to vary from the policies set forth in IM 2010-012 “where locally collected scientific data supported by comprehensive, objective NEPA analysis of a proposed action presents compelling justification for variance”. There are a number of on-going research studies evaluating impacts of wind energy development on greater sage-grouse and sagebrush management. RMPs should allow BLM to evaluate each wind energy development proposal based upon its merits and in light of the current best available science.

Comment: The sage grouse is a good umbrella species, the protection of which would assist in the conservation of many other sagebrush obligate species that are currently declining (Rowland et al. 2006b). The plan amendments should therefore focus not just on sage grouse but on protecting the sagebrush ecosystem as a whole, at a landscape scale, which will also protect other BLM Sensitive Species such as the pygmy rabbit, white-tailed prairie dog, burrowing owl, ferruginous hawk, sage sparrow, sage thrasher, and Brewer’s sparrow. We encourage BLM to approach the sage grouse plan amendment with an eye toward protecting large core segments of high-quality habitat and also to establish connectivity between core areas to lessen the likelihood of extirpation through permitting interchange of sage grouse between core areas.

Comment: In its list of Problem Statements, WAFWA (2006) outlined a daunting list of threats to sage grouse persistence: -Invasive plants, especially cheat grass, are having major impacts on ecosystem functioning sagebrush habitats - Landscapes managed for livestock grazing may fail to provide optimum habitat for sage grouse. - Management of agricultural lands can adversely affect sage-grouse (e.g. pesticides and crop harvesting) -Fences cause direct mortality for sage grouse and serve as perches for their predators-Human-caused impediments to natural water drainage can reduce the input of water, nutrients and sediments, which help to sustain and recruit sagebrush.- The placement of energy corridors and associated facilities may lead to negative impacts to Greater sage-grouse and their habitats.- Placement, use, construction, and maintenance of roads and railroads in Greater sage grouse habitat may lead to negative impacts - Tall structures and associated activities in Greater sage-grouse habitat may lead to negative impacts on Greater sage-grouse.- the effects of fencing, power lines, road fragmentation, and disturbance from human dwellings and activities associated with exurban development render much of it inhospitable to sage-grouse- Greater sage-grouse and habitat used by the species can be negatively impacted by dispersed recreational activities.-Potential impacts to Greater Sage-grouse and sagebrush habitats from minerals recovery include direct habitat loss, habitat fragmentation, noise, air quality degradation, changes in water availability and quality, and increased human presence.- The loss of 44% of Greater sage-grouse range to date and the fragmentation/ habitat degradation of remaining range poses great challenges for the perpetuation of the species.- The increase in the distribution and density of conifer woodlands is a significant threat to the sagebrush ecosystem.- Site-adapted species of native plants are not available in the quantities needed to meet desired restoration program goals.- knowledge and capacity to achieve habitat restoration are inadequate to meet range wide restoration goals- Vegetation structure and composition in the sagebrush ecosystem have undergone major changes since European settlement in part due to human-induced changes in fire regime- Lack of a clearinghouse for information related to sage grouse and sagebrush ecosystems- Lack of a definition and metrics for success or failure of conservation actions for sage grouse- There is a lack of understanding of social and economic effects (both positive and negative) of human activities on sage grouse and habitat persistence- Lack of analytical tools to model effects of habitat treatments (succession, disturbance, bird response)- Lack of coordination for funding, research, monitoring and management- Greater Sage-grouse may be negatively impacted by inconsistent and inadequate application of regulations within and among agencies.- Some

regulations are antiquated resulting in negative impacts on Greater Sage-grouse and their habitat, sometimes disincentivizing solutions- Current approaches do not facilitate coordinated planning and implementation and evaluation of plans that integrate the issues and address cumulative effects- No standardized infrastructure has been developed to facilitate exchange of scientific and management information and learning among local working groups- Lack of coordination of agency policies, programs and regulations at national, regional, state and local levels to address issues has adversely affected sage-grouse conservation. The BLM should address each of these challenges in its forthcoming NEPA document on the sage grouse plan amendments. While a few of these challenges, particularly those related to setting up information clearinghouses and communicating between various agencies, are presently being addressed to some extent, most of the threats that relate directly to sage grouse habitat quality and population trends not only still remain but are in many cases getting worse.

Comment: Survey efforts of lek populations have grown significantly over the past years (see, e.g., South-Central Local Working Group 2007:8-9, and see BHSBLWG 2006: 14), which complicates efforts to track population trend because apparent increases in aggregated lek counts may overestimate increases and underestimate decreases because increased survey effort can turn up more grouse counted, even during a population decline. BLM should undertake a review of sage grouse population sizes and trends over the past 20 years for each Field Office in question in fulfillment of NEPA's baseline information requirements.

Comment: The Wyoming population as a whole faces grave threats. But even in parts of Wyoming unaffected by energy development, sage grouse populations are dwindling away. At the same time, very little sage grouse habitat in Wyoming is currently protected. It is up to BLM to remedy this deficiency by creating large-scale sagebrush reserves, potentially in the form of Areas of Critical Environmental Concern, that protect the best key sage grouse habitats, close these areas to future minerals leasing other types of industrial development, and impose stringent measures to protect sage grouse on leases that have already been issued in these areas.

Comment: The sage grouse Core Areas as designated by the State are based on political compromise more than science: All of the areas that industry is interested in industrializing have been excluded, regardless of their value to the persistence of the grouse. Portions of the largest (75% of population) leks are explicitly excluded from the Core Areas even though they contribute importantly to the overall statewide population; this political concession to the oil and gas industry to exclude key sage grouse areas that are presently leased for oil and gas development and/or are slated for energy projects over the near term harms the potential for maintaining grouse populations. We understand that up to a third of core areas would be expected to see some industrial development in the future; this is excessive if the Core Areas are to fulfill their purpose of maintaining grouse populations.

Comment: The wording of the SGIT recommendations is very ambiguous with regard to how exactly sage grouse management would occur both inside and outside the Core Areas. Within the core areas, an activity could occur "only when it can be demonstrated that the activity would have no negative effects on sage grouse."² This would be a very stringent requirement if actually applied rigorously. Based on the results of Holloran (2005), this means that drilling in nesting habitat would need to be no denser than 699-acre spacing, and active drilling would not be allowed within 3.1 miles of a sage grouse lek during nesting season and no producing wells would be allowed to be drilled 1.9 miles or closer to a sage grouse lek. We suspect, based on conflicting language within the recommendations, that there may be no intention of fulfilling this rigorous recommendation. For instance, within Core Areas, management would rely on "non-regulatory measures;" it would not be possible to regulate well densities and distances from leks without regulatory measures. See *Id.* at 2. In addition, reliance on Controlled Surface Use Stipulations (which apply to rather negligible issues like what color to paint the tank batteries) rather than No Surface Occupancy stipulations (which would be needed to enforce the distances of producing wells from the lek

site). Thus, it appears that the aspirational language on p.1 of the recommendations is undermined by the nuts-and-bolts direction on page 2.

Comment: The BLM Instruction Memoranda aren't much better (and indeed, may in fact afford weaker protections). Inside Core Areas, moratorium of leasing only occurs inside (not adjacent to) identified habitat, even though it is well-known that the impacts of development outside habitat extend great distances into adjacent appropriate habitat. By protecting the lands within 4 miles of the most populous sage grouse leks, the core area recommendations fail to provide adequate habitat protection for migratory sage grouse populations, which may move farther than 4 miles from the lek site to nest. The problem is even more severe as regards winter range for migratory sage grouse populations.

Comment: The Core Area policy also appears to write off sage grouse populations outside the Core Areas in favor of accelerated development permitting (and potentially the waiver of already weak sage grouse lease stipulations) there, which means that a third or more of the already-reduced Wyoming population is placed at greater risk. Rather than settling for additional sage grouse population reductions beyond those already suffered by the species, we would submit that the appropriate benchmark should be increases in populations and expansions in occupied range in Wyoming.

Comment: Outside Core Areas, at most the current Wyoming BLM Instruction Memorandum calls for quarter-mile NSO buffers for leks and 2-mile Timing Limitation Stipulations for the breeding and nesting season. In many cases, even weaker protections apply, or none at all. Science has shown these measures to be woefully inadequate. The State, in its sage grouse policy, has targeted only 50% retention rate for sage grouse populations outside Core Areas. The BLM can do better than this, and we expect BLM to implement measures sufficiently strong to maintain and recover sage grouse populations outside Core Areas as well as inside them.

Comment: Winter habitats should be protected as Core in winter, Sage-grouse selected large expanses of sagebrush with gentle topography and avoided conifer, riparian, and energy development (Doherty 2008). Well density had an additional effect (id.). Sage grouse were 30% more likely to use winter habitat if CBM development was not present (id.). There was a landscape-scale effect of habitat selection, with areas with greater sagebrush at a 4 km² scale receiving greater winter use (id.). According to Doherty (2008:22), "Identifying and setting aside areas of undeveloped, high-quality habitat within the project area should be top priority." Doherty (2008:22) asserted, "My spatially explicit winter habitat model can be used to identify areas in the PRB that provide the best remaining habitat for sage-grouse in winter." BLM should apply this model to the Powder River Basin and place areas predicted to be the best remaining sage grouse winter habitat off-limits to future oil and gas leasing, in addition to placing strong restrictions on the level of development that is allowed on existing leases.

Comment: It is therefore critical to protect not just the lek itself, but a substantial amount of the nesting habitat surrounding the lek, through No Surface Occupancy buffers. We recommend, based on the findings of Holloran, NSO buffers of 2 miles around the lek with additional Timing Limitation Stipulations extending 3 miles from the lek during the breeding and nesting season.

Comment: We recommend pairing a 2-mile NSO with well density limitations of 1 pad per square mile inside Core Areas.

Comment: Like wells, roads should be restricted from being built within 2 miles of leks. For already existing roads, a seasonal "lock-out/gate-out" policy should be enforced between March and July. There is precedent for the in the Bill Barrett Big Porcupine CBM Field on the Thunder Basin National Grassland, in which by Settlement Agreement roads within 2 miles of leks are closed each spring, and operator access during this period is via bicycle.

Comment: BLM should establish Core Areas in its RMP that protect all high-value sage grouse (both high and low risk); the state Core Area designations increasingly exclude High Value, High Risk sage grouse habitats from Core Area protections. Ironically, these are the habitats in greatest need of protection. This places the state in the inane position of “protecting” sage grouse in areas where the threat probability is remote, while denying protection in areas where the threats are real and imminent. The BLM should not follow this logically flawed strategy as it will not only fail to recover the sage grouse, but also will lead to increases in lek abandonment and decreases in overall sage grouse population, increasing the probability of Threatened or Endangered status for the grouse.

Comment: Best Management Practices should be required in RMPs. There are a number of Best Management Practices for oil and gas development that could be required by BLM and other agencies, but are not. The sad truth is that listing Best Management Practices does nothing to improve conditions on the ground for wildlife if these BMPs remain voluntary. The Washington Office produced a fairly comprehensive set of Best Management Practices for oil and gas development, 4 along with some language that they should be employed. In no projects of which we are aware has BLM ever required implementation of these Best Management Practices, leaving their adoption up to operators on a voluntary basis. As a result, the vast majority of projects employ few if any of these Best Management Practices, and the sage grouse populations affected by these projects have suffered accordingly.

Comment: The scientific literature is also replete with recommendations for improving the lot of sage grouse, which to date have been ignored by the agencies. For example, Walker et al. (2007:2653) recommended, “at minimum, burying power lines; minimizing road and well pad construction, vehicle traffic, and industrial noise; and managing water produced by CBNG to prevent the spread of mosquitoes that vector WNV in sage-grouse habitat” (internal citations omitted). These measures are seldom employed in practice.

Comment: Given the cyclical nature of sage grouse population trends, West Nile presents the archetypal example of a stochastic event that could spell extirpation for fragmented populations:

Comment: If the Core Area strategy “protects” areas that are not threatened (and therefore need no protection) while ignoring areas where sage grouse habitats face the actual threat of industrial use, then the policy becomes a farce and does absolutely nothing to protect the bird that it was established to protect. One of the primary problems is that Core Area boundaries are shifted to make room for industrial development after Cores have been established, and the State plan is to revise boundaries every 5 years, affording future opportunities to carve out prime habitats and remove them from Core Areas to allow industrial use. Since the Sage Grouse Implementation Team plans to redraw Core Areas every 5 years, and has shown a willingness to exclude prime and pristine habitats from Core status on the basis of new industrial proposals, the result is that Core Areas have been defined simply as the lands that industry doesn’t want, where threats are a remote possibility. Until the next round of industrial proposals, when heretofore “protected” lands, cause further re-drawing of the boundaries. This is lunacy, not habitat management, and somebody needs to step in and fix it. That somebody, for federally owned lands and minerals, is the BLM.

Comment: It is beyond dispute that sage-grouse populations are declining throughout the West. This decline was recognized over 50 years ago, and land-management agencies have been presented with various voluntary “guidelines” for protecting sage-grouse habitat for over 30 years, yet the future of sage-grouse remains bleak.

Comment: Consequences of fragmentation include competition for fewer suitable nesting sites, reduced food supplies, and the isolation of breeding habitat from brood-rearing areas and leks from nesting habitat. BLM Sagebrush Guidance, 12.

Comment: Agencies must then determine if the sage-grouse population is migratory. (Connelly et al. 2000), 975. If it is, migration routes and seasonal habitats must be identified to allow for meaningful management decisions. (Connelly et al. 2000), 975.

Comment: Seasonal habitats must also be mapped for non-migratory populations. BLM Sagebrush Guidelines (2004), 24-25.

Comment: Breeding populations should be assessed each year. (Connelly et al. 2000), 975.

Comment: Specifically, BLM should manage breeding habitat, which is where lek attendance, nesting, and early brood-rearing occur, to support 15-25% canopy cover of sagebrush in breeding habitat, 10-25% in brood-rearing habitat, and 10-30% in wintering habitat; herbaceous cover averaging ≥ 18 cm in height, with $\geq 15\%$ canopy cover for grasses and $\geq 10\%$ for forbs; and a diversity of forbs during spring. (Connelly et al. 2000), Table 3, 977; see also BLM Sagebrush Guidelines, 21 (recommending that season of use, numbers of livestock, and grazing intensity be changed to promote the growth of grasses and forbs needed by sage-grouse). At least 80% of breeding and brood-rearing habitats should be maintained within these prescribed conditions. (Connelly et al. 2000), Table 3, 977.

Comment: For non-migratory sage-grouse where sagebrush is not distributed uniformly, BLM should protect sagebrush and herbaceous understory within 5 km of occupied leks; where sagebrush is distributed uniformly, a 3.2 km buffer should be used. (Connelly et al. 2000), 978; but see (Holloran 2005, Appendix A-10 (noting that only 64% of nests are located within 5 km of leks and recommending a minimum buffer of 5 km, even in contiguous habitats, and also protection for any identified nesting habitat, regardless of distance from leks); Clait E. Braun, A Review of Sage-Grouse Habitat Needs and Sage-Grouse Management Issues for the Revision of the BLM's Pinedale District Resource Management Plan (2002) (recommending 3-mile buffer); Wyoming Guidelines (2007), 20 (recognizing that a two-mile buffer includes only 45% of the nest sides and so is "only a limited protective measure").

Comment: For migratory populations, BLM should identify and protect breeding habitats within 18 km of leks. (Connelly et al. 2000), 978. In areas of large-scale habitat loss (40% or more of original breeding habitat), all remaining habitat must be protected from additional degradation. (Connelly et al. 2000), 978.

Comment: The importance of this realization cannot be understated, because what this means is that the BLM cannot continue to increase resource extraction, habitat fragmentation and degradation as it has been over the last 70 years. In fact, it is obvious that the BLM cannot even continue permitting the current levels of resource extraction, habitat fragmentation and degradation and expect anything other than a continuing decline in occupied area and populations.

Comment: The importance of restoration is underscored by recent studies conducted by federal scientists, including those with the BLM. For example, scientists associated with the ICBMP process conducted modeling studies which found that "passive" restoration – in the form of a 100% reduction in "deleterious grazing" – plus a six-fold increase in "active" restoration across sage-grouse habitats on BLM and Forest Service lands in the Interior Columbia Basin would be needed to substantially improve sage-grouse habitats in comparison to current management.

