APPENDIX O—RESPONSE TO PUBLIC COMMENTS

Table of Contents

PLANNING ISSUES AND CRITERIA 4
NEPA 13
FLPMA 54
OTHER LAWS 67
NATIONAL SAGE-GROUSE STRATEGY 80
ACECS 112
AIR RESOURCES 123
CLIMATE CHANGE 126
CULTURAL AND HERITAGE RESOURCES 128
FIRE AND FUELS 134
FISH AND WILDLIFE-BIG GAME 142
FISH AND WILDLIFE-ESA CONSULTATION 150
FISH AND WILDLIFE-FISH 151
FISH AND WILDLIFE-NON-GAME 152
FISH AND WILDLIFE-OTHER SPECIAL STATUS SPECIES 155
SAGE-GROUSE 172
LANDS AND REALTY 520
LANDS WITH WILDERNESS CHARACTERISTICS 556
LEASABLE MINERALS 567
LIVESTOCK GRAZING 751
LOCATABLE MINERALS 846
NATIONAL TRAILS 863
PALEONTOLOGICAL RESOURCES 863
RECREATION 865
SALEABLE MINERALS 872
SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE 873
SOIL 897
TRAVEL MANAGEMENT 903
VEGETATION-OTHER 919
VEGETATION-RIPARIAN 945
VEGETATION-SAGEBRUSH 948
VISUAL RESOURCES 951
WATER 952
WILD HORSES 967
OTHER 1009

Introduction

This appendix includes public comments on the Wyoming Greater Sage-Grouse Draft Land Use Plan (LUP) Amendments/Draft Environmental Impact Statement (EIS) along with Bureau of Land Management (BLM) and U.S Forest Service (Forest Service) responses. The BLM and Forest Service provided the public with 90 days from the date of publication of the Notice of Availability (NOA) for the Wyoming Greater Sage-Grouse Draft LUP Amendments/Draft EIS to review the document and submit comments. The NOA was published in the *Federal Register* on December 27, 2013. The 90-day public comment period officially ended on March 27, 2014. Any letters received after the closing date were accepted and also addressed during preparation of the Wyoming Greater Sage-Grouse Proposed LUP Amendments/Final EIS.

A total of 22,877 letters were received: 22,869 were sent by e-mail and 14 were submitted in hardcopy format or sent by mail. Of the total letters received, 22,624 of them were identified as being form letters. Form letters are described as letters containing identical text submitted by more than five individuals.

According to the National Environmental Policy Act (NEPA), the BLM and Forest Service are required to identify and formally respond to all substantive public comments. A substantive comment does one or more of the following:

- Questions, with a reasonable basis, the accuracy of the information in the environmental impact statement
- Questions, with a reasonable basis, the adequacy of environmental analysis as presented
- Presents reasonable alternatives other than those presented in the draft EIS that meet the purpose and need of the proposed action and addresses significant issues
- Causes changes or revisions in the proposal

Nonsubstantive comments simply state a position in favor of, or against, an alternative; merely agree or disagree with BLM or Forest Service policy; or otherwise express an unsupported personal preference or opinion.

The BLM and Forest Service are required to respond only to substantive comments to fully inform the public of concerns raised. For this appendix, the BLM and Forest Service have provided responses to all substantive public concerns identified during comment analysis. Responses to substantive comments are more extensive, complete, and often offer an explanation of why a comment may or may not have resulted in a change to the Wyoming Greater Sage-Grouse Proposed LUP Amendments/Final EIS.

The BLM and Forest Service read all public response letters in their entirety and identified comments that related to a particular concern or resource consideration or that proposed management actions. Every effort was made to keep each comment within a letter as a stand-alone comment. The BLM and Forest Service looked not only for each action or change requested by the public, but also for any supporting information to capture the comment in its entirety. In doing so, paragraphs within a comment letter may have been divided into several comments because of multiple comments being presented or, alternatively, sections of a letter may have been combined to form one coherent statement. These comment excerpts are shown in this appendix along with their specific comment number, the commenter name, and organization, where applicable.

Once a comment was identified, the BLM assigned it to a category associated with the overall premise of the comment. A coding structure served as a tool to sort comments into logical groups by topics. In this case, the coding structure was organized based on an outline developed by the national sage-grouse

planning effort; some additional sub-categories were added to include topics unique to the Wyoming sage-grouse planning effort.

A database was used to organize and compile the large number of comments received on the Wyoming Greater Sage-Grouse Draft LUP Amendments/Draft EIS. Comments that were received via e-mail were automatically entered into the database. The coding of these letters was also conducted within the database. Comments identified in hardcopy letters were entered verbatim into the project database. The content analysis process also involved identifying all form letters. The initial course of action in this step was conducted using the database to filter all web-based and e-mail comments to identify all letters containing identical text. Once a form letter was identified, it was given an identification number, copied, and coded. If a form letter included any original comments, the comments were treated as a unique comment, coded, and entered into the database.

It is important to note that during the process of identifying concerns, all comments were treated equally. The comments were not weighted by organizational affiliation or status of respondents, and the number of duplicate comments did not add more bias to one comment than another. The process was not one of counting votes and no effort was made to tabulate the exact number of people for, or against, any given aspect of the Wyoming Greater Sage-Grouse Draft LUP Amendments/Draft EIS. Rather, emphasis was placed on the content of a comment.

Response to Comments

The BLM and Forest Service received multiple comments that shared similar issues and content. These similar comments were identified and combined into comment summaries, which represent the issues raised in the verbatim comment excerpts. The responses presented in this appendix apply to the comment summaries.

This appendix is organized with the verbatim comment excerpts at the beginning of each section, which are shown by comment ID, organization, and commenter name (where provided). Following the verbatim comment excerpts are the summary comment and response to the summary comment.

Because the comments within this appendix were made in reference to the Draft EIS, “Alternative E” was used in both the comments and responses. In the Proposed LUP Amendments/Final EIS, “Alternative E” is now called the “Proposed LUP Amendments.” Where “Alternative E” is used in this appendix, it is used interchangeably for “Alternative E” in the Draft EIS and for the “Proposed LUP Amendments” in the Final EIS.

Planning Issues and Criteria

BLM cannot expand state authority

Comment ID: 137
Organization:
Name: CTVA Action Committee

Comment: This strategy "in no way expands the review authority of any state agency". Significant new requirements will be required before projects are approved and no timelines are given to these agencies. Timelines for review need to be clearly established and followed if this document is to be accepted. This document seems to have expanded authority in order to accomplish its directive. We oppose any expansion of that authority.

Summary: BLM cannot expand their authority to accomplish conservation objectives. Significant new project requirements give no timeline for approval. Timelines for review need to be clearly established and followed if this document is to be accepted.

Response: The Proposed LUP Amendments/Final EIS contains only planning actions and does not include any implementation actions. A more quantified or detailed and specific analysis, including timelines, would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM would conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions would be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions.

Planning Issues and Criteria

Chapter 1 consistency with 2.2.1

Comment ID: 3024
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Section 1.6, page 1-10, paragraph 8, beginning on line 1: This last statement is unclear if on FS lands there will be amendments to existing plans and documents. Applicability under 2.2.1 Alternatives Development Process page 2-2 statements should apply.

Summary: Section 1.6, page 1-10, paragraph 8, beginning on line 1: This last statement is unclear if there will be amendments to existing plans and documents on Forest Service lands. Applicability under 2.2.1 Alternatives Development Process page 2-2 statements should apply.

Response: The Wyoming Greater Sage-Grouse LUP Amendments and EIS is intended to amend nine planning documents, including three Forest Service LRMPs for the Bridger-Teton National Forest (BTNF), Medicine Bow National Forest (MBNF), and Thunder Basin National Grassland (TBNG).

Planning Issues and Criteria

Funding and personnel issues

Comment ID: 2584
Organization: Coalition of Local Governments

Name: Kent Connelly

Comment: Pg 4-3 Text: • Sufficient funding and personnel will be available to implement the RMP and LRMP amendments. Comment: BLM makes the bold assumption that sufficient funding and personnel will be available to implement the RMP and LRMP amendments when the BLM already lacks personnel and funding to adequately accomplish existing management obligations. For example, wild horses have a significant and disproportionate adverse effect on GRSG habitat and horse numbers continue to increase by more than 18% annually yet BLM has repeatedly stated funding and personnel shortages to decrease horse gathers throughout Wyoming. "Conclusory assurances, without support, do not substitute for the analysis provided by an EIS." Sierra Club v. Bosworth, 352 F. Supp. 2d 909, 927 (D. Minn. 2005); Neighbors of Cuddy Mountain v. United States Forest Serv., 137 F.3d 1372, 1380 (9th Cir.1998)(reasoning that if Forest Service does not present quantified or detailed information, courts and public cannot be assured that it provided requisite "hard look"); see League of Wilderness Defenders–Blue Mountains Biodiversity Project v. Zielinski, 187 F.Supp.2d 1263, 1271 (D.Or.2002).

Summary: BLM makes the bold assumption that sufficient funding and personnel will be available to implement the Draft LUP Amendments when the BLM already lacks personnel and funding to adequately accomplish existing management obligations. "Conclusory assurances, without support, do not substitute for the analysis provided by an EIS," Sierra Club v. Bosworth.

Response: As a landscape level planning effort, none of the alternatives prescribe project-level or site-specific activities on BLM or Forest Service managed lands. Furthermore, the agencies' selection of an alternative does not authorize funding to any specific project or activity nor does it directly tie into the agencies' budgets as appropriated annually through the federal budget process. As a consequence, agencies' costs and differences in program costs across alternatives have not been quantified. Information has been presented in several resource impact sections on the types of costs that might be associated with various sage-grouse conservation measures.

Planning Issues and Criteria

Goals and objectives issues

Comment ID: 1155
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: While the proposed RMP provides goals, the objectives have been noticeably missing. Those few that are written without quantifiable and measurable outcomes and are written in such a way as to be unenforceable and are therefore not regulatory mechanisms which can be relied upon to recover sage grouse.

Comment ID: 2148
Organization: Sierra Club, Wyoming Chapter
Name: Connie Wilbert

Comment: This planning amendment is general in nature and gives little insight into how land management will change. BLM land use planning is guided by their handbook H-16012- 1, which requires plans to "guide future land use management decisions." These plan decisions are based on achieving goals and measurable objectives. At first glance, many of the key measurable tools and standards needed in sage-grouse conservation are present. Unfortunately, these proposed amendments offer few measurable objectives and the standards described are not applied uniformly, often missing the management activity or area where they are most needed. Objectives should be quantifiable with an established time frame for

achievement (H-1601-1), but these attributes are generally lacking in the objectives in the DEIS. As just one example, BLM does not establish sage grouse population objectives for any management area.

Summary: The Draft LUP Amendments document is general in nature and gives little insight into how land management will change. BLM land use planning is guided by their handbook H-16012- 1, which requires plans to "guide future land use management decisions." These plan decisions are based on achieving goals and measurable objectives. At first glance, many of the key measurable tools and standards needed in sage-grouse conservation are present. Unfortunately, these proposed amendments offer few measurable objectives and the standards described are not applied uniformly, often missing the management activity or area where they are most needed. Objectives should be quantifiable with an established time frame for achievement (H-1601-1), but these attributes are generally lacking in the objectives in the Draft EIS. Goals are provided, but objectives are missing or inadequate. They are not quantifiable with no measurable outcomes and are unenforceable and therefore not regulatory mechanisms which can be relied upon to recover sagegrouse.

Response: As the decisions under consideration by the BLM and the Forest Service are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the management actions were considered at a broad, programmatic level. The BLM NEPA Handbook H-1790-1 updated in January 2008 does not indicate that the goals and objectives must be quantifiably measureable. These goals and objectives have been designed to comply with existing laws and regulations, in addition to incorporating the new sage-grouse science. The monitoring framework found in Appendix D, the habitat objectives in Tables 2-2 and 2-3 and the adaptive management and monitoring strategy found in Section 2.3.2 provide the science-based hard and soft adaptive management triggers that will indicate the ability to meet the sage-grouse conservation objectives.

Planning Issues and Criteria

Implementation objectives are not clear

Comment ID: 1505
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The DEIS also does not meet the PECE Policy standards for ensuring that conservation measures are certain to be effective when implemented. First, the DEIS states that an implementation plan on management plans and monitoring as well as mitigation efforts will be developed after approval of the Record of Decision for the Land Use Plan, without providing any certainty regarding when the implementation plan would be completed. DEIS at 2-5. In addition, many of the alternatives in the DEIS do not state explicit incremental objectives and dates for the conservation effort, and does not describe the steps necessary for implementing the conservation effort.

Comment ID: 2443
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-12: 2.5.4 Management Objectives Common to All Action Alternatives We believe that the BLM and Forest Service provide the reader of the Final EIS and ROD a compilation of the management goals, objectives and actions the Forest Service is not going to take or specifically what they plan to do otherwise in the implementation of the ROD and their LRMP.

Summary: The Draft EIS also does not meet the Policy for Evaluating for Conservation Efforts (PECE) standards for ensuring that conservation measures are certain to be effective when implemented. First, the

Draft EIS states that an implementation plan on management plans and monitoring as well as mitigation efforts will be developed after approval of the Record of Decision for the Land Use Plan, without providing any certainty regarding when the implementation plan would be completed. In addition, many of the alternatives in the Draft EIS do not state explicit incremental objectives and dates for the conservation effort, and do not describe the steps necessary for implementing the conservation effort.

Response: The US Fish and Wildlife Service (USFWS), not BLM, will evaluate the adequacy of the plans to conserve the Greater Sage-Grouse. The LUP goals and objectives, management actions to meet the goals and objectives, and the application of adaptive management help address uncertainity. The adaptive management and monitoring strategy found in Section 2.3.2 provide the hard and soft adaptive management triggers that will indicate the ability to meet the sage-grouse conservation objectives and provides the avenue for change, which addresses regulatory certainty.

Planning Issues and Criteria

Monitoring objectives are not established

Comment ID: 1339
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Page 2-5 states that FLPMA and NFMA "require that land-use plans established intervals and standards for monitoring based on the sensitivity of the resource decisions". It further states that PECE criteria evaluates whether monitoring and reporting of implementation are provided. But no information whatsoever is provided within the document on these issues. The BLM states that it will do it at some point and to just trust them.

Summary: Page 2-5 states that the Federal Land Policy and Mangement Act (FLPMA) and National Forest Management Act (NFMA) “require that land-use plans establish intervals and standards for monitoring based on the sensitivity of the resource decisions.” It further states that Policy for Evaluating for Conservation Efforts criteria evaluates whether monitoring and reporting of implementation are provided, but no information whatsoever is provided within the document on these issues.

Response: The Monitoring Framework in Appendix D outlines the methods that the BLM and Forest Service will use to monitor and evaluate the implementation and effectiveness of the plan to conserve the species and their habitat. The regulations for the BLM (43 CFR 1610.4-9) and the Forest Service (36 CFR 219.12) require that land use plans establish intervals and standards, as appropriate, for monitoring and evaluations, based on the sensitivity of the resource to the decisions involved. Implementation monitoring results will provide information to allow the BLM/Forest Service to evaluate the implementation of decisions from the BLM resource management plans (RMPs) and Forest Service land and resource management plans (LRMPs) to conserve Greater Sage-Grouse and their habitat. Effectiveness monitoring will provide the information to evaluate whether BLM and Forest Service actions achieve the objective of the planning strategy (BLM IM 2012-044), which is to conserve Greater Sage-Grouse populations and their habitats.

Planning Issues and Criteria

Planning issues unrelated to sage-grouse should not be considered

Comment ID: 2550
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: As a general comment and as highlighted by specific, although by no means all-inclusive, examples below, in the Draft LUPA/EIS BLM often strays from its stated purpose and need by providing analysis of individual sage-grouse and proposing development stipulations unrelated to managing sagegrouse habitat. BLM should not analyze impacts on individual sage-grouse until first establishing a link between the impacts to individuals and sage-grouse habitat. Furthermore, BLM may not propose management actions unrelated to management of sage-grouse habitat because such actions are outside the scope of this LUPA/EIS.

Summary: The Draft LUP Amendments and EIS often strays from its stated purpose and need by providing analysis of individual sage-grouse and proposing development stipulations unrelated to managing sage-grouse habitat. BLM should not analyze impacts on individual sage-grouse until first establishing a link between the impacts to individuals and sage-grouse habitat. Furthermore, BLM may not propose management actions unrelated to management of sage-grouse habitat because such actions are outside the scope of this plan.

Response: All of the planning issues listed in Section 1.7 of the Draft LUP Amendments and Draft EIS could have impacts on Greater Sage-Grouse or their habitat or could be impacted as a result of conservation measures designed to protect Greater Sage-Grouse or their habitat. The Draft LUP Amendments and Draft EIS provided sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or to make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1.

Planning Issues and Criteria

Private property rights concerns

Comment ID: 2078
Organization: Wyoming Wool Growers Association
Name: Amy W. Hendrickson

Comment: The document also does not clearly differentiate public and private land areas. The terminology is alarming, particularly in Action Number 40 where it reads “BLM/USFS would retain public ownership of core habitat”, with only narrow exceptions defined in Alternative E. This is very concerning to us. Notwithstanding the unrecognized fact that protection and enhancement of sage-grouse habitat is often accomplished on private lands (and sometimes more effectively than on federal lands), the statement implies an increase in federal land ownership under the guise of sage grouse protection.

Comment ID: 971
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: Study Nonfederal land/federal mineral “Where the land surface is privately owned and the minerals are federally owned i.e. ‘split- estate’, the RMP decisions would apply to BLM- administrated federal mineral estate and, to varying degrees, the surface estate.” This is a very profound and disturbing statement. In other words, if the BLM so decides, our deeded lands are subject to the whims of the BLM to fit the agencies needs to protect the sage grouse, making our Property Rights meaningless.

Summary: The document also does not clearly differentiate public and private land areas. The document states “[w]here the land surface is privately owned and the minerals are federally owned, i.e. ‘split- estate’, the LUP decisions would apply to BLM-administrated federal mineral estate and, to varying degrees, the surface estate.” This sounds like private property rights are subject to the whims of the BLM to fit the

agencies needs to protect the sage-grouse. Action 40 reads “BLM/Forest Service would retain public ownership of core habitat,” with only narrow exceptions defined in Alternative E. This statement implies an increase in federal land ownership under the guise of sage-grouse protection.

Response: As stated in Section 1.2 of the Draft LUP Amendments/Draft EIS, "The planning area for the Greater Sage-Grouse LUP Amendments consists of lands managed by the Wyoming BLM Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs field offices, and the Forest Service BTNF, MBNF, and TBNG Planning Units (Map 1-1), and includes all lands and federal mineral estate managed by the BLM and the Forest Service within these areas." Table 1-1 footnote 4 further states, "Where the land surface is privately owned or owned by the State of Wyoming and the minerals are federally owned (i.e., split estate), the LUP decisions would apply to BLM-administered federal mineral estate and, to varying degrees, the surface estate. LUP decisions would only pertain to the state owned and privately owned land surface to the extent allowed by law and to the extent that the impacts were the result of the federal action. BLM would work with the private/state surface owners to honor their wishes to the extent allowed by law."

Planning Issues and Criteria

Specify what lands decisions affect

Comment ID: 2816
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page vii of the Executive Summary the document states that "Any decisions on the LUP amendments will apply only to Federal lands administered by either the BLM or the Forest Service." We feel the document should also add "federal minerals" since the BLM administers minerals underlying private surface estates and their actions have a direct effect on these private surface lands as mentioned under footnote 1 on page 2 of Chapter 1.

Summary: On page vii of the Executive Summary the document states that "Any decisions on the LUP amendments will apply only to Federal lands administered by either the BLM or the Forest Service." The document should also add "federal minerals" since the BLM administers minerals underlying private surface estates and their actions have a direct effect on these private surface lands as mentioned under footnote 1 on page 2 of Chapter 1.

Response: As stated in Section 1.2 of the Draft LUP Amendments/Draft EIS, "The planning area for the Greater Sage-Grouse LUP Amendments consists of lands managed by the Wyoming BLM Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs field offices, and the Forest Service BTNF, MBNF, and TBNG Planning Units (Map 1-1), and includes all lands and federal mineral estate managed by the BLM and the Forest Service within these areas." Table 1-1 footnote 4 further states, "Where the land surface is privately owned or owned by the State of Wyoming and the minerals are federally owned (i.e., split estate), the LUP Amendments decisions would apply to BLM-administered federal mineral estate and, to varying degrees, the surface estate. The LUP Amendments decisions would only pertain to the state owned and privately owned land surface to the extent allowed by law and to the extent that the impacts were the result of the federal action. BLM would work with the private/state surface owners to honor their wishes to the extent allowed by law.

Planning Issues and Criteria

Stated objectives are not met

Comment ID: 1410

Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: The DEIS identified several key planning issues for consideration with three primary planning objectives as follows; 1. Consistency with the Wyoming Executive Order 2011-05; 2. Consistency of sage-grouse policy with the other Land Use Plan resources decision and the need to revise the Resource Management Plans (RMPs) to address inconsistencies; 3. Consider the adverse economic impacts from the Wyoming sage-grouse management policy and the need for socioeconomic analysis of the impacts from the policy. These primary planning objectives were considered in detail throughout the DEIS, however, the objectives were lost in the overwhelming detail of the DEIS. As an example, the Wyoming Governor's Executive Order 2011-05 (EO) provides the necessary framework for habitat protection in all of 18 pages, whereas the DEIS is nearly 2,000 pages, as such the actual proposed habitat protections in the DEIS are difficult to surmise. The DEIS will be filtered and reduced into the various RMPs, and while this could be an opportunity for the BLM to say more with less text, following the EO as an example, we think this has the potential to create inconsistencies across the BLM Districts and Field Offices. Regarding planning objective #2, consistency amongst the LUPs, RMPs, and Field Office application of new requirements is paramount in the USFWS's ability to use the results to understand habitat conditions and restrictions on all BLM (and Forest Service) lands. Chapter 2, Alternatives, provides a glimpse at the multitude of differences across the RMPs, which the BLM should continue to standardize to the extent possible so that requirements are consistent at least across Wyoming, as the EO accomplishes. Lastly, objective #3, the socioeconomic analysis does not adequately address all of the impacts from the LUP as detailed in specific comments below. As stated in the DEIS, GIS and metadata information meet Federal Geographic Data Committee (FGDC) standards, as required by Presidential Executive Order 12906. The BLM likely met this standards in the DEIS, however, the large scale of the maps presented makes it difficult at best to interpret LUP requirements at a useful scale.

Summary: The Draft EIS identified several key planning issues for consideration with three primary planning objectives as follows: 1. Consistency with the Wyoming Executive Order 2011-05 2. Consistency of sage-grouse policy with the other Land Use Plan resources decisions and the need to revise the Resource Management Plans (RMPs) to address inconsistencies 3. Consider the adverse economic impacts from the Wyoming sage-grouse management policy and the need for socioeconomic analysis of the impacts from the policy. These primary planning objectives are lost in the overwhelming detail of the Draft EIS. The Draft EIS will be filtered and reduced into the various RMPs, and while this could be an opportunity for the BLM to say more with less text, following the EO as an example, we think this has the potential to create inconsistencies across the BLM Districts and Field Offices. Regarding planning objective #2, consistency is paramount in the USFWS ability to use the results to understand habitat conditions and restrictions on all BLM (and Forest Service) lands. Chapter 2, Alternatives, provides a glimpse at the multitude of differences across the RMPs, which the BLM should continue to standardize to the extent possible so that requirements are consistent at least across Wyoming, as the EO accomplishes. Lastly, objective #3, the socioeconomic analysis does not adequately address all of the impacts from the LUP [as detailed in specific comments below].

Response: The implementation of the Wyoming Executive Order 2011-05 has been carefully vetted through the State of Wyoming to ensure the interpretation and implementation are satisfactory. The management actions in all of the Wyoming BLM/Forest Service plans have been carefully articulated and scrutinized to ensure consistent implementation across Wyoming. The socioeconomic analysis addresses economic inputs that had consistent datasets across the planning area. The size of the planning area made it difficult to incorporate additional data that may only be present in certain counties or certain field offices in the State of Wyoming. The data analyzed in the socioeconomic section reflects the consistent datasets found throughout the planning area, and therefore may not analyze every facet of impacts that may occur due to

this plan. Qualitative discussions on potential economic impacts are included when quantified data was unavailable.

Planning Issues and Criteria

The document does not comply with Appendix C of the Planning Handbook

Comment ID: 1157
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Appendix C of the Handbook provides the heart of the planning process. Given its importance to complying with FLPMA, we are providing it, with highlights, in its entirety. For example, Appendix C requires the following directly applicable to the Sage Grouse Amendments: B. Soil and Water; C. Vegetation; D. Special Status Species; E. Fish and Wildlife; B. Livestock Grazing. The DEIS and proposed action does not comply with these requirements.

Summary: Appendix C of the Handbook provides the heart of the planning process. Appendix C of the Handbook requires the following, directly applicable to the Sage Grouse Amendments: B. Soil and Water; C. Vegetation; D. Special Status Species; E. Fish and Wildlife; B. Livestock Grazing. The Draft EIS and proposed action do not comply with these requirements.

Response: The Monitoring Framework in Appendix D outlines the methods that the BLM and Forest Service will use to monitor and evaluate the implementation and effectiveness of the plan to conserve the species and their habitat. The regulations for the BLM (43 CFR 1610.4-9) and the Forest Service (36 CFR 219.12) require that land use plans establish intervals and standards, as appropriate, for monitoring and evaluations, based on the sensitivity of the resource to the decisions involved. Implementation monitoring results will provide information to allow the BLM/Forest Service to evaluate the implementation of decisions from the BLM resource management plans (RMPs) and Forest Service land and resource management plans (LRMPs) to conserve Greater Sage-Grouse and their habitat. Effectiveness monitoring will provide the information to evaluate whether BLM and Forest Service actions achieve the objective of the planning strategy (BLM IM 2012-044), which is to conserve Greater Sage-Grouse populations and their habitats.

Planning Issues and Criteria

Why didn't the Forest Service use latest planning regulations?

Comment ID: 651
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Section 3.13 - Special Designation in Management Areas The BLM suggests that the Forest Service is required to identify inventoried roadless areas during the Forest Plan Development Process. Sage-Grouse DLUPA, pg. 3-223. As support for this claim, the BLM cites 36 C.F.R. § 219.17. As discussed earlier, however, that requirement was found in the 2000 Planning Regulations which were abrogated by the Forest Service during 2012. As such, this regulation is no longer in effect and there is no requirement to inventory potential roadless areas as part of the forest planning process. The BLM should correct or explain while they are still utilizing the 2000 regulations despite their abrogation.

Comment ID: 580
Organization: Samson Resources Company

Name: Heather N. Smith

Comment: The Sage-Grouse DLUPA indicates that the United States Forest Service ("Forest Service") utilized the 1982 Planning Regulations (36 C.F.R. part 219). New Forest Service planning regulations were, however, promulgated in April 2012. 77 Fed. Reg. 21260 (Apr. 9, 2012). The Forest Service should explain why it did not utilize the 2012 Planning Regulations. The Forest Service should also explain why the agency used the 1982 Regulations instead of the 2000 Regulations that were in effect prior to the new regulations in 2012.

Comment ID: 736
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon applauds the BLM's recognition that LUPs are not the appropriate place to make sitespecific decisions. Nonetheless, in the Sage-Grouse DLUPA, the BLM proposes several site-specific COAs contained in Appendix B that will be applied to all site-specific projects. The BLM should recognize the contradiction in its decision making and remove any attempts to make site-specific decisions in the Sage-Grouse DLUPA. This error should be corrected. The Sage-Grouse DLUPA indicates that the United States Forest Service ("Forest Service") utilized the 1982 Planning Regulations (36 C.F.R. part 219). New Forest Service planning regulations were, however, promulgated in April 2012. 77 Fed. Reg. 21260 (Apr. 9, 2012). The Forest Service should explain why it did not utilize the 2012 Planning Regulations. The Forest Service should also explain why the agency used the 1982 Regulations instead of the 2000 Regulations that were in effect prior to the new regulations in 2012.

Comment ID: 1278
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The Sage-Grouse DLUPA indicates that the United States Forest Service ("Forest Service") utilized the 1982 Planning Regulations (36 C.F.R. part 219). New Forest Service planning regulations were, however, promulgated in April 2012. 77 Fed. Reg. 21260 (Apr. 9, 2012). The Forest Service should explain why it did not utilize the 2012 Planning Regulations. The Forest Service should also explain why the agency used the 1982 Regulations instead of the 2000 Regulations that were in effect prior to the new regulations in 2012.

Comment ID: 1551
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The BLM suggests that the Forest Service is required to identify inventoried roadless areas during the Forest Plan Development Process. Sage-Grouse DLUPA, pg. 3-223. As support for this claim, the BLM cites 36 C.F.R. § 219.17. As discussed earlier, however, that requirement was found in the 2000 Planning Regulations which were abrogated by the Forest Service during 2012. As such, this regulation is no longer in effect and there is no requirement to inventory potential roadless areas as part of the forest planning process. The BLM should correct or explain why they are still utilizing the 2000 regulations despite their abrogation.

Comment ID: 2282
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The BLM suggests that the Forest Service is required to identify inventoried roadless areas during the Forest Plan Development Process. Sage-Grouse DLUPA, pg. 3-223. As support for this claim, the BLM cites 36 C.F.R. § 219.17. As discussed earlier, however, that requirement was found in the 2000 Planning Regulations which were abrogated by the Forest Service during 2012. As such, this regulation is no longer in effect and there is no requirement to inventory potential roadless areas as part of the forest planning process. The BLM should correct or explain while they are still utilizing the 2000 regulations despite their abrogation.

Comment ID: 2164
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The Sage-Grouse DLUPA indicates that the United States Forest Service ("Forest Service") utilized the 1982 Planning Regulations. New Forest Service planning regulations were, however, promulgated in April 2012. The Forest Service should explain why it did not utilize the 2012 Planning Regulations. The Forest Service should also explain why the agency used the 1982 Regulations instead of the 2000 Regulations that were in effect prior to the new regulations in 2012.

Summary: The Draft LUP Amendments document utilized the 1982 Planning Regulations for the U.S. Forest Service. New Forest Service planning regulations were promulgated in April 2012. The Forest Service should explain why it did not utilize the 2012 Planning Regulations. The Forest Service should also explain why the agency used the 1982 regulations instead of the 2000 regulations that were in effect prior to the new regulations in 2012. The BLM suggests that the Forest Service is required to identify inventoried roadless areas during the Forest Plan Development Process. That requirement was found in the 2000 Planning Regulations which were abrogated by the Forest Service during 2012. As such, this regulation is no longer in effect and there is no requirement to inventory potential roadless areas as part of the forest planning process. The BLM should correct or explain while they are still utilizing the 2000 regulations despite their abrogation.

Response: The BLM and the Forest Service began working together to address conservation of the Greater Sage- Grouse and its habitat in 2010. At that time, the Forest Service's 2012 Planning Rule was not final; it became final May 9, 2012. For plan amendments initiated before May 9, 2012, the Forest Service may complete and approve the amendments under the prior planning regulations, including its transition provisions (36 CFR part 219, published at 36 CFR parts 200 to 299, revised as of July 1, 2010). Land use plan amendments associated with the Greater Sage-Grouse conservation effort are using the 1982 planning rule procedures that are allowed under the transition procedures of the prior planning rule. The 1982 planning rule procedures may be found in 36 CFR parts 200 to 299, Revised as of July 1, 2000 or at http://www.fs.fed.us/emc/nfma/includes/nfmareg.html. Regardless of which planning rule is used, requirements under the 2001 Roadless Rule must still be followed.

NEPA

EO 2013-3 is not consistently referenced throughout document

Comment ID: 2836
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Table 2-1 beginning on page 15 under action number 3 utilizes the EO 2013-3 for analysis which indicates the Agencies utilized the latest EO for consideration and comparison of alternatives in this table, but did not do so earlier in the document.

Comment ID: 2821
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Chapter 1 page 1 of the document references the Governor's Executive Order 2011-5. Yet on page 14 of Chapter 2 it identifies EO 2013-3 in the comparison of alternatives. We suggest that EO 2013-3 which supplements 2011-5 be added to the final document in all places. Furthermore, we are somewhat concerned that the analysis is flawed with some areas of the draft LUPA and EIS utilizing one EO, while in other areas a different one is used.

Summary: Chapter 1 page 1 of the document references the Governor's Executive Order 2011-5. Yet on page 14 of Chapter 2 it identifies EO 2013-3 in the comparison of alternatives. Page 2-15, Action 3 utilizes the EO 2013-3 for analysis which indicates the agencies utilized the latest EO for consideration and comparison of alternatives in this table, but did not do so earlier in the document. Add EO 2013-3, which supplements 2011-5, throughout the final document.

Response: Executive Order 2011-5 addresses Greater Sage-Grouse Core Area Protection while Executive Order 2013-3 addresses Greater Sage-Grouse Core Area - Grazing Adjustments. Both Executive Orders are applicable and both executive orders were used and considered in development of the Proposed LUP Amendements/Final EIS and during analysis.

NEPA

Plain language requirement not met

Comment ID: 954
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: this document in not written in plain language that is readily understandable. The Draft EIS is by far too lengthy and for the most part, it is incomprehensible. Not all statements on Livestock Grazing are scientifically justified and there is a definite lack of scientific integrity in this draft. The Human Environment is alluded too, but not protected throughout draft while the Greater Sage Grouse environment is. Community Stability is not addressed, a NEPA requirement. These are a sampling of items that are required by Law to be done and to be addressed in this Draft EIS. In our view this as yet, has not been accomplished.

Comment ID: 2898
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: To fully meet its obligations of public disclosure under NEPA, and to meet the Department of the Interior's plain language promise (http ://www.doi.gov/open/Plain-Writing.cfm), it would be helpful to more clearly outline and explain to the ranch family audience exactly what impacts that Alternative E, the Preferred Alternative, would have on their family ranch operations. The document is extremely difficult to navigate and to follow the BLM's logic from section to section, and data points are missing and frequently inconsistent throughout. …we suggest the BLM rewrite the LUPA/EIS document to specifically ensure that the average ranch family is able to easily understand the ramifications and impacts of what the BLM is suggesting in this plan, and how it will affect their family ranching business including the use of public lands for grazing.

Summary: The Draft LUP Amendments are not written in plain language that is readily understandable. The Draft EIS is too lengthy and for the most part, incomprehensible. Not all statements are scientifically justified and there is a lack of scientific integrity. The Human Environment is alluded to, but not protected throughout draft. Community stability is not addressed, which is another NEPA requirement.

Response: The BLM and the Forest Service used the most recent and best information available that was relevant to a land-use planning-level analysis including the Baseline Environmental Report (BER; Manier et al. 2013), NTT report (NTT 2011), and COT report (USFWS 2013). Additionally, the BLM and the Forest Service consulted with, collected, and incorporated data from other agencies and sources, including but not limited to the USFWS, the State of Wyoming, WGFD, scientific literature, field and district office data, and sources provided during scoping. The language is appropriate given the complexity and the scope of the analysis.

NEPA

Adaptive Management

Adaptive management plan too vague

Comment ID: 1815
Organization:
Name: Marybeth Devlin

Comment: On pdf-page 7 of the Executive Summary, it states: "The LUP amendments will be based on the principles of Adaptive Management." Yet, in recent years, BLM-Wyoming was viewed as having generated the demise of the Pinedale Anticline Working Group (PAWG), a citizens' advisory board that originally formed per the Adaptive Management plan. Demoralized by BLM's having unilaterally eliminated the PAWG's task-forces, the group voted to cease operations and to let their charter expire in 2014. • http://www.hcn.org/blogs/goat/citizen-oversight-fizzles-in-wyoming-gaspatch?utm_source=wcn1&utm_medium=email So here we are, once again, being told to believe that BLM is basing the LUPA per Adaptive Management. I urge BLM-Wyoming to prove to us -- by your actions -- that this is so.

Comment ID: 1465
Organization: Jackson Hole Conservation Alliance
Name: Siva Sundaresan

Comment: We are glad to see the BLM 9-plan DEIS is committed to using an adaptive management framework with soft and hard triggers to manage sage grouse. However, we believe that as presently stated in the 9-plan DEIS lacks the necessary details to provide necessary guidance for such a complex adaptive plan. We strongly urge for greater detail explicitly detailing what the adaptive plan will do, how triggers will be identified and how the public will be involved in the development of these adaptive plans. We refer the BLM to comments provided by The Wyoming Outdoor Council which contain more detailed suggestions on developing an adaptive plan.

Comment ID: 2817
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page vii of the Executive Summary it also states that the LUP amendments will be based on "principles of Adaptive Management." The Department of Interior's Technical Guide on Adaptive Management clearly states that in order to utilize adaptive management you must have a model which

represents the resource relationships and management impacts (Technical Guide page iv). However in reviewing the draft LUP and EIS we do not find any mention of any models which will be utilized by the Agencies in their adaptive management strategies. This is a significant shortcoming of the draft LUP and EIS. Furthermore, without this information; which must be utilized by managers, the public cannot review this important tool necessary for one of the lynch pins in the LUP.

Comment ID: 3027
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: In order for Adaptive Management to be effective the objectives must be specific, measurable, achievable, results-oriented, and time-fixed. Adequate monitoring and data collection must be implemented. To function as a regulatory mechanism, Adaptive Management must identify biological thresholds and soft and hard trigger points must be established based on threshold levels. Monitoring of population trends and sagebrush ecosystem health must occur on a repeatable schedule; continued data collection must be conducted, analyzed, and compared to both threshold levels and target population numbers; and management actions must be strictly and effectively monitored and implemented properly. Below, we have provided recommendations for identifying biological thresholds, determining how soft and hard trigger points can be established. We have also provided recommendations to strengthen monitoring protocols, and we offer a model for public participation. The Adaptive Management strategy implemented for sage-grouse management should follow the guidelines established by the U.S. Department of Interior Technical Guide to Adaptive Management (Williams, et al. 2009), specifically identifying a set-up phase and an iterative phase. Section 2.3.2 Adaptive Management in the 9-Plan DEIS (p. 2-7 and 2-8) outlines a very preliminary and skeletal view of how the Adaptive Management planning will operate. The Wyoming Outdoor Council believes the level of detail in the 9-Plan DEIS can be strengthened to provide a more robust and effective guide for implementing such a complex management plan. Measurable goals and objectives should be expanded, as well as guidelines for monitoring, evaluation, and adjustment within the Adaptive Management process. Specifically, it is our position the Adaptive Management plan would be significantly improved by a much greater level of detail regarding proposed actions and protocols, as well as a more in-depth analysis of how soft and hard triggers will be delineated. Additionally, the Adaptive Management plan, as outlined in the 9-Plan DEIS, does not meet the requirements of the Adaptive Management Implementation Policy (522 DM 1) and the Forest Service Adaptive Planning Process in Forest Service Handbook 1901.12_20. To meet these requirements, the action would require more specific planning, measurable objectives, and stakeholder involvement. Initially, we believe the set-up phase will be most effective if it includes a transparent and stakeholder-informed process, and fully addresses all potential objectives and alternatives for implementation plans and guidelines for monitoring. Once monitoring begins, assessment must continually occur to determine if the management is meeting the objectives. See Figure 1 for a visual representation.

Summary: The adaptive management framework plan is not sufficiently explained or outlined. The LUP should explicitly detail what the adaptive plan will do, how both soft and hard triggers will be identified, and how the public will be involved in the development of adaptive plans. BLM has not previously shown enough commitment to adaptive management, as exemplified by the failure of the Pinedale Anticline Working Group (PAWG). Page vii of the Executive Summary states that the LUP amendments will be based on "principles of Adaptive Management." The Department of Interior's Technical Guide on Adaptive Management clearly states that in order to utilize adaptive management you must have a model which represents the resource relationships and management impacts (Technical Guide page iv). However, the Draft LUP Amendments/Draft EIS does not make any mention of models which will be utilized by the agencies in their adaptive management strategies.

Response: The Final EIS has been modified in response to these comments (see Appendix D and Management Action 137 in the Proposed LUP Amendments. Adaptive management promotes flexible decision making and provides a systematic approach for improving resource management by adjusting management actions and other events as outcomes become better understood. An adaptive approach involves exploring alternative ways to meet management objectives, anticipating the likely outcomes of alternatives based on the current state of knowledge, implementing one or more of these alternatives, monitoring to learn about the impacts of management actions, and then using the results to update knowledge and adjust management actions accordingly. Incorporating adaptive management into the Proposed LUP Amendments will ensure a degree of certainty that the decisions in the plan will effectively contribute to the elimination or adequate reduction of one or more threats to the Greater Sage-Grouse and its habitat. The adaptive management approach incorporates a set of triggers in the plan: a soft and hard trigger. The adaptive management portions of the LUP Amendments were modified to include these triggers to inform the BLM/Forest Service as to when the federal agency needs to respond (take action) to address a declining trend in sage-grouse or sage-grouse habitat figures. Soft triggers represent an intermediate threshold indicating that management changes are needed at the project/implementation level to address habitat and population losses. Hard triggers represent a threshold indicating that immediate action is necessary to stop a severe deviation from Greater Sage- Grouse conservation goals and objectives as set forth in the BLM/Forest Service plans. The adaptive management soft and hard triggers and land use planning responses to these triggers are described fully in the Final EIS in modified Section 2.7. The agencies will use the data collected from monitoring (Appendix D) to identify any changes in habitat conditions related to the goals and objectives of the plan. The BLM/Forest Service will use the information collected through monitoring to determine when adaptive management triggers are met. Adaptive management does not represent an end in itself, but rather a means to more effective decisions and enhanced benefits.

NEPA

Adaptive Management

Adaptive management should include local cooperators

Comment ID: 2441
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-7 et al, 2.3.2 Adaptive Management The CCCD is supportive of Adaptive Management and Monitoring, however, as above ask the decision maker to include state, local and tribal governments in the development and implementation of the plan, and represented on the adaptive management working group. The example wording can be found in 2.3.3 Mitigation on page 2-9 first paragraph after the bulleted statements.

Summary: BLM should include state, local, and tribal governments in the development and implementation of the LUP Amendments, and should be represented on the adaptive management working group.

Response: The BLM and Forest Service recognize their responsibility to ensure that meaningful consultation and coordination with other agencies and Tribes concerning Greater Sage-Grouse planning and the application of adaptive management as described in Appendix D. Oversight ensures that the appropriate parameters are being monitored for the desired outcome and allows for performance tracking which is necessary to ensure adaptive management success. Chapter 5 of the Draft EIS, section 5.1, contained information on which entities have been engaged in consultation and coordination efforts.

NEPA

Adaptive Management

Use minimum tool first for adaptive management

Comment ID: 2515
Organization: Converse County
Name: Richard C. Grant

Comment: We realize that many possible courses of action within Alternative E, if implemented, could have detrimental impacts to the custom, culture, and socioeconomic makeup of Converse County. For example, in its current form the Preferred Alternative may adversely affect livestock grazing, oil and gas development, coal mining, renewable energy development and the additional infrastructure required to get any associated power to grid. Moreover, basic infrastructure requirements such as the ability to maintain county roads, and the gravel pits on which a component of their upkeep relies, as well as ensuring the continued development of water resources and related distribution network, also have the potential of being encumbered by the current language or existing ambiguities in the Preferred Alternative. For the aforementioned impacts, Converse County recommends that the least detrimental impact be implemented first and done so in accordance with an adaptive management strategy that adheres to collaboratively developed protocols.

Summary: Sage-grouse conservation should use management tools with the least detrimental impact first, then adapting as needed using an adaptive management strategy that adheres to collaboratively developed protocols.

Response: The BLM and Forest Service considered a reasonable range of alternatives during the planning process, including one (Alternative D) similar to the suggested alternative. The agencies will use the data collected from monitoring (Appendix D) to identify any changes in habitat conditions related to the goals and objectives of the plan.

NEPA

Best available information-baseline data

Add language for updating latest science

Comment ID: 1878
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Throughout the document there are several references to the Density Disturbance Calculation Tool, Wyoming Game and Fish Habitat Treatment Protocols, Sage Grouse Executive Order 2011-5, and several BLM IMs. Because the science related to sage-grouse is evolving and new updates to several of these documents are expected, language allowing for the use of updated references should be acknowledged. (Examples: Page 2-17, (General Management Direction #20 & #23), Page 2-34, (General Management Direction #44) Page 2-134, MA 126 and 127 DDCT.

Summary: Throughout the document there are several references to the Density Disturbance Calculation Tool, Wyoming Game and Fish Habitat Treatment Protocols, Sage-Grouse Executive Order 2011-5, and several BLM IMs. Because the science related to sage-grouse is evolving and new updates to several of these documents are expected, language allowing for the use of updated references should be acknowledged.

Response: The agencies will take into account and consider updated science, executive orders, etc. when making future decisions.

NEPA

Best available information-baseline data

Need to define the "decision area"

Comment ID: 2912
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: The document says, "The decision area, which is a smaller area within the planning area boundary, consists of Greater sage-grouse occupied habitat." However, the "decision area" is not adequately defined, and it would be helpful to provide more in-depth clarification on the difference between the document planning area and the document decision area. In addition, this appears to equate sagegrouse occupied habitat with "core population area," and the difference between the two should be outlined here. Finally, the document should make it clear that the decision area is only sage-grouse occupied habitat managed by the Forest Service and BLM within the planning area boundary. In Table 1-1, Land and Mineral Ownership and Administrative Jurisdictions within the Planning Area, Footnotes 2-5 should be fully presented in the text, and management actions for each land/mineral situation should be fully disclosed. These are important points that deserve more attention than a footnote in a table, and the checkerboard land pattern across much of the Planning Area also must be acknowledged. It would be helpful to include the decision area acreage within the planning area table - or as a separate table - as this level of data is lacking.

Summary: The document says, "The decision area, which is a smaller area within the planning area boundary, consists of Greater Sage-Grouse occupied habitat." However, the "decision area" is not adequately defined, and it would be helpful to provide more in-depth clarification on the difference between the "planning area" and the "decision area".

Response: The statement is confusing and has been removed from the Proposed LUP Amendment/Final EIS.

NEPA

Best available information-baseline data

The baseline is inadequate

Comment ID: 518
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: BLM, then, must provide an accurate representation of the environment as it currently exists in chapter 3 in order to form the basis for the BLM’s analysis of the impacts of the alternatives in chapter 4. The DEIS has not accurately described the current environment in several key respects. First, the BLM does not describe with any reliable accuracy the number of acres of GRSG core habitat within livestock grazing allotments. See DEIS at 3-74 – 3-83. The Forest Service, however, has not only described the number of core acres in the relevant allotments, but has described general and connectivity habitat as well.

Comment ID: 520
Organization: Coalition of Local Governments

Name: Kent Connelly

Comment: The BLM also fails to fully disclose economic conditions related to energy development such as actual dollar amounts in revenue produced in each county in the project area (3.8), omits predation and drought as detrimental to GRSG populations and habitat (3-239), and fails to even generally describe the existing travel and transportation matrix in Lincoln, Sublette, Sweetwater, and Carbon Counties (3-337).

Comment ID: 519
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The BLM also uses stale data throughout chapter 3 but ignores the consequences of using such data. For example, the BLM uses a Mineral Occurrence and Development Potential Report from 2004 (3-100), Wyoming Oil and Gas Conservation Commission production records from 2002 (3-101), and regurgitated data from resource management plans that has been cut and pasted without any additional research or analysis (3-105).

Comment ID: 2314
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: The CEQ regulations require agencies to use the best available science when preparing EIS documents 40 C.F.R §1502.24.17 Fundamental flaws in the science and study methodologies used in development of the DLUPA's impact analysis (See Chapter 4) and a review of the NTT Report suggest that neither the DLUPA nor NTT Report use the "Best Available Science." Rather they rely on studies that have been criticized for:

Comment ID: 2150
Organization: Sierra Club, Wyoming Chapter
Name: Connie Wilbert

Comment: Amendments to BLM and Forest Service land use plans require adequate baseline information. In reporting on the affected environment, BLM fails to describe which lands now meet healthy sagebrush rangeland requirements and which do not. Such a baseline is necessary to determine which lands are currently impaired and need to be restored. This information is simply missing from this DEIS. Similarly for riparian areas, BLM fails to identify those streams, springs, and meadows that meet sage grouse needs and those that are degraded. Few streams in sage grouse habitat have been assessed for water quality. The lack of adequate baseline information on water quality should be highlighted in the DEIS. If and where surveys have been completed, results should be reported. In some cases, the conclusions BLM presents conflict with actual field data. The DEIS fails to note that most areas show a continued long-term decline in sage grouse populations associated with degraded habitat. It seems obvious that areas with sage grouse numbers in decline might benefit from a change in management, but the DEIS fails to assemble key baseline information on population trends (even though in many areas this information is available.)

Summary: The Draft EIS has not accurately described the current environment in several key respects. First, the BLM does not describe with any reliable accuracy the number of acres of Greater Sage-Grouse core habitat within livestock grazing allotments. Also, BLM uses a Mineral Occurrence and Development Potential Report from 2004 (3-100), Wyoming Oil and Gas Conservation Commission production records from 2002 (3-101), and regurgitated data from resource management plans that has been cut and pasted without any additional research or analysis (3-105). The BLM also fails to fully disclose economic conditions related to energy development such as actual dollar amounts in revenue produced in each county

in the project area (Section 3.8), omits predation and drought as detrimental to Greater Sage-Grouse populations and habitat (3-239), and fails to even generally describe the existing travel and transportation matrix in Lincoln, Sublette, Sweetwater, and Carbon Counties (3-337). The CEQ regulations require agencies to use the best available science when preparing EIS documents 40 C.F.R §1502.24.17. Fundamental flaws in the science and study methodologies used in development of the impact analysis and a review of the NTT Report suggest that neither the Draft LUP Amendments nor NTT Report use the "Best Available Science." Rather they rely on studies that have been criticized for significant mischaracterization of previous research; substantial errors and omissions; lack of independent authorship and peer review; methodological bias; a lack of reproducibility; and invalid assumptions and analysis. In reporting on the affected environment, BLM fails to describe which lands now meet healthy sagebrush rangeland requirements and which do not. Such a baseline is necessary to determine which lands are currently impaired and need to be restored. Similarly for riparian areas, BLM fails to identify those streams, springs, and meadows that meet sage-grouse needs and those that are degraded. Few streams in sage-grouse habitat have been assessed for water quality. The lack of adequate baseline information on water quality should be highlighted in the Draft EIS. If and where surveys have been completed, results should be reported. In some cases, the conclusions BLM presents conflict with actual field data. The Draft EIS fails to note that most areas show a continued long-term decline in sage-grouse populations associated with degraded habitat. It seems obvious that areas with sage-grouse numbers in decline might benefit from a change in management, but the Draft EIS fails to assemble key baseline information on population trends (even though in many areas this information is available).

Response: The CEQ regulations require an environmental impact statement to "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues" (40 CFR 1502.15). Additionally, the Wyoming Greater Sage-Grouse LUP Amendments is a programmatic NEPA effort to conserve Greater Sage-Grouse and its habitat across a broad geographic area. As such, the BLM and the Forest Service described the current conditions and trends in the affected environment broadly, across a range of conditions, appropriate to program-level land use planning actions. The BLM and the Forest Service complied with these regulations in describing the affected environment. The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decision. The affected environment provided in Chapter 3 and various appendices in the plan is sufficient to support at the general LUP-level of analysis, the environmental impact analysis resulting from management actions presented in the Draft LUP Amendments/Draft EIS. For example, listing the rangeland health assessment of every allotment would not provide useful information at this broad-scale analysis. However, understanding the percentage of rangelands rated as impaired, as presented in Chapter 3, Section 3.7, is useful in establish baseline by which the BLM may analyze the relative effects of each alternative’s broad-based approach.

NEPA

Consultation requirements

Agencies should consult with historic ranching operations

Comment ID: 2824
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 12 of Chapter 1 the document states that the Agencies consulted with Indian tribes on sites important to their culture. However, given that many agricultural operations are 3 to 5 generations on the same ground, it would seem somewhat reasonable that the Agencies would also consult with those individuals about what is important to their culture as well. Especially since the utilization of some of the federal lands can be an important part of their operations and loss of these lands could lead to the cessation of grazing or ranching.

Summary: On page 12 of Chapter 1 the document states that the agencies consulted with Indian Tribes on sites important to their culture. However, given that many agricultural operations are 3 to 5 generations on the same ground, it would seem somewhat reasonable that the agencies would also consult with those individuals about what is important to their culture as well. Especially since the utilization of some of the federal lands can be an important part of their operations and loss of these lands could lead to the cessation of grazing or ranching.

Response: Private livestock operators have participated in public scoping as valued stakeholders and have contributed data and comments throughout the planning process. Both the CEQ and BLM planning regulations define cooperating agency status, including what it is, who is eligible to become a cooperating agency, and how the lead agency should invite participation as a cooperating agency (40 CFR 1501 and 1508; 43 CFR 1601.0-5). Cooperating relationships are limited to government entities, state agencies, local governments, tribal governments, and other federal agencies that have jurisdiction by law or special expertise. Additionally, per the regulations and BLM policy, there is no coordinating agency status (BLM Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners, pages 21 and 31, respectively). To be a cooperating agency, the local agency must meet the eligibility criteria set out in the regulations and policies. The specific role of each cooperating agency is based on jurisdiction by law or special expertise, which is determined on an agency-by-agency basis and identified in the Memorandum of Understanding.

NEPA

Cooperating Agency relationships

Agency cooperation needs to be highlighted or increased

Comment ID: 1488
Organization:
Name: Denise Langley

Comment: Adaptive Management and monitoring are essential. Page2-9: "It is important to note that any mitigation strategy must include the cooperation and coordination of appropriate and pertinent federal, state and local land and resource management agencies across the landscape." This should be bold faced and a very important part of any management within any borders. Soil Conservation Districts, Weed and Pest Districts and County Commissioners can be your best avenue for success or they can be a very large point of dissent. Work with them frequently and as required by NEPA. No EIS is legally sound and approved without coordination between all the entities of concern. This means more than just federal agencies working together.

Comment ID: 1545
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: In the context of the land use planning process, each State Director is responsible for "[e]nsuring that when BLM enages in the planning process, land use plans and subsequent implementation-level plans

identify appropriate outcomes, strategies, restoration opportunities, use restrictions, and management actions necessary to conserve and/or recover listed species, as well as provisions for the conservation of Bureau sensitive species. In particular, such plans should address any approved recovery plans and conservation agreements."

Comment ID: 2958
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: The LUP says the BLM will work with the State of Wyoming in various ways to implement the requirements of the LUP. In the Final EIS, please clarify how the agencies will work together to prevent dual oversight and review of projects. For example, when reviewing a Permit to Mine Application (and associated Plan of Operations) for a locatable mineral, which agency will take the lead to ensure compliance with the Governor's 2011-0S Executive Order on sage grouse? The Council on Environmental Quality has promulgated NEP A regulations which call for reduction of paper work and cooperation with other agencies (see 40 CFR ISOO.2(c), lS00.4(k and n), ISOO.S(b and n) as well as other CEQ regulations pertaining to NEPA efficiency). BLM has not adequately identified, as required under FLPMA, NEPA, and BLM's own purpose and need statement for this LUP exercise, how the alternatives work or conflict with these important state standards.

Summary: The LUP Amendments state that the BLM will work with the State of Wyoming in various ways to implement the requirements of the LUP Amendments. In the Final EIS, please clarify how the agencies will work together to prevent dual oversight and review of projects. State and local agency cooperation is necessary to achieve successful mitigation conservation objectives and is required as per FLPMA, NEPA, and other laws, regulations, and policies.

Response: As the decisions under consideration by the BLM and the Forest Service are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the management actions were considered at a broad, programmatic level. As specific actions come under consideration, such as future local management actions to implement the broad objectives and goals presented here, the BLM and the Forest Service will conduct subsequent NEPA analyses that may include future coordination with local cooperating agencies.

NEPA

Cooperating agency relationships

Implementation teams

Comment ID: 2169
Organization: The Nature Conservancy
Name: Graham McGaffin

Comment: If Mitigation Implementation Teams are established for each of the WAFWA Management Zones, we recommend that individuals representing each Team engage with the Wyoming SGIT to ensure consistency between implementation of MS 1794 and the Wyoming Executive Order. Additionally, the Conservancy recommends the BLM and USFS assemble a team of experts for individual off-site mitigation projects, with the understanding that such a team would coordinate closely with SGIT and report to the Mitigation Implementation Team for their respective WAFWA Management Zone, but would have the knowledge and capacity to operate with a more specialized focus on the project area.

Comment ID: 3005

Organization: Wyoming Mining Association
Name: Marion Loomis

Comment: Flexibility is an essential prerequisite for any proposed reclamation and habitat improvement which allows for adaptable implementation, including consideration of private mitigation banking options and credit exchanges. Flexibility should not be used by BLM or Forest Service as an excuse to allow agency field offices to require arbitrary practices beyond established levels on individual projects. Unlike the LUPA, CCAA/CCA conservation strategies provide an adaptive management platform to implement site-specific sage-grouse habitat enhancement.

Comment ID: 2168
Organization: The Nature Conservancy
Name: Graham McGaffin

Comment: The Conservancy recommends the BLM and USFS continue to engage with the Wyoming Sage Grouse Implementation Team (SGIT). The Conservancy supports implementation of BLM/USFS compensatory mitigation programs that are compatible with the Wyoming Greater Sage-Grouse Core Area Protection Executive Order (WY EO 2011-05).

Comment ID: 2170
Organization: The Nature Conservancy
Name: Graham McGaffin

Comment: The Conservancy supports Alternative E in the DEIS for its inclusion of guidance from the Wyoming Executive Order (WY EO 2011-05) and BLM IM WY-2010-012. We believe BLM and USFS compensatory mitigation plans should be structured consistently with the Wyoming Executive Order. The Conservancy encourages the BLM and USFS to continue working with the SGIT, and others, on how compensatory mitigation programs dovetail with the structure of the Executive Order.

Summary: BLM and Forest Service should continue to engage with the Wyoming Sage Grouse Implementation Team (SGIT). If Mitigation Implementation Teams are established for each of the WAFWA Management Zones, individuals representing each Team should engage with the Wyoming SGIT to ensure consistency between implementation of MS 1794 and the Wyoming Executive Orders. The BLM and Forest Service should assemble a team of experts for individual off-site mitigation projects, with the understanding that such a team would coordinate closely with SGIT and report to the Mitigation Implementation Team for their respective WAFWA Management Zone, but would have the knowledge and capacity to operate with a more specialized focus on the project area. Flexibility is an essential prerequisite for any proposed reclamation and habitat improvement which allows for adaptable implementation, including consideration of private mitigation banking options and credit exchanges. Flexibility should not be used by BLM or Forest Service as an excuse to allow agency field offices to require arbitrary practices beyond established levels on individual projects. Unlike the LUP Amendments, CCAA/CCA conservation strategies provide an adaptive management platform to implement site-specific sage-grouse habitat enhancement.

Response: CCAs and CCAAs are not a land management action, but rather a programmatic agreement between the BLM, USFWS, NRCS, private landowners, and other local, state, and federal agencies. As such, they cannot be included in the action alternatives. As specific actions come under consideration, such as future local management actions to implement the broad objectives and goals presented here, the BLM and the Forest Service will conduct subsequent NEPA analyses that may include future coordination with local cooperating agencies. Implementation teams and adaptive management will continue to be utilized. Action 3 of the Proposed Plan specifically states "Utilize the Wyoming Sagegrouse Implementation Team

(SGIT) and Local Working Group plans or other state or cooperativelydeveloped plans, analyses, and other sources of information to guide development of conservation objectives for local management of sage-grouse habitats. The BLM and Forest Service will collaborate with appropriate Federal agencies, and the State of Wyoming as contemplated under the Governor's Executive Order 2013-3, to: (1) develop appropriate conservation objectives; (2) define a framework for evaluating situations where Greater Sage-Grouse conservation objectives are not being achieved on Federal land, to determine if a causal relationship exists between improper grazing (by wildlife or wild horses or livestock) and Greater Sage-Grouse conservation objectives; and (3) identify appropriate site-based action to achieve Greater Sage-Grouse conservation objectives within the framework."

NEPA

Cooperating agency relationships

Stakeholder working group

Comment ID: 3057
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: The Outdoor Council recommends the BLM incorporate a stakeholder working group under the Adaptive Management process of managing sage-grouse habitats. This working group can add value by allowing for a greater range of public input from impacted stakeholders, creating more agility for responding to new data and scientific research, allow flexibility for evolving on-the-ground conditions, and create oversight for monitoring and mitigation. These groups create value through collaboratively addressing possible conflicts before they arise, bringing together and negotiating between diverse interests, and allowing quicker response times than the usual administrative process. A stakeholder working group for sage-grouse habitat management would necessarily need to be chartered under the Federal Advisory Committee Act (FACA) (5 U.S.C. App) and the attached administrative guidelines of the General Services Administration (41 CFR Part 102-3). The State of Wyoming currently has a similar working group, the Sage-Grouse Implementation Team (SGIT), which had been convened by the Governor's Office and, as of July 1, 2014, will be included in state statute. Federal agency representatives are members of this team, but because it does not report to a federal agency and makes recommendations to the state of Wyoming, not a federal entity, it is not chartered under FACA. We do not intend for the BLM to create a redundant working group, recognizing that many of the stakeholders from the SGIT would need to be involved in the BLM's group, yet Wyoming's SGIT, by reporting to state government and being focused on Executive Order 2011-5, does not adequately address the needs of federal sage-grouse adaptive management. Rather than having two redundant groups, we believe this proposed working group and the state's implementation team could be complementary. Their missions, guiding policies, responsibilities, and landscapes are different with only slight overlap. The Outdoor Council suggests that this adaptive management working group could be incorporated as an official subcommittee into the Wyoming Resource Advisory Council (RAC), an existing functional and FACA-chartered working group. Incorporating this working group under the RAC's umbrella eases the burden of several of the FACA charter process (for example, a time-consuming nomination process) while retaining the benefits afforded by a FACA charter. The Wyoming Resource Advisory Council currently meets four times a year, and consistently deals with land-use issues that are intimately related to sage-grouse habitats. The RAC could also benefit from housing a sagegrouse working group as the RAC currently lacks an authoritative voice on sage-grouse species or habitat management. The Wyoming Resource Advisory Council is still a relatively young working group. The Outdoor Council recommends the BLM seek input on effective RACs that have subcommittees to structure this working group. Alternatively, if the Wyoming Resource Advisory Council does not wish to be the umbrella group and clearinghouse for this sage-grouse adaptive management process, the agency should very seriously consider structuring a parallel FACA-charted working group focused on sagegrouse habitat management-

one that is complementary too, but not redundant with-the Wyoming SGIT. Examples from other western states abound for effective working groups that add value to the agency's decision-making process. These groups more nimbly process data, evolving conditions, and infuse policy recommendations with local knowledge, diverse stakeholder perspectives and experiences. We recommend the BLM examine the Upper Klamath Basin Working Group, Upper Klamath Basin Working Group, Uncompahgre Plateau Collaborative Restoration Project, Malpai Borderlands Working Group, and the Upper Green River Air Quality Advisory Board.

Comment ID: 2980
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: The WCCA supports an adaptive management strategy that incorporates the best available science to identify both soft and hard management triggers. And further bases those determinations on varied scales of data to ensure efficient and effective implementation of remedial actions across the Planning Area. The WCCA believes a stand-alone working group, perhaps housed within the existing Sage-Grouse Implementation Team (SGIT), should be charged with identifying causal factors and enforcing remedial actions where appropriate. This working group would include those federal agencies directly vested in effective implementation of the Plan and the State of Wyoming. In addition to the working group undertaking its own analysis to determine potential causal factors having an adverse impact on greater sage-grouse, the WCCA encourages the examination of causal inputs provided by state and local government sponsored entities (for example, data collected by local predator control boards).

Summary: The BLM should incorporate a stakeholder working group under the Adaptive Management process of managing sage-grouse habitats. This working group can add value by allowing for a greater range of public input from impacted stakeholders, creating more agility for responding to new data and scientific research, allow flexibility for evolving on-the-ground conditions, and create oversight for monitoring and mitigation. These groups create value through collaboratively addressing possible conflicts before they arise, bringing together and negotiating between diverse interests, and allowing quicker response times than the usual administrative process. This adaptive management working group could be incorporated as an official subcommittee into the Wyoming Resource Advisory Council (RAC), an existing functional and FACA-chartered working group. Incorporating this working group under the RAC's umbrella eases the burden of several of the FACA charter process (for example, a time-consuming nomination process) while retaining the benefits afforded by a FACA charter. The Wyoming Resource Advisory Council currently meets four times a year, and consistently deals with land-use issues that are intimately related to sage-grouse habitats. The RAC could also benefit from housing a sage-grouse working group as the RAC currently lacks an authoritative voice on sage-grouse species or habitat management. Alternatively, if the Wyoming Resource Advisory Council does not wish to be the umbrella group and clearinghouse for this sage-grouse adaptive management process, the agency should very seriously consider structuring a parallel FACA-charted working group focused on sage-grouse habitat management-one that is complementary to, but not redundant with-the Wyoming SGIT. The BLM should examine the Upper Klamath Basin Working Group, Upper Klamath Basin Working Group, Uncompahgre Plateau Collaborative Restoration Project, Malpai Borderlands Working Group, and the Upper Green River Air Quality Advisory Board.

Response: Action 23 specifically states: "These adaptive management strategies will be developed in partnership with the WGFD, project proponents, partners, and stakeholders and will incorporate the best available science." Appendix D further identifies composition of 'Implementation Groups' for adaptive management. Specifically, Appendix D states "The Adaptive Management Working Group will include BLM, Forest Service, USFWS, and State of Wyoming."

NEPA

Cooperating agency relationships

Weston County cooperator status

Comment ID: 969
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: As matter of concern, since the beginning of the NEPA process on The Wyoming Greater Sage-Grouse Draft Land Use Plan Amendment and Draft Environmental Impact Statement Notice of Intent (NOI), has the Newcastle BLM Office or the Douglas Ranger District ever formally met with the Weston County Commissioners on the proposed Wyoming Sage Grouse Plan?

Comment ID: 955
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: During the Scoping Process at the Newcastle open house of 9 March 2012, it was not brought to the attention of, or emphasized to the participants of this meeting that the purpose of this NEPA Process was to amend both the Newcastle Resource Management Plan and the Thunder Basin National Grassland Land and Resource Management Plan. Since in fact, this Draft EIS does propose amending both plans, Federal Law has been broken by the agencies. As of 18 March 2014, our local government, the Weston County Commissioners have not been approached on this matter by either the Newcastle Field Office (BLM) or the Douglas Ranger District (U.S. Forest Service). This is in direct violation of the following laws; Sec. 1508.21 NEPA process. "NEPA process" means all measures necessary for compliance with the requirements of section 2 and Title I of NEPA.

Comment ID: 972
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: As citizens of Weston County, State of Wyoming, and on behalf of our Weston County Government, we must insist that the Newcastle BLM Office and the U.S. Forest Service Douglas Ranger District meet with the Weston County Commissioners, State of Wyoming as required by Federal Law cited above to coordinate with the Weston County Land Use Plan and appropriate Weston County Resolutions. Six of the Resolutions that need to be addressed are 11 - 07, 11 - 08, 11 - 13, 94 -10, 94 - 11, and 94 - 12. Federal Law states that this will be done prior to the publication of the Final Environmental Impact Statement.

Summary: BLM and the Forest Service have violated NEPA by not contacting and working with Weston County Commissioners on the proposed Wyoming Sage Grouse Plan. During the scoping process at the Newcastle open house on March 9, 2012, it was not brought to the attention of, or emphasized to the participants of this meeting that the purpose of this NEPA process was to amend both the Newcastle RMP and the Thunder Basin National Grassland LRMP. This is in direct violation of Section 1508.21 of the NEPA process.

Response: At multiple stages in the creation of the Draft LUP Amendments/Draft EIS, the BLM and Forest Service gathered and incorporated public comments during formal comment periods, which included public scoping and meetings before preparation of the Draft EIS began, and during the public comment period and public meetings that occurred after the Draft EIS was published. All public entities were invited to comment

during these formal comment periods, including individuals, organizations, businesses, and local, state, federal, and tribal government entities. Both the CEQ and BLM Planning regulations define cooperating agency status, including what it is, who is eligible to become a cooperating agency, and how the lead agency should invite participation as a cooperating agency (40 CFR 1501 and 1508; 43 CFR 1601.0-5). The BLM Wyoming State Office extended cooperating agency status to government entities and agencies throughout the 17-county planning area. DOI regulations (43 CFR 46.225(c)) require the BLM, as lead agency, to consider any request by a government entity to participate as a cooperating agency (BLM Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners, pages 8-9). From the time that the Notice of Intent was published and throughout the development of the EIS, an agency could notify the BLM requesting cooperating agency status. However, the BLM did not receive this notification from the Weston County requesting BLM to consider them for cooperating agency status during development of the Draft EIS nor in any of the Draft EIS comment letters; as a result, only the agencies described in Section 5.1.1 were listed as Cooperating Agencies in development of the Draft EIS. The Notice of Intent published in the Federal Register on December 9, 2011 clearly identifies the Newcastle RMP as one of the plans being amended by this plan. Further, the Notice of Availability published in the Federal Register on December 27, 2013 also clearly identifies the Newcastle RMP as one of the plans being amended by this plan.

NEPA

GIS data and analysis

Connectivity areas not shown

Comment ID: 2896
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: Map 3-18: Sage-grouse Habitat, Map 1-3: Mineral Ownership, Map 1-2: Surface Ownership, and Map 1-1: Planning Area These maps and possibly others reference in their legends a yellow squiggly line denoting "Sagegrouse connectivity habitat areas." However, there are no areas so denoted on the maps themselves, making it impossible to tell what are the identified "connectivity habitat areas." Not clearly defining or showing the connectivity habitat areas makes it difficult to provide conm1ents on how those areas and the management actions associated with them may affect our grazing operations; therefore, we request any analysis or management actions based on "connectivity habitat areas" be dropped from the Final LUPA/EIS, or alternatively, we request that a new Draft LUPA/EIS be prepared and published to give the public adequate opportunity to review and comment.

Comment ID: 2911
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: The document states that "It is the policy of BLM Wyoming to manage Greater sage-grouse seasonal habitats and maintain connectivity in identified areas in support of the population management objectives set by the State of Wyoming." While the Draft LUPA/EIS adequately defines "core population area" and BLM's adoption of management objectives of the State of Wyoming, it poorly develops any connection between "core population area" and the planning decision area. This should be clarified in the final document. Also, while there are multiple maps that mention connectivity areas in their legends, none of those areas are actually depicted.

Summary: Map 3-18: Sage-grouse Habitat, Map 1-3: Mineral Ownership, Map 1-2: Surface Ownership, Map 1-1: Planning Area, and possibly others reference in their legends a yellow squiggly line denoting

"Sagegrouse connectivity habitat areas." However, there are no such areas shown on the maps themselves, making it impossible to tell what are the identified "connectivity habitat areas."

Response: Connectivity areas are shown on the maps indicated and intersect the planning area only in the north end of the Newcastle Field Office.

NEPA

GIS data and analysis

Landscape-level maps not appropriate/too vague

Comment ID: 2542
Organization: Peabody Energy Corporation
Name: Philip C. Dinsmoor

Comment: The BLM's landscape-level mapping for sage-grouse seasonal habitat (Map 3-19) in the DEIS cannot be used alone to mandate conservation measures at the project level. Currently, the large-landscape level habitat designation map incorporates habitat that is not suitable for sage-grouse. This is particularly true for northeast Wyoming where areas are often erroneously designated as sagebrush when compared to local verified field maps. Landscape-level habitat maps should not be used for project-level impacts.

Comment ID: 3002
Organization: Wyoming Mining Association
Name: Marion Loomis

Comment: The BLM's landscape-level mapping for sage-grouse seasonal habitat (Map 3-19) in the DEIS cannot be used alone to mandate conservation measures at the project level. Currently, the large-landscape level habitat designation map incorporates habitat that is not suitable for sage-grouse (such as woodland areas or areas lacking sagebrush cover) into suitable sage-grouse habitat. Landscape-level habitat maps should not be used for project-level impacts especially when local field verified habitat maps are available.

Comment ID: 2182
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Improper Use of Landscape-Level Habitat Maps for Project-Level Impacts The BLM's landscape-level mapping for sage-grouse seasonal habitat (Map 3-19) in the DEIS cannot be used alone to mandate conservation measures at the project level. Currently, the large-landscape level habitat designation map incorporates habitat that is not suitable for sage-grouse (such as woodland areas or areas lacking sagebrush cover) into suitable sage-grouse habitat. Landscape-level habitat maps should not be used for project-level impacts especially when local field-verified habitat maps are available.

Comment ID: 2331
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The DLUPA/DEIS's landscape-level mapping for sage-grouse seasonal habitat (Map 3-19) in the Draft EIS cannot be used alone to mandate conservation measures at the project level. Currently, the large landscape level habitat designation map incorporates habitat that is not suitable for sage grouse, such as woodland areas or areas lacking sagebrush cover, into suitable sage-grouse habitat.

Comment ID: 3111
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 5 2- 195 Minerals and Energy Alt D The scale of the map associated (map 2- 7) does not allow for full appreciation of areas that may already be leased that would be closed (core areas that are within the PAPA boundary?). Please correct to make map more readable.

Comment ID: 2952
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: The LUP contains numerous maps that are critical to understanding the proposed alternatives. Unfortunately, the maps are at such a scale that many of the lines on the map are so thick they partially or completely cover Ur-Energy's projects. In some cases it appears the lines are up to four miles wide. Because our project areas cannot be seen on these vague maps, it is impossible to understand how the various alternatives will impact our operations and therefore it is impossible to provide useful comments. In an attempt to resolve this matter, Ur-Energy contacted the BLM Pinedale office and requested electronic files of the maps so we could understand the proposed alternatives. However, the BLM was unable to provide usable maps. Ur-Energy respectfully requests that BLM supply the requested maps either in electronic form or at a usable scale so the public can adequately review the LUP. Because of these vague maps, BLM has failed to adequately analyze and describe the actual impacts of the alternatives and has failed to comply with NEPA's requirement to provide meaningful information for public review. BLM must comply with FLPMA and NEPA by providing adequate maps in a revised or supplemental Draft LUP/EIS and re-open for public review and comment.

Summary: The BLM's landscape-level mapping in the Draft EIS cannot be used alone to mandate conservation measures at the project level. Currently, the landscape-level habitat designation map incorporates habitat that is not suitable for sage-grouse (such as woodland areas or areas lacking sagebrush cover) into suitable sage-grouse habitat. Landscape-level habitat maps should not be used for project-level impacts especially when local field-verified habitat maps are available. The maps are at such a scale that many of the lines on the map are so thick they partially or completely cover up smaller projects.

Response: The CEQ regulations require an environmental impact statement to "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues" (40 CFR 1502.15). Additionally, the Wyoming Greater Sage-Grouse LUP Amendments and EIS is a programmatic NEPA effort to conserve sage-grouse and its habitat across a broad geographic area. The BLM described the affected environment and depicted the related maps broadly, appropriate to program-level land use planning actions. Because of the large size of the planning area, depicting every small project area would be impractical.

NEPA

GIS data and analysis

Roadless areas missing on Map 3-17

Comment ID: 171
Organization:

Name: Jean Harshbarger

Comment: Inventoried Roadless Areas are addressed in 3-233. These areas in the TBNG are supposed to be shown on map 3-77 but are not. Why can we not find where they are located?

Comment ID: 3130
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 3.13.2 Multiple Page 3- 223, paragraph 6, line 4; page 3- 225, paragraph 2; page 3- 228, paragraph 5, line 2; and page 3- 233 paragraph 3, line 2 Inventoried roadless areas are not shown on the referenced Map 3--- 17.

Comment ID: 2627
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 3-223, paragraph 6, line 4; page 3-225, paragraph 2; page 3-228, paragraph 5, line 2; and Page 3- 233 paragraph 3, line 2: Inventoried roadless areas are not shown on the referenced Map 3-17.

Summary: Inventoried roadless areas mentioned in Chapter 3 are not shown on the referenced map, Map 3-17.

Response: Inventoried Roadless Areas were identified in Chapter 3 as being depicted on Map 3-17, however they were inadvertently left off. This mistake has been corrected in the Proposed LUP Amendments/Final EIS. In the meantime, these areas can be viewed by contacting the Forest Service offices directly.

NEPA

Impact Analysis

Impacts analysis doesn't compare effectiveness of the 'No Action' for each area

Comment ID: 1287
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: The purpose of the "No Action" alternative is to provide decision-makers with a benchmark from which to compare the magnitude of effects in the proposed "action" alternatives. With respect to ongoing management actions like those in a LUP, the "No Action" alternative must represent analysis of the effects of continuing current management actions into the future. As the DLUPA/DEIS currently stands, insufficient explanation and discussion of current regulatory mechanisms or conservation strategies are described with respect to sage-grouse, or any other management action, which makes it impossible to compare the impacts of the management actions proposed. AEMA recognizes that BLM summarizes existing land use stipulations related to protection of sagegrouse and its habitat by field or district office (See Generally Chapter 2). However, BLM provides little meaningful analysis of the effectiveness or implementation of these stipulations (See Ch. 4).

Summary: The purpose of the "No Action" alternative is to provide decision-makers with a benchmark from which to compare the magnitude of effects in the proposed "action" alternatives. With respect to ongoing management actions like those in a LUP, the "No Action" alternative must represent analysis of the effects of continuing current management actions into the future. Current regulatory mechanisms and

conservation strategies are insufficiently described, which makes it impossible to compare the impacts of the management actions proposed. BLM summarizes existing land use stipulations related to protection of sage-grouse and its habitat by field or district office in Chapter 2. However, BLM provides little meaningful analysis of the effectiveness or implementation of these stipulations in Chapter 4.

Response: The No Action alternative was fully analyzed in the LUP Amendments completed for each of the 9 plans being amended by this action. As you stated, the No Action alternative is the baseline to which the other alternative analyzed in this document are compared. The analysis in Chapter 4 adequately describes the deviations from the No Action. The impact analysis for Alternative A (No Action) was prepared first to serve as a baseline for alternative comparison. Each resource describes the impact of each alternative for comparison against the impacts under each of the action alternatives. The Draft LUP Amendments/Draft EIS provides an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. As required by 40 CFR 1502.16, the Draft LUP Amendments/Draft EIS provide a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Draft LUP Amendments/Draft EIS provided sufficiently detailed information to aid in determining whether to proceed with the preferred alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning).

NEPA

Impact Analysis

Impacts analysis is flawed

Comment ID: 1224
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: The conflict between sage-grouse conservation and the prohibition through administrative fiat against mineral, oil and gas and other commodity development in the Planning Area must not be ignored. Unfortunately, BLM fails to recognize and disclose this conflict in the DLUPA/DEIS. AEMA contends that BLM has an obligation under existing law to comply with federal, state, and local policies, including but not limited to, balancing resources, and to recognize the Nation's need for domestic mineral sources. Detailed discussion of the impacts to each of the resources with respect to the proposed management actions and RDFs/BMPs for sage-grouse found throughout the DLUPA/DEIS must be thoroughly developed and analyzed in a revised DLUPA/DEIS, and the public given another opportunity to review and comment upon the revised document.

Comment ID: 524
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Perhaps most glaringly, throughout chapter 4, BLM does not simply state the differences between the impacts of the alternatives in terms of acres affected. The BLM must correct these deficiencies in the FEIS.

Comment ID: 1366
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Page 4-3 provides general assumptions that underlie all of the impacts analyses. For instance the BLM assumes that the "alternatives will be implemented as described in Chapter 2 and associated appendices" but as we have discussed before most of the supposed actions are merely to "analyze" or "consider" so it is unclear whether the analysis has been conducted based on merely the analysis and consideration or the actual implementation of the actions discussed. In addition, another flawed assumption is that "sufficient funding and personnel will be available to implement the RMP and LRMP amendments" but no information has been provided regarding current budgets and projected budgets or the workloads currently laid out in the RMPs (and how well the BLM has been able to fulfill those obligations) or those proposed in these amendments. Without this information we can only assume from the current experience that RMPs are never fully funded and that this will continue or become even worse. As such this flawed assumption vitiates the analyses.

Comment ID: 521
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: For example, by failing to include the actual number of core GRSG habitat acres within grazing allotments, the BLM has not analyzed nor disclosed which alternative has the most significant effect on the most important GRSG habitats. The BLM offers general conclusions but provides no analysis of the likely different effects on the 574 allotments in the project area. Cursory analysis is insufficient.

Comment ID: 2054
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Finally, BLM needs to discuss how the management actions under one program (lands and realty) will have on the management of another (minerals). For example if BLM makes it impossible to obtain a ROW for a new project by implementing restrictions and prohibitions such as those proposed across alternatives under lands and realty then BLM must discuss the impacts that will have on other resources such as locatable minerals and disclose the potential and likely result of de facto withdrawals as a cumulative, direct, and indirect impacts, which BLM has failed to do.

Comment ID: 1877
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, the impact analysis is far too vague and lacks sufficient detail to make an informed decision. Specifically the impact analysis lacks any useful discussion of the intensity of the impacts. Merely describing impacts as "the same," "more than" or "less than" is not sufficient. For example, BLM asserts that the management action- ROW Exclusion Areas- may be "the same" or "similar" under Alternatives A, B, C, and D (Ch4. at 4-72,74, 75), however the level of impact is certainly different.

Comment ID: 1149
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The BLM is bound by law to provide a full and fair environmental analysis of the proposed actions, and those actions must comply with federal regulations and agency direction, including but not limited to the requirements outlined here. We provide below a brief synopsis of applicable laws and regulations. Many of the requirements discussed below have not been complied with in the DEIS and proposed action.

Comment ID: 2640
Organization: QEP Energy Company
Name: Mike Smith

Comment: Throughout: Alternative D impacts are understated due to the preclusion of ROWs/SUAs in core. Where these features are denied, many other developments would not be achievable.

Summary: The impacts described in Chapter 4 are understated in general, especially for Alternatives B and C, which would preclude virtually all resource development. Impacts from alternatives for one resource program are not sufficiently discussed on other programs. For example, precluding ROWs/SUAs in core habitat would eliminate mineral development in those areas. The impacts analysis is flawed for the following reasons: -The impacts analysis does not state the differences between alternatives in terms of acres affected. -The impacts analysis is too vague and lacks sufficient detail regarding the intensity of impacts across alternatives. -The impacts analysis does not calculate acres of other resource values contained within core or priority sage-grouse habitat, for example the number of grazing allotments within core. The assumptions for the impacts analyses are flawed. For example, page 4-3 of the document assumes that the "alternatives will be implemented as described in Chapter 2 and associated appendices." However, most of the supposed actions are merely to "analyze" or "consider" so it is unclear whether the analysis has been conducted based on merely the analysis and consideration or the actual implementation of the actions discussed. In addition, another flawed assumption is that "sufficient funding and personnel will be available to implement the RMP and LRMP amendments." No information has been provided regarding current budgets and projected budgets or the workloads currently laid out in the RMPs.

Response: The Draft LUP Amendments/Draft EIS provides an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. The Draft LUP Amendments/Draft EIS provided sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). The Draft LUP Amendments/Draft EIS contains only planning actions and does not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions. As a landscape level planning effort, none of the alternatives prescribe project-level or site-specific activities on BLM or Forest Service managed lands. Furthermore, the agencies' selection of an alternative does not authorize funding to any specific project or activity nor does it directly tie into the agencies' budgets as appropriated annually through the Federal budget process. As a consequence, agencies' costs and differences in program costs across alternatives have not been quantified. Information has been presented in several resource impact sections on the types of costs that might be associated with various sage-grouse conservation measures. Assumptions are for the purpose of

analysis only. They are presumed true for the purpose of equitably comparing the alternatives, do not constrain or define management, and are based on observations, historical trends and professional judgment.

NEPA

Impact Analysis

Impacts analysis should estimate future sage-grouse population by alternative

Comment ID: 354
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are also concerned that the direct and cumulative impact analyses in the Draft EIS offer only a laundry list of conservation measures and qualitative comparisons among alternatives, without evaluating their efficacy and overall impact on sage grouse populations under each alternative. See, e.g., DEIS at 4-490. Are sage grouse populations expected to increase or decrease under each alternative in 10 years, 50 years, and 100 years? What would be the magnitude of population changes for each alternative? Even current population trends by Field Office are missing from the EIS; Pinedale offers a detailed account of recent trends, Rock Springs has some broad-brush figures over the past 60-year span, but Newcastle and Rawlins offer virtually no data at all. See DEIS at 3-284 through 295. Data are similarly sparse for Medicine Bow (DEIS at 2-334) and Bridger-Teton (DEIS at 3- 310) national forests. Please provide the requested estimated habitat and population trend versus current baseline conditions for each subpopulation under each alternative, so it can be determined to what extent each alternative does or does not fulfill the Purpose and Need for the EIS.

Summary: What would be the magnitude of population changes for each alternative? Please provide estimated habitat and population trend versus current baseline conditions for each subpopulation under each alternative, so it can be determined to what extent each alternative does or does not fulfill the purpose and need for the EIS.

Response: Estimates of Greater Sage-Grouse populations would be highly speculative and would not be appropriate to use in the impacts analysis to describe reasonably foreseeable consequences. This amendment addresses changes in management of sage-grouse habitats under the jurisdiction of the land management agencies not bird populations. Population changes are the responsibility of the Wyoming Game and Fish Department. The actions and the analysis in this document are focused on habitat management changes, not population changes.

NEPA

Impact Analysis

Impacts discussed under alternatives should be "common to all" alternatives

Comment ID: 938
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Sections 4.18.3 through 4.18.7. There are a number of action alternatives which are common to all action alternatives; it would be helpful if these were identified.

Summary: Sections 4.18.3 through 4.18.7: There are a number of action alternatives which are common to all action alternatives.

Response: Impacts from actions that were common to all alternatives are not described in a separate section in the Draft LUP Amendments/Draft EIS. Impacts from such actions are first described under Alternative A headings and referenced in subsequent action alternatives using the language "Impacts would be the same as under Alternative A" or similar wording.

NEPA

Impact Analysis

Other benefits of sage-grouse conservation measures

Comment ID: 1790
Organization: The Wilderness Society
Name: Nada Culver

Comment: BLM should explicitly identify and consider benefits from sage-grouse conservation actions that also serve to conserve other resources. Therefore, when evaluating the impacts of various alternatives in this planning effort, the agencies should explicitly discuss the benefits of protecting land (such as scenic values, clean air and water), as part of considering various approaches to conserving sagegrouse habitat. The Draft EIS is addressing a range of issues, as part of developing a meaningful approach to sage-grouse conservation, that can and should take into account the many resources of the affected lands, acknowledge the benefits of conserving other resources (such as big game habitat, vegetation, lands with wilderness characteristics, backcountry recreation) and explicitly incorporate these considerations into a revised preferred alternative.

Summary: The BLM should explicitly identify and consider benefits from sage-grouse conservation actions that also serve to conserve other resources. The benefits of protecting land should include big game habitat, vegetation, lands with wilderness characteristics, backcountry recreation, scenic values, clean air, and clean water.

Response: Chapter 4 of the Draft LUP Amendments/Draft EIS identified many other resource areas that would benefit from the alternatives, including direct, indirect, and cumulative impacts. Resources and programs that identified as receiving secondary benefits from sage-grouse conservation measures include air, soil, water, vegetation, visual resources, fish and wildlife, and wilderness values to name a few.

NEPA

Impact Analysis

Remove "would," "could," and "may"

Comment ID: 3023
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Use of the terms such as "should," "could," and "may" are subjective, provide no information regarding what may ultimately be required, and therefore result in ambiguity. It is suggested that these words be changed throughout the document as appropriate to identify which specific actions would be requirements versus those that are merely recommendations. This would provide specific regulatory mechanism assurance.

Summary: Use of the terms such as "should," "could," and "may" are subjective, provide no information regarding what may ultimately be required, and therefore result in ambiguity. It is suggested that these words be changed throughout the document as appropriate to identify which specific actions would be requirements versus those that are merely recommendations. This would provide specific regulatory mechanism assurance.

Response: The use of the terms "would" and "could" are used in place of more definitive terms such as "will" because the impacts analysis describes the result that would or could occur IF the management actions were implemented. The BLM and Forest Service wish to avoid describing the results of actions in the Draft EIS as occurring with certainty because that would imply alternatives being proposed have already been selected. Use of the term "will" is more appropriate in the Final EIS and Proposed LUP Amendments. In the Draft EIS, the term "would" was used when an action's result is more or less certain, such as from a requirement. The term "could" was used to describe impacts that might or might not happen if the action is implemented, such as from a recommendation or an action that has some degree of freedom in how it is implemented.

NEPA

Litigation/Lawsuits

The plan must adhere to pending litigation and rulings

Comment ID: 1384
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: We also provide a copy of the recent federal ruling regarding the NEPA and FLPMA violations found in the Pinedale RMP. It appears from our review that the BLM failed to comply with the order in the DEIS. The BLM should also be aware that while the ruling was on the two test RMP's, the Pinedale and Craters of the Moon, the principles provided in the ruling would apply equally to the rest of the RMP's in this group. We would like to schedule a meeting with you to discuss the implications of this order prior to your efforts to begin to complete the FEIS and Draft ROD. Please let me know your schedule so that we can set a date.

Comment ID: 517
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Western Watersheds Project (WWP) continues to attack public land planning documents across the west. Significantly, WWP challenged the Pinedale RMP in Federal District Court in Idaho under Judge Winmill. See Western Watersheds Project v. Salazar, 4:08- CV-516-BLW, Dckt. 131 (D. Idaho 2011). Judge Winmill invalidated the Pinedale RMP and remanded the document to the BLM in order to correct its deficiencies. Id. In so doing, Judge Winmill retained jurisdiction over any revisions to the Pinedale RMP, such as the GRSG amendment. Id. More importantly, all of the field offices in the current GRSG amendment would fall under Judge Winmill's jurisdiction. Thus, BLM must make every effort to meet the applicable NEPA standards and to address the judicial findings already the law of the case in this pending matter.