Comment: Species proposed for listing under the ESA are considered Special Status Species. BLM is required to manage such species with the same level of protection provided for listed species and designated critical habitat except that formal consultation with FWS is not required. BLM Manual § 6840.06(B).

Comment: The BLM Manual 6840 dictates that Sensitive Species should be managed at least at the protective level afforded ESA candidate species: "The protection provided by the policy for candidate species shall be used as the minimum level of protection for BLM sensitive species." BLM Manual § 6840.06(E). This means that, as described above under "ESA Candidate Species," BLM must make determinations about the status and needs of these species, treat them as priority species in land use planning, develop conservation plans for each, and monitor populations and habitats to determine if management objectives are being met.

Comment: The BLM must monitor and evaluate ongoing management activities to ensure conservation objectives for listed species are being met. BLM Manual § 6840.06(A)(1) The BLM must also monitor "populations and habitats of candidate species to determine whether management objectives are being met." BLM Manual § 6840.06(C)(2)(d).

Comment: As is well known, sage grouse habitat management requires broad scale approach, protecting and restoring large areas.

Comment: To be effective, the RMP amendments must provide specific requirements to meet the main objective of recovering sage grouse. The requirements must be placed into all land use permits as terms and conditions of use.

Comment: Sage grouse habitat needs have been widely researched for at least the last 20 years. Recently (December 2006), the Utah Department of Wildlife Resources conducted a thorough literature review of all peer-reviewed literature examining the life history and habitat needs of sage grouse in order to inform management of this species within Utah. We provide this synthesis as an attachment.

Comment: Based on this extensive literature review the following objectives and requirements need to be implemented in the amendments. For simplicity, we reference here the number in the left column: #1 – Objective – Fall Survival Rates will be monitored in 6 populations in each Field Office annually. Until 3 years of data has been collected, the annual results will be used. Thereafter, the 3 year rolling average will be used. The objective is >2.25. Results <2.25 will require the implementation of further reductions in population stressors prior to March 1st of the following year.

Comment: Based on this extensive literature review the following objectives and requirements need to be implemented in the amendments. For simplicity, we reference here the number in the left column: #9 – Objective – Sage brush canopy cover will be managed to achieve cover rates of >23% and <38% in all nesting habitat. No actions will be permitted that reduce cover rates below 23% based on 2011 baseline.

Comment: Based on this extensive literature review the following objectives and requirements need to be implemented in the amendments. For simplicity, we reference here the number in the left column: #10 – Standard – A minimum droop height of 18cm will be implemented as a permit term and condition for all grazing permits within nesting habitat. This requirement will be met over 90% of the nesting habitat in each allotment at the end of the grazing season or March 1st for allotments with winter grazing. For allotments not meeting this requirement, a 25% suspension of AUM's will occur in the following year. If this requirement is not met in 2 consecutive years the accumulated suspension will be made permanent.

Comment: Based on this extensive literature review the following objectives and requirements need to be implemented in the amendments. For simplicity, we reference here the number in the left column: #11 – Standard – Mean perennial grass and forb canopy cover within all nesting habitats will be >19% and <51%. For allotments with nesting habitat with <19% perennial grass and forb canopy cover, management changes to promote the recovery of cool season bunch grasses and forbs will be implemented, prior to the start of the next grazing season.

Comment: Based on this extensive literature review the following objectives and requirements need to be implemented in the amendments. For simplicity, we reference here the number in the left column: #12 – Standard – Mean forb canopy cover within all nesting habitats will be >2%. For allotments with nesting habitat with <2% forb canopy cover, management changes to promote the recovery of forbs will be implemented, prior to the start of the next grazing season.

Comment: Based on this extensive literature review the following objectives and requirements need to be implemented in the amendments. For simplicity, we reference here the number in the left column: #21 and 27 – Standard – All riparian areas within sage grouse habitats will be in PFC within 5 years. Allotments in which riparian areas have not reached PFC by the end of the 5 year period will have AUM's (either time or numbers) reduced by 40% prior to the start of the next grazing season. All riparian areas within sage grouse habitats will reach 85% of PNC for vegetation and 90% of natural stream bank stability, based on Rosgen stream type) within 10 years. Allotments in which riparian areas have not reached this requirement by the end of the 10 year period will have AUM's (either time or numbers) reduced by 40% prior to the start of the next grazing season.

Comment: Based on this extensive literature review the following objectives and requirements need to be implemented in the amendments. For simplicity, we reference here the number in the left column: #33 – Objective – Sage grouse ACEC's designated covering sage grouse habitats in each Field Office initially not reauthorize grazing permits on a willing basis. If after 5 years Objective #1 has not been met, the BLM reduce AUM's authorized by 15% per year until the Sage Grouse ACEC's are free from the impacts of livestock grazing. The BLM will work cooperatively with permittees and funders to provide voluntary compensation.

Comment: Based on this extensive literature review the following objectives and requirements need to be implemented in the amendments. For simplicity, we reference here the number in the left column: #34-35-36 – Standard – No herbicide, prescribed burning or mechanical treatments will be allowed within sage grouse habitats.

Comment: Based on this extensive literature review the following objectives and requirements need to be implemented in the amendments. For simplicity, we reference here the number in the left column: #39 – Standard – No new fences will be constructed within sage grouse habitats. All fences within winter concentration areas, nesting habitat and within 3 miles of a lek will be marked to reduce collision mortality. Fence marking will be paid for by the permittee responsible for fence maintenance and annual checks of marking will be required as a permit term and condition.

Comment: Since habitat fragmentation and degradation are the two primary causes of sage grouse population declines, the BLM will institute a “no net increase” policy whereby proponents of resource extraction must provide a reduction in fragmentation and degradation equal to 150% of the predicted impacts of the proposed action. This on-site or off-site reduction must be completed, fully functional and verified prior to any authorization of new fragmentation or degradation.

Comment: The intent to incorporate new policy guidelines set forth in BLM Wyoming Instruction Memoranda (IM) 2010-012 and 2010-013 is an important step in ensuring consistency in the management decisions made in the six targeted field offices (Casper, Kemmerer, Pinedale, Rock Springs, Newcastle, and Rawlins). With dramatically improved level of scientific understanding of the Greater sage-grouse (*Centrocercus urophasianus*) and its sagebrush ecosystem, coupled with the U.S. Fish & Wildlife Service's recent decision that listing under the Endangered Species Act as threatened is warranted for this species, it is important that you move to this new level of consideration and protection for the conservation of this species.

Comment: Small parcels of important sage-grouse habitat (less than eleven square miles), such as wintering habitat, breeding grounds or leks, nesting, and brood rearing habitat, appear to be excluded from the possibility of lease deferral. Located in sagebrush habitat, these small areas can be extremely important to specific populations of sage-grouse during critical times of the year, especially if they are experiencing population pressures in surrounding areas. Therefore, we believe small high quality areas of sage-grouse habitat should be included, especially in Core Areas, for the possibility of lease deferral.

Comment: Greater sage-grouse are a sagebrush obligate species whose range has been significantly reduced with the loss of sagebrush steppe. Greater sage-grouse distribution has decreased by 44 percent (Schroeder et al. 2004) and populations have declined precipitously from historic levels. Sage-grouse are a landscape-scale species that use a variety of sagebrush habitat types throughout the year (Connelly et al. 2004; Connelly et al., in press). Large, interconnected areas of sagebrush steppe must be protected if sage-grouse are to persist (Connelly et al., in press (b)).

Comment: A band of habitat extending from northern, central and southwestern Wyoming, to northeastern Utah, southern Idaho and northern Nevada, and to southern and central Oregon are shown to be most important for the species. This band of habitat contains the largest and most important sage-grouse lek complexes (Map 4), highest densities of censused sage-grouse males (Map 1), and the greatest density of sagebrush (Map 2). This area also offers the best opportunities to maintain sagebrush steppe (Map 5) based on elevation and precipitation and susceptibility to incursion by cheat grass (*Bromus tectorum*).

Comment: Greater sage-grouse have been grouped into populations and subpopulations based on lek locations (Connelly et al. 2004). A comprehensive conservation strategy should seek to conserve sage-grouse in all populations, subpopulations and management zones.

Comment: Wisdom et al. (in press) found sage grouse persistence correlated positively with public land ownership, among other factors. Unfortunately, some of the most important sage grouse habitat in Wyoming is in mixed land ownership in the “checkerboard” in the southwest corner of the state. It will be more difficult to conserve sage-grouse on these mixed federal, state and private lands.

Comment: Sage grouse core areas were developed by a collaborative process that has received some criticism. For example, the core areas map arbitrarily excludes important habitat where extensive mineral development has occurred. Further, core areas are based on lek locations and they may not protect important seasonal habitats for sage grouse, such as winter habitat. There is also concern that land uses permitted in core areas will disturb sage-grouse. Finally, core areas may be periodically reviewed and revised, which may limit their utility in conserving sage-grouse.

Comment: BLM could use this irreplaceability analysis, sage-grouse core areas, the framework presented by Doherty et al. (in press) and/or information in Wisdom et al. (in press) to identify and protect essential sage-grouse habitat in ACECs as a system of sagebrush reserves.

Comment: The 10 acre gravel pit operation owned by Joel Bousman and operated by McMurray Co. is running semi trucks at the approximate rate of 1 every 2 minutes through the core area passing the Goodwin Lek and the Speedway Leks in Boulder by the Eastfork River. Hundreds of semis back and forth on the dirt roads daily. They have an alternate route that could be used but to date have refused. Their future plans are to escalate this operation to a 350 acre gravel mine. There have been numerous studies proving the negative impact this type of industrialism has on Sage grouse. In this case the semi traffic through the core area would be practically non-stop. I urge you to do something to protect the Sage grouse in this area.

Comment: [BLM] needs to allow predator control on BLM land, especially for ravens, to protect sage-grouse populations.

Comment: One, I think in this effort it will be very good if BLM, in addition to focusing on sage grouse, focuses on the sagebrush ecosystem in its totality as an ecosystem.

Comment: Sagebrush obligate species, many of which are at least as threatened or in population decline as the sage grouse is: The Brewers Sparrow, the Sage Thrasher, Pygmy Rabbits, and on and on.

Comment: At least, say, a third of sage grouse are not found in core areas. And so if the non-core areas are completely ignored or treated as sort of sacrifice areas where, okay, we can let development go here, I

Comment: think there could well be a substantial question as to whether the overall population of sage grouse is indeed being protected if all there is, is a focus on core areas.

Comment: I think the non-core areas have to be strongly considered as well, and in particular, the connectivity issues, what it is these non-core areas do to maintain the viability of core areas. These core areas, if they're just standing alone, may not really be self-supporting. They may need the non-core areas for linkages of habitat and exchange of genetic material and so on and so forth.

Comment: One of the biggest dilemmas that will be faced is, what do we do with existing leases, existing rights, and how do we protect this bird if we've already conveyed a lease to somebody?

Comment: It looks like it's probably roughly 50 percent of the key habitat areas where BLM, I guess you could say, has unlimited authority, and I think it should recognize that greater level of authority where it has it.

Comment: I'm concerned that we have inconsistency throughout the state in how we're going to approach this and that with the reliance on the Wyoming Game and Fish Department on providing reliable biological data that there is -- I have a concern that with this scoping process we need to identify that that data is correct; that there is sufficient data, and that the data is available to all people that have concerns about it; and that there needs to be some verification process overpopulation that -- so that we don't get a situation where if the Wyoming Game and Fish Department doesn't count the grouse that that then ends up like -- to make it impossible to change existing uses on the ground to address that population level.

Comment: And, let's see, I hope this scoping can -- another direct concern that I have is that existing long-term uses that have not been in conflict such as livestock grazing be able to continue without restriction and that there would be some focus given to identifying some of the real limiting factors to the sage-grouse and that that be addressed and that we not ignore predator problems and -- because they can be area specific and very site specific and that needs to be addressed as well.

Comment: The intent to incorporate new policy guidelines set forth in BLM Wyoming Instruction Memoranda (IM) 2010-012 and 2010-013 is an important step in ensuring consistency in the management decisions made in these six field offices (Casper, Kemmerer, Pinedale, Rock Springs, Newcastle, and Rawlins). With dramatically improved level of scientific understanding of the Greater sage-grouse (*Centrocercus urophasianus*) and its sagebrush ecosystem, coupled with the U.S. Fish & Wildlife Service's (USFWS) recent decision that this species is warranted for considerations under the Endangered Species Act, it is important that you move to this new level of consideration and protection for the conservation of this species. The inclusion of defensible and most up to date science is both laudable and absolutely necessary.

Comment: Sage-grouse populations are dependent upon healthy sagebrush health. Activities termed as “habitat improvement” can be detrimental to sagebrush obligate species, such as sage-grouse, and research is needed to determine which activities are defensibly beneficial.

Comment: Activities should not be considered independently but cumulatively and over a landscape to determine impact(s). Not only does this refer to the multiple forms of energy development but also efforts to manage other species/suppress undesirables. An example includes spraying diflubenzuron, carbaryl, and possibly malathion on sage-grouse habitat for grasshopper/mormon cricket suppression. This particular action could lead to wide scale reduction in insect numbers, an important food source for juvenile sage-grouse, thus leading to negative population level impacts.

Comment: Not only should we concentrate on important seasonal habitat for sage grouse but also recognize the value of connectivity to maintain genetic viability. Additional effort is needed to identify these areas and baseline data collected (both on the species and the existing land use pressures).

Comment: Future management of Greater Sage-grouse may depend not only on habitat protection and enhancement but also through supplementation of Greater Sage-grouse populations at risk and quite possibly reintroduction of populations into historic habitats. Criteria for identification of these habitats, their suitability and future resource management actions in these potential areas should be disclosed. BLM should include consideration of population augmentation as a mitigation measure.

Comment: IM. 2010-012 specifically states, "The Wyoming State Office will conduct an annual review of the implementation measures contained in this IM to determine effectiveness of the guidance and make changes as necessary." The planning amendments must not become so prescriptive that incorporation of new and evolving science and data into management of sagebrush habitats would be prohibitive or unnecessarily restricted absent new planning decisions.

Comment: Prior to the addition of areas of enhanced protections, above those established through the Strategy, the BLM must scientifically demonstrate that Strategy fails to minimize the likelihood and need for listing. Of note, Wyoming's Strategy has been developed with participation from the U.S. Fish and Wildlife Service and they have recognized the Strategy as meeting the necessary conservation measures to preclude the need to list. (USFWS letter to Governor Freudenthal May 7, 2008)

Comment: BLM should refrain from utilizing the Wyoming Game and Fish Department's (WGFD) "Recommendations for Development of Oil and Gas within Crucial and Important Wildlife Habitats" (Recommendations) as the basis for development of significance criteria. BLM must first take into account the conservation benefits derived from adopting the Strategy on a statewide basis. By design, the Strategy allows for dissimilar impacts to respectively occur to Greater Sage-grouse population inside and outside of core areas. This divergent management approach will occur while providing the necessary conservation benefits to minimize the likelihood or need to list. Thus, the WGFD Recommendations may no longer be applicable to non-core populations.

Comment: In order for AM to be successful, feedback mechanisms need to be created between monitoring results (ecosystem response) and management adjustments. In other words, BLM needs to identify triggers that create a “loop” so that the feedback process is the identification of triggers that necessitate the review of monitoring data that can result in management changes as needed. With respect to sage-grouse, a trigger could be a species population increase that would, once reached, set in motion a discussion of potential changes in management of that resource.

Comment: Will the Field Offices defer to the Wyoming Governor's identification of important connectivity corridors for the state of Wyoming? If so, will the criteria field offices will use to identify

sage-grouse habitat connectivity, corridors and habitat connectivity areas be consistent with the SGIT's methodology or will they default to protecting all suitable habitats as connectivity areas?

Comment: Field offices are encouraged to work with industry to identify and delineate important sage-grouse habitats. What information is required to overrule models and/or BLM employee visual estimates?

Comment: Surface disturbing or disruptive activities in sage-grouse winter habitat/concentration areas will be precluded from Nov 15 to March 14. Will this restriction include limitations of one (1) hour or more during the 24-hour period? Will this same standard be applied during the nesting season for production, maintenance and operations of oil and gas wells? Will there be restricted access of any type?

Comment: Will sage-grouse winter habitat/concentration area seasonal restrictions apply to any area where a bird from a core area lek winters?

Comment: What types of restrictions will be imposed in concentration areas where the origin of the birds is unknown?

Comment: How will BLM manage habitats adjacent to or nearby a core area where there is no documented evidence of use by core area birds?

Comment: How will BLM determine the degree of supporting information required to constitute winter habitat that supports core areas? How will that be carried forward on the ground?

Comment: In core areas where there is no sage-grouse habitat, what is the basis for the minimum 725-acre patch size?

Comment: What uses would fall under the lesser restrictions of 2 miles and .25 mile?

Comment: Reclamation will include consideration of methods for restoring or augmenting functional sage-grouse seasonal habitats in addition to reclamation of the physical disturbance on the site itself. Are examples available to explain practical application of restoration or augmentation of functional habitat? What criteria would be utilized to identify these habitats? What is BLM's legal authority to adopt this measure?

Comment: While BLM needs to incorporate WGFD population goals both within and outside core areas along with their landscape scale, e.g., per lek, basin wide, etc., so they can be used to determine management successes or failures, BLM must ensure that WGFD management goals for sage-grouse do not become the sole driver for resource use allocations. This is especially true in non-core areas.

Comment: We dispute claims regarding extirpation of some leks within a 4-mile radius of oil and gas development. Even though BLM cites Walker et al. 2007, Walker 2008, Naugle et al., a study conducted by R. C. Kaiser in 2006, found this was not the case. While Kaiser found that the Sage-grouse were indeed affected by the development, survival estimates showed comparatively low mortality rates throughout the study area which demonstrates that displacement from the development area is not having the negative impacts on the Sage-grouse population predicted by Walker et al. This finding is supported by Harju et al (2010)(1) where it was found that Sage-grouse populations in developed fields are either stable or actually increasing. Therefore, we caution BLM against adopting all recommendations at face value; rather the agency should study all available data before adopting increasingly restrictive management goals and objectives.

Comment: We object not only to the minimum 4-mile radius established for small projects, we also strongly object to an 11-mile radius being imposed around larger development proposals. By adopting this methodology, BLM is increasing the time and cost of every large project without adequate scientific foundation. At a minimum, BLM should limit analyses to 4 miles from leks that are contained within the project area and eleven miles where there is evidence that the populations are migratory. Moreover, BLM needs to explain the type and components of these evaluations as well as identify how the results of the evaluation might be used to modify a project outside a core area.

Comment: The IM states “Field Offices are to establish monitoring protocols that will be incorporated into project approvals as necessary.” The types of monitoring protocols to be established are unclear. What elements will these protocols contain and will they be incorporated into project permits? As discussed under the “general” heading, will the monitoring information be used to update management decisions based upon monitoring results? BLM needs to give consideration to coordinated monitoring approaches. Given the landscape nature of sage-grouse habitat use conceivably numerous entities could be required to monitor the same populations. This would not be an efficient use of resources nor would it provide any additional benefits for sage-grouse.

Comment: BLM indicates that locally collected data may be used to support variances; yet, the agency has consistently used studies from the Powder River Basin and the Pinedale Anticline to support its statewide policy. Has BLM adopted standards and criteria regarding the application of non site-specific studies for areas not actually addressed in a local study?

Comment: BLM should set forth a mechanism for providing a public status report in each field office on projects benefiting sage grouse or sagebrush. BLM must be responsible for monitoring the lands it is responsible for managing and setting forth mechanisms to allow individual project exceptions based on positive growth in local sage grouse populations.

Comment: Will BLM commit to honoring actual data over modeling exercises when designating various habitats? It appears BLM intends to expand Core Areas by also requiring restrictions in habitats that "support" core area birds. The draft needs to address this fact and identify all such expanded core area zones. If BLM cannot identify such habitats or zones right now with actual data, they should not be included in the RMP revisions and EIS.

Comment: QEP has attempted several different voluntary projects the result of which would be to preserve sage grouse habitat or enhance habitat to make marginal habitat available for use by sage grouse. BLM should discuss how it intends to support innovative approaches like CCAs, CCAAs, lease suspensions, off-site habitat enhancement projects and conservation leases in order to ensure these actions occur and that operators get credit for the work done on behalf of sage grouse.

Comment: BLM should feel free to use the RMP amendments to recognize the significant work already done by BLM and industry to ensure the long-term survival of the sage grouse. The truth is energy development is not responsible for the decline of sage grouse populations over the last 300 years.

Comment: We believe that any environmental document must begin with a statement and analysis of the BLM’s jurisdiction to undertake such amendments for protection of sage grouse. As discussed in the Notice of Intent, the FWS has recently determined NOT to list the sage grouse as an endangered or threatened species under the Endangered Species Act (ESA). Such decisions under the ESA must have meaningful consequences. How do current amendment efforts differ from those that would have taken place if the sage grouse had been listed under the ESA?

Comment: We believe the RMP amendments should have minimal additional restrictions to parties involved as the species is not listed under the ESA.

Comment: The Company requests the BLM to establish consistent buffers or disturbance setbacks from leks throughout BLM managed lands (across Field Office boundaries) in Wyoming in relation to transmission projects. The 0.6 mile buffer for leks in core areas and the 0.25 mile buffer for leks in non-core areas established in BLM IM WY-2010-012, are a step in this direction, pending this RMP amendment process, and are consistent with WY Executive Order 2010-4. The Company supports BLM efforts to establish consistent buffers and setbacks and have used this buffer (0.6 mile) through routing and siting of the Gateway West transmission line. The Company requests that the buffers be measured (radial) from the center of a lek, not from lek boundaries, as lek boundary are not always identified; and that buffers be applicable unless the transmission line is sited within identified or designated corridors.

Comment: The Company also requests that perch discouragers not be required when transmission or distribution is located outside of the 0.6 mile buffer.

Comment: The Company recognizes that there are existing knowledge gaps regarding the interactions of sage-grouse and infrastructure, specifically tall structures. The Company requests BLM consider the funding of research as an acceptable form of mitigation or component of a mitigation strategy. In addition, the Company requests BLM to consider the establishment of a mechanism or program which project proponents may voluntarily utilize to facilitate the allocation and management of mitigation dollars to fund appropriate projects for the betterment of sage-grouse and other species of the sage steppe.

Comment: Does the BLM support the establishment of the 2 mile wide corridor in sage-grouse core areas?

Comment: Recommendations were provided to the Governor by the Sage Grouse Implementation Team, which is a diverse group represented by private industry, non-governmental organizations, and government agencies. The updated EO received support from the US Fish and Wildlife Service (Service) as an effective approach to conserve sage grouse in Wyoming. Additionally, the original Core Area management prescriptions were an influential factor in the Services' 2010 listing decision. Based on these factors, we recommend that the BLM's Resource Management Plan Amendments strongly consider EO 2010-4 and that the amendments do not contradict the management guidelines defined in the Core Area Strategy.

Comment: We believe that the IM guidance is insufficient to conserve the sage-grouse and its habitat throughout its eastern range because the stipulations within the guidance do not reflect the findings of the most recent scientific literature concerning the sage-grouse's sensitivity to habitat disturbance and need for continuous and intact sagebrush ecosystems. Furthermore, we believe that the present form of guidance will not improve the listing position of the sage-grouse on the candidate species list. If the sage-grouse population is to be conserved in a manner that obviates the need for it to be listed under the Endangered Species Act ("ESA") in the future, the BLM must issue more explicit guidance and stricter stipulations regarding public land use, and specifically energy development, within the sage-grouse's habitat.

Comment: The multitude of factors that can affect sage-grouse habitat demonstrate the need for a comprehensive conservation strategy that takes into account all of the cumulative impacts.

Comment: A sagebrush ecosystem management strategy should be one of conserving as much intact and healthy sagebrush as possible.

Comment: The protection of sagebrush ecosystems through landscape level management planning is vital to the continued persistence of the sage-grouse species.

Comment: Data will need to be continuously updated and improved to accurately detail the core areas in use by the sage-grouse.

Comment: Because the BLM is directed by FLPMA to manage wildlife populations in a manner that will sustain wildlife and its habitat into the future, the BLM has the authority and the obligation to conserve the sage-grouse and protect its irreplaceable sagebrush habitat.

Comment: BLM should follow the recommendations of BLM Manual 6840 and start planning for the sage-grouse in a manner that protects habitat, reduces conflict with energy development (and other factors), and allows the BLM flexible management strategies that result in the ultimate conservation of the sage-grouse.

Comment: This need for open and intact habitats translates to a need for a larger radius of protection around core areas and around mating grounds located outside of core areas. Surface disturbing activities, surface occupancy and disruptive activities should be prohibited or restricted within 4 miles of the perimeter of leks in core areas all year long. Outside of core areas the same types of surface disturbing activities and disruptions should be prohibited or restricted within at 2 miles of the perimeter of occupied or undetermined leks throughout the year.

Comment: None of the research cited to by the BLM actually indicates that a 0.6 mile buffer is sufficient for the protection of sage-grouse leks.

Comment: Outside of core areas, the current IM provides that surface disturbing activities and/or surface occupancy should be prohibited or restricted within 0.25 miles of the perimeter of occupied or undetermined leks. A buffer of only 0.25 miles is wholly unsupported by scientific literature. The FWS was not able to find any published literature supporting a buffer this small. FWS, 12-Month Finding, supra at 67. Because sage-grouse need intact sagebrush habitats to survive, extensive sagebrush stands as large as 6.4 km (4 miles) or more may be needed to sustain populations.

Comment: This seasonal stipulation (surface disturbing and disruptive activities are prohibited or restricted in “suitable sage-grouse nesting and early brood-rearing habitat” from March 15 to June 30) does not prohibit or restrict surface occupancy of nesting/brood-rearing habitat. By omitting the surface occupancy language from the stipulation, the BLM indicates that any preexisting surface occupancy will be allowed throughout the nesting/brooding season. This sort of timing stipulation also does not stop construction and drilling activities outside of the restricted time period, resulting in the possible presence of infrastructure that may negatively affect females during the nesting/brooding season (for example, by reducing or fragmenting previously available and suitable nesting/brooding habitat).

Comment: Powerlines are another type of infrastructure that may be present in breeding areas even during the timing restrictions. Powerlines may negatively affect reproduction due to the electromagnetic fields they produce, which can alter “behavior, physiology, endocrine systems, and immune functions in birds.” FWS, 12-Month Finding, supra at 18.

Comment: Surface disturbing activities and surface disruptive activities should be prohibited or restricted on nesting/early brood-rearing habitat from the 4 mile core area lek buffer out to 11 miles surrounding the leks from March 15 to June 30. If possible surface occupancy should be prohibited or restricted up to 11 miles out from occupied or undetermined leks as well in order to protect the majority if not all

nesting/brood-rearing habitat that may be useful for populations both within and outside of the core populations.

Comment: Outside core areas, the IM provides that surface disturbing and disruptive activities are prohibited or restricted in “suitable sage-grouse nesting and early brood-rearing habitat” from March 15 to June 30 within areas that the BLM has mapped as important for connectivity or within 2 miles of an occupied or undetermined leks. IM No. WY-2010-012 at 3. Again, this timing stipulation does not prohibit or restrict surface occupancy of nesting/brood-rearing habitat, thereby allowing the negative impact of infrastructure to still be a possibility. A more significant problem with this stipulation is that nesting/breeding areas will only be protected for mapped areas demonstrating significance for connectivity or within two miles of occupied/undetermined leks. Id. There are two main problems with these conditions. The first problem is that many of these areas are not fully mapped; therefore development may still occur before they are fully mapped. Id. at 2. The second problem is that sage-grouse females often nest much farther away from occupied leks than 2 miles.

Comment: Seasonal considerations, such as winter habitat and concentration areas also warrant individual policies. Surface disturbing and surface disruptive activities should be prohibited or restricted from November 15 to March 30 within all sage-grouse winter habitat/concentration areas known and/or already mapped. Mapping of these areas should continue to take place.

Comment: The first problem with this stipulation is that it only protects those areas already mapped and considered important for supporting sage-grouse in core areas. IM No. WY-2010-012 at 3. To find suitable winter habitat sage-grouse may migrate long distances and their home ranges can be extensive. Braun et al., *Season Habitat Requirements*, supra at 40. Given this behavior, it is a substantial possibility that the BLM may not even know what habitat areas are important for the winter season let alone have these areas mapped as necessary for conservation. Because sage-grouse are dependent on quality winter habitat, Connelly et al. *Guidelines*, supra at 967, and sagebrush habitat quality and quantity continues to decline, known winter habitat areas should be protected regardless of whether it is known if they support core areas. Id.

Comment: The second problem with this stipulation is that it only protects winter sage-grouse habitat from disturbing and disruptive activities from November to March. This means that during that period of time, infrastructure is still present in the habitat (similarly to the stipulations protecting nesting habitat). Infrastructure can cause issues such as increased collisions and raptor predations. Walker et al. *Greater Sage-Grouse Population*, supra at 2653. If winter sage-grouse habitat is developed outside of the restricted time period, than increased habitat fragmentation and overall habitat loss will also likely occur. Doherty et al. *Greater Sage-Grouse Winter*, supra at 194. The seasonal stipulation does not require a buffer around the habitat and because it only restricts activities within the habitat, sage-grouse may avoid otherwise suitable habitat in order to avoid the energy infrastructure or development. Id. This may force sage-grouse populations into sub-optimal winter habitats causing a direct impact on their ability to survive. Id.

Comment: The density of disturbances should not exceed more than 1 disturbance per 640 acres at the very maximum. However, disturbances should also be clumped together to reduce habitat fragmentation and loss to the greatest extent possible. All structures, whether they are small fence lines or large well pads, should be counted as disturbances within the landscape.

Comment: The frequency of gas wells surrounding a lek can lead to a decrease in male lek attendance. Some sage-grouse populations have been eliminated within the range of 4 miles from energy development, reinforcing the fact that a buffer of 0.6 miles does not adequately protect leks.

Comment: The IM provides that managers should strive to reach the goal of consolidating anthropogenic features on the landscape regardless of whether actions occur within or outside of core areas. IM No. WY-2010-012 at 4. This is an important stipulation, which should be uniformly enforced. For those areas with existing rights managers should strive for only “one disturbance location per 640 acres.” Id. at 3. Inside core areas, the density goals include the same density as above along with disallowing disturbances cumulatively exceeding 5%.

Comment: Although only allowing one disturbance per 640 acres is far better than other well or disturbance densities generally used on public lands (e.g., 1 well site/80 acres or 1 well site/40 acres); this density may still be too high to effectively protect sage-grouse populations. In Wyoming, male lek attendance declined when density increased more than one well per 699 acres. Holloran, Greater Sage-Sage-grouse Population, *supra* at 50. If drilling rigs and producing wells are already present in important sage-grouse habitats at a greater density, it is unlikely that land managers will be able to reduce that density, especially when production wells may run for ten years or more. Limiting the cumulative value of disturbances to not exceed 5% of the sagebrush habitat can still result in a large amount of habitat loss and fragmentation as well.

Comment: The IM specifies that vegetation treatments, fence lines, two-tracks, water pipelines, and stock tanks should not be added into the density calculations. IM No. WY-2010-012 at 4. This is not substantiated in the scientific research because many of these smaller features can have drastic impacts on habitat connectivity and sage-grouse avoidance behavior. Connelly et al. Guidelines, *supra* at 974. For example, because sage-grouse fly low and fast over the sagebrush, fences create a collision hazard. FWS, 12-Month Finding, *supra* at 19. In Wyoming, researchers recorded 146 fence caused mortalities of sage-grouse over a 31-month period. Id.

Comment: More research needed on migratory patterns and habitat use. Because certain sage-grouse populations, such as that found within the eastern range are considered migratory, more research must be done on the distribution, configuration and location of the migratory routes. Also, as previously mentioned, more research is also needed on winter habitat use and nesting/brooding ground use. Without more specific information on these topics, current or new regulations may still fail to adequately protect sage-grouse populations. More mapping of sage-grouse habitat is also necessary. Without a more detailed picture of sage-grouse land use, it will be impossible to adequately identify core areas or protect sage-grouse habitat.

Comment: Factors substantially affecting the sagebrush ecosystem health include agricultural conversion, invasive species, high grazing intensity, fire, off road vehicle activities, tree encroachment, and climate change. The overall cumulative impact of human presence and use might be far greater than assumed.