Summary: BLM must make every effort to address outstanding judicial findings and orders. Western Watersheds Project (WWP) challenged the Pinedale RMP in Federal District Court in Idaho under Judge Winmill. See Western Watersheds Project v. Salazar, 4:08- CV-516-BLW, Dckt. 131. Judge Winmill invalidated the Pinedale RMP and remanded the document to the BLM in order to correct its deficiencies.

In so doing, Judge Winmill retained jurisdiction over any revisions to the Pinedale RMP, such as the sage-grouse amendment. More importantly, all of the field offices in the planning area would fall under Judge Winmill's jurisdiction.

Response: The agencies are fully aware of the court's decision in the referenced case.

NEPA

Mitigation measures

No discussion of mitigation measure effectiveness

Comment ID: 1342
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Page 2-8 discusses mitigation but fails to comply with case law regarding the need to determine the effectiveness of mitigation within the NEPA document itself.

Summary: Page 2-8 discusses mitigation but fails to comply with case law regarding the need to determine the effectiveness of mitigation within the NEPA document itself.

Response: Mitigation will be applied to all implementation actions/decisions that take place on Federal lands within Greater Sage-Grouse habitat during the life of this plan. Mitigation has been further defined as Regional Mitigation and the Framework is in Appendix D. The Regional Mitigation Framework was developed to follow the BLM's Regional Mitigation Manual MS-1794, Forest Service Handbook FSH 1909.15, and CEQ 40 CFR 1508.20. The Mitigation Framework, through the mitigation hierarchy, guides the BLM and Forest Service. The hierarchy direction is to first avoid impacts entirely by not taking a certain action or parts of an action; second, if unable to avoid, minimize impacts by limiting the degree or magnitude of an action or parts of an action; and lastly, if avoidance or minimizing is not possible, compensate impacts associated with future implementation actions. If residual impacts to Greater Sage-Grouse from implementation-level actions remain after applying avoidance or minimization measures, then compensatory mitigation projects will be used to offset the residual impacts in an effort to achieve the land use plan goals and objectives. As articulated in Appendix D, compensatory mitigation will occur on sites that have the potential to yield the greatest conservation benefit to the Greater Sage- Grouse, regardless of land ownership. These sites should be sufficiently "durable." According to BLM Manual Section 1794, durability is defined as "the administrative, legal, and financial assurances that secure and protect the conservation status of a compensatory mitigation site, and the ecological benefits of a compensatory mitigation project, for at least as long as the associated impacts persist." Specific mitigation strategies, based on the Framework, will be developed by regional teams (at the WAFWA Management Zone level) within one year of the issuance of the Record of Decision. These strategies will guide the application of the mitigation hierarchy to address Greater Sage-Grouse impacts within that WAFWA Management Zone. The WAFWA Management Zone Regional Mitigation Strategy will be applicable to BLM and Forest Service lands within the zone's boundaries. Subsequently, the BLM/Forest Service's NEPA analyses for implementation-level decisions that might impact Greater Sage-Grouse will include analysis of mitigation recommendations, including the effectiveness of mitigation measures from the relevant WAFWA Management Zone Regional Mitigation Strategy(ies).

NEPA

Monitoring

Qualitative Monitoring Form

Comment ID: 2110
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Qualitative Monitoring Form, Page C-10 This form is not referenced at any point in Appendix C, so we are at a loss as to why it is included.

Summary: The Qualitative Monitoring Form, mentioned on page C-10, is not referenced anywhere. What is it and why is it included?

Response: The Qualitative Monitoring Form provides an example of how monitoring and reporting are completed. This form was included merely as an example.

NEPA

Public Notification

Public Notification: Response to public comments

Comment ID: 1826
Organization:
Name: Marybeth Devlin

Comment: I urge BLM to publish the number of persons that respond to the Draft LUPA/EIS. Show that you value every response on its own merits rather than labeling some as "form letters." The Constitution provides for the right of citizens to petition the Government for a redress of grievances. The Constitution does not require each complainant to formulate a unique letter. Indeed, the very word "petition" connotes a document that multiple parties sign in agreement and solidarity regarding a particular issue. At court, there are even class-action suits, wherein many plaintiffs join together to seek justice regarding a matter of mutual concern. One action, many parties. BLM should just state the facts: • How many individuals responded to the Draft LUPA/EIS , • How many and what percentage favored each Alternative and why, • What different ideas and alternatives were proposed, and • What modifications, corrections, improvements will BLM make per our input. BLM is supposed to build consensus. The public-involvement component is designed to secure feedback from those persons interested enough to participate in the planning process. Disregarding feedback leads to decisions that are not supported by the majority of stakeholders. Recommendations: Each and every comment must be honored -- fully, individually, and collectively -- with the numerical results published. Remember that the public lands belong to We the People, not just to those individuals that happen to reside nearby or to those who wish to capitalize on our lands.

Comment ID: 237
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: 40 C.F.R. § 1503.4(a). Importantly, while agencies must attach comments considered "substantive" to the EIS (40 C.F.R. § 1503.4(b)), a comment need not be substantive to trigger the agency's response requirement. We expect BLM to respond substantively to each issue raised in these comments pursuant to the requirements of NEPA.

Comment ID: 1564
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: 40 C.F.R. § 1503.4(a). While agencies must attach comments considered "substantive" to the EIS (40 C.F.R. § 1503.4(b)), a comment need not be substantive to trigger the agency's response requirement. We expect BLM to respond substantively to each issue raised in these comments pursuant to the requirements of NEPA.

Summary: BLM should publish the number of persons that respond to the Draft LUP Amendments/Draft EIS. Each comment should be valued on its own merits rather than labeling some as "form letters." BLM needs to report the following: • How man individuals responded to the Draft LUP Amendments/Draft EIS • How many and what percentage favored each alternative and why • What different ideas and alternatives were proposed • What modifications, corrections, or improvements will BLM make per public input? BLM is required by NEPA to respond substantively to each issue raised in the public comments.

Response: All comments received on the Draft EIS were considered and reviewed to determine the appropriate response, if any. Comments simply stating a preference for or against a specific alternative or opinions without reasonable basis were considered non-substantive since they do meet they do not meet the substantive comment requirement of BLM Handbook H-1790-1, Section 6.9.2.1. Form letters, or identical letters submitted by different commenters, were identified as part of the Draft LUP Amendments/Draft EIS comment response effort. Since these submissions are identical in nature, it is adequate for only one "master" form letter to be included as part of the comment response effort and reviewed for substantive comments. All form letters will be entered into the project decision file and all commenters will be entered into the project decision file as having submitted a comment during the comment period. Summarized comments and responses are included in this appendix and includes counts and totals of the number of comments received. It is important to note that during the process of identifying substantive concerns, all comments were treated equally. The comments were not weighted by organizational affiliation or status of respondents, and the number of duplicate comments did not add more bias to one comment than another. The process was not one of counting votes and no effort was made to tabulate the exact number of people for or against any given aspect of the plan. Rather, emphasis was placed on the content of each comment.

NEPA

Purpose and Need

Alternative D does not meet regulatory certainty requirement

Comment ID: 364
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Throughout, Alternative D is designed to maximize management flexibility, which necessarily minimizes certainty that any prescribed protection measures will be applied in practice. In this way, Alternative D fails to meet the regulatory certainty requirements of the PECE policy, and therefore cannot be said to meet the Purpose and Need for this EIS.

Summary: Alternative D is designed to maximize management flexibility, which necessarily minimizes certainty that any prescribed protection measures will be applied in practice. In this way, Alternative D fails to meet the regulatory certainty requirements of the Policy for Evaluating for Conservation Efforts (PECE), and therefore cannot be said to meet the purpose and need for this EIS.

Response: The BLM and Forest Service complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for the Draft LUP Amendments/Draft EIS, including seeking public input and analyzing reasonable alternatives. The stated purpose of Alternative D is to "provide opportunities to use and develop the planning area while providing protection of Greater Sage-Grouse habitat based on scoping comments and input from cooperating agencies involved in the alternatives development process." The description, found in Section 2.4.4, further states that "[t]his alternative increases the potential for development and resource use, with reduced Greater Sage- Grouse habitat protections." Alternative D includes conservation measures for the purpose of conserving, enhancing, and/or restoring Greater Sage-Grouse habitat in the context of the agencies' multiple use mission and is therefore fully consistent with the purpose and need of this Final EIS.

NEPA

Purpose and Need

Figure 1-1 incomplete

Comment ID: 2916
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Figure 1-1, Nine-Step Planning Process, is not referenced or explained in the text, and it should be revised to correspond to the major steps in the ElS process. Also, a key step is missing from the "major steps in the EIS process" list - the Formulation of Alternatives. This should be outlined in a similar level of detail as the other steps are.

Summary: Figure 1-1, Nine-Step Planning Process, is not referenced or explained in the text should be revised to correspond to the major steps in the EIS process. Key steps, such as 'Formulation of Alternatives,' are missing from the list.

Response: Although Figure 1-1 is not intended to be a comprehensive discourse on the planning process, it is nevertheless explained in more detail on page 1-6 of the Draft LUP Amendments/Draft EIS. The formulation of alternatives is specifically listed as Step 5.

NEPA

Purpose and Need

Remove alternatives/impacts not related to sage-grouse

Comment ID: 2815
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: The title of the document talks about it being for the Wyoming Greater Sage-Grouse. However, there are numerous pages dedicated to other topics which leave the reader confused about the need for the apparently extraneous items. The document fails to correlate these extraneous items to the needs of the the analysis on sage-grouse impacts. Given the significant volume of information and the limited amount of time allowed to analyze and comment, this extraneous material serves to divert the public's attention away from sage-grouse. We are puzzled as to why the document would seek to do this. Secondly, in several places the document offers up speculation instead of facts. This does not serve the purpose of NEPA, which is to offer land use decision makers information to make informed decisions regarding possible alternatives. Thirdly, we are puzzled by the document offering two alternatives which have very similar management

and environmental outcomes. Again in an effort to identify viable alternatives and eliminate significant volumes of repetitive information it would seem logical to combine these two alternatives into one alternative. Additionally these two (Alternatives B and C) offered alternatives appear to violate the Multiple Use Sustained Yield Act of providing multiple use on federal lands.

Comment ID: 2903
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: the Draft LUPA/EIS BLM often strays from its stated purpose and need by providing analysis of individual sage-grouse and proposing development stipulations unrelated to managing sage-grouse habitat. BLM should not analyze impacts on individual sage-grouse until first establishing a link between the impacts to individuals and sage-grouse habitat. Furthermore, BLM may not propose management actions unrelated to management of sage-grouse habitat because such actions are outside the scope of this LUPA/EIS.

Summary: The Draft LUP Amendments/Draft EIS BLM often strays from its stated purpose and need by providing analysis of individual sage-grouse and proposing development stipulations unrelated to managing sage-grouse habitat. BLM should not analyze impacts on individual sage-grouse until first establishing a link between the impacts to individuals and sage-grouse habitat. Furthermore, BLM may not propose management actions unrelated to management of sage-grouse habitat because such actions are outside the scope of this plan and EIS. There are numerous pages dedicated to topics other than Greater sage-grouse, which leave the reader confused about the need for the extraneous items. The document fails to correlate these items to the needs of the analysis on sagegrouse impacts. Given the significant volume of information and the limited amount of time allowed to analyze and comment, this extraneous material serves to divert the public's attention away from sage-grouse.

Response: The BLM complied with regulations in describing the affected environment. The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decision. The affected environment provided in Chapter 3 and various appendices is appropriate to support, at the general land use planning-level of analysis, the environmental impact analysis resulting from management actions presented in the Draft EIS.

NEPA

Range of alternatives

Alternative E is inadequate

Comment ID: 2149
Organization: Sierra Club, Wyoming Chapter
Name: Connie Wilbert

Comment: The preferred Alternative E fails to meet some basic requirements of a land use plan. BLM's scoping process identified the issues, which should be resolved in the planning decision. By BLM's own admission, implementation of Alternative E may very well still lead to continued decline of sage grouse populations in Wyoming, thus clearly not addressing this fundamental issue of the planning process. Furthermore, BLM and the Forest Service skillfully (but incorrectly) identify administrative tasks as issues. The handbook (H-1601-1) describes issues as disputes or controversies over resource allocation, use, and management. Planning criteria define the decision space and the resulting plan must be consistent with these criteria. Unfortunately, Alternative E often fails to meet key criteria. For example, BLM is required to manage for multiple use, which requires that the combination of actions prevent the "permanent

impairment of the productivity of the land and the quality of the environment." Yet for some actions, BLM openly admits that they will continue actions that will perpetuate habitat impairment indefinitely. Alternative E simply fails to address the need to restore impaired lands. Legally, BLM must apply direction from the courts on relevant programs, but Alternative E fails to correct the legal issues created by BLM's use of habitat assessment protocols that fail to address sage grouse needs. Alternative E also fails to address the court ruling calling for BLM to have criteria that minimize the impacts of Off Highway Vehicle (OHV) use. Quite the contrary: under Alternative E, current levels of OHV use would continue without restriction. As these examples clearly show, the proposed action fails to meet the fundamental requirements for BLM to establish an adequate regulatory structure for sage grouse conservation.

Comment ID: 235
Organization:
Name:

Comment: Because the majority of remaining Greater sage-grouse habitat overlaps with land managed by the federal Bureau of Land Management and the Forest Service, the long-term survival of the species rests largely on management prescriptions established by these agencies. Development pressure is expected to increase on these lands. For that reason, I am disappointed to see the agencies put forth as their "Preferred Alternative" (Alternative E) in the draft environmental impact statement for amending nine land use management plans in Wyoming a strategy that continues to rely on measures that have proven ineffective in preventing the decline of Greater sage-grouse. The continued reliance on management "prescriptions" that are not supported by current science and the ability to waive protections and allow development in sage-grouse habitat will not be sufficient to ensure that sage-grouse are recovered and need not be listed under the Endangered Species Act. The agencies need to develop a more protective plan that incorporates elements of Alternatives B and C. The final plan must require that oil and gas drilling as well as roads, transmission lines, wind turbines and over-grazing are restricted in priority sage-grouse habitat, that migration corridors are protected, and that damaged habitat is reclaimed.

Summary: The Preferred Alternative E fails to meet some basic requirements of a land use plan. BLM's scoping process identified the issues, which should be resolved in the planning decision. By BLM's own admission, implementation of Alternative E may very well still lead to continued decline of sagegrouse populations in Wyoming, thus clearly not addressing this fundamental issue of the planning process. Furthermore, BLM and the Forest Service skillfully (but incorrectly) identify administrative tasks as issues. The Handbook (H-1601-1) describes issues as disputes or controversies over resource allocation, use, and management. Planning criteria define the decision space and the resulting plan must be consistent with these criteria. Unfortunately, Alternative E often fails to meet key criteria. For example, BLM is required to manage for multiple-use, which requires that the combination of actions prevent the "permanent impairment of the productivity of the land and the quality of the environment." Yet for some actions, BLM openly admits that they will continue actions that will perpetuate habitat impairment indefinitely. Alternative E simply fails to address the need to restore impaired lands. Legally, BLM must apply direction from the courts on relevant programs, but Alternative E fails to correct the legal issues created by BLM's use of habitat assessment protocols that fail to address sage-grouse needs. Alternative E also fails to address the court ruling calling for BLM to have criteria that minimize the impacts of off highway vehicle (OHV) use. Quite the contrary: under Alternative E, current levels of OHV use would continue without restriction. As these examples clearly show, the proposed action fails to meet the fundamental requirements for BLM to establish an adequate regulatory structure for sage-grouse conservation. Protecting large expanses of important sage-grouse habitat--as outlined in Alternative C--will help stem the decline of many species and begin to restore balance to an over-utilized and degraded landscape.

Response: The BLM’s FLPMA (Section 103(c)) and Forest Service's Multiple Use Sustained Yield Act defines "multiple-use" as the management of the public lands and their various resource values so that they

are utilized in the combination that will best meet the present and future needs of the American people. Accordingly, the BLM is responsible for the complicated task of striking a balance among the many competing uses to which public lands can be put. The BLM's multiple-use mandate does not require that all uses be allowed on all areas of the public lands. The purpose of the mandate is to require the BLM to evaluate and choose an appropriate balance of resource uses which involves tradeoffs between competing uses. The FLPMA also directs the BLM to develop and periodically revise or amend its RMPs, which guide management of BLM-administered lands, and provides an arena for making decisions regarding how public lands would be managed and used. The LUP Amendments is a targeted amendment specifically addressing goals, objectives, and conservation measures to conserve Greater Sage-Grouse and to respond to the potential of it being listed (see Draft LUP Amendments Section 1.3, Purpose and Need). The BLM's planning processes allow for analysis and consideration of a range of alternatives in the Draft LUP Amendments/Draft EIS that identified and incorporated appropriate regulatory mechanisms to conserve, enhance, and restore sage-grouse habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was recommended. The plan includes alternatives that provide a greater and lesser degree of restrictions in various use programs, but would not eliminate or invalidate any valid existing development rights. The BLM and the Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with the NEPA while utilizing best available science. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and the Forest Service fully considered the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. As a result, five alternatives were analyzed in detail in the Draft LUP Amendments/Draft EIS that best addressed the issues and concerns identified by the affected public. The BLM and Forest Service will consider the entire range of alternatives and make a final decision in the Record of Decision when the land use planning process is completed. Regarding management of OHVs, the alternatives appropriately consider the land use allocations of open, closed, and limited. The appropriate minimization criteria for travel routes will be applied in the subsequent travel management planning efforts.

NEPA

Range of alternatives

Alternatives B and C are not reasonable

Comment ID: 1222
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM states as one of its objectives for Alternatives A, D, and E is to: "Conserve, recover, and enhance sage-grouse habitat on a landscape scale consistent with local, state, and federal management plans and policies, as practical, while providing for multiple use of BLM-administered lands and National Forest System lands" (Ch. 2 at 2-11, emphasis added). BLM's description of the management goals for Alternatives B and C speaks volumes as to the inadequacy of these alternatives. Both Alternatives B and C fail to include compliance with applicable law and policy which is inconsistent with § 202 ©(9) of FLPMA; and Alternative C fails to include cooperation with other conservation partners as a goal-which seems counterproductive if conservation and protection of sage-grouse is the purpose of the LUPA (See Id.), described in detail below.

Comment ID: 547
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: From a National Environmental Policy Act of 1969 ("NEPA") perspective, Samson understands the need to analyze a range of alternatives, but suggests the BLM was not required to analyze either Alternative B or Alternative C in detail given the inherently unreasonable nature of these alternatives. It is well established that NEPA requires an agency only to consider "reasonable alternatives." 40 C.F.R. § 1502.14 (2013). Federal courts and the Interior Board of Land Appeals ("IBLA") have long held that "[a]lternatives that do not accomplish the purpose of an action are not reasonable and need not be studied in detail by the agency." Citizens' Comm. to Save Our Canyons v. United States Forest Serv., 297 F.3d 1012, 1030 (10th Cir. 2002) (citations and internal punctuation omitted). Given the drastic limitations Alternative B and Alternative C would have upon oil and gas development, neither of their alternatives are reasonable and they must not be selected. Samson urges the BLM not to adopt either Alternative B or Alternative C because of the drastic adverse impacts they would have upon oil and gas development and, thus, on the economy of the Planning

Comment ID: 994
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: The State of Wyoming cannot accept Alternatives B and C. These alternatives are not reasonable and will have drastic and adverse impacts to the economy, custom and culture of communities in the Planning Area and beyond. Public land uses of all types will be impacted by the management constrains under Alternatives B and C, including recreation. The BLM and USFS cannot meet multipleuse and sustained yield mandates if these alternatives are adopted. Within the Planning Area, agriculture, oil and gas industries, and mining will be the most adversely impacted by Alternatives B and C.

Comment ID: 2718
Organization: Sweetwater County
Name: Mark Kot

Comment: Since Alternatives B and C severely limits multiple use including recreation, grazing, oil and gas and mineral development, Sweetwater County strongly discourages the BLM and the USFS from selecting and implementing these alternatives. Since approximately 86% of Sweetwater County's operating revenues are related to mineral development, Sweetwater County strongly believes that if either of these alternatives is selected as the final management strategy for the LUPA and EIS, there will be major negative impacts to Sweetwater County's economy.

Comment ID: 548
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: the BLM is not required to pursue alternatives that are not reasonable because they are not technically or economically feasible. The Council on Environmental Quality ("CEQ") has described reasonable alternatives as "those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable." CEQ's Forty Most Asked Questions, Question 2a, 46 Fed. Reg. 18028, 18027 (Mar. 23, 1981) (emphasis added). BLM need not analyze speculative, impractical, or uneconomic alternatives. Citizens' Comm. to Save Our Canyons, 297 F.3d at 1030-31. The BLM's own NEPA regulations also state that the agency is only required to evaluate technically and economically practical alternatives. 43 C.F.R. § 46.420(b) (2013). BLM's NEPA Manual also only requires the evaluation of reasonable and practicable alternatives. BLM NEPA Handbook, H-1790-1, § 6.6.1, pg. 50 (H-1790-1, Rel. 1-1710 0113012008).

Comment ID: 2536

Organization: Peabody Energy Corporation
Name: Philip C. Dinsmoor

Comment: Peabody endorses Alternative E with conditions. It offers the best balance of conservation of the species with development of coal resources. Alternatives A and D do not offer practical conservation measures for sage-grouse habitat management and improvement. They are also deficient in encouraging or facilitating collaboration between agencies and private land owners. While they may offer the greatest opportunities for mineral development, they do so at the expense of habitat management and improvement. Peabody recognizes the need for development and conservation to proceed in lockstep on this issue, and further, that the coal industry in Wyoming has demonstrated the ability to successfully do so. Alternatives B and C do not substantially enhance sage-grouse habitat. Their Management Objectives promote avoidance and non-occupancy of various portions of the habitat. Blanket "no occupancy" restrictions do nothing to improve habitat. Furthermore, Alternatives B and C lack provisions for collaboration among stakeholders, funding, mechanisms for prioritizing habitat enhancement opportunities, and adequate programs for monitoring and reporting. Alternatives B and C do not provide a benefit to the species and should not be considered for implementation.

Comment ID: 2712
Organization: Solvay Chemicals, Inc.
Name: Tim Brown

Comment: This alternative emphasizes improvement and protection of the Greater Sage Grouse and is applied to all sage grouse priority habitat. This alternative also has a surface disturbance cap of 3% per 640 acres that would limit development and would close or restrict certain land uses. This alternative also considers closing priority sage grouse habitat to grazing and other surface activities. Solvay Chemicals believes this is overly restrictive, is in conflict with the multiple use mandate and would stifle responsible development.

Comment ID: 2905
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Alternative C is based on the citizen groups recommended alternative. This alternative emphasizes improvement and protection of habitat for sage-grouse and is applied to all occupied sage-grouse habitat. Alternative C would limit commodity development in areas of occupied sage-grouse habitat, and would close or designate portions of the planning area to some land uses. Under this alternative, a surface disturbance cap of 3% per 640 acres is considered within sage-grouse priority habitat. This alternative considers closing priority sage-grouse habitat to livestock grazing. Alternative C is not a reasonable alternative and should not have been carried forward for analysis. Alternative C is so restrictive that it fails to meet BLM's statutory obligation and purpose and need of this plan amendment to manage public lands for multiple use. Alternative C is the no-resource development alternative that would, if selected, require BLM to manage for a single resource - sagegrouse. While FLPMA does not require BLM to manage for every resource everywhere, it does require BLM to strike a balance in the management of public lands and does not allow the BLM to manage a significant percentage of its lands within the Planning Area to the benefit of a single species. Alternative C should be dropped from further consideration.

Summary: NEPA requires an agency only to consider "reasonable alternatives." 40 C.F.R. § 1502.14 (2013). Federal courts and the Interior Board of Land Appeals (IBLA) have long held that "alternatives that do not accomplish the purpose of an action are not reasonable and need not be studied in detail by the agency." Citizens' Comm. to Save Our Canyons v. United States Forest Serv., 297 F.3d 1012, 1030 (10th Cir. 2002). BLM need not analyze speculative, impractical, or uneconomic alternatives. The BLM's own

NEPA regulations also state that the agency is only required to evaluate technically and economically practical alternatives. 43 C.F.R. § 46.420(b). BLM's NEPA Manual also only requires the evaluation of reasonable and practicable alternatives. BLM NEPA Handbook, H-1790-1, § 6.6.1, pg. 50. Given the drastic limitations Alternative B and Alternative C would have upon oil and gas development, neither of these alternatives are reasonable and they must not be selected. These alternatives would have drastic adverse impacts upon the economy, custom, and culture of the communities in the Planning Area. The BLM and Forest Service cannot meet multiple-use and sustained yield mandates if these alternatives are adopted. Within the planning area, agriculture, oil and gas industries, mining, livestock grazing, and recreation will be adversely impacted by Alternatives B and C. BLM was not required to analyze either Alternative B or Alternative C in detail given the inherently unreasonable nature of these alternatives. Alternatives B and C do not substantially enhance sagegrouse habitat. Their management objectives promote avoidance and non-occupancy of various portions of the habitat. Blanket "no occupancy" restrictions do nothing to improve habitat. Furthermore, Alternatives B and C lack provisions for collaboration among stakeholders, funding, mechanisms for prioritizing habitat enhancement opportunities, and adequate programs for monitoring and reporting.

Response: The BLM and the Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with NEPA. The CEQ regulations (40 CFR 1502.1) require that the BLM and the Forest Service consider reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and the Forest Service fully considered the management opportunities presented in the Analysis of the Management Situation (AMS) and the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. As a result, five alternatives were analyzed in detail in the Draft LUP Amendments/Draft EIS that best addressed the issues and concerns identified by the affected public. Both the Forest Service's and BLM's planning processes allow for analysis and consideration of a range of alternatives in the Draft LUP Amendments/Draft EIS that identified and incorporated appropriate regulatory mechanisms to conserve, enhance, and restore Greater Sage-Grouse habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was recommended. The plan includes alternatives that provide a greater and lesser degree of restrictions in various use programs, but would not eliminate or invalidate any valid, existing development rights.

NEPA

Range of alternatives

Alternatives B, C, D, and E withdrawals are overly restrictive and unwarranted

Comment ID: 1277
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA contends that Alternatives B, C, D, and E fail to recognize the Nation's need for domestic mineral sources, are overly restrictive, unreasonable and contrary to law and other BLM policies. AEMA also contends that Alternatives B, C, D, and E are inconsistent with BLM policy on land withdrawals - that except for congressional withdrawals and withdrawals made pursuant to FLPMA § 204(c) for a period not to exceed 20 years, the public lands should remain open and available unless doing otherwise is clearly in the National interest. Alternatives B, C, E and elements of D are thus inconsistent with the statutory mandate and BLM policy and do not fit within the planning criteria.

Comment ID: 1286
Organization: American Exploration and Mining Association (AEMA)

Name: Laura Skaer

Comment: In addition, the DLUPA/DEIS lists and describes four alternatives that were eliminated from detailed analysis because "they were unreasonable or not practical or feasible as a result of technical, legal or policy factors; were not found to be necessary to achieve the intended result, or did not meet the purpose and need for the planning effort" (Ch. 2 at 2-2). Following this same line of reasoning, BLM should have eliminated Alternatives B, C, D and E from detailed analysis rather than evaluate them as viable alternatives that could be selected. Section 6.6.3 of BLM's NEPA Manual (Handbook H-790-1) provides clear guidance on when BLM should eliminate an alternative from detailed analysis:You may eliminate an action alternative from detailed analysis if: • It is ineffective (it would not respond to the purpose and need) • It is inconsistent with the basic policy objectives for the management of the area. Alternatives that pursue sweeping land and mineral withdrawals within the Planning Area are overly restrictive, unreasonable and contrary to law and BLM policy; which calls into question the validity of Alternatives B, C, E, and to a lesser extent D, which propose sweeping land and mineral withdrawals, or de facto withdrawals due to special designations, or unreasonable and unsupported surface use restrictions. Based on BLM NEPA guidance, and the above-described conflicts with land management statutes, Alternatives B, C, D, and E, are not reasonable or viable alternatives. BLM must eliminate these alternatives as alternatives considered in detail and revise and re-issue a DLUPA/DEIS that treats these alternatives as alternatives eliminated from detailed analysis.

Summary: Alternatives B, C, D, and E fail to recognize the Nation's need for domestic mineral sources, are overly restrictive, unreasonable and contrary to law and other BLM policies. Section 6.6.3 of BLM's NEPA Manual (Handbook H-790-1) provides clear guidance on when BLM should eliminate an alternative from detailed analysis: You may eliminate an action alternative from detailed analysis if: • It is ineffective (it would not respond to the purpose and need) • It is inconsistent with the basic policy objectives for the management of the area. Alternatives B, C, D, and E are inconsistent with BLM policy on land withdrawals - that except for congressional withdrawals and withdrawals made pursuant to FLPMA § 204(c) for a period not to exceed 20 years, the public lands should remain open and available unless doing otherwise is clearly in the National interest. Alternatives B, C, E and elements of D are thus inconsistent with the statutory mandate and BLM policy and do not fit within the planning criteria.

Response: The BLM is aware of their requirement to notify the US Congress of any decision for mineral withdrawal on an aggregate of 5,000 acres or more, or removing one or more of the principle uses on 100,000 acres or more, as required by Sections 202 and 204 of FLPMA.

NEPA

Range of alternatives

Inadequate range of alternatives or new alternatives suggested

Comment ID: 1450
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: The purpose and need statement in the DEIS states: "The major threats identified within BLM- and Forest Service-administered lands in the Nevada and Northeastern California Subregion include the following (the major threats were identified by the BLM interdisciplinary team in coordination with the USFWS): . . . Infrastructure "fragmentation of GRSG habitat due to human development activities such as right-of-way and renewable energy development." This statement fails to properly specify the underlying purpose and need to which the proposal is responding as required by NEPA regulations. See 40 CFR 1502.13 (requiring a statement that "shall briefly specify the underlying purpose and need to which the

agency is responding and the need to which the agency is responding in proposing the alternatives including the proposed action"). The narrowly stated purpose in the DEIS fails to meets the requirements of section 1502.13 as it narrowly dictates the range of alternatives and an agency cannot define its objectives in unreasonably narrow terms. See City of Carmel-by-the-Sea v. United States Dep't of Transp., 123 F.3d 1142, 1155 (9th Cir. 1997).

Comment ID: 1463
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: Alternatives B and D are variations on NTT theme, Alternatives C and F are variations on environmentalists' themes, and Alternative E is the state plan. The final DEIS should consider a multiple use alternative in addition to those alternatives.

Comment ID: 1150
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

Comment ID: 1185
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA believes that in light of the May 16, 2013 letter the Western Association of Fish and Wildlife Agencies (WAFWA) sent to Department of the Interior Secretary, Sally Jewell, expressing concern with the "one-size-fits-all "conservation measures recommended in the NTT Report, the DLUPA/DEIS should be revised to consider other alternatives and reissued to give the public another opportunity to comment on the draft EIS documents.

Comment ID: 1200
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA contends that BLM has not adequately addressed the issues for which the RMP was remanded in the first place. To that end, failing to analyze full and consistent implementation of existing policies and conservation measures, like those contained in Manual 6840, IM-2005-024: National Sage-Grouse Habitat Conservation Strategy (2004 Strategy), Fundamentals for Standards for Rangeland Health (43 C.F.R §4180.1), and existing Best Management Practices (BMPs) as an alternative, which would be consistent with the USFWS "Warranted but Precluded" finding for sage-grouse in the EIS documents, is arbitrary and capricious and does not comply with NEPA requirements (discussed infra, Section II(A)(3)(a)). Consequently, BLM must revise the DLUPA/DEIS to include a detailed analysis of the above alternatives and provide the public with an opportunity to review and comment upon the revised draft document.

Comment ID: 1622
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: A coalition of environmental organizations developed and previously submitted a new alternative for consideration entitled, the Sage-Grouse Recovery Alternative. Our recommendations build upon some of the proposed actions contained in the Sage-Grouse Recovery Alternative (Alternative "F" in the DEIS, although the DEIS did not faithfully follow all of the recommendations), and so they are not identical. For instance, our recommendations also incorporate very recent research results on the impacts of noise and ravens on sage-grouse. Importantly, our proposed system of sage-grouse conservation areas system includes winter distribution habitat and does not solely focus on mapping breeding and brood-rearing areas; within sage-grouse conservation areas we generally buffer active leks with a 10 km buffer for surface occupancy and new roads, and 7.6 km for new trails, while Alternative C uses more conservative buffers.

Comment ID: 1251
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: In addition to failing to take a "hard look" at the range of ecological and socioeconomic issues identified in the preceding section, the analysis in the DLUPA/DEIS contains a number of legal deficiencies that must be remedied before the final plan amendment is issued. These include failings under the governing laws and policies of the BLM and the Forest Service. The document fails to meet these legal requirements, primarily because it failed to take seriously the effects of past, present, and foreseeable livestock grazing and failed to adequately assess a range of alternatives to the status quo grazing management, management which is contributing to the decline of the species and its habitat in the planning area.

Comment ID: 3022
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: If the LUP Amendment and SEIS are still believed to be necessary, after review of the alternatives presented within the Wyoming Sage Grouse LUP Amendment and DEIS, USQ strongly recommentds the addition of an additional alternative that considers application of the Core Area Strategy and nothing more. In terms of the alternatives presented, USQ finds only Alternatives A, D and E to be marginally acceptalbe with the following caveats: Alternative A should explicitly identify adherence to policy 6840 and thereby would involve the inclusion of multiple candidate/sensitive species protections (e.g., Core aRea Strategy, Conservation Objectives Team Guidance, National Technical Team Guidance), and could be developed on a site or project-specific basis. This approach would provide the regulatory mechanism assurance USFWS wants. The mandate for preclusion of Rights of Way (ROWs) and Special Use Authorizations (SUAs) within core areas should be removed from Alternative D. A number of modifications should be made to Alternative E, which may also apply to Alternative D. These comments are noted in the detailed comments below.

Comment ID: 2350
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The DLUPA/DEIA fails to make a clear presentation and comparison of the available alternatives in a way that will allow the public to make informed comments. The DLUPA/DEIS presents five alternatives that all rely on substantially similar habitat designations, conservation measures; and disturbance cap and withdrawal requirements without providing sufficient detail or scientific support to accurately evaluate the. impacts from any particular proposal. For example, the proposed alternatives all include the same general set of conservation measures without prioritizing particular activities. Many of the proposed alternatives rely on identical BMP conservation measures or stipulations that are unclear,

undefined, or unsupported. The DLUPA/DEIS must be modified to rigorously explore and objectively evaluate all reasonable alternatives.

Comment ID: 2429
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Failure to sharply define proposed alternatives. A fundamental requirement in any BLM Draft EIS is a clear presentation and comparison of the available alternatives in a way that will allow the public to make informed comments. Indeed, the alternative analysis is "the heart of the environmental impact statement" which "should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public." 40 CFR § 1502.l4(a). BLM's Draft EIS presents five alternatives that all rely on substantially similar habitat designations, conservation measures, and disturbance cap and withdrawal requirements without providing sufficient detail or scientific support to accurately evaluate the impacts from any particular proposal. For example, the proposed alternatives all include the same general set of conservation measures without prioritizing particular activities. Many of the proposed alternatives rely on identical BMP conservation measures or stipulations that are unclear, undefined, or unsupported. BLM has thus failed in its mandate to "[r]igorously explore and objectively evaluate all reasonable alternatives." Id.

Summary: The purpose and need statement in the Draft EIS fails to properly specify the underlying purpose and need to which the proposal is responding as required by NEPA regulations. See 40 CFR 1502.13 (requiring a statement that "shall briefly specify the underlying purpose and need to which the agency is responding and the need to which the agency is responding in proposing the alternatives including the proposed action"). The narrowly stated purpose in the Draft EIS fails to meets the requirements of section 1502.13 as it narrowly dictates the range of alternatives and an agency cannot define its objectives in unreasonably narrow terms. BLM's Draft EIS presents five alternatives that all rely on substantially similar habitat designations, conservation measures, disturbance cap, and withdrawal requirements without providing sufficient detail or scientific support to accurately evaluate the impacts from any particular proposal. Many of the proposed alternatives rely on identical BMP conservation measures or stipulations that are unclear, undefined, or unsupported. BLM has thus failed in its mandate to "rigorously explore and objectively evaluate all reasonable alternatives." The BLM has not adequately addressed the issues for which the RMP was remanded in the first place. The BLM must revise the Draft LUP Amendments/Draft EIS alternatives and provide the public with an opportunity to review and comment upon the revised draft document. Alternatives should be revised to consider a full and consistent implementation of existing policies and conservation measures, like those contained in Manual 6840, IM-2005-024: National Sage-Grouse Habitat Conservation Strategy, Fundamentals for Standards for Rangeland Health (43 C.F.R §4180.1), and existing Best Management Practices (BMPs). Alternatives might also include: Consider a no grazing alternative or a 50 percent reduction from actual use in permitted grazing. Create an alternative that considers application of the Core Area Strategy and nothing more. Consider a multiple-use alternative. A coalition of environmental organizations developed and previously submitted a new alternative for consideration entitled, the Sage-Grouse Recovery Alternative. These recommendations build upon some of the proposed actions contained in the Sage-Grouse Recovery Alternative (Alternative “F” in the Draft EIS, although the Draft EIS did not faithfully follow all of the recommendations), and so they are not identical. For instance, the coalition’s recommendations also incorporate very recent research results on the impacts of noise and ravens on sage-grouse. Importantly, the proposed system of sage-grouse conservation areas includes winter distribution habitat and does not solely focus on mapping breeding and brood-rearing areas. Within sage-grouse conservation areas, we generally buffer active leks with a 10 km buffer for surface occupancy and new roads, and 7.6 km for new trails, while Alternative C uses more conservative buffers.

Response: In accordance with NEPA, the BLM and Forest Service have discretion to establish the purpose and need for action (40 CFR 1502.13). CEQ regulations direct that an EIS "…shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 CFR 1502.13). Also, under the CEQ regulations, the BLM and the Forest Service are required to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)€ of the Act [NEPA]." (40 CFR 1501.2). The breadth or narrowness of the purpose and need statement has a substantial influence on the scope of the subsequent analysis. The purpose and need statement provides a framework for issue identification and will inform the rationale for alternative selection. The range of alternatives developed are intended to meet the purpose and need and address the issue; thereby providing a basis for eventual selection of an alternative in a decision (BLM NEPA handbook and Forest Service Handbook 1909.15 – National Environmental Policy Act Handbook Chapter 10 – Environmental Analysis). As stated in the Draft LUP Amendments/Draft EIS in Section 1.3, Introduction, the BLM and the Forest Service prepared the LUP Amendments with an associated EIS to incorporate Greater Sage-Grouse conservation measures into Wyoming LUPs. This effort responds to the USFWS March 2010 'warranted, but precluded' Endangered Species Act listing petition decision, and that existing regulatory mechanisms in BLM and the Forest Service land use plans were inadequate to protect the species and its habitat. The range of alternatives, including the preferred alternative and its components (such as the disturbance caps), focus on areas affected by threats to Greater Sage- Grouse habitat identified by the USFWS in the March 2010 listing decision. Formulated by the planning team, the preferred alternative represented those goals, objectives, and actions determined to be most effective at resolving planning issues, balancing resource use at this stage of the process, and meet the stated purpose and need for action. While collaboration is critical in developing and evaluating alternatives, the final designation of a preferred alternative remains the exclusive responsibility of the BLM and Forest Service. The BLM and Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with the NEPA. The CEQ regulations (40 CFR 1502.1) require that the BLM and Forest Service consider reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and Forest Service fully considered the management opportunities presented in the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. In addition, question 2a of the Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations states that an EIS is required to examine all reasonable alternatives rather than all alternatives (CEQ 40 Questions). As a result, five alternatives were analyzed in detail in the Draft LUP Amendments/Draft EIS that best addressed the issues and concerns identified by the affected public. The range of alternatives in the plan represented a full spectrum of options which address the issues of sage-grouse protection, including a no action alternative (current management, Alternative A), up to a conservation of all occupied Greater Sage-Grouse habitat within the planning area (Alternative C). Additional alternatives suggested that fit within the range of alternatives are considered to have been adequately analyzed and were not addressed separately. As part of the alternatives development process, only alternatives that are considered practical and feasible from a technical and economic standpoint were considered for analysis in the Draft LUP Amendments/Draft EIS (CEQ 40 Questions). Some alternatives were considered, but eliminated from analysis for a variety of reasons. See Section 2.2.2, Alternatives and Management Options Considered but Eliminated from Detailed Analysis, for explanations of these alternatives and why they were eliminated from consideration. The agencies are fully aware of the case and are in compliance with all orders and declarations associated with the case. There is no alternative F in this Draft EIS; this comment will not be addressed.

NEPA

Range of alternatives

More fully incorporate Wyoming's core policy into Alternative E

Comment ID: 3058
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: The Wyoming Outdoor Council views Alternative E as a potentially sufficient plan to provide management protections to sage-grouse habitat in Wyoming-but only if modified. Since the regulatory agencies are tasked with management "in a manner that will protect the quality of scientific, scenic, historical, ecological, [and] environmental ... values" (FLPMA, Sec. 102. [43 U.S.C. 1701] (a) (8)), land-use decisions should not only seek to sustain current population numbers, but also to protect habitat in a manner that works to ensure the long-term viability of Wyoming's sagegrouse populations. The Outdoor Council supports the EO 2011-5 as a theoretically sound state-level policy. We believe if it is fully implemented it has the potential to help provide a minimum basis by which to secure viable sage-grouse populations in Wyoming-but it will only be one piece of the puzzle. If the goal is to protect sage-grouse well enough to preclude a federal listing of Threatened or Endangered under the Endangered Species Act, federal land management agencies will not only need to incorporate the state's core area approach as a baseline for protection, but also offer improved, broader, range-wide standards for management across these nine jurisdictions, based on the best currently available science (including Dzialak et al. 2012; Knick et al. 2013). Modeled after EO 2011-5, the preferred alternative (Alternative E) does offer a standardization of management across the six BLM Field Offices, two National Forests, and the Thunder Basin National Grassland with a goal of creating a range-wide standard for management rather than management on a project-by-project or case-by-case basis (personal communication with BLM personnel, public meeting Casper, WY, Feb. 5, 2014). But it is important to note that the science underpinning EO 2011- 5 is already more than three years old, and several improvements can be made to this core area approach to better incorporate the best available science and to better ensure that sage-grouse do not become threatened or endangered. A decision by these agencies to rely almost entirely on the stipulations of the EO for the management of sage-grouse would essentially be a "no action" alternative on the part of the BLM.

Summary: Alternative E should be modified to more fully support the Wyoming Governor's Executive Orders (EOs) 2011-5 and 2013-03. EO 2011-5 is a theoretically sound state-level policy with support from a wide range of stakeholders. If it is fully implemented, it has the potential to help provide a minimum basis by which to secure viable sage-grouse populations in Wyoming. If the goal is to protect sagegrouse well enough to preclude a federal listing of threatened or endangered under the Endangered Species Act, federal land management agencies will not only need to incorporate the state's core area approach as a baseline for protection, but also offer improved, broader, range-wide standards for management across the nine jurisdictions.

Response: As stated in Section 2.4.5 in the Draft LUP Amendments/Draft EIS, "Alternative E incorporates the guidance from BLM IM WY-2010-012, the Wyoming Governor’s Executive Order (WY EO 2011-05) and additional management based on the NTT recommendations. This alternative emphasizes management of sage-grouse seasonal habitats and maintaining habitat connectivity to support population objectives set by the Wyoming Game and Fish Department (WGFD). This guidance is consistent with guidelines provided in the Governor’s Sage-Grouse Implementation Team’s Core Population Area strategy and the Governor’s Executive Order (WY EO 2011-05)." Alternative E in the Draft EIS has been modified into the Proposed LUP Amendments and continues support of the Governor's EO.

NEPA

Range of alternatives

Protect private property rights

Comment ID: 2369
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA Recommendation No. 7: The EIS Must Evaluate Ways to Minimize Adversely Affecting Private Property Rights- The land use restrictions, prohibitions, and withdrawals have significant potential to diminish landowners' rights to develop their private property if their lands have priority/core sagegrouse habitat or are located near priority/core sage-grouse habitat. The EIS must evaluate ways to minimize interfering with private property rights, including the rights associated with owning patented mining claims and fee mineral estates located in, adjacent to or near key/core sage-grouse habitat.

Summary: AEMA Recommendation No. 7: The EIS Must Evaluate Ways to Minimize Adversely Affecting Private Property Rights- The land use restrictions, prohibitions, and withdrawals have significant potential to diminish landowners' rights to develop their private property if their lands have priority/core sagegrouse habitat or are located near priority/core sage-grouse habitat. The EIS must evaluate ways to minimize interfering with private property rights, including the rights associated with owning patented mining claims and fee mineral estates located in, adjacent to, or near key/core sage-grouse habitat.

Response: Per requirements of NEPA, the BLM considers disturbance in private lands when making land use decisions since actions on private lands could impact the BLM's ability to manage for sage-grouse. So while the BLM cannot make planning or implementation decisions on private lands, the disturbance levels of nearby private lands will be considered in these planning process and future project-level decisions. As stated in Section 4.1.3, planning assumptions, the LUP Amendments will comply with valid existing rights. The potential impacts on valid existing rights from management decisions in this plan amendment are further discussed throughout Chapter 4.

FLPMA

BLM should not make site-specific decisions

Comment ID: 1276
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG applauds the BLM's recognition that LUPs are not the appropriate place to make site-specific decisions. Nonetheless, in the Sage-Grouse DLUPA, the BLM proposes several site-specific COAs contained in Appendix B that will be applied to all site-specific projects. The BLM should recognize the contradiction in its decision making and remove any attempts to make site-specific decisions in the Sage-Grouse DLUPA. This error should be corrected.

Comment ID: 1741
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips applauds the BLM's recognition that LUPs are not the appropriate place to make sitespecific decisions. Sage-Grouse DLUPA, pg. 1-10. Nonetheless, in the Sage-Grouse DLUPA, the BLM proposes several site-specific COAs contained in Appendix B that will be applied to all site-specific

projects. The BLM should recognize the contradiction in its decision making and remove any attempts to make site-specific decisions in the Sage-Grouse DLUPA. This error should be corrected.

Comment ID: 558
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Given its nature and purpose, the BLM should consider what decisions need to be made in the Sage- Grouse DLUPA. The BLM should not attempt to make site-specific decisions, but should develop only broad management goals and objectives. The BLM should not expend unnecessary resources attempting to analyze the potential impacts of oil and gas development on a site-specific basis more than necessary given the uncertainty associated with the location and extent of future development. Individual development projects will be analyzed on a case-by-case basis if and when operations are actually proposed. Based on the BLM's own policies and binding legal precedent, the BLM should ensure that the agency does not utilize the land use planning process to impose site-specific COAs or unreasonably limit future management actions when revising the Sage-Grouse DLUPA. The BLM attempts to make too many specific decisions in the Sage-Grouse DLUPA that may unreasonably restrict its management opportunities in the future.

Comment ID: 723
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Given its nature and purpose, the BLM should consider what decisions need to be made in the Sage- Grouse DLUPA. The BLM should not attempt to make site-specific decisions, but should develop only broad management goals and objectives. The BLM should not expend unnecessary resources attempting to analyze the potential Impacts of oil and gas development on a site-specific basis given the uncertainty associated with the location and extent of future development. Based on the BLM's own policies and binding legal precedent, the BLM should ensure that the agency does not utilize the land use planning process to impose site-specific COAs or unreasonably limit future management actions when revising the Sage-Grouse DLUPA. The BLM attempts to make too many specific decisions In the SageGrouse DLUPA that may unreasonably restrict its management opportunities in the future.

Comment ID: 2163
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana applauds the BLM’s recognition that LUPs are not the appropriate place to make site-specific decisions. Nonetheless, in the Sage- Grouse DLUPA, the BLM proposes several site-specific COAs contained in Appendix B that will be applied to all site-specific projects. The BLM should recognize the contradiction in its decision making and remove any attempts to make site-specific decisions in the Sage-Grouse DLUPA. This error should be corrected.

Summary: The BLM should not attempt to make site-specific decisions, but should develop only broad management goals and objectives. Based on the BLM's own policies and binding legal precedent, the BLM should ensure that the agency does not utilize the land use planning process to impose sitespecific COAs or unreasonably limit future management actions when revising the Sage-Grouse Draft LUP Amendments. The BLM attempts to make too many specific decisions that may unreasonably restrict its management opportunities in the future.

Response: COAs are an implementation action. As specific actions that may affect the area come under consideration, the BLM would conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions would be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. It is appropriate to consider COAs in the LUP Amendments to guide management in the cases where leases have been already been issued.

FLPMA

Multiple-use must be continued

Comment ID: 1220
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA contends that the surface use restrictions, prohibitions and land withdrawals proposed within sage-grouse habitat under Alternatives B, C, D, and E, conflict with the existing RMPs goals and objectives for minerals, BLM's own policies including those contained in Manual 6840, the Mining and Minerals Policy Act, the General Mining Law, and BLM's multiple use mandate under FLPMA (discussed in detail below), which represents a fatal flaw rendering the DLUPA/DEIS both inadequate and inconsistent with existing laws and policies.

Comment ID: 1255
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: FLPMA requires the BLM to manage public lands and resources according to the principles of multiple use and sustained yield. Included in this requirement are human uses, such as mineral development or livestock grazing, that must be managed so as to account for other resource values, such as wilderness or wildlife resources. A LUP cannot close an area to the operation of the Mining Laws because withdrawals of the magnitude proposed under Alternatives B, C, D and E conflict with FLPMA's multiple use mandate, § 22 of the General Mining Law, and the Mining and Minerals Policy Act, and cannot be implemented through the land use planning process. Withdrawals of this magnitude can only be made by an Act of Congress or by the Secretary pursuant to the requirements and procedures of FLPMA § 204(c) for a period not to exceed 20 years. In addition, the prohibition and restrictions placed upon geophysical exploration, and ancillary uses, such as ROWs proposed under Alternatives B, C, D, and E are inconsistent with § 22 of the General Mining Law, discussed in detail below.

Comment ID: 1446
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: FLPMA is BLM's "organic act" that establishes the agency's multiple-use mandate to serve present and future generations. Further, FLPMA provides that "goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law." While FLPMA does establish a policy of environmental quality protection and conservation on public lands, it simultaneously recognizes that the public lands should be managed "in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands." Furthermore, the term "sustained yield," a second component of federal public lands policy under FLPMA, means "the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands

consistent with multiple use." When drafting the act, Congress intended federal public lands policy to support not only environmental protection, but also the necessary human utilization of various resources on public lands. The statutory language and the multiple-use mandate indicate that these two concepts—environmental protection and resource utilization—are not mutually exclusive when establishing management measures. Therefore, the sage-grouse management policies in the DEIS that limits discrete anthropogenic disturbances on public lands that contain sage-grouse habitats to less than 3 percent is at odds with BLM's existing multiple-use policy.

Comment ID: 117
Organization:
Name: CTVA Action Committee

Comment: Management of these lands for multiple-uses including reasonable motorized use allows the greatest enjoyment of these lands by the widest cross-section of the public to continue. These lands are designated as multiple-use lands. We ask that management for sharing of these lands for continued multiple-use be selected as the preferred alternative.

Comment ID: 584
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: In particular, Alternatives B and C are not reasonable alternatives because they virtually eliminate oil and gas development from the public lands contrary to the BLM's multiple use mandate. Under FLPMA and the Mining and Minerals Policy Act of 1970, BLM is required to foster and encourage mineral development, not stifle and prohibit such development. Alternative B and Alternative C do not comply with the BLM's multiple use mandate and must be eliminated.

Comment ID: 1453
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: While protection of the sage-grouse is driving this federal action, "[a]n agency may not define the objectives of its actions in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality." Based on this directive, the purpose and need statement should acknowledge the goal of rehabilitating sage-grouse populations while balancing the other productive uses of the land that BLM and the FS are required to facilitate by law. Courts have noted that the most important factor in guiding the EIS purpose and need statement is that "an agency should always consider the views of Congress, expressed, to the extent that the agency can determine them, in the agency's statutory authorization to act, as well as in other congressional directives." Applied here, as discussed above, there are a host of legislative mandates that require the federal lands at issue in this proceeding to be managed to promote multiple use and sustained yield. FLPMA provides, with respect to land management, that it should be conducted "on the basis of multiple use and sustained yield unless otherwise specified by law." RMPs, such as those at issue in the DEIS, are to be implemented in accordance with multiple use and sustained yield principles, along with the plans that govern units of the NFS. As noted, courts have reinforced the legislative mandate in favor of federal lands being managed according to principles of multiple use and sustained yield. Such language affirms that any EIS's "purpose and need" statement should focus on the diverse uses that federal lands should promote, including renewable energy development. While sage-grouse conservation must be pursued, it should not overly burden the advancement of other productive activities. Federal law makes clear that an EIS governing land management plans must "recognize competing values." The principles of multiple use and sustained yield should play a central role in framing

the DEIS considering that both BLM and the FS maintain multiple use mandates for their land that trump single-species management.

Comment ID: 1285
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Alternatives B, C, and E and to a lesser extent D, also fail to comply with the General Mining Law, Mining and Minerals Policy Act, BLM's own policy pursuant Manual 6840, DOI 603 Departmental Manual 1, withdrawal regulations at 43 Code of Federal Regulations (CFR) Part 2300, and NEPA. Moreover, and perhaps more importantly, Alternatives B, C, D and E do not satisfy the Purpose and Need for the RMP revision, which is to identify and incorporate appropriate sage-grouse conservation measures in compliance BLM's multiple-use mandate under FLPMA, and should therefore, be revised to demonstrate that they are legal and fit the Purpose and Need in a revised DLUPA/DEIS that is made available to the public for review and comment.

Comment ID: 1226
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Name: Laura Skaer

Comment: BLM must provide detailed analysis that supports why the Preferred Alternative is in the best interest of the agency as well as the public. BLM's Land Use Planning Manual and Land Use Planning Handbook, II.A.7, pg. 22 (Rel. 1-1693 03/11/05), provides that BLM must identify how the Preferred Alternative best meets the multiple use and sustained yield requirements of FLPMA. BLM has failed to demonstrate how any of the Alternatives best satisfy statutory requirements; balance BLM goals, objectives, and polices; address key issues, and consider cooperating agencies' recommendations. If BLM proposes

Comment ID: 1449
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: Renewable energy development thus is an appropriate use of the federal public lands pursuant to the multiple-use and sustainable-yield mandates under FLPMA and NFMA. Nevertheless, the new sage-grouse management policy substantially limits opportunities for renewable energy growth given the limitation of all discrete anthropogenic disturbances on just 3 percent of sage-grouse habitat across all land ownerships. This means that the renewable energy industry will have to compete with all other sources of anthropogenic disturbance for access to 3 percent or less of federal public lands containing sage-grouse habitat and, in some cases, this threshold may likely already have been met; in other words, no new uses may occur beyond what already exists in the landscape today. In sum, the strict single-species management being pursued by BLM and the FS through the current sage-grouse policy is clearly a violation of the multiple-use policy that Congress has repeatedly declared in several federal statutes and the balancing of interests that those statutes require. In other words, to manage these public lands for the protection of a single species and categorically limit other interests on specified land is clearly inconsistent with the statutory intent of both FLPMA and NFMA. Consistent with these statutes, BLM and the FS should manage federal public lands pursuant to the multiple-use and sustainable-yield mandates and not rule out certain activities on those lands, such as excluding important uses, including renewable energy development, from certain areas.

Comment ID: 1442

Organization: American Wind Energy Association (AWEA)
Name: John Anderson

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

Comment ID: 559
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Under FLPMA, the BLM is required to manage the public lands on the basis of multiple use and sustained yield. 43 U.S.C. § 1701(a)(7). Samson recognizes the difficult task the BLM faces to manage public lands in the Planning Area for multiple use, and encourages the BLM to remember that oil and gas development is a crucial part of the BLM's multiple use mandate. The BLM must ensure that oil and gas development is not unreasonably limited in the revision to the Sage-Grouse DLUPA. FLPMA requires the BLM to foster and develop mineral activities, not stifle and prohibit such development.

Comment ID: 2343
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA contends that applying an emphasis on one resource, sage-grouse, across an entire Planning Area is not consistent with the multiple-use mandate of FLPMA. BLM must also consider whether the sage-grouse centric management contained in the NTT Report and the DLUPA/DEIS is appropriate in the context of other special status species. Simply stating that other special status would benefit (See Ch.4 at Section 4.14) is overly simplistic, lacks necessary detail.

Comment ID: 2352
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA Recommendation No. 3: Demonstrate Compliance with FLPMA- The DLUPA/DEIS should discuss how the proposed land withdrawals and surface disturbing restrictions in sage-grouse priority and general habitat areas contained in Alternatives B, C, E, and to a lesser extent Alternative D comply with the FLPMA mandate to balance a wide range of resource values and uses

Comment ID: 2345
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: The EIS must evaluate how the extensive ACEC designations, land use restrictions, prohibitions, and withdrawals recommended in the DLUPA/DEIS achieve the required balance in managing the public lands. AEMA contends that the land use restrictions and prohibitions, especially the proposed withdrawals from mineral entry, and the extensive acreage proposed for ACEC designation under Alternatives B and C are not consistent with FLPMA's multiple use mandate or the specific directive pertaining to minerals in FLPMA § 102(a)(12).

Comment ID: 2422
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Section 302 of the Federal Land Policy and Management Act ("FLPMA") provides that "[t]he Secretary shall manage the public lands under principles of multiple use and sustained yield." 42 U.S.C. § 1732(a). Furthermore, FLPMA requires management of the public lands "in a manner which recognizes the Nation's need for domestic sources of minerals." 43 U.S.C. §§ 1701(11)(12). While BLM recognizes that locatable minerals are "non-discretionary activities," the Draft EIS includes new requirements that would result in vast prohibitions on development. BLM's 2006 Energy and Non-Energy Mineral Policy highlights the importance of mining on public lands and endorses "multiple use" as a guiding principle for land use management. The policy states BLM land use planning and multiple use management decisions will recognize that, with few exceptions, mineral exploration and development can occur concurrently or sequentially with other resource uses and further indicates that the least restrictive stipulations that effectively accomplish the resource objectives or uses will be used. See BLM 2006 policy at p.2.

Comment ID: 3100
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Multiple-use management does not “mandate” allowing all uses on all lands. BLM retains the discretion to prioritize, weigh various resource mixes, and choose between various multiple uses throughout the field office planning area. Because much of the planning area has already been leased and developed, BLM should emphasize avoidance where that proven strategy remains available. The planning process provides a timely opportunity to ensure continued high density of breeding birds by protecting important breeding, nesting, brood-rearing, and winter habitats.

Comment ID: 2141
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana recognizes the difficult task the BLM faces to manage public lands in the Planning Area for multiple use, and encourages the BLM to remember that oil and gas development is a crucial part of the BLM’s multiple use mandate. The BLM must ensure that oil and gas development is not unreasonably limited in the revision to the Sage-Grouse DLUPA. FLPMA requires the BLM to foster and develop mineral activities, not stifle and prohibit such development.

Comment ID: 2579
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-1 Text: The FLPMA requires the BLM to manage public lands and resources according to the principles of multiple use and sustained yield, including recognizing the nation’s needs for domestic sources of minerals, food, timber, and fiber. Comment: Although the DEIS recognizes FLPMA’s mandates here, BLM does not analyze Wyoming’s impact on national demand for energy and, conversely, the impact that national demand for energy plays on Wyoming. As mentioned earlier, the BLM may not conveniently ignore the interplay between other states and the nation to avoid a hard look at the full impacts of the project. Nat'l Wildlife Fed'n v. Andrus, 440 F. Supp. 1245, 1252 (D.D.C. 1977) (One of the purposes of NEPA is “to break the cycle of such incremental decisionmaking.”). The importance of examining Wyoming’s impact on national energy cannot be overstated.

Comment ID: 2301
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA contends that the land use restrictions and prohibitions incorporated into the DLUPA/DEIS and in the NTT Report exceed BLM's authority under FLPMA, conflict with the multiple use mandate under FLPMA, violate rights under the General Mining Law, and ignore the conservation policies in BLM Manual 6840.

Summary: Management for multiple-uses allows the greatest enjoyment of these lands by the public. BLM and Forest Service lands are designated as multiple-use by their respective enabling acts. Continued multiple-use management must be selected in the Preferred Alternative. In particular, Alternatives B and C are not reasonable alternatives because they virtually eliminate oil and gas development from the public lands contrary to the multiple-use mandate. The sage-grouse management policy described in the NTT Report, in conjunction with the NOI and the IMs, elevates sage-grouse management above other multiple uses on the federal public lands. Surface use restrictions, prohibitions, and withdrawals proposed under Alternatives B, C, D, and E conflict with the existing RMP goals and objectives for minerals, BLM's own policies including those contained in Manual 6840, the Mining and Minerals Policy Act, the General Mining Law, and BLM's multiple use mandate under FLPMA, which represents a fatal flaw rendering the Draft LUP Amendments/Draft EIS inadequate. BLM must identify how the Preferred Alternative best meets the multiple use and sustained yield requirements of FLPMA. BLM has failed to demonstrate how any of the alternatives best satisfy statutory requirements; balance BLM goals, objectives, and polices; address key issues; and consider cooperating agencies' recommendations.

Response: The BLM's FLPMA (Section 103(c)) and Forest Service's Multiple Use Sustained Yield Act define "multiple use" as the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people. Accordingly, the BLM and Forest Service are responsible for the complicated task of striking a balance among the many competing uses to which public lands can be put. The multiple-use mandate does not require that all uses be allowed on all areas of the public lands. The purpose of the mandate is to require the BLM and Forest Service to evaluate and choose an appropriate balance of resource uses which involves tradeoffs between competing uses. FLPMA also directs the BLM to develop and periodically revise or amend its RMPs, which guide management of BLM-administered lands, and provides an arena for making decisions regarding how public lands would be managed and used. The LUP Amendments is a targeted amendment specifically addressing goals, objectives, and conservation measures to conserve Greater Sage-Grouse and to respond to the potential of it being listed (see Draft LUP Amendment Section 1.3, Purpose and Need). The planning process allows for analysis and consideration of a range of alternatives in the Draft LUP Amendments/Draft EIS that identified and incorporated appropriate regulatory mechanisms to conserve, enhance, and restore sage-grouse habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was reached. The Final EIS includes alternatives that provide a greater and lesser degree of restrictions in various use programs, but would not eliminate or invalidate any valid existing development rights. The Proposed LUP Amendments do not make any withdrawals from location and entry under the mining law; it only recommends them. Withdrawals are not required to close lands to laws and uses other than the 1872 Mining Law.

FLPMA

The plan needs more specific requirements

Comment ID: 1153
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The objective of resource management planning by the Bureau of Land Management is to maximize resource values for the public through a rational, consistently applied set of regulations and procedures which promote the concept of multiple use management and ensure participation by the public, state and local governments, Indian tribes and appropriate Federal agencies. Resource management plans are designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses. (emphasis added) It is clear from the above that RMP's are required to provide specific requirements, standards and limitations that are overarching for the Field Office and that guide the site-specific decisions later. The proposed RMP amendments are little more than aspirational with no requirements. This violates FLPMA.

Summary: RMPs are required to provide specific requirements, standards, and limitations that are overarching for the BLM field office and that guide the site-specific decisions later. The Draft LUP Amendments violate FLPMA because they have no specific requirements.

Response: The Wyoming Greater Sage-Grouse LUP Amendments and EIS is a programmatic NEPA effort to conserve Greater Sage-Grouse and its habitat across a broad geographic area. The alternatives in the plan are appropriate to program-level land use planning actions. The planning process allows for analysis and consideration of a range of alternatives in the Draft LUP Amendments/Draft EIS that identified and incorporated appropriate regulatory mechanisms to conserve, enhance, and restore sage-grouse habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was recommended. The plan includes alternatives that provide a greater and lesser degree of restrictions in various use programs.

FLPMA

Consistency with other state, county, or local plans

BLM must retain decision-making authority

Comment ID: 1793
Organization: The Wilderness Society
Name: Nada Culver

Comment: While cooperating agencies play an important role in providing special expertise to the planning process and the agencies may seek to make this planning effort consistent state and local plans and policies, BLM and the Forest Service retain exclusive decision-making authority. We support efforts to take Wyoming state and local policies into account; however, BLM and the Forest Service must comply with federal laws, policies and objectives and this must be the guiding principle for completing this EIS.

Summary: While cooperating agencies play an important role in providing special expertise to the planning process and the agencies may seek to make this planning effort consistent with state and local plans and policies, BLM and the Forest Service retain exclusive decision-making authority.

Response: While cooperating agencies are involved in the BLM and Forest Service planning processes, BLM retains decisionmaking authority on BLM-administered public lands and the Forest Service retains decisionmaking authority on Forest Service-administered public lands.

FLPMA

Consistency with other state, county, or local plans

The plan is inconsistent with local plans

Comment ID: 916
Organization: County of Weston
Name: Lenard D. Seeley

Comment: The Draft EIS is fully lacking of any evidence of Coordination or Cooperation occurring with Weston County as is required by Federal Laws that protect the "Community stability" of Weston County. "Community Stability" is defined as a combination of local custom, culture and economic preservation.

Comment ID: 1466
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: The DEIS states that BLM and the FS recognize the importance of state and local plans, as well as plans developed by other federal agencies and tribal governments, and will strive to be consistent with or complementary to the management actions in these plans whenever possible. However, it appears that the agencies did not consider how their following planning efforts conflict with: (1) the BLM Manual 6840 Special Status Species Management; and (2) Wind PEIS and BMP approach. See 40 CFR 1502.16© (requiring the consideration of "[p]ossible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned").

Comment ID: 988
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: The BLM and USFS should include all applicable state agencies or other appropriate bodies on issues involving adaptive management, causal factors, conservation objectives, mitigation planning, reclamation, changes in management, etc. It is also important to include local government and permittees/lessees where appropriate.

Comment ID: 2200
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Chapter 1, Relationships to other plans The Wyoming Governors Executive Order should be listed and acknowledged in this plan. Consideration should be given to CCAA/CCA plans as well.

Summary: The Draft LUP Amendments are not consistent with state or county plans. The BLM and Forest Service should work with all applicable state and local agencies or other appropriate bodies. It appears that the agencies did not consider how their following planning efforts conflict with the Wyoming Governor's Executive Order, county plans, the BLM Manual 6840 Special Status Species Management, and the Wind PEIS and BMP approach, to name a few.

Response: The BLM and Forest Service land use plans and amendments must be consistent with officially approved or adopted resource-related plans of Indian Tribes, other federal agencies, and state and local governments to the extent that these resource-related plans comport with FLPMA and other federal laws

and regulations (see 43 CFR 1610). The BLM and Forest Service have worked closely with state and local governments during preparation of the Draft LUP Amendments/Draft EIS. The Draft LUP Amendments/Draft EIS lists the cooperating agencies actively involved in the planning process in Section 5.1. The BLM and Forest Service work to find a balance among uses and needs as reflected in these local government plans and has done so in the preparation of the LUP Amendments/EIS. No known inconsistencies between the Proposed LUP Amendments and other plans, policies, and controls exist. This information has been updated in the Final EIS. This information has been updated in the Final EIS. The BLM and Forest Service coordinates with cooperating agencies commensurate with each agency's recognized jurisdiction or expertise. In areas where the State of Wyoming has clear jurisdiction, such as wildlife populations, the agencies have worked closely with that State agency. In cases where a county or agency has expertise, such as local county socioeconomic information, the agencies have worked closely with the group to incorporate the information into the EIS.

FLPMA

Cooperating Agency relationships

BLM must fulfill consultation obligations

Comment ID: 142
Organization:
Name: CTVA Action Committee

Comment: The agency has a role of consultation, recommendation and facilitation. Reasonable timelines need to be established for completion of these functions.

Summary: The agency has a role of consultation, recommendation and facilitation. Reasonable timelines need to be established for completion of these functions.

Response: The BLM and Forest Service recognize their responsibility to ensure that meaningful consultation and coordination with other agencies and Tribes concerning Greater Sage-Grouse planning. Chapter 5 of the Draft EIS, section 5.1, contained information on which entities have been engaged in consultation and coordination efforts, and Table 5-1 contains a timeline of events such as the printing of the Final EIS.

FLPMA

Cooperative Management/Agreements/Working Groups

BLM must engage working groups

Comment ID: 2539
Organization: Peabody Energy Corporation
Name: Philip C. Dinsmoor

Comment: BLM management under Alternative E emphasizes collaboration with local, state, federal and private entities. Peabody is a member of the Thunder Basin Grasslands Prairie Ecosystem Association (TBGPEA). TBGPEA is a non-profit organization which has developed a combined conservation agreement that consists of a Candidate Conservation Agreement with Assurances (CCAA) for private property, an appended Candidate Conservation Agreement (CCA) for property with a federal nexus, and an appended Conservation Agreement (CA) which, addresses conservation efforts associated with the foreseeable future development of energy resources within the coverage area. When approved, the CCAA/CCA/CA will include a memorandum of understanding (MOU) with the BLM and FS. This will

provide extensive habitat enhancements for the eight species including the greater sagegrouse. The final EA is anticipated to be completed later this year. This extensive collection of conservation measures offers a more localized, site specific conservation strategy to improve habitat on a landscape scale. CCAA/CCA/CA conservation strategies use adaptive management. This strategy is nimble and offers a platform to implement sage-grouse habitat enhancements specifically adapted to the Thunder Basin Grasslands area. Flexibility is an essential prerequisite for any proposed reclamation and habitat improvement. Flexibility allows for adaptable implementation. Flexibility should not be used by BLM or Forest Service as an excuse to allow agency field offices to require arbitrary practices beyond established levels on individual projects. Unlike the LUPA, CCAA/CCA/CA conservation strategies provide flexibility through an adaptive management platform to implement site-specific sage-grouse habitat enhancement. Peabody requests that the LUPA under consideration be revised to recognize the TBGPEA CCAA/CCA/CA as an adaptive conservation and management strategy that meets the stated goals and objectives of the LUPA. This request constitutes a logical extension of the stated goal of collaboration.

Comment ID: 2213
Organization: Thunder Basin Grasslands Prairie Ecosystem Association
Name: Frank G., Jr. Eathorne

Comment: The management objectives common to all alternatives section emphasizes collaboration with local, state, federal and private entities (see 2.5.4.1). The Association requests that the DEIS be modified to recognize the Association's conservation strategy contained in the integrated CCAA/CCA/CA as an adaptive conservation and management strategy that meets the stated goals and objectives of the DEIS. This would allow the Association's ongoing collaborative efforts with the BLM and Forest Service to continue. Implementation of the conservation measures contained within the strategy would achieve demonstrable conservation of sagebrush steppe and shortgrass prairie ecosystems and the sensitive species dependent on these habitats.

Comment ID: 3003
Organization: Wyoming Mining Association
Name: Marion Loomis

Comment: BLM and Forest Service management strategies under some alternatives emphasize collaboration with local, state, federal and private entities. We encourage this. Several WMA members are involved in Candidate Conservation Agreement with Assurances (CCAA), for private properties, and Candidate Conservation Agreement (CCA) for properties with a federal nexus. These CCAA/CCA are extensive collections of conservation measures, which create opportunities for local, site-specific conservation strategies to improve habitat on a landscape scale. The collaboration between agencies, local governments, and private land owners adjacent to habitat areas can expand the area where sage-grouse habitat could be enhanced beyond the LUPA boundaries. Through the above-mentioned efforts and other collaborative ventures, the significance of the end product to the species cannot be overstated. WMA requests that BLM and Forest Service recognize participation in the CCAA/CCA and other such programs. The enhanced habitat conservation and reclamation available through these conservation strategies offer site-specific opportunities that are not available through the implementation of the LUPA alone.

Comment ID: 2356
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: Western Fuels would like the opportunity to work collaboratively with the BLM, USFS, and the USFWS to identify sage-grouse conservation measures that will encourage the long-term conservation of the GrSG, as well as maintain public lands access and economic stability in Wyoming. The final

DLUPA/DEIS should recognize participation in local programs such as the CCAA/CCA partnerships that many in the mining industry use to enhance habitat conservation, enhancement and reclamation.

Comment ID: 2978
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: The WCCA strongly advises against a rationalized regulatory approach across Wyoming's varied landscape. An effort by the Agencies to provide a blanket prescription across Wyoming in regard to seasonal stipulations runs the risk of inhibiting economic development and the continued viability of greater sage-grouse in the Planning Area. Such an outcome defeats the basic premise of what all parties hope to achieve through the planning process: multiple-use, sustained yield on our public lands that is responsive to the requirements of sensitive species. For example, when looking at seasonal stipulations we understand the timing of leking is dependent upon a number of factors, including habitat and elevation. While we understand the Plan is a landscape level analysis, when one starts examining the particular breeding practices of a speciesespecially when the nature of the practice is contingent upon its immediate environment-a more detailed, ground-level analysis is called for. The result of such an analysis would define seasonal stipulations that provide for continued species viability by directing development in an appropriate manner with the added aim of encouraging economic sustainability in the Planning Area. We encourage the Agencies to look toward increased interagency collaboration and partnerships with state and local government in the various Planning Area to conduct the more detailed analysis required here. I can speak for all counties affected by the Plan that we are ready and willing partners in helping the Agencies achieve this goal.

Comment ID: 2194
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: TBCC requests that BLM and USFS recognize participation in the CCAA/CCA and other such programs. The enhanced habitat conservation and reclamation available through these conservation strategies offer site-specific opportunities that are not available through the implementation of the LUPA alone. Flexibility is an essential prerequisite for any proposed reclamation and habitat improvement which allows for adaptable implementation, including consideration of private mitigation banking options and credit exchanges. Flexibility should not be used by BLM or USFS as an excuse to allow agency field offices to require arbitrary practices beyond established levels on individual projects. Unlike the LUPA, CCAA/CCA conservation strategies provide an adaptive management platform to implement site-specific sage-grouse habitat enhancement no matter which entity owns the surface and provides for a landscape-wide consistency where appropriate.

Summary: The Draft EIS must be modified to recognize the conservation strategies contained in integrated CCAAs/CCAs/CAs as an adaptive conservation and management strategy that meets the stated goals and objectives of the Draft EIS. This would allow ongoing collaborative efforts with the BLM and Forest Service to continue. The enhanced habitat conservation and reclamation available through these conservation strategies offer site-specific opportunities that are not available through the implementation of the LUP Amendments alone.

Response: CCA and CCAAs are not a land management action, but rather a programmatic agreement between the BLM and Forest Service, USFWS, NRCS, private landowners, and other local, state, and federal agencies. As such, they cannot be included in the action alternatives.

Other Laws

Bipartisan Sportsmen's Act

Comment ID: 225
Organization:
Name: Lori Smith

Comment: A better alternative is the Bipartisan Sportsmen's Act of 2014, S. 1996. This proposal would expand access for hunters and anglers while reauthorizing key conservation programs and funding sources. The agencies need to develop a more protective plan that incorporates elements of Alternatives B and C. The final plan must require that oil and gas drilling as well as roads, transmission lines, wind turbines and over-grazing are completely RESTRICTED in priority sage-grouse habitat, that migration corridors are protected, and that damaged habitat is reclaimed.

Summary: The Bipartisan Sportsmen's Act of 2014 would expand access for hunters and anglers while reauthorizing key conservation programs and funding sources.

Response: The referenced proposed act has only been introduced in 113th Congress. Until the proposed act is passed and signed into law by the President, it is not appropriate for the agencies to address comments relating to the proposed act.

Other Laws

BLM IMs and Wyoming core policies are inadequate

Comment ID: 273
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We have grave concerns about the adequacy of conservation measures employed by the State of Wyoming and the Wyoming State Office of the Bureau of Land Management (BLM) under its Instruction Memoranda to conserve greater sage grouse in that state. The two entities' Core Area strategies share weaknesses that prevent them from successfully addressing the conservation needs of sage grouse. These policies were established in State Executive Order 2011-5 and BLM Instruction Memoranda WY-2010-012 and WY-2010-013, and carried forward in Instruction Memorandum WY- 2012-019. These weaknesses have been adopted in the Preferred Alternative for the Wyoming RMP amendment. Stronger measures are needed.

Summary: Conservation measures employed by the State of Wyoming and the Wyoming State Office of the Bureau of Land Management (BLM) under its Instruction Memoranda to conserve Greater Sage-Grouse in Wyoming are inadequate. The two entities' core area strategies share weaknesses that prevent them from successfully addressing the conservation needs of sage-grouse. These policies were established in State Executive Order 2011-5 and BLM Instruction Memoranda WY-2010-012 and WY-2010-013, and carried forward in Instruction Memorandum WY-2012-019. These weaknesses have been adopted in the Preferred Alternative of the Draft LUP Amendments. Stronger measures are needed.

Response: As stated in Section 1.2 of the Draft LUP Amendments/Draft EIS, "In 2010, the state of Wyoming developed a "Core Population Area" strategy to weave the many on-going efforts to conserve the Greater Sage-Grouse in Wyoming into a statewide strategy. New science, information and data continue to emerge regarding "Core Population Areas" and the habitats and behaviors of the Greater Sage-Grouse, which led the Governor's Sage-grouse Implementation Team to re-evaluate the original "Core Population

Areas" and protective stipulations for Greater Sage-Grouse. It is the policy of BLM Wyoming to manage Greater Sage-Grouse seasonal habitats and maintain connectivity in identified areas in support of the population management objectives set by the State of Wyoming. This guidance is consistent with guidelines and recommendations provided for in the Wyoming Governor's Sage-Grouse Implementation Team's Core Population Area Strategy and the most recent Wyoming Governor's Executive Order (EO) 2011-5." Alternatives B and C are included in the range of alternatives and provide additional protection measures for sage-grouse. The BLM and Forest Service will determine which alternative or portions to be included in the final decision.

Other Laws

Data Quality Act standards not met

Comment ID: 1215
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA is concerned that the DLUPA/DEIS does not meet the standards of quality pursuant the "Data Quality Act" (Pub. L. No. 106- 554, § 515, 114 Stat. 2763, 2763A- 153- 154 (2000), hereafter DQA), and subsequent BLM Guidelines, Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Bureau of Land Management, February 9, 2012; (hereafter, 2012 Guidelines) discussed in detail infra Section III.

Summary: The Draft LUP Amendments/Draft EIS have not meet the standards of quality pursuant to the "Data Quality Act" (Pub. L. No. 106- 554, § 515, 114 Stat. 2763, 2763A- 153- 154 and subsequent BLM Guidelines, Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Bureau of Land Management, February 9, 2012).

Response: All alternatives would comply with state and federal laws, regulations, policies, and standards, including FLPMA multiple-use mandates and the implementation of actions originating from laws, regulations, and policies and conformance to day-to-day management, monitoring, and administrative functions not specifically addressed. The BLM and Forest Service complied with all federal laws and regulations pertaining to data quality.

Other Laws

Draft LUP Amendments/Draft EIS need to be resubmitted for public review with corrections

Comment ID: 2972
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Ur-Energy contends that the above noted deficiencies in the LUP are so significant that they cannot be corrected in a Final EIS and RMP. We request that each of the deficiencies be corrected in a new draft or supplemental document, and the resulting revised draft LUP/EIS be issued for public review and comment.

Summary: Noted deficiencies in the Draft LUP Amendments/Draft EIS are so significant that they cannot be corrected in a Final EIS. Each of the deficiencies should be corrected in a new draft or supplemental document and the resulting revised Draft LUP Amendments/Draft EIS should be re-issued for public review and comment.

Response: Any new information is not significant and does not present a seriously different picture of the environmental impacts of the Proposed LUP Amendments and any change in the alternatives is a minor variation within the spectrum of alternatives analyzed. As explained elsewhere in this EIS, including Section 2.1, no supplementation is therefore required.

Other Laws

Energy Policy Act uranium analysis

Comment ID: 2949
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Expanding nuclear power is a key component of the Energy Policy Act and a significant portion of the BLM lands being proposed for withdrawal from mineral entry contain known deposits of uranium that may in the future be key to expanding the use of nuclear power and reducing our nation 's dependence on foreign uranium supplies. The goals of the Energy Policy Act should not be ignored in this process but instead should be acknowledged by the BLM and an analysis of how BLM's alternatives do or do not comply with this Congressional directive should be incorporated in a revised or supplemental Draft EIS and LUP and re-circulated for public comment. The LUP gives a slight nod to the 1872 Mining Law on page 3-99, however, the LUP needs to provide an in depth discussion of how the LUP complies with the 1872 Mining Law.

Summary: Expanding nuclear power is a key component of the Energy Policy Act and a significant portion of the BLM lands being proposed for withdrawal from mineral entry contain known deposits of uranium that may, in the future, be key to expanding the use of nuclear power and reducing our nation's dependence on foreign uranium supplies. How BLM's alternatives comply with this Congressional directive should be incorporated in a revised or supplemental Draft EIS and Draft LUP Amendments and re-circulated for public comment.

Response: All alternatives comply with state and federal laws, regulations, policies, and standards, including FLPMA multiple-use mandates and the implementation of actions originating from laws, regulations, and policies and conformance to day-to-day management, monitoring, and administrative functions not specifically addressed.

Other Laws

EO 13211, 13212, and 13302 require expedited energy production

Comment ID: 585
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: As the BLM is aware, mineral exploration and production is identified as a principal or major use of the federal lands under FLPMA. 43 U.S.C. § 1702(1). Under existing Executive Orders, federal agencies are required to expedite projects which increase domestic energy production under existing executive orders. Executive Orders 13211, 13212, and 13302. The adoption of Alternative B or Alternative C would significantly curtail domestic production compared to both the baseline scenario and any of the other alternatives analyzed by the BLM. The loss of such an enormous energy supply is contrary to the best interests of the nation, and inconsistent with the Energy Policy Act of 2005.

Comment ID: 2431

Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: BLM failed to comply with requirements of Executive Order 13211. Executive Order 13211 requires a Statement of Energy Effects for all significant regulatory actions that are likely to have a significant adverse impact on the supply, distribution, or use of energy. BLM acknowledges in the Draft EIS that bentonite is primarily used for oil and gas drilling, and notes that the Black Hills region accounts for about 45% of total United States sodium bentonite production. Restrictions on the mining of minerals used in oil and gas production processes will therefore have an impact on the drive for energy independence in the U.S. and BLM was required to draft a Statement of Energy Effects. This analysis must be conducted before finalizing any proposed alternative.

Comment ID: 2353
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The DLUPA/DEIS fails to comply with requirements of Executive Order 13211. Executive Order 13211 requires a Statement of Energy Effects for all significant regulatory actions that are likely to have a significant adverse impact on the supply, distribution, or use of energy. The costs associated with land withdrawals, development caps, and ROW restrictions will increase electric utility project timelines, decrease construction windows, increase planning and coordination, and increase project costs.

Summary: As the BLM is aware, mineral exploration and production is identified as a principal or major use of the federal lands under FLPMA. Federal agencies are required to expedite projects which increase domestic energy production under Executive Orders 13211, 13212, and 13302. Executive Order 13211 requires a Statement of Energy Effects for all significant regulatory actions that are likely to have a significant adverse impact on the supply, distribution, or use of energy. The costs associated with land withdrawals, development caps, and ROW restrictions will increase electric utility project timelines, decrease construction windows, increase planning and coordination, and increase project costs. The adoption of Alternative B or Alternative C would significantly curtail domestic production compared to both the baseline scenario and any of the other alternatives analyzed by the BLM. The loss of such an enormous energy supply is contrary to the best interests of the nation, and inconsistent with the Energy Policy Act of 2005. BLM acknowledges in the Draft EIS that bentonite is primarily used for oil and gas drilling, and notes that the Black Hills region accounts for about 45% of total United States sodium bentonite production. Restrictions on the mining of minerals used in oil and gas production processes will therefore have an impact on the drive for energy independence in the U.S. and BLM was required to draft a Statement of Energy Effects. This analysis must be conducted before finalizing any proposed alternative.

Response: An amendment of a land use plan does not meet the definition of a ‘significant energy action’ (“any action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking”) as defined in EO 13211. No statement of energy effect is required.

Other Laws

EPCA needs to be incorporated

Comment ID: 1825
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Since the purpose of integrating the EPCA results into planning is intended to determine whether existing resource protection measures are inadequate, adequate or excessive, we recommend that BLM reevaluate its management decisions accordingly and make requisite changes to the final planning documents

Summary: Since the purpose of integrating the EPCA results into planning is intended to determine whether existing resource protection measures are inadequate, adequate, or excessive; BLM should reevaluate management decisions and make requisite changes to the final planning document.

Response: The initial analysis directed by WO IM-2003-233 has been completed and the results implemented as directed in the IM. The stated purpose and need for this amendment is to implement appropriate measures that focus on areas affected by threats to sage-grouse habitat. The No Action alternative represents protection measures that may currently be inadequate to address the purpose and need. The other alternates look at an appropriate range of protection measures to address the purpose and need for the amendments.

Other Laws

FSM 2621.2 has not been implemented

Comment ID: 1202
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: It does not appear that the Forest Service has implemented FSM 2621.2 or FSM 2672 and 2676. 2670.45 and 2672.32 are of particular importance. 2621.2 - Determination of Conservation Strategies. To preclude trends toward endangerment that would result in the need for Federal listing, units must develop conservation strategies for those sensitive species whose continued existence may be negatively affected by the forest plan or a proposed project. The proposed Forest Plan amendment does not implement these requirements. The final Plan must fully implement these requirements.

Summary: It does not appear that the Forest Service has implemented FSM 2621.2 or FSM 2672 and 2676, 2670.45 and 2672.32 are also of particular importance. FSM 2621.2 Determination of Conservation Strategies states, “To preclude trends toward endangerment that would result in the need for federal listing, units must develop conservation strategies for those sensitive species whose continued existence may be negatively affected by the forest plan or a proposed project.” The proposed Forest Plan amendment does not implement these requirements and should do so in the final plan.

Response: The purpose of the EIS is to provide management guidance that ensures the conservation of sagegrouse habitats within the planning area (National Forest or Grassland). In essence, the Forest Plan amendment being developed constitutes a conservation strategy and is consistent with FSM 2621.2. As part of the analysis process, the Forest Service developed a viability strategy that is aimed at ensuring that habitats on National Forest lands provide for viable (persistent) populations of sagegrouse for those life history periods when they utilize those habitats. A biological evaluation is prepared for all proposed actions, including Forest Plans (consistent with FSM 2672) that assesses each alternative, including management actions, and provides a synthesis of effects on the species by management actions. The selected alternative must ensure that actions do not result in a loss of viability or trend the species towards federal listing. Further, conservation actions in the Forest Plan amendments are tiered to guidance in in other sage-grouse conservation planning documents. For example, the Conservation Objectives Team report identifies Priority Areas for Conservation (PACs) that are considered important for sage-grouse populations, and offers initial guidance to protect these areas. The states also worked with the federal agencies to identify core areas considered important for sage-grouse. Forest Service and BLM crafted conservation direction

for all resource practices within these areas that together provide a strategy for protecting and managing these areas for Greater Sage-Grouse. The requirement for conservation strategies is currently in the TBNG plan pg. 1-3 Goal 1.b, Objective 3.

Other Laws

IM WY-2012-12 should not be included because it was replaced

Comment ID: 1401
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is concerned about the BLM‘s reference to BLM Instruction Memorandum Wyoming 2010-012 and its incorporation into Alternative E. As the BLM is aware, BLM IM WY-2010-012 was replaced by Instruction Memorandum Wyoming 2012-019 on February 10, 2012. The language of IM WY-2012- 019 makes it absolutely clear that it replaces and abrogates BLM IM WY-2010-012. BLM should explain why its preferred alternative is based upon an instruction memorandum that is no longer in force and effect.

Comment ID: 591
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is concerned about the BLM's reference to BLM Instruction Memorandum Wyoming 2010- 012 and its incorporation into Alternative E. As the BLM is aware, BLM IM WY-2010-012 was replaced by Instruction Memorandum Wyoming 2012-019 on February 10, 2012. The language of IM WY-2012- 019 makes it absolutely clear that it replaces and abrogates BLM 1M WY-2010-012. BLM should explain why its preferred alternative is based upon an instruction memorandum that is no longer in force and effect.

Comment ID: 742
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is concerned about the BLM's reference to BLM Instruction Memorandum Wyoming 2010-012 and its incorporation into Alternative E. As the BLM is aware, BLM IM WY-2010-012 was replaced by Instruction Memorandum Wyoming 2012-019 on February 10, 2012. The language of IM WY-2012- 019 makes it absolutely clear that it replaces and abrogates BLM IM WY-2010-012. BLM should explain why its preferred alternative is based upon and instruction memorandum that is no longer in force and effect.

Comment ID: 1146
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is concerned about the BLM’s reference to BLM Instruction Memorandum Wyoming 2010- 012 and its incorporation into Alternative E. As the BLM is aware, BLM IM WY-2010-012 was replaced by Instruction Memorandum Wyoming 2012-019 on February 10, 2012. The language of IM WY-2012-019 makes it absolutely clear that it replaces and abrogates BLM IM WY-2010-012. BLM should explain why its preferred alternative is based upon an instruction memorandum that is no longer in force and effect.

Comment ID: 404
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Additionally, the BLM Wyoming State Office (WYSO) issued a revised Greater Sage-Grouse Habitat Management policy, WYSO IM 2012-019, on February 12, 2012. WYSO IM 2012-019 applies the State of Wyoming GSG management strategy (Wyoming Governor's EO 2011-5) to BLM surface and federal mineral estate. As such, EO 2011-5 and the WYSO policy should be incorporated into Alternative E.