Comment: It is absolutely necessary that managers take into account all possible cumulative negative impacts on sagebrush habitat and plan at the landscape level.

Comment: BLM managers need to realize that “range-wide conservation of greater sage-grouse will require broad-scale characterization of habitat quality and an understanding of the influence of landscape condition on the persistence of populations.” Aldridge et al. Range-Wide, *supra* at 984.

Comment: Field offices must coordinate with each other and keep each other informed of all development plans and RMPs, including sharing information with regards to how new development may affect sage-grouse habitat in their resource areas and how this may affect the sage-grouse population at the landscape and regional levels. The newest Executive Order also calls for agencies, both state and federal, to assist each other in a “uniform and consistent application” of the Executive Order. Wyo. Exec.

Order No. 2010-4. Inter-agency cooperation will be vital to protecting sage-grouse populations, especially because sage-grouse may migrate between states.

Comment: Wyoming's newest Executive Order on sage-grouse calls for approval of new development or land use within core areas when it can be demonstrated that activity will not cause declines in sage-grouse population. Wyo. Exec. Order No. 2010-4 at 2. However, the Executive Order does not specify who's responsibility it will be to show that a particular land use will not affect sage-grouse population. Based on the fragile nature of this species it is hard to imagine many new developments that could be implemented within core areas that would not affect sage-grouse populations. The Executive Order also does not mention if any penalties exist for developers who develop within core areas and despite their efforts still negatively affect sage-grouse populations.

Comment: More scientific research is needed on both anthropogenic and biological impacts on sage-grouse populations, known research suggests many ways to sustain and increase the sage-grouse population. Most notably, increasing buffers around leks and minimizing disturbances on sage-grouse habitats are two of the most important and successful ways to protect sage-grouse populations as well as to avoid the listing of sage-grouse as a threatened or endangered species.

Comment: BLM needs to participate in the preparation by federal scientists of a scientifically valid conservation plan for greater sage-grouse on a range-wide basis, and then conduct a NEPA process in order to evaluate that proposed plan (plus reasonable alternatives that meet the purpose and need of conserving sage-grouse in order to avoid an ESA listing).

Comment: The end result of this process would be amendment of all BLM land use plans across the sage-grouse range, including establishing Sagebrush Reserve ACECs and adopting other protective management measures necessary to implement the conservation plan and ensure the survival and recovery of greater sage-grouse into the foreseeable future.

Comment: While the analysis of sage-grouse issues in a Wyoming-wide EIS, as currently proposed by BLM's scoping notice, is a good step forward, it is not sufficient on its own to redress BLM's current inadequate regulatory mechanisms on a range-wide basis for greater sage-grouse. It will be a colossal waste of time and resources if BLM does not undertake the comprehensive analysis required to ensure sage-grouse conservation, but instead continues to undertake partial, inadequate analysis. We thus strongly encourage BLM to take all the steps needed to remedy the defects identified in the RMP Litigation and needed to ensure conservation of sage-grouse, as discussed further below.

Comment: The science reflected in the Service's March 2010 Finding underscores that the greater sage-grouse is a landscape level species that relies on large, interconnected patches of sagebrush, and that protecting these remaining habitats from further loss and degradation – including habitat fragmentation – will be vital to ensuring that the sage-grouse survives as a species into the foreseeable future. See 75 Fed. Reg. at 13917-62. For this reason, amending individual land use plans, or even groups of land use plans such as Wyoming BLM proposes to do here, is not only inefficient, it will also ultimately prove to be ineffective.

Comment: Sage-grouse rely on different types of habitat at different seasons of the year, 75 Fed. Reg. at 13915, and the annual range of a sage-grouse can encompass more than 2,700 km. See S. Knick & J. Connelly, "Greater Sage-Grouse and Sagebrush: An Introduction to the Landscape," *Studies in Avian Biology* (in press) 4. Damage to even one of its seasonal habitats can impact the sage-grouse. Connelly & Knick at 36. Because the sage-grouse is a landscape-scale species, ensuring the species' survival requires comprehensive analysis of remaining habitats and populations on a range-wide basis, and then adopting a

range-wide conservation plan to ensure that adequate regulatory mechanisms are in place to protect the species across its range.

Comment: The May 2010 scoping notice does not indicate that BLM intends to address sage-grouse needs through a comprehensive conservation plan. We strongly urge the agency to take that step, in order to ensure that a scientifically-based and adequate set of management measures are adopted through the NEPA process that is now being launched.

Comment: Instruction Memoranda nor the implementation of the Governor's Core Area policy will be enough to halt the sage-grouse's decline toward extinction. What the sage-grouse really needs is a comprehensive range-wide conservation plan, as discussed above, and adoption of the full suite of management measures and protections necessary to ensure the survival of sage-grouse and its essential habitat.

Comment: If the Administration remains unwilling to step up to the plate as the Wyoming State Office has done, then the Wyoming Office must analyze how its proposed RMP amendments will impact the sage-grouse range-wide. The necessity of a range-wide impacts analysis arises out of both sage-grouse science and BLM's Special Status Species Policy.

Comment: The Field Offices failed to comply with the National Strategy in amending the Pinedale, Kemmerer, Rawlins, and Casper RMPs. None of the four RMPs considered a Maximum Restoration of Sagebrush Alternative and they all failed to analyze the regional importance of the affected sage-grouse populations.

Comment: The Wyoming State Office must comply with the National Strategy in future RMP amendments and associated NEPA analysis. If the Wyoming Office goes forward to prepare a statewide sage-grouse EIS, the EIS must include a maximum restoration of sagebrush alternative that emphasizes conserving special status species. BLM's NEPA analysis must also consider sage-grouse impacts from a regional perspective.

Comment: Considering all of Wyoming's sage-grouse populations in a single EIS will not, without more, satisfy the National Strategy's requirement to consider sage-grouse on a region-wide scale. Wyoming's sage-grouse populations fall into two different SMZs: the Wyoming Basin Management Zone and the Great Plains Management Zone. Garton et al., *supra*, at 24, 32. In order to address Wyoming sage-grouse on a regional scale, BLM must consider not only sage-grouse in the Wyoming Basin Population, but also sage-grouse in the Middle Park, Colorado Population and the Eagle-South, Routt Counties Colorado Population. Nor may BLM ignore those birds in the Wyoming Basin Population who live outside the state's borders in Montana, Utah, or Colorado. Similarly, the Wyoming State Office must consider impacts on the Dakota's population, the Northern Montana Population and the Powder River, Montana Population, as well as those members of the Yellowstone Watershed Population that live in southeastern Montana. *Id.* at 26-30.

Comment: BLM must develop goals for the protection and restoration of sagebrush habitat in future RMP revisions, including the revisions proposed by the Wyoming State Office here. Preserving the sage-grouse will require both "active" restoration (such as planting sagebrush seedlings and removing weeds) and "passive" restoration (such as reducing livestock grazing and energy development). Under the National Strategy, land use plans must include goals for both.

Comment: It is well documented that livestock grazing impacts sage-grouse. As explained in greater detail in the First Amended Complaint filed in the RMP Litigation, the Wyoming Office violated NEPA by refusing to take a hard look at the impacts of livestock grazing in its recent revisions of the Pinedale,

Kemmerer, Rawlins, and Casper RMPs. BLM also refused to consider any grazing alternatives that differed in a meaningful way from the status quo in these RMPs. The Wyoming Office's state-wide EIS should correct these legal violations.

Comment: BLM needs to consider the year-round habitat needs of sage-grouse. Wyoming's "core areas" framework is based on upon seasonal nesting and breeding grounds and mating display areas, called leks. However, the framework does not directly consider winter habitat. Consideration of year-round habitat is very important to determine what habitat is most needed to be protected during different times of the year.

Comment: BLM needs to survey for winter habitat using habitat models backed up with on-the-ground information. Once winter habitat is identified, BLM then needs to determine measures that will protect a sufficient portion of this habitat in order to protect sage-grouse year-round.

TRAVEL AND ACCESS MANAGEMENT

Comment: Construction of such infrastructure, as well as the resulting vehicle traffic, impacts nesting success. Conservation Assessment 7-40. Roads may directly influence exotic plant dispersal, fragment habitat, and result in increased noise, while the accompanying power poles and power lines create perches and nesting platforms for raptors. Conservation Assessment 7-41; 12-2; see also 12-Month Finding, 70 Fed. Reg. at 2256.

Comment: BLM should also address the fact that local populations of birds react differently to various disturbances and discuss how local information should trump broad generalizations made from one study in a single field.

Comment: Access to public lands is critical not only to Devon's operations, but also for current and future exploration and development. The Sage-Grouse Core Area concept, created by the Wyoming Sage-Grouse Implementation Team and adopted by the Wyoming BLM, has significant impacts on Devon's ability to access, explore and develop minerals in the State. In particular, the current policy under Wyoming State Office Instruction Memorandum 2010-112 and 2010-113 could drastically deter exploration in new areas, thereby preventing or discouraging long-term development and production. This will have considerable impacts on revenues generated for the federal, state and local governments, as well as the potential loss of jobs in an already sagging economy.

Comment: The 10 acre gravel pit operation owned by Joel Bousman and operated by McMurray Co. is running semi trucks at the approximate rate of 1 every 2 minutes through the core area passing the Goodwin Lek and the Speedway Leks in Boulder by the Eastfork River. Hundreds of semis back and forth on the dirt roads daily. They have an alternate route that could be used but to date have refused. I urge you to do something to protect the Sage grouse in this area.

VEGETATION

Comment: A great many vegetation manipulation projects are being pursued in the name of maximizing the number of acres treated for sage grouse (and often more primarily, livestock) benefit, without regard to whether the vegetation manipulations undertaken improve sage grouse habitat in the short or long term, result in short-and/or long-term impacts to sage grouse habitats and populations, or have no effect at all.

Comment: BLM needs to rigorously evaluate all sagebrush habitat treatment projects to determine how exactly they will impact sage grouse populations prior to counting such projects as assets toward sage grouse recovery or threats to sage grouse persistence. The parameters of these projects should be

compared to scientifically established habitat requirements for the grouse: for example, is thinning being implemented in sagebrush stands that exceed the canopy cover preferences of grouse for that type of habitat, or is canopy cover already optimal or too sparse for sage grouse habitat needs?

Comment: One of the most notable threats to the persistence of sagebrush is that of invasive plants, primarily cheat grass. Soils disturbed by livestock, as well as by the construction of infrastructure to support oil and gas development, invite cheat grass and other noxious weed invasions.

WILDLAND FIRE MANAGEMENT

Comment: Prescribed fire is commonly employed putatively to improve sage grouse habitat (such projects are often supported by livestock operators, who typically are primarily concerned with eliminating sagebrush with the misguided belief that this will result in a net increase in forage for livestock). The net result is that immediate welfare of the sage grouse today is being mortgaged for eventual habitat improvements that are speculative at best. However, unlike pheasants, sage grouse are known to respond poorly if at all to habitat enhancement projects. In the absence of rigorous scientific evidence supporting the translation of habitat enhancement projects into increased sage grouse population numbers, the BLM should not consider such projects under its RMPs.

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APPENDIX B — FEDERAL REGISTER PUBLICATION: NOTICE OF INTENT

30054

Federal Register / Vol. 75, No. 103 / Friday, May 28, 2010 / Notices

would manage the 100 to 150 acres of freshwater wetland communities to support breeding marsh birds and native plant and animal communities, and control non-native invasive species and predators as necessary to support nesting focal species of conservation concern. We would create a habitat map for the refuge, and conduct inventories, research, and monitoring on rare and special concern species.

Since no public use is allowed, we would increase visitor services programming off-site with environmental education and interpretation by developing partnerships with the Tribe, Town of Chilmark, and the Aquinnah Cultural Center. We would work with partners to conduct shoreline surveys for archeological resources at risk from erosion and develop protocols for collection and repository of artifacts and remains.

We would increase refuge complex staff by three new positions—Biological, Visitor Services, and Law Enforcement. Under this alternative, we would focus on strengthening partnerships with the Tribe for ceremonial access. We would also increase access and management throughout the refuge with the cooperation of the DoN.

Alternative C (Natural Processes Emphasis-Service Preferred Alternative)

This alternative is the one we propose as the best way to manage this refuge over the next 15 years. It includes an array of less active management actions that, in our professional judgment, works best toward achieving the refuge purposes, our vision and goals, and the goals of other State and regional conservation plans. We also believe it most effectively addresses the key issues that arose during the planning process. Lastly, it is the most realistic, given the relatively modest increase in staffing and funding that is anticipated over the next 15 years.

This alternative acknowledges that the refuge meets the minimum criteria for a WSA. Under this alternative, a Nomans Land Island WSA would be recommended as suitable for designation and inclusion in the NWPS. The analysis of environmental consequences is based on the assumption that Congress would accept the recommendation and designate Nomans Land Island NWR as wilderness. The Nomans Land Island WSA would be managed according to the provisions of the Wilderness Act and Service Wilderness Stewardship Policy (610 FW 1–3). The wilderness area would be managed to accomplish refuge purposes and the NWRS mission,

while also preserving wilderness character and natural values for future generations. Use of motorized vehicles, motorized equipment, mechanical transport on the island would be allowed for emergency purposes, and when necessary to meet minimum requirements for the administration of the area as wilderness, and to accomplish refuge purposes. The island would continue to be accessible by motorboat.

The information and analyses in the CCP/EA would be used to compile a wilderness study report and legislative EIS to accompany the wilderness recommendation. Since Congress has reserved the authority to make final decisions on wilderness designation, the wilderness recommendation is a preliminary administrative determination that would receive further review and possible modification by the Director, the Secretary, or the President. We would conduct some survey, inventory, research, and monitoring of focal species such as common and roseate terns, and would implement necessary measures to protect any colonies larger than 50 pairs. We would work with partners on specific priority efforts, such as analyzing the feasibility of New England cottontail introduction. We would track vegetation changes and invasive species, and control those that threaten healthy ecosystems. Under Alternative C, we would primarily allow coastal processes of wind and wave action to shape the refuge habitats, but would consider using fire to maintain shrubland stopover habitat for migratory birds, if necessary. We would focus our efforts to provide quality habitat on the refuge for landbirds, including raptors, during fall migration.

This alternative resembles Alternative A in its minimal management approach, refuge administration, and facilities. We would provide oversight and coordination to the DoN contaminant and UXO cleanup, pursue a partnership agreement with the Tribe that provides, in part, access to the refuge for ceremonial purposes, and work with partners on cultural resource protection.

As with Alternative B, we would enhance visitor services to provide additional off-site opportunities for interpretation and communication, since no public access is allowed on the refuge. Staffing would remain the same as in Alternative A.

Public Meetings

The public will have the opportunity to provide input at one public meeting in Chilmark, Massachusetts. We will release mailings, news releases, and

announcements electronically and provide information about opportunities for public review and comment on our Web site and in local newspapers with the contact information below. You can obtain the schedule from the planning team leader or project leader (*see ADDRESSES*). You may also submit comments anytime during the planning process by mail, electronic mail, or facsimile (*SEE ADDRESSES*). For specific information, including dates, times, and locations, contact the planning team leader (*see ADDRESSES*) or visit our Web site at <http://www.fws.gov/northeast/planning/nomansland/ccphome.html>.

Public Availability of Comments

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

Dated: April 26, 2010.

James G. Geiger,

*Acting Regional Director, Northeast Region,
U.S. Fish and Wildlife Service, Hadley,
Massachusetts.*

[FR Doc. 2010-12669 Filed 5-27-10; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY930000 L16100000.DS0000]

Notice of Intent To Prepare an Environmental Impact Statement and Resource Management Plan Amendments for the Casper, Kemmerer, Pinedale, Rock Springs, Newcastle, and Rawlins Field Offices, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Wyoming State Office intends to prepare Resource Management Plan (RMP) amendments with an associated Environmental Impact Statement (EIS) for the Casper, Kemmerer, Pinedale, Rock Springs, Newcastle, and Rawlins Resource Management Plans (RMPs) and by this

notice is announcing the beginning of the scoping process to solicit public comments and identify issues. The RMP amendments will revise sage-grouse and sagebrush management direction in the existing Casper, Kemmerer, Pinedale, Rock Springs, Newcastle, and Rawlins RMPs to incorporate policies set forth in BLM Wyoming Instruction Memoranda (IM) 2010-012 and 2010-013. The IMs may be accessed at the following Web address: <http://www.blm.gov/wy/st/en/programs/wildlife.html>.