Comment ID: 405
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: we question why the preferred alternative incorporates guidance from IM WY-2010- 012. This IM was replaced by BLM IM WY 2012-019, the Wyoming BLM's current GSG habitat management policy guidance which specifically states, "This IM replaces IM No. WY-2010-012." As such, Yates requests Alternative E incorporate guidance from IM WY-2012-019 and not IM WY-2010-012.

Comment ID: 1745
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is concerned about the BLM's reference to BLM Instruction Memorandum Wyoming 2010-012 and its incorporation into Alternative E. As the BLM is aware, BLM IM WY-2010-012 was replaced by Instruction Memorandum Wyoming 2012-019 on February 10, 2012. The language of IM WY-2012-019 makes it absolutely clear that it replaces and abrogates BLM IM WY-2010-012. BLM should explain why its preferred alternative is based upon an instruction memorandum that is no longer in force and effect.

Summary: BLM Instruction Memorandum Wyoming 2010-012 should not be incorporated into Alternative E. IM WY-2010-012 was replaced by IM Wyoming 2012-019 on February 10, 2012. The language of IM WY- 2012-019 makes it absolutely clear that it replaces and abrogates BLM IM WY-2010-012. BLM should explain why its Preferred Alternative is based upon an instruction memorandum that is no longer in force and effect. Alternative E should incorporate guidance from IM WY-2012-019 and not IM WY- 2010-012.

Response: Alternative E was based on IM 2012-019 not on IM 2010-012. The references to only IM 2010-012 were missed for conversion to 019 in the final edit. References to IM 2010-012 have been corrected to include IM 2012-019.

Other Laws

Primary purpose first on forest lands

Comment ID: 169
Organization:
Name: Jean Harshbarger

Comment: In volume 2 4-3 it states "Implementation actions will comply with valid existing rights and all federal laws, regulations and policies." And in 3-377 NFMA states that planning must support multiple use. To strengthen these, there is case law pointing out that "federal lands must be managed for the purposes for

which they were originally reserved or acquired and any subsequent designated uses are secondary". Most of the federal lands in this area were acquired for grassland agriculture. To put more emphasis on use by chickens or prairie dogs is legally wrong.

Summary: The NFMA states that planning must support multiple-use. To strengthen this, there is case law pointing out that "federal lands must be managed for the purposes for which they were originally reserved or acquired and any subsequent designated uses are secondary." Most of the federal lands in this area were acquired for grassland agriculture. To put more emphasis on use by chickens or prairie dogs is legally wrong.

Response: Consistent with the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528–531) (MUSYA), the Forest Service manages National Forest System land to sustain the multiple use of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land. Resources are managed through a combination of approaches and concepts for the benefit of human communities and natural resources. Land management plans guide sustainable, integrated resource management of the resources within the plan area in the context of the broader landscape, giving due consideration to the relative values of the various resources in particular areas. The Forest Service is required by statute to have a national planning rule: the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. The Act requires the Secretary of Agriculture to issue regulations under the principles of the Multiple-Use Sustained-Yield Act of 1960 for the development and revision of land management plans. Title III, Section 31 of the Bankhead Jones Farm Tenant established the Land Utilization Projects. While the preamble does mention a purpose "to promote more secure occupancy of farms and farm homes, to correct economic instability result from some present forms of farm tenancy..." Title III, Section 31 (as amended) provides the purpose of the LUPs, now grasslands. Title III did not (in 1937), and currently (as amended) does not mention agriculture, ranching or livestock grazing. However, it does include wildlife. 36 CFR 213.1 is the regulation defining the management of the grasslands.

Other Laws

The Forest Service must comply with the NFMA

Comment ID: 238
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The Wyoming RMP amendment EIS includes within its authority the amendment of the Medicine Bow and Bridger-Teton Forest Plans and Thunder Basin Grassland Plan, triggering the requirements of the National Forest Management Act. While Forest Service officials have waived objection procedures for this planning process and have adopted BLM administrative review procedures, the substantive requirements of NFMA still apply, at least for Forest Service lands and plans. At the very least, this NEPA document must fulfill the requirements of the National Forest Management Act as regards the amendment of this Forest Plan. If the 1982 regulations are applied, this includes maintaining viable populations of sage grouse well distributed across the planning area.

Comment ID: 239
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The NFMA planning regulations provide, “The responsible official shall use the best available scientific information to inform the planning process required by this subpart.” 36 C.F.R § 219.3. Within these comments we have provided a number of referenced to peer-reviewed scientific studies, which we

would ask the responsible official to consider for the purpose of informing the planning process. Furthermore, NFMA requires a number of specific steps to be taken in the use of the best available science, as follows: In doing so, the responsible official shall determine what information is the most accurate, reliable, and relevant to the issues being considered. The responsible official shall document how the best available scientific information was used to inform the assessment, the plan decision, and the monitoring program as required in §§ 219.6(a)(3) and 219.14(a)(4). Such documentation must: Identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered. 36 C.F.R. § 219.3. With this in mind, the Forest Service is bound to render these determinations regarding incorporating the best available science on a point-by-point basis

Comment ID: 240
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Should the Forest Service decide to implement the 1982 planning regulations for this amendment, the agencies must then render viability determinations for all National Forest sage grouse populations, and provide for species viability well-distributed across the planning area. Thus far, the DEIS does not provide this analysis.

Comment ID: 1447
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: NFMA is the primary federal statute governing the administration of national forests. As FLPMA does with respect to the management of public lands generally, NFMA establishes a multiple-use and sustainable yield policy with respect to the management of national forests. Specifically, NFMA calls for the coordination of the multiple diverse uses of National Forest System (NFS) lands, including "outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness." Therefore, any measures that prefer single-species management over multiple-use management on NFS lands conflict with the multiple-use mandate plainly stated in statute.

Summary: The NFMA is the primary federal statute governing the administration of national forests. As FLPMA does with respect to the management of public lands generally, NFMA establishes a multiple-use and sustainable yield policy with respect to the management of national forests. Specifically, NFMA calls for the coordination of the multiple diverse uses of National Forest System (NFS) lands, including "outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness." Therefore, any measures that prefer single-species management over multiple-use management on NFS lands conflict with the multiple-use mandate plainly stated in statute. The Draft LUP Amendments/Draft EIS includes within its authority the amendment of the Medicine Bow and Bridger-Teton Forest Plans and Thunder Basin Grassland Plan, triggering the requirements of the National Forest Management Act. While Forest Service officials have waived objection procedures for this planning process and have adopted BLM administrative review procedures, the substantive requirements of NFMA still apply, at least for Forest Service lands and plans. At the very least, this NEPA document must fulfill the requirements of the National Forest Management Act as regards the amendment of this Forest Plan. If the 1982 regulations are applied, this includes maintaining viable populations of sage-grouse well distributed across the planning area. Should the Forest Service decide to implement the 1982 planning regulations for this amendment, the agencies must then render viability determinations for all National Forest sage-grouse populations, and provide for species viability well-distributed across the planning area. Thus far, the Draft EIS does not provide this analysis. The NFMA planning regulations provide, "The responsible official shall use the best available scientific information to inform the planning process required by this subpart." 36 C.F.R § 219.3. The responsible

official shall document how the best available scientific information was used to inform the assessment, the plan decision, and the monitoring program as required in §§ 219.6(a)(3) and 219.14(a)(4). Such documentation must: identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered. 36 C.F.R. § 219.3. With this in mind, the Forest Service is bound to render these determinations regarding incorporating the best available science on a point-by-point basis.

Response: The BLM and the Forest Service began working together to address conservation of the Greater Sage- Grouse and its habitat in 2010. At that time, the Forest Service's 2012 Planning Rule was not final; it became final May 9, 2012. For plan amendments initiated before May 9, 2012, the Forest Service may complete and approve the amendments under the prior planning regulations, including its transition provisions (36 CFR part 219, published at 36 CFR parts 200 to 299, revised as of July 1, 2010). Land use plan amendments associated with the Greater Sage-Grouse conservation effort are using the 1982 planning rule procedures that are allowed under the transition procedures of the prior planning rule. The 1982 planning rule procedures may be found in 36 CFR parts 200 to 299, Revised as of July 1, 2000 or at http://www.fs.fed.us/emc/nfma/includes/nfmareg.html. This amendment has been developed under the transition provisions of 36 CFR § 219.17(b)(3), which provides for completion and approval of the plan amendment "in conformance with the provisions of the prior planning regulation, including its transition provisions (36 CFR part 219, published at 36 CFR parts 200 to 299, revised as of July 1, 2010)." As such, 36 CFR § 219.3 does not apply. Under the prior planning regulation, at its Appendix B to § 219.35 (interpretative rule related to § 219.35(a) and (b)), the requirement is only that "the responsible official must consider the best available science in . . . amending existing plans." There is no requirement in the prior planning regulation for documenting the identification and determination of the best available scientific information used or considered during the amendment process. Viability analysis has been completed and included in the Final EIS. For the Draft EIS the Forest Service prepared a Wildlife, Botany and Management Indicator Species Report, which was included in Appendix M. This document provided an analysis of sagegrouse on National Forest Service administered lands and a determination of viability for each of the alternatives. This document has been updated in the Final EIS to reflect changes to the alternatives, including the Proposed LUP Amendments. In keeping with Forest Service policy, this document may be referred to as the Biological Evaluation in the Final EIS. Similar to the Draft EIS, it will be included as an appendix.

Other Laws

Wyoming Executive Order

BLM must not adopt measures inconsistent with the EO

Comment ID: 1809
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: As BLM is aware, Wyoming Executive Order 2011-5 (EO) was developed through an extensive collaborative process in which all affected parties were represented. Consequently, we object to all management and mitigation proposals contained in the LUPA/DEIS alternatives that deviate from the EO because they disregard the need for consistent management throughout the state; and reject the need for and benefits of continued development of domestic energy resources while ignoring the tremendous economic impact implementation of these alternatives would have on the region. Therefore, we strongly recommend that BLM's final LUPA/EIS preserve clear consistency with the EO.

Comment ID: 754
Organization: Devon Energy Corporation

Name: Randy Bolles

Comment: Devon is opposed to the BLM's decision not to recognize provisions of Executive Order 2011-005 that excludes existing land uses, including oil and gas development within existing federal exploratory units.

Comment ID: 230
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Throughout the Draft LUPA and EIS, BLM proposes to adopt GSG conservation measures and stipulations that are inconsistent with EO 2011-5. GSG conservation measures that are inconsistent with and extend beyond EO 2011-5 are unnecessary and have not been justified by BLM.

Comment ID: 516
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Moreover, the DEIS includes inconsistencies with EO 2011-5 as well as the varied concerns of the Coalition that we were not given opportunity to comment on during a specifically requested PDEIS.

Comment ID: 980
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: The BLM and USFS must achieve consistency with EO 2011-5 and 2013-3 or explain why consistency would violate federal law. In addition to consistency with Wyoming's GSG strategy, the draft plan must meet multiple-use and sustained yield mandates using the least restrictive approaches.

Comment ID: 1159
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM’s decision not to recognize provisions of Executive Order 2011-005 that exclude existing land uses, including oil and gas development within existing federal exploratory units. Anschutz believes it is inappropriate for the BLM to depart so significantly from the strategy set forth in the Executive Order. Anschutz encourages the BLM to reinstate this provision in the final land use plan.

Comment ID: 403
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: In light of the identified discrepancies between GSG stipulations under EO 2011-5 and Alternative E, Yates requests BLM modify Alternative E such that GSG habitat management is entirely consistent with EO 2011-5. This will ensure consistent management of GSG habitat throughout Wyoming and illustrate that the State of Wyoming and BLM are dedicated to protecting and preserving GSG to prevent listing under the Endangered Species Act in 2015.

Comment ID: 1044
Organization: Coalition of Local Governments

Name: Kent Connelly

Comment: Pg 2-20 MA 31 Text: In addition to Alternative A: Within general sage-grouse habitat where new ROWs/SUAs are necessary, new ROWs/SUAs would be co-located within existing ROWs/SUAs where technically feasible. Appropriate sage-grouse seasonal timing constraints would be applied. Comment: "General habitat" is inconsistent with, and not used by, EO 2011-5. If the BLM intends to keep its promise to follow EO 2011-5, it should use the same terms as they are used by the Executive Order consistently throughout the FEIS.

Comment ID: 2138
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The entire premise behind Executive Order 2011-005 is that development should be allowed to proceed and be prioritized outside of core areas given the significant additional protection and limitations that apply to oil and gas development within core areas. Encana believes the BLM has not appropriately recognized this balance in any of the alternatives proposed in the Sage-Grouse DLUPA, and encourages the BLM to more fully recognize this balance in the final document.

Comment ID: 2537
Organization: Peabody Energy Corporation
Name: Philip C. Dinsmoor

Comment: Adoption of the provisions of the Wyoming Executive Order, WY EO 2011-05, will offer regulatory certainty for the preservation of sage-grouse habitat. By adopting the EO 2011-05 as the basis for the LUPA, consistency throughout the state will be enhanced and regulatory certainty will be improved.

Summary: Wyoming Executive Order 2011-5 was developed through an extensive collaborative process in which all affected parties were represented. Throughout the Draft LUP Amendments/Draft EIS, BLM proposes to adopt Greater Sage-Grouse conservation measures and stipulations that are inconsistent with EO 2011-5. Conservation measures that are inconsistent with and extend beyond EO 2011-5 are unnecessary and have not been justified by BLM. BLM must modify Alternative E such that Greater Sage-Grouse habitat management is entirely consistent with EO 2011-5. For example, "general habitat" is inconsistent with, and not used by the EO. The BLM should follow the EO 2011-5 terms as the EO consistently throughout the document. Consistency with the EO will ensure that the State of Wyoming and BLM are dedicated to protecting and preserving Greater Sage-Grouse to prevent listing under the Endangered Species Act. The entire premise behind Executive Order 2011-005 is that development should be allowed to proceed and be prioritized outside of core areas, given the significant additional protection and limitations that apply to oil and gas development within core areas. The BLM has not appropriately recognized this balance in any of the alternatives and should more fully recognize this balance in the final document.

Response: The BLM and Forest Service developed Alternative E based on the Wyoming Executive Order (WY EO 2011-5) Core Area Strategy, BLM WY IM 2010-012, BLM WY IM 2012-019, BLM WO IM 2012-044, the National Technical Team Report, best available science, and input from the USFWS, State of Wyoming, cooperating agencies, and the public to create a management approach to both protect sage-grouse and allow for multiple use of public lands.

Other Laws

Wyoming Executive Order

Core areas are invalid

Comment ID: 203
Organization: The 7L Livestock Company
Name: Doug Cooper

Comment: The Wyoming Governor has no authority to create core areas that include private land. The core areas were created without notice to the affected landowners or without any opportunity to speak in an orderly proceeding. The BLM should insist that the core areas be given a firm foundation under state law and that basic civil rights of citizens be respected.

Summary: The Wyoming Governor has no authority to create core areas that include private land. The core areas were created without notice to the affected landowners or without any opportunity to speak in an orderly proceeding. The BLM should insist that the core areas be given a firm foundation under state law and that the basic civil rights of citizens be respected.

Response: Authority of the Wyoming Governor to issue executive orders is an issue with the State of Wyoming. The federal management agencies have no jurisdiction over Orders issued by the Governor of Wyoming.

Other Laws

Wyoming Executive Order

Project-level analysis concepts should be incorporated

Comment ID: 2333
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: To the extent the DLUPA/DEIS incorporates project-level analysis concepts from Wyoming Executive Order 2011-05, Western Fuels supports an approach that is based on these principles. To the extent the DLUPA/DEIS prefers an alternative approach that does not appear to account for project-level information, this raises significant consistency issues that the agency must resolve with the State of Wyoming before adopting any particular alternative. See 43 C.F.R. § 1610.3-2.

Summary: The Draft LUP Amendments/Draft EIS should incorporate project-level analysis concepts from Wyoming Executive Order 2011-05. To the extent the plan prefers an alternative approach that does not appear to account for project-level information, this raises significant consistency issues that the agency must resolve with the State of Wyoming before adopting any particular alternative.

Response: Programmatic documents are regional in scope and place emphasis on developing broad environmental policies, programs, or plans. Site-specific data is important during implementationlevel decisions, which may be tiered to the decisions made in this document. Data scales include broad-scale, mid-scale, fine-scale, and site-scale. For this planning document, it is appropriate to utilize data at the mid-scale (e.g., WAFWA management zones) and fine-scale (e.g., sub-region data). For this document, the best available information was used as generated and provided by the organizations and agencies with authority and special expertise to provide that information on a planning scale. ThDraft LUP Amendments/Draft EIS contains only planning actions and does not include any implementation actions. A more quantified or

detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM would conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions would be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions.

Other Laws

Wyoming Executive Order

The EO negates a need for this planning process

Comment ID: 1720
Organization: Kennecott Uranium Company
Name: Oscar Paulson

Comment: Given the thoroughness of the Wyoming Governor's Executive Order (WY EO 2011-05) regarding Sage Grouse, the fact that it was created following extensive input from stakeholders and continues to be broadly supported by all of the applicable state and federal agencies (see Appendix A) through the Sage Grouse Implementation Team (SGIT) process, there is no need for a separate Federal land use plan for Sage Grouse in Wyoming.

Summary: Given the thoroughness of the Wyoming Governor's Executive Order (WY EO 2011-05) regarding sage-grouse, the fact that it was created following extensive input from stakeholders and continues to be broadly supported by all of the applicable state and federal agencies (see Appendix A) through the Sage-Grouse Implementation Team (SGIT) process, there is no need for a separate federal land use plan for sage-grouse in Wyoming.

Response: While the BLM and Forest Service have recognized the importance of consistency with the Wyoming Executive Order (see Section 1.1, Introduction) the BLM stated objective in Section 1.3 is to amend the six existing BLM RMPs and the three existing Forest Service LRMPs. The BLM and Forest Service complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives, including seeking public input and analyzing reasonable alternatives. BLM and Forest Service compliance with the Wyoming Executive Order is voluntary and does not provide regulatory assurance needed to satisfy the USFWS standards for designation of endangered species.

National Sage-grouse Strategy

Because IMs were not subject to NEPA, they should not be incorporated into the plan

Comment ID: 1275
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

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

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

Comment ID: 1427
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: When a federal agency issues a directive concerning the future exercise of its discretionary power, for purposes of § 553, its directive will constitute either a substantive rule, for which notice-andcomment procedures are required, or a general statement of policy, for which they are not—the APA's "general policy statement" exception. In determining whether the December 2011 IMs, the NTT Report, and March 2010 IM qualify for the "general policy statement" exception, the question, as suggested above, is whether they bind parties (impose any additional rights or obligations) and leave the BLM free to exercise discretion (which is generally determinative when deciding cases). Substantive rules that require notice and comment are commonly referred to as legislative rules because they are "the product of an exercise of delegated legislative power to make law through rules." It is clear that BLM views the December 2011 IMs, the March 2010 IM, and the NTT Report as general statements of policy as they did not provide notice of an opportunity to comment on the documents in the Federal Register. However, the label an agency puts on a document in the exercise of its administrative power is not determinative of whether the document requires compliance with § 553.6 Rather, the issue is whether the documents have the same effect as a legislative rule, in which case BLM must follow notice-and-comment procedures. To be considered a non-legislative rule and avoid the APA's notice-and-comment procedures, the documents must fall into one of the following three buckets: interpretative rule, policy statement, or a rule of agency organization, procedure, or practice. Thus, whether BLM should have followed notice-and-comment procedures in issuing the IMs and the NTT Report requires a three-part analysis. Courts have developed a threeprong test, outlined below, to determine whether an interpretive rule has a legal effect and should have been issued legislatively. First, a court asks "whether in the absence of the rule there would not be an adequate legislative basis for enforcement action or other agency action to confer benefits or ensure the performance of duties." Next, a court must determine "whether the agency has explicitly invoked its general legislative authority." Finally, a court considers "whether the rule effectively amends a prior legislative rule." If any of the three inquiries are answered in the affirmative, it is a legislative and, not an interpretive rule. When applying this test to the December 2011 IMs, the March 2010 IM, and the NTT Report, the question is whether there would be an adequate legislative basis for agency action to confer the benefits or ensure the performance of duties as outlined in the documents but in the absence of these documents. BLM does not have the statutory authority to manage for a single species because the Federal Land Policy and Management Act (FLPMA) and National Forest Management Act (NFMA) have multiple use mandates. While sage-grouse constitutes a special status species under the Special Species Manual, that designation in and of itself does not trump BLM's mandate under the FLPMA because the manual is a general policy statement and not a regulation. Moreover, the FLPMA does not contain concrete language that would allow BLM to impose the binding restrictions set forth in the Ims and the NTT Report. Thus, there is a legislative gap between the Ims and the NTT Report and the performance of BLM's specific duties, or, in order words, there is no legislative basis for agency action. The second prong asks whether the agency has explicitly invoked its general legislative authority. When describing the purpose of its National Strategy, BLM stated that the "FLPMA provides the basic authority for BLM's multiple use management of all resources on the public lands. One of BLM's many responsibilities under the FLPMA is to manage public lands for the benefit of wildlife species and the ecosystems upon which they depend." As noted, the March 2010 IM states that it is supplementing the National Strategy, and the December 2011 Ims state that they are, in turn, supplementing the March 2010 IM. Therefore, all these documents are essentially relying on oblique

references to BLM's general legislative authority in the FLPMA and the Special Species Manual to explain their power to amend the FLPMA through the Ims and the NTT Report. Neither the FLPMA nor the Special Species Manual gives BLM the tangible authority to impose the restrictions contained in these documents. Under the third prong, if a rule effectively amends a prior legislative rule or a prior interpretive rule, it should be promulgated legislatively. Here, the Ims all build upon the National Strategy to create, as the March 2010 IM states, a "comprehensive Bureau-wide policy for the protection of sage-grouse populations and the conservation of habitat on a landscape scale. It would be hard to argue that these Ims merely clarify the National Strategy, which was issued legislatively, because each IM clearly states that they "supplement" either the National Strategy or a prior IM. Considering all three prongs of the analysis are answered in the affirmative, it is clear that the Ims are legislative, and not interpretive, rules and, therefore, should have been noticed for comment. The Ims do not interpret sufficiently concrete statutory language from the FLPMA, or any other statute or regulation, to qualify as interpretive. Put simply, these documents do not constitute interpretive rules because BLM is explicitly invoking its statutory authority and setting out substantive new rules instead of interpreting previous legislative rules. If Congress had already acted legislatively, BLM could have exercised its own delegated legislative authority, but, since the Ims and the NTT Report do not stay within the language of the FLPMA, they add substantive content to the statute and are therefore legislative rules subject to APA section 553's notice-and-comment requirements.

Comment ID: 1431
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

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

Summary: The IMs governing sage-grouse conservation satisfy the test for federal action that is subject to NEPA review. The failure to complete this review shielded the IMs' provisions from scrutiny, specifically with respect to the evaluation of other reasonable alternatives that could have achieved BLM's conservation objectives while not overly burdening wind energy development. The wind industry's contributions in mitigating climate change also received no analysis or consideration as a mitigating effect due to the fact that these documents were not subject to NEPA. Given these shortcomings, the IMs should not have been relied upon in formulating the Draft EIS. The purpose of the IMs indicates that the policies driving the actual conservation measures were determined when the IMs were issued and were determined without an opportunity to comment. BLM has never provided an explanation as to why IMs, which add substantive requirements to the National Strategy, and the NOI do not require conformity with the Administrative Procedure Act (APA).

Response: The BLM and Forest Service complied with NEPA and the Council on Environmental Quality (CEQ) implementing regulations at 40 Code of Federal Regulations (CFR) §1500 in the development of alternatives for this Draft EIS, including seeking public input and analyzing a reasonable range of alternatives. In developing alternatives, the BLM and Forest Service also took into consideration management options for planning decisions in the RMPs and LRMPs for the planning area. The content of the IMs governing sage-grouse conservation, including BLM WY IM 2010-012, IM 2012- 019, and BLM WO IM 2012-044 are presently going through the NEPA process in this EIS. Notice-andcomment rulemaking is not triggered by this planning process and, in any event, notice and comment has now been provided through development of this Final EIS.

National Sage-grouse Strategy

Incorporate Wyoming Basins Ecoregional Assessment (WBEA) Report findings

Comment ID: 264
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: This Wyoming Basins Ecoregional Assessment publication ("WBEA") was completed in 2011, and BLM should reference the findings of this report as they apply to Wyoming, which falls substantially within the Wyoming Basins Ecoregion, in order for the BLM has not met its obligation to "use the best available science" including publications specifically mandated under the Strategy. This study included a complete land cover mapping exercise including analysis of human footprint, which would have been useful to include in the Affected Environment section of the DEIS. Chapter 5 of this publication (WBEA at 112) specifically addresses sage grouse avoidance of oil and gas developments and other permitted facilities. This analysis found that sage grouse density was negatively correlated with major highways, powerlines, and the presence of oil and gas wells. WBEA at 124. These researchers pointed out, "Any drilling <6.5 km [approximately 4 miles] from a sage-grouse lek could have indirect (noise disturbance) or direct (mortality) negative effects on sage-grouse populations." WBEA at 131. This finding supports the NTT recommendation of a 4.0-mile no-surface-disturbance buffer as proposed for application in Alternatives B and C for Priority Habitat, but General Habitat gets no such buffer, which is problematic. Model results (WBEA at 134) could have been used to examine what proportion of high abundance roost sites and general use areas were encompassed by the Core Area and non-Core mitigation measures applied under each alternative. These researchers concluded, This spatially explicit knowledge of existing sage-grouse distribution can help inform and prioritize areas for application of future conservation and management actions in the region (Aldridge et al. 2008, Meinke et al. 2009) and thus maximize the effectiveness of limited but precious conservation resources. WBEA at 135. BLM must incorporate the findings of this study into its EIS.

Summary: The Wyoming Basins Ecoregional Assessment publication (WBEA) was completed in 2011, and BLM should reference the findings of this report as they apply to Wyoming, which falls substantially within the Wyoming Basins Ecoregion, in order for the BLM to meet their obligation to "use the best available science" including publications specifically mandated under the strategy. This study included a complete land cover mapping exercise including analysis of the human footprint, which would have been useful to include in the Affected Environment section of the Draft EIS. Chapter 5 of this publication specifically addresses sage-grouse avoidance of oil and gas developments and other permitted facilities. This analysis found that sage-grouse density was negatively correlated with major highways, powerlines, and the presence of oil and gas wells. These researchers pointed out, "Any drilling <6.5 km [approximately 4 miles] from a sage-grouse lek could have indirect (noise disturbance) or direct (mortality) negative effects on sage-grouse populations." This finding supports the NTT recommendation of a 4.0-mile no surface disturbance buffer as proposed for application in Alternatives B and C for priority habitat, but general habitat gets no such buffer, which is problematic. Model results could have been used to examine what proportion of high abundance roost sites and general use areas were encompassed by the core area and non-core mitigation measures applied under each alternative. These researchers concluded this spatially explicit knowledge of existing sage-grouse distribution can help inform and prioritize areas for application of future conservation and management actions in the region and thus maximize the effectiveness of limited but precious conservation resources. BLM must incorporate the findings of this study into its EIS.

Response: The BLM reviewed and considered the Wyoming Basins Ecoregional Assessment and it is included in the Literature Cited on page LC-17 of the Draft LUP Amendments/Draft EIS.

National Sage-grouse Strategy

Need site-specific information for priority and general habitat

Comment ID: 1506
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: The maps of PPH and PGH appear to be inaccurate. The concept of delineating PPH and PGH for sagegrouse is generally sound, inasmuch as the sage-grouse is a landscape species and thus roams over a very large area to meet its seasonal needs for survival. However, the current application of that concept by BLM is inconsistent and unjustifiably broad. BLM does not provide a quantitative definition of PPH. Due to the lack of appropriate funding, most sage-grouse populations have generally not been well studied, and to the extent sage-grouse populations have been studied, the quality of data varies for each population. Each state BLM office has therefore individually established its own PPH maps, using varying degrees of available population data. In states that have not completed their delineations of PPH, BLM relied on the analysis by Doherty et al. to map PPH. Furthermore, most PPH maps appear to be developed without regard to actual habitat on the ground, resulting in the incorporation of non-habitat within the PPH areas. Given that there are many such areas within the PPH that do not provide habitat for sage-grouse, BLM's current definition of PPH is not only vague and inconsistent but also overly broad. Such a broad delineation of PPH will unnecessarily limit productive legitimate economic uses of these federal public lands. To make the delineation of PPH more consistent and more narrowly tailored, we find that the best areas are likely those encompassing 75 percent of the breeding density of the species, as depicted by Doherty et al. (2010). If each sage-grouse population's PPH is measured using this Doherty et al. (2010) analysis, the results will be more consistent across all populations and states. Importantly, this analysis should be augmented with site-specific information detailing actual habitat on the ground to ensure that the PPH and GPH does not include non-habitat areas or habitat that is not critical to sage-grouse yearround. As noted, by BLM's definition, PGH "comprises areas of occupied seasonal or year-round habitat outside of priority habitat." Given that this definition is based on PPH, which we previously suggested is inconsistent and overly broad, it follows that the definition of PGH, too, is inconsistent and overly broad. There are many areas of various kinds of development within PGH that do not provide habitat for sage-grouse. Both PPH and PGH maps should be amended in the RMPs based on site-specific data. Such amendments have already been made in Wyoming in response to public outcry regarding the original PPH and PGH designations in those states. Until this is corrected, PPH and PGH delineation should be subject to site-specific field evaluation as to their importance to local sage-grouse instead of simply prohibiting development. This would allow for this process to avoid blanket prohibition of wind development in large areas without appropriate site-specific evaluations first.

Comment ID: 1265
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: The NTT Report states: "The priority is to implement off- site mitigation within the priority sage- grouse habitat, followed by general sage- grouse habitat." Furthermore, the NTT Report calls for: "Assess[ment of] general sage-grouse habitats to determine potential to replace lost priority habitat caused by perturbations and/or disturbances and provide connectivity between priority areas…these habitats should be given some priority over other general sage-grouse habitats that provide marginal or substandard sage-grouse habitat." The difficulty with respect to delineation of PPH and PGH is that these areas are inconsistently and inaccurately defined across the sage-grouse range. Therefore, we emphasize again the need for site-specific information to consistently and accurately describe PPH and PGH.

Summary: The NTT report states, “The priority is to implement off- site mitigation within the priority sage- grouse habitat, followed by general sage- grouse habitat.” Furthermore, the NTT report calls for: "Assess[ment of] general sage-grouse habitats to determine potential to replace lost priority habitat caused by perturbations and/or disturbances and provide connectivity between priority areas…these habitats should be given some priority over other general sage-grouse habitats that provide marginal or substandard sage-grouse habitat." The difficulty with respect to delineation of PPH and PGH is that these areas are inconsistently and inaccurately defined across the sage-grouse range. BLM needs site-specific information to consistently and accurately describe PPH and PGH. The maps of PPH and PGH appear to be inaccurate. The concept of delineating PPH and PGH for sagegrouse is generally sound, inasmuch as the sage-grouse is a landscape species and thus roams over a very large area to meet its seasonal needs for survival. However, the current application of that concept by BLM is inconsistent and unjustifiably broad. BLM does not provide a quantitative definition of PPH. Due to the lack of appropriate funding, most sage-grouse populations have generally not been well studied, and to the extent sage-grouse populations have been studied, the quality of data varies for each population. Each state BLM office has therefore individually established its own PPH maps, using varying degrees of available population data. In states that have not completed their delineations of PPH, BLM relied on the analysis by Doherty et al. to map PPH. Furthermore, most PPH maps appear to be developed without regard to actual habitat on the ground, resulting in the incorporation of non-habitat within the PPH areas. Given that there are many such areas within the PPH that do not provide habitat for sage-grouse, BLM’s current definition of PPH is not only vague and inconsistent but also overly broad. Such a broad delineation of PPH will unnecessarily limit productive legitimate economic uses of these federal public lands. To make the delineation of PPH more consistent and more narrowly tailored, we find that the best areas are likely those encompassing 75 percent of the breeding density of the species, as depicted by Doherty et al. (2010). If each sage-grouse population’s PPH is measured using this Doherty et al. (2010) analysis, the results will be more consistent across all populations and states. Importantly, this analysis should be augmented with site-specific information detailing actual habitat on the ground to ensure that the PPH and GPH does not include non-habitat areas or habitat that is not critical to sage-grouse yearround. As noted, by BLM’s definition, PGH “comprises areas of occupied seasonal or year-round habitat outside of priority habitat.” Given that this definition is based on PPH, which we previously suggested is inconsistent and overly broad, it follows that the definition of PGH, too, is inconsistent and overly broad. There are many areas of various kinds of development within PGH that do not provide habitat for sage-grouse. Both PPH and PGH maps should be amended in the LUP based on site-specific data. Such amendments have already been made in Wyoming in response to public outcry regarding the original PPH and PGH designations in those states. Until this is corrected, PPH and PGH delineation should be subject to site-specific field evaluation as to their importance to local sage-grouse instead of simply prohibiting development. This would allow for this process to avoid blanket prohibition of wind development in large areas without appropriate site-specific evaluations first.

Response: The LUP Amendments/EIS utilized the best available information in the development of priority (PPH) and general habitat (PGH). Wyoming's LUP Amendments/EIS PPH is consistent with the core and connectivity areas identified by the State of Wyoming, who is responsible for managing and monitoring Greater Sage-Grouse populations. These areas were developed through a public process that included local working groups and the Governor's Sage-Grouse Implementation Team. These core areas are geographically identical to the Priority Areas for Conservation in the USFWS's COT report. Core, connectivity and general habitat identified in Alternatives A through D are consistent with habitat identified in the Wyoming Executive Order 2011-5 as amended. In Alternative E, the Forest Service has proposed to add additional acres of proposed core and proposed connectivity habitat to increase protection of habitat to meet the requirements of species viability described in the 1982 planning regulations. Map 3-18 in the Final EIS displays core, connectivity and general habitat for all Alternatives. The concern stated in this comment is that the identified habitat areas are overly broad and include areas of non-habitat within their boundaries. Areas of non-habitat within core, connectivity and general habitat are available for some types of disturbance and development. For example, Management Actions 131 through 134 restrict surface

disturbance and/or disruptive activities during certain seasons of the year. Activities in unsuitable habitats within the restricted areas would be allowed on a case-by-case basis if they meet the exception, waiver, and modification criteria.

National Sage-grouse Strategy

Sage-grouse strategy needs a range-wide, consistent approach

Comment ID: 981
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: We recommend that BLM use a single environmental impact statement to cure deficiencies and resolve inconsistences within and among the draft plans, producing a single record of decision and unified strategy to conserve sage-grouse and their habitat. To meet planning requirements under NEPA, the single EIS might include 15 subparts that finalize each draft plan, but still produce one record of decision for all 15 planning areas. A single, comprehensive strategy could ensure that adequate regulatory mechanisms are consistently applied throughout sage-grouse range to conserve the species. A comprehensive plan, with its range-wide perspective, could also better account for and direct conservation of the most important areas for sage-grouse across the West, identifying areas for special protection based on range-wide data, trends and projections. Alternatively, the Secretaries of Interior and Agriculture could assemble a team of planners to review all of the draft plans together in order to incorporate uniform, enforceable conservation measures into the preferred alternatives for each final plan and EIS. In this case the agencies may produce 15 separate records of decision, but they should all implement the same adequate regulatory mechanisms to conserve sagegrouse.

Comment ID: 1496
Organization: Center for Biological Diversity
Name: Randi Spivak

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

Summary: Each Draft EIS and Proposed LUP Amendment/RMP Amendment or Revision for Greater Sage-Grouse have taken vastly different approaches and proposed management prescriptions to conserve the species. Such a patchwork approach is fundamentally inadequate to conserve the Greater Sage- Grouse. Given the sage-grouse's wide distribution in the western United States and Canada, conserving the species requires a range-wide management framework that establishes specific standards common across the landscape to protect and restore habitat across all of the bird's range. Without such a uniform and consistent framework, the individual and far ranging plan amendments are bound to miss the mark in providing adequate regulatory mechanisms to avoid listing the Greater Sage-Grouse under the ESA. BLM should use a single EIS to cure deficiencies and resolve inconsistences within and among the draft plans, producing a single record of decision and unified strategy to conserve sage-grouse and their habitat. To meet planning requirements under NEPA, the single EIS might include 15 subparts that finalize each draft plan, but still produce one record of decision for all 15 planning areas. A single, comprehensive strategy could ensure that adequate regulatory mechanisms are consistently applied throughout sage-grouse range to conserve the

species. A comprehensive plan, with its rangewide perspective, could also better account for and direct conservation of the most important areas for sage-grouse across the West; identifying areas for special protection based on range-wide data, trends and projections. Alternatively, the Secretaries of Interior and Agriculture could assemble a team of planners to review all of the draft plans together in order to incorporate uniform, enforceable conservation measures into the Preferred Alternatives for each final plan and EIS. In this case the agencies may produce 15 separate records of decision, but they should all implement the same adequate regulatory mechanisms to conserve sage-grouse.

Response: The BLM National Greater Sage-Grouse Planning Strategy provides a coordinated, cooperative stakeholder team approach to incorporate regionally appropriate, science-based conservation measures into BLM land-use planning efforts throughout the range of the Greater Sage-Grouse. In addition, the Forest Service is working with the BLM to amend 20 Forest and National Grassland management plans as a formal cooperator in this planning process. Due to the variance in ecology and land uses of BLM and Forest Service lands throughout the west, variability in management is included in each of the plans. Each regional effort is developing and analyzing its own set of alternatives. All of the planning efforts, however, have been directed to analyze the following alternatives where appropriate: • A “no-action" alternative analyzing the existing management direction set for Greater Sage- Grouse conservation. • An alternative which contains all the applicable and appropriate conservation measures that were developed in the National Technical Team’s 2011 Report (NTT report). • An alternative which analyzes state-proposed conservation strategies. As part of their alternative submission, states provided the BLM with GIS data depicting their preferred Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH) areas, conservation measures that should be applied to these areas, and rationale as to why their measures deviate from those outlined in the NTT report. • One or more alternatives which consolidate suggestions made by non-governmental organizations during the scoping process. These suggestions generally propose more stringent management. • An alternative which considers sub-regional adjustments to the recommendations of the NTT report. This would allow the sub-regions to make changes to the recommendations from the NTT report and adjust habitat boundaries based on science, resource trade-offs, scoping comments, and internal staff expertise. • Each sub-region also has the option to develop additional options for consideration that do not apply to other sub-regional efforts. Decision and allocation approaches across the Greater Sage-Grouse range are often different based on local vegetative and habitat conditions, threats, populations, landownership patterns, and the various planning issues that were developed during scoping. Due to the intentional simplistic nature of RODs, these variations would be difficult to present in the ROD. Several mechanisms are in place to ensure appropriate level of consistency, while providing flexibility for local conditions. The BLM land use plans and amendments must be consistent with officially approved or adopted resourcerelated plans of Indian Tribes, other federal agencies, and state and local governments to the extent that these resource-related plans comport with FLPMA and other federal laws and regulations (see 43 CFR 1610)(per 43 CFR 1610.3-1b), the Wyoming Core Area Strategy. In this planning process, this is achieved through the sub-regional approach. The Forest Service intends to use the Final EIS to support three Records of Decision - one for the Bridger-Teton National Forest, one for the Medicine Bow National Forest and one for the Thunder Basin National Grassland. Each Forest Service administrative unit has a separate land and resource management plan; therefore, a separate amendment is appropriate for each. The issuance of individual Forest Service RODs allows the deciding official to tailor the decision to the local unit and conditions on the ground.

National Sage-grouse Strategy

COT Report

The COT report is flawed

Comment ID: 1137
Organization: Anschutz Exploration Corp

Name: Brant Gimmeson

Comment: Due to a number of significant flaws, as described below, we urge the BLM to reconsider its reliance on the COT report in the final Sage-Grouse DLUPA and subsequent Record of Decision ("ROD"). While the COT report says that "there is an urgent need to 'stop the bleeding' of continued population declines," it fails to cite hunting, which is the most well documented source of sage-grouse mortality with 207,433 sage-grouse harvested between 2001 and 2007 [5]. 5 [COT Report at 31; Kerry P. Reese and John W. Connelly, Harvest Management for Greater Sage-Grouse: A Changing Paradigm for Game Bird Management, in Greater Sage- Grouse Ecology and Conservation of a Landscape Species and its Habitats. Studies in Avian Biology (vol. 38) Table 7.3 p. 106 (Steven T. Knick and John W. Connelly eds., 2011).] Moreover, peer review of the COT report was inadequate. In addition to conflicts of interest and reliance upon questionable data to assess threats, more than one reviewer cited real uncertainties regarding management and potential impacts on sage-grouse populations. Given these significant flaws, we advise the BLM to reconsider its reliance on the COT report in the DLUPA. To do otherwise would be inconsistent with the ESA, the Data Quality Act ("DQA"), and current Presidential and Interior Department memoranda and orders.

Comment ID: 1273
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The COT report is also heavily relied upon throughout the DLUPA. Due to a number of significant flaws, as described below, we urge the BLM to reconsider its reliance on the COT report in the final Sage-Grouse DLUPA and subsequent Record of Decision ("ROD"). The COT report does not represent a comprehensive scientific review; rather, it is simply an incomplete examination of limited literature and unpublished reports that were used to "identify conservation objectives to ensure the long term viability of the GRSG." In fact, the COT report provides no original data or quantitative analyses and notably fails to review all of the available scientific literature on the GRSG. Consequently, this severely limited review perpetuates outdated information and assumptions in the COT report. While the COT report says that ―there is an urgent need to ‗stop the bleeding' of continued population declines‖ it fails to cite hunting, which is the most well documented source of GRSG mortality with 207,433 GRSG harvested between 2001 and 2007 [5]. 5 [COT Report at 31; Kerry P. Reese and John W. Connelly, Harvest Management for Greater Sage-Grouse: A Changing Paradigm for Game Bird Management, in Greater Sage- Grouse Ecology and Conservation of a Landscape Species and its Habitats. Studies in Avian Biology (vol. 38) Table 7.3 p. 106 (Steven T. Knick and John W. Connelly eds., 2011).] Moreover, peer review of the COT report was inadequate. Given these significant flaws, we advise the BLM to reconsider its reliance on the COT report in the DLUPA. To do otherwise would be inconsistent with the ESA, the Data Quality Act ("DQA") and current Presidential and Interior Department memoranda and orders.

Comment ID: 1811
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: The COT report is heavily relied upon throughout the LUPA/DEIS. Due to a number of significant flaws, as described below, we urge the BLM to reconsider its reliance on the COT report in the final LUPA/DEIS and subsequent Record of Decision (ROD). In fact, the COT report provides no original data or quantitative analyses and notably fails to review all of the available scientific literature on the GRSG. Consequently, this severely limited review perpetuates outdated information and assumptions in the COT report. Moreover, peer review of the COT report was inadequate. Given these significant flaws, we advise the BLM/FS to reconsider its reliance on the COT report in the RMPA/DEIS. To do otherwise would be

inconsistent with the ESA, the Data Quality Act (DQA) and current Presidential and Interior Department memoranda and orders.

Comment ID: 618
Organization: Anadarko
Name: David Applegate

Comment: Oil and Gas Activities Must Be Considered under the Lens of Today's Technologies in Use and Actual Development. The COT Report (2013) should be used with caution. As a recent well-established sagegrouse researcher has noted "This report was largely a rehash of previously published information and introduced some vague concepts (representation, redundancy, and resilience) as guidance for conservation. These parameters are not measured by state wildlife agencies when assessing sagegrouse (in fact, no information was provided on how to measure them or even if they could be adequately measured), thus their use may further confuse the issue." (Connelly, 2013). One such vague concept is the term "widespread." Neither the COT report nor agencies in their reliance on the report have defined this subjective term whose synonyms include extensive, universal or ubiquitous.

Comment ID: 1740
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: The COT report is also heavily relied upon throughout the DLUPA. Due to a number of significant flaws, as described below, we urge the BLM to reconsider its reliance on the COT report in the final Sage-Grouse DLUPA and subsequent Record of Decision ("ROD"). The COT report does not represent a comprehensive scientific review; rather, it is simply an incomplete examination of limited literature and unpublished reports that were used to "identify conservation objectives to ensure the long term viability of the GRSG." In fact, the COT report provides no original data or quantitative analyses and notably fails to review all of the available scientific literature on the sage-grouse. Peer review of the COT report clearly failed to meet the requirements of both the DOI Manual and the NAS policy, which stress the need for independence and an avoidance of conflict of interest. Given these significant flaws, we advise the BLM to reconsider its reliance on the COT report in the DLUPA. To do otherwise would be inconsistent with the ESA, the Data Quality Act ("DQA"), and current Presidential and Interior Department memoranda and orders.

Comment ID: 733
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Due to a number of significant flaws, as described below, we urge the BLM to reconsider its reliance on the COT report in the final Sage-Grouse DLUPA and subsequent Record of Decision ("ROD"). The COT report does not represent a comprehensive scientific review; rather, it is simply an incomplete examination of limited literature and unpublished reports that were used to "identify conservation objectives to ensure the long term viability of the (Greater Sage-Grouse) GRSG." In fact, the COT report provides no original data or quantitative analyses and notably fails to review all of the available scientific literature on the sage-grouse. Consequently, this severely limited review perpetuates outdated information and assumptions in the COT report. Moreover, peer review of the COT report was inadequate.

Comment ID: 578
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The COT report is also heavily relied upon throughout the DLUPA. Due to a number of significant flaws, as described below, we urge the BLM to reconsider its reliance on the COT report in the Sage- Grouse Proposed Land Use Planning Amendment (PLUPA) and subsequent Record of Decision ("ROD"). The COT report does not represent a comprehensive scientific review; rather, it is simply an incomplete examination of limited literature and unpublished reports that were used to "identify conservation objectives to ensure the long term viability of the GRSG." In fact, the COT report provides no original data or quantitative analyses and notably fails to review all of the available scientific literature on the sage-grouse. Consequently, this severely limited review perpetuates outdated information and assumptions in the COT report.

Comment ID: 2162
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The COT report is also heavily relied upon throughout the DLUPA. Due to a number of significant flaws, as described below, we urge the BLM to reconsider its reliance on the COT report in the final Sage-Grouse DLUPA and subsequent Record of Decision ("ROD"). The COT report does not represent a comprehensive scientific review; rather, it is simply an incomplete examination of limited literature and unpublished reports that were used to "identify conservation objectives to ensure the long term viability of the GRSG." In fact, the COT report provides no original data or quantitative analyses and notably fails to review all of the available scientific literature on the sage-grouse. Consequently, this severely limited review perpetuates outdated information and assumptions in the COT report. Peer review of the COT report clearly failed to meet the requirements of both the DOI Manual and the NAS policy, which stress the need for independence and an avoidance of conflict of interest. Nevertheless, COT report deficiencies include: authorship with three COT report team members; grant support from the USFWS and USGS; significant financial support for sage-grouse research (Drs. Holloran, Messmer and Reese listed over $10 million);12 [Reese listed over $6.3 million in funding and in- kind contributions, but failed to account for precisely how much can be attributable to sage- grouse.] authorship with NTT members; and authorship with other influential sage- grouse authors including Doherty, Naugle, and Knick.13 [Scientific Peer Review of the Sage- Grouse Conservation Objectives Draft Report, Appendix A] The reviews of the COT report present numerous examples of failures to meet NAS and OMB guidelines. Given these significant flaws, we advise the BLM to reconsider its reliance on the COT report in the DLUPA.

Summary: The COT report does not represent a comprehensive scientific review; rather, it is simply an incomplete examination of limited literature and unpublished reports that were used to "identify conservation objectives to ensure the long term viability of the Greater Sage-Grouse." In fact, the COT report provides no original data or quantitative analyses and notably fails to review all of the available scientific literature on the sage-grouse. Consequently, this severely limited review perpetuates outdated information and assumptions in the COT report. The COT report should be used with caution. As a recent well-established sage-grouse researcher has noted "This report was largely a rehash of previously published information and introduced some vague concepts (representation, redundancy, and resilience) as guidance for conservation. These parameters are not measured by state wildlife agencies when assessing sage-grouse (in fact, no information was provided on how to measure them or even if they could be adequately measured), thus their use may further confuse the issue." (Connelly, 2013). One such vague concept is the term "widespread." Neither the COT report nor agencies in their reliance on the report have defined this subjective term whose synonyms include extensive, universal, or ubiquitous. The COT report fails to cite hunting as a cause of sage-grouse decline, which is the most well documented source of sagegrouse mortality with 207,433 sage-grouse harvested between 2001 and 2007. Peer review of the COT report clearly failed to meet the requirements of both the DOI Manual and the NAS policy, which stress the need for independence and an avoidance of conflict of interest. Nevertheless, COT report deficiencies include: authorship with three COT report team members; grant support from the USFWS and USGS; significant

financial support for sage-grouse research (Drs. Holloran, Messmer, and Reese listed over $10 million); [Reese listed over $6.3 million in funding and in- kind contributions, but failed to account for precisely how much can be attributable to sage- grouse] authorship with NTT members; and authorship with other influential sage- grouse authors including Doherty, Naugle, and Knick. The reviews of the COT report present numerous examples of failures to meet NAS and OMB guidelines.

Response: BLM and Forest Service used the best available science to prepare and analyze the LUP Amendments. The COT report is only one of many documents used in the development of the LUP Amendments. Even if the COT report does not contain original qualitative analysis, it is nevertheless appropriate for BLM and Forest Service to review the report as part of the body of available science on Greater Sage-Grouse and the threats to the species and its habitat.

National Sage-grouse Strategy

NTT report/findings

BLM must consider the latest studies and science, NTT and COT are inadequate

Comment ID: 575
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Several studies have been published after the NTT Report and BLM is obligated under NEPA and the Data Quality Act to incorporate new work and new data.

Comment ID: 2591
Organization: QEP Energy Company
Name: Mike Smith

Comment: This DLUPA/EIS heavily relies on both the USFWS Greater Sage-Grouse Conservation Objectives Team Report (COT) and the Bureau of Land Management's (BLM) National Technical Team (NTT) report, A Report on National Greater Sage-Grouse Conservation Measures. These reports have been criticized for failing to meet the best available science standard and lacking credible peer review. The COT report in particular failed to meet the requirements for peer review according to both the Dol manual and as well as the National Academy of Sciences' policy. Additionally, the NTT report relies on older, selective studies and fails to consider technological advancements in extracting oil and gas. Many of the management restrictions taken from the NTT report, like the RDFs, are overly burdensome and are not based on local conditions. Despite several requests from the Western Energy Alliance (WEA) and other groups for the scientific data used as support for the NTT recommendations, the BLM has only released the emails associated with the development of the report and little to nothing about the studies that support its recommendations. QEP asks that the BLM release all the scientific data used in making these determinations.

Summary: Several studies have been published after the NTT report and BLM is obligated under NEPA and the Data Quality Act to incorporate new work and new data. The NTT report relies on older, selective studies and fails to consider technological advancements in extracting oil and gas. Many of the management restrictions taken from the NTT report, like the RDFs, are overly burdensome and are not based on local conditions.

Response: BLM and Forest Service used the best available science to prepare and analyze the LUP Amendments. Some science/information provided was published following the preparation and/or release of the LUP Amendments. Before beginning the LUP Amendments/EIS and throughout the planning

process, the BLM and Forest Service considered the availability of data from all sources, adequacy of existing data, data gaps, and the type of data necessary to support informed management decisions at the land-use plan level. The data needed to support broad-scale analysis of the planning area are substantially different than the data needed to support site-specific analysis of projects. The BLM and Forest Service used the most recent and best available information available that was relevant to a land-use planning level analysis. A National Technical Team (NTT) was formed as an independent, science-based team to ensure that the best information about how to manage Greater Sage-Grouse habitat is reviewed, evaluated, and provided to the BLM and the Forest Service in the planning process. The group produced a report in December 2011 that identified sciencebased conservation measures to promote sustainable Greater Sage-Grouse management. The NTT report was not the sole source of management decisions for the range of alternatives. The range of alternatives and associated analysis is based upon public scoping comment; state management plans; BLM and Forest Service reports, policies, and information; and input from the BLM and Forest Service interdisciplinary teams and cooperating agencies. The BLM reviewed the literature sources provided by commenters to determine if there were new or updated sources that should be considered in the Proposed LUP Amendments.

National Sage-grouse Strategy

NTT report/findings

NTT needs to be considered in one alternative, not necessarily the preferred

Comment ID: 1280
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM also states that the Purpose of the RMP is to: "identify and incorporate appropriate sage-grouse conservation measures into the plan. In compliance with IM 2012-044, the measures to be considered include appropriate conservation measures developed by the National Technical Team (NTT). The BLM will consider such measures in the context of its multiple-use mandate under the Federal Land Policy and Management Act (FLPMA), and incorporate measures that will help conserve, enhance and/or restore Greater Sage- Grouse habitat by reducing, eliminating or minimizing threats to that habitat. (ES at iv, see also Ch. 1 at 1-3)." AEMA recognizes that IM 2012-044 requires the inclusion of one alternative that considers the conservation measures identified in the NTT Report; however BLM fails to include the second directive of the IM, which is to consider all applicable conservation measures (not just those in the NTT Report) consistent with law. BLM has not achieved the above stated purpose, responded to the planning issues within the framework of the planning criteria, or provide for compliance with applicable laws, standards, implementation plans, BLM and Forest Service policies and regulations, and inappropriately targets secondary threats such as locatable mineral development, as described below.

Comment ID: 392
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: The GSG conservation measures produced in the NTT Report referred to in BLM IM No. 2012-044 and proposed in the Draft LUPA and EIS are a scary proposition for all who live, recreate, and operate in the State of Wyoming. Not only will these conservation measures preclude oil and gas development in the Plan Area, but they will prevent any activity from occurring within a significant portion the Plan Area. This includes grazing, recreational activities and other activities with low surface and environmental impact. Clearly this is excessive and in direct conflict with the BLMs multiple use mandate under the Federal Lands Policy Management Act (FLPMA). As such, Alternative B that proposes to adopt NTT

Conservation Measures in the Draft LUPA and EIS should not be considered during preparation of BLM's Preferred Alternative in the Final LUPA and EIS/ROD.

Comment ID: 1831
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: BLM IM 2012-044 does not conflict with or prohibit BLM from adopting GRSG management policies and procedures consistent with the EO in the LUPA/DEIS. It does not suggest preferred conservation measures or require the adoption of any particular conservation measures, such as those contained in Appendix B. In sum, adoption of the conservation measures and policies outlined in the EO would be entirely consistent with the process and strategy described in IM 2012-044. Additionally, no scientific justification has been presented for applying NTT-based RDFs in Wyoming over and above those requirements of the EO. Further, given that the BLM WY Office (via WY-2012- 019) and the U.S. Fish & Wildlife Service (USFWS) have already adopted and endorsed the EO, we suggest that this should serve as the basis for GSG management for all land in Wyoming, including all land subject to this LUP process. As stated earlier, any proposed restrictions contained in the preferred Alternative that go beyond the EO are unjustified and should be eliminated.

Comment ID: 390
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: The BLM National Greater Sage-grouse Land Use Planning Strategy (BLM IM No. 2012-044) does not conflict with, nor prohibit BLM from adopting GSG management policies and procedures consistent with EO 2011-5 in the Draft LUPA and EIS. Additionally, the conservation measures provided in Attachment 1 (Goals and Objectives, National Technical Team) of BLM IM No. 2012-044 should not supersede the conservation measures provide for by EO 2011-5. BLM IM No. 2012-044 merely establishes a policy and process for the consideration of GSG conservation measures in one or more alternatives during the land use planning process. It does not suggest preferred conservations measures or require the adoption of any particular conservation measures. In the Draft LUPA and EIS that Alternative is Alternative B. As such, the adoption of conservation measures and policies provided by EO 2011-5 would be consistent with the process and strategy in IM No. 2012-044.

Comment ID: 391
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: The conservation measures provided by the NTT in Attachment 1 of BLM IM No. 2012-044 go well beyond those provided in EO 2011-5, and are therefore more restrictive than necessary to effectively protect GSG. For example, the NTT recommends BLM "exclude energy development and other large scale disturbances from priority habitats, and where valid existing rights exist, minimize those impacts by keeping disturbances to 1 per section with direct surface disturbance impacts held to 3% of the area or less." On the other hand, EO 2011-5 establishes a 5% disturbance cap for suitable Sagegrouse habitat (unsuitable habitat is not included in the disturbance calculation). As such, while BLM may consider the overly restrictive conservation measures recommended by the NTT during the planning process as directed by IM No. 2012- 044, they should not be included in the agencies preferred alternative or adopted in the Final LUPA and EIS/ROD.

Summary: IM 2012-044 requires the inclusion of one alternative that considers the conservation measures identified in the NTT report; however, BLM fails to include the second directive of the IM, which is to

consider all applicable conservation measures (not just those in the NTT report) consistent with law. The BLM National Greater Sage-grouse Land Use Planning Strategy (BLM IM 2012-044) does not conflict with nor prohibit BLM from adopting Greater Sage-Grouse management policies and procedures consistent with EO 2011-5 in the Draft LUP Amendments/Draft EIS. Additionally, the conservation measures provided in Attachment 1 of BLM IM 2012-044 should not supersede the conservation measures provide for by EO 2011-5. BLM IM 2012-044 merely establishes a policy and process for the consideration of Greater Sage-grouse conservation measures in one or more alternatives during the land use planning process. It does not suggest preferred conservations measures or require the adoption of any particular conservation measures. In the Draft LUP Amendments/Draft EIS, that Alternative is Alternative B. As such, the adoption of conservation measures and policies provided by EO 2011-5 would be consistent with the process and strategy in IM 2012-044. The conservation measures provided by the NTT in Attachment 1 of BLM IM No. 2012-044 go well beyond those provided in EO 2011-5, and are therefore more restrictive than necessary to effectively protect Greater Sage-grouse. For example, the NTT recommends BLM "exclude energy development and other large scale disturbances from priority habitats, and where valid existing rights exist, minimize those impacts by keeping disturbances to 1 per section with direct surface disturbance impacts held to 3% of the area or less." On the other hand, EO 2011-5 establishes a 5% disturbance cap for suitable sage-grouse habitat (unsuitable habitat is not included in the disturbance calculation).

Response: Alternative B was developed based on the conservation measures developed by the NTT planning effort in IM-2012-044 and is being considered and analyzed in this EIS. The buffer distances, disturbance caps, and seasonal restrictions contained in the management alternatives are based on peer-reviewed scientific research of sage-grouse needs for continued existence. All alternatives considered in the Draft EIS are reasonable alternatives that comply with all laws and policy and meet the multiple use mandate of FLPMA. The goal of the LUP Amendments is to conserve, enhance or restore sagebrush ecosystems; and the management contained in the management alternatives will allow for unfragmented, contiguous habitat for sage-grouse. BLM and Forest Service developed Alternative E based on the Wyoming Executive Order (WY EO 2011-5) Core Area Strategy, BLM WY IM 2010-012, IM 2012-019, and BLM WO IM 2012-044; the National Technical Team Report, the best available science, input from USFWS, the State of Wyoming, cooperating agencies, and the public to create a management approach to both protect sage-grouse and allow for multiple use of public lands.

National Sage-grouse Strategy

NTT report/findings

The NTT recommendations must be adopted

Comment ID: 369
Organization: Wild Earth Guardians
Name: Erik Molvar

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

Comment ID: 276
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In contrast to the Wyoming Core Area strategies, the NTT report recommends managing priority sage-grouse habitat so that discrete anthropogenic disturbances cover less than three percent of any single square-mile section regardless of ownership (NTT 2011 at 7). Furthermore, once the three percent limit is reached, additional surface-disturbing projects are precluded (with no exceptions in cases where off-site mitigation projects are undertaken), and in cases where the three percent limit is already exceeded, restoration must occur to meet this threshold under the NTT recommendations. Alternative B includes a 3% disturbance cap for Priority Habitats, and Alternatives B and C include a 3% disturbance cap for connectivity areas (DEIS at 2-134), within the range recommended by the NTT, but these alternatives are not proposed for adoption by BLM. BLM should cap disturbance at 3% on a per-square-mile basis at most in both Priority Habitats and Connectivity Areas.

Comment ID: 257
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The lack of sufficient regulatory mechanisms to conserve sage grouse and their habitats was identified as a primary threat leading to the USFWS warranted but precluded finding in 2010. 75 FR 13910. BLM will need to select and alternative that meets the level of protection recommended in the National Technical Team Report at minimum in order to represent effective conservation measures that have some chance of obviating the need to list the greater sage grouse in general, and this population in particular, as Threatened or Endangered.

Comment ID: 274
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Given the limitations in the Wyoming strategies and considering new scientific information on sage grouse, it is unlikely that application of the strategies in the Wyoming RMP Amendment Preferred Alternative will prevent further declines in sage-grouse. BLM should instead apply at minimum the measures recommended by the BLM's National Technical Team, and more preferable the Sage Grouse Recovery Alternative (Alternative C) attached to these comments.

Comment ID: 371
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are concerned that the BLM has not fully considered applying the Sage-grouse Recovery Alternative or the National Technical Team recommendations in full, and has not provided sufficient explanation for why this has occurred. In particular, measures to protect sage grouse wintering habitat are almost entirely absent from all alternatives, and there is no impacts analysis for permitted activities on wintering sage grouse and their habitats. There is a notable absence of baseline information in the DEIS on wintering habitats, and the lack of impacts analysis leaves open the question of how heavily wintering sage grouse will be affected by permitted activities under the new RMP, and what effect this will have on the viability of sage grouse populations both inside and outside Priority Habitats.

Comment ID: 275
Organization: Wild Earth Guardians

Name: Erik Molvar

Comment: BLM should implement the National Technical Team recommendations, which are consistent with state Executive Order 2011-5. EO 2011-5 prescribes a maximum of 1 wellpad or mine site per square mile as calculated within a DDCT area; applying a one wellpad or mine site per section limit as recommended by the NTT would result in a lesser density than 1 site per square mile when calculated with a DDCT area, and therefore would always result in a well density allowable under EO 2011-5. Requiring a no surface disturbance buffer of 4 miles would never allow surface disturbance as close as 0.6 mile of leks inside Core Areas, and therefore all development under a 4-mile NSO would be allowable under EO 2011-5 because the state prohibition of surface disturbance within 0.6 mile of leks would be upheld. An unconditional burial of electrical distribution lines would never violate the state guideline to bury powerlines when possible. Implementing a 2.5% or 3% cap on surface disturbance on a per-square mile basis would always yield a disturbance result less than the state's 5% limit and therefore within the realm of acceptable outcomes under the state policy. At no point does state policy mandate that impacts to sage grouse reach the maximum levels allowed under the policy; the state thresholds under EO 2011-5 are written as limits, not targets. The BLM therefore has the opportunity (and indeed under NEPA, FLPMA, and Manual 6840, the responsibility) to implement the science-based measures recommended in the NTT Report in order to both maintain consistency with state Core area policy and protect this BLM Sensitive Species with measures that satisfy NEPA's scientific integrity standards and prevent unnecessary or undue degradation to sage grouse Core habitats under FLPMA.

Comment ID: 1828
Organization: Prairie Hills Audubon Society
Name: Nancy Hilding

Comment: The Wyoming BLM has not considered protections for sage grouse for lands outside Priority Habitats, and has not fully considered NTT or Sage-grouse Recovery Alternative measures proposed for sage grouse general habitats. What will be the impact of permitted activities on grouse populations that fall outside the Priority Habitats/ACEC boundaries under this plan (which is what is the class of the Planning area along the SD border south of Newcastle)? The DEIS is silent on this matter.

Comment ID: 265
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: According to BLM IM 2012-44, "The conservation measures developed by the NTT and contained in Attachment 3 must be considered and analyzed, as appropriate, through the land use planning process by all BLM State and Field Offices that contain occupied Greater Sage-Grouse habitat." This must be done fully in the Wyoming DEIS. IM 2012-44 does not provide an option not to analyze these measures in at least one alternative unless a clear finding is provided that the measure is not appropriate, and BLM has provided no such findings in the context of the Wyoming RMP Amendment.

Comment ID: 160
Organization:
Name:

Comment: Development on previously existing oil and gas leases should be restricted to levels that will have no negative effect on sage grouse, in accordance with the recommendations of the BLM's own National Technical Team.

Summary: BLM will need to select an alternative that meets the level of protection recommended in the NTT report at minimum in order to represent effective conservation measures that have some chance of obviating the need to list the Greater Sage-Grouse in general, and this population in particular, as threatened or endangered. According to BLM IM 2012-44, "The conservation measures developed by the NTT and contained in Attachment 3 must be considered and analyzed, as appropriate, through the land use planning process by all BLM State and Field Offices that contain occupied Greater Sage- Grouse habitat." This must be done fully in the Wyoming Draft EIS. IM 2012-44 does not provide an option not to analyze these measures in at least one alternative unless a clear finding is provided that the measure is not appropriate, and BLM has provided no such findings in the context of the Wyoming LUP Amendments. Given the limitations in the Wyoming strategies and considering new scientific information on sagegrouse, it is unlikely that application of the strategies in the Wyoming LUP Amendments Preferred Alternative will prevent further declines in sage-grouse. BLM should instead apply, at minimum, the measures recommended by the BLM's NTT, and more preferable the Sage-Grouse Recovery Alternative (Alternative C). BLM should implement the NTT recommendations, which are consistent with state EO 2011-5. EO 2011-5. The recommendations prescribe a maximum of 1 wellpad or mine site per square mile as calculated within a DDCT area. Applying a one wellpad or mine site per section limit as recommended by the NTT would result in a lesser density than 1 site per square mile when calculated with a DDCT area, and therefore would always result in a well density allowable under EO 2011-5. Requiring a no surface disturbance buffer of 4 miles would never allow surface disturbance as close as 0.6 mile of leks inside core areas, and therefore all development under a 4-mile NSO would be allowable under EO 2011-5 because the state prohibition of surface disturbance within 0.6 mile of leks would be upheld. An unconditional burial of electrical distribution lines would never violate the state guideline to bury powerlines when possible. Implementing a 2.5% or 3% cap on surface disturbance on a per-square mile basis would always yield a disturbance result less than the state's 5% limit and therefore within the realm of acceptable outcomes under the state policy. At no point does state policy mandate that impacts to sage-grouse reach the maximum levels allowed under the policy; the state thresholds under EO 2011-5 are written as limits, not targets. The BLM therefore has the opportunity (and indeed under NEPA, FLPMA, and Manual 6840, the responsibility) to implement the science-based measures recommended in the NTT report in order to both maintain consistency with state core area policy and protect this BLM sensitive species with measures that satisfy NEPA's scientific integrity standards and prevent unnecessary or undue degradation to sagegrouse core habitats under FLPMA. Specific NTT recommendations that the Draft LUP Amendments need to consider include: • The NTT report prescribes a number of conservation measures for sage-grouse general habitat, the lands outside priority habitat. These include avoidance for the purposes of rights-of-way and enhanced riparian area protections, for example. The Wyoming Draft EIS does not appear to consider alternatives to provide all enhanced protections for sage-grouse priority and general habitats of the type recommended in the NTT report. • Measures to protect sage-grouse wintering habitat are almost entirely absent from all alternatives, and there is no impacts analysis for permitted activities on wintering sage-grouse and their habitats. There is a notable absence of baseline information in the Draft EIS on wintering habitats, and the lack of impacts analysis leaves open the question of how heavily wintering sagegrouse will be affected by permitted activities under the new LUP Amendments, and what effect this will have on the viability of sage-grouse populations both inside and outside priority habitats.

Response: Alternative B was developed based upon all appropriate and applicable conservation measures developed by the NTT and includes management for both priority and general habitat.

National Sage-grouse Strategy

NTT report/findings

The NTT recommendations should not be adopted

Comment ID: 1266

Organization: American Wind Energy Association (AWEA)
Name: John Anderson

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

Comment ID: 1231
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA maintains that BLM failed to develop an alternative that supports responsible resource development in the Planning Area, and that Alternatives C, D, and E, the Preferred Alternative, only masks BLM's use of the NTT Report. As a result, failure to include consideration and detailed analysis of conservation measures other than those in the NTT Report represents a pre-determined decision by BLM to implement the NTT conservation measures without giving proper and detailed analysis to alternative conservation measures which may produce equal or better results for sage-grouse conservation, while complying with FLPMA.

Comment ID: 1718
Organization: Kennecott Uranium Company
Name: Oscar Paulson

Comment: Guidance from the National Technical Team (NTT) is not consistent with the guidelines provided in the Wyoming Governor's Executive Order 2011-05, the Wyoming Game and Fish Department and general methods for land conservation and habitat enhancement in the west. Therefore, KUC does not support the wholesale incorporation of management from the NTT. The NTT narrowly describes and endorses one-size-fits-all conservation measures for sage-grouse which in some cases can be blatantly deleterious to other species as well as being less effective than appropriate site-specific mitigation measures. For instance, at the Monitoring without Borders meeting at Rawlins, WY on March 11, 2014 a presentation was given on BP's Sage Grouse Research Project in the Rawlins Field Office area. Approximately 140 satellite monitors were placed on female Sage Grouse over about five years. The results showed that current restrictive lines on the map didn't reflect the actual Sage Grouse use and movements. Further discussions including BLM biologists suggested that actual on the ground decisions should reflect the best available data. KUC recommends that the NTT be removed from 2.4.5 and the Governor's Order and the SGIT continue to function in WY to develop the appropriate methodologies for Sage Grouse conservation, and that the best available data be utilized for on the ground decisions.

Comment ID: 2555
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Should BLM choose to ignore the lack of scientific underpinnings for Alternative B and carry it forward into the Final LUPA/EIS then, the BLM must address the following issues: 1) BLM must update the NTT (2011) report with current best available science; 2) BLM must address the issues raised regarding inaccurate, misleading, or unfounded "scientific" statements and conclusions in the NTT (2011) report; and 3) BLM must address the issues raised in the Western Energy Alliance letter.

Comment ID: 1739
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: Additionally, many of the Required Design Features ("RDF") and Best Management Practices ("BMP") recommended by the NTT fail to recognize valid existing rights and/or fail to reflect the complexity of oil and gas exploration and development as evidenced by its attempt to impose a one-size-fits-all management approach that disregards topography, local conditions, and practicality. We recommend that the agencies revisit their design features and mitigation to ensure they are technically feasible and appropriate and that they maintain the level of flexibility required when their use may be properly considered on a site-specific basis. Another major fundamental concern is that the NTT report failed to recognize that the level of disturbance associated with a well is not constant throughout its life.

Comment ID: 406
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Yates understands that many of the GSG management decisions and stipulations proposed under Alternative B are considered to establish compliance with WO IM 2012-044 by incorporating the NTT conservation measures into the Draft LUPA and EIS. However, Yates has several issues with recommendations for GSG habitat management proposed in the NTT report (i.e. NTT conservation measures). First, several of these recommendations are significantly inconsistent with the general approach and specific stipulations provided for in EO 2011-5 (e.g. 4.0 mile lek buffer, 3% surface disturbance cap). Second, these NTT GSG conservation measures are biologically and scientifically flawed and unjustified (see preceding comments on NTT GSG Conservation Measures). Third, EO 2011-5 has been endorsed, adopted, and/or supported by the State of Wyoming, Wyoming SGIT, Wyoming Game and Fish Department, BLM Wyoming, BLM Washington Office, and USFWS. Consequently, GSG management decisions under Alternative B are unacceptable and should not be given consideration during development of the final Preferred Alternative. Rather, Yates urges BLM to adopt and GSG habitat management strategy that is consistent with EO 2011-5.

Comment ID: 577
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Governor Mead, in his April 26, 2013 comments to the BLM on the Lander Proposed RMP/FEIS, stated that while the threats in the NTT report may mirror many of those addressed in Wyoming's management plan, the NTT report "gave limited, if any, consideration to BLM's multiple-use mandate, local conditions, other species, or local economies. As a consequence they suggest greater restrictions in their Report." The letter goes on to express that "the FWS confirmed on November 10, 2010 that Wyoming's Core Population Area Strategy for the greater Sage-grouse provides an excellent model for meaningful conservation on Sage-grouse if fully supported and implemented." Samson shares the Governor's concerns and recommend that BLM maintain consistency with the Executive Order

Comment ID: 1736

Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: Overall, the BLM places undue importance on the December 21, 2011, Report on National Greater Sage-Grouse Conservation Measures developed by the BLM's Sage-Grouse national technical team ("NTT"). ConocoPhillips requests the BLM review, in its entirety, its reliance on the NTT Report to ensure that only the most appropriate science is utilized. ConocoPhillips incorporates herein Dr. Ramey's Reports attached hereto as Exhibit A and Exhibit B, and the comments by the Petroleum Association of Wyoming filed separately.

Comment ID: 2220
Organization: Thunder Basin Grazing Association (TBGA)
Name: Frank G., Jr. Eathorne

Comment: In general, the Association believes that Alternative E provides the best combination of approaches to provide both protective measures for sensitive species and flexibility to allow for on-going energy development on the covered federal lands. However, wholesale incorporation of the National Technical Team (NTT) report is not warranted and in some cases is contradictory to the Wyoming Governor's Executive Order (WY EO 2011-05). The EO was developed in partnership with FWS, BLM, Forest Service and many other stakeholders. In addition, the FWS has recognized that the EO provides a "sound framework for a policy by which to conserve greater sage-grouse in Wyoming." Therefore, the Association encourages the BLM and Forest Service to ensure that the selected alternative is fully consistent with the Executive Order. In addition, the NTT recommendations were developed for consideration over a broad area of the western United States. As a result, these recommendations tend towards a one size fits all approach focusing solely on sage-grouse. The Association firmly believes that these recommendations should not take precedence over scientifically developed, site-specific conservation measures. The Association requests that the DEIS be modified to clearly indicate that where local sage-grouse or other sensitive species conservation measures have been developed as part of a FWS sponsored conservation agreement, that those will take precedence over any conservation measures listed or developed as a result of the DEIS.

Comment ID: 2560
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Alternative E incorporates the guidance from the Wyoming Governor's Executive Order, but it also includes "additional management based on the NTT recommendations." As outlined above, the NTT (2011) report is so fatally flawed that it should not be used as the basis for any alternative, including Alternative E. While we commend the BLM for attempting to develop a balanced alternative, to have any credibility the alternative must start with best available science and an unbiased view of sagegrouse conservation and energy and transportation development. This Alternative has the potential to best balance the interests of public lands users, economic interests, and sage-grouse conservation. We encourage BLM to take its time to work with stakeholders to fully develop Alternative E and to correct the current deficiencies in the document in order to defensibly carry this alternative forward as the agency preferred alternative for the Final LUPA/EIS.

Comment ID: 2214
Organization: Thunder Basin Grasslands Prairie Ecosystem Association
Name: Frank G., Jr. Eathorne

Comment: In general, the Association believes that Alternative E provides the best combination of approaches to provide both protective measures for sensitive species and flexibility to allow for on-going energy development on the covered federal lands. However, wholesale incorporation of the National Technical Team (NTT) report is not warranted and in some cases is contradictory to the Wyoming Governor's Executive Order (WY EO 2011-05). The EO was developed in partnership with FWS, BLM, Forest Service and many other stakeholders. In addition, the FWS has recognized that the EO provides a "sound framework for a policy by which to conserve greater sage-grouse in Wyoming." Therefore, the Association encourages the BLM and Forest Service to ensure that the selected alternative is fully consistent with the Executive Order. In addition, the NTT recommendations were developed for consideration over a broad area of the western United States. As a result, these recommendations tend towards a one size fits all approach focusing solely on sage-grouse. The Association firmly believes that these recommendations should not take precedence over scientifically developed, site-specific conservation measures. The Association requests that the DEIS be modified to clearly indicate that where local sage-grouse or other sensitive species conservation measures have been developed as part of a FWS sponsored conservation agreement, that those will take precedence over any conservation measures listed or developed as a result of the DEIS.

Comment ID: 2873
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: Alternative E incorporates the guidance from the Wyoming Governor's Executive Order, but it also includes "additional management based on the NTT recommendations." As outlined above, the NTT (2011) report is so fatally flawed that it should not be used as the basis for any alternative, including Alternative E. While we commend the BLM for attempting to develop a balanced alternative, to have any credibility the alternative must start with best available science and an unbiased view of sagegrouse conservation and grazing, as well as a recognition of the rights of private property owners grazing their land within Wyoming's checkerboard. This Alternative has the potential to best balance the interests of public lands users, private property owners, and sage-grouse habitat conservation. We encourage BLM to take its time to work with stakeholders to fully develop Alternative E and to correct the current deficiencies in the document in order to defensibly carry this alternative forward as the agency preferred alternative for the Final LUPA/EIS.

Comment ID: 2907
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Alternative E incorporates the guidance from the Wyoming Governor's Executive Order, but it also includes "additional management based on the NTT recommendations." As outlined above, the NTT (2011) report is so fatally flawed that it should not be used as the basis for any alternative, including Alternative E. While we commend the BLM for attempting to develop a balanced alternative, to have any credibility the alternative must start with best available science and an unbiased view of sagegrouse conservation and energy and transportation development. This Alternative has the potential to best balance the interests of public lands users, economic interests, and sage-grouse conservation. We encourage BLM to take its time to work with stakeholders to fully develop Alternative E and to correct the current deficiencies in the document in order to defensibly carry this alternative forward as the agency preferred alternative for the Final LUPA/ElS.

Comment ID: 2538
Organization: Peabody Energy Corporation
Name: Philip C. Dinsmoor

Comment: Peabody does not support the wholesale incorporation of management from the National Technical Team (NTT). Guidance from the NTT is not consistent with the guidelines provided in the EO 2011-05, the Wyoming Game and Fish Department standard operating procedures (SOPs), and general SOPs for land conservation and habitat enhancement in the west. The NTT offers narrow descriptions of, and endorses one-size-fits-all conservation measures for sage-grouse. In some cases these measures are blatantly deleterious to other species living in the Thunder Basin Grasslands. This is less effective than utilizing site-specific mitigation measures.

Comment ID: 2805
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: The basis for Alternative B is the sage-grouse conservation measures in A Report on National Greater Sage-Grouse Conservation Measures by the National Technical Team (NTT) released in 2011. The NTT (2011) report does not rely on best available science, contains numerous errors and misstatements of facts, and evidences a bias in favor of preservation of sage-grouse habitat rather than conservation of habitat and responsible multiple use. In fact, the NTT (2011) report is so fatally flawed and lacking in scientific integrity that on November 19, 2013, the Western Energy Alliance was compelled to write to Secretary Sally Jewell of the U.S. Department of the Interior (DOI), urging the Secretary to correct the numerous flaws of the NTT (2011) report and to confirm that Dol will not rely upon the flawed document as the basis for prescriptive land use decisions that conflict with multiple uses of public lands and valid existing rights. Because Alternative B does not comply with NEPA and the foundation upon which the alternative was built is not scientifically sound, BLM should not carry forward Alternative B to the Final LUPA/EIS. Further, Alternative B fails to recognize the checkerboard land ownership pattern that underlies much of what is defined as sage-grouse core and priority habitat. It is impractical and impossible for BLM to attempt to incorporate a "light grazing" strategy on public lands in priority habitat in the checkerboard without simultaneously impairing the rights of the private property grazer, due to the interspersed land pattern. Alternative B would effectively restrict the grazing rights of private property owners, which fails to meet BLM's statutory obligation and purpose and need of this plan amendment to manage public lands for multiple use and not for a single resource.

Summary: Several NTT recommendations are significantly inconsistent with the general approach and specific stipulations provided for in EO 2011-5 (e.g. a 4.0 mile lek buffer and a 3% surface disturbance cap). NTT conservation measures are biologically and scientifically flawed and unjustified. EO 2011-5 has been endorsed, adopted, and/or supported by the State of Wyoming, Wyoming SGIT, Wyoming Game and Fish Department, BLM Wyoming, BLM Washington Office, and USFWS. Consequently, Greater Sage-Grouse management decisions under Alternative B are unacceptable and should not be given consideration during development of the final Proposed Alternative. The NTT narrowly describes and endorses one-size-fits-all conservation measures for sage-grouse which in some cases can be blatantly deleterious to other species as well as being less effective than appropriate site-specific mitigation measures. Additionally, many of the RDFs and BMPs recommended by the NTT fail to recognize valid existing rights and fail to reflect the complexity of oil and gas exploration and development as evidenced by its attempt to impose a one-size-fits-all management approach that disregards topography, local conditions, and practicality. The agencies should revisit their design features and mitigation to ensure they are technically feasible and appropriate and that they maintain the level of flexibility required when their use may be properly considered on a site-specific basis. Another major fundamental concern is that the NTT report failed to recognize that the level of disturbance associated with a well is not constant throughout its life. The Greater Sage-Grouse conservation measures produced in the NTT report referred to in BLM IM 2012-044 and proposed in the Draft LUP Amendments/Draft EIS will preclude oil and gas development in the planning area and prevent grazing, recreational activities, and other activities with low surface and environmental impact. This is excessive and in direct conflict with the BLM's multiple-use mandate under the FLPMA.

As such, Alternative B that proposes to adopt NTT Conservation Measures in the Draft LUP Amendments/Draft EIS should not be considered in BLM's Proposed Plan. Alternatives C, D, and E, the Preferred Alternative, only mask BLM's use of the NTT report. As a result, failure to include consideration and detailed analysis of conservation measures other than those in the NTT report represents a pre-determined decision by BLM to implement the NTT conservation measures without giving proper and detailed analysis to alternative conservation measures which may produce equal or better results for sage-grouse conservation, while complying with FLPMA. Governor Mead, in his April 26, 2013 comments to the BLM on the Lander Proposed RMP/FEIS, stated that while the threats in the NTT report may mirror many of those addressed in Wyoming's management plan, the NTT report "gave limited, if any, consideration to BLM's multiple-use mandate, local conditions, other species, or local economies. As a consequence they suggest greater restrictions in their report." The letter goes on to express that "the USFWS confirmed on November 10, 2010 that Wyoming's Core Population Area Strategy for the Greater Sage-Grouse provides an excellent model for meaningful conservation on sage-grouse if fully supported and implemented."

Response: The buffer distances, disturbance caps, and seasonal restrictions contained in the management alternatives are based on peer-reviewed scientific research of sage-grouse needs for continued existence. The goal of the LUP Amendments is to conserve, enhance or restore sagebrush ecosystems; and the management contained in the management alternatives will allow for unfragmented, contiguous habitat for sage-grouse. All alternatives considered in the Draft EIS are reasonable alternatives that comply with all laws and policy and meet the multiple use mandate of FLPMA. The final decision for these actions will be included in the Record of Decision after completion of the public involvement process.

National Sage-grouse Strategy

NTT report/findings

The NTT report is flawed

Comment ID: 703
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Notwithstanding year-round grazing, direct competition and vegetation impacts, NTT dedicates less than a page to analyze the effects of wild horses on GRSG habitat. BLM admits elsewhere that HMAs far exceed AMLs throughout Utah, Colorado, and Wyoming. See RSGA v. Salazar, et al., 2:11-cv- 00263, Dckt. # 92-1 (Apr. 3, 2013). The Coalition has been involved in the BLM's horse gathering operations in southwest Wyoming and the NTT Report falls woefully short of adequately addressing the documented impacts of year-round grazing and wild horses on sagebrush and related habitat. Id. The NTT Report assumes that wild horses be managed within existing AML's but the report makes no mention of reproduction rates, fertility measures, gather frequency, or the basic principles that drive wild horse management. See BLM, EA: Great Divide Basin HMA Wild Horse Gather, WY- 040-EA11- 154 at 3 (May 2011); BLM EA: Adobe Town - Salt Wells Creek HMA Complex Wild Horse Gather, WY- 040-EA10-109 at 1-4 (Aug. 26, 2010). Virtually all BLM AMLs were set in the first generation of RMPs or decades before sage-grouse were first considered to be in decline. Thus reliance on AMLs as having no adverse impact on sagegrouse habitat is seriously flawed.

Comment ID: 702
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Thematic flaws, however, are prevalent throughout the alternatives and are discussed here. The NTT Report betrays sound management principles as it exhaustively lists domestic grazing restrictions such as fences, exclosures, water developments, vegetation treatments, dispersing grazing animals, changing seasonal pastures, and retiring grazing privileges over three pages. See NTT Report at 14- 18. Even more strikingly, the NTT Report begins by listing five potential impacts of "herbivory on sagegrouse and their habitat" and immediately follows that list with a paragraph discussing livestock without even mentioning similar effects by wild horses or other ungulates such as antelope, mule deer, or elk. The Report omits contradictory findings that proper livestock grazing, while accounting for wildlife escalation, actually benefits GRSG habitat and viable populations. J. Cagney, et al., Grazing Influence, Objective Development, and Management in Wyoming's Greater Sage-Grouse Habitat (2010).

Comment ID: 1272
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is concerned about the BLM's reliance upon the National Technical Team ("NTT") report as its principal guiding document, particularly for oil and gas leasing and operations, because it failed to utilize any type of systematic cataloging and quantitative evaluation to determine the type, extent and effectiveness of mitigation measures currently used by the oil and gas industry. Moreover, the NTT report is clearly biased as evidenced by its assertion that oil and gas ―impacts are universally negative and typically severe,‖ particularly since the NTT utilized little or no useful and site- specific data upon which to base that conclusion. In fact, this statement is predicated upon a select few studies while ignoring other data and studies that clearly demonstrate impacts from oil and gas are not universally negative and typically severe. Additionally, many of the Required Design Features (―RDF‖) and Best Management Practices (―BMP‖) recommended by the NTT fail to recognize valid existing rights and/or fail to reflect the complexity of oil and gas exploration and development as evidenced by its attempt to impose a one-size-fits-all management approach that disregards topography, local conditions, and practicality. We recommend that the agencies revisit their design features and mitigation to ensure they are technically feasible and appropriate, and that they maintain the level of flexibility required when their use may be properly considered on a site-specific basis. Moreover, in accordance with current law and regulation, it is inappropriate for the DLUPA to establish these overly site-specific requirements at a programmatic level as proposed. Another major fundamental concern is that the NTT report failed to recognize the level of disturbance associated with a well is not constant throughout its life. EOG also notes that the NTT report relied heavily upon Holloran's 2005 [2] dissertation despite the fact that it failed to acknowledge the countless stipulations and mitigation measures imposed on the oil and gas industry in GRSG habitat. 2 [Holloran, M. J. 2005. Greater Sage-Grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming. PhD Dissertation. University of Wyoming, Laramie, Wyoming]

Comment ID: 1810
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: We strenuously object to BLM's reliance upon the NTT report as its principal guiding document, particularly for oil and gas leasing and operations, because it failed to utilize any type of systematic cataloging and quantitative evaluation to determine the type, extent and effectiveness of mitigation measures currently used by the oil and gas industry. Moreover, the NTT report is clearly biased as evidenced by its assertion that oil and gas "impacts are universally negative and typically severe," particularly since the NTT utilized little or no useful and site-specific data upon which to base that conclusion. Additionally, many of the Required Design Features (RDF) and Best Management Practices (BMP) recommended by the NTT fail to recognize valid existing rights and fail to reflect the complexity of oil and gas exploration and

development as evidenced by its attempt to impose a onesize- fits-all management approach that disregards topography, local conditions, and practicality. We recommend the agencies revisit these design features and mitigation to ensure they are technically feasible and appropriate and that they maintain the level of flexibility required when their use may be properly considered on a site-specific basis. Moreover, in accordance with current law and regulation, it is inappropriate for the LUPA/DEIS to establish these overly site-specific requirements at a programmatic level as proposed. Another major fundamental concern is that the NTT report failed to recognize that the level of disturbance associated with a well is not constant throughout its life. We also point out that the NTT report relied heavily upon Holloran's 20052 dissertation despite its failure to acknowledge the countless stipulations and mitigation measures utilized by the oil and gas industry in GRSG habitat.

Comment ID: 571
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The sources often cited [in the NTT Report] by the authors do not directly support the assertions made. For example, the NTT Report states that with regards to all priority GRSG habitat, full reclamation bonds should be required to ensure full restoration. NTT Report at 23. However, the source cited only recommends that breeding habitat should be restored to a condition that is once again suitable for breeding. NWMA Review at 14. NTT authors used the latter and extremely narrow principle to support the former and broader principle – a basic flaw in statistical and analytical reasoning. If the BLM chooses an action beyond the support of peer-reviewed data, the BLM must clearly state it's decision to do so. The NTT Report is written so as to suggest that all of the recommendations are based on peerreviewed data when that is not the case. As a result, the NTT Report prescribes restoration on a landscape-scale using authority that never supported the sweeping propositions. See NWMA Review at 14 ("Connelly et al. 2000 only recommends this level of restoration for areas where there has been at least 40% loss of habitat, it does not necessarily apply range-wide, like the NTT implies.").

Comment ID: 704
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Nor does the NTT Report describe or distinguish the biological differences in grazing habits and patterns of wild horses and livestock. Dept. of the Interior, U.S. Fish and Wildlife Service, Greater Sage-grouse (Centrocercus uropphasianus) Conservation Objectives: Final Report, p. ii (February 2013) http://www.fws.gov/mountainprairie/ species/birds/sagegrouse/COT/COT-Report-with-Dear- Interested-Reader-Letter.pdf (COT Report). Per individual animal, horses consume more forage than cattle or sheep and remove more of the plant which limits vegetative recovery. Id. at 46. Wild horses also travel great distances and act as vectors for invasive plant species. Id. The irreducible conclusion is that wild horses, unlike cattle or sheep, have disparate impacts on GRSG habitat that the NTT Report does not describe or analyze.

Comment ID: 393
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: BLM has based its analysis and several GSG conservation measures proposed within the Draft LUPA and EIS (particularly Alternative B) upon the findings contained in the NTT report. However, the NTT report relied upon outdated and scientifically flawed studies. Primary sources of information relied upon by the NTT was reviewed by the Center for Environmental Science, Accuracy and Reliability (CESAR) which found: • Significant mischaracterization of previous research; • Substantial errors and

omissions; • Lack of independent authorship and peer review (3 of the authors of the NTT are also the authors, researchers, and editors on 3 of the most cited sources in the NTT.) • Methodological bias; • Invalid assumptions and analysis; and • Inadequate data.

Comment ID: 732
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is concerned about the BLM's reliance upon the National Technical Team ("NTT") report as Its principal guiding document, particularly for oil and gas leasing and operations, because it failed to utilize any type of systematic cataloging and quantitative evaluation to determine the type, extent and effectiveness of mitigation measures currently used by the oil and gas industry. Moreover, the NTT report is clearly biased as evidenced by its assertion that oil and gas "impacts are universally negative and typically severe," particularly since the NTT utilized little or no useful and site-specific data upon which to base that conclusion. Additionally, many of the RDF and Best Management Practices ("BMP") recommended by the NTT fail to recognize valid existing rights and/or fail to reflect the complexity of oil and gas exploration and development as evidenced by its attempt to impose a one-size-fits-all management approach that disregards topography, local conditions, and practicality. We recommend that the agency revisit its design features and mitigation to ensure they are technically feasible and appropriate and that they maintain the level of flexibility required when their use may be properly considered on a site-specific basis. Another major fundamental concern is that the NTT report failed to recognize the level of disturbance associated with a well is not constant throughout its life. BLM's reliance upon the NTT Report appears aimed at causing new oil and gas leasing, exploration and development in the public lands states to be essentially terminated throughout millions of acres of sage-grouse habitat.

Comment ID: 1133
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: As demonstrated in the attached report by Dr. Rob Ramey, the BLM science and conservation measures contained in the NTT are not based on sound or reliable science. In fact, it appears the BLM developed onerous mitigation measures and then attempted to justify the same by any means necessary. In other words, the BLM selected the conservation measures it wanted to impose first and then attempted to find science to justify those restrictions rather than identifying appropriate mitigation measures based on scientific study. Anschutz requests the BLM review, in its entirety, its reliance on the NTT Report to ensure that only the most appropriate science is utilized.

Comment ID: 1205
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA believes the entire DLUPA/DEIS process is fraught with substantial procedural, legal and scientific flaws. BLM’s NTT Report is the source for many of the scientific flaws, which was recognized by DOI employees and discussed in internal emails questioning the legality of some of the conservation measures recommended in the NTT Report: …But, does the NTT really want to recommend something that is blatantly illegal(?)…8 Peer reviewers for the NTT Report also warned the team of the scientific and legal flaws: Are you going to sit back and have catastrophic wildfires dictate your outcome?...Are winter ranges a constant vegetation type? No, so why would you state such an objective?...This type of passive management is helping further degrade critical habitats…9 This seems a strange blend of policy loosely backed by citations, with no analysis of the science (emphasis added). 10 Regrettably, DOI decision-makers did not heed warnings like this from DOI staff and peer reviewers and

proceeded with publishing the NTT Report knowing that there were significant internal concerns about the report. If the legal, scientific and procedural flaws are not addressed and cured, the Final EIS and RMP will not likely withstand legal challenges.

Comment ID: 574
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Adding to the prejudicial effect of the technical errors just discussed, the NTT Report failed to consider several important studies and scientific papers relevant to nearly every facet of the report. A cursory review produced six articles that the NTT did not evaluate in its report. It appears that the NTT ignored benchmark pieces of literature without even a brief explanation for its decision. Taylor et al., Greater Sage-Grouse Populations and Energy Development in Wyoming, (2007), http://bogc.dnrc.mt.gov/PDF/WYsageGrouseNov2paper.pdf. M.M. Rowland, Effects of management practices on grassland birds: Greater Sage-Grouse, (2004), http://www.npwrc.usgs.gov/resource/literatr/grasbird/grsg/ grsg.htm. E.T. Thacker, et al., Greater Sage-Grouse Seasonal Ecology and Responses to Habitat Manipulations in Northern, Utah (2010) (unpublished PHD dissertation, Utah State University (on file with author). H.J. Erickson, et al., Progress Report: Stratton Ecological Research Site—An Experimental Approach to Assess Effects of Various Grazing Treatments on Vegetation and Wildlife Communities Across Managed Burns and Habitat Controls, (2008), U.S. Geological Survey Open-File Report 2009-1016, 15 p. !G. Cornelis van Kooten, et al., Determinants of Threatened Sage Grouse in Northeastern Nevada. Human Dimensions of Wildlife (2007), http://web.uvic.ca/~ kooten/Publications/Human-Dim-Wildlife.pdf. !Rob Roy Ramey, Data Quality Issues in A Report on National Greater Sage-Grouse Conservation Measures, Produced by the Sage-Grouse National Technical Team (NTT), (2011)(On file with author). By omitting the above articles, it would appear that the NTT authors pursued a biased agenda, or at the very least, published a report that did not consider all of the best available science. However, when considering that the NTT authors did not cite the above papers and chose instead to cite their own work more than any other source in the report, the appearance of impropriety is impossible to ignore. The Department of Interior Scientific Integrity Policy Manual (DOI Manual) shows exactly why the NTT Report is so blatantly flawed. The DOI Manual defines a conflict of interest as, . . . any personal, professional, financial, or other interests that conflict with the actions or judgments of those covered by this policy when conducting scientific and scholarly activities or using scientific and scholarly data and information because those interests may: (1) significantly impair objectivity; (2) create an unfair competitive advantage for any person or organization; or (3) create the appearance of either. Dept. of the Interior, Department Manual, Part 305DM3, Chapter 3, p.3 (http:www.fws.gov/science/ pdf/DOIScientificIntegrityPolicyManual.pdf). Three of the NTT authors are also the three most cited sources throughout the NTT Report. NWMA Review at 4. Without question, the NTT authors pushed their own perspective to the forefront and compromised the integrity and accuracy of the NTT Report itself. Again, whether intentional or benign, the consequence remains the same as the integrity and utility of the report falters with the bias of the authors

Comment ID: 1136
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is concerned about the BLM's reliance upon the NTT report as its principal guiding document, particularly for oil and gas leasing and operations, because it failed to utilize any type of systematic cataloging and quantitative evaluation to determine the type, extent and effectiveness of mitigation measures currently used by the oil and gas industry. Additionally, many of the RDF and Best Management Practices ("BMP") recommended by the NTT fail to recognize valid existing rights and/or fail to reflect the complexity of oil and gas exploration and development as evidenced by its attempt to

impose a one-size-fits-all management approach that disregards topography, local conditions, and practicality. We recommend that the agencies revisit their design features and mitigation to ensure they are technically feasible and appropriate and that they maintain the level of flexibility required when their use may be properly considered on a site-specific basis. Moreover, in accordance with current law and regulation, it is inappropriate for the DLUPA to establish these overly site-specific requirements at a programmatic level as proposed. Another major fundamental concern is that the NTT report failed to recognize that the level of disturbance associated with a well is not constant throughout its life. Anschutz also notes that the NTT report relied heavily upon Holloran's [2] 2005 dissertation despite the fact that it failed to acknowledge the countless stipulations and mitigation measures imposed on the oil and gas industry in sage-grouse habitat. 2 [Holloran, M. J. 2005. Greater Sage-Grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming. PhD Dissertation. University of Wyoming, Laramie, Wyoming]

Comment ID: 573
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Finally, the NTT Report also contradicts its own statistical assertions. NTT Report at 7. First, the NTT Report states that priority habitat should be managed so that 70% of the habitat is adequate. Id. A page earlier, however, the report states that 50-70% of the range must be adequate to persist. Id. at 6. The sources cited do not recommend either the upper or lower range offered by the NTT authors. Those sources cited rely on anecdotal evidence of a preferred percentage. See NWMA Review at 15. Once again, it does not matter that these errors may be typographical. Their effect on the integrity and accuracy of the science is dispositive and demands a singular conclusion – the BLM has not relied on the best science available in the Draft EIS.

Comment ID: 572
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: In addressing the issue of canopy and wildfire, the NTT Report cites J.W. Connelly to support the conclusion that sagebrush canopy should not be reduced to less than 15% when managing wildfire fuels. NTT Report at 26. Connelly, however, discusses a range of 10% to 30% and explicitly states that land treatments should not be based on targets, schedules or quotas. John W. Connelly, et al., Guidelines to Manage Sage-Grouse Populations and Their Habitats, 28 Wildlife Society Bulletin 967- 985, 77 (2000). The NTT authors omitted the instruction of the Connelly report and arbitrarily picked 15% as the target for sagebrush canopy.

Comment ID: 570
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is concerned about the BLM's reliance upon the National Technical Team ("NTT") report as its principal guiding document, particularly for oil and gas leasing, development and operations, because it failed to utilize any type of systematic cataloging and quantitative evaluation to determine the type, extent and effectiveness of mitigation measures currently used by the oil and gas industry. Moreover, the NTT report is clearly biased as evidenced by its assertion that oil and gas "impacts are universally negative and typically severe," particularly since the NTT utilized little or no useful and site-specific data upon which to base that conclusion.

Comment ID: 569

Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The first glaring failure of the NTT Report is that the authors cite to authority that does not appear in the "Literature Cited" section. NWMA Report at 13-14. For example, J.W. Connelly is cited 12 times in the Report but 25% of the time, there was no source available for review. Id. B.L. Walker was also cited 11 times and 45% of the time there was no source available for review. Id. As if to further confuse readers or to artificially boost the appearance of authority, the NTT Report includes sources in the "Literature Cited" section that are not actually used in the document. Id. Regardless of whether these errors are merely typographical or intentional, the consequence is the same: the conclusions in the NTT Report cannot be verified against sources used to support the assertions made by the authors.

Comment ID: 566
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: After the USFWS determined that the GRSG was warranted but precluded from being listed under the ESA, the BLM chartered the Sage-Grouse National Technical Team (NTT) in order to "develop new or revised regulatory mechanisms, through Resource Management Plans (RMPs), to conserve and restore the GRSG and its habitat on BLM administered lands on a range-wide basis over the long term." NTT Report at 4. The BLM now proposes alternatives based heavily on the NTT Report, without addressing the significant technical errors, omissions, potential conflicts of interest, and most importantly, incorrect conclusions regarding GRSG habitat management. CLG retained Renee Taylor to evaluate the NTT conclusions and CLG also relies on the Northwest Mining Association critique. See Megan Maxwell, BLM's NTT Report: Is It the Best Available Science or a Tool to Support a Pre-determined Outcome? (2013) http://www.nwma.org/pdf/NWMANTTReview- Final-revised.pdf (hereinafter NWMA Review). Both conclude that NTT findings overstate or misstate existing research and that the NTT omits important peer-reviewed literature.

Comment ID: 2904
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: The basis for Alternative B is the sage-grouse conservation measures in A Report on National Greater Sage-Grouse Conservation Measures by the National Technical Team (NTT) released in 2011. The NTT (2011) report does not rely on best available science, contains numerous errors and mis-statements of facts, and evidences a bias in favor of preservation of sage-grouse habitat rather than conservation of habitat and responsible multiple use. In fact, the NTT (2011) report is so fatally flawed and lacking in scientific integrity that on November 19, 2013, the Western Energy Alliance was compelled to write to Secretary Sally Jewell of the U.S. Department of the Interior (DOl), urging the Secretary to correct the numerous flaws of the NTT (2011) report and to confirm that DOl will not rely upon the flawed document as the basis for prescriptive land use decisions that conflict with multiple uses of public lands and valid existing rights. BLM has an obligation to disclose responsible opposing views in the EIS. (see 40 CPR 1502.9(b)) The courts are increasingly applying this requirement to mandate the agency's consideration of opposing scientific views as well. BLM must also rely upon best available scientific data and information in its consideration and analysis of impacts and cannot rely on stale or outdated data where more recent data is available? Neither the Draft LUPA/EIS nor the NTT (2011) report discloses opposing scientific views as to development impacts and threats to sage-grouse. Further, as set forth in our general and detailed comments below, neither the Draft LUPA/EIS nor the NTT (2011) report incorporates best available science. Therefore, BLM has failed to meet its obligations under the NEPA. Because Alternative B does not comply with NEPA and the foundation upon which the alternative was built is not scientifically sound,

BLM should not carry forward Alternative B to the Final LUPA/EIS. Should BLM choose to ignore the lack of scientific underpinnings for Alternative B and carry it forward into the Final LUPA/EIS then, at a minimum, the BLM must address the following issues: 1) BLM must update the NTT (2011) report with current best available science; 2) BLM must address the issues raised regarding inaccurate, misleading, or unfounded "scientific" statements and conclusions in the NTT (2011) report; and 3) BLM must address the issues raised in the Western Energy Alliance letter.

Comment ID: 2156
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is concerned about the BLM's reliance upon the National Technical Team ("NTT") report as its principal guiding document, particularly for oil and gas leasing and operations, because it failed to utilize any type of systematic cataloging and quantitative evaluation to determine the type, extent and effectiveness of mitigation measures currently used by the oil and gas industry. Moreover, the NTT report is clearly biased as evidenced by its assertion that oil and gas "impacts are universally negative and typically severe," particularly since the NTT utilized little or no useful and site-specific data upon which to base that conclusion. Additionally, many of the RDF and Best Management Practices ("BMP") recommended by the NTT fail to recognize valid existing rights and/or fail to reflect the complexity of oil and gas exploration and development as evidenced by its attempt to impose a one-size-fits-all management approach that disregards topography, local conditions, and practicality. We recommend that the agencies revisit its design features and mitigation to ensure they are technically feasible and appropriate and that they maintain the level of flexibility required when their use may be properly considered on a site-specific basis. Moreover, in accordance with current law and regulation, it is inappropriate for the DLUPA to establish these overly sitespecific requirements at a programmatic level as proposed. Another major fundamental concern is that the NTT report failed to recognize the level of disturbance associated with a well is not constant

Comment ID: 2950
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: The LUP is based in large part on the draconian findings and recommendations of the Sage Grouse National Technical Team (NTT Report, December 21, 2011). However, the findings and recommendations of the NTT have been called into question by a number of reports including: • M. Maxwell, BLM's NTT Report: Is It the Best Available Science or a Tool to Support a Pre- Determined Outcome? May 2013; • R.R. Ramey Ph.D., Review of Data Quality Issues in a Report on National Greater Sage-Grouse Conservation Measures Produced by the BLM Sage-Grouse National Technical Team (NTT), Dated December 21, 2011. September 19, 2013; and • J. Connelly Ph.D., Federal Agency Responses to greater Sage-Grouse and the ESA: Getting Nowhere Fast. Northwest Science Forum, Vol. 88, No. 1, 2014 Not only has the BLM failed to consider these reports, the BLM has also failed to consider its own documents, including Manual 6840. NEPA requires that the best available science be considered but in this case it appears that the BLM has replaced, without adequate explanation or evaluation, its own policies and best available science with the questionable findings of the NTT. The NTT report also reportedly failed its peer review process and its findings are highly controversial even within the Department according to internal Department of the Interior documents obtained by the Governor of Idaho and shared with Wyoming counterparts.

Summary: The NTT report relied upon outdated and scientifically flawed studies. Primary sources of information relied upon by the NTT were reviewed by the Center for Environmental Science, Accuracy and Reliability (CESAR) which found: • Significant mischaracterization of previous research • Substantial errors and omissions • Lack of independent authorship and peer review (3 of the authors of the NTT are

also the authors, researchers, and editors on 3 of the most cited sources in the NTT) • Methodological bias • Invalid assumptions and analysis • Inadequate data. According to an evaluation of the NTT conducted by Renee Taylor for the Coalition of Local Governments and the Northwest Mining Association critique, the NTT report is inadequate. See Megan Maxwell's review titled "BLM's NTT report: Is It the Best Available Science or a Tool to Support a Pre-determined Outcome?" Both conclude that NTT findings overstate or misstate existing research and that the NTT omits important peer-reviewed literature. The NTT report cites to authority that does not appear in the "Literature Cited" section. For example, J.W. Connelly is cited 12 times in the report but 25% of the time, there was no source available for review. B.L. Walker was also cited 11 times and 45% of the time there was no source available for review. As if to further confuse readers or to artificially boost the appearance of authority, the NTT report includes sources in the "Literature Cited" section that are not actually used in the document. Regardless of whether these errors are merely typographical or intentional, the consequence is the same: the conclusions in the NTT report cannot be verified against sources used to support the assertions made by the authors. The NTT report failed to consider several important studies and scientific papers relevant to nearly every facet of the report. A cursory review produced six articles that the NTT did not evaluate in its report. It appears that the NTT ignored benchmark pieces of literature without even a brief explanation for its decision. The NTT authors pushed their own perspective to the forefront and compromised the integrity and accuracy of the NTT report itself. Whether intentional or benign, the consequence remains the same as the integrity and utility of the report falters with the bias of the authors. The NTT report fails to utilize any type of systematic cataloging and quantitative evaluation to determine the type, extent, and effectiveness of mitigation measures currently used by the oil and gas industry. Moreover, the NTT report is clearly biased as evidenced by its assertion that oil and gas "impacts are universally negative and typically severe," particularly since the NTT utilized little or no useful and site-specific data upon which to base that conclusion. The sources often cited in the NTT report do not directly support the assertions made. For example: • The NTT report states that with regards to all priority Greater Sag-Grouse habitat, full reclamation bonds should be required to ensure full restoration. However, the source cited only recommends that breeding habitat should be restored to a condition that is once again suitable for breeding. NTT authors used the latter and extremely narrow principle to support the former and broader principle – a basic flaw in statistical and analytical reasoning. The NTT report prescribes restoration on a landscape-scale using authority that never supported the sweeping propositions. Connelly et al. 2000 only recommends this level of restoration for areas where there has been at least 40% loss of habitat, it does not necessarily apply range-wide, like the NTT implies. • The NTT report omits contradictory findings that proper livestock grazing, while accounting for wildlife escalation, actually benefits Greater Sage-Grouse habitat and viable populations. • Notwithstanding year-round grazing, direct competition, and vegetation impacts, the NTT report dedicates less than a page to analyze the effects of wild horses on Greater Sage-Grouse habitat. The NTT report assumes that wild horses will be managed within existing AMLs but the report makes no mention of reproduction rates, fertility measures, gather frequency, or the basic principles that drive wild horse management. Virtually all BLM AMLs were set in the first generation of RMPs or decades before sage-grouse were first considered to be in decline. Thus reliance on AMLs as having no adverse impact on sage-grouse habitat is seriously flawed. Nor does the NTT report describe or distinguish the biological differences in grazing habits and patterns of wild horses and livestock. Per individual animal, horses consume more forage than cattle or sheep and remove more of the plant which limits vegetative recovery. Wild horses also travel great distances and act as vectors for invasive plant species. The irreducible conclusion is that wild horses, unlike cattle or sheep, have disparate impacts on Greater Sage-Grouse habitat that the NTT report does not describe or analyze. • In addressing the issue of canopy and wildfire, the NTT report cites J.W. Connelly to support the conclusion that sagebrush canopy should not be reduced to less than 15% when managing wildfire fuels. Connelly, however, discusses a range of 10% to 30% and explicitly states that land treatments should not be based on targets, schedules or quotas. The NTT authors omitted the instruction of the Connelly report and arbitrarily picked 15% as the target for sagebrush canopy. • The NTT report states that priority habitat should be managed so that 70% of the habitat is adequate. A page earlier, however, the report states that 50-70% of

the range must be adequate to persist. The sources cited do not recommend either the upper or lower range offered by the NTT authors. Those sources cited rely on anecdotal evidence of a preferred percentage.

Response: A National Technical Team (NTT) was formed as an independent, science-based team to ensure that the best information about how to manage the Greater Sage-Grouse is reviewed, evaluated, and provided to the BLM and the Forest Service in the planning process. The group produced a report in December 2011 that identified science-based management considerations to promote sustainable Greater Sage-Grouse populations. The NTT report (NTT 2011) used the best current scientific knowledge to guide the BLM planning efforts through management considerations to ameliorate threats, focused primarily on priority Greater Sage-Grouse habitats on public lands. The NTT report cited 122 references including published papers from the formal scientific literature such as Journal of Wildlife Management, Conservation Biology, Biological Conservation, Wildlife Biology, BioScience and others, as well as graduate theses and dissertations, conservation strategies, the USFWS 2010 Finding, and other literature representing the best available science. The NTT is staying involved as the BLM and the Forest Service work through the strategy to make sure that relevant science is considered, reasonably interpreted, and accurately presented; and that uncertainties and risks are acknowledged and documented. As a starting point for developing a range of alternatives, the BLM and Forest Service used the NTT report and the Conservation Objectives Team (COT) report, both of which were based upon the best scientific and commercial data available at the time. The purpose of these reports were to identify key areas for Greater Sage-Grouse conservation, key threats in those areas, and the extent to which they need to be reduced for the species to be conserved. Further, the Summary of Science, Activities, Programs, and Policies That Influence the Rangewide Conservation of Greater Sage-Grouse (*Centrocercus urophasianus*) (referred to as the BER) provided additional sources of baseline information and management objectives.

ACECs

Appendices

Appendix H edits

Comment ID: 1977
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. H-1, ACEC's – In the 4th paragraph, we comment that the BLM criteria for (relevance and importance), with respect to ACEC's are in excess of the criteria in the FLPMA on this subject. The ONLY criteria in the FLPMA for ACEC designation is , " … areas within the public lands where special management attention is required … to protect and prevent IRREPARIABLE DAMAGE, (my emphasis), …". The BLM criteria for "relevance and importance" is in excess of the definition from Congress. The designation by the BLM of ACEC's under the BLM criteria is an overreach of the authority from Congress to BLM on this subject. We comment that only those areas of public land that must be protected from "irreparable damage" qualify as ACEC's under the Law and that the Final must reflect only those areas that qualify under the Congressional definition of this term.

Summary: Page H-1, 4th paragraph: The BLM criteria for relevance and importance with respect to ACECs are in excess of the criteria in the FLPMA on this subject. The ONLY criteria in the FLPMA for ACEC designation is, "…areas within the public lands where special management attention is required…to protect and prevent IRREPARIABLE DAMAGE (emphasis added)…" The BLM criteria for relevance and importance is in excess of the definition from Congress. The designation by the BLM of ACECs under the BLM criteria is an overreach of the authority from Congress to BLM on this subject. Only those areas of public land that must be protected from "irreparable damage" qualify as ACECs under the Law.

Response: The relevance and importance criteria are taken from 43 CFR 1610.7-2(a), which incorporates and interprets FLPMA's definition of ACECs and have been through the appropriate public comment and agency review prior to the finalization of the regulations.

ACECs

Best available information-baseline data

Explain connection between special management areas and sage-grouse

Comment ID: 2868
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 201 of Chapter 3, under the section dealing with a description of the Areas of Critical Environmental Concern, the document discusses the current areas, but does not link whether these ACECs have any sage-grouse habitat, and if so, what types of habitat. Without this linkage the discussion does not provide useful information for decision makers. Beginning on page 204 the discussion of the Kemmerer Field Office protected areas also discuss ACECs and WSA (Wilderness Study Areas) but many, if not most, are for something other than sage-grouse. We don't see information presented that draws the connection between these areas and benefits for sage-grouse.

Summary: Page 3-201: The document discusses the current ACEC areas, but does not link whether these ACECs have any sage-grouse habitat. Without this linkage the discussion does not provide useful information for decision makers. The ACECs and WSAs discussed were designated for something other than sage-grouse. Please present the connection between these areas and benefits for sage-grouse.

Response: The CEQ regulations require an environmental impact statement to "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues" (40 CFR 1502.15). Additionally, the Draft LUP Amendments/Draft EIS is a programmatic NEPA effort to conserve Greater Sage-Grouse and its habitat across a broad geographic area. As such, the BLM described the current conditions and trends in the affected environment broadly, across a range of conditions, appropriate to program-level land use planning actions. The BLM complied with these regulations in describing the affected environment. The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decision. The affected environment provided in Chapter 3 and various appendices is sufficient to support, at the general land use planning-level of analysis, the environmental impact analysis resulting from management actions presented in the Draft LUP Amendments/Draft EIS.

ACECs

Cumulative impact analysis

Missing ACEC cumulative impacts on human environment

Comment ID: 2508
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-487 4.22.3 Cumulative Impacts by Resource-Special Designations: Last paragraph seemingly leaves out a discussion of inverse cumulative impacts to the human environment through the naming of SD/MAs in the TBNG.

Summary: Page 4-487, 4.22.3 Cumulative Impacts by Resource-Special Designations: The last paragraph leaves out a discussion of inverse cumulative impacts to the human environment through the naming of SD/MAs in the TBNG.

Response: The cumulative impacts from ACEC designations on other resources and resource uses are described in those respective sections of the cumulative impacts analysis (e.g., grazing, socioeconomics, mineral resources, recreation, etc.).

ACECs

Range of alternatives

Designate a sage-grouse ACEC under the Preferred Alternative

Comment ID: 1383
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Appendix H provides the BLM's analysis of ACEC's but fails to translate these ACEC recommendations into action as required by FLPMA. As we have stated above FLPMA requires: Section 202 © In the development and revision of land use plans, the Secretary shall– (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law; (2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences; (3) give priority to the designation and protection of areas of critical environmental concern; (4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values; (5) consider present and potential uses of the public lands; (6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values; (7) weigh long-term benefits to the public against short-term benefits; It is clear that the BLM has not given "priority to the designation and protection of areas of critical environmental concern".

Comment ID: 1800
Organization: The Wilderness Society
Name: Nada Culver

Comment: Priority areas (areas where managing to conserve sage-grouse habitat is the highest management priority) should be formally designated using a special designation in the final plan. They can be designated as Areas of Critical Environmental Concern (ACEC), Special Interest Areas (SIA) or through use of an alternate type of designation that incorporates important management prescriptions. In either case, it is critical for specific management prescriptions that will be applied in the designated areas to be spelled out in the plan. The preferred alternative does not include any designations and instead priority and general habitat would be open to most land uses, with no new closures to oil and gas development added from the current management. We are recommending that the agencies designate a proportion of the priority/core habitat as greater-sage-grouse priority areas, and that these areas be selected based on high biological priority and lower potential for energy development and other damaging uses. Since these areas will be made up of a subset of the priority/core, they clearly meet the relevance and importance criteria, as well as criteria for Forest Service SIAs. Further, their special worth is increased in comparison with the priority/core habitat as a whole because they are selected in part to protect leks within the priority habitat that support the highest densities of birds. Thus, these areas meet the relevance and importance criteria, and

we suggest that they be considered for designation as Areas of Critical Environmental Concern and Special Interest Areas in the final plan. Even if these priority areas are not designated as ACECs or SIAs, the agencies can identify them as other administrative designations, which will still provide for areas of more protective management. Within priority areas, management should be more protective than in priority/core habitat not incorporated in these priority areas, similar to those prescriptions provided in Alternatives B and C. Recommended management includes: closures to all energy development, exclusion of rights-of-way, closed to cross-country motorized use, motorized and mechanized vehicles limited to designated routes and no new routes to be created, seasonally prohibit camping and non-motorized recreation within four 4 miles of leks, seasonal/timing restrictions on grazing, permanently retire grazing as opportunities arise, no use of categorical exclusions under Section 390 of the Energy Policy Act, three percent cap on surface disturbance. The agencies should designate a subset of priority/core habitat as priority areas, which will be designated as ACECs, SIAs or with other special designations that incorporate stronger management prescriptions, as set out above.

Comment ID: 3093
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Appendix H also considers Pinedale and Newcastle ACECs. We support the inclusion of those proposed ACECs as parts of the Core Habitat ACEC. The DEIS recognizes the significant Native American cultural values of the Pinedale lands, known as “Seed-ska-dee.” DEIS at H-5. The map of the Proposed Pinedale Area ACEC is helpful, and maps specific to each Core Area should be prepared for the FEIS. The Big Game Migration corridor should be better mapped, and fully protected by fluid mineral leasing and other closures to ensure protection.

Comment ID: 3094
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Some of this analysis was provided in map layers for the Proposed Newcastle ACEC, but existing Map H-3 could be improved to be more reader-friendly and better convey relevant information depicted in the existing version. The format of the Pinedale map at H-8 and the maps in the main DEIS are more accessible and easier to interpret. In designating the ACEC, BLM should provide a detailed management plan to ensure the protection of sensitive biological, cultural, and other surface resources. In deciding which protections to apply within the Core Habitat ACEC, the agencies should be guided by the sage-grouse conservation values, other natural qualities, and current condition of each individual Core Area within the larger ACEC.

Comment ID: 2506
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-440 4.21.5 Alternative C: Same as the previous comment on Page 4-438 above. A finding of all assigned priority sage-grouse habitat and Audubon Acreage suitable for an ACEC has back-up scientific information and support?

Summary: Appendix H provides the BLM's analysis of ACECs but fails to translate these ACEC recommendations into action as required by FLPMA. The BLM has not given "priority to the designation and protection of areas of critical environmental concern." Recommended management includes closures to all energy development, exclusion of ROWs, closure to cross-country motorized use, motorized and mechanized vehicles limited to designated routes and no new routes to be created, seasonally prohibiting

camping and non-motorized recreation within four miles of leks, seasonal/timing restrictions on grazing, permanently retiring grazing as opportunities arise, no use of categorical exclusions under Section 390 of the Energy Policy Act, and a three percent cap on surface disturbance.

Response: All proposed ACECs were fully considered for designation and management in the resource management planning process. Although all but one of the proposed ACECs met relevance and importance, none of ACECs proposed in Alternatives B and C have been carried forward into the Preferred Alternative nor the Proposed LUP Amendments and no management alternatives were developed for the ACECs. Appendix H contains the Relevance and Importance Evaluations for the proposed ACECs. No sage-grouse ACECs are included in the Proposed LUP Amendments. The final decision for these actions will be included in the Record of Decision after completion of the public involvement process.

ACECs

Range of alternatives

Do not designate a sage-grouse ACEC

Comment ID: 1527
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG encourages the BLM not to create an ACEC to protect GRSG habitat. EOG supports the BLM‘s decision under Alternative D or Alternative E not to designate new GRSG conservation ACECs. EOG does not believe that such additional designations are necessary or required in order to protect GRSG habitat.

Comment ID: 616
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson does not support the BLM's proposal to designate the Greater Sage-Grouse priority habitat an ACEC under Alternative B or the proposal to make priority an Audubon Important Habitat an ACEC under Alternative C. Sage-Grouse DLUPA, pg. 2-95, Action No. 84. The existing State of Wyoming Core Area Policy provides sufficient protection for sage-grouse within Wyoming. The designation of an ACEC is neither necessary nor warranted. Further, Samson does not believe that the BLM has sufficiently justified the creation of the ACECs using the relevance and importance criteria contained in the BLM's planning regulations. 43 C.F.R. § 1610.7-2. Samson encourages the BLM not to create an ACEC to protect Greater Sage-Grouse habitat. Samson supports the BLM's decision under Alternative D or Alternative E not to designate new sage-grouse conservation ACECs.

Comment ID: 1385
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG supports the BLM‘s decision not to designate all GRSG habitat as an area of critical environmental concern ("ACEC"). Sage-Grouse DLUPA, pg. 2-2. EOG agrees designating all potential GRSG habitat as an ACEC would not meet the relevance and importance criteria required under the BLM‘s regulations. 43 C.F.R. § 1610.7-2. EOG also believes, however, that given the significant number of unreasonable mitigation measures and other COAs that BLM intends to apply under Alternative B and Alternative C, they are also not reasonable alternatives that should not have been considered in detail by the BLM.

Comment ID: 682
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Section 4.13 - Special Designations and Management Areas Under Alternatives B and C, the BLM should acknowledge that the State of Wyoming working in conjunction with other interested parties, including the United States Fish and Wildlife Service, developed adequate protections for sage-grouse through the Wyoming Sage-Grouse Policy and Wyoming Executive Order 2011-005. Therefore, the designation of additional ACECs will only complicate future oil and gas development and otherwise unduly restrict multiple use management of federal lands.

Comment ID: 1179
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz does not support the BLM's proposal to designate the Greater Sage-Grouse priority habitat an ACEC under Alternative B as the proposal to make priority and Audubon Important Habitat an ACEC under Alternative C. Sage-Grouse DLUPA, pg. 2-95, Action No. 84. The existing State of Wyoming Core Area Policy provides sufficient protection for sage-grouse within Wyoming. The designation of an ACEC is neither necessary nor warranted. Further, Anschutz does not believe that the BLM has sufficiently justified the creation of the ACECs using the relevance and importance criteria contained in the BLM's planning regulations. 43 C.F.R. § 1610.7-2. Anschutz encourages the BLM not to create an ACEC to protect Greater Sage-Grouse habitat. Anschutz supports the BLM's decision under Alternative D or Alternative E not to designate new sage-grouse conservation ACECs.

Comment ID: 1526
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG does not support the BLM's proposal to designate the GRSG priority habitat an ACEC under Alternative B or the proposal to make priority and Audubon Important Habitat an ACEC under Alternative C. Sage-Grouse DLUPA, pg. 2-95, Action No. 84. The existing State of Wyoming Core Area Policy provides sufficient protection for GRSG within Wyoming. The designation of an ACEC is neither necessary nor warranted. Further, EOG does not believe that the BLM has sufficiently justified the creation of the ACECs using the relevance and importance criteria contained in the BLM's planning regulations. 43 C.F.R. § 1610.7-2.

Comment ID: 1572
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: As discussed earlier, EOG is opposed to the creation of additional ACECs under Alternative B or Alternative C. EOG believes the State of Wyoming working in conjunction with other interested parties, including the United States Fish and Wildlife Service, developed adequate protections for GRSG through the Wyoming Sage-Grouse Policy and Wyoming Executive Order 2011-005. The designation of additional ACECs will only complicate future oil and gas development and otherwise unduly restrict multiple use management of federal lands.

Comment ID: 794
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is opposed to the creation of additional ACECs under Alternative B or Alternative C.

Comment ID: 2448
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-95 Special Designations and Other Management Areas: Actions 84 and 85- Alternative C The statements in both sections seem to conflict with earlier statements in which the reader understands that large swaths of relevant and important areas based only on size and the restrictions that could be placed on the landscape. Please explain how each priority habitat area created by the GIS analysis meets the ACEC relevance and importance criteria.

Comment ID: 2238
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana does not support the BLM's proposal to designate the Greater Sage-Grouse priority habitat an ACEC under Alternative B as the proposal to make priority and Audubon Important Habitat an ACEC under Alternative C. The existing State of Wyoming Core Area Policy provides sufficient protection for sage-grouse within Wyoming. The designation of an ACEC is neither necessary nor warranted. Further, Encana does not believe that the BLM has sufficiently justified the creation of the ACECs using the relevance and importance criteria contained in the BLM's planning regulations. Encana encourages the BLM not to create an ACEC to protect Greater Sage-Grouse habitat. Encana supports the BLM's decision under Alternative D or Alternative E not to designate new sage-grouse conservation ACECs. Encana does not believe that such additional designations are necessary or required in order to protect sage-grouse habitat. Encana urges the BLM not to select Alternative B or Alternative C.

Comment ID: 3200
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix H General No ACECs are necessary for adequate sage grouse protection.

Comment ID: 2702
Organization: QEP Energy Company
Name: Mike Smith

Comment: No ACECs are necessary for adequate sage-grouse protection.

Comment ID: 2294
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: As discussed earlier, Encana is opposed to the creation of additional ACECs under Alternative B or Alternative C. Encana believes the State of Wyoming working in conjunction with other interested parties, including the United States Fish and Wildlife Service, developed adequate protections for sage-grouse through the Wyoming Sage-Grouse Policy and Wyoming Executive Order 2011-005. The designation of additional ACECs will only complicate future oil and gas development and otherwise unduly restrict multiple use management of federal lands.

Comment ID: 2178

Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana supports the BLM's decision not to designate all sage-grouse habitat as an area of critical environmental concern ("ACEC"). Encana agrees designating all potential sage-grouse habitat as an ACEC would not meet the relevance and importance criteria required under the BLM's regulations. Encana also believes, however, that given the significant number of unreasonable mitigation measures and other COAs that BLM intends to apply under Alternative B and Alternative C, they are also not reasonable alternatives that should not have been considered in detail by the BLM.

Comment ID: 2818
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page ix of the Executive Summary, the document discusses special management area designations such as Areas of Critical Environmental Concern (ACEC) for protection of sage-grouse. We urge the Agencies to reject establishing areas of limited multiple use and feel that sage-grouse protection can occur through current mechanisms.

Comment ID: 2828
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 4 of Chapter 2 the Agencies eliminated from consideration the use of ACECs and SIAs as an alternative. We support the Agencies elimination of this particular focus and agree that such analysis was performed under Alternatives B and C.

Summary: BLM should not designate the Greater Sage-Grouse priority habitat as an ACEC under Alternative B or Audubon Important Habitat as an ACEC under Alternative C. The existing State of Wyoming Core Area Policy and Wyoming Executive Order 2011-005 provide sufficient protection for sage-grouse within Wyoming. The designation of an ACEC is neither necessary nor warranted. BLM has not sufficiently justified the creation of ACECs using the relevance and importance criteria contained in the BLM's planning regulations. Designation would complicate future oil and gas development and otherwise unduly restrict multiple use management of federal lands. Actions 84 and 85, Alternative C: The statements in both sections seem to conflict with earlier statements in which the reader understands that large swaths of relevant and important areas based only on size and the restrictions that could be placed on the landscape. Please explain how each priority habitat area created by the GIS analysis meets the ACEC relevance and importance criteria.

Response: ACECs were considered under Alternatives B and C; however, the protection of habitat under the action alternatives will provide habitat viability for sage-grouse and other sagebrush species while continuing to allow for valid, existing rights of current leaseholders and other compatible uses of public lands. Appendix H contains the Relevance and Importance Evaluations for the proposed ACECs. No sage-grouse ACECs are included in the Proposed LUP Amendments. The final decision for these actions will be included in the Record of Decision after completion of the public involvement process.

ACECs

Range of alternatives

Raven Creek area ACEC issue

Comment ID: 967
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: Another issue relating to Weston County and the Newcastle Resource Management Plan Amendment is the Raven Creek Special Management Area. The Raven Creek Special Management Area is totally within Weston County. This proposed amendment to the Newcastle Resource Management Plan (BLM) was hidden in Table H-4 of Appendix H of The Wyoming Greater Sage- Grouse Draft Land Use Plan Amendment and Draft Environmental Impact Statement. This particular item was falsely listed as being in Crook County. Areas of Critical Environmental Concern (ACEC) are listed in Appendix H and are described as follows: As part of the process for developing the Greater Sage-Grouse Resource Management Plan (RMP)/Land and Resource Management Plan (LRMP) Amendments (hereafter, land use plans [LUP]), the Bureau of Land Management (BLM) planning team members reviewed all BLM administered public lands in the planning area to determine if any areas should be considered for designation as areas of critical environmental concern (ACEC) or if any existing ACEC designations should be modified or terminated. Only BLM-administered public lands can be considered for ACEC designation. All of this is very scary and hostile to the Custom, Culture and the Economic Well Being of the citizens of Weston County who live and ranch in the Raven Creek Area. Also the Weston County Financial assets would be impacted by a reduction or loss of revenue. In the 12 Townships covered, there are approximately 16 sections (10,240 acres) of Thunder Basin National Grassland and 8 sections (5,120 acres) of BLM land. [This acreage estimate was taken from an old TBNG map that did not show all of the R 68 W lands.] The point is this: Is the BLM also considering all of the “Split-Estate” land as being a part of the proposed ACEC? Has the Newcastle BLM Office or the Wyoming BLM ever met with the Weston County Commissioners on this matter? Federal Law requires the Newcastle Field Office to bring this matter before the Weston County Commissioners. Has this been done?

Summary: Is the BLM also considering all of the “split-estate” land in the Raven Creek Special Management Area as being a part of the proposed ACEC? BLM should coordinate with Weston County before making any ACEC determinations.

Response: The Raven's Creek ACEC was proposed to be withdrawn (made administratively unavailable) from oil and gas leasing under Action number 60, page 2-63 in the Draft EIS under Alternative D. This proposal was discussed with the Weston County Commissioners early in the planning process. BLM considers resource values on split-estate lands and special management prescriptions may be applied to the development of federal mineral estate in order to protect the values. Air Resources Best available information-baseline data BACT and New Source Emissions standards should be used

Comment ID: 788
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM should clarify whether it utilized best available control technology ("BACT") standards from 2011 or earlier standards. The WDEQ recently completed a rule making significantly modifying and reducing BACT standards in Wyoming. These new standards will undoubtedly significantly reduce emissions from oil and gas projects. To the extent the BLM has not utilized the most recent BACT information, the information contained in Chapter 4 will not be accurate. The BLM must also ensure it has

considered the emissions reductions that will result from the EPA's recent adoption of the New Source Emission Standards for oil and gas operations. 40 C.F.R. part 60, subpart 0000 (77 Fed. Reg. 49490 (Aug. 16, 2012).

Comment ID: 659
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM must also ensure it has considered the emissions reductions that will result from the EPA's recent adoption of the New Source Emission Standards for oil and gas operations. 40 C.F.R. part 60, subpart 0000 (77 Fed. Reg. 49490 (Aug. 16, 2012). These regulations are expected to significantly reduce emissions from oil and gas operations.

Comment ID: 1559
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The BLM indicates in Section 4.2.4 that emission factors used to measure proposed emissions within the Planning Area were obtained using a variety of sources including the Environmental Protection Agency ("EPA"), Wyoming Department of Environmental Quality ("WDEQ"), and the American Petroleum Institute. The DLUPA also suggests information from WDEQ‘s air quality rules is utilized. The BLM should clarify whether it utilized best available control technology ("BACT") standards from 2011 or earlier standards. The WDEQ recently completed a rule making significantly modifying and reducing BACT standards in Wyoming. These new standards will undoubtedly significantly reduce emissions from oil and gas projects. To the extent the BLM has not utilized the most recent BACT information, the information contained in Chapter 4 will not be accurate. The BLM must also ensure it has considered the emissions reductions that will result from the EPA‘s recent adoption of the New Source Performance Standards for oil and gas operations. 40 C.F.R. part 60, subpart 0000 (77 Fed. Reg. 49490 (Aug. 16, 2012). As the BLM is aware, the United States Department of Agriculture, the United States DOI, and the EPA recently entered into an Air Memorandum of Understanding regarding Air Quality Analyses (―Air MOU‖). The Air MOU should not be applied to the Sage-Grouse DLUPA because it would not be cost effective to do so. The Air MOU specifically allows for agencies not to comply with the time consuming and expensive modeling required by the Air MOU if it is not cost effective or timely to implement the procedures of the Air MOU. Given the lack of air quality analysis or emission inventories for the Planning Area, it would require substantial time, effort, and funds for the BLM to gather the necessary data to develop an adequate model. And given current funding shortages for the BLM—and its numerous other responsibilities—it would not be responsible or appropriate for the BLM to attempt to comply with the Air MOU for the Sage-Grouse DLUPA. Further, as discussed elsewhere in these comments, given the BLM‘s lack of authority over air quality it would not be a responsible or appropriate use of BLM‘s efforts or funds to develop a model at this point in time. Given the lack of emissions data or available information regarding air quality in the Planning Area, the BLM has adequately explained why additional modeling is not required at this time.

Comment ID: 658
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM indicates in Section 4.2.4 that emission factors used to measure proposed emissions within the Planning Area were obtained using a variety of sources including the Environmental Protection Agency ("EPA"), Wyoming Department of Environmental Quality ("WDEQ"), and the American Petroleum Institute. The DLUPA also suggests information from WDEQ's air quality rules is utilized. The

BLM should clarify whether it utilized best available control technology ("BACT") standards from 2011 or earlier standards. The WDEQ recently completed a rule making significantly modifying and reducing BACT standards in Wyoming. These new standards will undoubtedly significantly reduce emissions from oil and gas projects. To the extent the BLM has not utilized the most recent BACT information; the information contained in Chapter 4 will not be accurate.

Comment ID: 2284
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The BLM should clarify whether it utilized best available control technology ("BACT") standards from 2011 or earlier standards. The WDEQ recently completed a rule making significantly modifying and reducing BACT standards in Wyoming. These new standards will undoubtedly significantly reduce emissions from oil and gas projects. To the extent the BLM has not utilized the most recent BACT information, the information contained in Chapter 4 will not be accurate. The BLM must also ensure it has considered the emissions reductions that will result from the EPA's recent adoption of the New Source Emission Standards for oil and gas operations. 40 C.F.R. part 60, subpart 0000 (77 Fed. Reg. 49490 (Aug. 16, 2012). These regulations are expected to significantly reduce emissions from oil and gas operations.

Summary: The BLM indicates in Section 4.2.4 that emission factors used to measure proposed emissions within the planning area were obtained using a variety of sources including the Environmental Protection Agency (EPA), Wyoming Department of Environmental Quality (WDEQ), and the American Petroleum Institute. The BLM should clarify whether it utilized best available control technology (BACT) standards from 2011 or earlier standards. The WDEQ recently completed a rule making significantly modifying and reducing BACT standards in Wyoming. These new standards will undoubtedly significantly reduce emissions from oil and gas projects. To the extent the BLM has not utilized the most recent BACT information, the information contained in Chapter 4 will not be accurate. The BLM must ensure it has considered the emissions reductions that will result from the EPA's recent adoption of the New Source Emission Standards for oil and gas operations. These regulations are expected to significantly reduce emissions from oil and gas operations.

Response: The calculations used in the analysis use emission factors for existing sources and assume new sources will comply with WY-DEQ's BACT/Presumptive BACT permitting guidance for oil and gas production facilities dated March 2010. Air Resources Best available information-baseline data BLM should not use Air MOU

Comment ID: 660
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: As the BLM is aware, the United States Department of Agriculture, the United States DOl, and the EPA recently entered into an Air Memorandum of Understanding regarding Air Quality Analyses ("Air MOU"). The Air MOU should not be applied to the Sage-Grouse DLUPA because it would not be cost effective to do so. The Air MOU specifically allows for agencies not to comply with the time consuming and expensive modeling required by the Air MOU if it is not cost effective or timely to implement the procedures of the Air MOU. Given the lack of air quality analysis or emission inventories for the Planning Area, it would require substantial time, effort, and funds for the BLM to gather the necessary data to develop an adequate model. And given current funding shortages for the BLM-and its numerous other responsibilities-it would not be responsible or appropriate for the BLM to attempt to comply with the Air MOU for the Sage-Grouse DLUPA. Further, as discussed elsewhere in these comments, given the BLM's lack of authority over air quality, it would not be a responsible or appropriate use of BLM's efforts or funds

to develop a model at this point in time. As noted by the BLM, the agency is already developing a significant model to analyze potential impacts of oil and gas development in the Planning Area. Finally, as also recognized by the Air MOU, the CEQ regulations implementing NEPA do not require agencies to develop information that is not reasonably available. 40 C.P.R. § 1502.22. Rather, when the agency is faced with a situation where it does not have complete information, the agency is merely required to inform the public about the inadequate data and explain why it would not be feasible to develop such data. id. Given the lack of emissions data or available information regarding air quality in the Planning Area, the BLM has adequately explained why additional modeling is not required at this time. Sage-Grouse DLUPA, pg. 4-6.

Comment ID: 2285
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The Air MOU should not be applied to the Sage-Grouse DLUPA because it would not be cost effective to do so. The Air MOU specifically allows for agencies not to comply with the time consuming and expensive modeling required by the Air MOU if it is not cost effective or timely to implement the procedures of the Air MOU. Given the lack of air quality analysis or emission inventories for the Planning Area, it would require substantial time, effort, and funds for the BLM to gather the necessary data to develop an adequate model. And given current funding shortages for the BLM—and its numerous other responsibilities—it would not be responsible or appropriate for the BLM to attempt to comply with the Air MOU for the Sage- Grouse DLUPA. Further, as discussed elsewhere in these comments, given the BLM’s lack of authority over air quality it would not be a responsible or appropriate use of BLM’s efforts or funds to develop a model at this point in time. As noted by the BLM, the agency is already developing a significant model to analyze potential impacts of oil and gas development in the Planning Area. Given the lack of emissions data or available information regarding air quality in the Planning Area, the BLM has adequately explained why additional modeling is not required at this time.

Summary The United States Department of Agriculture, the United States DOI, and the EPA recently entered into an Air Memorandum of Understanding regarding Air Quality Analyses ("Air MOU"). The Air MOU should not be applied to the sage-grouse Draft LUP Amendments because it would not be cost effective to do so. The Air MOU specifically allows for agencies not to comply with the time consuming and expensive modeling required by the Air MOU if it is not cost effective or timely to implement the procedures of the Air MOU. Given the lack of air quality analysis or emission inventories for the planning area, it would require substantial time, effort, and funds for the BLM to gather the necessary data to develop an adequate model. And given current funding shortages for the BLM-and its numerous other responsibilities-it would not be responsible or appropriate for the BLM to attempt to comply with the Air MOU for the Draft LUP Amendments. Further, as discussed elsewhere in these comments, given the BLM's lack of authority over air quality, it would not be a responsible or appropriate use of BLM's efforts or funds to develop a model at this point in time. As noted by the BLM, the agency is already developing a significant model to analyze potential impacts of oil and gas development in the planning area. The BLM has adequately explained why additional modeling is not required at this time.

Response Air quality modeling was not used in the Draft EIS to determine air quality impacts. Rather, an emissions inventory was used, as described and presented in Section 4.2 of both the Draft and Final EIS.

Air Resources

Best available information-baseline data

Data availability contradictions

Comment ID: 1428

Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Affected Environment, page 3-7, Environmental consequences, page 4-479, and Environmental consequences, page 4-498 are inconsistent. In Section 3.2.4 (page 3-7) the statement is made that "current and complete data on the concentrations of criteria air pollutants for the planning area are not available." Later in the document, on page 4-498 a statement is made as follows, "it is not anticipated that the concentrations of these substances would increase to the point where an exceedance of the NAAQS of WAAQS would occur". Then, on page 4-479 the statement "cumulative emissions within the planning area would result in air quality impacts that exceed national or state ambient air quality standards…" These statements are contrary, and it is difficult to understand how the future predictions can be made based on the fact that the current baseline data is not even available. It is our recommendation that the BLM revise the predictions appropriately.

Summary Affected Environment, page 3-7, Environmental Consequences, page 4-479, and Environmental Consequences, page 4-498 are inconsistent. In Section 3.2.4 (page 3-7) the statement is made that "current and complete data on the concentrations of criteria air pollutants for the planning area are not available." Later in the document, on page 4-498 a statement is made as follows, "it is not anticipated that the concentrations of these substances would increase to the point where an exceedance of the NAAQS of WAAQS would occur." Then, on page 4-479 the statement "cumulative emissions within the planning area would result in air quality impacts that exceed national or state ambient air quality standards…" These statements are contrary, and it is difficult to understand how the future predictions can be made based on the fact that the current baseline data is not available. Revise the predictions appropriately.

Response The BLM and Forest Service do not agree these statements are contrary as written. Modeling air pollutant emission concentrations requires more detailed data than what were available at the time of the analysis (statement in Section 3.2.4). Pollutant emission rates (not concentrations of pollutants in the ambient air) from the proposed alternatives were estimated based on the best available data and emission factors. Based on the results of the analysis, we would not expect the level of emissions released into the ambient air to cause exceedances of the NAAQS or WAAQS (statements on pages 4-479 and 4-498).

Air Resources

Best available information-baseline data

Figure 3-44 issues

Comment ID: 2512
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Chapter 3 Figures - Is it Chapter 3 or 5? Figure 3-44. Climate Change in Northern Latitudes FIG-41: The scientific source of the temperature anomalies must be shown. Also it appears that the Northern Latitudes now includes the sub-tropics around the world? We suggest that the FIG-41 be taken out of the Figures section.

Summary: Chapter 3 Figures - Is it Chapter 3 or 5? Figure 3-44. Climate Change in Northern Latitudes FIG-41: The scientific source of the temperature anomalies must be shown. Also it appears that the Northern Latitudes now includes the sub-tropics around the world? We suggest that the FIG-41 be taken out of the Figures section.

Response: Source of the data is NASA, Goddard Institute for Space Studies (http://data.giss.nasa.gov/gistemp/graphs_v3/). This source has been added to the figure.

Air Resources

Best available information-baseline data

Impacts statements need scientific backing

Comment ID: 918
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: The document contains various statements regarding estimated future impacts and predicted compliance or non-compliance with ambient air quality standards for the various BLM field offices; however, the document does not seem to provide much of a scientific basis for supporting these statements. For example, there are qualitative statements in the document such as: 1) "it is unlikely that the increased emissions will contribute to an exceedance of a national or state ambient air quality standard"' 2) "impacts to AQRVs from proposed activities are not anticipated to be significant"; and 3) "Potential impacts on PSD increments, visibility, and atmospheric deposition in distant Class I NWAs could be substantial.". At a minimum, it is suggested that the document incorporate consistency in the various statements made regarding estimated air quality levels and future predicted impacts to ambient air quality and Air Quality Related Values (AQRVs). Conclusions about specific air quality impacts should be reserved for project level analysis.

Summary: The document contains various statements regarding estimated future impacts and predicted compliance or non-compliance with ambient air quality standards for the various BLM field offices; however, the document does not seem to provide much of a scientific basis for supporting these statements. For example, there are qualitative statements in the document such as: 1) "it is unlikely that the increased emissions will contribute to an exceedance of a national or state ambient air quality standard"' 2) "impacts to AQRVs from proposed activities are not anticipated to be significant"; and 3) "Potential impacts on PSD increments, visibility, and atmospheric deposition in distant Class I NWAs could be substantial." At a minimum, it is suggested that the document incorporate consistency in the various statements made regarding estimated air quality levels and future predicted impacts to ambient air quality and Air Quality Related Values (AQRVs). Conclusions about specific air quality impacts should be reserved for project level analysis.

Response: The air quality analysis contained in Chapter 4 of the Draft LUP Amendments/Draft EIS is appropriate for a LUP-level planning effort. The analysis uses both quantitative and qualitative assessments to describe potential impacts on air quality within the planning area. These assessments are based on professional judgment, scientific literature sources, and consultation with other agencies.

Air Resources

Best available information-baseline data

Incorporate air quality monitoring data

Comment ID: 919
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Additionally, suggested improvements to the document would be to incorporate historic ambient monitor data, trend analyses of those data, results from regional-scale air quality modeling analyses, such as the Powder River Basin Coal Review, and correlating these supporting data and analyses with future-projected emission inventory data across the various field offices to substantiate the projected outcomes on future ambient air quality levels and AQRVs.

Summary: Incorporate historic ambient monitoring data, trend analyses of those data, results from regionalscale air quality modeling analyses such as the Powder River Basin Coal Review, and correlation of these supporting data and analyses with future projected emission inventory data across the various field offices to substantiate the projected outcomes on future ambient air quality levels and AQRVs.

Response: Air quality monitoring data was used to describe baseline air quality conditions in the planning area in Chapter 3 of the Draft LUP Amendments/Draft EIS, and to prepare the analysis of environmental consequences in Chapter 4. The baseline data presented in Chapter 3 is accurate and appropriate for this planning effort.

Air Resources

Best available information-baseline data

Pinedale non-attainment confusion

Comment ID: 920
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: There are conflicting references to the status of the non-attainment area for ozone in the Pinedale Field Office. In Chapter 4 - Air Quality, on Page 4-5, the following statement is provided: Parts of the Pinedale Field Office are in a non-attainment area for ozone, and on page 4-478, the following statement is provided for the Pinedale Field Office: " ... although the area has not been designated a non-attainment area."

Summary: There are conflicting references to the status of the non-attainment area for ozone in the Pinedale Field Office. In Chapter 4 on Page 4-5, the following statement is provided: “Parts of the Pinedale Field Office are in a non-attainment area for ozone.” On page 4-478, the following statement is provided for the Pinedale Field Office: " ... although the area has not been designated a nonattainment area." Please clarify.

Response: The discrepancy identified in the comment was addressed in the Proposed LUP Amendments/Final EIS. Portions of the Pinedale Field Office have been identified as air quality non-attainment areas for ozone. Therefore, the statement included on page 4-478 was revised.

Climate Change

Impact Analysis

BLM must consider impacts on global climate change

Comment ID: 1192
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: As required by Secretary of the Interior Order No. 3289, the BLM must “consider and analyze potential climate change impacts when undertaking long-range planning exercises.”20 Certainly an RMP and EIS constitutes such a long-range planning exercise. This entails accounting for the impacts of livestock

grazing either as both emitters of greenhouse gases (GHGs), for the reduced ability of the landscape as a carbon sink when vegetation is removed as forage, i.e. “carbon pools” that are extracted and turned into methane in livestock intestines as well as the effects of a continuation of the hotter, drier trends we have seen over the last 40 years and are predicted to continue and accelerate in the future.

Summary: As required by Secretary of the Interior Order No. 3289, the BLM must “consider and analyze potential climate change impacts when undertaking long-range planning exercises.” Certainly an LUP and EIS constitutes such a long-range planning exercise. This entails accounting for the impacts of livestock grazing either as both emitters of greenhouse gases (GHGs), for the reduced ability of the landscape as a carbon sink when vegetation is removed as forage, i.e. “carbon pools” that are extracted and turned into methane in livestock intestines as well as the effects of a continuation of the hotter, drier trends over the last 40 years that are predicted to continue and accelerate in the future.

Response: The issue of potential climate change is considered and reflected throughout the analysis of environmental consequences in Chapter 4 of the Draft LUP Amendments/Draft EIS. Additional analysis of the expected effects of climate change on Greater Sage-Grouse habitat is displayed in Chapter 3 on page 3-1. Additional analysis of the expected effects of the proposed management actions on predicted climate change is displayed in Chapter 4 in Section 4.2.5 and also in the cumulative effects analysis in Section 4.22.3.

Climate Change

Range of alternatives

Drought planning limitation

Comment ID: 1358
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 52 puts off drought management planning to "if periods of drought occur" (drought occurs in the planning area on average 6 out of 10 years, in other words drought is the norm not the exception) and even then only to "evaluate" actions to deal with drought. Again, the BLM is proposing nice sounding words with no real requirements for implementation.

Summary: Action 52 puts off drought management planning to "if periods of drought occur" and then only to "evaluate" actions to deal with drought. Drought occurs in the planning area on average 6 out of 10 years, making it the norm, not the exception. The BLM is proposing actions with no real requirements for implementation.

Response: The text in Management Action 52 was changed from "If" to "When periods of drought occur…" The BLM believes the range of alternatives for Management Action 52 is appropriate. Without knowing the duration or intensity of future drought occurrences, it is not possible to develop specific management actions that are designed to mitigate the effects of drought. The LUP Amendments establish the protocols to address drought-related effects, while the specific implementation actions would be identified during the implementation stage of the process. In addition, drought-related impacts are also addressed as part of the requirement to meet the Standards for Rangeland Health. If drought occurrences affect the ability to meet the standards, rangeland management practices would be implemented.

Cultural and Heritage Resources

Best available information-baseline data

Oil and gas benefit to cultural resource protection

Comment ID: 635
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM notes that the majority of cultural resources in the Planning Area are identified, evaluated, and managed as a result of compliance with Section 106 of the National Historic Preservation Act ("NHPA"). Sage-Grouse DLUPA, pg. 3-19. The BLM should specifically recognize that a significant portion of these cultural resources has been detected, studied and preserved as a result of oil and gas operations within the Planning Area. It is inappropriate to suggest that oil and gas development primarily leads to negative impacts to cultural resources when, in fact, oil and gas development has often lead to the detection and preservation of such resources.

Summary: The BLM notes that the majority of cultural resources in the planning area are identified, evaluated, and managed as a result of compliance with Section 106 of the National Historic Preservation Act (NHPA). The BLM should specifically recognize that a significant portion of these cultural resources have been detected, studied, and preserved as a result of oil and gas operations. It is inappropriate to suggest that oil and gas development primarily leads to negative impacts to cultural resources when, in fact, oil and gas development has often lead to the detection and preservation of such resources.

Response: While it is true that oil and gas operations have been the catalyst for cultural resource survey identification, that does not by default result in detection and preservation of such resources. Typically, impacts from oil and gas operations to cultural resource sites must be mitigated, even if that simply means moving a project to avoid the cultural resource. Industrial activities in the vicinity of a significant cultural resource site have detrimental effects to both the visual component of sites as well as often providing new access to the site. Sites affected by oil and gas operations are often excavated because the site will be irreversibly damaged by the operation. Cultural resources are a non-renewable resource and once excavated cannot be subject to new research technologies as they are developed. The prevailing desire by most professional archaeologists is to leave significant cultural resources undisturbed and the viewshed surrounding them unaltered. The statement that oil and gas development primarily leads to negative impacts is correct. Section 3.3.1 acknowledges that "the majority of cultural resources in the planning area are identified, evaluated, and managed as a result of compliance with Section 106 of the NHPA."

Cultural and Heritage Resources

Impact Analysis

Consider erosion impacts from grazing

Comment ID: 1394
Organization: Wyoming State Historic Preservation Office
Name: Mary Hopkins

Comment: We suggest this modification be made to the conclusion of the first paragraph on Page 4-59: Alternatively, cattle trails and other heavily trampled and exposed areas could unearth otherwise undetected cultural resources and allow them to he recorded and evaluated. Federal agencies should however, consider the possibilities of increased erosion and potential effects to cultural resources.

Summary: Page 4-59: Modify the end of the first paragraph as follows: Alternatively, cattle trails and other heavily trampled and exposed areas could unearth otherwise undetected cultural resources and allow them to be recorded and evaluated. Federal agencies should however, consider the possibilities of increased erosion and potential effects to cultural resources.

Response: The agencies feel that the analysis is appropriate. The comment requests a minor wording change and consideration of erosion. Erosion is discussed later in the document on page 4-60 in the Draft EIS.

Cultural and Heritage Resources

Impact Analysis

Consider impacts from herbicides

Comment ID: 1395
Organization: Wyoming State Historic Preservation Office
Name: Mary Hopkins

Comment: The potential effects to cultural resources from the use of herbicides as a vegetative treatment need to be considered. We suggest including the following language on page 4-60 after the first management discussion under Alternative A. This language is from the BLM Vegetation Treatments Using Herbicides, Final EIS, dated June 2007: The use of herbicides for vegetative treatments to improve Greater Sage-Grouse habitats could have an adverse effect on important cultural resources. While herbicide treatments may affect buried organic cultural resources, they are more likely to have a negative effect on traditional cultural practices of gathering plant foods or materials important to local tribes or groups. The effect of herbicide treatments on cultural resources depends on the method of herbicide application and the herbicide type used. Some chemicals can cause soil acidity to increase, which would result in deterioration of artifacts-even some types of stone from which artifacts are made. Application of chemical treatments can also result in impacts such as altering or obscuring the surfaces of standing wall masonry structures, pictograph or petroglyph panels, and organic materials. While chemicals may affect the surface of exposed artifacts, they can generally be removed without damage if treated soon after exposure. Organic substances used as inactive ingredients in herbicide formulations, such as diesel fuel or kerosene, may contaminate the surface soil and seep into the subsurface portions of a site. These organic substances could interfere with the radiocarbon or Carbon 14 (C-14) dating of a site. As part of the process of preparing for vegetation treatments, cultural resource specialists would identify historic properties eligible for the NRHP. Historic properties may include any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP. Impacts to National Register-eligible cultural resources can be avoided through project redesign or be mitigated through recordation, data recovery, monitoring, or other appropriate measures. If National Register-eligible cultural resources were discovered during vegetation treatments, appropriate actions would be taken to protect these resources or recover data following consultation processes. An important concern regarding the presence of non-cultural resource personnel on the ground during herbicide treatments is the unauthorized collection of artifactual material, especially from National Register-eligible properties. Procedures would be developed, as part of an unanticipated discoveries plan that would include reporting previously unrecorded cultural resources to local BLM professionals.

Comment ID: 1396
Organization: Wyoming State Historic Preservation Office
Name: Mary Hopkins

Comment: We suggest including this language under Alternatives B through E on pages 4-61 through 4-65: Management actions for vegetative treatments using herbicides would have the same impacts as those in Alternative A.

Summary: The potential effects to cultural resources from the use of herbicides as a vegetative treatment need to be considered. Consider including the following language on Page 4-60 after the first management discussion under Alternative A. This language is from the BLM Vegetation Treatments Using Herbicides, Final EIS, dated June 2007: The use of herbicides for vegetative treatments to improve Greater Sage-Grouse habitats could have an adverse effect on important cultural resources. While herbicide treatments may affect buried organic cultural resources, they are more likely to have a negative effect on traditional cultural practices of gathering plant foods or materials important to local tribes or groups. The effect of herbicide treatments on cultural resources depends on the method of herbicide application and the herbicide type used. Some chemicals can cause soil acidity to increase, which would result in deterioration of artifacts-even some types of stone from which artifacts are made. Application of chemical treatments can also result in impacts such as altering or obscuring the surfaces of standing wall masonry structures, pictograph or petroglyph panels, and organic materials. While chemicals may affect the surface of exposed artifacts, they can generally be removed without damage if treated soon after exposure. Organic substances used as inactive ingredients in herbicide formulations, such as diesel fuel or kerosene, may contaminate the surface soil and seep into the subsurface portions of a site. These organic substances could interfere with the radiocarbon or Carbon 14 (C-14) dating of a site. As part of the process of preparing for vegetation treatments, cultural resource specialists would identify historic properties eligible for the NRHP. Historic properties may include any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP. Impacts to National Register-eligible cultural resources can be avoided through project redesign or be mitigated through recordation, data recovery, monitoring, or other appropriate measures. If National Register-eligible cultural resources were discovered during vegetation treatments, appropriate actions would be taken to protect these resources or recover data following consultation processes. An important concern regarding the presence of non-cultural resource personnel on the ground during herbicide treatments is the unauthorized collection of artifactual material, especially from National Register-eligible properties. Procedures would be developed, as part of an unanticipated discoveries plan that would include reporting previously unrecorded cultural resources to local BLM professionals. Include this language under Alternatives B through E on pages 4-61 through 4-65: Management actions for vegetative treatments using herbicides would have the same impacts as those under Alternative A.

Response: The impact analysis has been revised by incorporating part of the suggested language.

Cultural and Heritage Resources

Impact Analysis

Define pot hunting

Comment ID: 1432
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Environmental Consequences, page 4-59. The statement is made as follows, “Without sufficient law enforcement associated with recreational activities, actions such as off-road travel, inadvertent vandalism and pot hunting could result in a loss of cultural resources and information”. There was no definition of “pot hunting” in the glossary section; as written we were unsure if this was a typographical error.

Summary: Page 4-59. The statement is made as follows, “Without sufficient law enforcement associated with recreational activities, actions such as off-road travel, inadvertent vandalism and pot hunting could result in a loss of cultural resources and information.” There was no definition of “pot hunting” in the glossary section. As written we were unsure if this was a typographical error.

Response: The impact analysis has been revised.

Cultural and Heritage Resources

Impact Analysis

Impacts to cultural resources unrelated to sage-grouse are out of scope

Comment ID: 2909
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: The cultural resources analysis appears to have widely strayed from the LUPA/EIS's purpose and need to "address management of sage-grouse habitat" and to incorporate "adequate regulatory mechanisms." The purpose of the LUPA/EIS is not to evaluate and disclose how human infrastructure development such as transmission lines might impact cultural resources. However, this example from page 4-58 includes nothing substantial about sage-grouse at all: Cultural resources could be impacted by the development of transmission lines within new and existing utility corridors, specifically surface disturbances from construction of poles, roads, and ancillary features, and visual impacts to the setting. Not allowing or avoiding new corridor development in specific areas, such as Bates Hole and Sand Hills Management Area, could help protect cultural resources in these areas by eliminating tbe potential for surface-disturbing activities and visual impacts caused by the right-of-way (ROW) activities. Under this alternative, excluding 285,930 acres from ROW development would protect cultural resources from potential damage associated with ROW development (Map 2-9). Managing 2,460,340 acres as ROW avoidance areas could also protect cultural resources from potential development. However, ROW exclusion and avoidance areas could also result in longer ROWs (to get around the avoidance/exclusion area). This would result in more surface disturbance and increased potential to impact cultural resources. Allowing wind energy development within sage-grouse core habitat areas could adversely impact cultural resources in those areas. Closing 437,120 acres in the planning area to wind energy development would help protect cultural resources from surface disturbing activities and associated visual impacts. It appears that BLM is seeking to use a rationale of sage-grouse protection to try to inhibit or slow resource development to "protect cultural resources." This is completely outside the scope of the Wyoming Sage-Grouse Draft LUPA/EIS; therefore, such analysis and proposed management actions must be deleted from the LUPA/ElS.

Summary: The cultural resources analysis appears to have widely strayed from the purpose and need of the Draft LUP Amendments/Draft EIS to "address management of sage-grouse habitat" and to incorporate "adequate regulatory mechanisms." The purpose of the LUP Amendments/EIS is not to evaluate and disclose how human infrastructure development such as transmission lines might impact cultural resources. It appears that BLM is seeking to use a rationale of sage-grouse protection to try to inhibit or slow resource development to "protect cultural resources." The cultural resource impacts analysis, and other analyses throughout the document, is completely outside the scope of the document; therefore, such analysis and proposed management actions must be deleted.

Response: Chapter 4 contains the analysis of the impacts from the management actions in Chapter 2 to the various resources within the planning area. It is the impacts to cultural resources from the management actions for sage-grouse (in Chapter 2) that is analyzed in Section 4.3.

Cultural and Heritage Resources

Impact Analysis

Mineral development benefits cultural resources

Comment ID: 789
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon disagrees with the BLM's assumption in Section 4.3.2 that surface disturbing activities will always result in the destruction of cultural resources. Devon believes that by complying with the NHPA and other BLM policies, cultural reso11rces are almost always properly identified, inventoried and preserved. Devon does not believe surface disturbing operations associated with oil and gas development result in the routine destruction of cultural resources.

Comment ID: 661
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson disagrees with the BLM's assumption in Section 4.3.2 that surface disturbing activities will always result in the destruction of cultural resources. Samson believes that by complying with the NHPA and other BLM policies, cultural resources are almost always properly identified, inventoried and preserved.

Comment ID: 1779
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips disagrees with the BLM's assumption in Section 4.3.2 that surface disturbing activities will always result in the destruction of cultural resources. ConocoPhillips believes that by complying with the NHPA and other BLM policies, cultural resources are almost always properly identified, inventoried and preserved. ConocoPhillips does not believe surface disturbing operations associated with oil and gas development result in the routine destruction of cultural resources.

Comment ID: 1776
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: The BLM notes that the majority of cultural resources in the Planning Area are identified, evaluated, and managed as a result of compliance with Section 106 of the National Historic Preservation Act ("NHPA"). Sage-Grouse DLUPA, pg. 3-19. The BLM should specifically recognize that a significant portion of these cultural resources has been detected, studied and preserved as a result of oil and gas operations within the Planning Area. It is inappropriate to suggest that oil and gas development primarily leads to negative impacts to cultural resources when, in fact, oil and gas development has often lead to the detection and preservation of such resources.

Comment ID: 783
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM should specifically recognize that a significant portion of these cultural resources has been detected, studied and preserved as a result of oil and gas operations within the Planning Area. It is inappropriate to suggest that oil and gas development primarily leads to negative impacts to cultural resources when, in fact, oil and gas development has often lead to the detection and preservation of such resources.

Comment ID: 1206
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: The BLM notes that the majority of cultural resources in the Planning Area are identified, evaluated, and managed as a result of compliance with Section 106 of the National Historic Preservation Act ("NHPA"). Sage-Grouse DLUPA, pg. 3-19. The BLM should specifically recognize that a significant portion of these cultural resources has been detected, studied and preserved as a result of oil and gas operations within the Planning Area. It is inappropriate to suggest that oil and gas development primarily leads to negative impacts to cultural resources when, in fact, oil and gas development has often lead to the detection and preservation of such resources.

Comment ID: 1561
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG disagrees with the BLM's assumption in Section 4.3.2 that surface disturbing activities will always result in the destruction of cultural resources. EOG believes that by complying with the NHPA and other BLM policies, cultural resources are almost always properly identified, inventoried and preserved. EOG does not believe surface disturbing operations associated with oil and gas development result in the routine destruction of cultural resources.

Comment ID: 1214
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz disagrees with the BLM's assumption in Section 4.3.2 that surface disturbing activities will always result in the destruction of cultural resources. Anschutz believes that by complying with the NHPA and other BLM policies, cultural resources are almost always properly identified, inventoried and preserved. Anschutz does not believe surface disturbing operations associated with oil and gas development result in the routine destruction of cultural resources.

Comment ID: 1546
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The BLM should specifically recognize that a significant portion of these cultural resources has been detected, studied and preserved as a result of oil and gas operations within the Planning Area. It is inappropriate to suggest that oil and gas development primarily leads to negative impacts to cultural resources when, in fact, oil and gas development has often lead to the detection and preservation of such resources.

Comment ID: 2280
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The BLM should specifically recognize that a significant portion of these cultural resources has been detected, studied and preserved as a result of oil and gas operations within the Planning Area. It is inappropriate to suggest that oil and gas development primarily leads to negative impacts to cultural resources when, in fact, oil and gas development has often lead to the detection and preservation of such resources.

Comment ID: 2286
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana disagrees with the BLM's assumption in Section 4.3.2 that surface disturbing activities will always result in the destruction of cultural resources. Encana believes that by complying with the NHPA and other BLM policies, cultural resources are almost always properly identified, inventoried and preserved. Encana does not believe surface disturbing operations associated with oil and gas development result in the routine destruction of cultural resources.

Summary: The assumption in Section 4.3.2 that surface disturbing activities will always result in the destruction of cultural resources is incorrect. By complying with the NHPA and other BLM policies, cultural resources are almost always properly identified, inventoried and preserved by mineral developers.

Response: The assumption does not say that destruction will always occur, but that it could occur in the absence of mitigation. The assumption goes on to cite the same mitigation measures identified in the comment. The assumption is correct as written.

Fire and Fuels

Best available information-baseline data

Chapter 3 edits

Comment ID: 2637
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 3-457, paragraph 1, line 2: Insert "annually" after "wildfires".

Comment ID: 3137
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 3.20.1 3- 457 Paragraph 1, line 2 Insert "annually" after "wildfires".

Comment ID: 2481
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Chapter 3 - Wildland Fire and Fuels - TBNG Page 3-462: Should there be a discussion of wildland fires in greater sage-grouse core habitat areas?

Summary: Page 3-457, paragraph 1, line 2: Insert "annually" after "wildfires". Page 3-462, Wildland Fire and Fuels, TBNG: Should there be a discussion of wildland fires in Greater Sage-Grouse core habitat areas?

Response: The text has been modified to clarify the location of wildland fires and to add the word "annually" as suggested.

Fire and Fuels

Impact Analysis

Roads provide fire breaks

Comment ID: 799
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Under each alternative, the BLM should acknowledge that access roads created by oil and gas activities can increase Wildfire suppression effectiveness by providing access routes for fire engines and pre-existing fuel breaks. The BLM should also acknowledge that a reduction in the number of access roads could lead to less effective fire suppression efforts and therefore a lower level of protection to sage-grouse habitat from wildfire.

Summary: Under each alternative, the BLM should acknowledge that access roads created by oil and gas activities can increase wildfire suppression effectiveness by providing access routes for fire engines and pre-existing fuel breaks. The BLM should also acknowledge that a reduction in the number of access roads could lead to less effective fire suppression efforts and therefore a lower level of protection to sage-grouse habitat from wildfire.

Response: The analysis of environmental consequences in Chapter 4 of the Draft LUP Amendments/Draft EIS (Section 4.20) discloses that roads and other ROWs can facilitate the transportation of fire suppression equipment and create fuel breaks.

Fire and Fuels

Impact Analysis

Surface use restrictions don't greatly reduce fire risk

Comment ID: 2014
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: While AEMA agrees with BLM that proliferation of invasive and noxious weeds contributes to an increase risk in fire potential, AEMA disagrees with BLM that minimizing anthropogenic disturbances will reduce invasive and noxious weeds from spreading, and thus reduce the risk of fire to any sort of meaningful level, in light of the fire-invasive species cycle. BLM must quantify and explain how the proposed surface use restrictions and prohibitions will result in any meaningful reduction in the spread of invasive species in the context of existing BMPs/RDFs imposed on surface disturbing activities

Comment ID: 1886
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Table 3-135 indicates that the vast majority of fires between 2002 and 2011 were caused by natural events, and that the natural wildfires burned significantly more acreage than human-caused fires (Ch. 3 at 3-453). In general the natural events were more damaging. Interestingly, the fire data indicates that for the Pinedale Field Office fire frequency is low; which indicates that heavily developed lands (energy

infrastructure) in this area does not necessarily lead to an increase in fire potential (See generally Table 3-135 and, 3-524), which undermines BLMs assumption that there is a direct relationship between density of human use and frequency of human-caused fires (Ch. 4 at 4-399). Throughout the impact analysis BLM asserts that there is an increased risk of human-caused-fire as a result of human-caused disturbances, such as ROWs and mineral developments. However BLM fails to quantify this risk, and provides no evidence to support the assertion. BLM later asserts that mineral exploration and development could reduce the size and intensity of fires due to a decrease in fuel loads, fire breaks, and improved access (Ch.4 at 4-400). BLM must explain its rationale for placing more restrictions on minerals and other development, in light of the relatively small number of acreage lost as a result of human activities (See Ch.4 at 399).

Comment ID: 2052
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM assumes that human-caused fires would decrease as a result of use prohibitions and restrictions, but it certainly will not reduce the potential for large catastrophic fire as a result of fuel loading due to cover thresholds, for example (See Ch. 4 at 4-403); which essentially makes long-term restoration of sagebrush habitat (which will take a couple of decades to achieve) BLM's primary objective – rather than protecting sage-grouse populations now and in the next decade or so. AEMA vehemently opposes this misguided objective and urges BLM to recognize that simply removing and prohibiting anthropogenic features will not lead to a decrease in fire potential, especially in light of the statistics reported in Table 3-135.

Summary: While the proliferation of invasive and noxious weeds contributes to an increase risk in fire potential, minimizing anthropogenic disturbances will not necessarily reduce weeds from spreading, and thus reduce the risk of fire to any sort of meaningful level, in light of the fire-invasive species cycle. BLM must quantify and explain how the proposed surface use restrictions and prohibitions will result in any meaningful reduction in the spread of invasive species in the context of existing BMPs/RDFs imposed on surface disturbing activities. Removing and prohibiting anthropogenic features will not lead to a decrease in fire potential, especially in light of the statistics reported in Table 3-135.

Response: Reducing surface disturbing activities would indeed reduce the proliferation of non-native invasive vegetation species (Roads as Conduits for Exotic Plant Invasions in a Semiarid Landscape - Conservation Biology, 2003) and thereby reduce fire frequency and size (Effects of Invasive Alien Plants on Fire Regimes – Bioscience, 2004). Additionally, human-caused fires have been shown to occur more frequently when there is motorized access to an area (Spatial Patterns of Modern Period Human-Caused fire Occurrence in the Missouri Ozark Highlands - Forest Science, 2007; Factors influencing wildfire occurrence and distribution in eastern Kentucky, USA – International Journal of Wildland Fire, 2007; Human influence on California Fire Regimes - Ecological Applications, 2007). The only type of quantification that is possible regarding how the proposed surface use restrictions would reduce the spread of invasive vegetation species is to determine the extent of the restrictions and assume that the proliferation of invasive vegetation species would be reduced in these areas. This assessment is based on professional judgment, literature sources, and consultation with other agencies. The exact level of reduction is impossible to quantify, as it's based on a complex interrelation of multiple factors.

Fire and Fuels

Range of alternatives

Adopt COT report fire-related conservation measures

Comment ID: 1923

Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: To address the threat of fire, the COT Report identifies an objective of "Retain and restore healthy native sagebrush plant communities within the range of sage-grouse." Conservation measures under this threat include (1) "eliminate intentional fires in sagebrush habitats, including prescribed burning of breeding and winter habitats" and (2) "immediately suppress fire in sagebrush habitats". However, these conservation measures have not been specifically included in the preferred alternative - instead the land management agencies have opted to retain the use of fire under these conditions as a habitat management tool (presumably to fulfill other resource management objectives). Additionally, the DEIS does not specifically contain the conservation measure to "monitor and control invasive vegetation post-wildfire for at least three years." We recommend that you reconsider all three of these conservation measures in your planning efforts.

Summary: To address the threat of fire, the COT report identifies an objective of "Retain and restore healthy native sagebrush plant communities within the range of sage-grouse." Conservation measures under this threat include (1) "eliminate intentional fires in sagebrush habitats, including prescribed burning of breeding and winter habitats" and (2) "immediately suppress fire in sagebrush habitats." However, these conservation measures have not been specifically included in the Preferred Alternative - instead the land management agencies have opted to retain the use of fire under these conditions as a habitat management tool (presumably to fulfill other resource management objectives). Additionally, the Draft EIS does not specifically contain the conservation measure to "monitor and control invasive vegetation post-wildfire for at least three years." Please include all three of these conservation measures in the proposed plan.

Response: Federal firefighting agencies such as the BLM and Forest Service apply risk management principals when determining how to respond to wildfire incidents. The conditions and settings of each wildfire incident are situational and unique. Sage-grouse amendment objectives, standards, and guides that are programmatic will inform suppression responses, but cannot dictate tactics because of the need to assure firefighter and public safety. The Draft EIS analyzes a reasonable range of alternatives regarding fire and fuels management. The actions identified in the comment are within the range of alternatives and were analyzed in detail in the Chapter 4 analysis of environmental consequences. The final decision regarding the alternatives will be made in the Record of Decision after the land use planning process is completed.

Fire and Fuels

Range of alternatives

Ban prescribed fire

Comment ID: 215
Organization:
Name: jean public

Comment: BLM SHOULD WAIT FOR NATURAL FIRE AND SHOULD PROSECTE ANYPOP EMPLOYEES OF THE GOVT WHO SET THE FIRE FOR OVERTIMEWORK. THERE IS NO NEED FOR PRESCRIBED BURNING. BAN ALL PRESCRIBED BURNING.

Comment ID: 1677
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --Do not use prescribed fire as a tool in low elevation areas where the potential for cheatgrass invasion is above low.

Comment ID: 2262
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Action 26, Page 2-18: "Fire and fuels management would contribute to the protection and enhancement of sagebrush habitat that support Greater Sage-Grouse populations (including large contiguous blocks of sagebrush)" Action 29, Page 2-18: Within acceptable risk levels, utilize a full range of fire management strategies and tactics, including the management of wildfires to achieve resource objectives across the range of sage-grouse habitat consistent with land use plan direction. Also, Actions under Wildland Fire and Fuels Management (pages 2-115-132). Regarding these actions and statements above (notably "fire and fuels management would contribute to enhancement "…" and "a full range of fire management strategies and tactics"), we do not support broadcast, prescribed fire to manage habitat for sage-grouse, including use of fire to remove and manage juniper, as this approach is well known to fail (e.g., Bates et al. 2011, Beck et al. 2011, 2012, Rhodes et al. 2010).

Summary: The plan should eliminate the use of prescribed fire in sage-grouse habitat. Do not use prescribed fire as a tool in low elevation areas where the potential for cheatgrass invasion is above low. Using prescribed fire to manage habitat for sage-grouse, including use of fire to remove and manage juniper, is well known to fail (e.g., Bates et al. 2011, Beck et al. 2011, 2012, Rhodes et al. 2010).

Response: The BLM and Forest Service have determined that, in some cases, prescribed fire is an effective tool in treating vegetation for purposes of conserving desired species. However, the BLM and Forest Service also realize the limitations of using prescribed fire. Therefore, the Draft EIS analyzes a reasonable range of alternatives regarding the use of vegetation treatments, including prescribed fire. The final decision regarding the alternatives and management actions therein will be made in the Record of Decision after the land use planning process is completed. In addition, Appendix A includes specific protocols for treating vegetation in sage-grouse habitats. These protocols are designed to ensure that adverse impacts to sage-grouse habitat that could result from using prescribed fire do not occur.

Fire and Fuels

Range of alternatives

Chapter 2 edits

Comment ID: 2860
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Items 120 - 123 in Table 2-1 under Alternative C advocates excluding livestock from areas in some cases until woody and herbaceous plants achieve habitat objects. We strongly reject the idea of such actions, both from a practical standpoint as well as an economic standpoint. Item 124 in Table 2-1 Under Alternative A states that "Appropriate management response will be used on all wildfires in the planning area." We would like some clarification on what that exactly means. Further in the discussion under Alternative A it talks about full protection strategies. We believe livestock forage protection should be added to the full protection strategy since the implications to these producers are significant.

Summary: Items 120 - 123 in Table 2-1 under Alternative C advocates excluding livestock from areas in some cases until woody and herbaceous plants achieve habitat objects. We strongly reject the idea of such

actions, both from a practical standpoint as well as an economic standpoint. Item 124 in Table 2-1 Under Alternative A states that "Appropriate management response will be used on all wildfires in the planning area." We would like some clarification on what that exactly means. Further in the discussion under Alternative A it talks about full protection strategies. We believe livestock forage protection should be added to the full protection strategy since the implications to these producers are significant.

Response: Your concerns about Alternative C have been noted. The Draft EIS analyzes a reasonable range of alternatives regarding fire and fuels management. The alternatives are being considered by the BLM and Forest Service along with the Chapter 4 analysis of environmental consequences. Livestock forage is a resource value that will be considered when developing strategies and tactics during a wildfire event. The final decision regarding the alternatives and associated management actions will be made in the Record of Decision after the land use planning process is completed. "Appropriate Management Response" (AMR) as mentioned in Action 124 in Table 2-1 is any specific action suitable to meet Fire Management Unit objectives. Typically, the AMR ranges across a spectrum of tactical options (from monitoring to intensive management actions such as full suppression). The AMR is developed by using Fire Management Unit strategies and objectives identified in the Fire Management Plan. Appropriate Management Response is the term used in the TBNG and MBNF LRMPs to describe the suppression actions that would be used on these units. We are unable to modify Alternative A to include livestock forage protection to the full protection strategy because it is a reflection of the no action alternative. The recommendation to add protection of livestock forage to the list of high value resources to be protected during fire use on the Bridger-Teton National Forest has been forwarded to Forest Service fire manager for consideration. Amendment of the BTNF Fire Management Plan is outside the scope of the purpose and need for this analysis.

Fire and Fuels

Range of alternatives

Collaborate to reduce fire impacts

Comment ID: 11
Organization: Mackay School of Earth Sciences and Engineering
Name: Thom Seal

Comment: BLM/USFS should be working with ranchers and miners and the Rangeland Fire Protection to mitigate fire and grouse habitat instead of adding withdrawals. The land, left unattended, builds up a large fuel load and is just waiting for a lightning strike. BLM/USFS should be proactive in lowering the fuels and fighting fires, instead of proposing the cutting of grazing allotments and minerals withdrawals. Instead of penalizing public land users they should be working with them, giving them incentives.

Comment ID: 2848
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 52 in Table 2-1 discusses actions for drought, fire and other natural causes as discerned by the discussion for Alternative A. Natural disasters cause significant disruption for all entities and we suggest that wording be adopted by the Agencies similar to that discussed under Item 49 in the Rawlins RMP as a process the Agencies should use for these disasters. We do not support the proposed actions outlined for Alternatives B and C.

Summary: The BLM and Forest Service should work with ranchers and miners to reduce fire on sage-grouse habitat instead of adding withdrawals. Left unattended, rangelands build up a large fuel load. The agencies should be proactive in lowering fuel levels and fighting fires.

Response: The BLM and Forest Service do indeed work with livestock and mineral operators to reduce fire on BLM- and Forest Service-managed lands. Withdrawing areas from mineral location is generally intended to eliminate surface disturbing activities associated with mining in sensitive areas.

Fire and Fuels

Range of alternatives

Reduce fuels in sage-grouse habitat

Comment ID: 1855
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Contrary to the WBP finding which indicates that fuels management activities can benefit sagegrouse, Alternatives B, C, E will subject sagebrush ecosystems/sage-grouse habitats to increased fuelloading and potential for catastrophic fire. BLM must explain how increased fire potential in the short-term will benefit sage-grouse in the long-term; especially if sage-grouse are incapable of persisting in fragmented habitat, devoid of sagebrush cover as a result of wildfire. Under this assumption, most if not all the sage-grouse in areas impacted by fire would die; therefore there would dramatically reduced numbers of sage-grouse in the long-term.

Summary: Contrary to findings which indicate that fuels management activities can benefit sage-grouse, Alternatives B, C, E will subject sagebrush ecosystems/sage-grouse habitats to increased fuel-loading and the potential for catastrophic fire. BLM must explain how increased fire potential in the shortterm will benefit sage-grouse in the long-term; especially if sage-grouse are incapable of persisting in fragmented habitat, devoid of sagebrush cover as a result of wildfire. Under this assumption, most if not all the sage-grouse in areas impacted by fire would die; therefore there would dramatically reduced numbers of sage-grouse in the long-term.

Response: The implementation of the actions under Alternatives B, C, and E would not necessarily increase fuel loads. While some level of increased fuel loading could occur from restricting surface disturbing activities, those same actions would also decrease the potential for unintentional ignitions and thereby decrease the potential for wildfire events. In addition, vegetation and weed treatments would decrease both standing and non-standing vegetation (fuel load) across the decision area, which would decrease the intensity of wildland fires, and allow fires to be more easily controlled. Furthermore, habitat improvements for sage-grouse could improve vegetation and ecological health and resistance to fires, which would reduce the occurrence of uncharacteristic, large wildland fires, the need for fire suppression, and fire rehabilitation costs.