DATES: This notice initiates the public scoping process for the RMP amendments with associated EIS. Comments on issues may be submitted in writing until June 28, 2010. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media and the BLM Web site at: <http://www.blm.gov/wy/st/en/programs/Planning/amendments/sage-grouse.html>. In order to be included in the Draft RMP amendments, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft RMP amendments.

ADDRESSES: You may submit comments on issues and planning criteria related to the Casper, Kemmerer, Pinedale, Rock Springs, Newcastle, and Rawlins RMP amendments by any of the following methods:

- **Web site:** <http://www.blm.gov/wy/st/en/programs/Planning/amendments/sage-grouse.html>;
- **E-mail:**

Sagegrouse Amendment WY@blm.gov;

- **Fax:** (307) 352-0329; and
- **Mail:** BLM Wyoming State Office (WY 930), 5353 Yellowstone Rd., Cheyenne, Wyoming 82003.

Documents pertinent to this proposal may be examined at the Casper, Kemmerer, Pinedale, Rock Springs, Newcastle, and Rawlins field offices.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Bill Hill, Deputy State Director, Resources Policy and Management; at (307) 775-6113; 5353 Yellowstone Road, Cheyenne, Wyoming 82003; e-mail: *Sagegrouse Amendment WY@blm.gov*.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM Wyoming State Office intends to prepare RMP amendments with an associated EIS for the Casper, Kemmerer, Pinedale, Rock Springs,

Newcastle, and Rawlins RMPs, announces the beginning of the scoping process, and seeks public input on issues and planning criteria. The planning area is located in Converse, Goshen, Natrona, and Platte counties (Casper Field Office); Lincoln, Sweetwater, and Uinta counties (Kemmerer Field Office); Sublette, Lincoln, and Fremont counties (Pinedale Field Office); Albany, Carbon, Laramie, and Sweetwater counties (Rawlins Field Office); Sweetwater, Sublette and Fremont counties (Rock Springs Field Office); and Niobrara, Weston and Crook counties (Newcastle Field Office) in Wyoming. The planning area encompasses approximately 15 million acres of public land. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Preliminary issues for the planning area have been identified by BLM personnel; Federal, state, and local agencies; and other stakeholders. The issues include: Sagebrush habitat management practices directly applicable to protection of the sage grouse, sagebrush habitat management science directly applicable to protection of the sage grouse, and the effects of sagebrush habitat management on other public land resources. Preliminary planning criteria include: Incorporation of sage-grouse policies in Wyoming IMs 2010-012 and 2010-013; incorporation of the policies established by the Wyoming Governor's Executive Order on sage-grouse (Wyoming EO 2008-2), as appropriate; and consideration of and consistency with the BLM National Sage-Grouse Habitat Conservation Strategy (November 2004). The RMP amendment process will comply with NEPA, the Federal Land Policy and Management Act (FLPMA), and other applicable laws and policies. You may submit comments on issues and planning criteria in writing or orally to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments within 30 days after the last public meeting. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so. The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed. The BLM will evaluate identified issues to be addressed in the plan amendments, and will place them into one of three categories:

1. Issues to be resolved in the amendments;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of these amendments.

The BLM will provide an explanation in the Draft RMP amendments/EIS as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the amendments. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns. The BLM will use an interdisciplinary approach to develop the amendments in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Rangeland management, minerals and geology, outdoor recreation, archaeology, paleontology, wildlife and fisheries, lands and realty, hydrology, soils, sociology, and economics.

Authority: 40 CFR 1501.7, 43 CFR 1610.2.

Donald A. Simpson,
State Director.

[FR Doc. 2010-12838 Filed 5-27-10; 8:45 am]
BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTB07200-L51100000.GN0000
LVEMCE070000 252X; MTM78300]

Notice of Availability of the Final Environmental Impact Statement for the Graymont Western U.S., Inc. Proposed Mine Expansion, Broadwater County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976, a Final Environmental Impact Statement (EIS)

APPENDIX C — PRESS RELEASES



U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT NEWS RELEASE Wyoming State Office

Release Date: 06/10/10

Contacts: Cindy Wertz 307-775-6014

BLM seeks comments for RMP amendments

The Bureau of Land Management Wyoming will prepare an environmental impact statement and resource management plan (RMP) amendments for the Casper, Kemmerer, Pinedale, Rock Springs, Newcastle and Rawlins field offices in order to incorporate new sage-grouse policies.

BLM is requesting public comments to identify relevant issues. Useful comments are those that are specific, identify additional relevant issues, and/or determine the extent of the relevant issues. Comments on issues may be submitted in writing until June 28, 2010. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media and the BLM website at: <http://www.blm.gov/wy/st/en/programs/Planning/amendments/sage-grouse.html>. In order to be included in the Draft RMP amendments, all comments must be received prior to the close of the scoping period or 15 days after the last public meeting, whichever is later. BLM will provide additional opportunities for public participation upon publication of the Draft RMP amendments.

Amending the existing RMPs will provide consistency throughout the state about how the Wyoming sage-grouse policy will be applied. Amending the RMPs will also bring levels of protection for the sage-grouse in BLM plans to the same level that is presented in the Wyoming sage-grouse policy. This will ensure that the new policy conforms with the sage-grouse decisions in the RMPs as well as with the Wyoming Governor's Executive Order on sage-grouse (Wyoming EO 2008-2).

Written comments submitted by mail should be sent to the BLM Wyoming State Office (930), 5353 Yellowstone Rd, Cheyenne, WY 82003. Comments may also be sent by facsimile to: (307) 352-0329 or sent electronically to: Sagegrouse_Amendment_WY@blm.gov.

Your comments are important and will be considered in the environmental analysis process. If you comment, your name will be added to a mailing list in order to provide you with future information regarding the Sage-Grouse Policy amendment.

For further information and/or to have your name added to our mailing list, contact Ken Peacock, senior planner, Resources Policy and Management at (307) 775-6329; 5353 Yellowstone Road, Cheyenne, WY 82003; email: Sagegrouse_Amendment_WY@blm.gov.

--BLM--

Wyoming State Office 5353 Yellowstone Cheyenne, WY 82009

Last updated: 06-10-2010



U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT NEWS RELEASE Wyoming State Office

Release Date: 07/13/10

Contacts: Beverly Gorny 307-352-0205

BLM Hosts Open House Kick-Off Meetings to Provide Information on EIS Process

The Bureau of Land Management (BLM) will hold two open house kick-off meetings for the public to provide information on the Environmental Impact Statement (EIS) process that will be used for the Greater Sage-grouse Resource Management Plan (RMP) amendments in Wyoming. The open house kick-off meetings are scheduled from 5 p.m. to 7 p.m. on Monday, July 19 at the Holiday Inn at Rock Springs and on Tuesday, July 20 at the Parkway Plaza Hotel and Convention Center in Casper. These opportunities are in addition to the official public scoping meetings that will be held in each of the six involved BLM Wyoming Field Offices in early August. The official public scoping meeting locations and times will be announced separately.

The BLM has initiated an effort to review six RMPs in Wyoming to address recent guidance for Greater Sage-grouse management. The RMP amendments will incorporate policies from BLM Wyoming's Instruction Memoranda (IM) 2010-012 and 2010-013 (see <http://www.blm.gov/wy/st/en/programs/Wildlife.html>). Amending the existing RMPs will provide consistency applying the Wyoming Greater Sage-grouse policy throughout the State of Wyoming. The BLM Wyoming Field Office RMPs addressed in this plan review include Newcastle, Casper, Rawlins, Rock Springs, Pinedale and Kemmerer.

For more information, contact Chris Keefe, BLM wildlife biologist, at 307-775-6101.

--BLM--

Wyoming State Office 5353 Yellowstone Cheyenne, WY 82009

Last updated: 07-13-2010



U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT NEWS RELEASE Wyoming State Office

Release Date: 07/20/10

Contacts: Cindy Wertz (307) 775-6014

BLM initiates planning effort to revise sage-grouse management

The Bureau of Land Management (BLM) Wyoming State Office is initiating a planning effort to prepare Resource Management Plan (RMP) amendments with an associated Environmental Impact Statement (EIS) to revise sage-grouse and sagebrush management for the Rawlins, Rock Springs, Kemmerer, Pinedale, Casper, and Newcastle RMPs.

The RMP amendments will incorporate policies from BLM Wyoming’s Instruction Memoranda (IM) 2010-012 and 2010-013 (see www.blm.gov/wy/st/en/programs/wildlife.html). Amending the existing RMPs will provide consistency applying the Wyoming sage-grouse policy throughout the State of Wyoming. The planning area for the RMP amendments encompasses approximately 15 million acres of public land and is located in Albany, Carbon, Converse, Crook, Fremont, Goshen, Laramie, Lincoln, Natrona, Niobrara, Platte, Sublette, Sweetwater, Uinta, and Weston counties in Wyoming.

The BLM planning process and scoping period officially started with the publication of the Notice of Intent (NOI) in the Federal Register on May 28, 2010. The scoping process provides the public an opportunity to learn about the RMP amendment and provide input that will help to identify relevant issues. BLM is requesting public scoping comments to identify issues associated with the planning effort. Useful comments are those that are specific, identify additional relevant issues, and/or determine the extent of the relevant issues. Comments can be submitted for consideration in the Draft RMP amendments through August 30, 2010.

There are many ways to provide scoping comments. BLM encourages the public to attend one of the upcoming public scoping meetings and provide input. The open house meetings will be held from 4 p.m. to 7 p.m. Several information stations will be located within the meeting venue that will present information on key issues and the planning process. Attendees may learn about the RMP amendment process, ask questions, and provide written comments. A court reporter will be available to document oral comments. The dates and locations of the scoping meetings are as follows:

<p>Tuesday, August 3 4 p.m. to 7 p.m. Pinedale, Wyoming Sublette County Weed and Pest 12 South Bench Road, Pinedale, WY</p>	<p>Wednesday, August 4 4 p.m. to 7 p.m. Kemmerer, Wyoming Best Western Fossil Country Inn and Suites 760 U.S. Highway 189, Kemmerer, WY</p>
<p>Thursday, August 5 4 p.m. to 7 p.m. Rock Springs, Wyoming White Mountain Library</p>	<p>Wednesday, August 11 4 p.m. to 7 p.m. Newcastle, Wyoming Weston County Senior Citizens Center</p>

2935 Sweetwater Drive, Rock Springs, WY	627 Pine Street, Newcastle, WY
Thursday, August 12 4 p.m. to 7 p.m. Casper, Wyoming Best Western Ramkota Hotel 800 North Poplar Street, Casper, WY	Friday, August 13 4 p.m. to 7 p.m. Rawlins, Wyoming Best Western Cotton Tree Inn 2221 W. Spruce Street, Rawlins, WY

In addition to the scoping meetings, BLM will accept written comments through the following methods:

Mailed or Delivered to:

BLM Wyoming State Office
5353 Yellowstone Road
Cheyenne, WY 82003
Attn: Chuck Otto, Project Coordinator

Emailed to: Sagegrouse_Amendment_WY@blm.gov

Public comments are important and will be considered in the environmental analysis process. If you comment, your name will be added to the project mailing list in order to provide you with further information regarding the Wyoming Sage-Grouse Management RMP Amendment. To decline inclusion on the mailing list, please prominently state this in your comment.

For further information and/or to have your name added to the project mailing list, contact Chuck Otto, Project Coordinator, at the BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82003; (307) 775-6256; email: Sagegrouse_Amendment_WY@blm.gov. Additional information may be accessed on the BLM website: www.blm.gov/wy/st/en/programs/Planning/amendments/sagegrouse.html. BLM will provide additional opportunities for public involvement throughout the planning process through a series of public meetings designed to keep the public informed of the planning process.

--BLM--

Wyoming State Office 5353 Yellowstone Cheyenne, WY 82009
Last updated: 07-21-2010

APPENDIX D — PROJECT NEWSLETTER

Bureau of Land Management - Wyoming State Office

Wyoming Sage-Grouse Management

Resource Management Plan Amendment and Environmental Impact Statement

Contact Information:

Chuck Otto, Project Coordinator
 BLM Wyoming State Office
 5353 Yellowstone Road
 Cheyenne, WY 82003
 (307) 775-6256
Sagegrouse_Amendment_WY@blm.gov

July 2010

Resource Management Plan Amendment

The Bureau of Land Management (BLM) Wyoming State Office is initiating a planning effort to prepare Resource Management Plan (RMP) amendments with an associated Environmental Impact Statement (EIS) for the Rawlins, Rock Springs, Kemmerer, Pinedale, Casper, and Newcastle RMPs. The RMP amendments will revise sage-grouse and sagebrush management direction in the existing RMPs to incorporate policies from BLM Wyoming's Instruction Memoranda (IM) 2010-012 and 2010-013 (see <http://www.blm.gov/wy/st/en/programs/wildlife.html>). Amending the existing RMPs will provide consistency applying the Wyoming sage-grouse policy throughout the State of Wyoming. The RMP decisions to be amended are critical in nature and by law, all BLM actions, authorizations, and subsequent decisions must be in conformance with the RMP.

The planning area for the RMP amendments encompasses approximately 15 million acres of public land and is located in Albany, Carbon, Converse, Crook, Fremont, Goshen, Laramie, Lincoln, Natrona, Niobrara, Platte, Sublette, Sweetwater, Uinta, and Weston counties in Wyoming.

The overall objective of the Wyoming Sage-Grouse Management RMP Amendment planning effort is to provide a collaborative planning process for amending the management decisions of the existing six RMPs. Early public input is crucial to identify various RMP-level issues that should be addressed through the amendment process. The final Approved RMP amendments will identify desired outcomes, future conditions to be maintained or achieved, and specify uses or resource allocations that are allowable, restricted, or prohibited, including any restrictions needed to meet desired outcomes.

Public input is an important component of this process. The scoping period provides the public an opportunity to learn about the RMP amendment and to help identify issues, provide input, and propose alternatives to be addressed in the EIS.

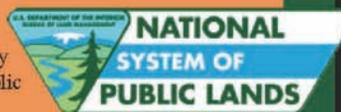


What is a Resource Management Plan?

An RMP is a set of comprehensive long-range decisions concerning the use and management of resources administered by the BLM. RMPs ensure that the public lands are managed in accordance with the intent of Congress as stated in the Federal Land Policy and Management Act (FLPMA), under the principles of multiple use and sustained yield.

Decisions in RMPs guide future land management actions and subsequent site-specific implementation decisions. These decisions establish goals and objectives for resource management (desired outcomes) and the measures needed to achieve these goals and objectives (management actions and allowable uses).

The RMP amendment is considered a major federal action and therefore requires the BLM to prepare an EIS under the authority of the National Environmental Policy Act (NEPA). Both the RMP amendment and EIS will be developed concurrently with public participation.



www.blm.gov/wy/st/en/programs/Planning/amendments/sage-grouse.html

BLM

Wyoming State Office



Public Scoping: We Need Your Input in Amending the Resource Management Plans



The BLM planning process officially started with the publication of the Notice of Intent (NOI) in the Federal Register on May 28, 2010. The NOI announced BLM Wyoming's intent to prepare Resource Management Plan (RMP) amendments with an associated Environmental Impact Statement (EIS) for the Rawlins, Rock Springs, Kemmerer, Pinedale, Casper, and Newcastle RMPs.

The NOI also initiated the 30-day scoping period. Although the 30-day scoping period has passed, scoping comments can be submitted for consideration in the Draft RMP amendments through August 30, 2010. The objective of scoping is to involve the public in the planning process and comply with the Federal Land Policy and Management Act (FLPMA). The public scoping process will identify planning issues, develop planning criteria, and evaluate the existing land use plan decisions in the context of the needs and interests of the public.