Fire and Fuels

Range of alternatives

Support for Alternative E

Comment ID: 2858
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 114 in Table 2-1 deals with wildland fire and fuel management. Under the preferred alternative, the Agencies have set themselves a deadline of December of this year to establish a fuels management strategy. We strongly urge the Agencies to carry this process out as expeditiously as possible

sine it is a critical management need, especially if there are conditions which lend themselves to wildland fires. We support Alternative E's desire to utilize livestock grazing to limit these types of fires.

Comment ID: 2859
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: We support aggressive fire suppression in sage-grouse core habitat identified in Alternative E since fire seems to have been a significant factor in other areas in the west in habitat destruction.

Summary: The commenter supports aggressive fire suppression in sage-grouse core habitat identified in Alternative E since fire has been a significant factor in other areas in the west in habitat destruction. Under the Preferred Alternative, the BLM and Forest Service have set a deadline of December 2014 to establish a fuels management strategy. This process must be carried out as expeditiously as possible since it is a critical management need, especially if there are conditions which lend themselves to wildland fires. Continue to utilize livestock grazing to limit wildland fires.

Response: Federal firefighting agencies such as the BLM and Forest Service apply risk management principals when determining how to respond to wildfire incidents. The conditions and settings of each wildfire incident are situational and unique. Sage-grouse amendment objectives, standards, and guides that are programmatic will inform suppression responses, but cannot dictate tactics because of the need to assure firefighter and public safety. The Draft EIS analyzes a reasonable range of alternatives regarding fire and fuels management. The alternatives are being considered by the BLM and Forest Service along with the Chapter 4 analysis of environmental consequences. The BLM and Forest Service understand the importance of fire suppression activities and how they relate to the conservation of sage-grouse habitat. The final decision regarding the alternatives will be made in the Record of Decision after the land use planning process is completed.

Fire and Fuels

Range of alternatives

Will controlled burns be restored?

Comment ID: 1476
Organization:
Name: Denise Langley

Comment: Pg. 2-208 DEIS “Burned areas within sage-grouse core habitats would be restored.” Does this include areas burned within sage grouse core areas by controlled burns? How tall does the sagebrush have to grow before allowing grazing again and can the areas be grazed during the winter to offset summer nonuse for growth?

Summary: Page 2-208: “Burned areas within sage-grouse core habitats would be restored.” Does this include areas burned within sage-grouse core areas by controlled burns?

Response: Yes, the intent of the management action is that areas burned by either wildfire or prescribed fire within sage-grouse core habitats would be restored.

Fish and Wildlife-Big game

Best available information-baseline data

Additional references to add

Comment ID: 1917
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Additional literature cited for updates to trophy game sections Bjornlie, D. D., D. J. Thompson, M. A. Haroldson, C. C. Schwartz, K. A. Gunter, S. L. Cain, D. B. Tyers, K. L. Frey, and B. C. Aber. 2013. Methods to estimate distribution and range extent of grizzly bears in the Greater Yellowstone Ecosystem. Wildlife Society Bulletin. DOI:O.l 002/wsb.368 Wyoming Game and Fish Department, U.S. Fish and Wildlife Service, National Park Service, USDA-APHIS-Wildlife Services, and Eastern Shoshone and Northern Arapahoe Tribal-Fish and Game Department. 2013. 2012 Wyoming Gray Wolf Population Monitoring and Management Annual Report. K.J. Mills and R.F. Trebelcock, eds. Wyoming Game and Fish Department, 5400 Bishop Blvd. Cheyenne, WY 82006.

Summary: The following is additional literature cited for updates to trophy game sections: Bjornlie, D. D., D. J. Thompson, M. A. Haroldson, C. C. Schwartz, K. A. Gunter, S. L. Cain, D. B. Tyers, K. L. Frey, and B. C. Aber. 2013. Methods to estimate distribution and range extent of grizzly bears in the Greater Yellowstone Ecosystem. Wildlife Society Bulletin. DOI:O.l 002/wsb.368 Wyoming Game and Fish Department, U.S. Fish and Wildlife Service, National Park Service, USDAAPHIS- Wildlife Services, and Eastern Shoshone and Northern Arapahoe Tribal-Fish and Game Department. 2013. 2012 Wyoming Gray Wolf Population Monitoring and Management Annual Report. K.J. Mills and R.F. Trebelcock, eds. Wyoming Game and Fish Department, 5400 Bishop Blvd. Cheyenne, WY 82006.

Response: The text and references have been updated with the suggested literature.

Fish and Wildlife-Big game

Best available information-baseline data

Black bear language needs to be revised

Comment ID: 1913
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-501, Black bear and mountain lion, we recommend language be modified as shown. Mountain Lion The wide distribution of mountain lion (Puma concolor) observations indicates that this species is presently found throughout much of the Rock Springs Field Office area within suitable habitat. Indications are that distribution is widespread. Mountain lions reside in the broken juniper and rimrock areas south of Wilkins Peak to the Utah border and in the Haystacks. Cats have been observed on Cooper Ridge, in Adobe Town, on Steamboat Mountain, Little Mountain, and in the Wind River foothills. The main habitat component restricting mountain lion populations in the field office is the absence of large, undisturbed, remote wild areas or adequate prey therein. Black Bear Suitable bear habitat exists over about 189 square miles of land in the field office. Black bear occupy timbered habitats along the Wind River Mountains and near the Colorado border. The BLM has found evidence of bear activity on Little and Pine Mountains. Occasionally, black bears are seen or tracks noted along the Sweetwater River and its tributaries and upper reaches of Little and Big Sandy Creeks, with a slight increase in sightings/ tracks likely related

to natural dispersal of young male black bears in the past few years. Most of the legally harvested black bears are taken in the Bridget National Forest.

Comment ID: 1911
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-470, Black bear and mountain lion, we recommend language be modified as shown. Black Bear Black bears occur within the planning area and primarily inhabit forested habitat types (i.e., Laramie Range, Wind River Range, Muddy Mountain, and the South Bighorns) at higher elevations. They are found within the aspen-conifer areas during spring and early summer (BLM 1985). These bears appear to move to higher, more remote areas during midsummer and fall. Along the Wyoming Range, black bear are found in the timbered areas along the Bridger-Teton National Forest. Black bear are omnivores and opportunistic feeders who consume foods essential to replenishing body fat for the winter hibernation and for reproductive success. Due to a bear's secretive nature, population estimates are difficult to obtain and population objectives are not established, but rather bears are managed based on harvest and population trends. The BLM and WGFD utilize management guidelines established by the WGFD's Black Bear Management Plan (WGFD 2003a) to help direct management activities on BLM-administered land. Mountain Lion Mountain lions are fairly common but generally reclusive, with sightings reported occasionally. This species has one of the widest distributions of any native mammal in the western hemisphere and therefore, occupies a wide variety of plant communities and habitats. Typical mountain lion habitat in western North America is open woodland and shrubland, especially oak scrub, pinyon, juniper, ponderosa pine, spruce, fir, and aspen, as well as shrublands such as sagebrush, desert shrub, mountain-mahogany, and snowberry, especially where these communities are interspersed with grasslands or meadows. Mountain lions also inhabit deep, rocky, vertical-walled river canyons containing riparian vegetation such as cottonwood and willows. As an obligate carnivore, the mountain lion selects for large (deer/elk sized) prey. Research indicates that 80% to 90% of a lion's diet is ungulate sized prey; on average, an adult with an established territory will kill almost one deer sized-prey per week on average. Other prey species include elk, bighorn sheep, pronghorn, and smaller mammals. Mountain lions reside throughout the planning area; however, they are more common in areas associated with the canyons and foothills of mountain ranges where prey concentrate. The main habitat component affecting mountain lion distribution in the planning area is the absence of large, undisturbed, remote wild areas. Most of the planning area is easily accessible; human presence and activities throughout the animal's habitat will probably continue to have some impact on mountain lion population distribution. Similar to black bears, population estimates for mountain lions are difficult to obtain. Mountain lion harvest levels are monitored; management direction for this species may be adjusted based on the age and gender structure of mortalities. The BLM and WGFD utilize management guidelines established by the WGFD's Mountain Lion Management Plan (WGFD 2006a) to help direct management activities on BLM-administered land.

Summary: 1. On page 3-470, WFGD recommends language be modified as shown here: "Black bears occur within the planning area and primarily inhabit forested habitat types (i.e., Laramie Range, Wind River Range, Muddy Mountain, and the South Bighorns) at higher elevations. They are found within the aspen-conifer areas during spring and early summer (BLM 1985). These bears appear to move to higher, more remote areas during midsummer and fall. Along the Wyoming Range, black bear are found in the timbered areas along the Bridger-Teton National Forest. Black bear are omnivores and opportunistic feeders who consume foods essential to replenishing body fat for the winter hibernation and for reproductive success. Due to a bear's secretive nature, population estimates are difficult to obtain and population objectives are not established, but rather bears are managed based on harvest and population trends. The BLM and WGFD utilize management guidelines established by the WGFD's Black Bear Management Plan (WGFD 2003a) to help direct management activities on BLM-administered land." 2. On page 3-485, WGFD recommends language be modified as shown here: "Limited black bear populations occur in aspen-conifer areas in higher

elevations of the northern portion of the field office. The goal within the field office is to maintain a healthy bear population capable of providing a broad range of recreational opportunities (including hunting and viewing in existing occupied habitats) while considering public safety, economic concerns, and other wildlife species." 3. On page 3-501 WGFD recommends language be modified as shown here: "Suitable bear habitat exists over about 189 square miles of land in the field office. Black bear occupy timbered habitats along the Wind River Mountains and near the Colorado border. The BLM has found evidence of bear activity on Little and Pine Mountains. Occasionally, black bears are seen or tracks noted along the Sweetwater River and its tributaries and upper reaches of Little and Big Sandy Creeks, with a slight increase in sightings/ tracks likely related to natural dispersal of young male black bears in the past few years. Most of the legally harvested black bears are taken in the Bridget National Forest."

Response: 1. and 3. The suggested change has been made to pages 3-470 and page 3-501.

Fish and Wildlife-Big game

Best available information-baseline data

Gray wolf language needs to be revised

Comment ID: 1892
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-254, Gray wolf, we recommend language be modified as shown. Gray wolves are habitat generalists and may inhabit a wide variety of habitat types. The main habitat requirements for gray wolves include the presence of abundant prey (i.e., elk) and relatively low levels of human activity (BLM 2004h). Dispersing gray wolves are capable of traveling very long distances. Human activities associated with roads and other linear corridors cause fragmentation of gray wolf habitats. The major causes of mortality among gray wolves are legal and illegal harvest, depredation control, disease, and vehicle collisions (BLM 2004h). At least 277 wolves in ≥43 packs (including >21 breeding pairs) inhabited Wyoming on December 31, 2012. Of the total, there were ≥83 wolves and ≥10 packs (including ≥6 breeding pairs) inside Yellowstone National Park (YNP), ≥8 wolves and ≥2 packs (≥O breeding pairs) in the Wind River Reservation (WRR), and ≥186 wolves and ≥31 packs (including ≥15 breeding pairs) in Wyoming outside YNP and WRR (WGFD et al. 2013).

Comment ID: 1904
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Pages 286-287, Gray wolf and grizzly bear, we recommend language be modified as shown below. Gray Wolf The field office provides suitable habitat for gray wolves because it is mostly undeveloped and an abundance of prey such as deer, elk, and moose are present. Several gray wolf packs occur within the boundary of the field office from the Pinedale Field Office, generally located on National Forest System Land and associated foothill regions (WGFD et al. 2013). Lone gray wolves and small groups of gray wolves have been observed around Cokeville and as far south as Kemmerer (BLM 2004h). Grizzly Bear Although grizzly bears do not generally occur in the field office, it is possible for them to disperse, especially in the northern areas of the field office and along the eastern front of the Wyoming Range (Bjornlie et al. 2013). Increased distribution of grizzly bears throughout the Greater Yellowstone Ecosystem has translated to more verified sightings in the Kemmerer field office along the Wyoming Range. Gray Wolf The Pinedale Field Office provides habitat to gray wolf populations, with multiple packs using areas within the field Office. These packs are managed by the WGFD in areas within the Wolf Trophy Game Management Area Wolf collar data has demonstrated variable yet large pack territory size, as well as a high

propensity for dispersal from sub adult males (WGFD et al. 2013). Grizzly Bear Grizzly bears occur in the Pinedale field office primarily in forested and foothill habitats of the Wind River and Wyoming Range, with overall distribution in the system increasing 38.3% from 2004 to 2010 (Bjornlie et al. 2013). Expansion and increase of distribution has occurred with grizzly bears in the field office due to protection through management and population recovery. Page 3-294, Gray wolf and grizzly bear, we recommend language be modified as shown below. Gray Wolf The gray wolf (Canis lupus) has been present in portions of the Rock Springs Field Office area over the past decade likely an expansion of their range as a result of a growing population. On January 29, 2007, the USFWS announced the proposal to remove the Northern Rocky Mountain population of gray wolves from the Endangered Species list. Gray wolves in the Northern Rockies have exceeded recovery goals so the USFWS considers them ready to be delisted. In February 2008, gray wolves were determined recovered by the USFWS and were removed from the list of federally endangered and threatened species on March 28, 2008. The U.S. Federal District Court in Missoula, Montana, issued a preliminary injunction on July 18, 2008, that immediately reinstated the ESA protections for gray wolves in the northern Rocky Mountains. After further litigation and data acquisition illustrating the recovery of gray wolves in the northern Rocky Mountains, wolves were successfully delisted in 2012. Following deli sting in September 2012, WGFD instituted a wolf hunting season with the biological objective to reduce the wolf population by approximately 11% in the Wolf Trophy Game Management Area (WTGMA) and Seasonal WTGMA (WGFD et al. 2013) and secondly to provide recreational hunting opportunity to Wyoming sportsmen. Grizzly Bear The grizzly bear (Ursus arctos) historically inhabited most of the Rock Springs Field Office area and was documented around the Sweetwater River and Pacific Creek in historical journals (Dorn). Grizzly bears are listed as threatened under the ESA throughout Wyoming. Under current federal (USFWS) and state (WGFD) management, grizzly bears found in the planning area may be removed or relocated if they cause conflicts with human health and safety or threaten livelihood of producers.

Comment ID: 1935
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: DEIS Volume 1, Page 3-294 The DEIS states that the gray wolf is currently a species listed as threatened in the BLM's Rock Springs Field Office. However, on September 12, 2012, the Service finalized a rule that removed the gray wolf in Wyoming from the Federal list of endangered and threatened wildlife. The Service recommends that the information in the DEIS be updated, as appropriate.

Summary: 1. On pages 286-287 WGFD recommend language be modified as shown here: "The field office provides suitable habitat for gray wolves because it is mostly undeveloped and an abundance of prey such as deer, elk, and moose are present. Several gray wolf packs occur within the boundary of the field office from the Pinedale Field Office, generally located on National Forest System Land and associated foothill regions (WGFD et al. 2013). Lone gray wolves and small groups of gray wolves have been observed around Cokeville and as far south as Kemmerer (BLM 2004h). The Pinedale Field Office provides habitat to gray wolf populations, with multiple packs using areas within the field Office. These packs are managed by the WGFD in areas within the Wolf Trophy Game Management Area Wolf collar data has demonstrated variable yet large pack territory size, as well as a high propensity for dispersal from sub adult males (WGFD et al. 2013)." 2. On page 3-294, WGFD recommends the language be modified as shown here: The gray wolf (Canis lupus) has been present in portions of the Rock Springs Field Office area over the past decade likely an expansion of their range as a result of a growing population. On January 29, 2007, the USFWS announced the proposal to remove the Northern Rocky Mountain population of gray wolves from the Endangered Species list. Gray wolves in the Northern Rockies have exceeded recovery goals so the USFWS considers them ready to be delisted. In February 2008, gray wolves were determined recovered by the USFWS and were removed from the list of federally endangered and threatened species on March 28, 2008. The U.S. Federal District Court in Missoula, Montana, issued a preliminary injunction on July 18, 2008,

that immediately reinstated the ESA protections for gray wolves in the northern Rocky Mountains. After further litigation and data acquisition illustrating the recovery of gray wolves in the northern Rocky Mountains, wolves were successfully delisted in 2012. Following delisting in September 2012, WGFD instituted a wolf hunting season with the biological objective to reduce the wolf population by approximately 11% in the Wolf Trophy Game Management Area (WTGMA) and Seasonal WTGMA (WGFD et al. 2013) and secondly to provide recreational hunting opportunity to Wyoming sportsmen." 3. On page 3-254, the language should be modified as shown here: "Gray wolves are habitat generalists and may inhabit a wide variety of habitat types. The main habitat requirements for gray wolves include the presence of abundant prey (i.e., elk) and relatively low levels of human activity (BLM 2004h). Dispersing gray wolves are capable of traveling very long distances. Human activities associated with roads and other linear corridors cause fragmentation of gray wolf habitats. The major causes of mortality among gray wolves are legal and illegal harvest, depredation control, disease, and vehicle collisions (BLM 2004h). At least 277 wolves in ≥43 packs (including >21 breeding pairs) inhabited Wyoming on December 31, 2012. Of the total, there were ≥83 wolves and ≥10 packs (including ≥6 breeding pairs) inside Yellowstone National Park (YNP), ≥8 wolves and ≥2 packs (≥O breeding pairs) in the Wind River Reservation (WRR), and ≥186 wolves and ≥31 packs (including ≥15 breeding pairs) in Wyoming outside YNP and WRR (WGFD et al. 2013)."

Response: The document has been updated with the language provided.

Fish and Wildlife-Big game

Best available information-baseline data

Grizzly bear language needs to be revised

Comment ID: 1906
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-307, Grizzly bear, Table 3-84. While grizzly bears can and do use habitats occupied by Greater Sage-grouse we do not agree that in the context of revising BLM RMPs and USFS Plans for Greater Sage-grouse that the grizzly bear is relevant.

Comment ID: 1888
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-238, Grizzly bear, we recommend language be modified as shown. The grizzly bear is federally listed as threatened under the ESA. In Wyoming, grizzly bears may be found in coniferous forests, mountain-foothills shrublands, riparian shrub, and mountainfoothills grassland (Cerovski et al. 2004). Grizzly bears currently occupy Yellowstone and Grand Teton National Parks and portions of adjacent National Forest and private lands extending south in the Wind River Range to the Green River Lakes area and into the Wyoming Range (Bjornlie et al. 2012). The Greater Yellowstone Ecosystem grizzly bear population has experienced a 38.3% increase in distribution from 2004 to 2010 (Bjornlie et al. 2012) A Wyoming Grizzly Bear Management Plan was completed by WGFD in 2002 and amended in 2005 (Moody et al. 2005).

Summary: 1. On page 3-238, WGFD recommends language be modified as shown: "The grizzly bear is federally listed as threatened under the ESA. In Wyoming, grizzly bears may be found in coniferous forests, mountain-foothills shrublands, riparian shrub, and mountain foothills grassland (Cerovski et al. 2004). Grizzly bears currently occupy Yellowstone and Grand Teton National Parks and portions of adjacent

National Forest and private lands extending south in the Wind River Range to the Green River Lakes area and into the Wyoming Range (Bjornlie et al. 2012). The Greater Yellowstone Ecosystem grizzly bear population has experienced a 38.3% increase in distribution from 2004 to 2010 (Bjornlie et al. 2012) A Wyoming Grizzly Bear Management Plan was completed by WGFD in 2002 and amended in 2005 (Moody et al. 2005)." 2. On page 286-287, WGFD recommends the following language be modified: "Although grizzly bears do not generally occur in the field office, it is possible for them to disperse, especially in the northern areas of the field office and along the eastern front of the Wyoming Range (Bjornlie et al. 2013). Increased distribution of grizzly bears throughout the Greater Yellowstone Ecosystem has translated to more verified sightings in the Kemmerer field office along the Wyoming Range." 3. On page 286-287, WGFD recommends the following language be modified: "Grizzly bears occur in the Pinedale field office primarily in forested and foothill habitats of the Wind River and Wyoming Range, with overall distribution in the system increasing 38.3% from 2004 to 2010 (Bjornlie et al. 2013). Expansion and increase of distribution has occurred with grizzly bears in the field office due to protection through management and population recovery." 4. On page 3-294, WGFD recommends the language be modified as shown here: "The grizzly bear (Ursus arctos) historically inhabited most of the Rock Springs Field Office area and was documented around the Sweetwater River and Pacific Creek in historical journals (Dorn). Grizzly bears are listed as threatened under the ESA throughout Wyoming. Under current federal (USFWS) and state (WGFD) management, grizzly bears found in the planning area may be removed or relocated if they cause conflicts with human health and safety or threaten livelihood of producers." 5. On page 3-307, Table 3-84, while grizzly bears can and do use habitats occupied by Greater Sage- Grouse WGFD does not agree that in the context of revising BLM RMPs and Forest Service Plans for Greater Sage-Grouse that the grizzly bear is relevant.

Response: Comments 1 through 4: The document has been updated with the language provided. Comment 5: The grizzly bear is relevant to this assessment in that there is a chance that they occupy some habitat that overlaps with sage-grouse habitat, especially in the areas north of Pinedale. Based on that, it is the responsibility of the BLM and the Forest Service to assess the impacts of the changes to existing management due to the LUP Amendments, and to determine whether those impacts would affect the grizzly bear and/or its habitat.

Fish and Wildlife-Big game

Best available information-baseline data

Mountain lion language needs to be revised

Comment ID: 1912
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-485, Black bear and mountain lion, we recommend language be modified as shown. Black Bear Limited black bear populations occur in aspen-conifer areas in higher elevations of the northern portion of the field office. The goal within the field office is to maintain a healthy bear population capable of providing a broad range of recreational opportunities (including hunting and viewing in existing occupied habitats) while considering public safety, economic concerns, and other wildlife species. Mountain Lion Mountain lion populations generally occur in the northern, northwestern, and southern edges of the field office at higher elevations. The seasonal range of mountain lions generally follows that of their prey. The field office encompasses portions of two WGFD lion management units (southwest and west) and three lion hunt areas. Management goals generally focus on sustaining mountain lion populations, maintaining prey (mule deer) populations, and providing recreation and hunting opportunities, while considering human safety, economic concerns, and the needs of other wildlife species.

Summary: 1. On page 3-470, WFGD recommends language be modified as shown here: Mountain lions are fairly common but generally reclusive, with sightings reported occasionally. This species has one of the widest distributions of any native mammal in the western hemisphere and therefore, occupies a wide variety of plant communities and habitats. Typical mountain lion habitat in western North America is open woodland and shrubland, especially oak scrub, pinyon, juniper, ponderosa pine, spruce, fir, and aspen, as well as shrublands such as sagebrush, desert shrub, mountain-mahogany, and snowberry, especially where these communities are interspersed with grasslands or meadows. Mountain lions also inhabit deep, rocky, vertical-walled river canyons containing riparian vegetation such as cottonwood and willows. As an obligate carnivore, the mountain lion selects for large (deer/elk sized) prey. Research indicates that 80% to 90% of a lion's diet is ungulate sized prey; on average, an adult with an established territory will kill almost one deer sized-prey per week on average. Other prey species include elk, bighorn sheep, pronghorn, and smaller mammals. Mountain lions reside throughout the planning area; however, they are more common in areas associated with the canyons and foothills of mountain ranges where prey concentrate. The main habitat component affecting mountain lion distribution in the planning area is the absence of large, undisturbed, remote wild areas. Most of the planning area is easily accessible; human presence and activities throughout the animal's habitat will probably continue to have some impact on mountain lion population distribution. Similar to black bears, population estimates for mountain lions are difficult to obtain. Mountain lion harvest levels are monitored; management direction for this species may be adjusted based on the age and gender structure of mortalities. The BLM and WGFD utilize management guidelines established by the WGFD's Mountain Lion Management Plan (WGFD 2006a) to help direct management activities on BLM-administered land. 2. On page 3-485, WGFD recommends language be modified as shown here: Mountain lion populations generally occur in the northern, northwestern, and southern edges of the field office at higher elevations. The seasonal range of mountain lions generally follows that of their prey. The field office encompasses portions of two WGFD lion management units (southwest and west) and three lion hunt areas. Management goals generally focus on sustaining mountain lion populations, maintaining prey (mule deer) populations, and providing recreation and hunting opportunities, while considering human safety, economic concerns, and the needs of other wildlife species. 3. On page 3-501 WGFD recommends language be modified as shown here: The wide distribution of mountain lion (Puma concolor) observations indicates that this species is presently found throughout much of the Rock Springs Field Office area within suitable habitat. Indications are that distribution is widespread. Mountain lions reside in the broken juniper and rimrock areas south of Wilkins Peak to the Utah border and in the Haystacks. Cats have been observed on Cooper Ridge, in Adobe Town, on Steamboat Mountain, Little Mountain, and in the Wind River foothills. The main habitat component restricting mountain lion populations in the field office is the absence of large, undisturbed, remote wild areas or adequate prey therein.

Response: The document has been updated with the language provided.

Fish and Wildlife-Big game

Best available information-baseline data

Mule deer language revisions needed

Comment ID: 3138
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 3.21.1 3- 488 Mule Deer 5- 6 months per year on transition ranges seems incredibly high considering Nov- April (6 months) on winter range.

Summary: On page 3- 488, 5- 6 months per year on transition ranges seems incredibly high considering Nov- April (6 months) on winter range.

Response: The Sublette Herd has been found to have a very long migration, including stop-over areas for rest. Portions of the winter range can also be considered "transition range" because the deer may use portions of the range at different times of the year, depending on timing, weather, disturbance, etc. Based on this, it is appropriate to say that the mule deer may spend up to 5-6 months on transition ranges.

Fish and Wildlife-Big game

Best available information-baseline data

Need updated information

Comment ID: 1880
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Unfortunately most of the information presented about wildlife in this document is outdated and some cases wrong. For all sections on big game we suggest the authors access the Department web site at http://wgfd.wyo.gov/web2011/home.aspx and utilize the data provided in the 2012 Job Completion Reports found there rather than the 2009 or 2010 data used in these documents. On the same web site the authors can also find harvest data for small game, upland game birds, migratory game birds, trophy game and furbearers. Those reports do include data on harvest and hunter effort.

Summary: Most of the information presented about wildlife in this document is outdated and some cases wrong. For all sections on big game WGFD suggests the authors access the Department web site at http://wgfd.wyo.gov/web2011/home.aspx and utilize the data provided in the 2012 Job Completion Reports found there rather than the 2009 or 2010 data used in these documents. On the same web site the authors can also find harvest data for small game, upland game birds, migratory game birds, trophy game and furbearers. Those reports do include data on harvest and hunter effort.

Response: The information used in this document was current at the time the document was initiated. Although updated information may exist for the species identified in this comment, the information used in this document provides an adequate representation of those species. The document also provides an acceptable description of the Affected Environment for the purposes of the LUP Amendment and EIS.

Fish and Wildlife-Big game

Best available information-baseline data

Pronghorn crucial winter range incorrect south of Pinedale

Comment ID: 2638
Organization: QEP Energy Company
Name: Mike Smith

Comment: Map 3-26: Pronghorn crucial winter range is incorrectly shown south of Pinedale; its location extends northward across the Mesa. QEP asks this mistake be corrected.

Comment ID: 3139
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Map 3- 26 Pronghorn crucial winter range is incorrectly shown south of Pinedale; its location extends northward across the Mesa. Summary Map 3-26 incorrectly shows pronghorn crucial winter range south of Pinedale. The correct location should extend northward across the Mesa.

Response: Information and maps published in the Draft EIS were based on information collected from the agencies in 2011 and early 2012. The pronghorn information was updated after the Draft EIS was in final editing and not reflected in Draft EIS. The information has been changed on map 3-26 to reflect the new information.

Fish and Wildlife-ESA Consultation

Appendices

Appendix M revisions

Comment ID: 214
Organization:
Name: jean public

Comment: APPENDIX M14 SHOWS NO IMPACT TO ENDANGERED SPECIES FROM THIS PLAN WHICH IS A TOTALLIE.

Summary: Appendix M14 is incorrect in saying there are no impacts to endangered species.

Response: Expected impacts to endangered and threatened species are described in the revised Appendix M and also in Chapter 4 of the Final EIS.

Fish and Wildlife-ESA Consultation

Best available information-baseline data

Need updated ESA species list

Comment ID: 1928
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: 4. Before completing the FEIS, the BLM should obtain an updated ESA species list. The Federal listing status may have recently changed for some species. The Service has recently transitioned to a new online program to deliver species lists: the Information, Planning, and Conservation (lPaC) system. To obtain a current list of endangered, threatened, proposed, and candidate species and their designated and proposed critical habitat that occur in or may be affected by actions associated with your planning area, please visit our website at http://ecos.fws.gov/ipac/.This website will provide you with an immediate response to your species list request. The response will also include information regarding other Service trust authorities.

Comment ID: 1931
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: DEIS Volume 1. Page 3-236, Table 3-78 Table 3-78 of the DEIS contains a list of federally listed threatened, endangered, and candidate species for Wyoming. However, this table is outdated and does not contain the northern long-eared bat as a species proposed for listing as endangered. Furthermore, Table 3-78 does not indicate that the Western U.S. distinct population segment of the yellow-billed cuckoo is currently a species proposed for listing as threatened. The Service recommends that this table updated and language in the text addressing these proposed species be included, as well.

Summary: Before completing the Final EIS, the BLM should obtain an updated ESA species list, at http://ecos.fws.gov/ipac/, as it may have recently changed for some species. Additionally, on page 3- 236, Table 3-78 is outdated and does not contain the northern long-eared bat as a species proposed for listing as endangered. Furthermore, Table 3-78 does not indicate that the Western U.S. distinct population segment of the yellow-billed cuckoo is currently a species proposed for listing as threatened. This table should be updated and language in the text addressing these proposed species be included as well.

Response: The species list has been updated, yellow-billed cuckoo status has been updated to "proposed-T" and the northern long-eared bat has been added as a "proposed - E" species. We are working closely in informal consultation with the Wyoming office of the USFWS to predict the potential impacts to listed species. The latest species list through IPAC was reviewed prior to completion of the Biological Assessment. The yellow-billed cuckoo has been included.

Fish and Wildlife-Fish

Best available information-baseline data

Fisheries section revisions

Comment ID: 2483
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-524 Fisheries: Suggest in first paragraph, first sentence adding "of the" between "Many" and "perennial". Once again suggest a table to detail the fish assemblages in the TBNG. The term "flashy" may not be understood by all the readers of the EIS. Suggest replacing the term "intermittency" with "no flow" in the second paragraph. Also in the last sentence of the second paragraph " ... have likely altered species compositions." needs to be referenced or deleted. In the third paragraph there needs to be a clear distinction between the predominately sand/silt/clay substrates and the minimal cobble substrates in the watersheds. The last two sentences are seemingly out of place. There is no mention of greasewood here, if it is prevalent in the TBNG. Last paragraph, first sentence again appears to be supposition. There should be some quantitative way to show all impoundments, reservoirs and their relative location in the sub-watersheds in the TBNG, and again the reference to "altered flows" and "impoundments" leading to exotic fish, which should be identified in a table. The only time a native fish (only 2) is mentioned is in the last sentence in the last paragraph.

Summary: On page 3-524, in the first paragraph, first sentence, add "of the" between "Many" and "perennial" and include a table to detail the fish assemblages in the TBNG. The term "flashy" may not be understood by all the readers of the EIS. Replace the term "intermittency" with "no flow" in the second paragraph. Also in the last sentence of the second paragraph " ... have likely altered species compositions." needs to be referenced or deleted. In the third paragraph there needs to be a clear distinction between the predominately sand/silt/clay substrates and the minimal cobble substrates in the watersheds. The last two sentences are seemingly out of place. There is no mention of greasewood here if it is prevalent in the TBNG. Last paragraph, first sentence again appears to be supposition. There should be some quantitative way to show all impoundments, reservoirs and their relative location in the sub-watersheds in the TBNG, and again the reference to "altered flows" and "impoundments" leading to exotic fish, which should be identified in a table. The only time a native fish (only 2) is mentioned is in the last sentence in the last paragraph.

Response: Appropriate changes have been made to the Proposed LUP Amendments/Final EIS.

Fish and Wildlife-Fish

Best available information-baseline data

Native fish listings

Comment ID: 2482
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Chapter 3 - Wildlife and Fisheries TBNG- Page 3-516 Introduction: Is there a reason why the native fish of the Cheyenne River and Belle Fourche River Watersheds are not listed in a table.

Summary: Provide reasoning as to why the native fish of the Cheyenne River and Belle Fourche River Watersheds are not listed in a table on page 3-516.

Response: Appropriate changes have been made to the Proposed LUP Amendments/Final EIS.

Fish and Wildlife-Non-game

Appendices

Appendix F revisions

Comment ID: 2751
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Appendix F Comment: BLM must provide Administrative access for predator management.

Summary: BLM must provide administrative access for predator management.

Response: Access for predator management is a project-specific implementation level decision, and will be addressed on a case-by-case basis.

Fish and Wildlife-Non-game

Appendices

Appendix M revisions

Comment ID: 2634
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 3-296: QEP recommends Appendix M be deleted as discussed on page 12. QEP also recommends references to pending Biological Assessments (BA) and Biological Evaluations (BE) in the FEIS.

Summary: This Appendix (M) is laden with typos, errors, inaccuracies, redundancies, and inappropriate references. Additionally it provides no new information. QEP asks this section be stricken and instead include BAs and BEs in the Final EIS.

Response: Appendix M has been updated in the Final EIS and is called the Forest Service Biological Evaluation. The Forest Service is required by policy to evaluate impacts to designated sensitive species

through the Biological Evaluation process. The Final EIS contains text referring the reader to the Biological Evaluation and Biological Assessment.

Fish and Wildlife-Non-game

Best available information-baseline data

"No Occurrence" revisions

Comment ID: 1908
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-320, Wyoming pocket gopher, Change relevance to "No occurrence" Page 3-320, Water vole, Change relevance to "No occurrence" Page 3-329, Thunder Basin National Grasslands, Pygmy shrew, Change habitat to "Does not occur on TBNG." and Change relevance to "No occurrence" Species is restricted to Med Bow portion of USFS lands. Page 3-329, Thunder Basin National Grasslands, Spotted bat, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence" Page 3-329, Thunder Basin National Grasslands, River otter, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence" Page 3-329, Thunder Basin National Grasslands, American marten, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence" Page 3-329, Thunder Basin National Grasslands, Wolverine, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence" Page 3-329, Thunder Basin National Grasslands, Common hog-nosed skunk, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence"

Summary: The following revisions are requested: 1. Page 3-320, Wyoming pocket gopher, Change relevance to "No occurrence" 2. Page 3-320, Water vole, Change relevance to "No occurrence" 3. Page 3-329, Thunder Basin National Grasslands, Pygmy shrew, Change habitat to "Does not occur on TBNG." and Change relevance to "No occurrence" Species is restricted to Med Bow portion of USFS lands. 4. Page 3-329, Thunder Basin National Grasslands, Spotted bat, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence" 5. Page 3-329, Thunder Basin National Grasslands, River otter, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence" 6. Page 3-329, Thunder Basin National Grasslands, American marten, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence" 7. Page 3-329, Thunder Basin National Grasslands, Wolverine, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence" 8. Page 3-329, Thunder Basin National Grasslands, Common hog-nosed skunk, Change habitat to "Does not occur on TBNG." Change relevance to "No occurrence"

Response: The document has been updated with the language provided.

Fish and Wildlife-Non-game

Best available information-baseline data

Additional literature citations

Comment ID: 1918
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Additional literature cited for updates to nongame birds sections Orabona, A., C. Rudd, M. Grenier, Z. Walker, S. Patla, and B. Oakleaf. 2012. Atlas of Birds, Mammals, Amphibians, and Reptiles in Wyoming. Wyoming Game and Fish Department Nongame Program, Lander. 232pp. Wyoming Game and

Fish Department [WGFD]. 2010. Wyoming State Wildlife Action Plan. Wyoming Game and Fish Department, Cheyenne, USA.

Summary: The following literature cited for updates to nongame birds sections should be added: Orabona, A., C. Rudd, M. Grenier, Z. Walker, S. Patla, and B. Oakleaf. 2012. Atlas of Birds, Mammals, Amphibians, and Reptiles in Wyoming. Wyoming Game and Fish Department Nongame Program, Lander. 232pp. Wyoming Game and Fish Department [WGFD]. 2010. Wyoming State Wildlife Action Plan. Wyoming Game and Fish Department, Cheyenne, USA.

Response: The Draft EIS has been updated with the citations identified in the comment.

Fish and Wildlife-Non-game

Best available information-baseline data

Baseline revisions needed

Comment ID: 1916
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-517, Table 3-152, Add the following SGCN species • Eastern red bat • Hispid pocket mouse • Little brown myotis • Long-eared myotis • Long-legged myotis • Olive-backed pocket mouse • Silky pocket mouse • Western small-footed myotis

Comment ID: 1914
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-503, Juniper Obligate Species, line 3 - Add the following species to the sentence: Bushtit (Psaltriparus minimus) and Gray Vireo (Vireo vicinior). Page 3-517, Table 3-152, Remove the following mammal species: • Hoary Bat, no longer and SGCN (WGFD 2010) • Water Vole, does not occur on TBNG. • Water shrew, does not occur on TBNG. • Vagrant shrew, does not occur on TBNG. • Sagebrush vole, no longer an SGCN (2010)

Summary: 1. On page 3-503, Juniper Obligate Species, line 3, add the following species to the sentence: Bushtit (Psaltriparus minimus) and Gray Vireo (Vireo vicinior). 2. On page 3-517, in Table 3-152, remove the following mammal species: • Hoary Bat, no longer and SGCN (WGFD 2010) • Water Vole, does not occur on TBNG. • Water shrew, does not occur on TBNG. • Vagrant shrew, does not occur on TBNG. • Sagebrush vole, no longer an SGCN (2010) 3. On page 3-517, Table 3-152, add the following SGCN species: • Eastern red bat • Hispid pocket mouse • Little brown myotis • Long-eared myotis • Long-legged myotis • Olive-backed pocket mouse • Silky pocket mouse • Western small-footed myotis.

Response: Comment 1:. Bushtit (Psaltriparus minimus) and gray vireo (Vireo vicinior) have been added to the species list on page 3-503. Comments 2 and 3: The document has been updated with the language provided.

Fish and Wildlife-Non-game

Best available information-baseline data

Mountain plover revisions

Comment ID: 1907

Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 310, Table 3-85, Mountain plover - The information under the "Species and/or Species Habitat Present in Project Area" column is inaccurate. Recommend changing "Species" subcolumn from "Not suspected" to "Possible" and "Habitat" subcolumn from "No" to "Yes".

Summary: Page 310, Table 3-85, Mountain plover - The information under the "Species and/or Species Habitat Present in Project Area" column is inaccurate. Recommend changing "Species" subcolumn from "Not suspected" to "Possible" and "Habitat" subcolumn from "No" to "Yes".

Response: The table has been updated.

Fish and Wildlife-Non-game

Best available information-baseline data

Predators are critical for ecosystem

Comment ID: 2802
Organization:
Name: Andrea Baer

Comment: Apex predators are critical to the ecosystem.

Summary: Apex predators are critical to the ecosystem.

Response: BLM and Forest Service agree that apex predators are a vital part of the ecosystem, however the BLM and Forest Service manage public lands habitat and do not have the authority to regulate hunting or wildlife, including predatory animals. The management for predators habitat is within the regulatory authority of BLM and Forest Service; management of predators is under the purview of APHIS or WGFD.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Additional population information needed

Comment ID: 1209
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: 2670.12 Departmental Regulation 9500-4. This regulation directs the Forest Service to: 1. Manage "habitats for all existing native and desired nonnative plants, fish, and wildlife species in order to maintain at least viable populations of such species." No information is provided that shows current populations are viable or what a viable population is.

Summary: Departmental Regulation 9500-4 directs the Forest Service to manage "habitats for all existing native and desired nonnative plants, fish, and wildlife species in order to maintain at least viable populations of such species." No information is provided that shows current populations are viable or what a viable population is.

Response: The analysis described in this comment is contained in Appendix M. In the Draft EIS it is called the Wildlife and Botany report. In the Final EIS it is referred to as the Forest Service Biological Evaluation and Management Indicator Species report.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Black tern, Forster's tern, and great grey owl revisions needed

Comment ID: 1901
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-277, Black tern, line 3 - "Circumstantial evidence exists that black terns nest in Lincoln County within the planning area, and they also have been observed in the eastern portion of the planning area (Luce et al. 1997). This sentence is outdated. Recommend updating to "The black tern has been documented as breeding in Lincoln County, and they have been observed in the eastern portion of the planning area (Orabona et al. 2012)." Page 3-277, Forster's tern, line 3 - "The species has also been observed in the eastern portion of the planning area (Luce et al. 1997)." This sentence is outdated. Recommend updating to "This species has also been observed in the eastern portion of the planning area (Orabona et al. 2012)." Page 3-277, Great gray owl, line 3 - Update citation to Orabona et al. (2012).

Summary: Issue 1: On page 3-277, line 3 under Black tern, the sentence "Circumstantial evidence exists that black terns nest in Lincoln County within the planning area, and they also have been observed in the eastern portion of the planning area (Luce et al. 1997)." is outdated. Recommend updating to "The black tern has been documented as breeding in Lincoln County, and they have been observed in the eastern portion of the planning area (Orabona et al. 2012)." Issue 2: On page 3-277, under Forster's tern, line 3, the sentence "The species has also been observed in the eastern portion of the planning area (Luce et al. 1997)." is outdated. Recommend updating to "This species has also been observed in the eastern portion of the planning area (Orabona et al. 2012)." Issue 3: On page 3-277, under Great gray owl, line 3, update citation to Orabona et al. (2012).

Response: Citations have been updated based on information presented in the comment.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Black-footed ferret revisions

Comment ID: 1884
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3- 237, Black-footed ferret, Para 2, line 2: Strike "shooting". Shooting has never been linked to the decline of the black-footed ferret. This statement misrepresents historical events. Page 3-237, Black-footed ferret, Para 3, line 2. - replace USFWS with WGFD. The captive breeding and reintroduction program were both endeavors that were led by WGFD, with assistance (Le., financial) from USFWS. This statement misrepresents historical events. Page 3-237, Black-footed ferret, Para 3, line 4. - replace 2000 with 1992. Wild born blackfooted ferrets were detected as early as 1992 and have been ever since. This statement misrepresents historical events.

Comment ID: 1934
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: DEIS Volume 1, Page 3-293 The DEIS appears to present conflicting information regarding the block-clearance of the blackfooted ferret in the BLM's Rock Springs Field Office by first stating that there are non-block cleared areas and later describing the entire state as block-cleared. The Service recommends that the DEIS consistently describe the entire state as currently being block-cleared for the presence of wild (not originating from reintroduction areas) black-footed ferrets.

Summary: Issue 1: On page 3- 237, Black-footed ferret, Para 2, line 2: Strike "shooting". Shooting has never been linked to the decline of the black-footed ferret. This statement misrepresents historical events. Issue 2: On page 3-237, Black-footed ferret, Para 3, line 2. - replace USFWS with WGFD. The captive breeding and reintroduction program were both endeavors that were led by WGFD, with assistance (Le., financial) from USFWS. This statement misrepresents historical events. Issue 3: On page 3-237, Black-footed ferret, Para 3, line 4. - replace 2000 with 1992. Wild born blackfooted ferrets were detected as early as 1992 and have been ever since. This statement misrepresents historical events. Issue 4: On page 3-293, the Draft EIS appears to present conflicting information regarding the blockclearance of the black-footed ferret in the BLM's Rock Springs Field Office by first stating that there are non-block cleared areas and later describing the entire state as block-cleared. The FWS recommends that the Draft EIS consistently describe the entire state as currently being block-cleared for the presence of wild (not originating from reintroduction areas) black-footed ferrets.

Response: Issue 1: The suggested change in the comment was made. Issue 2: The suggested change in the comment was made. Issue 3: The suggested change in the comment was made. Issue 4: Revisions have been made to the paragraph in question, due to the information provided in the comment.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Black-tailed prairie dog revisions needed

Comment ID: 1891
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-254, Black-tailed prairie dog, line 7; ... "they are reduced to a few towns through poisoning." This statement is largely inaccurate and over represents the declines of the species. BTPD are abundant and widely distributed in Wyoming. Also, disease, the primary threat to the species is not presented. Recommend revising to " ... black-tailed prairie dog are less abundant today due to sylvatic plague (e.g., disease) and poisoning."

Comment ID: 1894
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3- 254, Black-tailed prairie dog, line 7; ... "they are reduced to a few towns through poisoning." This statement is largely inaccurate and over represents the declines of the species. BTPD are abundant and widely distributed in Wyoming. Also, disease, the primary threat to the species is not presented. Recommend revising to " ... black-tailed prairie dog are less abundant today due to sylvatic plague (e.g., disease) and poisoning."

Comment ID: 1910
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-335, Black-tailed Prairie Dog, Para 3, line 4 - "colony acreage .... from 1997 through 2000." The dates are not correct. Declines of BTPD due to sylvatic plague were first document in 2001 and epizootics persist today though acreage has increased since 2006.

Summary: Issue 1: On page 3-254, Black-tailed prairie dog, line 7; … "they are reduced to a few towns through poisoning." This statement is largely inaccurate and over represents the declines of the species. Blacktailed prairie dogs are abundant and widely distributed in Wyoming. Also, disease, the primary threat to the species is not presented. Recommend revising to " … black-tailed prairie dog are less abundant today due to sylvatic plague (e.g., disease) and poisoning." Issue 2: On page 3-335, Black-tailed Prairie Dog, Para 3, line 4 - "colony acreage …. From 1997 through 2000." The dates are not correct. Declines of Black-tailed prairie dog due to sylvatic plague were first document in 2001 and epizootics persist today though acreage has increased since 2006.

Response: Revisions have been made due to the information provided in the comment. Fish and Wildlife-Other Special Status Species Best available information-baseline data Brewer's sparrow revisions needed

Comment ID: 1898
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-258, Brewer's sparrow, Paragraph 1, lines 1 and 2 - "The Brewer's sparrow is listed as a BLM Sensitive Species that breeds in high-elevation shrubs and thickets and in sagebrush deserts. Brewer's sparrows are known to nest in the north region, west of Daniel, southwest of Boulder, north of Fontenelle Reservoir, and in the extreme east (WNDD 2002)." These statements are inaccurate. Recommend revising to "The Brewer's sparrow breeds in high-elevation shrubs and thickets and in sagebrush deserts. The BLM lists it as a Sensitive Species, and the WGFD lists it as a Species of Greatest Conservation Need (WGFD 2010). Confirmed or suspected breeding has been documented in 27 of Wyoming's 28 degree blocks (Orabona et al. 2012). Brewer's sparrows are known to nest in the north region, west of Daniel, southwest of Boulder, north of Fontenelle Reservoir, and in the extreme east (WNDD 2002)."

Summary: On page 3-258, paragraph 1, lines 1 and 2 the statements "The Brewer's sparrow is listed as a BLM Sensitive Species that breeds in high-elevation shrubs and thickets and in sagebrush deserts. Brewer's sparrows are known to nest in the north region, west of Daniel, southwest of Boulder, north of Fontenelle Reservoir, and in the extreme east (WNDD 2002)." are inaccurate and should be revised to "The Brewer's sparrow breeds in high-elevation shrubs and thickets and in sagebrush deserts. The BLM lists it as a Sensitive Species, and the WGFD lists it as a Species of Greatest Conservation Need (WGFD 2010). Confirmed or suspected breeding has been documented in 27 of Wyoming's 28 degree blocks (Orabona et al. 2012). Brewer's sparrows are known to nest in the north region, west of Daniel, southwest of Boulder, north of Fontenelle Reservoir, and in the extreme east (WNDD 2002)."

Response: Revisions have been completed based on the information provided in the comment.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Chapter 3 special status species baseline corrections

Comment ID: 2872
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: The section on Special Status Species beginning on page 235 spends a lot of time discussing these species and their needs and habitat; but very little, and in most cases, no information is provided as to how these species will impact the sage-grouse. The reader is left with a very nice biological narrative which contributes little to a discussion about sage-grouse. Even so, some of the information presented is not accurate. For example the discussion of the wolverine lists trapping as one of the threats to the species, but in the listing proposal for the wolverine there are few states that even allow trapping of the wolverine. Another example is the Kendall Warm Springs Dace which lists cattle grazing and trampling as an impact, yet it is our understanding the area surrounding the Dace has been fenced off from livestock for a number of years. In the draft recovery plan's Executive Summary from 2012 the limiting factors identified are the distribution of the dace, habitat manipulation, and small population size. No where in the Summary does it mention cattle grazing and trampling. Another example deals with the narrative on gray wolf mortality where the document totally ignores intra-species mortality which is a significant factor but was not mentioned. In the discussion on the Spotted Bat, one part says that pesticide use may impact the bats, but one sentence later, states pesticides are the biggest threat. An interesting migration of certainty from one sentence to the next. The discussion on prairie dogs uses an estimate of 99% eradicated from their former range. Yet a study published in the July 2004 edition of BioScience calls into question the data which is used for these types of statements. Nowhere does the discussion bring this back to the area being considered by the draft LUPA and EIS. Discussions on the White-faced Ibis list DDT as a cause of a major threat even though DDT use has not occurred for decades. The discussion on Swift Fox on page 256 states that, "There are still poisoning campaigns to eradicate coyotes in some areas, . . .". After communications with APHIS personnel this statement appears to be inflammatory at best and at worst, false. The document should provide proof of the poisoning campaign. The discussion on the Midget Faded Rattlesnake has moved entirely into the realm of speculation in the document calling into question the entire chapter if not the document itself. On page 240 the document talks about how the Governor's EO has worked to alleviate declines in sage-grouse. It goes on to state that implementation of conservation easements within these areas have reduced the threat risk to those areas. However, we've seen no documentation as to how effective conservation easements have been for protecting sage-grouse. Most of the information appears to be speculative in nature and testimony has been provided to Wyoming Legislative committees that easements have little or no affect on the ability to develop many minerals thereby not affecting one possible concern for sage-grouse. On page 294 of Chapter 3 the document states that Grey Wolves are listed as a "Nonessential Experimental Population" in Wyoming. We believe the wolf is delisted in Wyoming.

Summary: The section on special status species beginning on page 235 spends a lot of time discussing these species and their needs and habitat; but very little, and in most cases, no information is provided as to how these species will impact the sage-grouse. The reader is left with a very nice biological narrative which contributes little to a discussion about sage-grouse. Even so, some of the information presented is not accurate. For example the discussion of the wolverine lists trapping as one of the threats to the species, but in the listing proposal for the wolverine there are few states that even allow trapping of the wolverine. Another example is the Kendall Warm Springs dace which lists cattle grazing and trampling as an impact, yet it is our understanding the area surrounding the dace has been fenced off from livestock for a number of years. In the draft recovery plan's Executive Summary from 2012 the limiting factors identified are the

distribution of the dace, habitat manipulation, and small population size. No where in the summary does it mention cattle grazing and trampling. Another example deals with the narrative on gray wolf mortality where the document totally ignores intra-species mortality which is a significant factor but was not mentioned. In the discussion on the spotted bat, one part says that pesticide use may impact the bats, but one sentence later, states pesticides are the biggest threat. An interesting migration of certainty from one sentence to the next. The discussion on prairie dogs uses an estimate of 99% eradicated from their former range. Yet a study published in the July 2004 edition of BioScience calls into question the data which is used for these types of statements. Nowhere does the discussion bring this back to the area being considered by the Draft LUP Amendments and EIS. Discussions on the white-faced Ibis list DDT as a cause of a major threat even though DDT use has not occurred for decades. The discussion on swift fox on page 256 states that, "There are still poisoning campaigns to eradicate coyotes in some areas, . . .". After communications with APHIS personnel this statement appears to be inflammatory at best and at worst, false. The document should provide proof of the poisoning campaign. The discussion on the midget faded rattlesnake has moved entirely into the realm of speculation in the document calling into question the entire chapter if not the document itself. On page 240 the document talks about how the Governor's EO has worked to alleviate declines in sage-grouse. It goes on to state that implementation of conservation easements within these areas have reduced the threat risk to those areas. However, there has been no documentation as to how effective conservation easements have been for protecting sage-grouse. Most of the information appears to be speculative in nature and testimony has been provided to Wyoming Legislative committees that easements have little or no affect on the ability to develop many minerals thereby not affecting one possible concern for sage-grouse. On page 294 of Chapter 3 the document states that grey wolves are listed as a "Nonessential Experimental Population" in Wyoming. This should be correct as the wolf as been delisted in Wyoming.

Response: The CEQ regulations require an environmental impact statement to "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues" (40 CFR 1502.15). Additionally, the Draft LUP Amendments/Draft EIS is a programmatic NEPA effort to conserve Greater Sage-Grouse and its habitat across a broad geographic area. As such, the BLM described the current conditions and trends in the affected environment broadly, across a range of conditions, appropriate to program-level land use planning actions. The BLM complied with these regulations in describing the affected environment. The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decision. The affected environment provided in Chapter 3 and various appendices is sufficient to support, at the general land use planning-level of analysis, the environmental impact analysis resulting from management actions presented in the LUP Amendments/EIS.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Fringed myotis revisions needed

Comment ID: 1895
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-254, Fringed myotis, Para 1 - The paragraph is poorly supported with literature. As written it implies that these are original thoughts. Recommend adding citations, such as (Hester and Grenier

2005) or other primary literature to support information presented. Some of the information, as presented, without citations may border on plagiarism.

Summary: On page 3-254, Fringed myotis, Para 1, the paragraph is poorly supported with literature. As written it implies that these are original thoughts. Recommend adding citations, such as (Hester and Grenier 2005) or other primary literature to support information presented. Some of the information, as presented, without citations may border on plagiarism.

Response: A citation has been added to the identified section based on the comment.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Harlequin duck, Lewis' woodpecker, merlin, northern pygmy owl, three-toed woodpecker revisions needed

Comment ID: 1902
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-278, Harlequin duck, Lewis' woodpecker, merlin, northern pygmy owl, three-toed woodpecker - Update Luce et al. (1997) to Orabona et al. (2012). Update Species of Special Concern to Species of Greatest Conservation Need (WGFD 2010).

Summary: On page 3-278, Harlequin duck, Lewis' woodpecker, merlin, northern pygmy owl, three-toed woodpecker - Update Luce et al. (1997) to Orabona et al. (2012) and update Species of Special Concern to Species of Greatest Conservation Need (WGFD 2010).

Response: Citations have been updated based on the comment.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Interior least tern and piping plover revisions needed

Comment ID: 1890
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-242, Interior least tern, line 1 - "The interior least tern is listed as endangered in Nebraska, Colorado, and Montana, but does not occur in Wyoming (USFWS 2008a)." is inaccurate. Recommend revising to "The interior least tern is listed as endangered in Nebraska, Colorado, and Montana, and accidental in Wyoming with one historic record in the southeast (Orabona et al. 2012, USFWS 2008a)." Page 3-242, Piping plover, line 1 - "The piping plover is considered threatened in most of the western Great Plains states; however, it is not known to occur in Wyoming (USFWS 2008b)." is inaccurate. This species is classified as a rare migrant in Wyoming, with observations documented in 8 of Wyoming's 28 degree blocks (Orabona et al. 2012). Recommend revising to "The piping plover is considered threatened in most of the western Great Plains states (USFWS 2008b, Orabona et al. 2012)."

Summary: Issue 1: On page 3-242, Interior least tern, line 1 - "The interior least tern is listed as endangered in Nebraska, Colorado, and Montana, but does not occur in Wyoming (USFWS 2008a)." is inaccurate. Recommend revising to "The interior least tern is listed as endangered in Nebraska, Colorado, and Montana,

and accidental in Wyoming with one historic record in the southeast (Orabona et al. 2012, USFWS 2008a)." Issue 2: On page 3-242, Piping plover, line 1 - "The piping plover is considered threatened in most of the western Great Plains states; however, it is not known to occur in Wyoming (USFWS 2008b)." is inaccurate. This species is classified as a rare migrant in Wyoming, with observations documented in eight of Wyoming's 28 degree blocks (Orabona et al. 2012). Recommend revising to "The piping plover is considered threatened in most of the western Great Plains states (USFWS 2008b, Orabona et al. 2012)."

Response: The sentence has been revised based on information in the comments.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Northern long-eared bat revisions needed

Comment ID: 1933
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: DEIS Volume 1, Page 3-286 The DEIS provides information for special status species found in areas administered by the BLM's Newcastle Field Office. However, the northern long-eared bat is not included in this section. The Service recommends that the DEIS state that the northern long-eared bat is a species proposed for listing as endangered in the BLM's Newcastle Field Office and language in the text addressing the northern long-eared bat as a proposed species be included, as well.

Comment ID: 1936
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: DEIS Volume 1, Page 3-329 Table 3-95 of the DEIS contains a list of sensitive wildlife species in the Thunder Basin National Grassland. However, this table does not indicate that the northern long-eared bat is present in this area and is currently a species proposed for listing as endangered. The Service recommends that this table be revised to include this information and text addressing the northern long-eared bat as a proposed species be included, as well.

Summary: On page 3-286, the Draft EIS provides information for special status species found in areas administered by the BLM's Newcastle Field Office, and on page 3-329 Table 3-95 contains a list of sensitive wildlife species in the Thunder Basin National Grassland. However, the northern long-eared bat is not included in these sections. The USFWS recommends that the Draft EIS state that the northern long-eared bat is a species proposed for listing as endangered in the BLM's Newcastle Field Office and TBNG and language in the text addressing the northern long-eared bat as a proposed species be included as well.

Response: Northern long-eared bat has been added to the document.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Pygmy rabbit revisions needed

Comment ID: 1896
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-255, Pygmy rabbit, Para 3, line 8 - "Pygmy rabbit populations which are isolated .. .locally extirpated" This statement is inaccurate. Thammayya and Buskirk 2012 demonstrated that populations were well connected genetically despite occurring in isolated pockets of sagebrush. This implies a strong ability to disperse, and re-colonize which contradicts statement on line 8.

Summary: The statement on page 3-255, paragraph 3, line 8, "Pygmy rabbit populations which are isolated .. .locally extirpated" is inaccurate. Thammayya and Buskirk (2012) demonstrated that populations were well connected genetically despite occurring in isolated pockets of sagebrush. This implies a strong ability to disperse, and re-colonize which contradicts statement on line 8.

Response: The sentence has been removed based on the comment.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Revisions to baseline information

Comment ID: 487
Organization:
Name: Jean Harshbarger

Comment: On page 3-95 of volume 1 there is a statement that is incorrect. It states "Forest Service does not control or manage wildlife". Forest Service has been managing prairie dogs on thousands of acres of TBNG for many years, in direct conflict with this statement.

Summary: On page 3-95 the statement "Forest Service does not control or manage wildlife" is incorrect, as Forest Service has been managing prairie dogs on thousands of acres of TBNG for many years.

Response: The text in the Draft EIS that stated that the Forest Service does not control or manage wildlife is incorrect. That text has been revised in the Final EIS. Courts have affirmed that the Forest Service clearly has the authority under the Property Clause, and Organic Act, 16 U.S.C 551, to regulate fish and wildlife on National Forest System lands. State governments have extremely important trustee and management roles in regulating wildlife management and harvest. It is a Forest Service policy decision on how to best work with state partners in managing wildlife. FSM 2600-90-2 (2610.3) includes Forest Service policy for management of wildlife and fish populations. "Policy-1. Recognize the role of the states to manage wildlife and fish populations within their jurisdictions and the responsibility of the U.S. Fish and Wildlife Service to manage fish and wildlife resources within its authority. 2. Recognize the state fish and wildlife agencies as a public agency with management responsibilities for wildlife on the National Forests and include them as partners in planning and implementation of activities that effect wildlife and fish. 3. Provide leadership in habitat management on National Forest System lands to meet resource objectives of the Forest Service and its cooperators. 4. Maintain processes for resolving habitat management issues of the Forest Service and its cooperators." Prairie dog management is directed under part 4 of this policy.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

River otter revisions needed

Comment ID: 1900
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-276, River Otter, Para 1, line 1 - Add "and protected by Wyoming Statute" Page 3-276, River Otter, Para 1, line 4 - " .. .in the Green River Basin." Add "and western half of Wyoming." Species is more broadly distributed than the statement in the document implies.

Summary: Issue 1: On page 3-276, paragraph 1, line 1 - Add "and protected by Wyoming Statute" Issue 2: On page 3-276, paragraph 1, line 4 - " .. .in the Green River Basin." Add "and western half of Wyoming." Species is more broadly distributed than the statement in the document implies.

Response: Revisions to the sentence have been made based on the comments.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Species inclusion clarifications needed

Comment ID: 168
Organization:
Name: Jean Harshbarger

Comment: On 3-517-518 there is a list of "species of greatest conservation need." Of the 66 species listed, 41 are included "wholly or in part due to the absence of data". It seems unreasonable to assume that these are in need of conservation efforts if the data don't support that.

Comment ID: 483
Organization:
Name: Jean Harshbarger

Comment: Species of Greatest Conservation Need for the Thunder Basin National Grasslands What is the determining factor (or factors) that the American Bittern is on this list? This bird is said to be "rather common but very elusive" Perhaps this elusiveness is what makes people think it isn't there. Where in the TBNG is there enough water for the white Pelican to do anything except rest for a little while? Herons, Terns, Canvasbacks, Gulls,Scaup, pintails, Grebe and probably other birds that made the list are occasional visitors to the TBNG. To put them on a list of this kind seems to make them of more importance then they are. Just because a bird flew over an area or stopped in a stockwater pond for a bit should not make it a "species of concern",

Comment ID: 2473
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-400 Species of Special Concern: The "several species of special concern" should be listed here either in the known or suspected list.

Summary: Issue 1: On 3-517-518 there is a list of "species of greatest conservation need." Of the 66 species listed, 41 are included "wholly or in part due to the absence of data". It seems unreasonable to assume that these are in need of conservation efforts if the data don't support that. Issue 2: Regarding Species of Greatest Conservation Need for the Thunder Basin National Grasslands, provide reasoning as to why the American Bittern is on this list, as this bird is said to be "rather common but very elusive". Issue 3: Birds that are occasional visitors to TBNG, including the white pelican, herons, terns, canvasbacks, gulls, scaup, pintails, grebe and probably other birds that made the list seems to make them of more importance then they are.

Issue 4: On page 3-400 the "several species of special concern" should be listed here either in the known or suspected list.

Response: Issue 1: The descriptions of species of greatest conservation need is a report of existing determinations. Changing these determinations is outside the scope of the actions studied in this environmental analysis. Please see Section 4.14.2 for the list of species of special concern. Issue 2: This list has been developed by the State of Wyoming's Wildlife Action Plan. It identified the species the state has identified as needing conservation actions. The EIS has used the state's list to develop this table based on the occurrence within the project area. Issue 3: This list has been developed by the State of Wyoming's Wildlife Action Plan. It identified the species the state has identified as needing conservation actions. The EIS has used the state's list to develop this table based on the occurrence within the project area. Issue 4: These species are listed in Section 4.14.2

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

Spotted bat revisions needed

Comment ID: 1897
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-256, Spotted bat, Para 2, line 1 - This statement is inaccurate. Scientific collection of spotted bats, though perhaps once important, is not considered a threat today. Further the species is protected from such widespread collection efforts by Chapter 52 of the Wyoming Game and Fish Commission Regulations. Please remove or revise.

Summary: The statement on page 3-256, paragraph 2, line 1 is inaccurate and should be removed or revised. Scientific collection of spotted bats, though perhaps once important, is not considered a threat today. Further, the species is protected from such widespread collection efforts by Chapter 52 of the Wyoming Game and Fish Commission Regulations.

Response: The sentence has been removed based on the comment.

Fish and Wildlife-Other Special Status Species

Best available information-baseline data

White-faced ibis revisions are needed

Comment ID: 1899
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-263, White-faced ibis, Paragraph 1, line 1 - "The white-faced ibis occurs in marshes, wet-moist meadows, lakes, and irrigated meadows (Cerovski et al. 2004) and has been confirmed as nesting in the planning area (Luce et al. 1997). This statement is outdated. Recommend updating to "The whitefaced ibis occurs in marshes, wet-moist meadows, lakes, and irrigated meadows and has been confirmed as nesting in the planning area (Orabona et al. 2012)."

Summary: On page 3-263, paragraph 1, line 1, the statement "The white-faced ibis occurs in marshes, wetmoist meadows, lakes, and irrigated meadows (Cerovski et al. 2004) and has been confirmed as nesting

in the planning area (Luce et al. 1997)." is outdated. Recommend updating to "The whitefaced ibis occurs in marshes, wet-moist meadows, lakes, and irrigated meadows and has been confirmed as nesting in the planning area (Orabona et al. 2012)."

Response: The sentence has been revised due to information provided in the comment.

Fish and Wildlife-Other Special Status Species

Cumulative impact analysis

Surface disturbing activities will impact special status species

Comment ID: 3079
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: According to the DEIS at 4-487: Oil and gas development would cause the greatest amount of surface disturbance through construction of well pads, roads, pipelines, and other facilities. Reclamation and mitigation efforts would reduce impacts on special status wildlife; however, construction and maintenance of roads and well pads and the presence of humans would result in long-term or permanent impacts. Special status species, under the ESA and Wyoming BLM and Forest Service sensitive species guidance, would be protected on federal lands by site-specific mitigation, including exclusion or avoidance of all surface-disturbing activities; however, protection of non-federally listed species on private and state lands may not occur, resulting in potentially significant impacts on these species. The degree of impact would depend on the timing of development activities and whether the amount of activity outpaces the successful reclamation and revegetation efforts in disturbed areas. Because of this pace of development (whether federal mineral, commercial, or private residence), more pressure would be put on habitats outside of the development (likely private lands) as wildlife is displaced from the disturbances. The assertion in the DEIS that special status species would be protected “by site-specific mitigation, including exclusion or avoidance of all surface-disturbing activities” is contradicted by the current preferred alternative. In fact, Alternative E provides for very little exclusion and avoidance. This misleading claim in the cumulative impacts section lacks any credence unless the FEIS adopts the conservation approach advocated by these comments consistent with the protective designations in Alternative B.

Summary: According to the Draft EIS at 4-487, oil and gas development would cause the greatest amount of surface disturbance and reclamation and mitigation efforts would reduce impacts on special status wildlife; however, construction and maintenance of roads and well pads and the presence of humans would result in long-term or permanent impacts. Special status species, under the ESA and Wyoming BLM and Forest Service sensitive species guidance, would be protected on federal lands by sitespecific mitigation, including exclusion or avoidance of all surface-disturbing activities; however, protection of non-federally listed species on private and state lands may not occur, resulting in potentially significant impacts on these species. The degree of impact would depend on the timing of development activities and whether the amount of activity outpaces the successful reclamation and revegetation efforts in disturbed areas. Because of this pace of development (whether federal mineral, commercial, or private residence), more pressure would be put on habitats outside of the development (likely private lands) as wildlife is displaced from the disturbances. The assertion in the Draft EIS that special status species would be protected “by site-specific mitigation, including exclusion or avoidance of all surface-disturbing activities” is contradicted by the current Preferred Alternative. In fact, Alternative E provides for very little exclusion and avoidance. This misleading claim in the cumulative impacts section lacks any credence unless the Final EIS adopts the conservation approach advocated by these comments consistent with the protective designations in Alternative B.

Response: The combination of surface occupancy exclusions, surface activity and disturbance restrictions, timing limitations, limits on density of development, and other management prescriptions provided under Alternative E have been developed to minimize habitat fragmentation, reduce multiple stressors to the species, support the recovery of the Greater Sage-Grouse population in Wyoming and surrounding states, and protect core, general, and seasonal sage-grouse habitat. Closure of specified areas to leasing has been considered and analyzed within other prescribed alternatives, and may yet be selected for use in the final Record of Decision.

Fish and Wildlife-Other Special Status Species

Impact Analysis

Chapter special status species revisions

Comment ID: 2879
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 242 of Chapter 4, bullet point 6 discusses that development restrictions in core sage-grouse areas are assumed to benefit special status species. We reiterate our point that many raptors are special status species which prey upon sage-grouse. Helping sage-grouse may mean addressing these other species, or in the least try to encourage them leaving the area to protect the sage-grouse. The entire discussion on special status species needs to point out how adverse impacts to one species can benefit another. The most obvious example would be that activities which would reduce predatory raptors such as eagles would result in increased sage-grouse survival rates.

Summary: On page 242 of Chapter 4, bullet point 6 discusses that development restrictions in core sage-grouse areas are assumed to benefit special status species. We reiterate our point that many raptors are special status species which prey upon sage-grouse. Helping sage-grouse may mean addressing these other species, or in the least try to encourage them leaving the area to protect the sage-grouse. The entire discussion on special status species needs to point out how adverse impacts to one species can benefit another. The most obvious example would be that activities which would reduce predatory raptors such as eagles would result in increased sage-grouse survival rates.

Response: The alternatives contain a combination of surface disturbance restrictions, timing limitations, limits on density of development, and other management that will minimize or prevent disturbance and habitat fragmentation, which will provide adequate protections for sage-grouse and other special status species. This document serves as an amendment to land use plans specifically to protect sagegrouse and their habitat, other provisions in each individual land use plan may provide further protections for special status species that are not discussed in this amendment.

Fish and Wildlife-Other Special Status Species

Range of alternatives

Guidelines in Preferred Alternative should be included in all LUPs

Comment ID: 2175
Organization: The Nature Conservancy
Name: Graham McGaffin

Comment: The Conservancy supports the proposed order and actions in the preferred alternative but recommends BLM and USFS apply those guidelines to wildlife and fisheries management in all BLM and

USFS land-use plans considered in the DEIS and not limit the application to the Pinedale RMP, as proposed in the DEIS (page 2-135).

Summary: The BLM and Forest Service should apply those guidelines in the Preferred Alternative to wildlife and fisheries management in all BLM and Forest Service land-use plans considered in the Draft EIS and not limit the application to the Pinedale RMP, as proposed in the Draft EIS (page 2-135).

Response: Management was only included in Alternative A for amendment if it pertained to Greater Sage-Grouse Management. Pinedale was the only plan that contained this management. The management in Alternative E will apply to all BLM Field Offices and Forest Service Units, not just to Pinedale.

Fish and Wildlife-Other Special Status Species

Range of alternatives

No alternative protects other special status species adequately

Comment ID: 1197
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA believes that all of the action alternatives in the DLUPA inappropriately jettison BLM's existing policies to protect candidate species, including the policies contained in BLM Manual 6840, "Special Status Species Management" (Manual 6840) and represent a pre-determined decision to implement required design features and best management practices as recommended in the NTT Report (Ch. 2 at 2-15, 16). Consequently, the DLUPA arbitrarily imposes a completely new regulatory framework without providing a reasonable explanation for doing so, and is therefore arbitrary and capricious.

Summary: All of the action alternatives in the Draft LUP Amendments inappropriately jettison BLM's existing policies to protect candidate species, including the policies contained in BLM Manual 6840, "Special Status Species Management" and represent a pre-determined decision to implement required design features and best management practices as recommended in the NTT report (Ch. 2 at 2-15, 16). Consequently, the Draft LUP Amendments arbitrarily imposes a completely new regulatory framework without providing a reasonable explanation for doing so, and is therefore arbitrary and capricious.

Response: The BLM special status species manual continues to apply. The Wyoming Greater Sage-Grouse LUP Amendments is only focusing on amending management for sage-grouse in the 6 BLM and 3 Forest Service units. Management for other wildlife species is not addressed because that management is not being amended, and addressing that management would be out of scope of the plan. The specific management for other wildlife within the existing LUPs will not change. The management in the Draft LUP Amendments has been analyzed in Chapter 4 to disclose the impacts to special status and other fish and wildlife species. Analysis and necessary mitigation for threatened and endangered species and critical habitat is contained in the Biological Assessment, and an analysis of Forest Service sensitive species and Forest Service Management Indicator Species and their habitat is contained in the Biological Evaluation. Please see Appendix M.

Fish and Wildlife-Other Special Status Species

Range of alternatives

Recovery objectives are needed

Comment ID: 1213

Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The proposed Forest Plan amendment fails to include quantifiable recovery objectives either for ESA listed species or Sensitive Species. For example, one of many, there are no "quantifiable objectives" for populations or habitat of Sensitive amphibian species. No recommendations for critical or essential habitats have been made or even discussed in the proposed Plan amendment.

Summary: The proposed Forest Plan amendment fails to include quantifiable recovery objectives either for ESA listed species or sensitive species. For example, there are no "quantifiable objectives" for populations or habitat of sensitive amphibian species. No recommendations for critical or essential habitats have been made or even discussed in the Proposed LUP Amendments.

Response: The Wyoming Greater Sage-Grouse LUP Amendments is only focusing on amending management for sage-grouse in the 6 BLM and 3 Forest Service units. Management for other wildlife species is not addressed because that management is not being amended, and addressing that management would be out of scope of the plan. The specific management for other wildlife within the existing LUPs will not change. The management in the LUP Amendments has been analyzed in Chapter 4 to disclose the impacts to special status and other fish and wildlife species. Analysis and necessary mitigation for threatened and endangered species and critical habitat is contained in the Biological Assessment, and an analysis of Forest Service sensitive species and Forest Service Management Indicator Species and their habitat is contained in the Biological Evaluation. Please see Appendix M. The LUP Amendments/EIS is focused on identifying forest plan measures to protect the Greater Sage-Grouse and to help avoid the need to list the Greater Sage-Grouse under the ESA. Objectives and strategies have been developed in this EIS for this Forest Service sensitive species and its habitat. Development of quantifiable objectives for all other sensitive species or ESA listed species is beyond the scope of this decision.

Fish and Wildlife-Other Special Status Species

Range of alternatives

Support for Alternative B

Comment ID: 2265
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 125, page 2-132-133): We recommend management actions outlined in Alternative B are most appropriate for Action 125.

Summary: For Action 125, page 2-132-133, the management actions outlined in Alternative B are most appropriate for Action 125.

Response: The final decision for this action will be included in the Record of Decision after completion of the public involvement process.

Fish and Wildlife-Other Special Status Species

Range of alternatives

The plan needs to address conflicts between prairie dogs and sage-grouse

Comment ID: 1068
Organization: Association of National Grasslands, Inc.

Name: Mark Tubbs

Comment: ANG believes that the overlapping core area habitats of the sage-grouse and the black-tailed prairie dog are management conflicts that NEPA requires the agency to take a hard look at in the DEIS. Anything less renders the DEIS inadequate. We believe that the management prescriptions in the DEIS for sage grouse habitat and the prairie dog habitat requirements in the TBNG LRMP are in direct conflict. This conflict has not been adequately described or evaluated in the DEIS. The failure of the DEIS to provide scientific analysis concerning the habitat conflicts between the sage-grouse and the black-tailed prairie dog deprives the public of the information necessary to provide meaningful comment. This failure to recognize and analyze the habitat conflicts and the carrying capacity of uncontrolled prairie dog populations on the TBNG necessarily precludes outlining appropriate measures to mitigate these conflicts, as required by 40 C.F.R. 1S0.14(f). In conclusion, ANG respectfully request that the FEIS and Biological Assessment be completed by the Forest Service to ensure that sufficient analysis and evaluation be given to the prairie dog and sage grouse habitat conflicts that will continue to occur unless the proper NEPA analysis and mitigation measures are outlined in these documents and the Record of Decision. The adverse modification of sage grouse habitat by prairie dog expansion may not be ignored in the preparation of these NEPA required documents. Please give serious consideration to our well-intentioned request.

Comment ID: 1492
Organization:
Name: Denise Langley

Comment: The Fish and Wildlife hav stated that one of the major areas of concern to sage grouse habitat is the destruction and fragmentation of that specific habitat. In the TBNG the second biggest destructive force destroying the limited habitat of the bird is the habitat destruction caused by the black-tailed prairie dog. The encroachment of this rodent into the sage grouse core area has destroyed more acreage than all the other concerns put together excluding mining. As previously stated, there was a very large population of sage grouse in many areas. Then, over the years the Sage Grouse population has declined. One of the major components of their decrease has been a decrease in available habitat. When the FS took over the management of the Grasslands and then determined to grow prairie dogs that meant the demise of large expanses of sage grouse habitat. I have lived in the Grasslands all my life—probably longer than anyone working in the federal agencies today and can state with all honesty the pursuance in an increase for acreage of prairie dog towns has caused a dramatic decrease in hundreds of acres of sage grouse core area habitat. Oil and gas pads are stationery, once set they do not move or increase in size. I have seen sage grouse huddled by the exhaust of a noisy pumping unit to stay warm so they do adjust. A pipeline once laid will grow vegetation over the top for cover. Transmission lines if buried are the same. Transmission lines if set for predator control will not leave a large footprint over the years. BUT the black- tailed prairie dog in the Grasslands has laid barren miles of once productive land that had sage grouse nesting and winter habitat. Destruction of sage grouse habitat can occur with any type of prairie dog but is greatly increased with the black-tailed prairie dog colonization. This is because black-tailed prairie dogs colonize at a much higher density. All prairie dogs should be managed away from and kept out of sage grouse core area habitat and connectivity areas unless they are on private lands. In this case the landowner with the prairie dogs should be encouraged to protect the neighboring sage grouse habitat. If prairie dogs were not allowed or encouraged to inhabit any sage grouse core areas, connectivity areas and where ever there is good habitat for the Greater Sage Grouse, then that critical sage grouse vegetation format would be preserved. The prairie dog can live almost anywhere whereas the habitat for the sage grouse is greatly limited. How is it possible to actually say you are going to conserve Sage Grouse without placing restrictions on where the prairie dogs can live and also manage the density of the prairie dogs population levels? Will the federal agencies step up to the plate, and come up with actual workable solutions that will be a good solid basis the federal agencies can and will support to prevent more sage grouse habitat destruction by the prairie dog? Page 2-8 Draft EIS “maintain or improve the viability of sage-grouse habitat and populations over time” this will not

be accomplished especially in the Northeastern part of Wyoming unless the prairie dog encroachment into sage grouse core area habitat is dealt with---so do it with good sound management solutions. If the prairie dogs are managed out of and far enough away from the core areas then you will have solved a major problem of habitat destruction and fragmentation in a key area of the State of Wyoming.

Comment ID: 478
Organization:
Name: Jean Harshbarger

Comment: Not addressed in the amendment is the conflict between prairie dogs and sage grouse. There are documented cases of prairie dogs mowing sagebrush in areas that at one time were used by sagegrouse. The current prairie dog plan, which includes thousands of acres of prairie dog infested lands is certainly detrimental to sage grouse. If, as stated in 3-237, ferrets only need prairie dog towns of 12.5 acres, then even if the Thunder Basin National Grasslands is to be used for ferrets, the amount of land set aside is excessive.

Comment ID: 2224
Organization: Thunder Basin Grazing Association (TBGA)
Name: Frank G., Jr. Eathorne

Comment: In the Wildlife and Fisheries section of the executive summary (page x), a passing reference is made to comments received concerning potential conflicts between prairie dogs and greater sage-grouse management. However, Appendix M provides very little information on this situation. Since a portion of prairie dog MA 3.63 overlaps the Thunder Basin sage-grouse core area, it is unclear how competing management prescriptions will be blended in order to provide adequate habitat for sagegrouse. Managing for sage-grouse in conjunction with prairie dog and other shortgrass species is certainly complex. However Appendix M states that "…specific habitat management direction for prairie dogs and MA 3.63 insure that sufficient habitat will remain to support desired prairie dog levels." This seems to imply that current management direction for prairie dogs will supersede management for sagebrush and sage-grouse habitat. The Association suggests that the final alternative clarify this ambiguity and include guidance for multi-species management including preserving, where possible, the habitat that takes the longest to establish or restore–in this case, sagebrush.

Summary: Not addressed in the amendment is the conflict between prairie dogs and sage-grouse. There are documented cases of prairie dogs mowing sagebrush in areas that at one time were used by sagegrouse. The current prairie dog plan, which includes thousands of acres of prairie dog infested lands is certainly detrimental to sage-grouse. If, as stated in 3-237, ferrets only need prairie dog towns of 12.5 acres, then even if the TBNG is to be used for ferrets, the amount of land set aside is excessive. This failure to recognize and analyze the habitat conflicts and the carrying capacity of uncontrolled prairie dog populations on the TBNG necessarily precludes outlining appropriate measures to mitigate these conflicts. Appendix M states that "…specific habitat management direction for prairie dogs and MA 3.63 insure that sufficient habitat will remain to support desired prairie dog levels." This seems to imply that current management direction for prairie dogs will supersede management for sagebrush and sagegrouse habitat. Please clarify this ambiguity and include guidance for multi-species management including preserving, where possible, the habitat that takes the longest to establish or restore–in this case, sagebrush.

Response: While the sage-grouse core area overlaps the MA 3.63, the habitats are not mutually exclusive. Prairie dogs and associated species have coexisted with sage-grouse in this area for decades. The reference to 12.5 acres needed for ferrets does not meet current science and will be corrected in the Final EIS. Under the current prairie dog management strategy, the prairie dogs are within the current designated areas and acreages and within designated control limits. Under the current strategy they are not an uncontrolled

population. The current prairie dog strategy is not mutually exclusive and does not supersede management for sage-grouse.

Sage-grouse

Definitions, terminology

Comment ID: 985
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: "Core Areas" or "Core Habitat Areas" and "Priority Sage-grouse Habitat" - Throughout the Draft LUP Amendment and DEIS the terms "Core Areas" or "Core Habitat Areas" and "Priority Sage-grouse Habitat" are used interchangeably (including Map 3-18: Sage-grouse Habitat). However, as defined in the Glossary, the terms do not cross-reference. Other states may use their own terms for designating GSG habitat, but for this plan, please revise the definitions for "Core Areas" and "Priority Sage-grouse Habitat" to be consistent with Wyoming's strategy.

Comment ID: 977
Organization: American Colloid Company
Name: Melody Smith

Comment: EIS Glossary Definitions: “Core Areas: The term “Core” is associated with state-designated areas identified as the most important for Greater Sage-Grouse. Some states utilize a distance surrounding the largest leks, while other states use other methods including designating all occupied habitat as Core.” “Priority Sage-grouse Habitat: Areas that have been identified as having the highest conservation value to maintaining sustainable sage-grouse populations. These areas would include breeding, late brood-rearing, and winter concentration areas. These areas have been identified by the BLM/Forest Service in coordination with respective state wildlife agencies.” Priority and core habitat do not have the same definitions and are identified by different agencies; how then can they be “the same” and used interchangeably in discussions as stated in the summaries for Alternatives B and C? (‘Core Habitat’ is not specified in DEIS Glossary, clarify if the term is synonymous with ‘Core Area’ that is in the Glossary.) Clarify definitions, use and represented area.

Comment ID: 1017
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The FEIS needs to address both Site Stabilization and Interim Reclamation by adding the following: Site Stabilization: Newly-disturbed areas not needed for production, operation or travel would be protected to stabilize soils and prevent erosion until interim reclamation techniques are applied. This includes protection of top soil in stockpiles from deterioration. Interim Reclamation: Reclamation is initiated on well pads, roads, and pipelines immediately after drilling activity is completed and wells are producing. The objective of interim reclamation is to achieve healthy, biologically active topsoil, control erosion, restore habitat and visual qualities, and forage function of those portions of the disturbed area not needed for production operations for the life of the well or facilities or until final reclamation is initiated. Interim reclamation is designed to be complementary to final reclamation and should not inhibit final reclamation. Interim Reclamation is a best management practice with agency-wide emphasis. See BLM Instruction Memorandum No. 2010-098. Throughout the DEIS, BLM has failed to adequately implement interim reclamation and should include interim reclamation as a basic management assumption that will reduce surface disturbance and habitat impacts. Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development.

Comment ID: 986
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: "Conservation Measures" - Please add language to the definition for "Conservation Measures" that demonstrates measures will be developed in collaboration with the State of Wyoming and other applicable stakeholders.

Comment ID: 987
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: "Disruptive Activities ", "Sage-grouse Disruptive Activity ", "Surface Disturbance ", and "Surface Disturbing Activities" - The definition "Sage-grouse Disruptive Activity" should be removed from the document - disruptive activities are the same for GSG as they are for other wildlife species. The BLM has defined "Surface Disturbance" and "Disruptive Activities" in Information Bulletin (IB) WY-2007-029, Guidance for Use of Standardized Surface Use Definitions, and again in BLM 1M WY-2012-019. Both documents direct the BLM to use the standardized definition provided in IB WY- 2007-029. The statement " ... activity to be present in these habitats for a duration of more than 1 hour during any one 24 hour period during the application season in the site-specific area." is acceptable. This exception will provide clarification to short-term activities occurring within site specific areas. Normal livestock grazing or trailing activities should not be considered "surface disturbance" or a "disruptive activity" provided management actions pertaining to these activities are applied. The Draft LUP Amendment and DEIS states, "Livestock grazing is not considered a surface disturbing activity." (p.4-87). I support this statement, and believe it should be reflected throughout the document, including the Glossary.

Comment ID: 2326
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The Executive Order also allows mining operations to submit a conservation plan to the Sage Grouse Initiative Team to mitigate surface disturbing issues that fall within the .25 mile No Surface Occupancy buffer around leks. The DLUPA/DEIS fails to address how it will mitigate activities on BLM surface that are "restricted" within the .25 mile No Surface Occupancy property. Moreover, the Draft EIS fails to define what "restricted" means and how it will be implemented in a No Surface Occupancy area.

Comment ID: 2268
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Also, the definition of what constitutes successful mitigation and the notion of “no-net loss with a net gain” should be explicit and extend beyond habitat acres for sage-grouse. The mitigation goal should explicitly state that mitigation means reproductively active and successful birds are occupying the habitat and not simply having the habitat characteristics on an acre-acre basis or even with a net gain of acres, but perhaps without occupancy. While bird presence and success cannot be measured on every acre, there must at least be some population metric measured at a reasonable scale to demonstrate population are level or increasing where mitigation efforts have been implemented (perhaps by estimating brood density and chicks per brood from observations on transects through mitigation sites).

Summary: Requests to add, revise or remove definitions for: -sage-grouse disruptive activity (remove) - surface disturbance, disruptive activity, core habitat areas, priority habitat areas, sage-grouse habitat

(revise) -conservation measures, restricted, site stabilization, interim reclamation, successful mitigation (add).

Response: The definitions have been updated in the Proposed LUP Amendments/Final EIS.

Sage-grouse

Protect sage-grouse and habitat

Comment ID: 735
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Some general habitat, however, must also be conserved if sage-grouse are to be restored to longterm viability. The goal for managing general habitat is to support habitat connectivity and increase sage-grouse populations within and outside of the other sage-grouse habitat designations.

Comment ID: 727
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: In its scoping comments on the National Greater Sage-Grouse Planning Strategy submitted on March 12, 2013, NWF and five of its state affiliates, California Planning and Conservation League, Colorado Wildlife Federation, Idaho Wildlife Federation, Montana Wildlife Federation, Nevada Wildlife Federation, and Wyoming Wildlife Federation, identified 15 components of effective management strategies for sage-grouse conservation (see discussion below). None of the alternatives identified in the Wyoming Nine-Plan Greater Sage Grouse Draft Land Use Plan Amendment and Draft Environmental Impact Statement (WY9DEIS) contains all of these recommendations. NWF, therefore, urges the agencies to adopt a final resource management plan amendment (RMPA) that incorporates appropriate elements of Alternatives B and C, as well as the Preferred Alternative, in the final RMPA.

Comment ID: 726
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: The guiding principle of the National Greater Sage-Grouse Planning Strategy must be to maintain and increase the abundance and distribution of Greater sage-grouse throughout the planning area. This planning effort will require the development of policies and strategies to conserve, enhance, and restore the sagebrush ecosystem across the species' range. For that reason, NWF is disappointed to see the agencies put forth as their "Preferred Alternative" (Alternative E) in the draft environmental impact statement for amending nine land use management plans in Wyoming, a strategy that continues to rely on measures, such as the quarter-mile buffer for leks outside designated core areas, that have proven ineffective in preventing the decline of Greater sage-grouse.

Comment ID: 1089
Organization:
Name: Brock Evans

Comment: he Preferred Alternative simply does not -- can not -- accomplish these needed goals sufficiently to stabilize its numbers and eventually recover it to full sustainable health as a species. I urge that the BLM reconsider its position and to adopt the Conservation Alternative instead.

Comment ID: 1069
Organization:
Name: John Davis

Comment: Commercial uses of the land should only be permitted if they are compatible with protection of the sage grouse and other sagebrush species.

Comment ID: 2738
Organization:
Name: Ron Lambeth

Comment: At the planning stage you can broaden your authority for protective measures at APD time. Reserving sizable areas as No Surface Occupancy would face opposition, but that's the nature of multiple use land management. Areas for true multiple use must include habitats kept that are large enough for strong populations of sage grouse that geneticists can predict persistence for more than a human generation or two. Protecting large expanses of important sage-grouse habitat--as outlined in the Conservation Alternative--will help stem the decline of many species of wildlife across the American West. This alternative will also begin restoring balance to an over-utilized and degraded landscape, while at the same time identifying areas most appropriate for development and those that need to be avoided.

Comment ID: 1067
Organization:
Name: Eileen Hennessy

Comment: I am deeply concerned about the preservation of endangered sage grouse, however, I believe the solution to that problem is the critical listing of this rapidly declining bird under the ESA -- not a plan concocted by the BLM whose sole purpose is not saving this species from extinction but to head the ESA listing of sage grouse off at the pass before the strict regulations of an official federal listing would dictate the preservation of sage grouse habitat on public lands and put an end to the incessant destructive use of such areas by commercial interests including livestock grazing and extractive industries

Comment ID: 734
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: NWF has long supported the approach adopted by the State of Wyoming and identified in all of the action alternatives under consideration in the WY9DEIS of delineating “core” or “priority” habitats that must be permanently protected from both direct and indirect impacts of development. The agencies’ own National Technical Team (NTT) has defined priority habitat as “areas that have the highest conservation value to maintaining or increasing sage- grouse populations.”6 These priority areas should include breeding, late brood- rearing, winter concentration areas, and migration or connectivity corridors.7 The remaining sage-grouse habitat, or general sage-grouse habitat, includes occupied seasonal or year-round habitat outside of priority habitat. Priority habitat should be set aside from development or protected via stringent management protections that meet the goal of maintaining and enhancing populations in these areas. These protected areas should be large enough to stabilize populations in the short term and enhance populations over the long term.8 Priority habitat should also include small or isolated populations, such as those along the periphery of the Greater sage-grouse’s range.6 BLM Sage- grouse National Technical Team, A Report on National Greater Sage- Grouse Conservation Measures (December 21, 2011), at p. 7. The National Technical Team calls these areas “priority” sage-grouse habitat. 7 Ibid. 8 For example, the Wyoming BLM proposed 11 contiguous square miles or sections as an appropriate minimum size for an area of habitat to qualify for being set-aside from development. BLM Instruction Memorandum WY-2010-

013, available at http://www.blm.gov/pgdata/etc/medialib/blm/wy/resources/efoia/Ims/2010.Par.43567.File.dat/wy2 010-013.pdf.

Comment ID: 714
Organization:
Name: Meg Daly

Comment: recognizing that Wyoming 9 is likely to recommend Alternative E, I am concerned that several measures in Alternative E are inadequate to ensure successful conservation of Greater sage-grouse. I suggest additional conservation measures be incorporated into the final determination. Limit surface disturbance within core Greater sage-grouse habitat to 3% per 640 acres. Research shows that sage-grouse populations decline in the long-run when facing higher levels of disturbance. Extend Greater sage-grouse lek buffers to four miles. Research shows that the negative impacts of energy infrastructure on leks extend four miles—more than 550% times farther than the proposed 0.6-mile buffer zone. Similarly, limit the timing of disruptive activities such as drilling wells and building roads to provide strong protections for grouse during lekking, nesting, and brood-rearing seasons. Provide core and/or connectivity habitat protections to sage-grouse in the Bridger-Teton National Forest (such as for the Gros Ventre and Hoback basin leks). These sage-grouse populations serve as critical connections between grouse in Jackson Hole and those in the Upper Green River basin. Currently, these populations are outside core area designations.

Comment ID: 1624
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: A primary concern is that none of the administrative designations now in existence provide for longterm assurances that the lands will be managed for the recovery and conservation of the grouse. As a parallel effort, the Center urges the agencies to pursue new authorities to enter into long-term conservation for the grouse another species that provide for durable protections. At the heart of the effort to avoid the extirpation and extinction of the sage-grouse, there must be a profound and fundamental recognition that further habitat declines are very serious in nature. Early conservationist Aldo Leopold once said, “To keep every cog and wheel is the first precaution of intelligent tinkering.”38 Due to the heavy impacts of man, fire and climate change on the landscape, we are facing a crisis of losing the “cogs” that form an intact and functional sage-grouse ecosystem. Immediate steps are needed to stabilize the losses and lay the foundation for future recovery.39 Towards this end, the Center and others are proposing a system of habitat reserves to provide for the conservation and recovery of the grouse. Rationale and details for this proposed reserve system are now provided.

Comment ID: 1623
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The Center requests that the agencies map and implement a conservation reserve system for the recovery of the sage-grouse. Tools to implement and sustain such as system are limited however the agencies should take advantage of all existing land designations to do so, and pursue more durable and lasting designations through rule-making and Congressional actions.37 Primary among existing designations are the Area of Critical Environmental Concern authorized in the BLM’s regulations, and the USFS may “adopt special designations through plan amendment or revision” to conserve natural resources (36 CFR § 219.27). The USFWS and US Forest Service should administratively designate sage-grouse conservation areas in the current planning process with similar purpose and management as BLM ACECs

to conserve sage-grouse and other sagebrush dependent species on National Wildlife Refuges and conservation areas in the planning area.

Comment ID: 900
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: We selected key conservation measures to evaluate the effectiveness of the preferred alternatives in the draft plans to conserve sage-grouse and their habitat. The key conservation measures take a precautionary approach to sage-grouse conservation, recognizing the challenges of managing sagebrush steppe. Selected measures would designate and conserve sage-grouse priority habitat, identify habitat restoration areas, specially protect sagebrush reserves, ensure that land uses do not fragment and degrade sage-grouse habitat, and require that management plans account for the effects of climate change on sagebrush steppe. These science-based measures are further described in Appendix A. While they are not a complete set of prescriptions needed to conserve sage-grouse, implementing these measures would provide a strong foundation for protecting and restoring the species and its habitat.

Comment ID: 901
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Key conservation measures: o Designate and manage large areas of priority habitat to conserve sagegrouse.

Comment ID: 1620
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Sage-grouse are a landscape species that use a variety of sagebrush habitats throughout the year. Large, interconnected areas of sagebrush steppe must be conserved if sage-grouse are to persist.31 The size of sagebrush cores areas, percent of area in sagebrush cover, patch size of the sagebrush and their proximity to one another were key variables found to differentiate between extirpated and occupied habitat ranges.32 Much remaining sage-grouse habitat is publicly owned, most of it managed by the federal government.33 DEIS table 1, Table 3.5. Historic patterns of land use, conflicting management policies and demand for resources on these lands have left little sagebrush steppe protected. Protecting large expanses of sagebrush steppe and current populations of sagegrouse are the highest priority.34 Establishing a system of habitat reserves in sagebrush steppe will help conserve habitat components and ecological processes important to species conservation.

Comment ID: 906
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Key conservation measures: o Protect a subset of priority habitat as sagebrush reserves with the primary purpose of conserving and restoring sagebrush habitat and sage-grouse populations.

Comment ID: 720
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: NWF is also concerned that the Preferred Alternative continues to vest substantial discretion in local managers to authorize "exceptions, waivers and modifications" to the conservation measures set forth. The result is not so much a "national strategy" for sage-grouse conservation as 100s of different approaches that will vary with agency personnel across the West. The continued reliance on some management "prescriptions" that are not supported by current science and others which are not really prescriptive but merely suggestions that can be waived will not be sufficient to ensure that sagegrouse are restored and that no further action by USFWS will be required.

Comment ID: 913
Organization:
Name: cindy sheptow

Comment: Require in the Preferred Alternative that land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats. The Cloud Foundation¹s goal in advocating for wild horses includes restoring habitats for all wildlife on our public lands. Please do not let us down again.

Comment ID: 864
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: NWF also supports elements of Preferred Alternative E that would require a minimum lease size of 640 contiguous acres within priority sage-grouse habitat. By implementing a minimum lease size, BLM and USFS could limit the density of oil and gas or mining activities to no more than an average of one location per 640 acres. In areas that previously may have been leased as a 40- acre parcel, this would not be possible.

Comment ID: 718
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: The direct loss, fragmentation, and degradation of its habitat must be addressed now or further declines in sage-grouse populations and range will certainly occur.

Comment ID: 1627
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: We are concerned that the agency's examination of impacts to sage grouse is rudimentary in Priority Habitats and in many cases absent outside them in the DEIS. BLM also must take the legally required 'hard look' at direct or cumulative impacts to sage grouse wintering habitat under the various alternatives; since the impact of development approved under the RMP Amendment on breeding and nesting sage grouse matters little if sage grouse populations do not survive the winter. No surface disturbance in or adjacent to winter habitat any time of year (Walker 2008).

Comment ID: 713
Organization:
Name: Meg Daly

Comment: I support the Bureau of Land Management's efforts to conserve Greater sage-grouse in Wyoming. My preferred alternative is Alternative C: the alternative based on the input of citizen groups and that affords the greatest protection for managing Greater sage-grouse in Wyoming.

Comment ID: 979
Organization:
Name: Chris Lish

Comment: There are regions with high biological values for sage grouse that have not yet been leased or developed, and these should be given highest priority for focused management. Both suitable sage grouse conservation and other land use practices can co-exist in these low conflict areas. To help greater sage grouse recover, the land-management plans must: * Implement consistent, sciencebased, nondiscretionary conservation measures to restrict or minimize disturbance in sage grouse priority habitat and around all active leks. * Designate all priority sage grouse habitat into a system of large and connected sagebrush reserves where conservation of sage grouse and other sagebrushdependent species is the priority. * Withdraw or close priority habitat areas to new surface disturbance including oil, gas, mineral and other energy development, as well as excluding new rightsof- way in these areas. * Identify and prohibit from surface disturbance sage grouse winter habitat. * Prevent livestock grazing from degrading sage grouse habitat, including through the spread of cheatgrass, and facilitate voluntary retirement of federal grazing permits in the species' range. * Maintain and enhance sage grouse seasonal habitats, including nesting, brooding, and wintering grounds. * Account for the effects of climate change in conservation plans by anticipating future habitat and species shifts and supporting sage-steppe resilience to climate change. "I think America will have come to maturity when it will be possible to erect somewhere in the United States a great bronze marker which will read: "'Beneath these lands which surround you there lies enormous mineral wealth. However, it is the judgment of the American people, who locked up this area, that these lands shall not be disturbed, because we wish posterity to know that somewhere in our country, in gratitude to nature, there was at least one material resource that we could let alone.'" -- Freeman Tilden If development or other disturbance must occur within habitat areas, roads, transmission lines, and off-road vehicle trails should be constructed in a manner that minimizes and mitigates damage to sage grouse habitat and overall surface disturbance. The plan should restrict habitat disturbance to no more than 3 percent disturbance of the land surface per square mile and create a buffer of 10 kilometers from active leks. Additionally, existing and new disturbance should be monitored (using aerial and satellite imagery) and properly assessed so that plans for future leasing and permitting can be adjusted to ensure habitat is protected.

Comment ID: 5
Organization:
Name: Kathleen Drury

Comment: I strongly urge you and your organizations, the Bureau of Land Management and the Forest Service, to develop and implement adequate, consistent management prescriptions to protect and restore sage-grouse and their habitat on public lands. Sage-grouse are a landscape species that are highly sensitive to habitat loss and degradation. Final agency plans must adopt management alternatives based on the best available science, that include but are not limited to withdrawing or closing priority habitat areas to further mineral development, and excluding new rights-of-way in these areas.

Comment ID: 451
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Unfortunately, and although the draft Wyoming plan makes important advances in managing sagegrouse and other wildlife in the planning area, the preferred alternative (Alternative E) falls short of conserving and restoring sage-grouse populations. Current and future development threatens large areas of sage-grouse habitat in Wyoming, and most sage-grouse populations are directly and indirectly affected by land uses and related effects (see 4-488, 4-492; and Appendix A). The preferred alternative does not propose adequate regulatory mechanisms to reduce or eliminate the impacts of land use and development on sage-grouse. We are concerned that many conservation measures in the preferred alternative lack scientific support and would be detrimental to sage-grouse (see Table 1).

Comment ID: 504
Organization: Hudson-Mohawk Bird Club, Inc.
Name: Patti Packer

Comment: As development pressure increases on these lands, Alternative E is insufficient to ensure that migration corridors are protected and damaged habitat is reclaimed. The agencies must develop a more protective plan that incorporates elements of Alternatives B and C, and the final plan must require that oil and gas drilling, road building, construction of transmission lines and wind turbines, and overgrazing are restricted in priority sage-grouse habitat.

Comment ID: 497
Organization: Environmental Protection Agency, Region 8
Name: Philip Strobel

Comment: We additionally recommend that the BLM consider selecting more precautionary management actions in the Preferred Alternative and using adaptive management to relax conservation measures as GRSG populations increase or achieve sustainability. This precautionary approach to adaptive management planning appears to be-worth considering because of the slowness of the GRSG to move into expanded or improved habitat and the unpredictability of GRSG populations. Many of the land management practices and decisions covered by the Draft LUPA/ElS would result in permanent impacts with few opportunities to reduce habitat fragmentation.

Comment ID: 453
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: The Wyoming Basin Ecological Assessment (2011: 131), relevant to the draft Wyoming plan, reported that "[a]ny drilling <6.5 km [approximately 4 miles] from a sage-grouse lek could have indirect (noise disturbance) or direct (mortality) negative effects on sage-grouse populations." The Wyoming Game and Fish Department, using lek buffers of 0.25-mile, 0.5-mile, 0.6-mile, 1.0-mile, and 2.0-mile, estimated lek persistence of 4, 5, 6, 10, and 28 percent, respectively (Christiansen and Bohne 2008, memorandum). More recent modelling predicts that the Wyoming core area strategy will only slow, not stop, sage-grouse population declines in the state (Copeland et al. 2013), an estimation that may be confirmed by the latest population data in Wyoming (USRBSGCP 2014, draft). Since 2007, there has been a 60 percent decrease in the number of males counted at leks statewide (USRBSGCP 2014, draft). Despite these predictions and the preponderance of scientific research, the draft Wyoming plan concludes, without reference to supporting information, that "the proposed lek buffers are sufficient to provide Greater Sage-Grouse undisturbed habitat and prevent habitat fragmentation" (2-202, Table 2-7). It is inexplicable how the draft plan can make such a claim given that the 0.6-mile buffer would only protect an additional 236,420 acres over current management—out of 27 million acres of sage-grouse habitat in Wyoming (4-453).

Comment ID: 452

Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: One example of the scientifically deficient conservation measures in the preferred alternative is the proposed 0.6-mile lek buffer in core habitat areas to protect active sage-grouse leks and adjacent nesting and brood-rearing habitat from fluid minerals development and other disturbance (see Table 1). Neither the state nor Wyoming BLM subjected the policy to robust scientific review. The 0.6-mile lek buffer is inadequate to protect essential sage-grouse habitat from the effects of energy development and other disturbance, and much larger buffers are advised. As reported in the draft Wyoming plan, "[d]eclines of Greater Sage-Grouse populations following energy development have been shown through numerous scientific studies (Braun 1986, Remington and Braun 1991, Braun et al. 2002, Holloran 2005, Walker et al. 2007). Buffer distances from 0.5 to two miles from oil and gas infrastructure have been shown to be inadequate to prevent declines of birds from leks (Walker et al. 2007). Studies have shown that greater distances, anywhere from two to four miles, are required for viable Greater Sage-Grouse populations to persist (Connelly et al. 2000, Holloran and Anderson 2005, Walker et al. 2007)" (4-335).

Comment ID: 719
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: The disappearance of Greater sage-grouse habitat and the decline of Greater sage-grouse populations indicate the need to implement more effective conservation immediately. While federal land management agencies and state wildlife agencies have engaged in efforts to preserve Greater sage-grouse, the species is still in decline, demonstrating that past and current efforts are inadequate. As the United States Fish and Wildlife Service (USFWS) has indicated, there is an urgent need to develop and implement range-wide, science-based conservation measures before the Greater sage-grouse reaches the brink of extinction.

Comment ID: 844
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: disturbance or uses permitted adjacent to priority habitat do not negatively impact sage-grouse populations in priority habitat,15 thus negating the value of designated priority habitats.

Comment ID: 1063
Organization:
Name: Kelcia Wheeler

Comment: I would ask the BLM to adopt the conservation alternative to ensure sustainable management to conserve the species.

Comment ID: 829
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: priority habitat from large-scale disturbances (e.g., transmission lines, oil and gas wells, graded roads etc.), as well as any type of development that affects population distribution and abundance at any level.

Comment ID: 1052

Organization:
Name: DIANE KASTEL

Comment: We are sending a comment letter urging that BLM adopt conservation measures--called the conservation alternative, or "Alternative C"--to ensure sustainable management for the grouse.

Comment ID: 832
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: development to areas with low conflicts with Greater sage-grouse conservation.

Comment ID: 835
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: habitat cannot be fully protected due to valid existing rights, minimize impacts by limiting permitted disturbances to one per section with no more than 3% surface disturbance.14

Comment ID: 836
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: small scale disturbances do not cumulatively disturb more than 3% of each priority area.

Comment ID: 838
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: and enhance the amount of protected priority habitat by aggressively pursuing available tools, including fluid mineral lease retirements, voluntary grazing permit retirement (where beneficial), mineral withdrawal, coal unsuitability findings, and mineral claim buyouts.

Comment ID: 839
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: habitat, establish goals for enhancing habitat and building sage-grouse populations. In these identified areas, the agencies should work to reduce overall road densities, remove fences and enhance nesting cover and take other steps to improve habitat function.

Comment ID: 1625
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Greater sage-grouse are a landscape species. Migratory populations have large annual ranges that can encompass >2,700 km2 / 667,184 ac. Large-bodied birds like sage-grouse are generally more strongly affected by habitat loss and fragmentation. Although conclusive data on minimum patch size is unavailable, conserving large expanses of sagebrush steppe is the highest priority to conserve sagegrouse. One study identified ten lek complexes that were >5,000 km2 / 1,235,526 ac) (range 5,395–100,288 km2) and 8 of them contained >100 leks (range 143–1,139). Some sagebrushdependent species use different habitat composition, structure or succession than sage-grouse prefer. Protecting large blocks of habitat will also help preserve a mosaic of different habitats of varying successional stages used by sage-grouse and other sagebrush-dependent species. Preserving large habitat islands in itself is not enough – these centers must be inner-connected for several reasons. Knick et al. stated that, "Species that have multiple interconnected populations are more likely to persist because risk of extirpation caused by regional events…connectivity among populations ensures that recolonization can occur following local extirpation assuming that sufficient habitat remains." In addition, some sage-grouse populations (known as "migratory") move long distances between seasonal habitats, sometimes in two distinct movements. Annual movements of 40-160 km by sagegrouse along established routes have been reported. Thus Beck et al. recommended conserving habitat corridors to facilitate easier movement for migratory sage-grouse. Protecting smaller habitat patches can help connect larger areas. Successful conservation strategies for sage-grouse would preserve networks of populations and/or habitat patches, including connecting smaller lek complexes within 18 km that could serve as intermediary islands of habitat for dispersing sage-grouse.

Comment ID: 842
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: range management practices outlined by the NTT, with improvements, including avoiding new range and water developments that negatively impact sagegrouse and applying the 3% disturbance cap to certain range developments.

Comment ID: 1626
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Several habitat characteristics capable of being mapped should be included as components in the reserve system. These are all priority habitat for courtship, breeding and nesting areas, brood rearing areas, as well as winter habitats and linkages or connectivity habitat.

Comment ID: 847
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: habitat treatments, and anthropogenic disturbances will need to be managed below thresholds necessary to conserve not only local sage-grouse populations, but sagebrush communities and landscapes as well.

Comment ID: 848
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Wherever possible, priority habitat should be set aside from development or protected via stringent management protocols, especially where it is not subject to valid existing rights. Both BLM and

USFS have existing mechanisms for designating lands like sage-grouse priority habitat that have biologically valuable characteristics and are in need of special management attention. By identifying priority sagegrouse habitats and developing prescriptions for their maintenance and improvement, the agencies will have taken a critical step forward in as a means of achieving the goal of maintaining and enhancing greater sage-grouse populations. The NTT's recommendations should be used as a starting point for achieving effective conservation in priority habitats. The agencies should strive to implement them to the fullest extent possible while refining them further to better address specific issues consistent with the most recent science.

Comment ID: 852
Organization:
Name: Jodie MacTavish

Comment: The sage grouse is threatened by GAS DRILLING - STOP permitting wells - it is poisoning water, air, destroying the land and people's health.

Comment ID: 859
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: The agencies' Preferred Alternative E continues to rely on mitigation measures that are inadequate, such as the .25-mile buffer for leks outside preferred habitat.20 It also permits disturbance levels (5%) within priority habitats that are too great to ensure that Greater sage-grouse will be restored to sustainable populations. It relies too heavily on discretionary mitigation actions and permits exceptions to key conservation measures.20 Pump stations and other permanent structures should be placed a minimum of 2 miles (3.2 km) from the nearest lek, with a preferred distance of greater than 4 miles (6.4 km) from active leks, based upon the best-available science. See Naugle, D.E., Doherty, K.E., Walker, B.L., Holloran, M.J., Copeland, H.E. 2011. Energy development and greater sage-grouse. In: Greater sage-grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology. University of California Press.

Comment ID: 862
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: None of the alternatives identified in the WY9DEIS meets all of the recommendations included in the scoping comments submitted by NWF and its affiliates. Alternative A, the "No Action Alternative" is unacceptable. New conservation efforts are required in order to ensure that the Greater sage-grouse need not be listed as threatened or endangered. Alternative C is identified as the "Conservation Alternative." It calls for the retirement of all grazing allotments within all sage-grouse habitats. While NWF agrees that over-grazing and some range "improvement" projects can be damaging to sagegrouse populations, we do not recommend that livestock grazing be eliminated on all sage-grouse habitat.19 19 The WY9DEIS creates a false choice that sets conservation against all other uses. The agencies should instead adopt conservation measures that will conserve a broad range of resources and uses. This approach is most consistent with responsible management of sage-grouse habitat and the many conservation values of these federal lands.

Comment ID: 863
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Alternative B incorporates the NTT recommendations regarding minerals activities in sagegrouse habitat. It also addresses livestock grazing and renewable energy. It requires that grazing in allotments which are not meeting sage-grouse seasonal habitat objectives be restructured. It requires that range improvements be designed to enhance sage-grouse habitat. Alternative B recommends that priority habitats be designated as exclusion areas for both renewable energy generation and new transmission. NWF supports these additions to the NTT recommendations.

Comment ID: 1630
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: BLM should cap disturbance at 3% on a per-square-mile basis at most in both Priority Habitats and Connectivity Areas. Connectivity Areas, which often in this plan amendment alternatives fall within General Habitats, are of crucial importance to sage grouse. According to Taylor et al. (2012: 32), "Genetic connectivity is the glue that holds populations together, and remaining core areas, though impacted, may help maintain connectivity among populations...." The Conservation Objectives Team (2013: 36) stated, "Sage-grouse habitats outside of PACs may also be essential, by providing connectivity between PACs (genetic and habitat linkages), habitat restoration and population expansion opportunities, and flexibility for managing habitat changes that may result from climate change. There may also be seasonal habitats outside of PACs essential to meeting the year-round needs of sagegrouse within PACs but that have not yet been identified." Connectivity Areas need to be established to connect Priority Habitats.

Comment ID: 1621
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Given the importance of public lands to sage-grouse conservation; the sensitivity of these lands to disturbance, longer recovery periods and variable response to restoration; and their susceptibility to invasion by exotic plants, land uses that negatively affect these lands should be restricted or eliminated in key habitat areas to conserve sage-grouse habitat.

Comment ID: 1064
Organization:
Name: Kelcia Wheeler

Comment: I would ask the BLM to adopt the conservation alternative to ensure sustainable management to conserve the species.

Comment ID: 291
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: From the standpoint of scientific supportability, the Alternative B and C measures on development density (3% cap, and per square mile section rather than using a DDCT) are scientifically sound, while the other alternatives are inconsistent with scientific findings. Similarly, the one pad per 640-acre section is the proper limit; the 1 pad per 640 acres averaged across a DDCT area does not comport with any of the scientific analyses, each one of which specified that disturbance density calculations were made on a per-section basis and none of which used a DDCT. The NSO of 0.6 miles from leks is completely inappropriate. Given the grouse's propensity to nest within 5.3 miles of leks (Doherty et al. 2011), this measure does not prevent significant impacts to nesting grouse. Please provide scientific evidence that allowing drilling and/or production activity as close as 0.6 mile from active leks will prevent significant

impacts to sage grouse habitat use and/or populations. The NSO/CSU of 0.25 to 0.6 miles from a lek in Alternatives D and E will likely result in major impacts to active leks within the Core Areas themselves and other populations as well, as this proximity results in significant impacts to breeding grouse on the lek and will result in development occurring in the midst of the most prime nesting habitats that surround the affected lek. All new major roads should be located farther than 1.9 miles from active leks. The Preferred Alternative prescribes a 0.25-mile "avoidance" zone for new road construction around leks (DEIS at 4-315); please provide scientific evidence that this will prevent significant impacts to greater sage grouse breeding populations using these leks. Seismic activity should be limited to periods outside the breeding/nesting or winter use season, for breeding/nesting and winter concentration habitats, respectively.

Comment ID: 172
Organization: Stevenson Intermountain Seed, Inc.
Name: Ronald M. Stevenson

Comment: The major problem of the deficiency is that the draft EIS does not contain an adequate presentation and analysis concerning the critical importance that improving or restoring destroyed good sagegrouse habitat will have in reversing the current trend of diminishing sage-grouse numbers.

Comment ID: 294
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The COT report indicates that Wyoming's sage-grouse populations must be maintained or restored to help support the species' long-term persistence (COT 2013).The Wyoming Core Area strategies will fail to achieve these goals. New research (Copeland et al. 2013) projects continued sage-grouse population declines at 14-29 percent in Wyoming if state policies are fully implemented (and the examples above demonstrate less than full compliance), and also significant decreases of sage grouse populations inside Core Areas. The same study estimates that, even if bolstered by $250 million in targeted conservation easements on private property (a very unlikely assumption), the Core Area policies would only cut anticipated sage-grouse population declines by half in Wyoming, and by twothirds within high abundance areas. Given that listing the sage grouse was found to be "warranted" (although precluded by other priorities) in 2010 by the USFWS, BLM cannot afford to manage its Wyoming sage grouse habitats for additional population declines.

Comment ID: 1607
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Large leks are an important index of population trends, and Taylor et al. (2012: 28) found a particular reduction in large leks with increasing well densities, even below one well per square mile: "A warning signal of declining populations is given by the accompanying decline in large leks, which showed a 70% decrease from no development to 160 ac spacing (1.5 wells/km2, 1- 18/60, Table 3). By 80 ac spacing (3.1 wells/km2), only 2 large leks remained on the landscape (Table 3)." It is critically important to maintain large leks, rather than allowing impacts from energy development to degrade them into small leks. When large leks are lost and only small leks remain, extirpation via West Nile virus, fire, or other stochastic disturbances becomes likely, perhaps only a matter of time.

Comment ID: 1609
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: While a lek provides an important center of breeding activity, and a conspicuous location at which to count birds, its size is merely an index to the population dynamics in the surrounding habitat. Thus attempting to protect a lek, without protecting the surrounding habitat, provides little protection at all." Unfortunately, both the State and Wyoming BLM Core Area strategies (and Wyoming RMP Amendment Preferred Alternative) only require protective buffers of 0.6 miles around leks in designated core habitat (DEIS at 2-138); this corresponds to a 6% probability of lek persistence (Christiansen and Bohne 2008). Indeed, BLM itself points to the inadequacy of this regulatory mechanism: Studies have shown that greater distances, anywhere from two to four miles, are required for viable Greater Sage-Grouse populations to persist. DEIS at 4-335, citations omitted. By comparison, the NTT report recommends a 4-mile lek buffer for siting industrial development in sage-grouse habitat (NTT 2011), a prescription in greater accord with the science. Aldridge and Boyce (2007) suggested that even larger buffers (10 km) are warranted. Males use shrubs <1 km (0.6 mi) from a lek for foraging, loafing, and shelter (Rothenmeier 1979, Autenreith 1981, Emmons and Braun 1984); this does not make 0.6 mile the appropriate NSO buffer for preventing impacts even to breeding bird, much less nesting birds. In Wyoming, State and BLM policies have in the past (and in the Preferred Alternative for this EIS) erroneously use this as a basis for a 0.6-mile No Surface Occupancy buffer around leks. However, there is no science to indicate that preventing wells within 0.6 mile of a lek will eliminate or minimize negative population impacts on sage grouse

Comment ID: 1610
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Buffers prescribed for leks outside Core Areas are even smaller and more inadequate. Both Wyoming strategies call for buffers of only 0.25 miles. The WGFD's stated position is for 50 percent probability of lek persistence outside Core Areas (WGFD 2010 at 31). But this is the same level protection criticized by former Governor Freudenthal and former WGFD Director Cleveland as grossly inadequate in 2007, and which were found to be inadequate by State fish and game biologists in 2008 (Christiansen and Bohne 2008, Attachment 12). BLM itself admits this buffer distance is inadequate. DEIS at 4-268. The BLM has implemented the 0.25-mile lek buffer, paired with a 2-mile seasonal restriction on development activities around sage-grouse leks for years in Wyoming (as prescribed in Instruction Memorandum WY-2012-019), and significant impacts to sage-grouse populations have been documented where these stipulations have been applied (Holloran 2005, Walker 2008, Holloran et al. 2007). Yet in the Preferred Alternative, BLM prescribes a 0.25-mile NSO buffer in General Habitats, a level of protection that is proven to be insufficient.

Comment ID: 1611
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The differences between the sizes of NSO buffers are major. A 0.25-mile lek buffer protects 0.2 square miles of habitat; an 0.6-mile buffer covers 1.13 square miles, a 2-mile buffer covers 12.57 square miles, a 4-mile buffer covers 50.27 square miles, and a 5.3-mile buffer covers 88.25 square miles of habitat. If one assumes that a 5.3-mile buffer covers the nesting habitat (which is not always true), then an 0.25-mile buffer covers two-tenths of one percent of the nesting habitat while an 0.6- mile buffer would encompass 1.3% of the nesting habitat surrounding a lek. Factor in the established scientific principle that impacts of a producing gas well can extend 1.9 miles from the well pad into adjacent habitats (Holloran 2005), and the level of protection afforded by 0.25-mile and 0.6 mile buffers are negligible.

Comment ID: 1612
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The Wyoming BLM Core Area strategy proscribes future leasing of fluid minerals in Core Areas, but only in areas of 11 contiguous square miles of unleased, BLM-managed minerals (BLM IM WY-2012- 019). Current lease deferrals should be replaced with an outright closure to future fluid minerals leasing, regardless of whether there is contiguous unleased federal estate at present or not. It would further impair the viability of sage grouse populations to reverse the decreasing trend of Core Area acreage leased (due to deferrals under Wyoming Instruction Memoranda) by opening up Core Areas to fluid minerals leasing.

Comment ID: 213
Organization:
Name: jean public

Comment: M174 - ANY PLAN THAT HAS ALREADY MANAGED TO WIPE OUT SO MANY SPECIES WILL NOT WORK TO SAVE SAGEGROUSE. SPECIES NEED EACH OTHER. IF THERE IS ONLY PROFITEERS AND SAGEGROUSE, THE SAGEGROUSE WILL NOT THRIVE AND LIVE. SOUND ECOLOGY IS COMPLEX AND REQUIRES MANY SPECIES TO MUTUALLY HELP EACH OTHER. OIL COMPANIES ARE NOT LIKELY TO HELP GROUSE.

Comment ID: 197
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM must consider implementing key sage grouse protections recommended by USFWS and the BLM's own National Technical Team (e.g., a 4-mile no surface disturbance buffer as a Condition of Approval on current fluid mineral leases for active leks within Priority Habitats, apparently not considered in any alternative). Importantly, according to BLM, "The National Policy Team created the NTT in August of 2011 specifically to develop conservation measures based on the best available science." DEIS at 1-7. The agency must also consider all measures contained within the Sage-Grouse Recovery Alternative (Attachment 11) submitted earlier in this NEPA process; it is important to note that this alternative has been considered in detail for sage grouse plan amendments elsewhere within BLM purview. The agency should designate as Priority Habitat and General Habitat all lands identified as PPMAs and PGMAs, and in addition should expand Priority Habitat to include all 75% population areas

Comment ID: 191
Organization:
Name: Mark Meeks

Comment: In the plan that is being offered I find Alternative C most promising. I would like to see a strong priority for protecting habitat to allow for vibrant and growing sage-grouse numbers. I would hope that such habitat is governed by knowledge based on sound studies that recognize intrusions by human activities and limit those accordingly. For example, a limit of surface disturbance of core sagegrouse habitat to 3% per 640 acres is indicated by current research, as I understand it. Such research also supports buffers for the sage-grouse of four miles from energy development infrastructure. I hope we can put strong emphasis on maintaining these unique birds which would mean a stronger natural environment for us all to enjoy, which I fear will be increasingly put under pressures of new kinds due to climate change. Preservation is now more critical than ever, in my view.

Comment ID: 183
Organization:
Name: Kerri Boxx

Comment: The Bureau of Land Management and the Forest Service have an obligation to develop and implement adequate, consistent management prescriptions to protect and restore sage-grouse and their habitat on public lands. Please develop management plans that will protect sage-grouse and other important values on our public lands.

Comment ID: 181
Organization:
Name: Susan O'Connor

Comment: These birds should be safe. Please stand in their corner.

Comment ID: 1669
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The Center believes it is important to state that human-induced landscape-scale changes to sagegrouse ecosystems pose a dire threat to the long-term continued existence of the species. We are not alone. Miller et al. noted that sagebrush habitats are severely stressed across much of the range, and their total area likely will decline in the relatively near future as a result of invasive species, fire, and climate change.

Comment ID: 282
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The Wyoming BLM Core Area strategy proscribes future leasing of fluid minerals in Core Areas, but only in areas of 11 contiguous square miles of unleased, BLM-managed minerals (BLM IM WY-2012- 019). Current lease deferrals should be replaced with an outright closure to future fluid minerals leasing, regardless of whether there is contiguous unleased federal estate at present or not. It would further impair the viability of sage grouse populations to reverse the decreasing trend of Core Area acreage leased (due to deferrals under Wyoming Instruction Memoranda) by opening up Core Areas to fluid minerals leasing.

Comment ID: 173
Organization: Stevenson Intermountain Seed, Inc.
Name: Ronald M. Stevenson

Comment: Also missing is a plan of action with goals and objectives that will provide the methods, practices, and resources to accomplish the goals and objectives needed in the effort to improve or restore important sage-grouse habitat.

Comment ID: 1552
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: However, the Preferred Alternative E (the preferred alternative) fails to utilize the best available science or information in setting necessary future protections for the greater sage-grouse in the planning area in several ways. BLM must consider implementing key sage grouse protections recommended by USFWS and the BLM's own National Technical Team (e.g., a 4-mile no surface disturbance buffer as a Condition of Approval on current fluid mineral leases for active leks within Priority Habitats, apparently not considered in any alternative). Importantly, according to BLM, "The National Policy Team created the

NTT in August of 2011 specifically to develop conservation measures based on the best available science." DEIS at 1-7.

Comment ID: 148
Organization:
Name: Ed Close

Comment: Is it thought this plan will do a lot of good in keeping Sage Grouse numbers higher and habitat intact?

Comment ID: 144
Organization:
Name: CTVA Action Committee

Comment: The evaluation does not adequately consider that humans are part of the environment and the impact on the human environment of the proposed regulations and restrictions.

Comment ID: 111
Organization:
Name: Harold Lonsdale

Comment: I know how incredibly abused and severely degraded nearly all of our once vibrant grasslands are today. BLM facts support this conclusion! Let's protect the best of what little remains - the blueprint of this biodiversity, so that we might all benefit and pass on to future generations. Sage grouse are an indicator species of the health of these public lands and are a highly evolved, truly fantastic part of our natural heritage.

Comment ID: 110
Organization:
Name: Sue Stoudemire

Comment: PROTECTING WILDLIFE IS VERY IMPORTANT TO ME! WITH EVERY SPECIES WE ALLOW TO GO EXTINCT, WE TRAGICALLY LOSE YET MORE WONDROUS DIVERSITY OF OUR WORLD!

Comment ID: 109
Organization:
Name: John Carter

Comment: Industrial disturbance in these areas should not be allowed to exceed the 3% threshold established by scientists; This should include livestock allotment and pasture fences and habitat fragmentation due to these fences (figure 100' disturbance each side of fence, or 1 acre/200 feet of fence}, and include 200 acre disturbance area around each water development for livestock

Comment ID: 108
Organization:
Name: Jim Steitz

Comment: The conservation alternative would correctly require BLM o identify and protect their breeding, brooding and winter habitats. In these habitats, BLM must not allow human disturbance such as oil and gas drilling, power lines, and excessive cattle grazing that reduces the vegetation cover below what these

animals require. Excessive grazing in particular has dramatically altered the vegetation community of semi-arid habitats through the Great Basin, for very little economic value in the forage utilized, representing a gross failure by the BLM to roughly balance the marginal values of competing uses. If the BLM is to uphold its mandate to provide an equitable and reasonable balance of values to the American people, it must protect these precious ecosystems and the Sage Grouse that lives among them, not strip them for the piddling bit of livestock-palatable biomass that provides their physical scaffolding. The Sage Grouse, from this time forward, must enjoy first right to the vegetation of these sparse habitats, not biologically foreign human livestock. Ultimately, the BLM must face the cold and plain reality that certain "no" decisions must be issued to those interests and parties wishing to appropriate the resources upon which the Sage Grouse relies. These include withdrawing sage grouse habitat from mining, from oil and gas drilling, from groundwater extraction, and from the invasive leveling of sagebrush and other woody semi-arid vegetation in service of cattle grazers.

Comment ID: 107
Organization:
Name: Judith Castiano

Comment: Oil, gas, mines, etc have destroyed or damaged so much of our beautiful land, we HAVE to protect the lands thus far untouched and those PRECIOUS nonhuman lives that inhabit these lands.

Comment ID: 106
Organization:
Name: Karen Jacques

Comment: sage grouse and other wildlife must be protected and the destruction of habitat caused by fossil fuel extracting and mining simply must stop.

Comment ID: 104
Organization:
Name: Nancy Schultz

Comment: If the necessary habitat can not be protected, then the BLM is managing for a minimum viable population (MVP). A MVP gives no assurances that the sage grouse populations can withstand the pressures they face; climate change (1/12/13 100,000 bats dies in Australia from a heat wave - an example of wildlife under stress.) The sage grouse must have the best habitat, not the minimum.

Comment ID: 102
Organization:
Name: Nancy Schultz

Comment: Developments for a minimum viable population are not acceptable

Comment ID: 97
Organization:
Name: Bruce Aird

Comment: It seems to me that we have enough land overrun by ATVs and ORVs that we can afford to set aside some for these wonderful birds.

Comment ID: 96
Organization:

Name: Tom Grahame

Comment: most bird species across the US are in decline, and we don't always know why, at least not at the beginning. If this keeps up, the logical end point would be a few grassland reserves, like the Nature Conservancy reserves, where a few thousand birds survive. Almost like a zoo. Surely we can do better? Does saving nature with at least a little of the abundance that we inherited not have any part in your deliberations?

Comment ID: 95
Organization:
Name: DIANE KASTEL

Comment: What's at stake are the rapidly disappearing wide-open spaces of the American West needed by grouse to survive. The region is crisscrossed with roads, oil and gas wells, mining pits, and powerlines—while the sagebrush habitat required by grouse is being overrun by cows, wild horses, ATVs, and invasive cheatgrass. Based on current trends, much more development and habitat degradation is on the way. Only by protecting the best remaining sage-grouse habitat, as recommended by the best available science, can we hope to conserve the species.

Comment ID: 1671
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Restoring sage-grouse habitat that is degraded or fragmented might be useful tool for the benefitting the species. However, these programs are likely to be both difficult and expensive, and may take centuries to achieve a complete restoration of a functioning system of sagebrush habitats within a landscape mosaic.113 The obvious and best way to provide for the species at least in the short to intermediate term is to protect the remaining existing habitat, which is the intent of the Center's proposed conservation reserve system.

Comment ID: 1515
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Alternative E (the Preferred Alternative) to a large extent appears to adopt the state's Core Area policy and 2012 BLM instruction memoranda to guide sage grouse management measures, while inserting additional loopholes. Sage grouse Core Area protections under state Executive Orders and Wyoming BLM Instruction Memoranda have failed to prevent significant impacts to sage grouse populations in Core Areas. In many cases, the BLM appears to have limited its own conservation measures for sage grouse under the Wyoming RMP to those included in state Executive Order 2011- 5 ("EO 2011-5"). This policy excludes many of the most important conservation measures recommended by the NTT.

Comment ID: 281
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Buffers prescribed for leks outside Core Areas are even smaller and more inadequate. Both Wyoming strategies call for buffers of only 0.25 miles. The WGFD's stated position is for 50 percent probability of lek persistence outside Core Areas (WGFD 2010 at 31). But this is the same level protection criticized by former Governor Freudenthal and former WGFD Director Cleveland as grossly inadequate in 2007, and which were found to be inadequate by State fish and game biologists in 2008 (Christiansen and

Bohne 2008, Attachment 12). BLM itself admits this buffer distance is inadequate. DEIS at 4-268. The BLM has implemented the 0.25-mile lek buffer, paired with a 2-mile seasonal restriction on development activities around sage-grouse leks for years in Wyoming (as prescribed in Instruction Memorandum WY-2012-019), and significant impacts to sage-grouse populations have been documented where these stipulations have been applied (Holloran 2005, Walker 2008, Holloran et al. 2007). Yet in the Preferred Alternative, BLM prescribes a 0.25-mile NSO buffer in General Habitats, a level of protection that is proven to be insufficient.

Comment ID: 280
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Unfortunately, both the State and Wyoming BLM Core Area strategies (and Wyoming RMP Amendment Preferred Alternative) only require protective buffers of 0.6 miles around leks in designated core habitat (DEIS at 2-138); this corresponds to a 6% probability of lek persistence (Christiansen and Bohne 2008). Indeed, BLM itself points to the inadequacy of this regulatory mechanism: Studies have shown that greater distances, anywhere from two to four miles, are required for viable Greater Sage-Grouse populations to persist. DEIS at 4-335, citations omitted. By comparison, the NTT report recommends a 4-mile lek buffer for siting industrial development in sage-grouse habitat (NTT 2011), a prescription in greater accord with the science. Aldridge and Boyce (2007) suggested that even larger buffers (10 km) are warranted. Males use shrubs <1 km (0.6 mi) from a lek for foraging, loafing, and shelter (Rothenmeier 1979, Autenreith 1981, Emmons and Braun 1984); this does not make 0.6 mile the appropriate NSO buffer for preventing impacts even to breeding bird, much less nesting birds. In Wyoming, State and BLM policies have in the past (and in the Preferred Alternative for this EIS) erroneously use this as a basis for a 0.6-mile No Surface Occupancy buffer around leks. However, there is no science to indicate that preventing wells within 0.6 mile of a lek will eliminate or minimize negative population impacts on sage grouse.

Comment ID: 278
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: It is critically important to maintain large leks, rather than allowing impacts from energy development to degrade them into small leks. When large leks are lost and only small leks remain, extirpation via West Nile virus, fire, or other stochastic disturbances becomes likely, perhaps only a matter of time.

Comment ID: 272
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The BLM must therefore take a stronger and more protective approach to sage grouse conservation than has the State of Wyoming, both inside and outside the Core Areas destined to be recognized federally as Priority Habitats. Alternative E (the Preferred Alternative) to a large extent appears to adopt the state's Core Area policy and 2012 BLM instruction memoranda to guide sage grouse management measures, while inserting additional loopholes. Sage grouse Core Area protections under state Executive Orders and Wyoming BLM Instruction Memoranda have failed to prevent significant impacts to sage grouse populations in Core Areas. In many cases, the BLM appears to have limited its own conservation measures for sage grouse under the Wyoming RMP to those included in state Executive Order 2011-5 ("EO 2011-5"). However, this policy excludes many of the most important conservation measures recommended by the NTT.

Comment ID: 271
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are concerned that neither Alternative D nor E will uphold BLM's obligation to manage Sensitive Species to "minimize or eliminate threats," either within or outside of Core Area habitats. As detailed elsewhere in these comments, mitigation measures applied under Alternatives D and E will inevitably lead to serious impacts to sage grouse populations within Priority Habitats. This result represents an unnecessary and undue degradation of key sage grouse habitats.

Comment ID: 270
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The greater sage grouse is listed as a BLM Sensitive Species and is also a Candidate Species under the Endangered Species Act. BLM has the following responsibility with regard to sage grouse: "As a federal agency, the BLM is obligated to develop and implement a strategy to avoid having its management activities contribute to the need to list greater sage grouse under the ESA."

Comment ID: 254
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: According to the original mining regulations, "Unnecessary or undue degradation means impacts greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations and based on sound practices, including use of the best reasonably available technology." 43 C.F.R. § 3802.0-5(l) (emphasis added). In the Wyoming Amendment EIS, BLM has failed to apply in its preferred Alternative E the recommended sage grouse protections presented to it by its own experts (the BLM National Technical Team), and as a result development approved under several of the alternatives analyzed (and particularly Alternatives A, D, and E) will result in both unnecessary and undue degradation of sage grouse Priority Habitats and result in sage grouse population declines in these areas, undermining the effectiveness of the Core Area strategy as an adequate regulatory mechanism in the context of the decision.

Comment ID: 1451
Organization: Jackson Hole Conservation Alliance
Name: Siva Sundaresan

Comment: The goal for Alternative E should explicitly include language, "to manage Greater Sage grouse to meet the legal criteria to avoid listing under the Endangered Species Act (ESA)." It is essential that the BLM and Forest Service protect sage grouse populations and habitats in order to preclude listing of Threatened or Endangered under the ESA. As currently stated, Alternative E incorporates guidance from the Wyoming Governor's Executive Order (EO 2011-5). While this was a significant first step toward unifying and standardizing sage grouse conservation measures across the Wyoming, it is the minimum necessary to secure viable sage grouse. Further, currently this EO is already being implemented. Alternative E as currently construed relies strongly on the EO stipulations, is not sufficient to avoid listing of sage grouse under the ESA. The Wyoming Governor's EO represents science that is now over three years old and not the best available information. A recent study (Copeland et al. 2013) demonstrates that even if the EO were fully implemented sage grouse populations would still decline, though to a lesser extent, within the state of Wyoming. Further, despite the EO directive for federal agencies to work collaboratively to

ensure application of the EO, both the BLM and the Forest Service are bound by federal law and regulations that require management actions that ensure better conservation of sage grouse.

Comment ID: 1457
Organization: Jackson Hole Conservation Alliance
Name: Siva Sundaresan

Comment: Inside sage grouse core and priority habitats Alternative E proposes No Surface Occupancy and surface disturbing activities (NSO) "within 0.6 mile of the perimeter of occupied Greater Sage grouse leks." A 0.6-mile buffer between the perimeter of occupied sage grouse leks and surface disturbing activities or surface occupancy will be inadequate to achieve the core-area goal of maintaining or enhancing sage grouse populations. Numerous studies show that areas up to 4 miles around leks are critical for sage grouse population persistence. About 80% of sage grouse nests are found within four miles of leks (Moynahan 2004, Holloran and Anderson 2005). Lek persistence in influenced by disturbance activities up to 2 miles away from the perimeter (Holloran 2005; Walker et al. 2007, Aldridge & Boyce 2007; Doherty et al. 2008). We recommend increasing the distance from the perimeter of occupied leks to 4.0 miles. Further, we ask that the no surface occupancy requirement be extended to all identified winter concentration areas.

Comment ID: 241
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Alternative E would apply a 3% limit on anthropogenic disturbance. Relevant to the issue of the 3% disturbance cap, we ask the responsible official to make a formal determination concerning which of the available scientific information is the most accurate, reliable, and relevant in determining what percentage of land area should be allowed to be disturbed in order to achieve the stated goal of the RMP Amendment. We would further ask the Forest Service to determine whether a 3% disturbance cap or no disturbance cap (as proposed for Alternative E) is the scientifically supported measure to apply as a Condition of Approval to existing fluid mineral leases.

Comment ID: 1495
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The Center is greatly concerned that the proposed Preferred Alternative and DEIS are fundamentally flawed and categorically inadequate to provide the needed protections to ensure the long term survival and recovery of the sage-grouse. Maintaining the status quo is not sufficient.

Comment ID: 1497
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: We strongly encourage that federal agencies set aside a system of reserves, comprised of all Priority Habitats, including wintering habitats and connectivity corridors, where only activities scientifically show to be compatible with maintaining and restoring sage grouse populations to secure population levels permitted. In most cases, oil and gas leasing in the Core areas has been deferred in Wyoming. Yes, the Preferred Alternative opens Core Areas to leasing, reversing the conservation gains that have been made to date. The final Plan Amendment needs to include long-term closure of Core Areas to future leasing, and stringent limits on the development of existing leases as outlines in these comments.

Comment ID: 1509

Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Protections in the LUPA and DEIS must be strengthened to provide the required level of regulatory certainty consistent with a science-based approach to conservation and recovery. The newly formulated plan needs to include lease closures prioritizing large blocks of intact habitat, a Core Habitat Area of Critical Environmental Concern, and associated measures drawn from the National Technical Team recommendations that recognize the year-long habitat needs of this landscape-scale species.

Comment ID: 1569
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The five percent disturbance threshold is not known to conserve sage-grouse long-term and is only a guess by agencies and others seeking to accommodate development in sage-grouse habitat. Past projects approved prior to implementation of the Wyoming Core Area strategies indicate that sagegrouse are adversely affected at lower levels of disturbance. For example, for the Continental Divide/Wamsutter II Natural Gas Project approved in 2000, 3,000 wells were proposed with 22,400 acres of new surface disturbance, representing 2.1 percent of the planning area (with an average well density of 4 wellsites per square mile) (BLM 2000); today, sagegrouse are functionally extirpated in this area. In the Atlantic Rim coalbed methane field, 2,000 wells were permitted at a density of eight wells per square mile, far above the threshold known to cause sage grouse declines. Today, sage grouse are essentially extirpated in developed portions of this field. Recent science in the western portion of the sage grouse range found that some 99 percent of active leks were located in areas surrounded by lands with 3% or less surface disturbance from roads, power lines, pipelines, and other features (Knick et al. 2013). Furthermore, once the three percent limit is reached, additional surface-disturbing projects are precluded (with no exceptions in cases where off-site mitigation projects are undertaken), and in cases where the three percent limit is already exceeded, restoration must occur to meet this threshold under the NTT recommendations. BLM should cap disturbance at 3% on a per-squaremile basis at most in both Priority Habitats and Connectivity Areas.

Comment ID: 1524
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The Final COT Report, published in February 2013, needs to be considered as BLM formulates and analyzes a stronger science-based alternative incorporating many of the protections in Alternative B. The COT Report further establishes that Alternative E is inconsistent with new science and biological recommendations. The Report provides that the first objective for Priority Areas for Conservation, such as Core Area habitat, is to “[r]etain sage-grouse habitats within PACs. This must be a priority. Restoration of these habitats, once lost, is difficult, expensive, and based on current knowledge, success may be limited.” COT at 37. By rejecting Alternatives B and C, the two approaches focused on retaining priority habitat, the DEIS fails to incorporate one of the central tenets of the COT Report.

Comment ID: 1805
Organization:
Name: Marla Jones

Comment: Please consider the proposed "alternative C", of reserving a block of habitat large enough and of the right conditions to support a healthy breeding population of Greater Sage Grouse. The numbers have been declining and the science shows that only a habitat protection like this will be effective in stopping that decline and stabilize the species for its preservation from extinction.

Comment ID: 1550
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Following the 2010 USFWS determination5 and before the COT Report, BLM developed a comprehensive response to get in front of the curve. According to BLM's fact sheet on the Planning Strategy: The BLM National Greater Sage-Grouse Planning Strategy is a planning approach that provides the framework and structure for transparent interagency and stakeholder collaboration on long-term greater sage-grouse conservation and habitat restoration. Under the planning strategy, the BLM will review its principal, existing regulatory framework for sagegrouse conservation—the land use planning process—to determine the development and implementation of new or revised regulatory mechanisms. The focus will be on incorporating regionally-appropriate, science-based conservation measures into BLM land use planning efforts through coordinated, cooperative stakeholder engagement. Developing new or revised land-use plans is a key component of the range-wide strategy: The BLM is working in partnership with its sister agencies and the Western states to develop new or revised approaches to sage-grouse conservation through land-use plans. Working with our partners, we will use these land use plans to implement actions range-wide so we can conserve and restore the greater sage-grouse and its habitat on BLM lands over the short term and the long term. Accordingly, BLM recognizes the need for "new or revised regulatory mechanisms" to be grounded in "science-based conservation measures." Id. at 1. However, the current preferred alternative in the DEIS does not reflect BLM's commitment to science and acknowledgement of the need for regulatory certainty.

Comment ID: 1547
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The BLM itself has been forced to admit that "New information from monitoring and studies indicate that current RMP decisions/actions may move the species toward listing...conflicts with current BLM decision to implement BLM's sensitive species policy" and "New information and science indicate 1985 RMP Decisions, as amended, may not be adequate for sage grouse." Continued application of stipulations known to be ineffective in the face of strong evidence that they do not work, and continuing to drive the sage grouse toward ESA listing in violation of BLM Sensitive Species policy, is arbitrary and capricious and an abuse of discretion under the Administrative Procedures Act. The agency, through the Wyoming RMP Amendment, needs to provide management that will prevent this decline of sage grouse across the planning area.

Comment ID: 1538
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Where leasing proceeds, the Service recommended 2.5 or 3% ceilings for disturbance levels. "Because of the very high value of the priority habitat areas in the BLM' s Lander resource area to sage-grouse conservation and because this area has relatively little resource development potential, the Service strongly recommends the BLM to adopt this conservation measure at the 3% level from the NTT Report and incorporate it into the Proposed Plan." Id. The Service recommendation establishes that 3% disturbance ceilings are preferred for priority habitat. Minimizing total disturbance and intensity of disturbances (traffic and fragmentation impacts) will better meet conservation objectives.

Comment ID: 1536
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: USFWS comments on the Lander DEIS/RMP (at 2) requested the closure of priority habitat areas to new oil and gas leasing based on “the very high value of the sage-grouse priority areas” and “relatively little resource development potential[.]” The Service strongly recommended that BLM should fully “adopt this conservation measure from the NTT Report” in the Proposed Plan (closing priority habitat to leasing). The Service stated a clear preference for Conservation Alternative B and designating the entire 1,246,791 acre Government Draw/Upper Sweetwater ACEC, because the area “offers superb opportunities to proactively manage some of the last remaining optimal greater sagegrouse habitat but has relatively little resource development potential[.]” Id. At 3. These comments support the need for designating the Core Habitat ACEC proposed by Alternative B in the 9-Plan.

Comment ID: 227
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM must evaluate the effectiveness of the conservation measures used to minimize adverse impacts to wildlife and sensitive species with the best available science. "The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA."

Comment ID: 1531
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The COT Report provides significant scientific support for the need to formulate grouse conservation measures informed by the best available science, such as those proposed in Alternative B. The current preferred alternative eschews avoidance for a risky roll of the dice on mitigation, when the science overwhelmingly emphasizes avoidance strategies in priority habitat. Additional leasing and development in core area PACs would further compromise management flexibility and options. The science compiled by BLM, the Forest Service, and USFWS comprehensively establishes the importance of maintaining large blocks of relatively intact priority habitat in its current state, rather than allowing new activities that would degrade such habitat and put grouse populations and recovery at risk. The agencies should adopt a version of Alternative B that closes the most valuable and sensitive sage-grouse habitat to new leasing, while allowing leasing subject to protective stipulations on less valuable priority habitat. Lease closures that avoid new disturbance and fragmentation are a readily available management tool for federal lands and split estate minerals where oil and gas leasing is fully discretionary. As stated in the Report, “The COT recommends the appropriate level of continued management to effectively conserve all current PACs[.]” Id. At 32. For unleased priority habitat, especially those in large intact blocks, no-leasing designations will best meet conservation objectives. The extensive scientific literature relied on by the COT Report is compiled therein at pages 37-44. The agencies need to ensure that the new plan provides certainty consistent with the science-based approach of Alternative B, informed by and consistent with both the COT Report and the original research contributing to the Report’s findings and recommendations.

Comment ID: 1514
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The State of Wyoming has established, through Executive Order 2011-5, a policy to designate core habitats for sage grouse and accord them elevated levels of protection. The State is to be commended for recognizing that the greater sage grouse is a landscape species, and designating large areas dedicated to sage grouse conservation. However, the levels of protection accorded to grouse within Core Areas is almost uniformly inadequate when compared to the scientifically established thresholds at which permitted

activities begin to drive grouse populations downward. Given the tenuous status of sage grouse range-wide, we cannot afford to continue long-term population declines for the species. The BLM must therefore take a stronger and more protective approach to sage grouse conservation than has the State of Wyoming, both inside and outside the Core Areas destined to be recognized federally as Priority Habitats.

Comment ID: 1523
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The specific criteria to be considered regarding the certainty that the conservation effort will be implemented are set forth at 68 Fed. Reg. 15115. Applying these criteria to the 9-Plan reinforce the need to adopt Audubon's recommendations regarding the importance of protecting large blocks of undeveloped priority habitat and other critical habitat types. The lease closures and Core Habitat ACEC advocated by Audubon are crucial to meet certainty criteria for both implementation and effectiveness. For both leasing decisions and ACEC designations, the staffing, funding level, funding source, and other resources necessary to implement the effort are already provided for as part of this DEIS/LUPA planning effort. Legal authority is unquestioned and procedural requirements will be satisfied if the agencies address current NEPA deficiencies identified by comments. Voluntary participation is not needed for final, self-implementing plan decisions. The agencies' authority is clear, and the effectiveness of the conservation strategies are conclusively established by the best and most recent scientific information. Lease closures and ACEC designations are straightforward actions that allow for immediately quantifying certain conservation benefits. By contrast, the approach outlined by the current preferred alternative is highly uncertain. Progress towards the conservation objectives would depend on a plethora of speculative future actions and discretionary decisions. Alternative E would initially depend on future nominations and bids for federal mineral leases, and the uncertain proposals to be submitted by lessees seeking to develop leaseholds and other new rights not authorized under Alternative B. Alternative E could ultimately depend on uncertain future decisions of responsible federal officials exercising significant discretionary authority and subject to political pressures – decisions that could be influenced by the creation of new lease rights and possibly future legal interpretations of the scope of such rights. Importantly, lessees are accustomed to fully developing leases based on economic concerns and lease covenants rather than the conservation goals of the federal lessor. The lack of adequate regulatory mechanisms to conserve sage-grouse and their habitats was the primary threat leading to the U.S. Fish and Wildlife Service's decision to make the greater sagegrouse a candidate for Endangered Species Act listing in 2010. Currently, the DEIS and preferred alternative will not provide adequate regulatory mechanisms to conserve greater sage-grouse across the planning area in the State of Wyoming. Alternative E relies heavily on discretionary or uncertain conservation measures that do not satisfy the PECE criteria. Further, Alternative E deviates substantially from the National Technical Team recommendations for conservation measures relevant to the most significant threats. While purporting to adopt the Wyoming Strategy already being implemented to various degrees on some federal and other lands, the preferred alternative would abandon the most protective element of that strategy as implemented in recent years: deferring leasing in large blocks of relatively intact and undeveloped priority habitat. In so doing, the DEIS neglected to analyze the impacts of resuming leasing of these vital refugia. Ensuring the protection of the best and most expansive remaining habitat, consistent with the best available science and science-based recommendations, will best satisfy the entire set of PECE criteria. Great uncertainty will surround the best remaining intact habitat under the preferred alternative. The ten-year trend of significantly reducing the acreage of priority habitat subject to fluid mineral leases would be reversed, leading to highly uncertain impacts to population trends, persistence, and habitat. The object of fluid mineral leasing is to use occupy the surface by constructing infrastructure to support energy development. Direct and indirect disturbance from habitat loss and fragmentation is thus the inevitable result of leasing, with the only questions being the degree of exploratory drilling and full-field development over what time frame. By contrast, continuing the current policy of not offering leases for the best remaining core habitat is certain to avoid the disturbance and fragmentation that is recognized

as the leading threat across the Rocky Mountain Region. The PECE criteria will not be met under the preferred alternative, which is a huge step back from current policies. By contrast, lease closures under a science-based approach grounded in Alternative B and Map 2-5 are far more likely to satisfy the criteria by establishing certainty as to how the leading threats will be mitigated during the life of these plans. Recommendations: Compared to the current preferred alternative, Alternative B is far more sure of satisfying the PECE criteria. Closures that consolidate and continue reductions in the acreage of the best priority habitat under lease are among the most important management strategies to meet the certainty criteria. Recent experience shows that these policies are compatible with the interest in balancing conservation and development. In light of the analytical shortcomings of the DEIS and substantive shortcomings of the proposed plan, the proposed conservation measures in Alternative E would not provide the level of regulatory certainty required to prevent the need for listing the species under the Endangered Species Act.

Comment ID: 1521
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: USFWS concluded that "Energy development is a significant risk to the greater sage-grouse in the eastern portion of its range [. . .], with the primary concern being the direct effects of energy development on the long-term viability of greater sage-grouse by eliminating habitat, leks, and whole populations and fragmenting some of the last remaining large expanses of habitat necessary for the species' persistence." Id. at 44 (emphasis added). Thus, the DEIS/LUPA must address both 1) direct disturbance, and 2) fragmentation, giving special attention to "the last remaining large expanses of habitat". Habitat fragmentation receives inadequate consideration in the existing draft document.

Comment ID: 1518
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: By failing to implement certain key scientific recommendations from the NTT Report, the current preferred alternative would result in a continuation of negative trends and adverse impacts. Instead of exposing priority habitat to renewed risks by reopening previously deferred lands to fluid minerals leasing, the DEIS needs to consolidate recent gains by choosing proven science-based strategies that reduce risk and uncertainty. This includes exploring meaningful options for preventing or limiting inappropriate new disturbances in priority habitat subject to existing rights.

Comment ID: 1517
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The BLM Technical Team concluded that "the conservation strategy most likely to meet the objective of maintaining or increasing sage-grouse distribution and abundance is to exclude energy development and other large scale disturbances from priority habitats, and where valid existing rights exist, minimize those impacts by keeping disturbances to 1 per section with direct surface disturbance impacts held to 3% of the area or less." Id. at 21 (emphasis added). Alternative B will better protect habitat needed to meet conservation and recovery objectives. The final plans need to heed the scientific consensus that the most valuable undeveloped habitat should be protected through leasing closures.

Comment ID: 1516
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Considering certain measures and incorporating some of them to “help” improve habitat is not enough. The purpose and need should better reflect the overarching goal of BLM’s range-wide planning effort: to conserve and restore the greater sage-grouse and its habitat on federal lands on a range-wide basis over the long term.

Comment ID: 1555
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The DEIS appears to neglect one of the most significant management changes in the past ten years regarding sagebrush ecosystems and sage-grouse conservation. Since 2006, the total number of federal and gas lease acres within Wyoming Core Areas has decreased from almost 5,000,000 acres to approximately 3,000,000 acres: a difference of 2,000,000 acres. This change reversed previous trends. It offers the opportunity in the new plans for a heretofore unprecedented level of certainty for millions of acres of priority habitat. That certainty would be compromised under the current preferred alternative.

Comment ID: 1532
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Although Alternative E would allow alteration of the large contiguous habitats needed for healthy populations of this landscape species, the DEIS has not taken a hard look at the potential adverse impacts of potentially leasing millions of acres of additional priority habitat. Direct disturbance and fragmentation would be inevitable, and the best available science offers no assurances that impacts would be consistent with conservation objectives. The science also warns that populations can crash several years after impacts occur, rather than immediately, raising the potential that strategies based on monitoring and adaptive management might not identify concerns or change course until it is too late.

Comment ID: 35
Organization:
Name: Mary McKay

Comment: By following the science and what is best for the grouse, you will be following what is best for all species, including humans. So many species are disappearing and with their disappearance, much of nature is impacted in negative ways because the interwoven dependence is turned upside down - things humans have not even recorded or discovered.

Comment ID: 92
Organization:
Name: Lorraine Asturino

Comment: The land we need to protect for the Greater Sage-Grouse's recovery is public land; therefore, protecting and preserving our native wildlife is paramount.

Comment ID: 53
Organization:
Name: Eva Lydick

Comment: The lekking of the greater sage-grouse is one of the world's spectacular animal display. It would be a shame for this species to disappear in a country that is so capable of ensuring its survival. Please don't let this bird go extinct.

Comment ID: 52
Organization:
Name: Lynne Miller

Comment: I have friends who have a cabin near Bear Lake Utah, and they were not even aware of the decreasing populations, because they see 'plenty' of them near their property. Consequently they think nothing of killing them, if they are simply annoyed by the birds. Education and protection of habitat is critical to maintaining this native specie. Please consider additional conservation measures being put forth by the American Bird Conservancy.

Comment ID: 50
Organization:
Name: John Thomlinson

Comment: Please adopt the Conservation Alternative to ensure true protection for the Greater Sage-Grouse. The science shows that these wonderful birds need space to themselves, away from roads and oil wells, in fact from all damaging human activities. There are plenty of other places for hydrocarbon extraction and mining, but very few places for the Sage Grouse. In the future, which will be the greater loss - a few barrels of oil or this magnificent species? Preserve the land for the grouse, and the oil will still be there, but develop it for oil, and the bird will be gone. We have to stop pursuing short-term economic gain at the expense of everything else, and this would be a great place to start.

Comment ID: 49
Organization:
Name: Jay Greenberg

Comment: It is high time that the BLM gives more weight to wildlife conservation on public lands and does less catering to the fossil fuel industry, whose excesses have resulted in a multitude of problems, including global warming and horrific losses of wildlife habitat.

Comment ID: 47
Organization:
Name: Diane Verna

Comment: As a resident of Wyoming where we have alot of sage and grouse, I continue to see the decline of the habitat as homes are built and paved over and oil and gas destroys all habitat for these iconic birds.

Comment ID: 46
Organization:
Name: Sally Nunn

Comment: I've seen this wonderful bird in action near the Malheur Field Station in Southeastern Oregon; shouldn't future generations be granted the opportunity also?

Comment ID: 44
Organization:
Name: Dorothy Baker

Comment: As I understand it, this bird is one of the keystone species in the ecology of the prairie. Let us protect it now, rather than bemoaning yet another species driven to extinction by the ignorance of humans.

Comment ID: 43
Organization:
Name: Stuart Johnston

Comment: I worked on sage-grouse lek surveys in the north-central parts of Washington some 35 years ago and they were already in obvious trouble at that time. …We expect science to show you the way.

Comment ID: 42
Organization:
Name: Ron and Jan Eckstein

Comment: Please use science-based management and choose the "conservation" alternative for land management. Protected areas are critical to this endangered bird's population dynamics and survival. Our trips to sage grouse country would not be the same without having the ability to see the bird. The sage grouse is an icon of the west and it is a featured species for a whole suite of plants and animals that inhabitat the sage brush. Widespread development, especially the infrastructure for oil and gas, is a serious threat not only to the sage grouse but to the entire sage ecosystem.

Comment ID: 41
Organization:
Name: Jane Fritz

Comment: I work with American Indian tribes in the Columbia Plateau and Great Basin regions of the West, and this bird is so important to their cultures -- it is mimicked in their regalia and spiritual dances. Just yesterday I picked up a grouse feather from a bird killed by a car and put it in my medicine basket. The Indians know the value of wildlife. Our culture, maybe not so much.

Comment ID: 40
Organization:
Name: Mike Mathis

Comment: As a retired BLM wildlife biologist with more than 30 years of experience dealing directly with this and many other land management issues on public lands I know from personal experience that management priorities must change if viable populations of sage grouse and other sagebrush obligate species are to survive and thrive on our public lands.

Comment ID: 38
Organization:
Name: Terry Dickey

Comment: We're good at making up policy directives that don't do anything jive the real issues, but it would only take a little more effort to do a thorough job and protect the one thing that is critical to many all of us....protected habitat. Can't you put the sage-grouse habitat into a protected status? Do we have to see yet another bird species bite the dust and become extinct? Help us out. Please develop management plans that will protect sage-grouse and the important habitat they live in.

Comment ID: 57
Organization:
Name: Dev and Harrier Joslin

Comment: Surely, using the best wildlife science information, the BLM can come up with a plan that will encompass multiple land uses while at the same time conserving sufficient land for the species to thrive.

Comment ID: 26
Organization:
Name: BRUNO F. CILIONE Vet

Comment: You have the responsibility to protect the habitat & to increase sage-grouse numbers.

Comment ID: 2092
Organization: Public Lands Council and National Cattlemen's Beef Association
Name: Dustin Van Liew

Comment: Not only did the Washington Office Director require BLM to change regulatory mechanisms applicable to livestock grazing and range management, IM 2012-044 also assured that BLM Field Offices would adopt a variation of the NTT report as the preferred alternative in making those changes, in violation of NEPA and FLPMA. Preordaining the outcome of the LUPA/RMPA process is unlawful standing alone, however, it is particularly arbitrary here because neither the NTT report, nor BLM independently, ever analyzed the issue of whether existing regulatory mechanisms governing livestock grazing and range management were adequate to protect sage-grouse prior to developing alternatives. This is particularly troubling because the NTT report was not subject to public comment or participation and the NTT report was not subject to independent scientific peer review. It was arbitrary and capricious for BLM to not first evaluate the effectiveness of existing regulatory mechanisms with respect to range management prior to developing alternatives ordering all BLM field offices to incorporate the NTT reports' recommendations into their respective LUPAs/RMPAs. By requiring BLM State Field Offices to rely on the NTT report as the "guiding philosophy" for devising sage-grouse specific standards and guidelines for livestock grazing and range management, BLM unlawfully narrowed its consideration of options for changing regulatory mechanisms such that the adoption of conservation measures based on the NTT report was preordained.

Comment ID: 19
Organization:
Name: Avana Slyvok

Comment: Habitat loss is one of the biggest threats to the Sage Grouse. As the habitat goes, so will the birds. The birds continue to decline in number every year. Disturbances on the land are power lines, and cell towers. Although it may appear benign, it is an encroachment. Human activity must be severely limited.

Comment ID: 21
Organization: Lane County Audubon Society
Name: Debbie Schlenoff

Comment: The conservation alternative will begin restoring balance to an iconic American landscape by identifying areas most appropriate for development and those that need to be protected.

Comment ID: 2045
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Direct development to areas with low conflicts with Greater sage-grouse conservation. Direct new development to pre-disturbed areas.

Comment ID: 22
Organization:
Name: Kendra Meinert

Comment: Saving these natural habitats is not just good for the birds, it's good for all of us.

Comment ID: 37
Organization:
Name: Shelly Binkley

Comment: Stronger conservation methods are needed for the sage-grouse

Comment ID: 23
Organization:
Name: Bobbiejeanne Kennedy

Comment: Now if you do not know what will happen to our ecology if the sage grouse disappears, maybe you ought to help keep them around.

Comment ID: 36
Organization:
Name: Wendy McKee

Comment: The imperiled greater sage-grouse must be given protection in its losing competition with human encroachment on their land.

Comment ID: 28
Organization:
Name: Glenn Metzler

Comment: I am a biologist and have been involved in species surveys in the Eastern Sierra Nevada Mountain region and I know the problems this bird is facing. I am asking you to take special measures to protect all sage grouse populations and promote the recovery of this magnificent bird.

Comment ID: 30
Organization:
Name: Marty Kay

Comment: Many bird species have disappeared due to the same reasons the sage-grouse is in trouble. Please see that those remaining are protected and their habitat not destroyed by oil companies or any other source so that those remaining can survive and remain for the next generations.

Comment ID: 31
Organization:
Name: Gail Walter

Comment: Please do not put commercial interests ahead of conservation.

Comment ID: 33
Organization:
Name: Eric Bindseil

Comment: Absolutely, comprehensively protect sage grouse and their habitat for all our healthy futures depend on healthy intact functioning ecosystems.

Comment ID: 34
Organization:
Name: RITA SMITH

Comment: It is unacceptable to allow this iconic bird to perish due to lack of timely and thoughtful management. I urge you not to wait until it the species is classified endangered before implementing this plan. To think that we have all sat by while 90% of their range has been destroyed is very disturbing, and it is definitely time to address this and prove ourselves worthy of the "human" in humanity.

Comment ID: 58
Organization:
Name: Nancy Eaton

Comment: It frightens me to think that without federal and local protections these birds may soon be totally unavailable.

Comment ID: 2041
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: The agencies should create management policies that will protect areas that may likely serve as transitional habitat due to the proximity of these areas to highly productive habitat and lek sites.

Comment ID: 75
Organization:
Name: Julie O'Donald

Comment: IT IS IMPERATIVE THAT SAFE CORRIDORS OF NATURAL LANDSCAPE ARE LEFT FOR THE GREATER SAGEGROUSE. PRESERVING REFUGE AREAS AND CONNECTING CORRIDORS ARE FAR MORE IMPORTANT THAN LETTING DEVELOPERS AND ATVS HAVE FREE REIGN OVER THIS BIRD'S HABITAT! PLEASE DO ALL YOU CAN TO LEAVE THE LAND IN NATIVE PROTECTED VEGETATION.

Comment ID: 1566
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Maintaining current populations, which have been in a continuous decline as discussed above, will not provide secure long term populations well distributed across the range. Indeed, if current populations were adequate, the greater sage-grouse would not have been found to be warranted for listing under the Endangered Species Act. Given current levels of habitat fragmentation, individual populations will become increasingly isolated reducing genetic interchange. Smaller populations are at greater risk of extirpation. Further, given the pervasive spread of highly flammable invasive plants largely from grazing and the resulting increase in wildfire, sage brush habitat will be lost to fires over the next several decades. Therefore, recovery efforts must take stochastic events into account and aim to increase, rather than maintain sage-grouse populations.

Comment ID: 1807

Organization:
Name: Marla Jones

Comment: I urge you to please put aside some suitable habitat for the preservation of the Greater Sage Grouse species and also to consider the other measures I suggested to protect habitat.

Comment ID: 90
Organization:
Name: Judith Fitzgerald

Comment: Adopt the conservation alternative to ensure the future for this Greater Sage Grouse species.

Comment ID: 88
Organization:
Name: Stanley Jones-Umberger

Comment: We do not need ranchers or polluting extraction industries.

Comment ID: 84
Organization:
Name: Diane Edgecomb

Comment: Right now is a critical time for the Greater Sage Grouse and now is the time to act. But the actions taken must be more comprehensive and strategic than what is contained in your draft.

Comment ID: 1835
Organization: Powder River Basin Resource Council
Name: Shannon Anderson

Comment: Alternative B considered in your EIS is based on the best available science and recommendations of the National Technical Team (NTT). Alternative C, proposed by citizen groups, also incorporates the best available science. Unfortunately, your preferred Alternative E opts to forgo incorporating the best available science in favor of consistency with Wyoming's "core habitat" framework.

Comment ID: 1838
Organization: Powder River Basin Resource Council
Name: Shannon Anderson

Comment: First, the agencies must prohibit new leasing in core areas. Stipulations can change and the only way to guarantee protection of the habitat is to not lease it in the first place. If federal agencies are truly going to prioritize protection of sage grouse and their habitat, the best way to do so is to prevent leasing in those priority habitat areas.

Comment ID: 1839
Organization: Powder River Basin Resource Council
Name: Shannon Anderson

Comment: Second, the agencies must limit disturbance in core areas. The state imposes a disturbance cap of 5%. However, the best available science tells us that a disturbance cap of 3% is necessary. This is the recommendation from the NTT and is also recommended by the citizen group alternative. Please adopt the 3% disturbance cap in your final plan. Alternatively, if core areas/priority habitat areas are already over the

3% disturbance level, please evaluate whether they are still appropriate priority habitat areas or if additional protections, including expedited reclamation plans and lease buyouts, are warranted. In areas where the disturbance threshold has been met, the NTT recommends removal and reclamation of surface disturbing features no longer in use prior to permitting of new projects.

Comment ID: 83
Organization:
Name: Mary Lou Mellon

Comment: The Greater Sage Grouse is one of the most spectacular birds in North America! Please save it by saving their habitat.

Comment ID: 82
Organization:
Name: Marie Leven

Comment: We have to leave some land protected from development of any kind. This protected land protects plants and animals not to mention water. It would be a shame if we loose the Sage Grouse. If you want to develop land how about starting with our cities?

Comment ID: 81
Organization:
Name: Carol Halberstadt

Comment: Greater sage-grouse will only survive if their habitat, which they sustain and are sustained by, survives. And that means protecting the wide-open spaces they need. Protecting large expanses of important sage-grouse habitat—as outlined in the conservation alternative—will help stem the decline of many species of wildlife across the American West. The conservation alternative will begin restoring balance to an iconic American landscape by identifying those areas that need to be protected, and protecting them permanently. No new public lands must be taken from sage-grouse habitat for the devastation of fossil fuel production and other commercial uses.

Comment ID: 80
Organization:
Name: Valerie Miller

Comment: I am very dismayed that pure scientific studies and recommendations are often discarded or overlooked when it comes to gas and oil company pursuits and following their agendas.

Comment ID: 79
Organization:
Name: Cheryl Kindschy

Comment: This is one species we must work to keep the numbers up.

Comment ID: 56
Organization:
Name: karen scheuermann

Comment: I encourage BLM to adopt the conservation alternative to ensure sustainable management to conserve the species. These include science-based recommendations to limit future development and to create protected areas.

Comment ID: 67
Organization:
Name: Edward Newbold & Delia Scholes

Comment: Please adopt the Conservation Alternative to ensure the long-term survival of the Greater Sage Grouse.

Comment ID: 59
Organization:
Name: Ned Rollins

Comment: I am pleased that BLM is leading the effort to conserve the Greater Sage-Grouse and to restore balance to an iconic American landscape by identifying areas most appropriate for development and those that need to be protected.

Comment ID: 60
Organization:
Name: Benita Campbell

Comment: The BLM is not doing enough to protect the American West's most iconic and imperiled bird species. BLM's plan doesn't measure up to the best available science or with standards that are required to do the job.

Comment ID: 61
Organization:
Name: Laura Gooch

Comment: Resources cannot be preserved once they are gone. This is the only opportunity that we have to save the Greater Sage Grouse and its remnant habitat.

Comment ID: 63
Organization:
Name: Olaf Soltau

Comment: We have the knowledge, capabilities and intelligence to protect these birds before they are completely gone. All it takes is the decision to do it, and to do it right! I therefore urge you to adopt the conservation alternative.

Comment ID: 64
Organization:
Name: melinda ramsey

Comment: Please save the Greater Sage-Grouse an iconic and most imperiled species!! This bird was here before we arrived on the continent and is being wiped out by us. We simply don't belong everywhere and have no need to run over and destroy everything. I am concerned that the BLM's draft preferred alternatives are insufficient and do not comply with the best available science or with standards necessary to stabilize

and recover grouse populations I hope that the BLM is serious in leading the effort to conserve the Greater Sage-Grouse.

Comment ID: 78
Organization:
Name: Julia Burgen

Comment: Please adopt the conservation alternative and support the Greater Sage Grouse species.

Comment ID: 66
Organization:
Name: Deirdre Brown

Comment: It would be nice if you could save the Greater Sage Grouse and have development as well. In order to succeed , you have to be certain of how much land is needed for the bird and what can go on in its area. Otherwise, conservation is just a futile gesture, which is kind of sad.

Comment ID: 76
Organization:
Name: Julie O'Donald

Comment: IT IS IMPERATIVE THAT SAFE CORRIDORS OF NATURAL LANDSCAPE ARE LEFT FOR THE GREATER SAGEGROUSE. PRESERVING REFUGE AREAS AND CONNECTING CORRIDORS ARE FAR MORE IMPORTANT THAN LETTING DEVELOPERS AND ATVS HAVE FREE REIGN OVER THIS BIRD'S HABITAT! PLEASE DO ALL YOU CAN TO LEAVE THE LAND IN NATIVE PROTECTED VEGETATION.

Comment ID: 69
Organization:
Name: Kay Bird

Comment: I seriously hope the BLM will adopt the conservation alternative by limiting future development and creating larger protected areas. Fossil fuels production and other commercial uses have dominated public land management across sagebrush habitats, resulting in a negative impact on wildlife, as well as air and water quality. Protecting large expanses of important sage-grouse habitat—as outlined in the conservation alternative —will help stem the decline of many species of wildlife across the American West.

Comment ID: 70
Organization:
Name: Bob Nebel

Comment: I encourage BLM to adopt the conservation alternative to ensure sustainable management to conserve the species. These include science-based recommendations to limit future development and to create protected areas. A study by Copeland et al. (2013) assessing the Wyoming “core area” conservation strategy, which some BLM plans have also adopted, predicted that conservation measures it recommends will reduce the sage-grouse’s population decline, but will not stabilize grouse numbers or provide for the species’ recovery. Another study by Knick et al. (2013) found that sage-grouse appear to need greater protection than provided by the Wyoming core area strategy.

Comment ID: 72
Organization:

Name: Holly Van Dyk

Comment: If you have ever flown over our great nation, and looked at the landscape out the window, you would see for yourself the maze of sites that have decimated the wild places. Even from 6-7 miles high, it is very plain to see, restoration is needed--and more so, protection of what remains unsullied.Protecting large expanses of important sage-grouse habitat—as outlined in the conservation alternative —will help stem the decline of many species of wildlife across the American West.

Comment ID: 73
Organization:
Name: Jayne Chase

Comment: Once the last remaining LARGE expanses that are ESSENTIAL for species to survive are gone, so too will be gone those iconic species that are barely hanging on: tragically, it will NOT be possible to restore such habitat. We NEED changes in land management policies! PLEASE prioritize changes that are in FAVOR of the Greater Sage-Grouse, and NOT in favor of the fossil-fuel industry which is necessarily on borrowed time since we MUST NOW move to cleaner sustainable energy practices! It makes NO SENSE to destroy the ONLY remaining lands that can allow the grouse to survive, for a few years of exploitation by a dying industry.

Comment ID: 74
Organization:
Name: Louise Shimmel

Comment: It is critical that protections are put in place to preserve this iconic species, so representative of the Great Basin type habitat. These birds need large expanses of habitat: no wind farms or other developments that impact these sensitive birds.

Comment ID: 91
Organization:
Name: Susan Dowds

Comment: we need to leave their habitat, the beautiful land they occupy, in its natural state! Habitat is so critical to these beautiful animals.

Comment ID: 65
Organization:
Name: Deirdre Brown

Comment: It would be nice if you could save the Greater Sage Grouse and have development as well. In order to succeed , you have to be certain of how much land is needed for the bird and what can go on in its area. Otherwise, conservation is just a futile gesture, which is kind of sad.

Comment ID: 370
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Provisions in the Preferred Alternative for General Habitat are a recipe for population extirpation should these habitats become developed. These General Habitats have been recognized as important for maintaining connectivity. BLM prescribes a 0.25-mile NSO buffer around leks in General Habitats, a measure known to be inadequate to protect sage grouse populations. BLM itself notes, “it is not of a distance

that is recommended by current science and may force sagegrouse away from leks to other areas of lower quality habitat and smaller populations of birds." DEIS at 4-335. In fact, the General Habitat provisions do not depart from current management, in effect adopting the inadequate regulatory mechanisms under the old plans.

Comment ID: 1187
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: WWP is concerned that no alternative, and certainly not the status quo preferred alternative, will uphold BLM's obligation to manage Sensitive Species to minimize or eliminate threats and not contribute to the need for listing, either within or outside of sage-grouse Core Area habitats. As detailed elsewhere in these comments, mitigation measures applied under the proposed alternatives will inevitably lead to serious impacts to sage grouse populations within Core Areas and elsewhere and, for the most part are unenforceable, and therefore not "adequate regulatory mechanisms". This result represents an unnecessary and undue degradation of key Greater sage-grouse habitats.

Comment ID: 1129
Organization:
Name: Lawrence Thompson

Comment: I encourage BLM to adopt the conservation alternative to ensure sustainable management and to conserve the species. This includes recommendations to LIMIT future development and to create protected areas.

Comment ID: 312
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: There are abundant opportunities for salable minerals extraction outside sage grouse habitats, and therefore all priority and general habitats should be closed to salable mineral operations in order to foster sage grouse population maintenance and recovery.

Comment ID: 301
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We recommend that all Priority Habitats identified in this RMP amendment should be closed to future fluid minerals leasing, in order to head off future conflicts between fluid minerals development and sage grouse conservation. By sunsetting oil and gas leasing, BLM would give operators the opportunities to prove up leases that they already possess, and for those that are not developed, the lands would no longer be encumbered with valid existing rights which would allow at least limited industrial activity in some cases.

Comment ID: 302
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Connectivity Areas need to be established to connect Priority Habitats.

Comment ID: 381

Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We support the 3% disturbance cap for disturbance (applied under Alternatives B and C), but it is unclear than any alternative fully implements this disturbance cap (e.g., in the context of mineral leasing or mining). However, human-caused disturbance impacts sage grouse and their habitats regardless of whether it occurs in the context of vegetation treatments and roads or mineral leasing and development, so this disturbance cap needs to be applied more broadly. In addition, all other permitted forms of surface disturbance also contribute to degradation of sage grouse habitats; it only makes sense to include (and limit) all forms of surface disturbance using the 3% cap. This approach would be consistent with the published science (Knick et al. 2013) and the opinions of the agency's own experts in the NTT Report. There is no scientifically acceptable basis for approving exceptions to this disturbance cap. And in the absence of hard evidence that compensatory mitigation actually increases sage grouse populations to compensate for habitat and population losses elsewhere, there is no scientific basis for approving exceptions when they are paired with compensatory mitigation, either.

Comment ID: 1148
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: WWP incorporates by reference all the issues and literature raised in the scoping comments submitted on March 22, 2012 to both the eastern and western regions of the planning project pursuant to 76 F.R. 77008 and 77 F.R. 7178. WWP raised concerns about the modeling of core and other habitat, the need for stronger actions than the National Technical Team (NTT) Report; concerns about the sage-grouse habitat segregation schemes that break occupied sage-grouse habitat or habitat essential for restoration of populations into Priority and General Habitats; uncertainty over how the process would address livestock allocations; concerns about the need for immediate and strong action to heal native sagebrush communities and prevent or reverse plant community changes and irreversible cheatgrass invasion and other harms caused by aggressive treatments and grazing; the agency culture of deference to industry; and many other issues. The federal agencies have failed to meaningfully integrate these concerns and references in the current DLUPA/DEIS.

Comment ID: 304
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We strongly urge the BLM that Priority Habitats should be withdrawn from future oil and gas leasing, allowing existing leases to lapse as they expire, as in Alternatives B and C. Existing leases should have all measures approved under the RMP revision applied as Conditions of Approval. However, Alternatives D and E would not apparently close all Priority Habitats to future oil and gas leasing. BLM should close sage grouse Priority Habitats, regardless of development potential, to future oil and gas leasing as a means of steering future land uses away from conflict in the future.

Comment ID: 366
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Alternative D prescribes 0.25-mile NSO buffers in Priority Habitats, a measure which has been shown to be biologically inadequate by numerous studies and even WGFD reports, as discussed elsewhere in these comments (and even BLM's own DEIS). Development under this buffer will result in major

impacts to affected lek populations resulting in lek abandonment and population losses. This is one of the inadequate regulatory mechanisms that led to the "warranted but precluded" USFWS finding in 2010.

Comment ID: 293
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The Wyoming RMP Amendment should prevent these problems for BLM-managed lands and projects on BLM-managed minerals by establishing Priority and General Habitat boundaries as inviolate and permanent designations (at least throughout the life of the Plan) and by precluding exceptions or waivers of sage grouse measures within these respective habitats.

Comment ID: 1257
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The preferred alternative is continuing the management policies and practices that got us into this problem in the first place. It is trying to strike a balance between conservation and resource extraction, but the time for such half-measures has passed. In choosing a lower level of habitat protection, implementing essentially status quo management but allowing continued livestock grazing, massive expansion of oil and gas development and other resource extraction, the agencies are hastening the decline of the sage-grouse and forcing even more restrictions on development in the future as these half-measures are shown to be ineffective. The wisest, most conservative course of action would be to manage for the best possible chances for sage-grouse recovery. If and when these measures prove effective, restrictions can be reviewed.

Comment ID: 1189
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: According to BLM policy, "It is in the interest of the BLM to undertake conservation actions for such species before listing is warranted." The sage-grouse is already nearing listing as an Endangered or Threatened Species, as shown by the "warranted but precluded" finding of the USFWS. The previous USFWS sage grouse "not warranted" findings were litigated and overturned by courts in the past, and there is every expectation that a "not warranted" finding would similarly be litigated if one is issued in 2015. Failure to implement the strongest conservation measures feasible needlessly exposes the sage-grouse to threats to its viability, even within Core Areas, which would strengthen the likelihood that the USFWS deems BLM conservation measures inadequate at the administrative stage or that a court would subsequently rule them inadequate and use this as the basis for the overturn or remand of a "not warranted" finding by the USFWS.

Comment ID: 1184
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Nothing provided in the EIS would support a conclusion that BLM actions following RMP amendment implementation will not contribute to further declines in Greater sage-grouse habitat conditions and populations. In fact, the EIS specifically admits that further declines will occur.

Comment ID: 379
Organization: Wild Earth Guardians

Name: Erik Molvar

Comment: There are no adequate conservation measures for sage grouse in General Habitat under the Preferred Alternative.

Comment ID: 367
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Alternative D sets a maximum of 3 energy locations per square mile in Core Area habitat. DEIS at 4- 324. As discussed elsewhere in these comments, this is far above (indeed three times as great a density) as the one site per square mile threshold at which significant negative population-level impacts occur. As a regulatory mechanism, this in inadequate and fails to meet USFWS effectiveness requirements.

Comment ID: 375
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The mining withdrawal is a key component of sage grouse Priority Habitat protection that needs to be implemented. It makes absolutely no sense to limit powerlines and oilfields if a major mining operation is allowed to move in and strip-mine the habitat. Also, we concur with the need to withdraw Priority Habitats from non-energy mineral leasing and salable mineral extraction as in Alternatives B and C for the same reason.

Comment ID: 303
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In addition, it is critically important for BLM to identify and protect winter concentration areas. Thus far, the location of these habitats remains largely undetermined. DEIS at 4-2. These lands, once identified under the RMP amendment, should be withdrawn from future mineral leasing and entry of all kinds, with Conditions of Approval applying NSO stipulations inside and within 2 miles of these areas, disturbance limits of 3% per square mile and one wellpad per 640-acre section, exclusion of overhead powerlines, and seasonal road closures within the winter habitats. The proposal to simply apply timing stipulations to these areas as under the Preferred Alternative is insufficient because it allows construction of wellpads and roads known to be deleterious to wintering sage grouse inside these key habitats as long as construction/drilling occurs outside the winter season, and further allows production-related activities throughout winter. Thus, the sage grouse may return to their winter habitats to find an industrialized, fragmented habitat that no longer has any habitat function due to the birds' avoidance of such areas.