There are many ways for you to provide scoping comments. We encourage you to attend one of the upcoming public scoping meetings, ask questions, and provide input. Details regarding the public scoping meetings are included on Page 4. In addition to the scoping meetings, BLM will accept comments through the following methods:

Mailed or Delivered to:

BLM Wyoming State Office
5353 Yellowstone Road
Cheyenne, WY 82003
Attn: Chuck Otto, Project Coordinator

Emailed to: Sagegrouse_Amendment_WY@blm.gov

In addition to the scoping meetings, public open house meetings will also be held following the Cooperating Agency training and orientation. These meetings will take place on July 19 (Rock Springs, WY) and July 20 (Casper, WY) from 5:00 PM to 7:00 PM at the following locations: Holiday Inn, 1675 Sunset Drive, Rock Springs Wyoming 82901 (July 19); and Parkway Plaza Hotel, 123 West E Street, Casper, Wyoming 82601 (July 20).

For further information and/or to have your name added to the project mailing list, contact Chuck Otto, Project Coordinator, at the BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82003, (307) 775-6256. Additional information can be accessed on the BLM website: <http://www.blm.gov/wy/st/en/programs/Planning/amendments/sage-grouse.html>



The Resource Management Plan Amendment Process

The RMP process starts with the publication of the Notice of Intent (NOI) in the Federal Register, and follows through with scoping and alternatives development. Following alternatives development, the BLM will evaluate the potential environmental consequences from implementing each of the alternatives and select a preferred alternative. The BLM will issue the Draft RMP Amendment/EIS, gather public input on the draft document, and issue the Proposed RMP Amendment/Final EIS. Following the 30-day protest period and 60-day Governor's Consistency Review, the BLM will resolve any protests and sign a Record of Decision (ROD) and issue the Approved RMP Amendment.



Planning Issues and Criteria

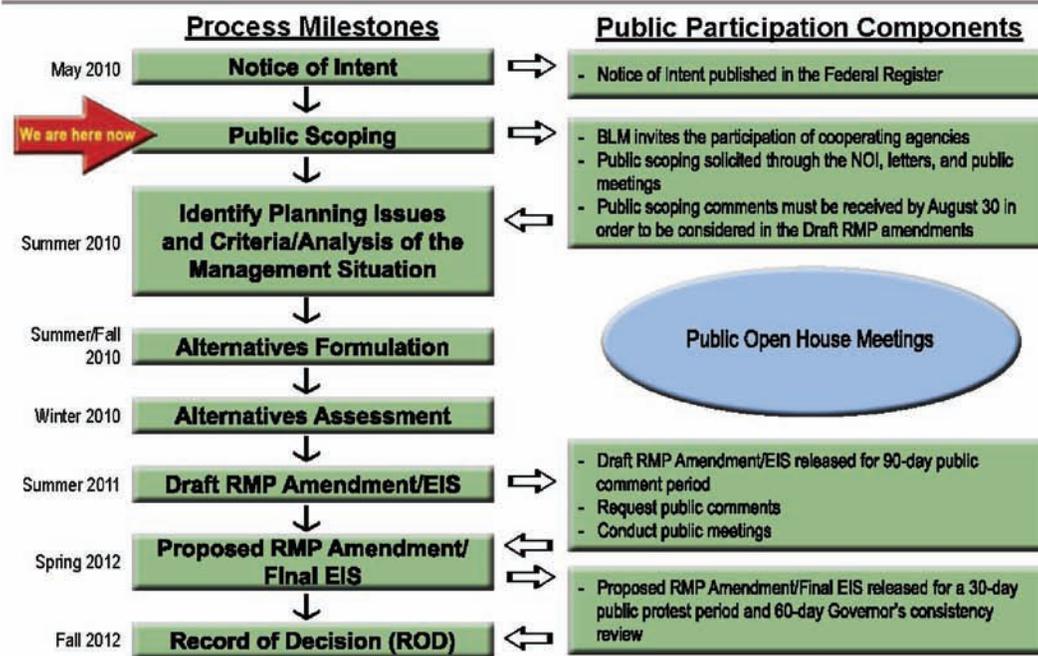
The process for amending an RMP begins with identifying planning issues. Planning issues express concerns, opportunities, conflicts, and problems associated with public land management. Issues also reflect new data, new or revised policies, and changes in resource uses affecting the planning area. Preliminary issues for the planning area have been identified by BLM personnel; federal, state, and local agencies; and other stakeholders. These issues include the following:

- ◆ Sagebrush habitat management practices directly applicable to the protection of sage-grouse
- ◆ Sagebrush habitat management science directly applicable to the protection of sage-grouse
- ◆ The effects of sagebrush habitat management on other public land resources.

Planning criteria are the constraints or ground rules developed to guide and direct the planning amendment. Planning criteria are based on laws and regulations; guidance provided by the BLM Wyoming State Director; results of consultation and coordination with the public, other government agencies and entities, and Indian tribes; analysis of information pertinent to the planning area; public input; and professional judgment. Preliminary planning criteria have been identified, which emphasize the need to focus the RMP amendments on the review, update, and analysis of RMP-level decisions that directly conflict with the new Wyoming sage-grouse management policy. Preliminary planning criteria include the following:

- ◆ Incorporating sage-grouse policies in BLM Wyoming IMs 2010-012 and 2010-013
- ◆ Incorporating policies established by the Wyoming Governor’s Executive Order on sage-grouse (Wyoming EO 2008-2)
- ◆ Considering and ensuring consistency with the BLM National Sage-Grouse Habitat Conservation Strategy (2004).

Wyoming Sage-Grouse Management RMP Amendment/EIS Process and Public Participation Components



Wyoming Sage-Grouse Management RMP Amendment
and Environmental Impact Statement

PENALTY FOR PRIVATE USE, \$300

OFFICIAL BUSINESS

Cheyenne, Wyoming 82003

5353 Yellowstone Road

Wyoming State Office

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Public Scoping Open House Meetings . . . Be part of the process!

The BLM encourages you to attend one of the public scoping open house meetings that will be held in Rawlins, Rock Springs, Kemmerer, Pinedale, Casper, and Newcastle, Wyoming. The open house meetings will be held from 4 p.m. to 7 p.m. Several information stations will be located within the meeting venue that will present information on key issues and the planning process. Attendees can learn about the RMP amendment process, ask questions, and provide written comments. A court reporter will be available to document oral comments, if individuals want to comment in that manner.



Date	Location	Address
Tuesday	Pinedale,	Sublette County Weed and Pest
August 3	Wyoming	12 South Bench Road, Pinedale, WY
Wednesday	Kemmerer,	Best Western Fossil Country Inn and Suites
August 4	Wyoming	760 U.S. Highway 189, Kemmerer, WY
Thursday	Rock Springs,	White Mountain Library
August 5	Wyoming	2935 Sweetwater Drive, Rock Springs, WY
Wednesday	Newcastle,	Weston County Senior Citizens Center
August 11	Wyoming	627 Pine Street, Newcastle, WY
Thursday	Casper,	Best Western Ramkota Hotel
August 12	Wyoming	800 North Poplar Street, Casper, WY
Friday	Rawlins,	Best Western Cotton Tree Inn
August 13	Wyoming	2221 West Spruce Street, Rawlins, WY

To learn more about the Wyoming Sage-Grouse Management RMP Amendment Process, visit the BLM website at:
<http://www.blm.gov/wy/st/en/programs/Planning/amendments/sage-grouse.html>

SCOPING MEETING POSTER DISPLAYS

**SAGE-GROUSE
RMP AMENDMENTS

PUBLIC SCOPING MEETING**

for
Public Lands Administered
by the

**Bureau of Land Management
Wyoming State Office**



Wyoming Sage-Grouse RMP Amendments

Overview and Summary

Background

- Resource Management Plan (RMP) amendments and Environmental Impact Statement (EIS) for Rawlins, Kemmerer, Pinedale, Green River, Casper, and Newcastle RMPs
- Approximately 15 million acres of public land included
- Incorporate BLM Wyoming's Instruction Memoranda to revise sage-grouse and sagebrush management
- Public scoping comments should be received by August 30

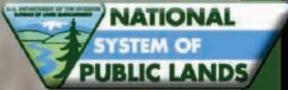


Preliminary Planning Issues

- Sagebrush habitat management practices & science directly related to protecting sage-grouse
- Effects of sagebrush habitat management on other public land uses and resources, and communities

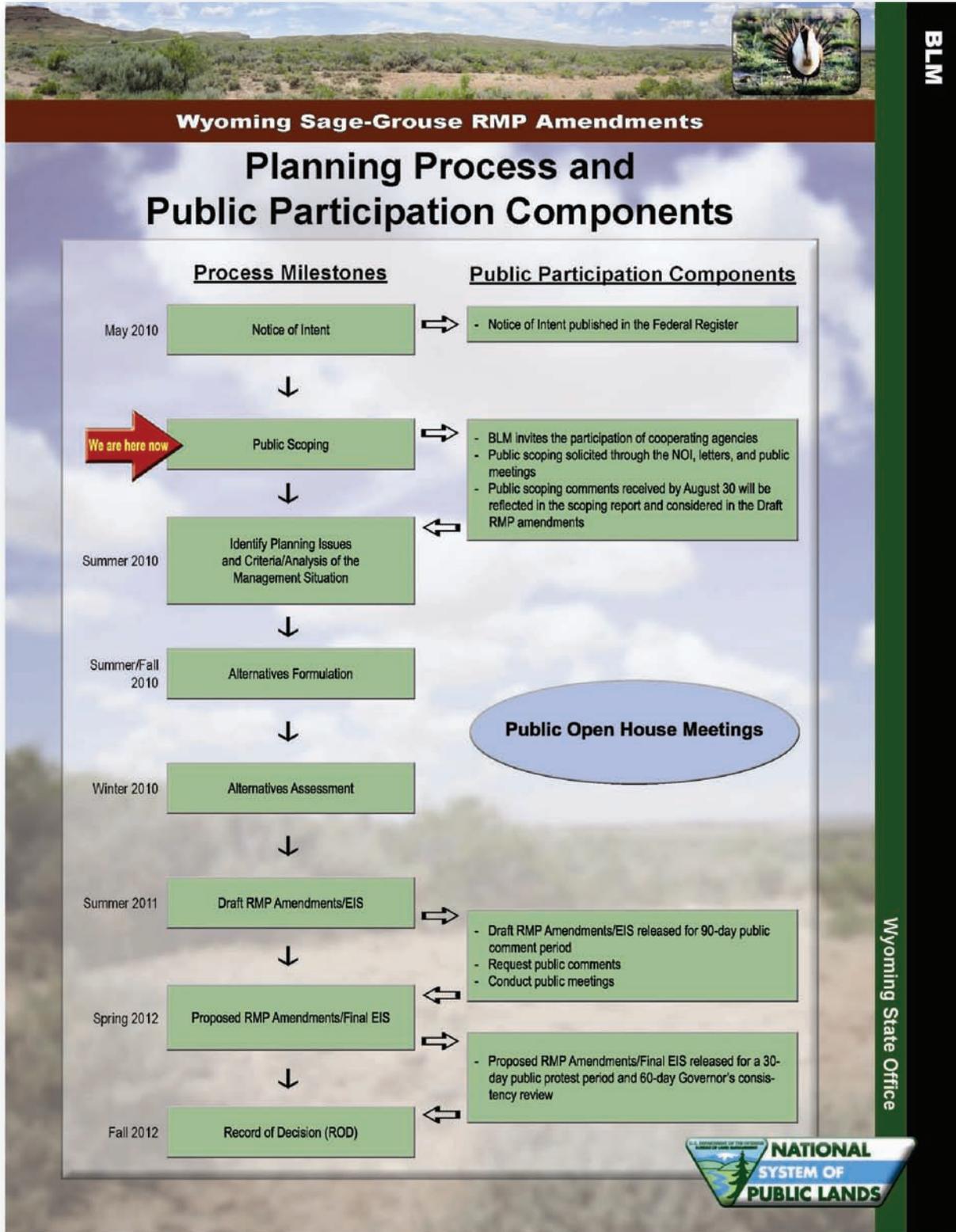
Preliminary Planning Criteria

- Incorporate sage-grouse policies in Wyoming IMs 2010-012 and 2010-013
- Wyoming Governor's Executive Order on sage-grouse (Wyoming EO 2008-2)
- BLM National Sage-Grouse Habitat Conservation Strategy (November 2004)



BLM

Wyoming State Office





BLM

Wyoming Sage-Grouse RMP Amendments

BLM Wyoming's Greater Sage-grouse Habitat Management Policy

(Wyoming's Instruction Memoranda (IM) 2010-012 and 2010-013)

OBJECTIVES

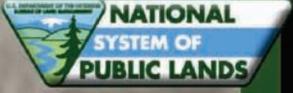
Address recommendations and information in the Wyoming Governor's Executive Order (EO) on Greater sage-grouse (Wyoming EO 2008-2)

- Maintain and enhance Greater sage-grouse habitats and populations corresponding to the State's Core Population Areas
- Authorize new development or land uses in key habitat areas only when the activity will not cause population decline

Minimize potential for future listing as threatened or endangered under the Endangered Species Act (ESA)

- Currently, Greater sage-grouse protection is warranted under the ESA
- Proposed listing action is precluded by other species facing more immediate threats
- Greater sage-grouse is a Candidate species on the federal ESA list
- The US Fish and Wildlife Service will review the status annually to determine whether the species warrants more immediate attention



Wyoming State Office




Wyoming Sage-Grouse RMP Amendments

BLM Wyoming's Greater Sage-grouse Habitat Management Policy

Key Components

- Implement timing, distance, and density restrictions on surface-disturbing activities
- Analyze the impacts of implementing the sage-grouse policy in RMPs
- Establish monitoring protocols



Conserve Sagebrush Habitat

- Develop sage-grouse habitat maps and connectivity corridors
- Maintain or reduce structure density on the landscape
- Minimize sage-grouse core habitat fragmentation

Conserve Sage-grouse Populations

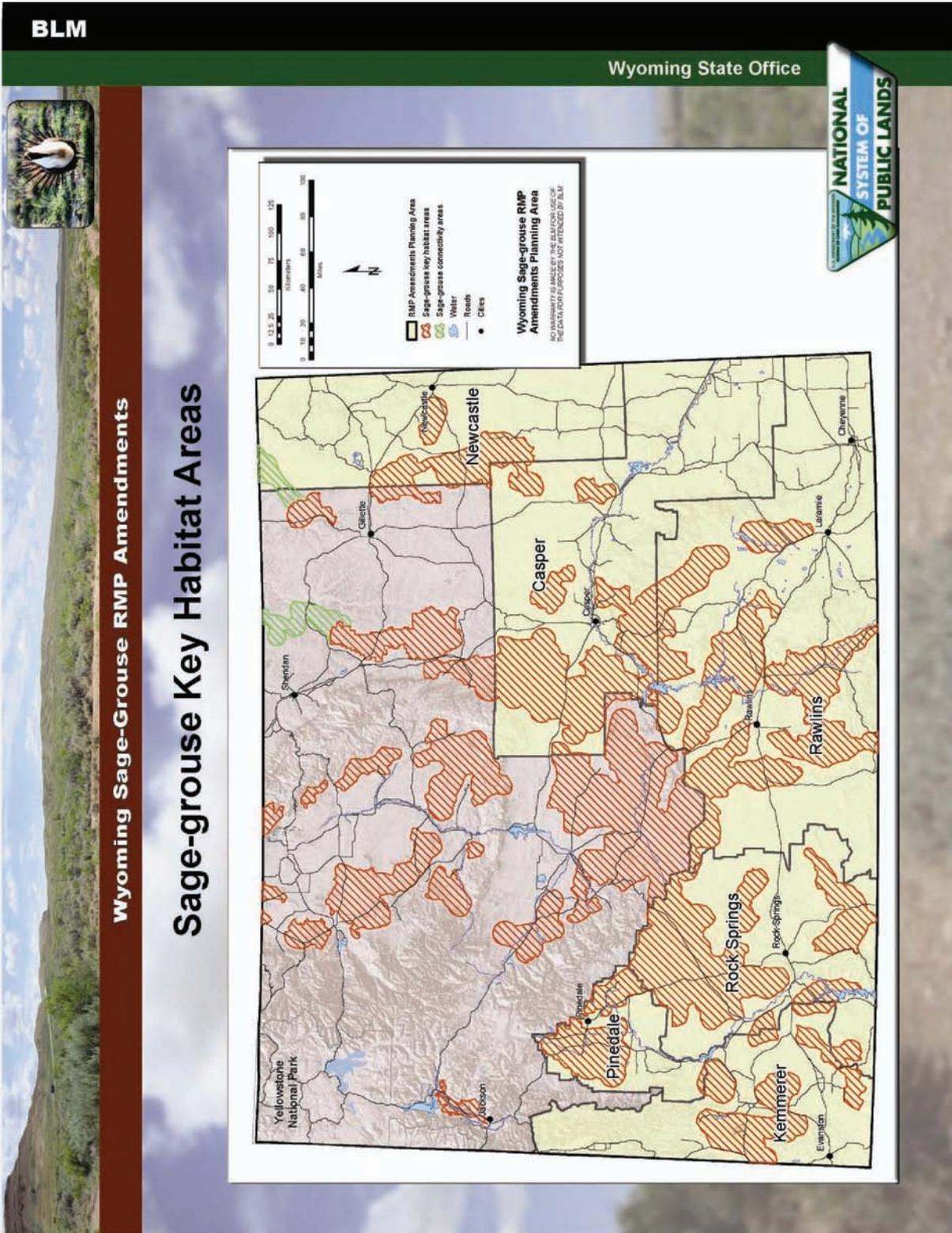
- Restrict or prohibit disturbances around occupied leks
- Apply timing limitations on disruptive activities within suitable nesting/early brood-rearing habitat
- Apply timing limitations on disruptive activities in sage-grouse winter habitats