Comment ID: 1032
Organization:
Name: Reed Glenn

Comment: Please adopt the conservation alternative -- Alternative C -- to protect our precious and DWINDLING wildlife habitats.

Comment ID: 365
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Alternative D allows 9% surface disturbance in each 640-acre section in sage grouse habitats each year. DEIS at 2-11. The best available science (Knick et al. 2013) identifies 3% as the disturbance threshold that should not be exceeded, based on 99% of active sage grouse leks in the western half of the sage grouse's range being sited in habitat surrounded by lands with less than 3% surface disturbance. Therefore, even if the disturbance cap were set cumulatively at 5% (existing disturbance plus all disturbance approved in all future years) this provision would not meet USFWS effectiveness criteria based on the best available science.

Comment ID: 1298
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: These and other failings to comply with law and policy, including NEPA, NFMA and FLPMA, render the DLUPA/DEIS inadequate to protect the sage-grouse and insufficient to present the framework under which adequate regulatory mechanisms will guard against species extinction.

Comment ID: 1335
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Stunningly, the DEIS propose is to basically continues status quo management, which has resulted in the significant declines of sage grouse throughout the analysis area, massively increase sources of the impacts such as oil and gas drilling, mining, etc., which will further increase the downward trend in sage grouse populations and habitat conditions yet nowhere in the DEIS is this directly addressed. In fact, the DEIS is completely silent on the effects of the various alternatives on the recovery of the species. Modeling or other means have been used to provide any kind of quantitative information regarding the likely outcomes of the proposed alternative.

Comment ID: 1336
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: On page iv. The BLM states that one of the fundamental considerations in its amendment planning is the "consistency of existing land use plan decisions with the state of Wyoming Executive Order 2011- 5" but this executive order fails to provide the requirements and protections needed for sage grouse recovery. The recent paper titled Measuring the Efficacy of Sage Grouse Conservation (Copeland et al. 2013) shows that the application of the core area strategy in the Executive Order only slightly reduces the rate of decline of sage grouse in Wyoming. It does nothing to stabilize or recover sage grouse. The study found: "We estimate that the core area strategy alone reduces these declines statewide to 9–15% (95% CI: 3–32%) and 6–9% (95% CI: 2–24%) within core areas." So the very basis of the proposed action is insufficient. Starting on page 29 of the DEIS comments submitted by Wild Earth Guardians, there is a review of the flaws of the State of Wyoming's core area strategy. We incorporate Wild Earth Guardians comments by reference.

Comment ID: 380
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In order to successfully address the threats identified by USFWS to continued sage grouse existence, the closure to future mineral leasing should be extended to all sage grouse Priority Habitats, at minimum, and Conditions of Approval should be applied to existing leases as recommended by NTT

(2011): 4-mile NSO buffers, 3% disturbance caps, maximum one wellpad or other disturbance per square-mile section.

Comment ID: 313
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In addition, we would expect that impacts from activity on developed sites would radiate into surrounding habitats as with other forms of mining and oil and gas development, causing habitat abandonment and declines in sage grouse populations in at least the 2-mile area surrounding mine sites. Core Areas should be closed to oil shale leasing and development under the Wyoming RMP Amendment.

Comment ID: 311
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: As with fluid minerals, BLM should close all Priority Habitats to nonenergy leasable minerals leasing, as this does little to hinder minerals production but much to assure that adequate regulatory mechanisms are in place to address threats to sage grouse persistence.

Comment ID: 372
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We support the management objectives under Alternative B, particularly those to maintain or restore to 70% land cover in adequate sage grouse habitat, and to prioritize and reclaim anthropogenic disturbances to 3% or less of the landscape within 10 years. DEIS at 2-13. The Alternatives D and E have hardly any objectives relating to sage grouse, and those that are present lack measurable benchmarks. DEIS at 2-14.

Comment ID: 373
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The BLM has also not considered protections for sage grouse for lands outside Priority Habitats, and has not fully considered NTT or Sage-grouse Recovery Alternative measures proposed for sage grouse general habitats. What will be the impact of permitted activities on grouse populations that fall outside the Priority Habitats/ACEC boundaries under this plan? The DEIS is silent on this matter.

Comment ID: 308
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: All priority habitats should be found unsuitable for coal leasing under the RMP amendment in order to prevent direct destruction of sage grouse habitats through strip mining and indirect impacts from grouse being driven away from otherwise suitable habitats adjacent to mine sites and associated access roads and facilities by increased industrial activity.

Comment ID: 1305
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS also does not require that the agencies implement management that conserves, restores, and enhances GRSG habitat, only to analyze an alternative like that in subsequent NEPA processes. Thus, the DLUPA is not requiring the subsequent adoption of meaningful changes, only the consideration of something that might be better for GRSG, someday. This is utterly inadequate to conserve the species and demonstrates the agency's lack of commitment to truly improving sagegrouse habitat.

Comment ID: 1130
Organization:
Name: John Dantoni

Comment: Save our Greater Sage Grouse by giving them large areas of undisturbed land. These magnificent birds require unspoiled areas to thrive and they are not being allowed this opportunity due to being placed on the back burner for short term gains in energy! Save our birds!

Comment ID: 1144
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The proposed DLUPA/DEIS fails to adequately address the "present and threatened destruction, modification, or curtailment of the habitat or range of the greater sage-grouse." In addition, DLUPA/DEIS fails to implement the "regulatory mechanisms" that would be necessary for the recovery of the species. Regulatory mechanisms under the ESA must be mandatory and enforceable. The vast majority of the proposed management actions of the LUPA do not address either of these requirements. The agency failed to take a hard look at whether livestock grazing is compatible with protecting and improving GRSG habitat.

Comment ID: 2756
Organization:
Name: Dana Ward

Comment: I hope that BLM works closely with Wyoming, Montana, Washington and other state Departments of Wildlife to assure recovering and thriving populations of Sage-grouse are protected. Thank you for considering these comments.

Comment ID: 2249
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Page 2-20, 21): "Projects in designated corridors and along these routes will not be counted against the 5% disturbance cap (Wyoming Density and Disturbance Calculation Tool Manual). We do not support new transmission lines in core habitat and support actions under Alternative B.

Comment ID: 2246
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Table 2-5, Threats: NSO on Leased Fluid Minerals should follow Alternative B.

Comment ID: 2232
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: appropriate for Action 66.

Comment ID: 2236
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 69, page 2-77): We recommend management actions outlined in Alternative B are most appropriate for Action 69.

Comment ID: 2525
Organization:
Name: Patricia Valdata

Comment: I encourage BLM to adopt the conservation alternative (Alternative C) to ensure sustainable management and to conserve the species. These include recommendations to limit future development and to create protected areas.

Comment ID: 2243
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 76, page 2-83): We recommend management actions outlined in Alternative B are most appropriate for Action 76.

Comment ID: 2530
Organization:
Name: Kathryn Colestock-Burke

Comment: Limit development. Protect habitat. Please go with "Alternative C" as you decide what to do to help this species.

Comment ID: 2227
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: We do not believe that the preferred Alternative E meets this purpose and need to the extent necessary to preclude the need to list the species as threatened or endangered by the US Fish and Wildlife Service (USFWS). We do believe there are components in the preferred and other alternatives that, when combined, can result in an appropriate final alternative and proposed plan that will address threats such that the need to list the greater sage-grouse could be avoided.

Comment ID: 2395
Organization:
Name: Kathleen Hartman

Comment: I am ask that the BLM choose the conservation alternative, not the preferred alternative, which does not provide the standards necessary to stabilize and recover grouse populations.

Comment ID: 2401
Organization:
Name: Corbett Kroehler

Comment: Protecting large expanses of important sage-grouse habitat--as outlined in the conservation alternative--will help stem the decline of many species of wildlife across the American West.

Comment ID: 2526
Organization:
Name: Frances Lamberts

Comment: Please adopt the conservation measures with greatest likelihood of success, namely Alternative C (rather than the core-areas preferred alternative) in your upcoming, BML management decision in the states where the Greater Sage-Grouse lives.

Comment ID: 2400
Organization:
Name: Mark Hunter

Comment: Even your best alternative, from a conservation standpoint, does not do enough to turn around the sharp decline in their population. But if I must choose, I encourage you to implement Alternative C.

Comment ID: 2403
Organization:
Name: arnold martelli

Comment: I encourage BLM to adopt the conservation alternative to ensure sustainable management and to conserve the species.

Comment ID: 2590
Organization:
Name: Ana Arguelles

Comment: I would like to encourage the Bureau of Land Management to designate protected reserves for Greater Sage-Grouse populations and sharply limit or ban oil and gas leases in key habitats. Livestock grazing should be managed to leave adequate ground cover in grouse nesting areas and to protect springs and other riparian habitats where these birds raise their young. On private lands used by the grouse, the federal government needs to keep encouraging ranchers and farmers to voluntarily protect important areas.

Comment ID: 2244
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 84, page 2-95): We recommend that some of the most important and sensitive areas for sagegrouse be revisited and considered for protection under management actions such as ACECs or other designations employed by BLM.

Comment ID: 2234
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: appropriate for Action 68.

Comment ID: 2245
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership

Name: Edward B. Arnett

Comment: Table 2-5, Threats: Areas closed to mineral leasing should follow Alternative B – no new areas leased in priority habitat.

Comment ID: 2229
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 60, page 2-63): We do not believe the preferred alternative will protect sage grouse and reduce threats so as to preclude the need to list the species. We do not support developing minerals in sage grouse core/priority habitat. We recommend management actions outlined in Alternative B are most appropriate for Action 60.

Comment ID: 2230
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: appropriate for Action 64.

Comment ID: 2233
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: appropriate for Action 67.

Comment ID: 2231
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: appropriate for Action 65.

Comment ID: 2248
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Action 24, Page 2-17: “The Wyoming BLM typically manages the public lands to meet the State of Wyoming’s wildlife population objectives. The current population objective is to maintain at least 67% of the 2005-2008 Greater Sage-Grouse Core Area Population within the State of Wyoming. We would remind BLM that this is the “bottom” trigger and the goal should explicitly be to manage for long-term increases in habitat and populations. Maintaining only 67% of core habitat may sustain that particular population level, but this would not likely allow for expansion of the habitat and population thus further ensuring long-term increases and sustainable harvest opportunities for sportsmen.

Comment ID: 2405
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: BLM Uses Flawed Science in Use of Habitat Classifications Information in the Draft EIS does not represent the best available science required by the Endangered Species Act ("ESA") or the standards

for quality, objectivity, and integrity required by the Data Quality Act ("DQA") and Office of Management and Budget ("OMB") Guidelines (44 USC 3504(d)(1), 3515(a)).

Comment ID: 2769
Organization: Santa Barbara Audubon Society
Name: lee moldaver

Comment: Please adopt the conservation Alternative to ensure sustainable management and to conserve the species. These include fair ways to limit future development and to create protected areas. USGS and other peer-reviewed research indicate that conserving the Greater Sage-Grouse will require both protecting large areas of habitat and making significant changes in land management to reverse population declines of this wide-ranging species. The Survey found that most priority sage-grouse habitat is already heavily degraded and that grouse are only persisting in large, relatively undisturbed blocks of habitat.

Comment ID: 3088
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: In addition to the fluid mineral protections recommended by the NTT Report, the Core Habitat ACEC should provide for withdrawal from mineral entry, unavailable for mineral leasing, closure to disposal of mineral materials and saleable minerals, protective fire management provisions, preclusion of nonnative plant species, right-of-way exclusion area, closure to renewable energy development, and travel limitations. Where necessary to meet conservation objectives, oil and gas leases not held by production could be targeted for relinquishment, retirement, exchange or termination. A holistic, comprehensive approach will provide the most certainty and maximize the chances of meeting conservation goals and objectives.

Comment ID: 3096
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: For energy development, two principles need to guide BLM's decisions. First, all remaining sagegrouse strongholds in relatively large, intact blocks of habitat need to be protected. This will include a combination of 1) closed to leasing designations; 2) relinquishment or retirement of existing leases; and 3) No Surface Occupancy and other measures for existing leases not retired or relinquished. Where large intact blocks of habitat are in short supply, protecting remaining refugia is especially urgent. Designating the proposed Core Habitat ACEC will allow the agencies to extend protections as leases terminate or are otherwise retired, relinquished, or exchanged.

Comment ID: 3097
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Large blocks of contiguous unleased habitat are addressed by BLM IM WY-2012-019, and have been identified by BLM in the course of quarterly lease sale reviews. The leasing screen described in BLM WY IM 2010-013 uses these large blocks (11 square miles) of "contiguous, manageable, unleased Federal minerals" as a criterion for protecting such important intact habitat from new leasing. These unleased blocks present existing opportunities for refugia and should therefore have stronger protections – through lease closures and avoidance measures. The identification and inclusion of large blocks of unleased contiguous habitat in non-core areas should be considered where core areas are compromised (like those in the Buffalo Field Office).

Comment ID: 3098
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Second, BLM should apply the heightened protections from Alternative B for proposed development outside large intact blocks within core and other occupied habitat important to conservation and recovery efforts. Where new leases issue for fragmented or already-disturbed sage-grouse habitat, these measure must be included in lease terms and stipulations. Areas for protection should include priority habitat that meet the needs of all life stages of the sage-grouse: breeding, brood rearing, summer habitat, winter concentration areas, and connectivity/corridors. Recovery depends on protecting priority habitat. In the absence of adequate priority habitat to meet recovery goals, protections must be extended to priority occupied habitat, specifically including breeding, nesting, brood-rearing, winter, and connectivity habitats. Adequate science-based protections, per the NTT-recommended conservation measures in Alternative B, are essential to achieving recovery goals and the many benefits flowing from healthy ecosystems and populations. Identification of unleased contiguous habitat and overlap of regional breeding densities (25%, 50%, and 75% polygons) will be important tools in determining priority locations for heightened protections. Where populations are at risk and habitat is already significantly degraded, the need to fully conserve remaining intact habitat is magnified by the relative shortage of such large blocks.

Comment ID: 2776
Organization:
Name: Mary Rosenfeld

Comment: Please support Alternative C, so I and all the children I know can aways see and appreciate this, and other valuable species on these lands.

Comment ID: 3105
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Connectivity areas are essential. “Genetic analyses are underway to identify areas important for connectivity, but until these linkage zones are identified, we recommend a cautionary approach to management to at least maintain as undeveloped habitat the connectivity corridors outlined in the Wyoming Governor’s Executive Order.” Taylor at 32. This establishes the need for fully protecting connectivity areas and the populations they link. This of course requires comprehensive identification and mapping of habitat with connectivity values.

Comment ID: 2763
Organization:
Name: Brock Evans

Comment: The above is why I am alarmed to to learn of the BLM's "Preferred Alternative" for managing what remains of the GSC and its special needs for large protected habitats -- for reproduction, food and shelter, and survival from predators. The Preferred Alternative simply does not -- can not -- accomplish these needed goals sufficiently to stabilize its numbers and eventually recover it to full sustainable health as a species. I urge that the BLM reconsider its position and to adopt the Conservation Alternative instead. NOW is the time to identify and set aside the best remaining largelandscape habitats that the Greater Sage Grouse needs to ensure healthy and sustainable populations for the future.

Comment ID: 3109
Organization: Audubon Rockies

Name: Mike Chiropolos

Comment: Current preferred alternative E includes the use of 0.6 mile NSO for core habitat and a 0.6 mile buffer around occupied leks. DEIS at 2-174 and 2-195. "Surface occupancy and surface disturbing activities would be prohibited or restricted on or within a 0.25 mile radius of the perimeter of occupied sagegrouse leks (Map 2-3)." DEIS at 2-141. These provisions are inadequate to maintain lek activity, as studies have repeatedly confirmed (Holloran 200510, Walker et al. 2007).11 See previous discussion supra. The Lander FEIS/RMP and the Miles City RMP FEIS both recognized this.

Comment ID: 3125
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Regulatory certainty depends on adopting science-based policies to achieve conservation and recovery goals. Alternative E is significantly weaker than current policies and lacks the requisite certainty. Alternative B and the Core Habitat ACEC would better provide certainty, consolidate recent conservation gains in priority habitat, and ensure the implementation of effective, science-based measures to achieve conservation objectives. Incorporating the recommendations provided above into the final 9-Plan and FEIS will provide regulatory certainty for long-term population stability and potential for recovery if habitat recovers. Thank you for considering these comments. Audubon Rockies looks forward to working with BLM, the Forest Service, and other stakeholders to develop and implement management strategies to achieve sage-grouse goals and objectives established by the agency's national planning strategy. Deeper analysis and adoption of a science-based approach grounded in Alternative B is integral to the success of these efforts, and ensuring that the 9-Plan DEIS/LUPA does not further contribute to the need to fully list the Greater Sage-Grouse under ESA. Stronger conservation measures that further recovery and conservation will ultimately benefit all users and resource values.

Comment ID: 3087
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: threatened by direct disturbance and habitat fragmentation. Alternative E would not designate ACECs or other Special Management areas. The Core Habitat ACEC is informed by the NTT, the COT Report, breeding density data, and other research. The highest protection of leasing and other closures are needed for the remaining large blocks of relatively intact, contiguous and manageable habitat. BLM has recently deferred leases to protect all such blocks of at least 7,040 acres, which should be the minimum size to trigger closures to leasing. For subregions and individual core areas with a paucity of blocks of this size, the plan should extend the higher level of protections to the largest and most valuable remaining blocks of habitat. NSO designations should be applied to ensure that adequate areas of vital habitat types are protected for the seasonal migrations and life cycle of the bird. Management of adjacent general habitat needs to be coordinated with provisions applying within the ACEC.

Comment ID: 2770
Organization:
Name: Bettina Moser

Comment: PLEASE DO NOT BOW TO $$ AND SHORT-TERM PROFIT OR CORPORATE AND POLITICAL PRESSURES. RATHER, PLEASE LEAD THE WAY AND ENSURE THAT SUFFICIENT NON-DEGRADED AND UNDISTURBED HABITAT IS AVAILABLE FOR THE SAGE GROUSE. THIS IN TURN WILL BENEFIT ALL OF US FOR, ULTIMATELY, AN INTACT ENVIRONMENT IS THE MOST PRECIOUS RESOURCE WE HAVE.

Comment ID: 3099
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The 9-Plan and FEIS needs to reflect BLM interim guidance emphasizing three guiding principles for greater sage-grouse habitat consistent with BLM's National Strategy: [E]mphasis for protecting and managing Greater Sage-Grouse habitat incorporates the following principles: 1) Protection of unfragmented habitats; 2) Minimization of habitat loss and fragmentation; and 3) Management of habitats to maintain, enhance, or restore conditions that meet Greater Sage- Grouse life history needs.

Comment ID: 2768
Organization: Animal Science Dept, California Polytechnic State University
Name: Marc Horney

Comment: I urge BLM and its partner agencies to work to protect these areas from disturbance and continue to increase the monitoring of GSG populations in a coordinated manner among state, federal, and local stakeholders across its range. Developing effective strategies for sustainable management of large expanses of important sage-grouse habitat is the best strategy for stemming the decline of many associated wildlife species across the American West. Increased monitoring of GSG populations and better collaboration among all those with interests in sagebrush-steppe ecosystems is the most effective way to accomplish this.

Comment ID: 2767
Organization: Animal Science Dept, California Polytechnic State University
Name: Marc Horney

Comment: I encourage BLM to continue coordinating with USFWS, USFS and NRCS in broad public-private efforts to conserve the species. Recent evidence does indicate that restricting expansion of mineral and fossil fuel extraction into good condition GSG habitats is necessary at this time to stabilize populations and reverse their declines.

Comment ID: 2766
Organization:
Name: Robert Stalnaker

Comment: Savings this species would help save many more that use the same habitat. Politicians receive kickbacks and under the table money from construction companies to build all sorts of crap, destroying unique habitats. There is more to life than greed, profit, politicians receiving kickbacks, etc. The beauty of natural lands and these magnificent species must be preserved. The US Government MUST preserve very large tracts of land for not only this species but many species that use the same habitat. There is one very clear visual that you need to look at, and that is the trend line of population for this species and hundreds of other species. Why would this generation want to facilitate the extinction of extirpation of these species? Why would the BLM want to play a role in the extinction of these species? These species have been on this planet since before Christ, hundreds of thousands of years ago. Why is this generation wanting to wipe out these iconic species? PLEASE preserve large tracts of land and stop the indiscriminate destruction of public lands. These public lands are for ALL the people of future generations, not just the type of people who think the only thing on earth should be more people, off-road vehicles, etc. We have destroyed far too much of our precious lands and species. We MUST protect what little is left, and hopefully provide habitat to start recovery of decimated populations

Comment ID: 2753
Organization:

Name: Peter Slattery

Comment: Please stop destroying the sage brush biome. It's not pretty, just a monotonous gray. Our eyes and values aren't so important though; my childhood was spent in sagebrush, summer and winter, coyotes, mule deer sage, grouse up. Everyone should be so lucky, they just don't know it. Please safeguard what you can.

Comment ID: 2755
Organization:
Name: Steve Semanchuk

Comment: My financial situation may prevent me from ever seeing a Greater Sage-Grouse but I would find great satisfaction in knowing that efforts are being made to help them survive our expanding population. Please use Alternative "C" in your management program.

Comment ID: 2765
Organization:
Name: Robert Stalnaker

Comment: Savings this species would help save many more that use the same habitat. Politicians receive kickbacks and under the table money from construction companies to build all sorts of crap, destroying unique habitats. There is more to life than greed, profit, politicians receiving kickbacks, etc. The beauty of natural lands and these magnificent species must be preserved. The US Government MUST preserve very large tracts of land for not only this species but many species that use the same habitat. There is one very clear visual that you need to look at, and that is the trend line of population for this species and hundreds of other species. Why would this generation want to facilitate the extinction of extirpation of these species? Why would the BLM want to play a role in the extinction of these species? These species have been on this planet since before Christ, hundreds of thousands of years ago. Why is this generation wanting to wipe out these iconic species? PLEASE preserve large tracts of land and stop the indiscriminate destruction of public lands. These public lands are for ALL the people of future generations, not just the type of people who think the only thing on earth should be more people, off-road vehicles, etc. We have destroyed far too much of our precious lands and species. We MUST protect what little is left, and hopefully provide habitat to start recovery of decimated populations.

Comment ID: 2764
Organization:
Name: Stewart Wilber

Comment: We need to keep in mind that these are not only beautiful creatures in their own right, they are also bellwethers for us. We need to stop ignoring what mother nature is trying to tell us through them about environmental damage, especially that caused by fossil fuel production and use. We too are at risk.

Comment ID: 2760
Organization:
Name: Marie Leven

Comment: Saving habitat for the grouse will also protect the land and the water tables. They should have unspoiled places to live and we as a nation need to realize that some places should never be developed.

Comment ID: 2761
Organization:

Name: Gail Mackiernan

Comment: It is important to reverse the decline of Greater Sage-Grouse, which is one of this country's "natural treasures." My husband and I were amazed to watch this species display on one of its traditional leks in Colorado a few years ago; a lek which exists, by the way, on BLM lands. For that reason I encourage BLM to adopt Alternative C to ensure sustainable management and to conserve the species. These include recommendations to limit future development and to create protected areas, as well as encourage appropriate grazing strategies on BLM lands.

Comment ID: 2762
Organization:
Name: Egret Plover

Comment: Commerical building seems like such a good idea, especially because it helps stimulate the economy, creating more jobs and so on. But this is NOT about humans, this is about the birds of greater sage grouse. And are you knowing that birdwatching is increasingly becoming a steady source of money for the government? Are we willing to let them go extinct for our own good?

Comment ID: 2775
Organization:
Name: Bill Thiessen

Comment: I fully support the conservation alternative. It is necessary to retain what is left of wildlife in the U.S. Fort too long we have we have used up our resources like there was no end to them.

Comment ID: 3083
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Science-based conservation strategies focused on the most valuable remaining intact habitat should be uniformly applied as range-wide planning proceeds. The highest level of protections should be provided for federal lands so that neighboring jurisdictions can build off conservation measures consistent with range-wide goals and objectives.

Comment ID: 3067
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Although seasonal timing restrictions are stipulated in the preferred alternative, recommendations forwarded in the literature and the NTT report suggest seasonal timing restrictions are ineffective, especially relevant here as timing restrictions do not apply to operation and maintenance of production facilities. Eliminating human activity at infrastructure within seasonally protected areas may be necessary to achieve the objectives of seasonal closures.

Comment ID: 3059
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: We believe that current management, which relies almost entirely on the EO stipulations, is not sufficient to ensure that sage-grouse do not become threatened or endangered under the currently proposed Alternative E. We request that BLM and the Forest Service consider the recommendations we have outlined

below to bolster protections and provide a management alternative with sufficient strength to protect sage-grouse from a potential listing of Threatened or Endangered under the Endangered Species Act. Despite the requirement of the EO that "State and federal agencies, including the U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, and other federal agencies shall work collaboratively to ensure uniform and consistent application this Executive Order to maintain and enhance Greater Sage-Grouse habitats and populations" (EO, Stipulation 12, p. 3), federal land management agencies are bound by a requirement, based on the above-cited authorities, to implement management policies that offer protection to candidate species based on the best currently available science. At this time, the science on which the EO was based is more than three years old, and it does not, in some cases, represent the current best available science. Considering that BLM and the Forest Service already implement the management stipulations outlined in the EO, we contend that actions under Alternative E would be nearly identical to Alternative A, essentially resulting in "no action." We see this as a flaw that can be fixed, and we request that the BLM revise the plan and propose an improved and meaningfully different alternative to the no action alternative that would better ensure sage-grouse conservation based on the current best available science, and better ensure that listing will not be necessary. As drafted, the plan states, "It is the policy of BLM Wyoming to manage Greater Sage-Grouse seasonal habitats and maintain connectivity in identified areas in support of the population management objectives set by the State of Wyoming" (9-Plan DEIS, 1-1). We believe this proposed management would be in conflict with federal requirements because it would not implement a level of habitat protection based on the current best available science. We believe this can be remedied if the goal of the 9-Plan DEIS would not solely support the management objectives of the State of Wyoming but also have the overarching goal of managing Greater Sage-Grouse in a way that meets the legal criteria necessary to avoid listing under the ESA. Agencies should abide by the federal agency requirements to meet the ESA legal criteria to avoid listing and to remain consistent with existing federal laws.

Comment ID: 3080
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The Energy Development and Infrastructure section of the cumulative impacts analysis for the greater sage-grouse provides (DEIS at 4-489): The greatest cumulative effect to Greater Sage-Grouse habitat would result from surface-disturbing and other disruptive activities in the form of direct habitat loss or habitat fragmentation, and would likely cause long-term displacement of Greater Sage-Grouse through habitat loss and lek abandonment. The lack of undisturbed habitat in the region and throughout the MZ places additional stress on remaining habitat and the birds that rely on the habitat. Oil, gas, and CBNG leases, in addition to infrastructure associated with these activities that are currently in production or would be developed on valid, existing rights would add to the habitat loss and fragmentation anywhere sagebrush habitat occurs. This supports the urgency of fully protecting the best remaining blocks of relatively intact and undisturbed priority habitat across the project area and the Rocky Mountain region. Avoidance and exclusion zones will be necessary to avoid these cumulative effects that, if allowed to continue, will have significant and possibly fatal impacts for continued habitat loss and lek abandonment.

Comment ID: 2159
Organization: The Cloud Foundation
Name: Ginger Kathrens

Comment: Other threats to sage grouse include the loss of habitat due to fossil fuel extraction. Alternatives should mandate a four mile no disturbance zone around all leks and also key brood rearing areas. Any EIS should contain a full and complete review of each and every fossil fuel extraction project and plans for restoration of habitat and removal of all high towers, poles, etc. where raptors can perch to prey on the grouse. No additional road building or other disruptions should be approved within four miles of areas determined to be critical sage grouse habitat.

Comment ID: 2899
Organization:
Name: Narca Moore-Craig and Alan Craig

Comment: I STRONGLY URGE YOU TO ADOPT ALTERNATIVE C!! SUBSTANTIAL AREAS OF GOOD SAGEBRUSH HABITAT ARE ABSOLUTELY WORTH SAVING. UNFORTUNATELY, UNDER EXISTING MANAGEMENT THEY HAVE BEEN SEVERELY DAMAGED IN FAR TOO MANY AREAS.

Comment ID: 2902
Organization:
Name: Anita Welych

Comment: We need to do all it takes to save such a bird; however, saving and restoring Sage-Grouse habitat does so much more than save a bird. At the same time we preserve habitat, we are maintaining old prairie growth - a critically endangered ecosystem. We are saving biodiversity at a time when humanity is essentially razing the earth. We can save habitat for endangered butterflies and other pollinators. We can save this land for uses and benefits we cannot even fathom yet. Most of all, we're saving a unique part of our world for our children and hopefully, their children. We need to use our BEST science, and implement our BEST plan - that would be the conservation alternative to ensure sustainable management and to conserve the species. These include recommendations to limit future development and to create protected areas. We don't need to ruin this precious land for a few years' worth of oil or gas. Good grief! Fossil fuels are ruining the rest of the earth as it is - let's keep oil/gas production OFF Sage-Grouse land. Is anyone going to remember that one tank of gas or one day of heating, compared to the incomparable sight of a lek in full use by courting Sage-Grouse?

Comment ID: 2700
Organization:
Name: Carol Halberstadt

Comment: To achieve these goals, total protection from fossil fuel, ranching, livestock grazing, and any kind of "development" must never be allowed in those few large, relatively undisturbed habitat areas where the sage-grouse and all the life forms with which it shares these habitats still survive. Further, it is crucial that expanded habitat protection be established and that it be contiguous to those areas already still supporting sage-grouse populations and all the rapidly declining species of wildlife across the American West that desperately need protection. I specifically urge that the BLM adopt conservation measures--called the conservation alternative, or "Alternative C"--to ensure sustainable protection for the Greater Sage-Grouse and all the ecosystem that sustains this dangerously threatened species.

Comment ID: 2147
Organization: Sierra Club, Wyoming Chapter
Name: Connie Wilbert

Comment: Overall, we believe that Alternative E is not sufficient to protect or conserve greater sage grouse populations into the future, based on the best available science. At a minimum, changes must be made to Alternative E to correct inadequacies in the BLM's regulatory structure.

Summary: Save and protect the sage-grouse and sage-grouse habitat. BLM and Forest Service should base their management alternatives on the best available science. The plan does not do enough to protect, stabilize or recover sage-grouse populations. More land should be closed to uses such as oil, gas, or other mineral development; livestock grazing, wind energy development, OHVs, or rights of ways. Large areas

of unfragmented habitat for sage-grouse, including winter, corridors/connectivity, and nesting should be protected and preserved, possibly as ACECs for sage-grouse and other wildlife. The conservation alternative (Alternative C) is the most protective and should be adopted by BLM and the Forest Service. Alternative B and the recommendations of the NTT Report should be adopted by the Forest Service and BLM. The COT report indicates that Wyoming's sage-grouse populations must be maintained or restored to help support the species' long-term persistence (COT 2013). The Wyoming Core Area Strategies will fail to achieve these goals. There are no adequate conservation measures for sage-grouse in General Habitat under the Preferred Alternative or Alternative D. The NSO/CSU of 0.25 to 0.6 miles from a lek in Alternatives D and E will likely result in major impacts to active leks within the core areas themselves and other populations as well, as this proximity results in significant impacts to breeding grouse on the lek and will result in development occurring in the midst of the most prime nesting habitats that surround the affected lek. These and other failings to comply with law and policy, including NEPA, NFMA and FLPMA, render the Draft LUP Amendment/Draft EIS inadequate to protect the sage-grouse and insufficient to present the framework under which adequate regulatory mechanisms will guard against species extinction. Commercial uses of the land should only be permitted if they are compatible with protection of the sage-grouse and other sagebrush species. Concerns about the modeling of core and other habitat, the need for stronger actions than the National Technical Team (NTT) Report; concerns about the sage-grouse habitat segregation schemes that break occupied sage-grouse habitat or habitat essential for restoration of populations into priority and general habitats; uncertainty over how the process would address livestock allocations; concerns about the need for immediate and strong action to heal native sagebrush communities and prevent or reverse plant community changes and irreversible cheatgrass invasion and other harms caused by aggressive treatments and grazing; the agency culture of deference to industry; and many other issues. Recovery efforts must take stochastic events into account and aim to increase, rather than maintain sage-grouse populations. By sunsetting oil and gas leasing, BLM would give operators the opportunities to prove up leases that they already possess, and for those that are not developed, the lands would no longer be encumbered with valid existing rights which would allow at least limited industrial activity in some cases.

Response: BLM and Forest Service developed Alternative E based on the Wyoming Executive Order (WY EO 2011-5) Core Area Strategy, BLM WY IM 2010-012, IM 2012-019, and BLM WO IM 2012-044; the National Technical Team Report, the best available science, input from USFWS, the State of Wyoming, cooperating agencies, and the public to create a management approach to both protect sage-grouse and allow for multiple use of public lands. Alternative E was changed between the Draft and the Final EIS to strengthen conservation of Greater Sage-Grouse habitat. The combination of surface disturbance restrictions (see Management Actions 126 and 127), timing limitations (see Management Actions 129-134), limits on density of development (see Management Actions 126 and 127), and other management under the Proposed LUP Amendments would prevent habitat fragmentation, reduce multiple stressors to the species, allow the continued existence of the Greater Sage-Grouse in Wyoming, and protect core, general, and seasonal sage-grouse habitat. All alternatives considered in the draft EIS are reasonable alternatives that comply with all laws and policy and include conservation measures for Greater Sage-Grouse while meeting the multiple use mandate of FLPMA and NFMA. ACECs were considered under Alternatives B and C; however, the protection of habitat under Alternative E will provide similar coverage of habitat viability for sagegrouse and other sagebrush species while continuing to allow for valid, existing rights of current leaseholders and other compatible uses of public lands.

Sage-grouse

Sufficient funding for management and plan implementation

Comment ID: 177

Organization: Stevenson Intermountain Seed, Inc.
Name: Ronald M. Stevenson

Comment: Finally, more funds for solely research purposes is not what is needed. Many millions have been spent on research the last 13 years and more. Now is the time to put sufficient funds into the ground and obtain actual positive results.

Comment ID: 1300
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The efficacy of any of the proposed changes depends on future planning processes – allotment management plans, permit renewals, etc. – that may or may not occur. The DLUPA indicates that implementation of the decisions in the alternatives would be contingent on the availability of needed budget and staffing resources. The federal agencies are chronically underfunded, which ensures that even the protective measures described in this planning document are not certain to occur, making them inadequate regulatory mechanisms to ensure GRSG survival and recovery.

Comment ID: 176
Organization: Stevenson Intermountain Seed, Inc.
Name: Ronald M. Stevenson

Comment: A discussion identifying how obtaining sufficient funding is a key issue of vital importance in restoring important sage-grouse habitat by seeding as stated in above Item 1. This discussion should include specific sources and amount of funding to be obtained to reach the desired goals and objectives. Currently the funding for this extremely important purpose is woefully inadequate.

Comment ID: 3033
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-15, actions 1-10: Overall very ambitious list of items agencies will do. How will these actions be paid for, what resources are available to accomplish especially with all the national cutbacks to budgets?

Summary: Requests to identify sufficient funding for specific management within the plan as well as ensuring overall funding for plan implementation.

Response: It is not possible to predict the actual availability of funding and personnel to carry out implementation; however, BLM and Forest Service intend to implement the plan as written.

Sage-grouse

Adaptive Management

Adaptive management, questions, concerns

Comment ID: 1512
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Furthermore, the DEIS provides that the BLM, Forest Service, and the state of Wyoming will develop an adaptive management plan to "help identify if sage-grouse conservation measures presented in this draft EIS contain the needed level of certainty for effectiveness." DEIS, at 2-7. However, the DEIS does not establish a deadline by which the adaptive management strategy will be completed and does not specify quantifiable thresholds (e.g., percentage of population decline) that would trigger BLM to adjust management activities or prohibit developments within the planning area DEIS, at 2-7. In addition, the DEIS mentions that the adaptive management plan will address how multiple scale data will be used to gauge when potential management changes are needed without further describing a methodology for doing so. DEIS, at 2-7.

Comment ID: 1926
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: 2. The DEIS did not provide sufficient detail for us to fully evaluate the adequacy of several key components of the plan, including: adaptive management and mitigation. We are participating on national and local interagency teams associated with these plan components and will continue to provide input on these components through our membership on these teams. It is critical that the final EIS provide additional specificity in each of these areas. Specific areas of uncertainty include, but are not limited to: a. Triggers and responses for adaptive management; b. Methods of landscape-scale prioritization and implementation of step-down assessments for addressing threats from fire and invasive species; and, c. Details on how mitigation will be applied.

Comment ID: 1850
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: The adaptive management strategy described in the LUPA/DEIS would identify "sciencebased" soft and hard adaptive management triggers; address how data from the Monitoring Framework will be used to gauge when triggers are met; and charter an adaptive management working group ("AMWG") to assist with responding to soft triggers. More detail is needed to fully explain this proposed adaptive management process and where it has been successfully implemented. Further, BLM must clarify when, how or whether new field data will be collected and tracked by the agencies. The trigger structure needs to be more fully explained in the context of when NSO, TL, CUS or other measures will be imposed or relaxed based upon new findings. An AMWG will be comprised of BLM, FS, USFWS, local governments and applicable State Game and Fish agencies. We are concerned there is no indication whether public land users, including the oil and gas industry, will be represented on the AMWG, which is vitally important. Nor have the BLM/FS identified funding for the group. We question whether the BLM/FS may convene such a group with such enormous responsibility without clearly defined roles, adequate representation and specific statutory authorization.

Comment ID: 982
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: The following adaptive management should be incorporated in BLM and USFS land and resource management plans for lands in Wyoming: Adaptive Management Plan The GSG adaptive management plan provides regulatory assurance that unintended negative impacts to GSG habitat will be addressed before consequences become severe or irreversible. This adaptive management plan: • uses science-based soft and hard adaptive management triggers • addresses multiple scales of data • uses an adaptive management working group. Adaptive Management Working Groups Wyoming's strategy is

implemented by the Sage-Grouse Implementation Team (SGIT). The SGIT was established in by EO in 2008 and codified in 2014 by the Wyoming Legislature (see Wyoming Stat. § 9-19-101). The SGIT is a Governor appointed body with representation by federal agencies (BLM, USFS, FWS, Natural Resource Conservation Service), state agencies (Wyoming Game and Fish Commission, Department of Agriculture, Department of Environmental Quality, Wildlife and Natural Resource Trust Fund, Oil and Gas Conservation Commission, and Office of State Lands and Investments), the Wyoming Legislature, county governments, energy developers, mining companies, landowners, and non-governmental organizations. Land and resource management plans are carried out by implementation teams. These implementation teams include cooperating agencies that participate in development of specific land and resource management plans and represent local, state, and federal agencies. The implementation teams and the SGIT will communicate and coordinate often on the development of project and implementation-level triggers and appropriate responses as well as reviewing monitoring data. An Adaptive Management Working Group will be established to be able to respond should hard triggers be tripped or soft triggers show a trend across a region. The Adaptive Management Working Group will include BLM, USFS, FWS, and the State of Wyoming. Adaptive Management Triggers Adaptive management triggers are essential for identifying when potential management changes are needed in order to continue meeting GSG conservation objectives. The BLM and USFS will use soft and hard triggers. Soft and hard triggers are focused on three metrics: 1) number of active leks, 2) acres of available habitat, and 3) population trends based on annual lek counts. Soft Triggers Soft triggers are indicators that management or specific activities may not be achieving intended conservation results. Soft triggers are any anomalies in the three metrics that occur on an annual basis, and should be identified and analyzed in the context of local, regional and statewide trends. For instance, a 10% decline in males on a single lek should be reviewed in the context of ail adjacent leks, and in the context of changes that may be anthropogenically driven. Changes in management actions or in project design would require determination of causal factor before cessation of activities unless a causal relationship can be determined. These adaptive management strategies will be developed in partnership with the State of Wyoming, project proponents, partners, and stakeholders, incorporating the best available science. The purpose of these strategies is to address localized GSG population and habitat changes by providing a framework in which management will change if monitoring identifies negative population and habitat anomalies. Soft Triggers Response Soft triggers require immediate monitoring and surveillance to determine causal factors and may require curtailment of activities in the short- or long-term, as allowed by law. The project level adaptive management strategies will identify appropriate responses where the project's activities are identified as the causal factor. The management agency (BLM and/or USFS) and Adaptive Management Working Group will implement an appropriate response strategy to address causal factors not attributable to a specific project or to make adjustments at a larger local, regional or statewide level. Hard Triggers Hard triggers are indicators that management is not achieving desired conservation results at any level. Hard triggers would be considered a catastrophic indicator that the species is not responding to conservation actions, or a negative effect of a larger-scale impact. Within the context of normal population variables, hard triggers shall be determined to take effect when two of the three metrics exceeds 60% of normal variability for the area under management in a single year, or when any of the three metrics exceeds 40% of normal variability for a three year time period within a five-year range of analysis. A minimum of three years is used to determine trends, with a five-year period preferred to allow determination of three actual time periods (YI-2-3, Y2-3-4, Y3-4-5). Note: The 60% and the 40% thresholds may change based upon continued review of the available data and scientific literature. Hard Trigger Response Upon determination that a hard trigger has been tripped, the BLM and USFS will immediately suspend new actions potentially affecting GSG. Within 30 days of a determination that a hard trigger has been tripped, the Adaptive Management Working Group will convene and initiate an assessment to determine the causal factor or factors (hereafter called the causal factor assessment). The management agency (BLM and/or USFS) and adaptive management group will implement an interim response strategy to direct management until causal factors and appropriate responses can be determined. Recommendations of the adaptive management working group will be implemented immediately through the means most appropriate to the agencies in question. This may include cessation of activities, if supported by the best

available science. The causal factor assessment will be completed within 180 days of initiation. Once the causal factor assessment is completed by the Adaptive Management Working Group, the interim response strategy will be modified appropriately. If a causal factor or factors cannot be identified, the interim response strategy shall stay in place until such time a new long-term management or planning document can be implemented. The BLM and USFS will lift suspension of discretionary actions when: • The interim response strategy is put into effect. • The causal factor is determined by the appropriate Adaptive Management. • Working Group to not be within the auspices of the agency. • The proposed action is not related to causal factors. Small Lek Exception Small leks will be given special consideration. Due to geographic variations a definition of "small" is not provided, rather determination of "small" will be made by the adaptive management working group. Generally, "small" is considered 10 or fewer males for a three year time period within a fiveyear range of analysis. If a trigger is hit based upon such a lek. then the adaptive management working group will evaluate the site-specific circumstances and determine appropriate remedial action. Scope This adaptive management plan will be applied within core area, connectivity area, or to projects with reasonable potential to affect GSG core area populations. However, adaptive management responses for either soft or hard triggers may occur throughout the planning area.

Comment ID: 866
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: NWF also urges the agencies to adopt an effective adaptive management strategy with meaningful triggers and mandatory responsive measures, including placing additional lands offlimits to damaging human disturbances. Best information regarding reclamation is essential to that effort. NWF hopes the agencies will take steps to ensure that data are readily available. We currently have no adequate understanding of what it might take to reconstruct Greater sagegrouse habitats. Biologists have estimated that it may require 50-100 years to restore sagebrush. Therefore, sage-grouse recovery strategies that rely upon compensatory mitigation through offsite restoration projects must be approached with caution and careful study.

Comment ID: 500
Organization: Environmental Protection Agency, Region 8
Name: Philip Strobel

Comment: We recommend that information be added in the Final LUPA/EIS describing the relationship between the adaptive management plans) and the State of Wyoming's mapping of Priority/Core GRSG Habitat. It would be helpful to explain the procedures and timing for incorporating updated information into the State's GRSG Core Area Policy and online Density and Disturbance Calculation Tool. For example, if conservation measures succeed and new leks are established, we recommend the Final LUPA/EIS identify when and how new lek areas may become Core GRSG Habitat.

Comment ID: 1321
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS also fails to identify or analyze the extent of adaptive management’s reliance on monitoring which rarely gets done. The agencies are constantly failing to monitor in accordance with BiOps, AMPs, or other regulatory frameworks that are supposed to assure the results that their plans always promise. An honest hard look at the realism of monitoring promises is important and would be revelatory as to the reality of this adaptive management scheme. The claim, monitoring data is collected across BLM-administered lands on a continual basis is only true if the geographic scope is expanded to the entire West. It is exceedingly rare for any allotment to have a consistent, systematic, and coherent set of monitoring

data. Claims like this are unsupported and misleading; the USFWS should be kept apprised of the inability of the agencies to conduct monitoring.

Comment ID: 262
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are also concerned that adaptive management triggers will be tied to populations and demographics. DEIS at 2-8. It is a well-established principle that for sage grouse, there is a timelag for population responses to habitat impacts, taking two to ten years before population changes become measurable (Holloran 2005, Walker et al. 2007, Harju et al. 2010). As a result, the appropriate decision-point for changing management strategies would actually be 2-10 years before population declines are noted (in the best-case scenario that monitoring reliably recognizes a downturn as caused by a management problem versus population cyclicity, which is also problematic), which means that by the time that adaptive management changes are adopted it is already too late, the damage has been done, and because industrial infrastructure is rarely removed once in place the damage has become effectively irreversible.

Comment ID: 853
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Implementation of an effective monitoring and adaptive management process with performance based standards is critical to the success of the National Greater Sage-grouse Planning Strategy and must be included in the RMPA. In addition to developing management prescriptions for sage-grouse, plans should establish triggers and thresholds for adaptive management throughout the range. Consequences that will result if triggers or thresholds are reached must be clearly outlined. In addition to a three percent cap on surface disturbance, triggers should include sagegrouse population target ranges, target levels of survival and recruitment in particular areas, and measures of well densities and other development in core areas. Consequences that would result if triggers are reached should include increases in protective measures. Monitoring should be required and adequately funded.

Comment ID: 498
Organization: Environmental Protection Agency, Region 8
Name: Philip Strobel

Comment: We support the commitment of the BLM and the Forest Service to develop an adaptive management plans). Because of the importance of adaptive management in ensuring that sage-grouse conservation measures are effective, we recommend that draft or example adaptive management plans) be included in the Final LUPA/EIS.

Comment ID: 861
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: While Alternative B comes closest to fulfilling NWF's recommendations regarding mitigation and best management practices, none of the alternatives, including Alternative B, yet includes an adaptive mitigation and monitoring plan. None includes a strategy for identifying habitats at risk or a single database for compiling information on sagebrush reclamation.

Comment ID: 674
Organization: Anadarko

Name: David Applegate

Comment: An adaptive management process is discussed within the Draft LUPA (See 2-7, 2-8). The proposed working group includes multiple agencies but no public stakeholders who have contractual agreements with the agencies or any membership by the general public. Adaptive management as outlined is a mechanism to simply change the “rules of the game” on an ongoing basis for those who engage in multiple-use activities on public lands. The Final LUPA should outline the specific habitat or sage-grouse population goals the adaptive management process is trying achieve. There is a significant lack of transparency on the adaptive management process as outlined and it appear the process will be used to make land planning amendments without the required public notification or public comment process.

Comment ID: 1804
Organization: The Wilderness Society
Name: Nada Culver

Comment: The preferred alternative incorporates adaptive management for important decisions, so the application of this tool should be addressed clearly in the EIS. We appreciate the approach to a monitoring framework set out in Appendix D to support adaptive management and the commitment to identify "hard" and "soft triggers." The agencies must provide a detailed plan and timeline for finalizing the monitoring framework (including which activity will be conducted by which agency) and finalizing the adaptive management plan (including setting out the actual specific management changes that soft and hard triggers may necessitate). The agencies should also incorporate cumulative impact analysis as part of any adaptive management program. The information derived from an adaptive management program can be extremely beneficial to better understand to full suite of impacts and potential management changes needed as mitigation. The agencies should ensure that the hard triggers envisioned in the adaptive management plan incorporate the actions already listed, such that the agencies commit to "take immediate action to stop the continued deviation from conservation objectives" through:. " Temporary closures (in accordance with 43 CFR Part 8364.1, and as directed under BLM Instruction Memorandum No. 2013-035) " Immediate implementation of interim management policies and procedures through the BLM or Forest Service directives system " Initiation of a new LUP Amendment to consider changes to the existing LUP decisions. (Draft EIS, p. 2-8). Additionally, the agencies should provide details regarding the costs associated with any adaptive management plan, including those incurred by state agencies, in order to clearly outline what can and cannot be done given current funding climates and projections, and define their commitments accordingly.

Comment ID: 1322
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The intention for the composition of the adaptive management working group suggests strong political influences in the process instead of a strict scientific basis. DLUPA/DEIS at 2-7.

Comment ID: 1320
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS also fails to identify or analyze the extent of adaptive management’s reliance on monitoring which rarely gets done. The agencies are constantly failing to monitor in accordance with BiOps, AMPs, or other regulatory frameworks that are supposed to assure the results that their plans always promise. An honest hard look at the realism of monitoring promises is important and would be revelatory as to the reality of this adaptive management scheme. The claim, monitoring data is collected across BLM-

administered lands on a continual basis is only true if the geographic scope is expanded to the entire West. It is exceedingly rare for any allotment to have a consistent, systematic, and coherent set of monitoring data. Claims like this are unsupported and misleading; the USFWS should be kept apprised of the inability of the agencies to conduct monitoring.

Comment ID: 1319
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: This section also states that the purpose of "adaptive management" in the BLM's mind is only to provide "certainty that unintended negative impacts to sage grouse will be addressed before consequences become severe or irreversible." DLUPA/DEIS at 2-7. The entire purpose of this LUPA process is to recover sage grouse so that they do not need to be listed under the Endangered Species Act. Merely monitoring for "severe or irreversible" impacts the sage grouse does not meet this need. Any downward trend for an at-risk species is cause for concern. Moreover, the language of the DLUPA itself suggests that there is no certainty to be had: “Adaptive management triggers are essential for identifying when potential management changes are needed…,” the agencies will “use a continuum of trigger points,” of which soft triggers will indicated when the agencies “will consider adjustments to resource/resource use,” and hard triggers will cause immediate action “which may require subsequent NEPA,” i.e. not very immediate action at all. This DLUPA is the place to identify the management triggers and to authorize the actions so that irreparable harms are not incurred. But since the supposed Adaptive Management Plan does not even exist neither the public nor the agency can determine its validity.

Comment ID: 1341
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Beginning on page 2-7, the document discusses adaptive management but fails to define what the adaptive management plan is or how it relates to regulatory certainty. In addition, the adaptive management plan is supposed to provide "certainty that unintended negative impacts to sage grouse will be addressed before consequences become severe or irreversible" but this completely misses the issue, that the point of the amendments are to provide for recovery of the species.

Comment ID: 2019
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Implementation of an effective monitoring and adaptive management process is critical to the success of the national greater sage-grouse management plan. In addition to developing management prescriptions for the bird, the final management plan should establish hard and soft triggers based on science and biology that set thresholds for adaptive management throughout the range. Consequences that will result if triggers/thresholds are reached must be clearly outlined including the timeline between when a soft trigger turns into a hard trigger. Also, give examples of what a soft and hard trigger are – “soft” could be mitigation/monitoring, painting of structures, hay bale usage, studies, etc. and “hard” could be no more leases, maintenance, development, look at causal factors, etc. Consequences that would result if triggers are reached should include increases in protective measures. Monitoring should be required and adequately funded.

Comment ID: 1318
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS states that the agencies will be implementing adaptive management and using monitoring data to inform future management. DLUPA/DEIS at 2-7. Meaningful "adaptive management" requires clearly defined "if, then" statements with mandatory monitoring with defined statistical rigor. The EIS and proposed amendments failed to provide any of this. Once again, the BLM is planning to plan, developing the adaptive management plan at an unspecified later date. DLUPA/DEIS at 2-7. The BLM claims it will use hard and soft triggers for change, but the BLM does not conduct sufficiently robust/quantitative monitoring of livestock impacts to provide data that can be used in this fashion. Rangeland health evaluations are conducted an irregular intervals and are highly subjective, making them inappropriate for use as measurements for conservation objectives.

Comment ID: 3034
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: Triggers Once habitat and population thresholds have been established, two levels of triggers must be predetermined. If or when soft triggers are met, conditions have declined to a threshold where management must be adjusted and a plan of action must be implemented to halt habitat loss and population declines. If or when hard triggers are met, management must be drastically changed. Restrictions must be placed on land-use allocations, and surface uses which conflict with sage-grouse habitat and population management must be removed or reduced. a. Soft Triggers Based on monitoring and data analysis conducted on sage-grouse habitat and populations, soft triggers will need to be developed to address each attribute being monitored as well as the time period in the life cycle when changes in management must be focused. See Table 1 for examples. These recommendations are examples only, specific thresholds should be developed using local and scientific expert knowledge. [See full verbatim email attachment for table] Table 1: Soft Triggers (thresholds adapted from Governor's Federal Alternative for Greater SageGrouse Management in Idaho, 2012; Kaczor et al. 2011). An effective model for soft triggers will identify not only which biological thresholds are of primary importance to sage-grouse persistence, but at what life cycle stage. Management changes will be based on sage-grouse season of use and habitat requirements. Specific management actions that impact each life cycle stage must be categorized by timing and impact and correlated with specific thresholds, which-if met-will trigger management changes. An example of management changes during lekking may include adjusting grazing management plans to turn out cattle later in the year to promote forb and grass understory during brood rearing (Beck and Mitchell 2000), or changing grazing use from season-long to a rotational grazing system staggering season of use. To be effective, pre-planning for management changes must occur well before thresholds are met, and management changes must be faithfully implemented when necessary. h. Hard Triggers Hard triggers are established as a final, critical attempt to reverse trends of a crashing population. As such, management actions must impose significant restrictions on land use activities incompatible with sage-grouse biological and ecological needs. Thresholds for hard triggers will likely manifest at a first order spatial scale, representing drastic and widespread declines in habitat condition, habitat amount, or population numbers. Monitoring of thresholds at all spatial scales is essential for identifying if or when thresholds for hard triggers are reached and management actions are required. Management actions must be sufficiently aggressive to halt population declines and habitat loss. As such, we propose implementing the stipulations proposed under Alternative B of the DEIS. Of specific importance is the exclusion of transmission corridor development or meteorological towers, reduction in livestock forage utilization to 20% - 30% for grazing allotments not meeting standards, No Surface Occupancy (NSO) in winter concentration areas, 4-mile lek buffers around all leks within core areas, and no more than 3% disturbance and one disturbance per 640 acres using the DDCT. We note, however, that disturbance calculations should be based on the DDCT, and not solely consider anthropogenic disturbance as identified in Action Numbers 126 and 127 (9-PLAN DEIS, 2- 133 through 2-135). This will be discussed in more detail in Section II-B of these comments. In the event that hard trigger thresholds are met and more strict management actions must be implemented, socioeconomic and revenue sources will likely suffer. This is widely understood across the state of

Wyoming, and creates incentive to provide the most protective management of sagegrouse at this time, so future management actions do not curtail the state's economy. Monitoring is critical to tracking progress, as are decisions for current protections to be implemented under Alternative E.

Comment ID: 3056
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: The Council on Environmental Quality (CEQ) has issued guidance to the heads of all Federal Departments and Agencies for the appropriate use of mitigation and monitoring in agency NEPA processes. We believe this guidance is intimately connected to and is an appropriate element of adaptive management for the 9-Plan DEIS. We believe that mitigation is an essential part of Adaptive Management. Under the CEQ guidance agencies are to: (1) ensure mitigation commitments are implemented; (2) monitor the effectiveness of mitigation commitments; (3) remedy any failed mitigation; and (4) involve the public in mitigation planning. In an agency's NEPA process it must identify mitigation commitments it is making, the mitigation commitments must be carefully specified, there must be measurable performance standards, the expected results must be stated, clear performance expectations must be established, a timeframe for accomplishing the mitigation must be provided, and how the mitigation will be funded must be specified. The 9-Plan DEIS Adaptive Management plan should ensure all of these needs are met, as should the Record of Decision for the 9-Plan DEIS. The CEQ NEPA regulations require that "a monitoring and enforcement program shall be adopted ... where applicable for any mitigation." 40 C.F.R. § 1S0S.2(c). They also provide that agencies may "provide for monitoring to assure that their decisions are carried out and should do so in important cases." Id. § 1505.3. We believe that the 9-Plan DEIS presents an "important case" and therefore the agencies must provide for effective monitoring of the mitigation resulting from this NEPA process. Under the CEQ guidance, "Agencies should also ensure that their mitigation monitoring procedures appropriately provided for public involvement." We believe it is critical that the agencies carefully and fully specify future public involvement opportunities that will be available under the adaptive management plan put in place for the 9-Plan Record of Decision. This will be discussed later in the comments. In addition, we believe that the agencies, as provided for in the CEQ guidance, must fully consider and specify what supplemental NEPA processes will be needed or required if the 9-Plan DEIS Adaptive Management plans and mitigation are not undertaken or do not prove to be effective. This potential supplemental NEPA analysis should be fully discussed and considered in this NEPA document. For the above reasons we urge the BLM to fully consider and adopt the CEQ mitigation guidance as components of the Adaptive Management plan for the 9-Plan DEIS The D.2.5 Effectiveness Monitoring section of Appendix D is designed to track biological monitoring within the framework of Adaptive Management. As outlined in the Appendix, the Effectiveness Monitoring protocols will "involve evaluating the change in habitat conditions from the baseline conditions, in relation to the goals and objectives of the plan and other range-wide conservation strategies ... [and] involve the compilation of broad and mid -scale data and population trends needed for the evaluation of effectiveness with a five-year reporting schedule, or more often as needed" (9-Plan, D-6). Goals and objectives must be clearly developed and outlined to effectively determine the success of the Effectiveness Monitoring. The reporting schedule for monitoring must be more conservative (shorter) than the suggested five-year reporting schedule. In order for management to remain nimble, data must be analyzed and reported yearly, or more often, to inform management and allow for timely decision making. Collaborative stakeholder engagement is recommended to allow for the necessary agility of yearly collating data and implementing it in policy recommendations to the agency.

Comment ID: 3070
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Under the current preferred alternative, a statewide "adaptive management" plan is to be developed outlining triggers, monitoring requirements, and appropriate mitigation, restoration and reclamation actions required to meet the Population Objective. Although the premise of a statewide adaptive management plan including proactive habitat management actions is necessary, it is important to note that the enhancement or restoration of sagebrush-habitats is not a trivial task. There is tremendous uncertainty as to the vegetative and sage-grouse population outcomes of habitat manipulations (Johnson and Holloran 2010). Managers often justify habitat manipulations with potential long-term benefits, but the long-term effects to habitats and consequences to sage-grouse of most of the available habitat manipulation options are unknown. Extreme caution and discretion should be employed when proposing habitat treatments, especially on drier sites, sites where cheatgrass may invade, or sites with limited potential to produce sagebrush (e.g., the interface between the Wyoming Basin and the Great Plains; Cagney et al. 2010). Although mitigation plans should be developed at landscape spatial scales, development at these scales does not necessitate that treatments be implemented across these scales. Experience indicates that a small-scale, case-by-case treatment regime conducted over the long-term should be implemented. The plan needs to be generated rigorously from an analysis of all available information, and should set in motion a process whereby data from implemented actions are used to inform future actions in an iterative cycle where management actions are continually being evaluated and modified based on lessons learned through the evaluation of past management actions. The iterative evaluation is necessitated by the uncertainty surrounding sagebrush habitat management, and needs to be the central theme of implementation of any adaptive management plan.

Comment ID: 2837
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 3 also suggests that the Wyoming SGIT is the defining factor in developing plans and analysis for all of the alternatives, the narrative in previous sections indicates the Agencies will be the entities doing so. Clarification is needed as to the direction the Agencies will really take. Item 5 establishes a fairly labor intensive process which cause us the same concerns raised earlier as to the Agencies ability to complete their tasks which will in-turn open them up to legal action. Item 23 in Table 2-1 again discusses the role adaptive management will play with the implementation of the LUP. We again reiterate our concern over the lack of information on the model(s) which will be used to accomplish this process.

Summary: In an agency's NEPA process, it must identify mitigation commitments it is making. The mitigation commitments must be carefully specified, there must be measurable performance standards, the expected results must be stated, clear performance expectations must be established, a timeframe for accomplishing the mitigation must be provided, and how the mitigation will be funded must be specified. Goals and objectives must be clearly developed and outlined to effectively determine the success of the Effectiveness Monitoring. The reporting schedule for monitoring must be more conservative (shorter) than the suggested five-year reporting schedule. In order for management to remain nimble, data must be analyzed and reported yearly, or more often, to inform management and allow for timely decision making. BLM must take into account the time lag for measurable population changes when monitoring is taking place. The final management plan should establish hard and soft triggers based on science and biology that set thresholds for adaptive management throughout the range; and consequences that will result if triggers/thresholds are reached must be clearly outlined, including the timeline between when a soft trigger turns into a hard trigger. The Final LUP Amendments should outline the specific habitat or sage-grouse population goals that the adaptive management process is trying achieve. We believe it is critical that the agencies carefully and fully specify future public/industry involvement opportunities that will be available under the adaptive management plan put in place for the Record of Decision. Adaptive management as outlined in the Draft LUP Amendments is a mechanism to simply change the "rules of the game" on an ongoing basis for those who engage in multiple-use activities on public lands. The intention for the

composition of the adaptive management working group suggests strong political influences in the process instead of a strict scientific basis. The working group should include agencies, public, and industry.

Response: The Adaptive Management approach (see Appendix D) has been modified in response to comments. Adaptive management is a systematic approach for improving resource management by learning from management outcomes. An adaptive approach involves exploring alternative ways to meet management objectives, anticipating the likely outcomes of alternatives based on the current state of knowledge, implementing one or more of these alternatives, monitoring to learn about the impacts of management actions, and then using the results to update knowledge and adjust management actions accordingly. Incorporating adaptive management into the Wyoming Greater Sage-Grouse LUP Amendments will ensure a degree of certainty that the decisions in the plan will effectively contribute to the elimination or adequate reduction of one or more threats to the Greater Sage-Grouse and its habitat. The adaptive management approach incorporates a set of triggers in the plan, a soft and hard trigger. These triggers were developed to inform the BLM/Forest Service as to when the Federal agency needs to respond (take action) to address a declining trend in sage-grouse or sage-grouse habitat figures. Soft triggers represent an intermediate threshold indicating that management changes are needed at the project/implementation level to address habitat and population losses. Hard triggers represent a threshold indicating that immediate action is necessary to stop a severe deviation from Greater Sage- Grouse conservation goals and objectives as set forth in the BLM/Forest Service plans. The adaptive management soft and hard triggers and land use planning responses to these triggers are described and analyzed fully in this EIS. The BLM Wyoming State Office worked with the State of Wyoming and the USFWS to develop a Greater Sage-Grouse adaptive management strategy which is included in the Final LUP Amendments as management actions 137 and Appendix D. The agencies will use the data collected from monitoring (Appendix D) to identify any changes in habitat conditions related to the goals and objectives of the plan. The BLM/Forest Service will use the information collected through monitoring to determine when adaptive management triggers are met. Establishment of a working group can be done on a site-specific level and does not need to be designated in the LUP Amendments.

Sage-grouse

Appendices

Comments on Appendix A

Comment ID: 2726
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: A-1 Text: Discussion of Core Area Treatments. Comment: BLM must ensure that valid existing rights continue regardless of DDCT caps. Similarly, before BLM prescribes a treatment that will breach the DDCT caps, the BLM must determine what impact the treatment will have on valid existing property rights.

Summary: BLM must ensure that valid existing rights continue regardless of DDCT caps. Similarly, before BLM prescribes a treatment that will breach the DDCT caps, the BLM must determine what impact the treatment will have on valid existing property rights.

Response: MA 17 addresses this issue: "Many sage-grouse seasonal habitats within and outside of core habitat areas are encumbered by valid existing rights, such as mineral leases or existing rights-of-way." Fluid mineral leases often will include less stringent lease stipulations than the timing, distance, and density requirements identified for consideration in this plan. Agencies (BLM/Forest Service) will work with proponents holding valid existing leases that include less stringent lease stipulations than the timing, distance, and density restrictions described within this plan to ensure that measurable sage-grouse

conservation objectives (such as, but not limited to, consolidation of infrastructure to reduce habitat fragmentation and loss, and effective conservation of seasonal habitats and habitat connectivity to support management objectives set by the WGFD) are included in all project proposals.

Sage-grouse

Appendices

Comments on Appendix B

Comment ID: 2017
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 1 "Locate roads to avoid important areas and habitats." This requirement is vague and ambiguous. Clarification needs to be added as to what is meant by "important areas" and "habitats" and it must be predicated upon the preferences of landowners.

Comment ID: 2011
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: B.1 INTRODUCTION, Page B-1, Paragraph 1 An explanation needs to be provided with regard to what is meant by "regulatory certainty" relative to sage-grouse conservation. It appears that these RDFs are expected to be effective in conserving sage-grouse, yet no scientific basis for including measures beyond those in the EO has been presented. As stated earlier in our comments, the USFWS has already endorsed the EO stating it is "an excellent model for meaningful conservation on sage-grouse". Therefore, the EO should serve as the basis for sage-grouse management on all Wyoming lands. Any conservation measures, RDFs, BMPs or other mandated stipulations that go beyond the EO must be eliminated to establish consistency in GRSG management across the state.

Comment ID: 1970
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. B-10 – In the middle of this page, it is proposed to establish "Mitigation Implementation Teams". We support that concept but comment that the composition should include individuals recommended by "Cooperators" from science-based organizations outside the federal agencies.

Comment ID: 2016
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-2, Paragraph 3 "Where existing leases or right-of-ways (ROWs) have had some level of development (road, fence, well, etc.) and are no longer in use, reclaim the site by removing these features and restoring the habitat." These requirements need to be subject to the preferences of landowners. On split estate lands where the surface is owned by private landowners, BLM must defer decisions with regard to such things as what remains on the land (e.g. size of ponds) to those private landowners.

Comment ID: 2728
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-2 Text: "Evaluate and take advantage of opportunities to remove or modify existing power lines within priority sage-grouse habitat areas. When possible, require perch deterrents on existing or new overhead facilities. Encourage installation of perch deterrents on existing facilities." Comment: The BLM must clarify whether efforts to remove existing power lines and/or reclaiming unused features within existing leases or ROWs would be used as a means to offset the DDCT 5% disturbance threshold discussed in the Alternative E.

Comment ID: 2015
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-2, Paragraph 2 An explanation needs to be provided as to whether efforts to remove existing power lines and/or reclaiming unused features within existing leases or ROWs would be used as a means to offset the calculated 5% disturbance threshold discussed in the preferred Alternative E.

Comment ID: 2727
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Appendix B. Comment: While some of these design features may prove effective in many instances, they should rather be incorporated as "preferred" or "suggested", and not "required." Site-specific circumstances may dictate that certain design features are not technically feasible, economic, or appropriate, and should not be assumed to be universally effective or applicable. The agencies should retain a list of practical best management practices (BMPs) that are effective and can be applied based on site-specific circumstances, rather than required design features that may not be universally applicable. Evaluation of RDFs on a "site-specific basis" and applying them only when "reasonable" makes sense and is appropriate. We recommend that BLM revisit its design features and mitigation to ensure they are technically feasible and appropriate and that they maintain the level of flexibility required when their use is considered on a site-specific basis. In accordance with current law and regulation, it is inappropriate for the RMPs to establish site-specific requirements at a project level as is proposed in the LUPA/DEIS. Appendix B also contains design features found in the NTT Report, but no documentation is provided showing that any of these features have been proven effective over time.

Comment ID: 2735
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-5 Text: Require noise shields when drilling during the lek, nesting, brood-rearing, or wintering season. Comment: BLM relies on highly criticized and absurd noise limits for the protection of GRSG habitat and simultaneously attempts to further restrict noise by requiring noise shields. In essence, the purpose of the noise shields are served by the extreme, and unfounded, noise limits. Moreover, noise shields create significant safety issues with regards to Hydrogen Sulfide and other production realities. This requirement should be deleted. Additionally, larger well pads may be needed to accommodate the configuration of a "shield".

Comment ID: 2013
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: B.1 INTRODUCTION, Page B-1, Paragraph 3 As discussed above, the USFWS has already adopted and endorsed the EO. As such, this should be consistently applied to all lands in Wyoming,

including BLM-administered lands. Any RDFs that go beyond this have not been adequately justified and must be either explained, or modified and/or eliminated to establish consistency with the EO. If the BLM explains why any RDFs are to remain then the explanation needs to include the methods by which it will determine the effectiveness of these measures in minimizing environmental impact to sage grouse rather than focusing efforts on strict compliance with these measures. The emphasis should be on comprehensive monitoring programs, otherwise there are limited means by which to measure success and implement future adaptive management strategies.

Comment ID: 1969
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. B-8, General Greater Sage-Grouse Habitat – We again comment that BMP's should NOT be mandatory. It's interesting to us to read in the same sentence for making BMP's "mandatory" the narrative continues by saying that BMP's are "continuously improving". Why would the BLM adopt a "mandatory" BMP requirement if they are continuously improving ?

Comment ID: 2031
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 1 "Site and/or minimize linear ROWs or SUAs to reduce disturbance and fragmentation of sagebrush habitats." This requirement needs clarification as to what type of sagebrush habitats it is referring to (i.e. winter, nesting, brood-rearing, etc.) Further, some surface or linear facilities would not present a problem for habitat if it occurred outside seasonally critical areas. This is not referenced, but should be included.

Comment ID: 1995
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Appendix B—Required Design Features: WSGA understands the rationale for redefining many BMPs as Required Design Features to provide the regulatory certainty that is required by USFWS in assessing the need to list the species. However, not all BMPs are appropriate for this designation. As an example, "Work cooperatively with permittees, leases and other landowners to develop grazing management strategies that integrate both public and private lands into single management units." While this approach should be fostered, it is dependent on a spirit of mutual respect and a mutual desire for collaboration. The inclusion of this item as a required design feature only serves to create a perception that the agencies will attempt to force cooperation (coercion?) upon private parties.

Comment ID: 1961
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. B-1, Required Design Features – In the first paragraph, we comment that the BLM has no authority to use BMP's which are "recommended" management practices, as "required design features" in this Draft. BMP's are intended by definition to be "recommendations", not "requirements". BMP's work best when they are voluntary, not when they are required.

Comment ID: 1963
Organization: Wyoming State Grazing Board

Name: Dick Loper

Comment: Pg. B-3 – In the 6th item on this page, why is there a prohibition to issue ROW's or SUA's to counties on energy develop roads ?

Comment ID: 1964
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. B-4, West Nile Virus – We comment that the restrictions listed in this section are unrealistic and potentially very expensive in comparison to the potential benefits to the grouse from the application of these measures. For example, a "steep sided" water development to minimize mosquito breeding area precludes the purpose for the water development which is to provide access to drinking water for wildlife and livestock.

Comment ID: 1448
Organization: Environmental Defense Fund
Name: Sara Brodnax

Comment: Where impacts to sage-grouse habitat are unavoidable, we strongly recommend that BLM and USFS implement effective, consistent compensatory mitigation strategies to offset impacts. This approach is suggested in the Regional Mitigation Strategy in Appendix B of the DEIS. We believe a programmatic approach to mitigation designed to produce net benefits will be a critical part of successful conservation of the sage grouse. A robust compensatory mitigation program should: conditions and outcomes associated with impacts and offsets across the range of the species; mitigation projects and outcomes; impacts; mitigation program. We strongly suggest BLM and USFS include the above criterion in any Regional Mitigation Strategy designed to offset unavoidable impacts to sage-grouse habitat. A high quality programmatic compensatory mitigation framework such as a Habitat Exchange would meet these criteria. These recommendations are consistent with BLM's interim Regional Mitigation Manual (MS 1794), which we support. We also note that proximity to impacts should not be the only factor in identifying mitigation sites. Rather, priority should be given to sites that present the best locations for long-term sage grouse conservation within the surrounding landscape, regardless of whether these sites are located on private, state or federal land. This is consistent with the BLM Regional Mitigation Manual, as it states "mitigation sites, projects and measures should be focused where the impacts of the use authorization can be best mitigated and BLM can achieve the most benefit to its resource and value objectives" (page 1-6). It is also consistent with the habitat selection of the greater sage grouse which selects habitat based not only on the characteristics of the site, but the landscape context in which it is situated. We also note the adoption of a compensatory mitigation framework that ensures transparent and consistent mitigation at the landscape-scale would be consistent with the recent Secretarial Order "Improving Mitigating Policies and Practices of the Department of Interior" (Order No. 3330).

Comment ID: 1967
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. B-7 – In the 7th item, we comment that the proposal to give priority to habitat restoration to "annual grasslands" is mis-placed because a) there are very few acres of "annual grasslands" in the planning areas covered by this draft and b) the BLM should place the priority on rangeland ecological sites that have the immediate capability to respond to restoration efforts.

Comment ID: 1968

Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: In the 10th item, pg. B-7, we comment that the BLM should not adopt policies that are single-species management.

Comment ID: 2734
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Page B-5 Limit noise to less than ten decibels above ambient measures (20-24 dBA) at sunrise at the perimeter of a lek during active lek season (Patricelli et al. 2010, Blickley et al. 2012). Comment: We incorporate our discussion of noise and the NTT report from our cover letter here. --"The Draft EIS limits all anthropogenic noise to less than 10 decibels above ambient measures (dBA) throughout each of the alternatives. The Draft EIS relies heavily on the NTT Report, which severely overstates and misrepresents the conclusion of the literature it cites. Jessica L. Blickley, et al. Experimental Evidence for the Effects of Chronic Anthropogenic Noise on Abundance of Greater Sage-Grouse at Leks, Conservation Biology, Volume 26, No. 3, 461-471 (2012). To be fair, the Blickley study actually found that GRSG tolerated, and even showed no signs of behavior variation, when noise levels were increased by 30 dBA. In fact, the conclusions relied upon by the BLM were the result of noise levels reaching 70 dBA – the equivalent of standing next to an interstate. Further, the Blickley study assumed an ambient noise level of 35 dBA and the Draft EIS does not identify a specific background dBA. Ambient levels should not be determined before 7 a.m., but should instead be averaged over a 24 hour period to reflect the highest and lowest GRSG tolerances. The Draft EIS also does not account for the location of GRSG leks, noise sources, geography, and wind direction. GRSG will display a greater aversion to noise depending on the predominant wind direction. Mathew J. Holloran, Greater Sage-Grouse Population Response to Natural Gas Field Development in Western Wyoming, (2005) ("Sound waves propagating upwind of the source enter a shadow zone >100 m from the source, resulting in substantial reductions (typically $20 dB) in sound intensity; downwind on the other hand, sound waves are bent in the opposite direction resulting in the opposite effect."). The average library operates at 30 dBA , a regular human conversation generally occurs at 60 dBA, rural areas are within 39-44 dBA, and the Environmental Protection Agency sets noise levels for pristine wilderness areas at 35 dBA. See Protective Noise Levels, Condensed Version of EPA Noise Levels Document, 8*, Figure 4 (Nov. 1978). No human activity, even whispering at the edge of a Lek, could meet these standards if the BLM continues to use the 10 dBA increase for anthropogenic noises."

Comment ID: 1461
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

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

Comment ID: 2733
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-4 Text: Design or site permanent structures to minimize impacts to sage-grouse, with emphasis on locating and operating facilities that create movement (e.g., pump jacks) or attract frequent human use and vehicular traffic (e.g., fluid storage tanks) in a manner that will minimize disturbance of

sage-grouse or interference with habitat use. Comment: BLM must provide the reports or information relied upon that indicate movement such as pump jacks adversely impact GRSG populations.

Comment ID: 2732
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-4 Text: Restrict the construction of tall facilities, distribution powerlines, and fences to the minimum number and amount needed. Comment: It is unclear what is meant by “tall”. There are various examples of tall structures necessary for the development of fluid minerals to occur. This terminology does not give any explanation as to what constitutes a tall facility. Drilling rigs, some production and processing equipment, are all necessary for oil and gas development and could be considered “tall”. Fences are typically installed for reasons of security and safety. Although some flexibility is mentioned such as the “minimum number and amount needed”, this requirement is inviting possible conflicts due to the lack of specificity and the reality of what is needed to construct a facility. We strongly recommend this requirement be eliminated.

Comment ID: 2010
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: APPENDIX B - REQUIRED DESIGN FEATURES While some of these design features may prove effective in many instances, they should rather be incorporated as “preferred” or “suggested”, and not “required.” Site-specific circumstances may dictate that certain design features are not technically feasible, economic, or appropriate, and should not be assumed to be universally effective or applicable. The agencies should retain a list of practical best management practices (BMP) that are effective and can be applied based on sitespecific circumstances, rather than required design features that may not be universally applicable. Evaluation of RDFs on a “site-specific basis” and applying them only when “reasonable” makes sense and is appropriate. We recommend that BLM revisit its design features and mitigation to ensure they are technically feasible and appropriate and that they maintain the level of flexibility required when their use is considered on a site-specific basis. In accordance with current law and regulation, it is inappropriate for the RMPs to establish site-specific requirements at a project level as is proposed in the LUPA/DEIS. Alarmingly, Appendix B contains design features found in the NTT Report, but no documentation is provided showing that any of these features have been proven effective over time.

Comment ID: 2428
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: BLM has apparently relied on Required Design Features (RDF) and Best Management Practices (BMP) developed by the National Technical Team (NTT). Prior comments by the National Mining Association (March 23,2012) on BLM's EIS scoping process, incorporated by reference here, have extensively documented the lack of science supporting the RDF and BMP recommended by NTT for the GRSG and the improper reliance on a one-size-fits-all management approach that fails to account for local conditions and practical and economic feasibility . The following specific comments address specific issues with the RDF and BMP identified in the Draft EIS Appendix B for locatable minerals: • "Locate roads to avoid important areas and habitats" BLM fails to define what it considers "important areas and habitats." BLM also fails to acknowledge that some roads will be required to be located in habitat or "important areas," and thus this BMP, and many others, must recognize that BMPs should only be required when feasible and economically reasonable. When a project or activity cannot avoid "important areas," mitigation options must be available and should be practical and economical. • "Close and reclaim duplicate roads, by

restoring original landform and establishing desired [vegetation)." Again, BLM fails to define what would be deemed "duplicate roads" and who would decide whether a road should be considered "duplicate." Some "duplicate" roads are used to allow mine equipment traffic to travel on a separate road from light vehicle and public traffic for the safety of personnel and the public. • "Place infrastructure in already disturbed locations where the habitat has not been restored." It is not clear how or when BLM will determine if this is required or practical. Often, infrastructure is needed in particular locations to minimize total disturbance or other activities. It is also unclear how locating infrastructure in habitat that has not been restored will be consistent with BLM's attempt to encourage reclamation and restoration of already disturbed habitat. • "Locate man camps outside of priority GRSG habitats." This fails to account for the fact that the location of some infrastructure, including man camps, may be limited by surface availability on existing claims. As noted above, BLM should acknowledge that BMPs can only be required when feasible and economically reasonable and should allow for mitigation when appropriate. • "Restore disturbed areas at final reclamation to pre-disturbance landform and desired plant community." This BMP may be nearly impossible in Wyoming, or at the very least completely uneconomical. It appears to be based on practices in other regions where pits are back-filled. However, in Wyoming, restoring disturbed areas to pre-disturbance landform and desired plant community would be a significant and radical shift over current BLM reclamation practices implemented through existing reclamation requirements.

Comment ID: 2273
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Appendix B – Mitigation: This section currently is vague and incomplete to a large extent. We offer several suggestions below in regard to regional mitigation strategies for sage grouse: o We believe landscape mitigation policy must link pre-development planning and mitigation strategies on the front end and not the back as an afterthought. o Current lease nomination and permitting processes are in conflict with developing successful predevelopment planning and regional-scale mitigation and these policies should be revisited and adjusted accordingly. o Mitigation strategies and planning must have clearly stated goals, objectives and measurable outcomes. o Mitigation must be linked to meeting state agency population goals for greater sage-grouse. o BLM must define some maximum area/distance limitations when outside project area. Also, BLM must establish clear direction and criteria on when and how “feasibility” is determined and demonstrate that all efforts to avoid or mitigate onsite were exhausted before offsite considered. o Any mitigation policy should ensure recreational opportunities are considered as well as habitat values, especially when impacts occur on public and mitigation on private – no net loss of either habitat or hunting and fishing opportunity. o The underpinnings of “credits” and “debits” are critically important and will require extensive information and processes as to how they are determined and tracked. As such, expertise beyond the agencies listed as part of the Mitigation Implementation Teams will certainly be required. In establishing Mitigation Implementation Teams for the 6 WAFWA Management Zones, we strongly recommend the inclusion of a diversity of stakeholders to engage in development of regional mitigation approaches or some other public process by which stakeholders can engage and provide input.

Comment ID: 2739
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-7 Text: Remove standing and encroaching trees within at least 110 yards of occupied sagegrouse leks and other habitats (e.g., nesting, wintering, and brood rearing) to reduce the availability of perch sites for avian predators, as resources permit. Comment: BLM implies here that trees across thousands of acres of GRSG habitat must be removed if those trees are within 110 yards of occupied nesting, wintering, or brood rearing habitat. This action alone is massive in scope and could entail significant

impacts. To the extent that BLM maintains this position, BLM must revise the FEIS to completely analyze this as a management action. The Coalition would suggest that this provision be deleted.

Comment ID: 2297
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: B.2.7 – Regional Mitigation Strategy Encana is opposed to the BLM's incorporation of the mitigation strategy described in BLM Draft Manual Section 1794. As this document has not been finally implemented or developed by the BLM and is only in draft form, it has no binding effect. The BLM should refrain from using non-final documents.

Comment ID: 2298
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.1 Roads, No. 2, pg. B-3 The BLM needs to clarify the definition of "important areas and habitats." This requirement also needs to be made subject to the preferences of landowners on split estate lands where the surface is owned by non-federal landowners. BLM must defer decisions regarding road location with those non-federal surface owners. Exceptions should also be allowed for topographical, archeological and other considerations.

Comment ID: 3162
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.4 B- 5 Noise This ambient noise level is not accurate for the Pinedale Field Office, which is currently 39+ 10 or 49 dBA per 2008 PAPA SEIS ROD. To state the ambient level as less than 10 dBA above 20- 24 dBA is misleading and allows the reader to assume that this level has definitively been determined as the final baseline standard. Suggest removing (20- 24dBA), and re- write to read "Limit noise to less than ten decibels above ambient measures at the perimeter of a lek during active lek season."

Comment ID: 3163
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.4 B- 5 Noise The ambient measures (20- 24 dBA) are extremely quiet and may not be representative of many leks. Furthermore, the term "sunrise" provides for only a very brief period. Suggest deleting "(20- 24)" and further defining "sunrise" hours.

Comment ID: 2518
Organization: Converse County
Name: Richard C. Grant

Comment: We do not believe that minimizing the creation of new roads or the removal of roads, unimproved roads, and two-tracks in core sage-grouse habitat should be included in the Predator Management, Required Design Features, this has nothing to do with predators or the threat they pose on sagegrouse.

Comment ID: 3152
Organization: Ultra, Shell, and QEP

Name: Kelly Bott

Comment: B.1 B- 1 Paragraph 2, lines 2- 6 Requires inclusion of all appropriate measures as potential additional measures as warranted by site- specific analyses. While the inclusion of site- specific analyses to identify need is appropriate, prior rights require consideration. I would suggest this material be removed.

Summary: Very specific wording changes, edits, and additional text provided for the appendix based on needs for clarity, accuracy, or preference of commenter. More general comments and questions about language; asking for clarification in meaning; general preferences/opinions in management; requests for management consistency with the Wyoming EO, COT report, or NTT; questions about required use of the management, effectiveness, and scientific basis for the management. Comments span all subjects: noise, West Nile virus, ROWs/SUAs, seeding, structures, tall structures, fencing, powerlines, roads, energy , minerals, and rangeland.

Response: The design features are clear as written. The BLM and the Forest Service will require application of all appropriate conservation measures, warranted by site-specific analysis, in order to avoid, minimize, rectify, reduce, or compensate for impacts Greater Sage-Grouse habitat. Because of site-specific circumstances and regulatory constraints, some conservation measures may not apply to all activities (e.g., a resource or conflict is not present on a given site) or may require slight variations. Additional design features may be developed through consultation with other project proponents, federal, state, and local regulatory and resource agencies. Project proponents are encouraged to include all appropriate conservation measures in their proposals. Conservation measures not included in project proposals and determined appropriate from the site-specific analysis will be required as Conditions of Approval (COAs), stipulations, terms and conditions, etcetera.

Sage-grouse

Appendices

Comments on Appendix C

Comment ID: 2543
Organization: Peabody Energy Corporation
Name: Philip C. Dinsmoor

Comment: Appendix C, Section C.2.4 (Reclamation Plan Requirements/Minimum Standards) incorporates by reference IM WY-2009-022 and the corresponding Forest Service Manual/Handbook and indicates "In the future, this will be supported with more detailed guidance such as new reclamation bond standards, a statewide monitoring and reporting strategy, and sample templates for both reclamation and non-native and invasive species management plans." The Wyoming Department of Environmental Quality and the Office of Surface Mining administer and oversee state and federal regulations and permitting for coal mining, which offer significant species protection and habitat enhancement requirements. For example, there is currently an effective reclamation bonding program, and a very extensive and well-practiced monitoring and reporting system through the Land Quality Division of the Department of Environmental Quality. It is strongly recommended that if new strategies are considered, they should be coordinated and integrated into existing programs within the state. Duplication of this effort is not needed.

Comment ID: 1971
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. C-3, Pre-Disturbance Baseline Inventory – In general, the WSGB is in support of the development of baseline information but comment that this requirement might well become a reason to delay proposed projects should the BLM not be able to conduct these baseline inventories in a timely manner. We comment that this section should require the BLM to get this done in a timely manner, and if not done in a timely manner, the project can proceed.

Comment ID: 1972
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. C-6, Sage-Grouse Habitat Requirements – In the first sentence, the narrative conveys that the average frequency of desirable forbs "must" be a minimum of 75% of the ESD reference sites. The WSGB is aware of the importance of a healthy forb community to grouse conservation, but this requirement is technically inappropriate for a number of reasons. We comment that while we are supportive of the development of quality ESD's in Wyoming, at present their stage of development does not provide range or wildlife managers with a consistently reliable source as a science-based benchmark for plant community composition, and certainly not frequency. To our knowledge, ESD's in Wyoming do not convey "frequency" information for forbs and range managers will confirm that the frequency of occurrence on a site is seldom, if ever, an appropriate baseline or trend objective. Because "frequency" is not now a part of ESD's, then a 75% frequency requirement is an inappropriate objective for grouse habitats. In the last paragraph, pg. C-6, we comment that it is again, unrealistic and probably unattainable, to require that the composition and total diversity of native forbs be equal to, or greater than, predisturbance composition. We comment that the local BLM Range Con and Wildlife Biologist, with consultation, coordination, and cooperation of the grazing permittee and local NRCS, be given the authority to determine the appropriate on-site criteria for the desired plant community.

Comment ID: 991
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: There are two concepts that are used throughout the document that are often confused - "reclamation" and "restoration" (i.e., pp. 2-10 I and 2-107). These concepts should be clearly defined and distinguished. Adequate reclamation will allow for bond release but may not be appropriate to remove from the disturbed calculation depending upon the soil productivity. Suitable habitat is a very specific definition and is generally a higher bar. Reclamation and restoration are both adequate goals, but they are not interchangeable. Appendix C, Reclamation Plan is unclear. I request that it be amended in collaboration with applicable local and state entities.

Comment ID: 1973
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. C-7 – Under "Native Shrubs", we comment that the BLM is setting itself up for lawsuits by a requirement that the frequency of shrubs be at least 80% of pre-disturbance composition. We also comment that it is technically inappropriate to use the terms "frequency" and "composition" in the same sentence because they two very different concepts with respect to rangeland evaluation. We have the same comment with respect to the "Native Grass" narrative. It is appropriate to convey "objectives" but it's a failed strategy to convey hard and fast "requirements" for range plant compositions after disturbance. There are just too many variables in Mother Nature that influence the end results of plant community evolution.

Comment ID: 1381

Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Appendix C. provides a reclamation plan but nowhere within the document is there an analysis of the effectiveness of current proclamation efforts nor a comparison to the reclamation efforts proposed.

Comment ID: 180
Organization: Stevenson Intermountain Seed, Inc.
Name: Ronald M. Stevenson

Comment: The "Appendix C-Reclamation Plan" in the Wyoming Greater Sage-Grouse Draft EIS contains some very valuable ideas and direction for sage-grouse habitat restoration and is a very good component of the EIS.

Comment ID: 2676
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-4, paragraph 3, bullet 3: Please provide further information with examples of what is meant by "seed mixes that will provide a height and cover ratio to provide the maximum nesting cover."

Comment ID: 2675
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-3, Table C-l: Need to recognize that ecological site descriptions (ESDs) and soil maps are not currently available for all areas.

Comment ID: 2673
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-l, paragraph 2-3: Requires a site-specific reclamation plan prior to disturbance: Is the intention that this plan be provided as a component/attachment to APDs/ROW PODs or will a fieldwide plan be acceptable? Many of the new requirements refer to site-specific plans, which we believe are not as effective as field-wide plans unless unusual circumstances exist. The Final EIS should specifically allow the utilization of field-wide plans.

Comment ID: 2674
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-l, paragraph 3, lines 4-7: It is unclear due to the use of the word "should" whether postapproval Adaptive Management changes will only be required with proponent agreement. Please clarify that is the case.

Comment ID: 2686
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-6, paragraph 7: This canopy cover requirement (equal to or greater than pre-disturbance) will be unattainable within a reasonable timeframe.