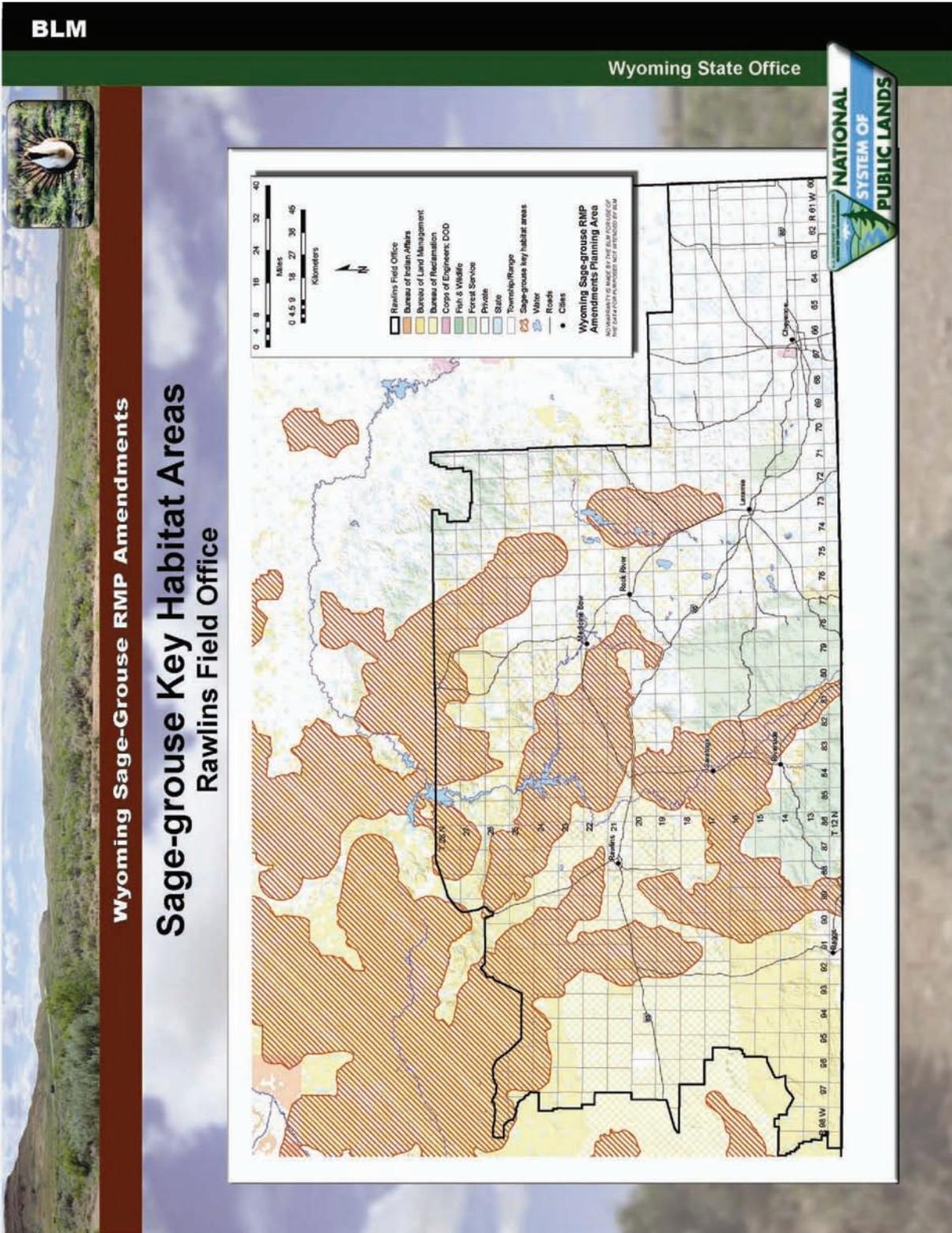


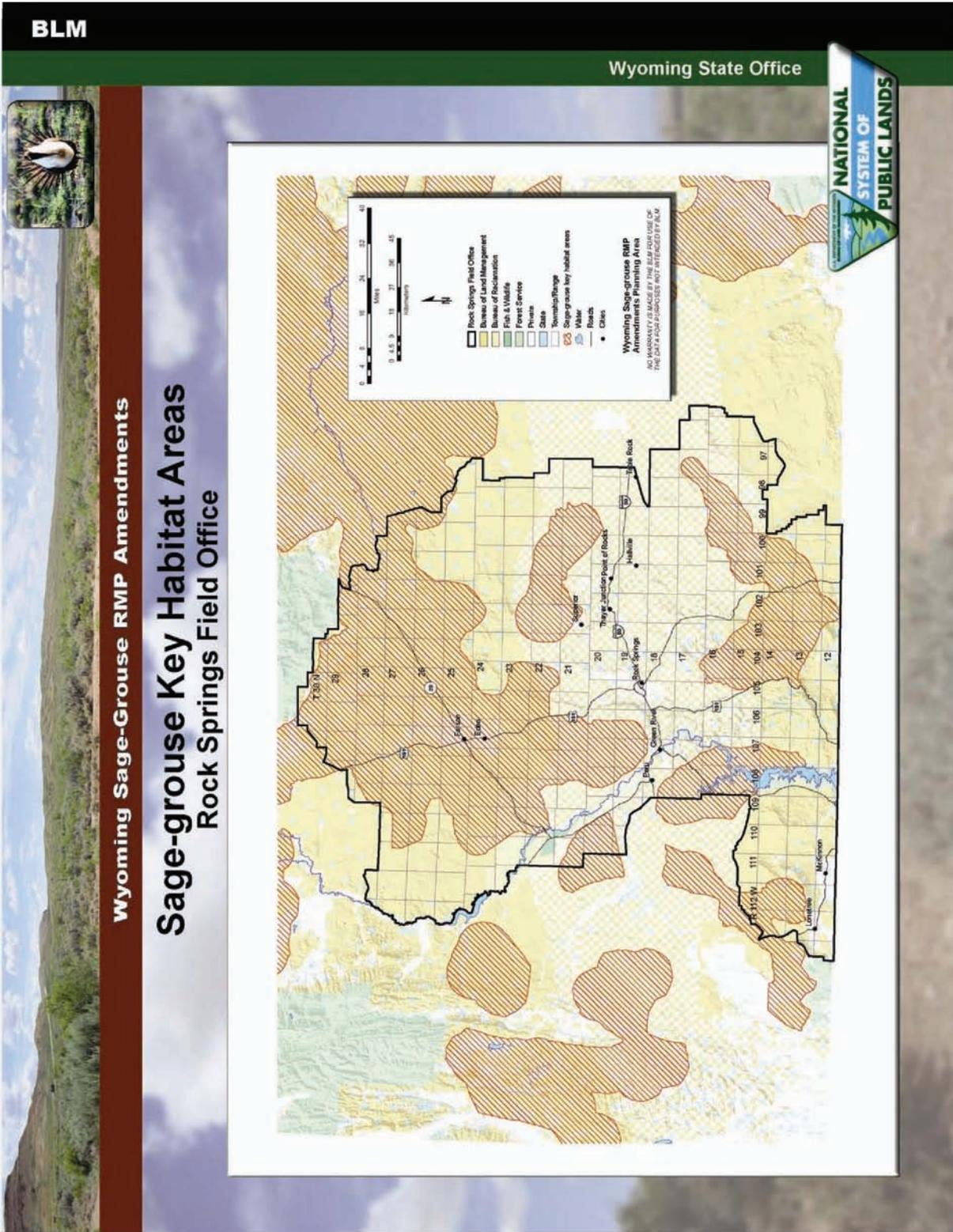
BLM

Wyoming State Office

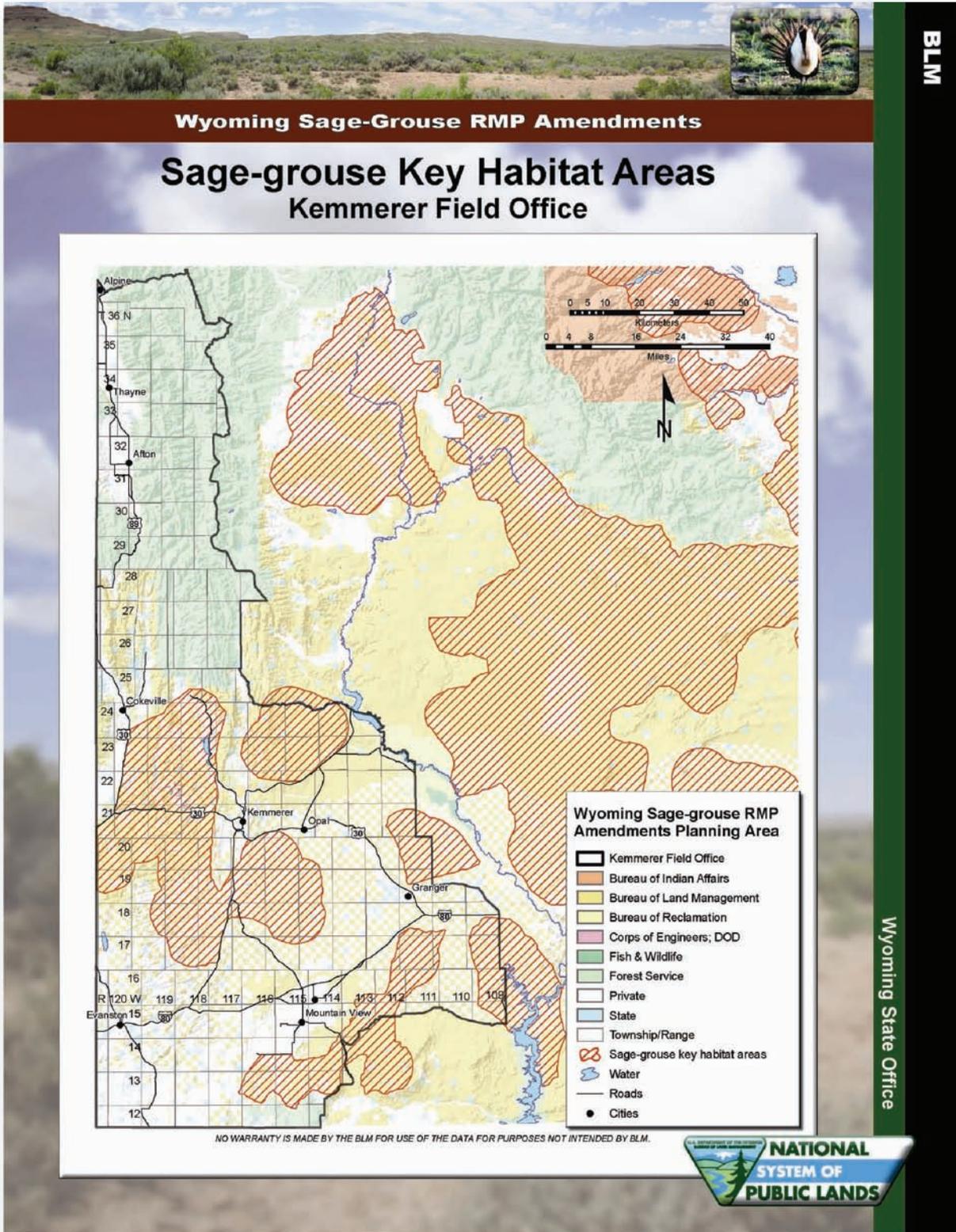


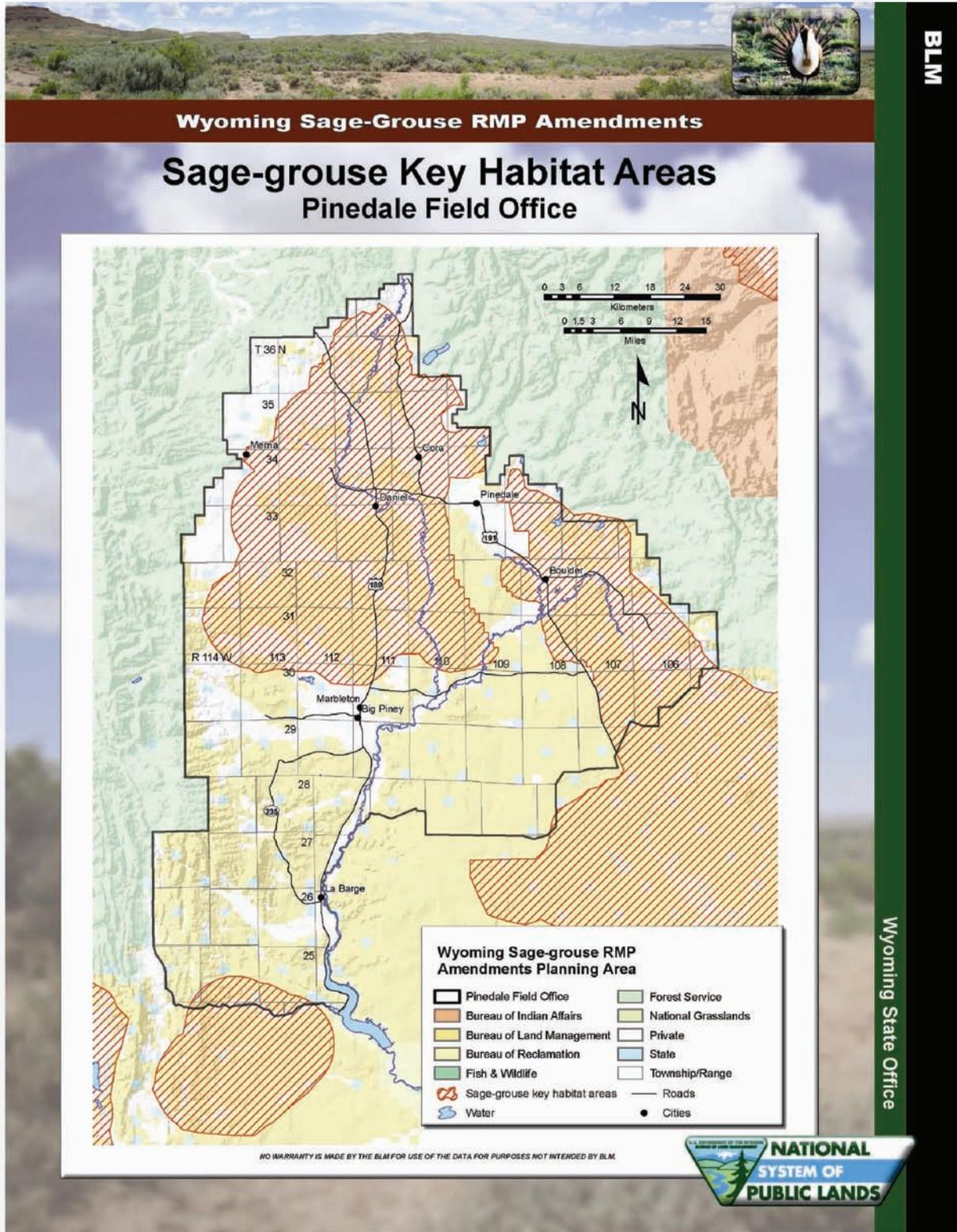


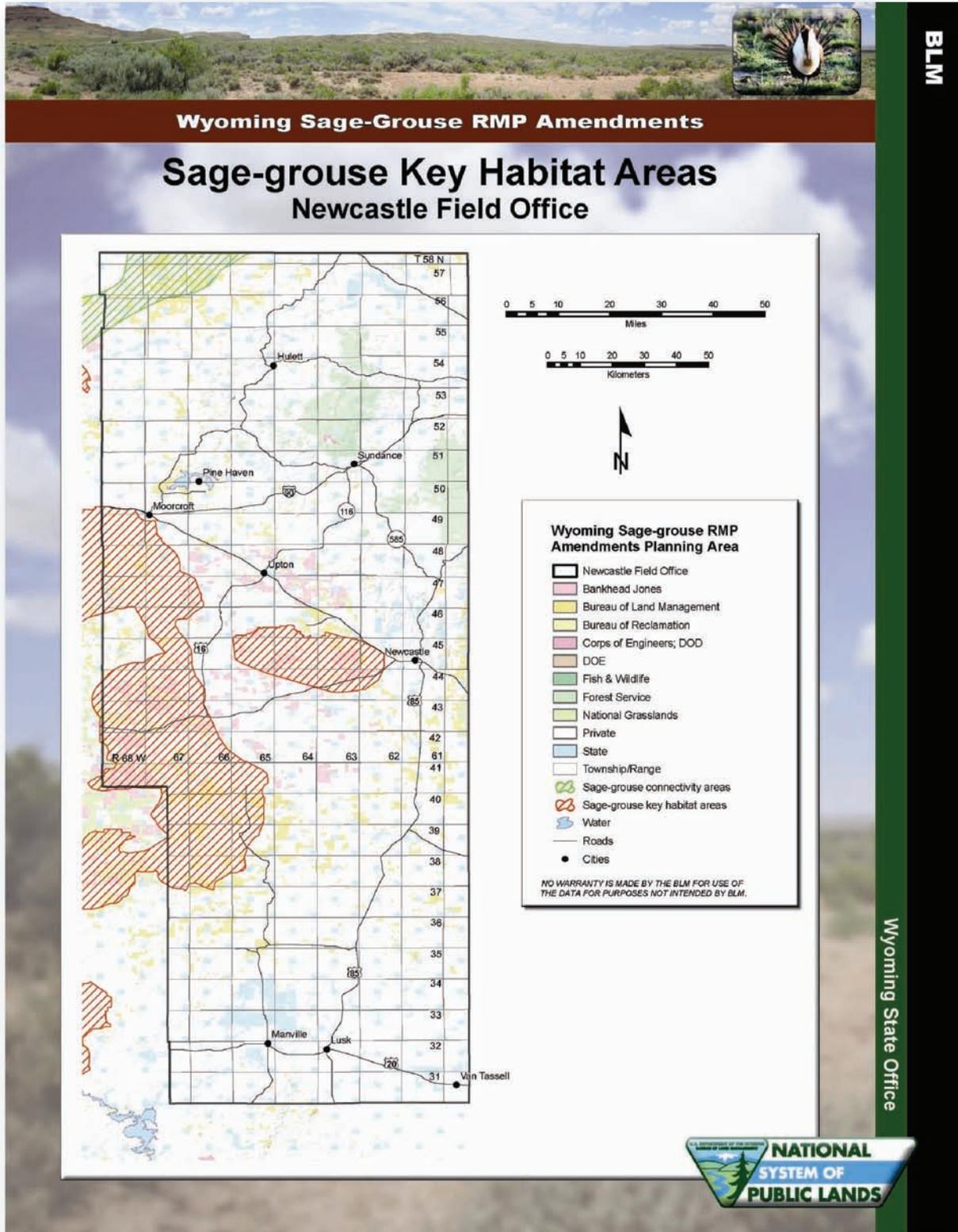






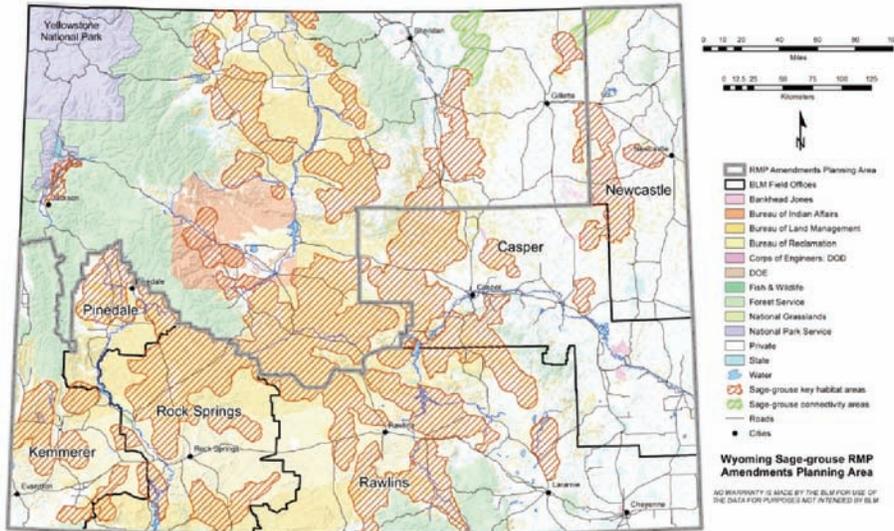




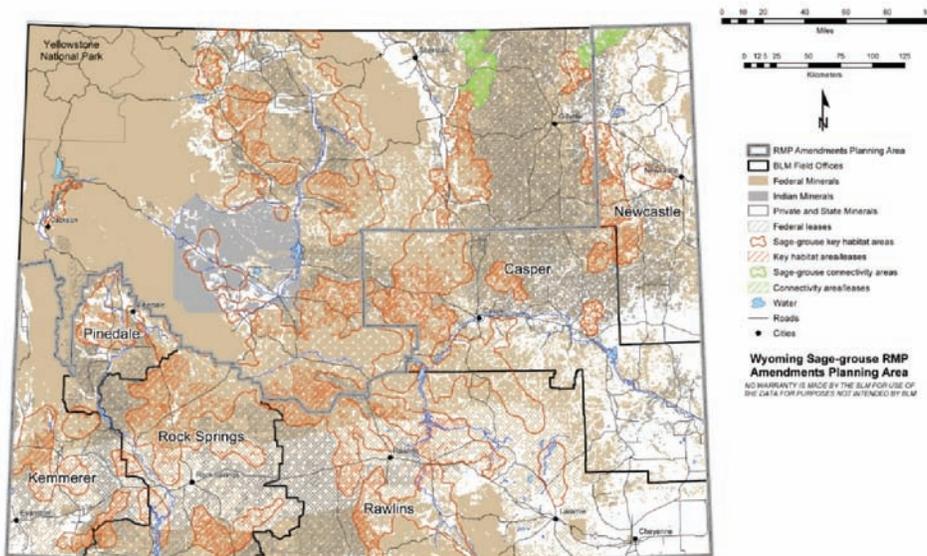


PUBLIC MEETING MAP HANDOUTS

Planning Area and Surface Ownership



Mineral Ownership and Federal Leases



PUBLIC MEETING HANDOUTS

WYOMING SAGE-GROUSE RESOURCE MANAGEMENT PLAN AMENDMENTS FREQUENTLY ASKED QUESTIONS

What is a Resource Management Plan?

A Resource Management Plan (RMP) is a set of comprehensive long-range decisions concerning the use and management of resources administered by the BLM. RMPs ensure that the public lands are managed in accordance with the intent of Congress as stated in the Federal Land Policy and Management Act (FLPMA), under the principles of multiple use and sustained yield.

Decisions in RMPs guide future land management actions and subsequent site-specific implementation decisions. These decisions establish goals and objectives for resource management (desired outcomes) and the measures needed to achieve these goals and objectives (management actions and allowable uses).

Why is the BLM amending the Wyoming RMPs?

The BLM is amending the Rawlins, Kemmerer, Pinedale, Green River, Casper, and Newcastle RMPs in order to revise sage-grouse and sagebrush management direction to incorporate policies from BLM Wyoming's Instruction Memoranda (IM) 2010-012 and 2010-013.

Why is the BLM seeking public comment?

The BLM relies heavily on public participation in developing and amending RMPs. Public input provided during the scoping period is crucial to identify various RMP-level issues that should be addressed through the amendment process.

How can I provide comments?

- Written comments can be submitted at the public meetings or mailed to BLM at: Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, WY 82003, Attn: Chuck Otto, Project Coordinator.
- Comments can be submitted via email at: Sagegrouse_Amendment_WY@blm.gov.
- Oral comments can be submitted via a certified court reporter at the public meetings (August 3, 4, 5, 11, 12, and 13, 2010).

What is the most effective type of comment?

The most effective comments are those that are specific, identify additional relevant issues, and/or determine the extent of the relevant issues. Comments submitted by August 30, 2010 will be reflected in the scoping report and considered in the Draft RMP amendments.

Will my comments be made available to the public?

All comments received, including names and street addresses of respondents, will be available for public review at the BLM Wyoming State Office. If you wish to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments.

WYOMING SAGE-GROUSE RMP AMENDMENT RELEVANT INFORMATION AND DATA

1. BLM Wyoming's Instruction Memorandum (IM) WY-2010-012 and -013
Available at <http://www.blm.gov/wy/st/en/programs/wildlife.html>
2. State of Wyoming Executive Department, Executive Order: Greater Sage-Grouse Core Area Protection
Available at http://www.fws.gov/wyominges/PDFs/Species_concern/WY_EO_2008_2.pdf
3. Notice of Intent for the Wyoming Sage-Grouse RMP Amendment
Available at <http://www.blm.gov/wy/st/en/programs/Planning/amendments/sage-grouse.html>
4. Fish and Wildlife Service (FWS) Greater Sage-Grouse Listing Decision Fact Sheet
Available at <http://www.fws.gov/mountain-prairie/species/birds/sagegrouse/FactSheet03052010.pdf>
5. Sage-Grouse Core Area Map
Available at:
http://gf.state.wy.us/wildlife/wildlife_management/sagegrouse/DRAFT_v3core_finalposter1_1.pdf
6. "Using the Best Available Science to Coordinate Conservation Actions that Benefit Greater Sage-Grouse Across States Affected by Oil & Gas Development"
Available at <http://www.blm.gov/wy/st/en/programs/Planning/amendments/sage-grouse.html>
7. "Studies in Avian Biology Chapter 6: Harvest Management for Greater Sage-Grouse: A Changing Paradigm for Game Bird Management"
Available at: <http://sagemap.wr.usgs.gov/Docs/SAB/Chapter06.pdf>
8. "Hunting and Sage-Grouse: A Technical Review of Harvest Management on a Species of Concern in Wyoming"
Available at:
http://gf.state.wy.us/wildlife/wildlife_management/sagegrouse/pdf/Hunting%20and%20SG%20008%20FINAL.pdf
9. "Fence Marking to Reduce Greater Sage-grouse (*Centrocercus urophasianus*) Collisions and Mortality near Farson, Wyoming – Summary of Interim Results"
Available at <http://gf.state.wy.us/downloads/pdf/FenceMarkingInterimReport10-26-09corrected.pdf>
10. "Grazing Influence, Management and Objective Development in Wyoming's Greater Sage-Grouse Habitat With emphasis on Nesting and Early Brood Rearing." August 16, 2009.
Available at http://ldcd.org/index_files/WYGrazingInGrouseHabitat.pdf
11. "Prescribed Fire as a Management Tool in Xeric Sagebrush Ecosystems: Is it Worth the Risk to Sage-Grouse? A White Paper prepared by the Sage and Columbian Sharp-Tailed Grouse Technical Committee for the Western Association of Fish and Wildlife Agencies." June, 2009.

Available at:

http://gf.state.wy.us/wildlife/wildlife_management/sagegrouse/pdf/UseofPrescribedFireinXericSagebrush.pdf

12. Doherty, Kevin E., David E. Naugle, Brett L. Walker (2006). Greater Sage-Grouse Winter Habitat Selection and Energy Development. *The Journal of Wildlife Management* 72(1): 187-195.
Abstract available at <http://pinnacle.allenpress.com/doi/abs/10.2193/2006-454?journalCode=wild>
13. Harju, Seth M., Matthew R. Dzialak, Renne C. Taylor, Larry D. Hayden-Wing, Jeffrey b. Winstead (2008). Thresholds and Time Lags in Effects of Energy Development on Greater Sage-Grouse Populations. *Journal of Wildlife Management* 74(3): 437-448.
Abstract available at <http://www.bioone.org/doi/abs/10.2193/2008-289>
14. Candidate Conservation Agreements for Non-Federal Property Owners (FWS information sheet)
Available at http://library.fws.gov/pubs9/cca_assurances.pdf
15. Candidate Conservation Agreements With and Without Assurances (FWS presentation)
Available at <http://www.wy.blm.gov/jiopapo/jio/presentations/ConservationAgreements.pdf>

BLM WYOMING'S GREATER SAGE-GROUSE HABITAT MANAGEMENT POLICY
(WYOMING INSTRUCTION MEMORANDUM 2010-012)

Greater Sage-grouse Habitat Management Policy Statements:

1. Habitat Mapping and Assessment

- Continue to work with our partners to develop maps and primarily the seasonal habitat model
- Connectivity and movement corridors

2. Timing, Distance and Density Restrictions

- In support of population objectives set by the State of Wyoming
- 0.25-mile No Surface Occupancy (NSO) would move to 0.6-mile Controlled Surface Use (CSU) inside sage-grouse key habitat areas
- All nesting/brood rearing TLS inside key habitat areas would have seasonal timing
- Winter habitat TLS inside and outside key habitat areas
- Surface disturbance and disruptive activities
 - If an action requires human presence/activity for more than one hour in a 24 hour period, it would generally be considered disruptive
- Density restrictions to average 1 disturbance per 640 acres
 - Measured case-by-case
 - We must achieve this goal to successfully conserve sage-grouse habitats

3. Conservation Objectives and Mitigation

- Documents will include measureable conservation objectives inside or outside key habitat areas
- Work with proponents to:
 - Develop onsite mitigation ideas/plans
 - Provide greater application and use of Best Management Practices (BMP)
 - Develop voluntary offsite, compensatory mitigation plans, as appropriate
- BLM Wyoming must recognize the population objectives of the Wyoming Game and Fish Department (WGFD) in considering authorizations
- Conservation measures will be incorporated as Conditions of Approval (COA) on the permit, Plan of Development or other BLM authorization as appropriate

4. Project Locations and Analyses

- Consider valid existing rights
- Work with proponents to ensure measureable objectives for conservation
- Effects analysis
 - Consider that projects could cause impacts to seasonal habitats of sage-grouse that breed on leks up to 11-miles or more from a proposed project

5. Resource Management Plans (RMPs)

- Must follow guidance from the BLM's National Sage-Grouse Habitat Conservation Strategy (BLM 2004)
- Identify a range of alternatives that considers and evaluates the information in the Instruction Memorandum
- Objectives for maintenance and improvement of habitat
- Identify areas unavailable for leasing, wind development, etc.

6. Lek Data

- WGFD is the keeper of the official lek database
- Annual lek counts will be coordinated with the WGFD

7. West Nile Virus

- Water impoundments should be built to standards that will hopefully prevent the spread of West Nile virus
- Primary among the standards would be to limit shallow water and vegetation, which encourages occupancy of mosquito that acts as an intermediate host to the virus

8. Use of Dogs

- BLM Field Offices will not accept the use of dogs as a sole mechanism for detecting nesting sage-grouse in an effort to provide exceptions during the nesting season
- Mortality is always an important consideration when choosing methodologies for conducting site clearances

9. Monitoring Effectiveness

- Directives monitored to determine effectiveness during implementation
- BLM Field Offices directed to establish monitoring protocols; incorporate into project approvals as necessary
- Small or "in-house" projects will also have a monitoring plan incorporated in the approval documents

10. Variances

- Deviation from policy should be limited
- Some circumstances may justify variance
- Variance in areas where locally collected, scientific data and information, supported by comprehensive NEPA analysis, presents "compelling" justification
- Approval variance is not required beyond Field Manager level
 - Notification of variable actions is necessary for awareness and tracking