Comment ID: 2745
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg C-9 Text: A summary of monitoring data and results, including: – Individual site reclamation monitoring reporting data (Table A36-1) Comment: We are unable to locate this Table.

Comment ID: 3185
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.2.6 C- 6 Paragraph 7 This canopy cover requirement (equal to or greater than pre-disturbance) will be unattainable within a reasonable timeframe.

Comment ID: 3176
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.2.3 C- 3 Table C- 1 Need to recognize that ESDs and soil maps are not currently available for all areas.

Comment ID: 3177
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.2.5 C- 4 Paragraph 3, bullet 3 Please provide further information with examples of what is meant by "seed mixes that will provide a height and cover ratio (sic) to provide the maximum nesting cover."

Comment ID: 3181
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.2.6 C- 6 Paragraph 2, Lines 1- 2 Further explanation/definition of the subjective term "desirable" is needed. Assuming all non- weedy forbs are desirable, a 75% criterion will be unattainable within a reasonable timeframe (e.g., 5- 8 years). It is therefore recommended that this frequency be reduced to 35- 50%.

Comment ID: 3182
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.2.6 C- 6 Paragraph 2, lines 4- 5 This forb diversity criterion (greater than or equal to) is unattainable within a reasonable timeframe. The availability of area- appropriate forb species seed varieties is extremely limited.

Comment ID: 3183
Organization: Ultra, Shell, and QEP

Name: Kelly Bott

Comment: C.2.6 C- 6 Paragraph 3, lines 1- 2 This forb frequency requirement will also be difficult to achieve within a reasonable timeframe.

Comment ID: 2198
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Appendix C, Section C.2.4 (Reclamation Plan Requirements/Minimum Standards) incorporates by reference 1M WY-2009-022 and the corresponding Forest Service Manual/Handbook and indicates "In the future, this will be supported with more detailed guidance such as new reclamation bond standards, a statewide monitoring and reporting strategy, and sample templates far both reclamation and nonnative and invasive species management plans. " This discussion should include a statement that this future guidance will be applicable only to core area reclamation, similar to the scope of the current Appendix C, and will be subject to public review and comment processes separate from the actions addressed by this DEIS. If these new strategies are considered, they should be coordinated and integrated into existing programs within the state. There is currently an effective reclamation bonding program and a very extensive and well-practiced monitoring and reporting for all mining interests through the Land Quality Division of the Department of Environmental Quality. Duplication of this effort is not needed.

Comment ID: 3174
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.1 C- 1 Paragraphs 2- 3 Requires site- specific reclamation plan prior to disturbance: Is the intention that this plan be provided as a component/attachment to APDs/ROW PODs or will a field- wide plan be acceptable?

Summary: Comments requesting further clarification of requirements such as how certain requirements would be met or measured; requests for additional information about the requirements; questions about specifics of the requirements; specific requests for clear definitions of terminology such as "reclamation" and "restoration". General comments and opinions about the appendix not being attainable, the requirements/management being good, and some of the management/requirements being unclear.

Response: Terms used in the Appendix C reclamation plan are defined in the glossary. As stated a reclamation plan will be tailored to a specific surface disturbing activity. This appendix provides a framework for project-specific and site-specific reclamation actions and details the elements that need to be considered during project planning, project implementation. Most determinations regarding what is expected should be made before the reclamation plan is approved and implemented using the best available science. Many of the comments regard implementation level actions and decisions. The LUPA/EIS contains only planning actions and does not include any implementation actions. As specific actions that may affect the area come under consideration, the BLM would conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions would be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. Comments simply stating a preference for or against a specific alternative or opinions without reasonable bias were considered non-substantive since they do meet they do not meet the substantive comment requirement of BLM Handbook H-1790-1, Section 6.9.2.1.

Sage-grouse

Appendices

Comments on Appendix E

Comment ID: 2342
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: While preferred Alternative E restricts activities for winter concentration areas, Alternative E properly acknowledges that exceptions and modifications can be made on a case-by-case basis for "activities in unsuitable habitat." However, "unsuitable habitat" is never defined. Such a concept should not just include existing anthropogenic structures but should also account for the type of habitat present and any effects from wildfire or invasive species. Topographic features and current activities should be considered as natural buffers that may reduce the need for overly burdensome restrictions.

Comment ID: 2130
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Management Action #128, Alternative E, Page E-12 “Surface disturbing and/or disruptive activities would be prohibited within connectivity habitat from March 1-June 30 to protect breeding, nesting, and early brood-rearing habitats within 4 miles of the lek or lek perimeter of any occupied Greater Sage-Grouse lek within identified connectivity areas.” This TLS is inconsistent with the EO, which lists it as March 15 – June 30, and should be changed to maintain consistency in sage-grouse management practices throughout the state. “Where credible data support different timeframes for this seasonal restriction, dates could be expanded by up to 14 days prior or subsequent to the above dates.” Justification must be given for providing for a 14 day extension either before or after the seasonal restriction. This provision has the potential to add an additional month to the timing restriction which, through this provision, has already been extended by half a month. If data is provided to show that the timeframes for the seasonal restriction need to be extended before or after, then the timeframe must subsequently be shortened on the other side (i.e., if justification is provided for a seasonal restriction to start 14 days earlier, the restriction should then end 14 days earlier.) We recommend this be changed to read, “Where credible data support different timeframes for this seasonal restriction, dates could be expanded or shortened by up to 14 days prior or subsequent to the above dates.”

Comment ID: 2697
Organization: QEP Energy Company
Name: Mike Smith

Comment: Pages E-10, Action 127: Since no lek distance is specified it is recommended that suitable habitat be added to the text rather than identified as possible under exceptions/waivers. Since times may be expanded, it is suggested that time could also be contracted. QEP asks for more certainty on whether time could also be contracted.

Comment ID: 2698
Organization: QEP Energy Company
Name: Mike Smith

Comment: Pages E-14, Action 129: Since times may be expanded, it is suggested that time could also be contracted. QEP asks for more certainty on whether time could also be contracted.

Comment ID: 2699
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page E-16 - E-17, Action 130, Alternative E: Requires seasonal protection of winter concentration areas both inside and outside core areas (outside core if core-nesting birds winter in the outside concentration area). It is unclear whether it is lek attending or core area nesting birds that drives the requirement for areas outside core; this needs clarification. Additionally, how will this be determined?

Comment ID: 2701
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page E-17, Action 132, Alternative E: This noise requirement needs to be applied at lek perimeter not at 0.6 mile from the lek. As is, the action could extend the effective NSO considerably farther afield. Additionally, there is no research showing that noise specifically affects anything other than lek attendance, and even that is debatable. Further definition is needed on how ambient noise levels will be determined and who will do/pay for this; noise levels vary dramatically based on time of day, season, and measurement equipment types. In any case existing ambient anthropogenic noise is an important consideration as are other variables including topography.

Comment ID: 2129
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: APPENDIX E – FLUID MINERAL STIPULATIONS Justification must be given for providing for a 14 day extension either before or after the seasonal restriction. This provision has the potential to add an additional month to the timing restriction which, through this provision, has already been extended by half a month. If data is provided to show that the timeframes for the seasonal restriction need to be extended before or after, then the timeframe must subsequently be shortened on the other side (i.e., if justification is provided for a seasonal restriction to start 14 days earlier, the restriction should then end 14 days earlier.) We recommend this be changed to read, "Where credible data support different timeframes for this seasonal restriction, dates could be expanded or shortened by up to 14 days prior to, or subsequent to, the Greater Sage-Grouse breeding, nesting and early brood-rearing habitat inside designated core areas."

Comment ID: 2128
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: APPENDIX E – FLUID MINERAL STIPULATIONS Management Action #127, Alternative E, Page E-10 "Surface disturbing and/or disruptive activities would be prohibited from March 1-June 30 to protect Greater Sage-Grouse breeding, nesting, and early brood-rearing habitat. This timing limitation would be applied throughout the sage-grouse core area habitats…" This TLS is inconsistent with the EO, which lists it as March 15 – June 30, and should be changed to maintain consistency in sage-grouse management practices throughout the state.

Comment ID: 3196
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix E E- 16 through E- 17 Action 130, Alternative E Requires seasonal protection of winter concentration areas both inside and outside core areas (outside core if core- nesting birds winter in the outside concentration area). It is unclear whether it is lek attending or core area nesting birds that drives the requirement for areas outside core. Please provide clarification. Additionally how will this be determined? Collar studies are economically and technically impracticable.

Comment ID: 3193
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix E E- 14 Action 129 Since timing period expansion is allowed so would it be appropriate to allow for contraction.

Comment ID: 3192
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix E E- 10 Action 127 Since no lek distance is specified it is recommended that suitable habitat be added to the text rather than identified as possible under exceptions/waivers, and since timing period expansion is allowed so would it be appropriate to allow for contraction.

Summary: Specific comments on management actions requesting the timing limitations be clarified or changed. Requests for clarification of where buffer distances should start. Other questions about management and clarification of other terminology (winter concentration and unsuitable habitat).

Response: (2128) Alternative E , at management action 131 on page 2-145 in the DEIS, allows for the dates to be expanded or shortened by up to 14. This is consistent with the recommendations of the Wyoming Game and Fish Department and the core area strategy. (2129 and 2130)) The FEIS has been corrected to be in conformance with the recommendations of the Wyoming Game and Fish Department . (2342) Suitable habitat is defined. If an area does not meet the definition of "suitable habitat", it would be "unsuitable habitat". (3192) The stipulation is to apply to all nesting and early-brooding rearing habitats within the Core Area boundaries. Lek distance is purposefully not identified. (3193) A contraction of these dates could be provided for through the exception process. (3196) Lek attendance drives this requirement as indicated In the Management Action and the Stipulation. The Protected Resource wording will be changed to reflect the same. (2697) The stipulation is to apply to all nesting and early-brooding rearing habitats within the Core Area boundaries. Lek distance is purposefully not identified. (2698) A contraction of these dates could be provided for through the exception process. (2699) Lek attendance drives this requirement as indicated In the Management Action and the Stipulation. The Protected Resource wording will be changed to reflect the same. At present, the best way to determine if winter concentration areas are used by Core Area lek attending grouse is through radio collar studies. A more practical, less expensive, and less invasive to the sage-grouse approach would be welcomed, but the determination must still be made. (2701) The stipulation committee has determined that this management action does not require a stipulation. This management action captures an operational requirement only. This stipulation should be removed.

Sage-grouse

Appendices

Comments on Appendix F

Comment ID: 2695
Organization: QEP Energy Company

Name: Mike Smith

Comment: Page F-1, bullet 9: Predator inventory and monitoring belongs with agencies, not project proponents. Further definition on methodologies is also needed.

Comment ID: 2819
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Also on page ix of the Executive Summary the document acknowledges that predators can impact sage-grouse populations. However, the necessary process to address these impacts is not addressed. Appendix F - Predator management minimally addresses predators and how the Agencies will address them. Appendix F has nothing in it to address impacts of predators on sage-grouse such as skunks, raccoons, foxes, coyotes, ravens and crows, and numerous other predators of sage-grouse. Appendix F instead addresses disposal of animal carcasses and roads and vertical structures etc. These techniques will not adequately address the predator issue in any meaningful fashion. We recommend the Agencies replace Appendix F with a more realistic control effort that has a chance of addressing predation on sage-grouse.

Comment ID: 2131
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: APPENDIX F – PREDATOR MANAGEMENT F.2. REQUIRED DESIGN FEATURES RELATIVE TO SAGE-GROUSE PREDATORS IN LAND MANAGEMENT DECISIONS 3rd Bullet Point It is imperative that modifications are done in a way that is safe for both workers and the general public. Further, depending upon the modifications required, we remind BLM that eliminating critical processing equipment that is vertical could impede the ability to operate the well site. We suggest this requirement be changed to read, “Taking safety and operational considerations into account, construct or modify vertical structures in a manner that prevents nesting or perching by scavengers or raptors.”

Comment ID: 3199
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: F.2 F- 1 Bullet 9 Predator inventory and monitoring belongs with agencies, not project proponents. Further definition on methodologies is also needed.

Summary: Comments include: -Predator inventory and monitoring belongs with agencies, not project proponents. -Further definition on methodologies is also needed. Comments provided specific text changes to bullet points to provide flexibility for project proponents. Requests for different management to address predator control.

Response: Comments 3199, 2695 - BLM and the Forest Service can require monitoring and inventory activities as part of the permitting process.

Sage-grouse

Appendices

Comments on Appendix I

Comment ID: 2971

Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Appendix I states that the DDCT process is "evolving " and will "become outdated soon after publication of this amendment document." Appendix I goes on to refer to a website which will provide " ... the most up-to-date version of the DDCT manual ..... We contend that the DDCT is a critical component of the LUP and associated NEPA process and should be a relatively fixed methodology included within the LUP. It is impossible to provide meaningful comments, or even understand how the DDCT will impact our projects. based on a moving target. The BLM should publish a draft DDCT manual, as part of a revised draft LUP, which will not change without appropriate review and opportunity for public comment. Also, if the BLM's DDCT process is frequently changed it is likely it will begin to deviate from the state's DDCT process. Having two unique DDCT processes that must be implemented for a single project which spans both state and federal land will be burdensome and potentially counterproductive. The BLM should work in concert with the state to ensure the DDCTs are as uniform as possible.

Comment ID: 2135
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: APPENDIX I - DISTURBANCE DENSITY CALCULATION TOOL MANUAL Appendix I, Page I-1 Appendix I does not explain how the perspectives outlined above (regarding potential for effects up to an 11-mile radius from a project boundary) intersect with DDCT requirements set forth in the EO. BLM must explain disparities between analyses required as part of the EO with requirements set forth in the LUPA/DEIS for projects on BLM/USFS administered land. As discussed throughout these comments, the EO should serve as the basis for GRSG management for all lands in Wyoming, including BLM and USFS administered public land.

Summary: Page I-1 Appendix I does not explain how the perspectives outlined above (regarding potential for effects up to an 11-mile radius from a project boundary) intersect with DDCT requirements set forth in the Executive Order (EO). BLM must explain disparities between analyses required as part of the EO with requirements set forth in the draft LUP Amendments/Draft EIS for projects on BLM/Forest Service administered land. We contend that the DDCT is a critical component of the LUP and associated NEPA process and should be a relatively fixed methodology included within the draft LUP Amendments. It is impossible to provide meaningful comments, or even understand how the DDCT will impact our projects based on a moving target.

Response: There is no disparity between the requirements set forth in the EO and those represented in Appendix D because the BLM and Forest Service are adopting the DDCT in its entirety and were part of the development team. The Final EIS has been modified to integrate the DDCT process (Appendix I) into Appendix D.

Sage-grouse

Appendices

Comments on Appendix K

Comment ID: 2519
Organization: Converse County
Name: Richard C. Grant

Comment: In Appendix K the USFS makes a point to distinguish between Required Design Features (RDFs) and Best Management Practices (BMPs). Whereas BMPs are related to management as a whole, RDFs, as we understand them, are a more site-specific, flexible management response that is specifically designed to ensure regulatory consistency and the conservation of greater sage-grouse. In principal, we agree with incorporating such a mechanism into the Plan. However, as currently drafted, the language proves too restrictive, which will limit the effectiveness of the collaboratively developed adaptive management strategy resulting from this Plan Therefore, we suggest that the following change to the language in Appendix K under the definition for "Required Design Features" located on page K-4: It is anticipated that variations will be approved only in coordination with the Wyoming Game and Fish Department (WGFD) and/or U.S. Fish and Wildlife Service and in a manner that is consistent with existing, binding protocols established through the collaboratively developed State of Wyoming and appropriate Federal agency implementation team. We believe the change in language will provide a more responsive management scenario that will further ensure the continued viability of greater sage-grouse in the planning areas and further ensure continued economic development in the planning areas that is done in a smart, responsible way. The goals need not be mutually exclusive.

Comment ID: 3201
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix K General All previous comments on Chapter 2, Alternative E are also applicable here. Appendix K General Please correct numbering in this appendix so that it correctly corresponds with Chapter 2.

Comment ID: 2209
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Appendix K The desired conditions in the USFS Plan Components as outlined in Appendix K do not address the requirement that the land should be managed for multiple uses. Many of the outlined objectives in Appendix K do not provide a clear view of what the objective is because the criteria has not been identified. Specific examples of missing criteria include the date that site specific conservation strategies are to be in place and the number of acres per year that habitat enhancements will be applied to have not been listed. Without the specific criteria being listed it is impossible to determine if these are reasonable objectives and where comments should be made regarding a specific objective. If this data is not provided prior to the end of the comment period, this portion of the plan should be reopened for additional comments when these specifics have been determined. There are also Management Actions USFS lists that are not consistent with the BLM Management Objectives. TBCC requests that BLM and Forest Service review the management strategies and coordinate and standardize between Federal and State Agencies.

Comment ID: 2210
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Table K-2: Forest Service Objectives for Alternative E Objectives as Written in the DEIS USFS Objective #2: "Enhance an average of __ acres (insert quantity) per year of quality/suitable habitat to support the expansion of Greater Sage-Grouse populations on National Forest System Lands." USFS Objective #5: "Restore native (or desirable) plants and create landscape patterns which most benefit Greater Sage-Grouse on an average of __acres (insert quantity) per year." With USFS in control of only 8% of the land mass in Wyoming and checkerboard ownership, this may be an unrealistic goal, especially if there is

no set number of acres. USFS is a multiple use agency and must recognize the need for multiple uses for other species than sage-grouse and for economic development as well. These Management Actions do not provide for this. There are a number of acres, for example, in the Thunder Basin National Grassland that are being managed for the Blacktailed Prairie Dog and Black Footed Ferret reintroduction. Failure to acknowledge these other plans in USFS's management of these lands could result in improper management of these lands to attempt to manage them for sage-grouse habitat which is not there. TBCC recommends using the equivalent BLM language in the Objectives for USFS. Without the specific criteria being listed it is impossible to determine if these are reasonable objectives and where comments should be made regarding a specific objective. If this data is not provided prior to the end of the comment period, this portion of the plan should be reopened for additional comments when these specifics have been determined.

Comment ID: 2520
Organization: Converse County
Name: Richard C. Grant

Comment: Table K-2, p. K-2: Dates and acres are left blank in several places, thus making it impossible to comment on the likely effects, other than to say "too short" or "too long" of a time frame, or "too small" or "too large" of an acreage. Such ambiguities or yet to be determined scenarios could have significant impacts on the proposed action. Therefore, we urge the numbers to fill in these blanks, be developed in close coordination with those directly affected rather than arbitrarily, in the manner as stated in Table K-2, Objective 9, p. K-3 and re-stated in Table K-3, p. K-4, Management Action (MA) #2.

Comment ID: 2136
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: APPENDIX K— DRAFT GREATER SAGE-GROUSE AMENDMENT FOR THE LAND AND RESOURCE MANAGEMENT PLANS: BRIDGER-TETON NATIONAL FOREST, MEDICINE BOW NATIONAL FOREST, THUNDER BASIN NATIONAL GRASSLAND PREFERRED ALTERNATIVE – ALTERNATIVE E The text of the LUPA/DEIS does not reference Appendix K, nor does the text discuss the purpose or context that would allow a reader to comment upon the language set forth in Appendix K. As such it is unclear how the information presented in this appendix is to be used or interpreted. BLM must provide an explanation in the description of Alternative E in Chapter 2 of how the contents of Appendix K would be applied to USFS administered public land, what this information means to GRSG management on USFS managed land, and if there would be restrictions or requirements on USFS managed land over and above the management actions set forth as part of Alternative E.

Summary: Please correct numbering in this appendix so that it correctly corresponds with Chapter 2. Dates and acres are left blank in Table K-2. Suggested language change from “required design features” to more flexible management. Question about the link between Appendix K and Alternative E. Overall requests for clarity in the Appendix.

Response: Appendix K— Draft Greater Sage-Grouse Amendment for the Land and Resource Management Plans for the Bridger-Teton National Forest, Medicine Bow National Forest, Thunder Basin National Grassland has been revised to correctly correspond to the Proposed LUP Amendments displayed in Chapter 2. Appendix K shows a crosswalk between the management actions in Alternative E and the suggested Forest Service required planning language. The Draft Greater Sage-Grouse Amendments for the Bridger-Teton and Medicine Bow National Forests and the Thunder Basin National Grasslands displayed in Appendix K in the Draft EIS have been revised in response to public comment. The revised versions are displayed in Appendix K in the Final EIS. The desired conditions provide for multiple use management by continuing to allow commodity and amenity resource extraction and utilization while protecting and/or

improving sage-grouse habitat. It is true that moving existing habitat towards the desired conditions would result in some limits on, or decreased production of, commodity resources and some limits on amenity resource use. Objectives are projections of measurable and time-specific outcomes or accomplishments that if achieved would contribute to maintaining or reaching Desired Conditions during the plan period. An objective is not a required action, it is a potential outcome, a realistic check-in point along the way to gauge progress toward the future condition. The criteria that was not identified in the Draft EIS has been identified in the Final EIS in Appendix K. Accomplishments of objectives is dependent upon budget allocations and prioritization of Greater Sage-Grouse habitat improvement work in comparison to other resource recovery work. Comments on criteria described in the objectives in Appendix K in the Final EIS will be considered during the Protest Period following issuance of the Final EIS and before issuance of the Record of Decision. The Proposed LUP Amendments for the BLM and Forest Service units are similar but are not identical. The BLM Proposed LUP Amendments will comply with NEPA and Council on Environmental Quality regulations at Department of the Interior (DOI) regulations at 43 CFR part 46 and 43 CFR part 1600; the 2008 BLM NEPA Handbook (H–1790–1), and all other applicable BLM policies and guidance. The Forest Service Proposed LUP Amendments will comply with NFMA, Forest Service NEPA regulations found at 36 CFR 220, and Forest Service Handbook 1909.15, Regulations of the Secretary of Agriculture at 36 CFR part 219, and FSM 1920 and FSH 1909.12. Part of the difference between the BLM Proposed LUP Amendments language and the Forest Service Proposed LUP Amendments language is due to different requirements in the BLM versus Forest Service planning regulations. Differences also exist because of emphasis placed on resource management by BLM versus Forest Service Deciding Officers. To assist the reader in easily identifying the similarities and differences between the BLM and Forest Service Proposed LUP Amendments, the table in Appendix K displays the two versions side-by-side in correct numerical order. After the agencies make their respective plan amendment decisions, where management strategies differ, the BLM and Forest Service intend to coordinate differences across unit boundaries but do not intend to standardize them. The Forest Service Proposed LUP Amendments in the Final EIS no longer includes Required Design Features (RDF). The RDF displayed in Appendix B were reformatted as standards or guidelines in the Appendix K. Appendix B does not apply to the Forest Service Proposed LUP Amendments.

Sage-grouse

Appendices

Comments on Appendix M

Comment ID: 2704
Organization: QEP Energy Company
Name: Mike Smith

Comment: Comments on Appendix M This Appendix is laden with typos, errors, inaccuracies, redundancies, and inappropriate references. Additionally it provides no new information. QEP asks this section be stricken and instead include BAs and BEs in FEIS.

Comment ID: 3202
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix M General This Appendix is laden with typos, errors, inaccuracies, redundancies, and inappropriate references. Additionally it provides no new information. Suggest removal and include BA and BE in FEIS.

Summary: This Appendix is laden with typos, errors, inaccuracies, redundancies, and inappropriate references. Additionally it provides no new information. QEP asks this section be stricken and instead include BAs and BEs in the Final EIS.

Response: Appendix M in the Draft LUP Amendments included the Draft Wildlife and Botany Report for the Forest Service Units. Appendix M in the Proposed LUP Amendments includes the Biological Evaluation and Management Indicator Species Report. These documents are necessary to evaluate the impacts to threatened and endangered species and management indicator species with respect to Forest Service policy.

Sage-grouse

Best available information-baseline data

Chapter 3 needs information on winter habitat, sensitive species, other baseline data

Comment ID: 1560
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: BLM Sensitive Species policy imposes additional requirements to provide baseline information. For BLM Sensitive Species, the agency is responsible for "Determining, to the extent practicable, the distribution, abundance, population condition, current threats, and habitat needs for sensitive species, and evaluating the significance of BLM-administered lands and actions undertaken by the BLM in conserving those species." BLM Manual 6840.2(C)(1). Furthermore, the agency is responsible for "Monitoring populations and habitats of Bureau sensitive species to determine whether species management objectives are being met." BLM Manual 6840.2(C)(3). The BLM must make up for the absence of population status and trend data for BLM Sensitive Species (i.e., greater sage grouse) by generating these data of its own accord where they are unavailable through Wyoming state agencies or other external sources.

Comment ID: 1942
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: 3.14 SPECIAL STATUS SPECIES, Page 3-241 None of the literature cited reflects the latest information on GRSG and are based on studies that evaluated effects of energy development that do not reflect the most current technology associated with drilling, extraction, and transport or the mitigation measures now routinely utilized to minimize impacts to the GRSG. Reliance upon Holloran's 2005 doctoral dissertation is inappropriate because it is outdated and flawed as its assumptions and predictions have been scientifically proven inaccurate and excessive. In general, the LUPA/DEIS cites numerous studies that are outdated and therefore fails to comply with the NEPA directive to utilize the best available information in the preparation of environmental documents. There are findings from GRSG research completed since the studies cited in the LUPA/DEIS that do not concur with the above statements. The BLM should also consider this research in its analysis. The BLM should consider the results of the studies conducted by Ramey et al [24 Ramey et al (2011)] and Taylor et al [25 Taylor et al (2007)] in addressing the effects of oil and gas development on GRSG and GRSG habitat. Consideration should be given to the potential for wide dispersal and migration of GRSG populations. Other research has pointed to the need for the use of an integrated approach to estimate GRSG populations given that lek counts vary because attendance at leks varies between age and sex classes of GRSG throughout the breeding season, time of day and other environmental factors (weather, etc.).

Comment ID: 1307

Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: None of the lands within the project area have been specifically assessed for sage grouse habitat conditions. In other words, the BLM know virtually nothing of current sage grouse habitat conditions, and has made no progress on this since the early 2000's when the BLM pledged to do this.

Comment ID: 236
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The BLM must make up for the absence of population status and trend data for BLM Sensitive Species (i.e., greater sage grouse) by generating these data of its own accord where they are unavailable through Wyoming state agencies or other external sources.

Comment ID: 1946
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Chapter 3, Casper Field Office, Greater Sage-Grouse, Page 3-284 "The number of males per lek has declined by 31% since 1958." This discussion of GRSG populations does not indicate the period of record for this analysis. Apparently, the earliest data on lek attendance was obtained in 1958; but the discussion fails to present the latest lek count data. We recommend the analysis include a graph that depicts GRSG lek attendance over the period of record to assess if the population is cyclical, as has been clearly demonstrated in statewide data on trends in lek counts. Several studies have indicated climactic and landscape variables, such as weather, significantly influence GRSG population trends.

Comment ID: 200
Organization: Wild Earth Guardians
Name: Erik Molvar

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

Comment ID: 1837
Organization: Powder River Basin Resource Council
Name: Shannon Anderson

Comment: Alternative E adopts the state's "core areas" as "priority habitat" for the plan. However, there is no analysis in the EIS that verifies or discloses whether the core areas are sufficient to protect sagegrouse populations and keep them off of the Endangered Species List. Please fully review the scientific basis for the core areas in light of new data and information since the Executive Order was adopted. Notably, there is a lack of core areas in certain areas of the state, and some core areas do not have many leks or even the best habitat worthy of protection. In your final EIS, please carryout a review of all of the core areas and disclose their current development status, population numbers, and habitat availability. If these areas should no longer be designated as "priority habitat," please designate new areas of priority habitat sufficient to achieve the core area framework's goal of protecting 80% of sage-grouse habitat and populations.

Comment ID: 1293
Organization: Western Watersheds Project

Name: Jonathan B. Ratner

Comment: WWP raised the issue of the need for a solid baseline (including lek counts and locations, habitat conditions, rangeland health conditions by allotment, date of most recent monitoring data, etc.) in scoping comments in March 2012. The agency largely ignored this request for clear and comprehensive information about current conditions, and this plan amendment fails to provide an adequate description of the affected environment on which to project the impacts of a range of alternatives. In fact, the EIS presents no information whatsoever regarding the relationship between current condition and the well-researched habitat requirements of sage grouse.

Comment ID: 232
Organization: Wild Earth Guardians
Name: Erik Molvar

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

Comment ID: 1563
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Projections and predictions from the RFD discussion (DEIS at 3-101) generally lack analysis of whether future development is expected on existing or new leases, or on priority, general, seasonal, or non-habitat. Similarly, the Rawlins Field Office discussion of leasable minerals and oil and gas is replete with statistics, but lacks qualitative analysis or projections on how past development has impacted sage-grouse, which habitat has been impacted, and how future development could additionally impact various habitats. DEIS at 3-120 to 122. Why the DEIS appears to omit discussion of leasing trends and future development projections in priority habitat is unknown, but the significance of this aspect of sage-grouse conservation efforts is apparent.

Comment ID: 1340
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: One of the fundamental issues regarding sage grouse habitat is the widespread conversion from midstature cool season bunchgrasses to short stature grazing tolerant species which do not provide for sage grouse habitat. No information whatsoever has been provided in the document so it is impossible to know from the document as to the effects of this widespread conversion has had on the species. The BLM does possess this data within its SVIM database which is the most up-to-date information regarding range condition that the BLM has but this information was not provided.

Comment ID: 1557
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Importantly, 40 C.F.R. §1502.15 requires agencies to "describe the environment of the areas to be affected or created by the alternatives under consideration." Establishment of baseline conditions is a requirement of NEPA. In Half Moon Bay Fisherman's Marketing Ass'n v. Carlucci, 857 F.2d 505, 510 (9 th Cir. 1988), the Ninth Circuit states that "without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to

comply with NEPA." The court further held that, "The concept of a baseline against which to compare predictions of the effects of the proposed action and reasonable alternatives is critical to the NEPA process." Text on Affected Environment with regard to sage grouse habitat failed to discuss the winter habitat needs of the birds, in spite of clear scientific evidence that impacts to sage grouse by oil and gas development on winter ranges can have profound effects on the birds (Walker 2008).

Comment ID: 2997
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: The necessity of the need for the BLM to revisit their inventory information and update their inventories is further highlighted by divergences between the BLM's and WWA's existing inventory data. While the BLM does have recent inventories on record for these areas, their inventory findings diverge from WWA's inventory findings. Upon review of the BLM inventory documents, it is clear that the difference in inventory findings is likely a result of a difference in procedure. These differences are detailed below.

Comment ID: 2942
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Map 3-19 and Winter concentration areas cited throughout the document Map 3-19 identifies "Regional Winter Habitat." Map 3-19 is not referenced in the document and "Regional Winter Habitat" is not adequately defined anywhere in the document. No reference is provided for the modeling parameters and processes to delineate/extrapolate "Regional Winter Habitat." A reference for the seasonal habitat definitions and for the use of spatial data is needed in the document. The data source for the map is likely based on landscape-level models developed under the unpublished manuscript and data series, State-wide Seasonal Habitat Selection in Wyoming Greater Sage-grouse (Fedy et al. 2012). This manuscript and USGS data series is currently under peer review, but has not been made available for public use. Because the report has not been accepted by the scientific community and is not available to tile public, the BLM may not rely upon it as best available scientific data and information. Any analysis and mapping relying upon Fedy et al. 2012 must be deleted from the LUPA/EIS and any management actions based upon the report must not be carried forward to the final LUPA/EIS. Winter habitat for greater sage-grouse has been previously modeled using sagebrush patch size, sagebrush height, elevation, and surface roughness/topography as input variables to inform model selection (Doherty et al. 2008; Carpenter et al. 2010; Dzialak et al. 2013). Although seasonal selection models have been developed to identify/predict local winter use areas, these models show high variability, do not correlate well with telemetered relocation data, and provide poor extrapolative value across varying landscapes for regional interpretation. In its use of the models for impacts analysis and proposed management actions, BLM must consider and disclose the quality and scientific uncertainty associated with the models.

Comment ID: 2576
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-239 Text: Greater Sage-Grouse discussion. Comment: This discussion lacks any mention of drought on GRSG and is seriously concerning since the BLM relies on supposed drought conditions to emphasize impacts from surface-disturbing activities. The BLM may not select particular conditions to suit its analysis. Text omits both disease and predation, both of which are documented threats to sage-grouse viability. 75 Fed. Reg. 13910, 13966-13969 (2010). Predation is the most documented cause of mortality. Id. at 13969-13973. The common predators for sage-grouse have increased in Wyoming, Utah, Colorado,

Idaho and the rest of the western states. Even though USFWS dismissed this as a significant factor, the USFWS discussion omitted increased number of predators, including wolves, coyotes, fox and ravens. While it is very difficult to estimate the number of coyotes, DWR reports a take of more than 10,000 a year and concludes it barely dents the populations.

Comment ID: 3071
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The DEIS has little or no discussion of actual habitat and population conditions and trends in the individual Core Areas within the planning area. This omission must be remedied. Absent such analysis, BLM's broad conclusions regarding impacts and ability to achieve conservation objectives are unsupported. Priority habitat is the cornerstone of most conservation efforts in Wyoming. Because core and priority habitat are used interchangeably in the DEIS, a rigorous analysis of all such habitat is needed to inform the planning effort.

Summary: The BLM must make up for the absence of population status and trend data for BLM Sensitive Species (i.e., Greater Sage-Grouse) by generating these data of its own accord where they are unavailable through Wyoming state agencies or other external sources. A solid baseline (including lek counts and locations, winter habitat, habitat conditions, habitat conversion, rangeland health conditions by allotment, date of most recent monitoring data, etc.) is needed. The EIS presents no information whatsoever regarding the relationship between current condition, trends, and the wellresearched habitat requirements of sage-grouse. In your final EIS, please carry out a review of all of the core areas and disclose their current development status, population numbers, and habitat availability. The best available science and data should be used to provide this information.

Response: The CEQ regulations require an environmental impact statement to "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues" (40 CFR 1502.15). Additionally, the Wyoming Sage-Grouse LUP Amendments is a programmatic NEPA effort to conserve Greater Sage-Grouse and its habitat across a broad geographic area. As such, the BLM and the Forest Service described the current conditions and trends in the affected environment broadly, across a range of conditions, appropriate to program-level land use planning actions. This amendment addresses changes in management of sage-grouse habitats under the jurisdiction of the land management agencies not bird populations. Managing and monitoring population changes are the responsibility of the Wyoming Game and Fish Department. The actions and the analysis in this document are limited to habitat management changes not population changes.

Sage-grouse

Best available information-baseline data

Comments on Chapter 1 and Executive Summary

Comment ID: 2917
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: National GRSG Planning Strategy Cp. 1-7 and 1-8) The text in this section incorrectly states "the planning decisions/conservation measures in this plan are intended to address the long-term population

trends in each of the seven Management Zones (Map 1-4)." In fact, the planning decisions for this plan are not intended to address the long-term population trends in all Management Zones but rather population trends in MZ I and MZ II, according to Table 1-2, Threats by Management Zone and Population, which also is not referenced or described in the text. The text should be corrected.

Comment ID: 2823
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 11 of Chapter 1 the document maintains that all activities and uses within Greater Sage-Grouse habitats will conform to existing land health standards. However, the document does contain an analysis between current land health standards and sage-grouse requirements. This analysis should occur and the results need to be provided.

Summary: Changes were suggested to correct text to accurately depict which Management Zones are included in the 9 Plan document, and to either correct text that “all activities and uses within Greater Sage-Grouse habitats will conform to existing land health standards” or include analysis to support the statement.

Response: The text in question on page 1-11 is not appropriate as an issue and has been moved to the Planning Criteria section 1.8. The text was intended to address a concern that all alternatives utilize the Standards and Guidelines for livestock grazing in site specific assessment for non-achievement of Greater Sage-Grouse habitat objectives. The residual impacts to sage-grouse habitat after the application of the Standards and Guidelines are reflected in the impact analysis contained in Chapter 4 for Alternative E. The text on page 1-8 has been modified to be clear that it is the strategy that addresses all management zones, not this plan.

Sage-grouse

Best available information-baseline data

Comments on Chapter 3

Comment ID: 1644
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Where are the sage grouse winter areas, what are the conditions of these areas, and what impacts is grazing and energy development having on these areas; (2) in the Pinedale, where are grazing and energy development adversely affecting sage grouse habitat, how, in what respect, and what are the current conditions; and (3) how are grazing and energy development “synergistically interacting” to impact sage grouse habitat within the Pinedale field office, as well as the Kemmerrer and other neighboring field offices.

Comment ID: 127
Organization:
Name: CTVA Action Committee

Comment: The EIS must evaluate and acknowledge that close range viewing of sage grouse leks produces significantly more impacts on sage grouse than motorized recreation which is located some distance away. The EIS must include an accurate inventory of all viewing activity in order to reasonably assess this activity and its impact. Examples of the popularity and magnitude of the lek viewing activity include:

• http://www.craigdailypress.com/news/2011/mar/01/local-environmental-groupsorganizing- sage-grouse-/

• http://www.siskadee.org/view.htm • http://www.gorp.com/parksguide/ travel-ta-birdwatching-la-junta-comanche-and-cimarron-national-grasslands-golden-spikenational- historic-site-sidwcmdev_055433.html

• http://coloradobirdingsociety.net16.net/zsbirdingspots.htm

• http://www.naturescapes.net/phpBB3/viewtopic.php?f=9&t=150579

• http://gf.state.wy.us/wildlife/wildlife_management/sagegrouse/index.asp

• http://www.blm.gov/nstc/library/pdf/TN424.pdf

• http://wildlife.state.co.us/Viewing/EventsFestivals/Pages/ViewingEvents.aspx

•http://billingsgazette.com/lifestyles/recreation/blm-wgf-holds-sage-grouse-lek-viewingtrip/article_d3f3abe0-d2ec-56b1-9eb9-3cfad0a1d561.html?print=1

• http://uwacadweb.uwyo.edu/wildlifesociety/NewSite/photo_gallery/LekViewing/LekViewing.htm • BLM Buffalo Field Office Hosts Sage-grouse Lek Viewing Trip

Comment ID: 637
Organization: Anadarko
Name: David Applegate

Comment: Impacts to Sage-Grouse Will Be Reduced During Future Development Due To Technological Changes In How Reservoirs Are Targeted, Wells Are Drilled, And Field Operations Are Conducted. The Draft LUPA (See page 3-241) uses research references that draw from outdated development scenarios that do not account for significant technological changes in how oil and gas resources are accessed and recovered.

Comment ID: 1889
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-240, First full paragraph: There are eight local sage-grouse working groups in Wyoming, not nine.

Comment ID: 345
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM lists six categories of management for off-road vehicle use. DEIS at 3-338. The Draft EIS does not disclose the acreage of lands “open” to cross-country vehicle travel that overlaps with Priority, General, or Connectivity sage grouse habitats, how close major and minor roads are to sage grouse leks, nor does the agency present baseline information regarding road density in existing Core Areas or other grouse habitats. This is important baseline information for the NEPA analysis. Off-road vehicle “play areas” designated open to off-road travel should be closed where they occur in sage grouse habitats of any kind. BLM has failed to disclose the positive environmental impacts of closing open ORV play areas within sage

grouse Priority Habitats on sage grouse under the alternatives where this is prescribed, in violation of NEPA. See, e.g., DEIS at 4-280.

Comment ID: 358
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The Wyoming DEIS does not disclose the current thresholds of surface disturbance by population area as baseline information, nor does it estimate the projected disturbance percentage by area for each alternative. This information is critical to determine how the alternatives compare in terms of resulting in significant impacts to sage grouse based on exceedences of varying disturbance thresholds under each alternative. This key analysis is missing from the DEIS.

Comment ID: 1875
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM must also discuss in the DLUPA/DEIS the baseline conditions and impacts associated with hunting, predation, and disease on sage-grouse populations. BLM's failure to include these conditions and impacts results in an incomplete alternatives analysis. The DLUPA/DEIS must be revised to include a complete discussion of hunting, predation, and disease in the Affected Environment and Environmental Consequences chapters.

Comment ID: 657
Organization: Anadarko
Name: David Applegate

Comment: The agencies need to define "occupied lek," a term used throughout the Draft LUPA, and the process by which leks are deemed unoccupied. In particular, the agencies appear to be applying stipulations to leks where male-grouse have not been observed for many years. Does lek monitoring continue when a lek nears a status of being non-occupied to allow determination of unoccupied status? How and who makes a determination of how a lek is going to be monitored? Recommendation: The agencies should include in the Final LUPA a table indicating the status of all leks. Leks that have had no birds in attendance for three years should be considered unoccupied when applying timing stipulations. Anadarko also recommends the agencies include in the Final LUPA a map indicating all unoccupied leks. If leks that have had no birds in attendance for multiple years are still treated as occupied, Anadarko recommends the Final LUPA include an explanation for that determination.

Comment ID: 1903
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Page 3-284, Greater Sage-Grouse, second paragraph: The information presented is 9 years old; more recent information is available upon request. Page 3-284, Greater Sage-Grouse, third paragraph: There is no Powder River Basin Local Working Group. This should be changed to the Northeast Local Working Group. Page 3-284, Greater Sage-Grouse, third paragraph: Both the Bates Hole/Shirley Basin and Northeast Local Working Groups completed conservation plans in 2007-08. Those plans were revised in 2013- 14.

Comment ID: 2630
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 3-240, paragraph 1, line 6: "Declines of sage-grouse near oil and gas fields in this area have been well documented (Lyon 2000; Holloran 2005; Holloran and Anderson; Kaiser 2006)." More recent studies have been conducted that suggest a decline in male attendance at a particular lek does not indicate overall population declines. QEP asks that the BLM consider studies released by Ramey et al (2011) and Taylor et al (2007).

Comment ID: 2330
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Nevertheless BLM goes on to rely on such data to demonstrate population declines ("an increasing population trend during 2004 to 2007 is indicated by an increase in the average number of males per lek and males per complex since 2003. The 2008 to 2010 lek monitoring data indicate a declining trend in males per lek compared to 2007" Ch. 3 at3-288), which seems a bit duplicitous. AEMA contends that lek data does not provide reliable information, is not substantially reproducible as required by the DQA, provides only a snapshot of habitat use during the breeding season and ignores all other seasonal habitat uses. Thus any conservation measures or objectives that rely solely on lek data should be removed from the DLUPA/DEIS analysis.

Comment ID: 2874
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 335 of Chapter 3 the second paragraph references a graph which we could not find. This graph was supposed to show the fluctuations in male sage-grouse attendance per lek and would be helpful information.

Comment ID: 2881
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: A correlation between high sheep numbers between the 40s to 60s could well have contributed to the high numbers of sage-grouse because of the widespread predator control efforts that occurred during that period. Certainly some of those efforts had an impact on predators of sage-grouse. The same consideration could be made when discussing conversions from sheep to cattle and vise versa. This same consideration should be discussed in the document on page 258. [Chapter 3]

Comment ID: 3076
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: DEIS Figure 3-50 depicts the "General Location of Designated Greater Sage-Grouse Core Habitats in the Thunder Basin National Grassland," but the DEIS appears to lack any additional analysis and does not even state the name of this Core Area. For other priority habitat, the only maps are those showing the core area outlines on statewide maps. Not even names of the Core Areas are provided, let alone raw data, inventory information, or analysis. Audubon comments to the Buffalo DEIS suggested how to approach the analysis of individual core areas. To assist BLM in this analysis, the following information is extracted from WGFD survey data. BLM should also analyze and incorporate data from WGFD Sage Grouse Job Completion Reports for core areas subject to the DEIS. A starting point for the analysis of individual core areas to be included in the FEIS follows. The Thunder Basin Core Area is 770,784 acres in size, making it the third largest in the state. It is largely located in the Thunder Basins National Grasslands.

According to WGFD analysis, it had 59 occupied leks in 2010, averaged 996 peak males from 2008-2010 and 604 in 2011, and had an average male population per lek of 16.9 based on 2008-10 data.

Comment ID: 3073
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The agencies need to incorporate and analyze additional site-specific information for each individual core area, based on a search of existing WGFD data and scientific research. However, the DEIS appears to lack any analysis specific to individual core areas, and has not specified which of the extensive scientific literature listed in the “Literature Cited” section, and relied on for specific decisions, pertain to which sub-region, planning area, or core area. The analysis should encompass both priority and general habitat outside the planning area that could be impacted by management decisions in the DEIS.

Comment ID: 2469
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Chapter 3 - Special Status Species Page 3-327 TBNG Introduction: The first sentence of the first paragraph the word "predominately" should precede private and state ownership. In Table 3-92 Acreage and Designated Greater Sage-Grouse Core Habitat Acres in the TBNG the number of Core Habitat Acres does not appear to jive with previous numbers in the analysis (402,890 acres)?

Comment ID: 2470
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Chapter 3, Special Status Species - Federally listed Species Pages 3-328 and 329 - The discussion of the "overlap" of the Greater Sage-Grouse core area with black tailed Prairie dog and black footed ferret habitat should be expanded in the Final EIS. The "possible management issues" should be addressed in the Final EIS and/or Record of Decision (ROD). One such approach may be to identify that one habitat (GSG) is being replaced by another (BFF) and the related effects are disclosed. It appears that the Forest Service is not amending their LUP for the TBNG as part of the EIS process. The last two sentences in the first paragraph on Page 3-329 are confusing seeming there should be a period after "habitat". The second paragraph merely describes the management actions the USFS is implementing on "this management area". Would it be possible to enlarge the discussion as to what additional management actions could be taken to reduce the effects of the USFS management on the reduction of core Greater Sage-Grouse habitat in the TBNG?

Comment ID: 3133
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 3.14.1 Multiple Page 3- 259, last paragraph & page 3- 260 paragraph 1 Suggest deleting “However, with oil and gas prices reaching all--- time highs and with strong support for the current political administration,” as well as the last sentence in the paragraph. The first statement is no longer applicable and the second is entirely subjective.

Comment ID: 2471
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-334 and 335: Greater Sage-Grouse. The first sentence may need to be tenured by a possible migrating sage-grouse population in the northern portion of the grasslands. The second paragraph and third paragraph of Page 3-335 have some issues as to sentence structure (This can be compared trends ....) and references made to figures and graphs that are not present with the text. Also in the last paragraph the word "reflexes" needs to be replaced.

Comment ID: 3074
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The discussion of each Core Area encompassed by the plans should include: • A quantitative discussion of the most recent survey data regarding leks and bird numbers. • A qualitative discussion of the resource values and current condition of the Core Area, including trends, threats, and direct, indirect and cumulative impacts. • Relatively large blocks of intact habitat that can serve as refugia and strongholds. o For each core area, how many large blocks of substantially intact and undeveloped habitat remain. o Where these remnant blocks are located (including maps), and what is happening adjacent to them. o Imminent or potential threats to the Core Area as a whole, and large blocks of intact habitat within each core area – including valid existing rights and the proximity of any projects specified in the DEIS cumulative impacts analysis and the RFD. • Other issues and special resource values in the Core Area relevant to the leasing proposal, including migration corridors, connectivity, breeding density, special habitat types such as brood-rearing or winter habitat, existing disturbance levels and percentages (DDCT calculations), etc. • This analysis will reflect the best current scientific information, and the fact that all core areas may not be "created equal" with regard to habitat quality and importance to conservation and recovery efforts.

Summary: Very specific wording changes and edits of chapter text for accuracy or preference of commenter, most within Section 3.14 regarding sage-grouse; requests for definitions; and requests for use of other scientific studies within specific text. More general comments and questions about language: requests for additional baseline information for resources such as wildlife, OHV, special status species and the overlap of these resources with sage-grouse habitat; requests for additional information regarding numerous aspects of sage-grouse; and suggestions on how to organize and present information on sage-grouse and habitat.

Response: Comments 127, 345, 358, 637 - The Proposed LUP Amendments provide an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. As required by 40 CFR 1502.16, the Proposed LUP Amendments provide a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Proposed LUP Amendments provide sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). The Proposed LUP Amendments contain only planning actions and do not include any implementation actions. Effects on Greater Sage-Grouse population levels are not required to be quantified as part of the impact analysis. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will

tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions. Comment 1644 - Question 1 - BLM and the Forest Service will rely on WGFD to delineate winter concentration areas for sage-grouse. Questions 2 and 3 - The Proposed LUP Amendments provide an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. As required by 40 CFR 1502.16, the Proposed LUP Amendments provide a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Proposed LUP Amendments provide sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. 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In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions. Comments 1889, 1903 - Revisions made based on comment. Comment 2469- Acres were verified as part of the final review. Comment 2470 - Discussion of management specific to other species can be found in each offices' RMP/LRMP. The management actions in the Preferred Alternative provide adequate protections for sage-grouse and sage-grouse habitat. Comment 3076 - The Proposed LUP Amendments provide an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. As required by 40 CFR 1502.16, the Proposed LUP Amendments provide a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Proposed LUP Amendments provide sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. 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In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions. Comment 2874 - The graph was available and is part of the overall document. The figure can be found on page FIG-48. Comment 2881

- The CEQ regulations require an EIS to "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in an EIS shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues" (40 CFR 1502.15). Additionally, the Proposed LUP Amendments are a programmatic NEPA effort to conserve Greater Sage-Grouse and its habitat across a broad geographic area. The BLM and the Forest Service described the current conditions and trends in the affected environment broadly, across a range of conditions, appropriate to programlevel land use planning actions. The BLM and the Forest Service complied with these regulations in describing the affected environment. The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decision. The affected environment provided in Chapter 3 and various appendices is sufficient to support, at the general land use planning-level of analysis, the environmental impact analysis resulting from management actions presented in the Proposed LUP Amendments. Programmatic documents are regional in scope and place emphasis on developing broad environmental policies, programs, or plans. Site-specific data is important during implementation level decisions, which may be tiered to the decisions made in this document. Data scales include broad-scale, mid-scale, fine-scale, and site-scale. For this planning document, it is appropriate to utilize data at the mid-scale (e.g., WAFWA management zones) and fine-scale (e.g., sub-region data). For this document, the best available information was used as generated and provided by the organizations and agencies with authority and special expertise to provide that information on a planning scale. Comment 3073, 3074 - The Proposed LUP Amendments provide an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. As required by 40 CFR 1502.16, the Proposed LUP Amendments provide a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Proposed LUP Amendments provide sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). The Proposed LUP Amendments contain only planning actions and do not include any implementation actions. Effects on Greater Sage-Grouse population levels are not required to be quantified as part of the impact analysis. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions. Comment 2630 - The Proposed LUP Amendments provide an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. As required by 40 CFR 1502.16, the Proposed LUP Amendments provide a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Proposed LUP Amendments provide sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the

alternatives, in accordance with 40 CFR 1502.1. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). The Proposed LUP Amendments contain only planning actions and do not include any implementation actions. Effects on Greater Sage-Grouse population levels are not required to be quantified as part of the impact analysis. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions.

Sage-grouse

Best available information-baseline data

Leks, lek data

Comment ID: 2408
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Inappropriate focus on leks. The Draft EIS should address the significant limitations associated with relying primarily upon lek counts as the preferred methodology to determine GRSG populations and the efficacy of subsequent conservation measures. Lek counts have been in use since 1952 and have been found to be a remarkably inconsistent tool when attempting to estimate population sizes. Of primary concern is that the data collected are really non-random samples of sage grouse leks which fail to account for male GRSG at unknown leks, ignoring the fact that males move between leks and ignoring females or juveniles. Consequently, counting only males results in an unknown proportion of the total GRSG population. Indeed, Connelly et al. (2004), which is relied on by the BLM in the Draft EIS, used data for 275 leks from 1965 to 2003 and found that lek size has decreased but that populations have increased overall by 1 % annually from 1965 to 2003. BLM must distinguish between low-performance habitat for nesting and brood rearing and highperforming habitat, and not simply set-aside broad swaths of land with minimal conservation value simply because of a link to a current or historical lek location. There is also no evidence that bentonite mining activities adversely affect sage-grouse leks, or that buffer areas as great as 4 miles are warranted. Active leks have coexisted with mining activities for decades, and some leks appear to thrive in open and disturbed areas, and even have inhabited roads. Bentonite mining activities have been active at BPM's Colony Plant since 1947. Additionally, BPM has a mining claim located on BLM surface and a portion of this claim has been reclaimed without sagebrush establishment and currently a lek has been established and is active in this reclaimed area.

Comment ID: 2334
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The Draft EIS should address the significant limitations associated with relying primarily upon lek counts as the preferred methodology to determine GrSG populations and the efficacy of subsequent conservation measures. Lek counts have been in use since 1952 and have been found to be a remarkably inconsistent tool when attempting to estimate population sizes. Of primary concern is that the data collected are really non-random samples of sage grouse leks which fail to account for male GrSG at unknown leks, ignoring the fact that males move between leks and ignoring females or juveniles. Consequently, counting

only males results in an unknown proportion of the total GrSG population. Indeed, Connelly et al. (2004), which is relied on by the BLM in the DLUPA/DEIS, used data for 275 leks from 1965 to 2003 and found that lek size has decreased but that populations have increased overall by 1 % annually from 1965 to 2003.

Comment ID: 2335
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The BLM must have a mechanism to distinguish between low-performance habitat for nesting and brood rearing and high-performing habitat, and not simply set-aside broad swaths of land with minimal conservation value simply because of a link to a current or historical lek location.

Summary: The BLM must have a mechanism to distinguish between low-performance habitat for nesting and brood rearing and high-performing habitat, and not simply set-aside broad swaths of land with minimal conservation value simply because of a link to a current or historical lek location. The Draft EIS should address the significant limitations associated with relying primarily upon lek counts as the preferred methodology to determine Greater Sage-Grouse populations and the efficacy of subsequent conservation measures. Lek counts have been in use since 1952 and have been found to be a remarkably inconsistent tool when attempting to estimate population sizes. Of primary concern is that the data collected are really non-random samples of sage-grouse leks which fail to account for male Greater Sage-Grouse at unknown leks, ignoring the fact that males move between leks and ignoring females or juveniles. Consequently, counting only males results in an unknown proportion of the total Greater Sage-Grouse population. Indeed, Connelly et al. (2004), which is relied on by the BLM in the Draft LUP Amendments/Draft EIS, used data for 275 leks from 1965 to 2003 and found that lek size has decreased but that populations have increased overall by 1 % annually from 1965 to 2003.

Response: BLM, Forest Service, the State of Wyoming, USFWS, and WGFD considered many ways to protect habitat for Greater Sage-Grouse; the management alternatives in the Draft LUP Amendments contain mechanisms that the agencies consider the best protections for sage-grouse and their habitat. WGFD coordinates and manages all of the lek data for the state of Wyoming including data collected by BLM and Forest Service. In Wyoming, a component of monitoring breeding sage-grouse is also to find new leks. In addition, part of the breeding bird monitoring on the leks is to count females, as well as males. During the late brood rearing season there is also an effort to determine chick hatch and survival. All of this data goes into the WGFD JCR reports on Greater Sage-Grouse. To date, these methodologies combined with the existing research on how sage-grouse use the sage steppe habitats for breeding, nesting, brood-rearing, and now wintering have been how the Wyoming core habitats have been established. Since sage-grouse are a landscape species and in some cases are migratory, there will be portions of the habitat are considered low and high performance. A consideration of why this habitat is of high and low can be attributed to many factors. The setting aside of these broad swaths of land is important to capture all of the habitats necessary for the sagegrouse life stages and, to date, the leks counts are still the most efficient and effective way of determining population estimates for sage-grouse.

Sage-grouse

Best available information-baseline data

Maps

Comment ID: 1035
Organization: American Colloid Company
Name: Melody Smith

Comment: Restrictions based on broad scale habitat mapping with no site specific consideration options: Not all area within broad scale habitat mapping is suitable and/or critical habitat and management as such places an unnecessary burden on operations and socioeconomics.

Comment ID: 501
Organization: Environmental Protection Agency, Region 8
Name: Philip Strobel

Comment: Map 3-8: Sage-grouse Habitat shows the location of leks, Priority/Core Habitat and General Habitat, and Map 3-19: Sage-grouse Seasonal Habitat shows regional winter, nesting, and summer habitats. When comparing these two maps with the core habitat areas mapped by the State of Wyoming, it appears that there are a number of leks and some nesting and summer habitat areas that are not included as core habitat. In addition, we note that much of the winter habitat is located outside of core areas. This is understandable as the State determined the areas to be identified as core habitat based on lek locations in areas with relatively little development. However, we are concerned that the use of mapped core/priority areas as a basis for GRSG protection may not fully protect substantial winter habitat as well as potentially some occupied leks, nesting and summer habitat that have not been included in the core habitat areas. We recommend adding additional information to the Final LUPA/EIS to examine whether the lesser protections planned for general sage-grouse habitat compared to core/priority area sufficient to contribute to sustainable or increasing populations of sage-grouse.

Comment ID: 1037
Organization: American Colloid Company
Name: Melody Smith

Comment: Numerous references are made to restrictions on general habitat, outside of areas identified as core, connectivity or priority areas in the DEIS. Where is this area mapped? Lack of area definition poses unknown short term, long term and cumulative effects.

Comment ID: 2724
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-455 Comment: BLM should match traditional EIS practices and provide a map of the impact area and describe the impact area in reasonable detail.

Comment ID: 310
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are concerned that there are problems with the DEIS analysis regarding lands proposed for withdrawal from locatable mineral entry. Map 2-23 appears to portray a misleading picture of locatable mineral withdrawals, showing substantial areas withdrawn from locatable mineral entry. However, the impacts table for Alternative E states that impacts are the same as Alternative A, and the Actions for Alternative E states that no additional proposals for withdrawal are included in this alternative. And see Map 2-19. We agree with the direction in Map 2-23 as t

Comment ID: 3042
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-19, action 30, alt E: Map showing area indicates mitigation will be required in PAPA, which is outside core areas. Is this correct?

Comment ID: 2943
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Map 2-13. "Alternative E ROW Exclusion and Avoidance Areas" The Approved Resource Management Plan Amendments/Record of Decision for Designation of Energy Corridors on Bureau of Land Management-Administered Lands in the 11 Western States (BLM 2009) designated a Section 368 Energy Corridor through the Planning Area in the Rawlins Field Office (segment 78-138), which roughly parallels 1-80 to the south and then continues west through the area covered by the RMP. There is also a designated utility corridor that runs south from segment 78- 138, referred to as Segment 138-143. Therefore, none of the lands along these Section 368 Corridors should be classified as "ROW Avoidance Areas," as portions of these corridors are currently so designated on Map 2-13. This map must be updated. Further, there is no science or logic to support including a map that designates sage-grouse habitat ROW avoidance areas based on the location of historic trails. In addition, we suggest adding a new map that specifically shows the Section 368 Energy Corridors throughout the Planning Area, in addition to the transmission corridors identified in the Wyoming EO 2011-5.

Summary: Questions, comments, suggested edits on the Draft EIS maps: We are concerned that there are problems with the Draft EIS analysis regarding lands proposed for withdrawal from locatable mineral entry. Map 2-23 appears to portray a misleading picture of locatable mineral withdrawals, showing substantial areas withdrawn from locatable mineral entry. However, the impacts table for Alternative E states that impacts are the same as Alternative A, and the Actions for Alternative E states that no additional proposals for withdrawal are included in this alternative. See Map 2-19. Table 2-1, page 2-19, action 30, alt E: Map showing area indicates mitigation will be required in PAPA, which is outside core areas. Is this correct? We are concerned with restrictions based on broad scale habitat mapping with no site-specific consideration options. Map 2-13. "Alternative E ROW Exclusion and Avoidance Areas" A Section 368 Energy Corridor through the Planning Area in the Rawlins Field Office (segment 78-138), which roughly parallels 1-80 to the south and then continues west through the area covered by the LUP Amendments and a designated utility corridor that runs south from segment 78-138, referred to as Segment 138-143. None of the lands along these Section 368 Corridors should be classified as "ROW Avoidance Areas." This map must be updated. There is no science or logic to support including a map that designates sage-grouse habitat ROW avoidance areas based on the location of historic trails. Map 3-8: Sage-grouse Habitat shows the location of leks, Priority/Core Habitat and General Habitat, and Map 3-19: Sage-grouse Seasonal Habitat shows regional winter, nesting, and summer habitats. When comparing these two maps with the core habitat areas mapped by the State of Wyoming, it appears that there are a number of leks and some nesting and summer habitat areas that are not included as core habitat. In addition, we note that much of the winter habitat is located outside of core areas. We are concerned that the use of mapped core/priority areas as a basis for Greater Sage- Grouse protection may not fully protect substantial winter habitat as well as potentially some occupied leks, nesting and summer habitat that have not been included in the core habitat areas. There should be maps for the cumulative impact area.

Response: Map 2-23 has been clarified to depict areas “considered for withdrawal” and areas “recommended for withdrawal.” Map 2-13: There are portions of the Pinedale Anticline primarily along the flanks as well as Section 368 of the energy corridor within the Rawlins Field Office that are within the core area boundary, which is why it is included in the ROW restriction areas, all of the restrictions for these maps were clipped to the core area boundary that was developed by the State of Wyoming. The broad scale mapping is due to the allocation decisions concerning core habitat and therefore, the restriction includes all of the core habitat boundaries. Map 3-18/3-19: The map on 3-19 was developed by a model by the USGS

in order to map all of the breeding, nesting, brood rearing and wintering habitat of sage-grouse throughout Wyoming. Unfortunately some of the data sets that informed the model were more complete than others, meaning the WGFD has limited data on habitat types such as wintering. Unfortunately, because of the nature of a model this leads to inaccuracies in habitat designations. The map on 3-18 is based on known datasets which is why there is a discrepancy between the two maps. As WGFD and other entities collect seasonal habitat data over time the USGS model will become more accurate, unfortunately we are still collecting data on winter habitat use which is why this information is so limited at this time. Maps on the cumulative impact area are provided as part of the cumulative impact analysis in the Final EIS. This report analyzed the data from all of the LUP Amendments and revisions within WAFWA Management Zones I and II and is included in the Final EIS.

Sage-grouse

Best available information-baseline data

Other questions about document

Comment ID: 1487
Organization:
Name: Denise Langley

Comment: What years or the proximity thereof are the BLM, USFWS and the FS using for a Pre-Disturbance Baseline inventory? The FS likes to state the historical baseline as the year 1999 or close proximity to that. I disagree with that assessment and like to refer to at least 70 years ago as a scientific basis within the TBNG. In the mid-1940's there were 3 small prairie dog towns that were on private lands and the landowners managed to keep the rodents at a controlled size and in a specific area. Actual Historical Basis for monitoring should mean a much larger time line difference from the present day and as a solid basis for monitoring you will be able to compare more aerial photos for sagebrush vegetation and grouse habitat

Comment ID: 1483
Organization:
Name: Denise Langley

Comment: How does a pipeline have a negative effect on SG habitat if the construction is started after July 1 and finished for grow back the following growing season? Does the pipeline construction be it water, gas or oil count against the 5% only during the year of construction—this is not specified. If there will be a forced year or two of nonuse by the lessee will there be a cost reduction in fees to the lessee and other grass available for use? Will the decrease be for just during the construction phase? Will the pasture be available for that winter or the following year?

Comment ID: 1288
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Sage-grouse as a BLM "Special Status Species" is subject to protection under Manual 6840, the 2004 Strategy, unnecessary and undue degradation provisions under FLPMA §302(b), and the Endangered Species Act of 1973 (ESA,16 U.S.C. §1531, et seq.), and Wyoming BLM Mitigation Guidelines for Surface-disturbing and Disruptive Activities among others. AEMA acknowledges that BLM recognizes the existence of Manual 6840 (Ch. 3 at 3-235), but BLM fails to discuss whether BLM has implemented the policy or whether conservation actions pursuant the policy have been tracked or whether they have been effective or not.

Comment ID: 1840
Organization: Powder River Basin Resource Council
Name: Shannon Anderson

Comment: Third, your plan amendments must be fully enforceable. Reliance on best practices or voluntary management attributes is not enough. BLM and the Forest Service must have the staff in place to enforce this plan and the political will to make it happen. Specific best management practices must be identified and required as lease stipulations and conditions of approval for permitting, and permitting must stop if disturbance thresholds are reached. Please detail what management practices will be required and how BLM and the Forest Service will enforce this plan.

Summary: BLM recognizes the existence of Manual 6840 (Ch. 3 at 3-235), but BLM fails to discuss whether BLM has implemented the policy for sage-grouse or whether conservation actions pursuant the policy have been tracked or whether they have been effective or not. Please detail what management practices will be required and how BLM and the Forest Service will enforce this plan. 1) Where are the sage-grouse winter areas, what are the conditions of these areas, and what impacts is grazing and energy development having on these areas; (2) in Pinedale, where are grazing and energy development adversely affecting sage-grouse habitat, how, in what respect, and what are the current conditions; and (3) how are grazing and energy development "synergistically interacting" to impact sage-grouse habitat within the Pinedale field office, as well as the Kemmerer and other neighboring field offices. How does a pipeline have a negative effect on SG habitat if the construction is started after July 1 and finished for grow back the following growing season? Does the pipeline construction be it water, gas or oil count against the 5% only during the year of construction—this is not specified. If there will be a forced year or two of nonuse by the lessee will there be a cost reduction in fees to the lessee and other grass available for use? Will the decrease be for just during the construction phase? Will the pasture be available for that winter or the following year?

Response: The implementation of existing policies (the 6840 manual) regarding sage-grouse management is addressed in the analysis of the alternatives. All of the management actions outlined for each program area in this plan will be required upon completion of the ROD. Most of the sage-grouse winter areas throughout the State of Wyoming are currently being mapped by the WGFD, BLM and the Forest Service, therefore habitat conditions of these areas and the impacts of grazing and energy development have not been determined to date. BLM field offices such as Pinedale have been mapping these areas for the last several years, and are now in the process of collecting field data on the habitat conditions. Impacts to sage-grouse from pipelines and linear disturbances are described in Chapter 4.14. Any surface disturbing activity or removal of sagebrush habitat could impact sage-grouse. Areas where sagebrush has been removed will take more than one growing season to be reclaimed/restored, and will count against the 5% cap until such time that it is determined to be suitable sage-grouse habitat. The noise and human presence from any construction activities would be restricted during lekking or nesting/brood-rearing seasons, but sage-grouse using those habitats outside those restrictions may be forced to move to other habitat to avoid the construction activities.

Sage-grouse

Best available information-baseline data

Tall structures and fences

Comment ID: 883
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Tri-State requests that the BLM acknowledge in the Final EIS/Final LUPA that additional research is required to better understand the impacts of overhead facilities and other aboveground structures on sage-grouse populations, encompassing the potential for increased predation from raptor perching, right-of-way avoidance, collision risk, and habitat fragmentation. There are very few peerreviewed, experimental studies designed specifically to evaluate the landscape effects of tall structures on sage-grouse according to a review conducted by Utah Wildlife in Need, a non-profit foundation working in cooperation with Utah Department of Natural Resources and Rocky Mountain Power (2010). The Wyoming Greater Sage-Grouse Conservation Plan acknowledges that "there are few studies in peer-reviewed research that clearly address the impacts from overhead taller structures (such as raptor predation)". Despite this lack of information, the NTT report specifically identifies transmission lines as a significant threat to sage-grouse conservation. The significance of any impacts associated with transmission lines and their support structures are still unknown, and management recommendations in the revised Final LUPA/Final EIS should reflect this uncertainty.

Comment ID: 101
Organization:
Name: Nancy Schultz

Comment: The effects of structures, even fences are well documented. Above-ground power lines, communication towers, and other tall structures should be excluded from priority sage grouse areas to prevent the abandonment of important habitats;

Comment ID: 885
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Another issue that would benefit from additional research is the incidence of GrSG collisions with power lines. Collision events with transmission lines do occur and can result in the death of individual grouse, but population-level impacts have not been studied. Research has shown that fences seem to be of greater collision concern for grouse species than do overhead power lines. Tri-State supports fence markings as a mitigation measure for sage grouse, and has actively implemented this mitigation measure where applicable. Tri-State requests that the Agencies' Final EIS and Final LUPA consider the results of more recent and prospective studies on GrSG and power lines, and in the future utilize the principles of adaptive management to revise the management direction and recommendations as additional information becomes available. The availability of the science to date does not provide sufficient information for land management agencies across the West to make educated decisions relative to sage-grouse responses to aboveground structures. This lack of data has resulted in and could continue to exacerbate agency decisions that are not only infeasible for the electric utility industry (e.g., burying power lines), but also are not structured to support grouse in the long term. Increased communication among all the stakeholders is encouraged in order to identify how this process to obtain the applicable data should move forward.

Comment ID: 363
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Some conclusions of BLM analysis are misleading or downright erroneous. For example, BLM states that “Buffer distances between 0.25 mile and one mile from occupied leks could prevent perceived or actual threats to Greater Sage-Grouse from overhead predation from raptors or other predatory birds.” DEIS at 4-257. There are no published studies that indicate placement of a tall structure as close as 0.25 mile from an active lek will prevent increases in avian predation. Indeed, scientific studies referenced elsewhere in these comments and indeed recounted in other BLM impacts analyses indicate the negative

effects from raptors using tall structure can extend for four miles or more into surrounding habitat from these structures.

Comment ID: 2533
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: Sage-grouse collisions with power lines are uncommon, possibly due to the low flight behavior of the species. The UWIN sage-grouse/tall structures literature review documented incidental reports of sagegrouse mortality from power line collisions, but did not find any studies reporting collision mortality at a population level (UWIN 2010). Despite long-term surveys to evaluate avian electrocution and collision risks of power lines in sagebrush habitats throughout the Intermountain West, no collisions of sagegrouse have been documented (PacifiCorp, unpublished data, 2001-2013). Because of the low risk of collision, large-scale power line marking in sagebrush habitats is not likely to provide a measurable conservation benefit. However, if collisions are documented on a particular section of line, appropriate line marking methods could be implemented as part of a company's APP.

Comment ID: 2514
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: Recent studies have used radio-telemetry to assess impacts of energy infrastructure on sage-grouse. LeBeau (2012) investigated the impacts of wind facilities and an associated transmission line in Wyoming, and Nonne et al. (2013) released a final report of a lO-year study of a transmission line in Nevada. The Nonne study is currently the only long-term study conducted that specifically evaluates potential impacts of a power line on sage-grouse. The LeBeau study indicated that habitat quality is a significant influencer of sage-grouse occupancy, regardless of the presence of a transmission lin e. Sage-grouse selected for nesting habitat closer to transmission lines at Simpson Ridge, where the lines have existed for over 10 years and are within quality habitat. Also, female survival in the study area was greatest at closer proximity to the transmission lines. In February 2013, Nonne et al. released the final progress report of a 10-year research study of sagegrouse near the Falcon-Gondor transmission line in central Nevada. This report noted correlations between annual plant production, related to annual climatic fluctuations, and sagegrouse survival, reproductive success, and population growth. Wildfire impacts on habitat also influenced the population. The report found "no negative effects on demographic rates (i.e., male survival and movement, female survival, pre-fledging chick survival, and nest surviva l) that could be explained by an individual's proximity to the transmission line." Messmer et al. (2013), summarizes stakeholder workshop results and a literature related to sagegrouse and tall structures. The paper concludes that there are no peer-reviewed, published papers that address sage-grouse interactions with power lines using experimental design. Preliminary studies of radiotagged sage-grouse in Utah, also conducted by Utah State University, do not support a power line avoidance theory. The 2013 proposed Bi-State sage-grouse listing decision continues to reiterate anecdotal information and opinion, and misrepresent information in cited literature concerning sage-grouse and tall structures. APLIC encourages the BLM to consider the UWIN (2010) literature review and 2013 update (Messmer et al. 2013), as well as Walters et al. (2014) and apply valid scientific data in its review of the literature related to sage-grouse and tall structures.

Comment ID: 2532
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: Sage-grouse collisions with power lines are uncommon, possibly due to the low flight behavior of the species. The UWIN sage-grouse/tall structures literature review documented incidental reports of

sagegrouse mortality from power line collisions, but did not find any studies reporting collision mortality at a population level (UWIN 2010). Despite long-term surveys to evaluate avian electrocution and collision risks of power lines in sagebrush habitats throughout the Intermountain West, no collisions of sagegrouse have been documented (PacifiCorp, unpublished data, 2001-2013). Because of the low risk of collision, large-scale power line marking in sagebrush habitats is not likely to provide a measurable conservation benefit. However, if collisions are documented on a particular section of line, appropriate line marking methods could be implemented as part of a company's APP.

Comment ID: 2513
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: In 2010, Utah Wildlife in Need (UWIN), in partnership with the Utah Division of Wildlife Resources (UDWR), Rocky Mountain Power, and Utah State University (USU), conducted a literature review and held stakeholder workshops to identify existing science, document stakeholder concerns and research needs regarding sage-grouse and tall structures. UWIN found that, despite frequent references to tall structure impacts on sage-grouse, there were "no peer-reviewed, experimental studies designed specifically to evaluate the landscape effects of tall structures on sage-grouse." Rather, much of what has been cited is based on anecdotal information, opinion, or conclusions drawn from other grouse species in different habitats or with different energy industries. The stakeholder workshops identified a strong need for research to better understand the potential impacts of tall structures, and to identify appropriate and effective mitigation measures. The results of this UWIN effort, as well as a summary of literature related to sage-grouse and tall structures, were published by Messmer et al. (2013). Likewise, Walters et al. (2014) examined literature related to tall structures. They "did not detect any consistent response to tall structures" and did not find evidence to support the hypotheses that birds may respond negatively to novel tall structures on the landscape or that such structures pose an increased perceived predation risk.

Summary: There are no published studies that indicate placement of a tall structure as close as 0.25 mile from an active lek will prevent increases in avian predation; buffer distances required are much larger, up to four miles. Above-ground power lines, communication towers, and other tall structures should be excluded from priority sage-grouse areas to prevent the abandonment of important habitats. Additional science should be included to support this. Sage-grouse collisions with power lines are uncommon, possibly due to the low flight behavior of the species. Additional science should be included to support this. Nonne et al. 2013 found "no negative effects on demographic rates (i.e., male survival and movement, female survival, pre-fledging chick survival, and nest survival) that could be explained by an individual's proximity to the transmission line.

Response: The buffer distance for tall structures in addition to the other management in the LUP Amendments will provide habitat protection for sage-grouse populations and sage-grouse habitat. In November 2014 the USGS released Open-File Report 2014-1239 Conservation Buffer Disturbance Estimates for Greater Sage-Grouse – A Review. There is science to show that sage-grouse will avoid areas with tall structures since most Greater Sage-Grouse habitat is void of tall trees where predatory avian species perch and hunt. Avoidance is greater in areas where surface disturbance has taken place and adequate cover habitat is not present (Hagen 2011). Sage-grouse collisions with powerlines do occur, especially in areas with variable terrain; however collisions with fences and guy-wires are more frequent. The available version of the Nonne et al. study from 2013 cautioned that “many of the results we presented have not been subjected to peer review and should be considered preliminary” and therefore not considered in the LUP Amendments.

Sage-grouse

Best available information-baseline data

Use, consider, include specific research in the document

Comment ID: 1174
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: In 2004, BLM published its National Sage-Grouse Habitat Conservation Strategy ("Strategy").2 Among other commitments, this policy binds the BLM to "use the best available science and other relevant information to develop conservation efforts for sage-grouse and sagebrush habitats."3 WWP has referenced a number of scientific studies, compiled in the Literature Cited section of these comments, which BLM must read and consider in order to meet its obligation to "use the best available science" including publications specifically mandated under the Strategy.

Comment ID: 397
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Yates urges BLM to considered results of studies conducted by Ramey et al (2011) and Taylor et al (2007) in addressing the effects of oil and gas development on sage-grouse and sage-grouse habitat.

Comment ID: 263
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: we ask the BLM to gather each of the scientific articles referenced in the Literature Cited section of these comments, review them thoroughly and incorporate their findings into the EIS, and add them to the administrative record for this RMP revision.

Comment ID: 316
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: There has been significant new information since the adoption of the 2013 Record of Decision on the Oil Shale – Tar Sands Programmatic EIS regarding the efficacy of State of Wyoming sage grouse conservation measures, in the form of the approval of the Lost Creek In-Situ Uranium Mine inside a designated sage grouse Core Area. This is significant new information not considered by BLM in its OSTS PEIS, and which renders invalid the BLM's 2013 OSTS PEIS conclusion that state protocols for sage grouse protection could be relied upon to prevent significant impacts to sage grouse in the context of oil shale leasing and development.

Comment ID: 1180
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The U.S Fish and Wildlife Service will consider the Policy for Evaluating Conservation Efforts ("PECE Policy") as the yardstick to determine the adequacy of existing regulatory mechanisms when considering whether listing is warranted. Implementation must be certain and the proposed plan in question must be known to be effective. According to the PECE policy, "We will make this evaluation based on the

certainty of implementing the conservation effort and the certainty that the effort will be effective."5 The BLM must incorporate this certainty into the current planning effort.

Comment ID: 2058
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM states that: …Fragmentation causes a reduction in usable ranges and the isolation of smaller, less mobile species; a loss of genetic integrity within species or populations; and an increase in abundance of habitat generalists that are characteristic of disturbed environments (i.e., competitors, predators, and parasites) (Harris 1984)…(Ch.4 at 4-243, emphasis added) While the above statement may be true, the level of fragmentation which results in the adverse effects described by BLM varies widely among species; and it is inappropriate to assume that all fragmentation will result in adverse impacts to sage-grouse, especially in light of recent work conducted by Dr. Robert Zink which shows that genetic data do not support the population predictions cited in the NTT Report and the DLUPA/DEIS. Zink's study, currently undergoing peer review, is the first study to link estimates of population trends with available genetic data and reveals that common genetic expectations of population reductions were not observed in the data.20

Comment ID: 1177
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The BLM National Sage-grouse Habitat Conservation Strategy is entitled "Guidance for the Management of Sagebrush Plant Communities for Sage-Grouse Conservation," and hence is directly applicable to the instant planning area. The Strategy includes a host of enforceable limitations and requirements on livestock grazing to protect sagebrush habitats, and to maintain, enhance or restore sagebrush habitat, including: • Avoid constructing livestock management facilities (i.e., corrals, tanks, troughs, pipelines, fences, etc.) next to leks; • Design and locate the placement of fences for livestock . . . so as not to disturb important sagegrouse habitat areas; • Consider seasonal closures to protect priority sage-grouse habitat if other alternatives will not achieve desired objectives; • Use grazing practices that promote the growth and persistence of native shrubs, grasses and forbs needed by sage-grouse for seasonal food and concealment. . . Vegetation structure (height) should be managed so as to provide adequate cover for sage-grouse during the nesting period; • Maintain seeps, springs, wet meadows, and riparian vegetation in a functional and diverse condition for young sage-grouse; • Maintain sagebrush and understory diversity . . . adjacent to crucial season sage-grouse habitat unless removal is necessary to achieve sage-grouse habitat management objectives; 18 • Where other grazing management options are not achieving, or cannot achieve, the desired objectives, a short-term option may be livestock exclusion.4 These measures must be directly incorporated in the current plan for the DLUPA/DEIS to comply with the agency's own regulation.

Comment ID: 243
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We would ask the responsible official to consider the findings of Kirol (2012), which found for his study area immediately north of the planning area that surface disturbance greater than or equal to 4% of the land area had a significant negative impact on greater sage grouse brood rearing habitat.

Comment ID: 655
Organization: Anadarko
Name: David Applegate

Comment: The agencies have added a number of sage-grouse non-core mitigation measures for which no analysis is provided. The agencies do not analyze the reduced access or operational windows associated with these restrictions. The agencies have a duty as stewards of public lands to manage those lands on a multi-use basis and in accordance with sound science and information. Anadarko finds certain management stipulations, further outlined in the following comments, which are not based on sound science or facts and extend beyond necessary protections to the detriment of the potential recovery of public oil and gas resources.

Comment ID: 356
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are concerned that BLM has inappropriately relied heavily on unpublished WGFD recommendations that have not passed peer review (Bohne et al. 2007) to inform its management of livestock grazing. See, e.g, DEIS at 3-240. Bohne et al. (2007) is not the best available science on the subject matter in question, and indeed is not itself science but a review of published science. Published articles (Gregg et al. 1994, Connelly et al. 2000a, Hagen et al. 2007, Kaczor 2008, Kaczor et al. 2011) recommend a minimum of at least 18 cm stubble height to provide cover for sage grouse, and these represent the best (indeed, only) available science on that subject.

Comment ID: 541
Organization: Anadarko
Name: David Applegate

Comment: Current scientific information discussed herein establishes that sage-grouse populations in the planning area are not at as great a risk as once considered. This updated and crucial information must be incorporated in to the planning decisions and proposed mitigations of the Draft LUPA.

Comment ID: 543
Organization: Anadarko
Name: David Applegate

Comment: Review of available lek count data and historical hunting harvest rates indicate sage-grouse populations are stabilizing and, in fact, are likely to increase in the future without further restriction on oil and gas activity and development. This is due to a combination of factors including: (1) the Wyoming Core Area Policy, (2) BMPs used by the oil and gas industry, and (3) changes in the management of hunter harvest rates as implemented since the mid-1990s, which are discussed in more detail below. The foundational study3 referenced in multiple locations throughout the Draft LUPA and supporting studies and information drawn from in developing the Draft LUPA predicting future decreasing population trends for sage-grouse is demonstrably flawed and fails to account for historical hunting harvest data. The agencies must recommend land management practices not derived from past flawed data, but on current more accurate data as presented herein.

Comment ID: 544
Organization: Anadarko
Name: David Applegate

Comment: Anadarko suggests that historical sage-grouse population estimates developed by Garton et al. (2011) correlate with periods of potential overharvest as shown in Figure 2. Unfortunately upon review significant changes in hunting regulations which changed overall hunting related mortality from additive to compensatory was not considered in projecting future populations. Garton's 2011 work presents a "static"

scenario whereby ecological pressures of the past are expected to remain stable throughout time. This assumption warrants significant caution in the reader's interpretation of results and certainly the agencies should conservatively evaluate its applicability in management decisions.

Comment ID: 398
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Yates urges BLM to considered results of studies conducted by Ramey et al (2011) and Taylor et al (2007) in addressing the effects of oil and gas development on sage-grouse and sage-grouse habitat.

Comment ID: 603
Organization: Anadarko
Name: David Applegate

Comment: Sage-grouse population modeling data relied upon in the Draft LUPA is inaccurate, raising concerns that the management decisions based on the modeling is overly burdensome and unreasonable given the actual facts.One important observation from the reported data is the low r2 values for bestfit models selected. Each of the models used has an r2 value less than 0.5, indicating per the authors that "Even the best stochastic growth models in our analyses did not explain 50% of the variation in annual rates of change." Table 2 further demonstrates that sage-grouse population changes are not well-represented over the last two decades by a constant rate of decline curve. Table 2 compares sage-grouse males counted at leks in 2007 versus the estimated number of males as predicted by the statistical modeling exercise. Illustrative of the flaws of the Garton modeling that has been used to predict sage-grouse population viability, Table 2 shows that the modeled lek count value for the Wyoming Basin SMZ is 21,954 male sage-grouse in 2007, when in reality the actual count of sagegrouse males in 2007 was 42,429 – nearly twice as high as the modeled value.

Comment ID: 1472
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: An agency has a duty to adequately ensure the professional and scientific integrity of the discussions and analyses in an EIS. See 40 CFR 1502.24. However, this DEIS relies on outdated data or methodologies and does not sufficiently quantify or detail information to support scientific and other impact analysis conclusions and discussions in the DEIS. In particular, the DEIS relies on incomplete information to make conclusions. Agencies must make clear if they lack complete information for the EIS. See 40 CFR 1502.22. Where information is needed, agencies must obtain the information unless the means to obtain it are unknown or is prohibitively expensive to obtain. Id. At 1502.22(b). The final EIS should make this ambiguity clear in light of the duty to adequately disclose or describe the limitations, assumptions, and applicability of modeling or methodologies used in the EIS. See, e.g., Lands Council v. Powell, 395 F.3d 1019, 1032 (9th Cir. 2005)

Comment ID: 596
Organization: Anadarko
Name: David Applegate

Comment: The agencies imposing management structures and mitigation for the species must consider the data Anadarko presents here -- that simply combines published datasets in a format that should have been explored earlier by the FWS. Reliance solely on Garton et al. (2011) modeling conclusions renders arbitrary, scientifically erroneous, management decisions.. Forward looking projections based on that

modeling effort are predicated upon an assumption of decline constancy that correlates well with the significant pressures of past overharvest but which appear overly pessimistic in light of more recent changes in species harvest rates. The fundamental nature of the modeling exercise and assumptions it is built upon demand caution in its utilization as a tool by which management decisions should be based.

Comment ID: 605
Organization: Anadarko
Name: David Applegate

Comment: In summary, earlier scientific information based population predictions on a constant rate of decline that in retrospect is flawed. This constancy is represented in Figure 5 above, where the log linear decline curve of negative 3.4 percent as suggested by Garton et al (2011) is employed to project forward populations, hardwiring the population to go to extinction levels in the future. If historical decline rates have not been constant, then future rates of annual decline cannot be based on an assumption of a constant rate of decline over the previous 42-year period. Garton et al. (2011) recognized this limitation when they noted "Forecasting future viability requires the assumption that future conditions will continue the same trajectory or trend observed in the past. We reiterated this assumption repeatedly in our presentation of results." The agencies have incorrectly relied on Garton et al. (2011) for modeled future population trends and fashioned mitigation measures to address supposed downward trends. See Draft LUPA at 4-489, 4-492. With the information presented herein, the agencies should re-examine the necessary mitigation measures based on the updated information on sage-grouse populations.

Comment ID: 396
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Other, more recent GSG research has been completed that is inconsistent with (or contradicts) several findings and conclusions contained within the studies relied upon by the BLM in the development of the Alternatives provided in the Draft LUPA and EIS. A review of recently conducted research evaluating the impact of oil and gas operations on GSG behavior and GSG habitat clearly indicates there is disagreement as to the extent of such impacts. Yates urges BLM to consider all sources and research in its analysis.

Comment ID: 873
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: This effort should include consideration of important, new information concerning sage-grouse and sagebrush steppe. The following new information related to sage-grouse and sagebrush steppe was published during preparation of the draft Wyoming plan and should be considered in the final plan, as appropriate. 6. Taylor, R. L., J. D. Tack, D. E. Naugle, L. S. Mills. 2013. Combined effects of energy development and disease on greater sage-grouse. PLoS ONE 8(8): e71256. doi:10.1371/journal.pone.0071256. Available at http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0071256. • The predicted cumulative impact of dense fluid minerals development (3.1 wells/km2) and West Nile virus outbreaks on greater sage-grouse quadrupled inactivity at leks in northeast Wyoming compared to the individual impacts of development or disease. Noting the deleterious effects of cumulative impacts on sage-grouse, the researchers concluded that "conservation measures should maintain sagebrush landscapes large and intact enough so that leks are not chronically reduced in size due to energy development, and therefore vulnerable to becoming inactive due to additional stressors." They also advised "placing new developments outside of core [habitat] areas has the greatest likelihood of sustaining [sage-grouse] populations."

Comment ID: 601
Organization: Anadarko
Name: David Applegate

Comment: Another critical set of data that must be considered is hunting harvest rates. Taking historical hunting harvest rates into account, the trends forward from 1995 may represent the best scientifically available data from which to make persistence projections. As indicated above on Figures 1a and 1b, this more recent data suggest that sage-grouse populations overall are relatively stable to increasing. In fact, the Wyoming Game and Fish Department ("WGFD") has produced analyses that run counter to the Garton et al. (2011) projections.

Comment ID: 874
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: This effort should include consideration of important, new information concerning sage-grouse and sagebrush steppe. The following new information related to sage-grouse and sagebrush steppe was published during preparation of the draft Wyoming plan and should be considered in the final plan, as appropriate. 7. Blickley, J. L., K. R. Word, A. H. Krakauer, J. L. Phillips, S. N. Sells, C. C. Taff, J. C. Wingfield, G. L. Patricelli. 2012. Experimental chronic noise is related to elevated fecal corticosteroid metabolites in lekking male greater sage-grouse (*Centrocercus urophasianus*). PLoS ONE 7(11): e50462. doi:10.1371/journal.pone.0050462. • Anthropogenic noise from energy development and roads can cause greater sage-grouse to avoid otherwise suitable habitat and increase stress responses in birds that do remain, which could affect disease resistance, survival and reproductive success. The effects of noise from many common activities in the sagebrush biome significantly expands the human footprint on the landscape and impacts on sage-grouse.

Comment ID: 1493
Organization: Larson Livestock, Inc.
Name: Carl Larson

Comment: Predators – The Uinta County Predator Management Board, the Lincoln County Predator Management Board and the Predatory Animal District of Sweetwater County are cooperating in studies with Dr. Michael R. Conover and the Department of Wildland Resources, Utah State University, Logan Utah. The purpose of these studies is to understand the relationship of predators to the Greater Sage-Grouse in southwestern Wyoming. Two published reports are available and we request these reports be included in the information used to complete your Sage-Grouse Land Use Plan Amendments (SGLUPA) and the EIS. These reports are as follows: 1. "GREATER SAGE-GROUSE SELECT NEST SITES TO AVOID VISUAL PREDATORS BUT NOT OLFACTORY PREDATORS" - Michael R. Conover, Jennifer S. Borgo, Rebekah E. Dritz, Jonathan B. Dinkins and David K. Dahlgren. 2. "GREATER SAGE-GROUSE (*CENTROCERCUS UROPHASIANUS*) SELECT NEST SITES AND BROOD SITES AWAY FROM AVIAN PREDATORS" - Jonathan B. Dinkins, Michael R. Conover, Christopher P. Kirol and Jeffrey L. Beck. There was a report of another study which may be underway in the Big Horn Basin of northern Wyoming, and which we request also be a part of the information you use in your SGLUPA & EIS. This report was in the July 23, 2011 edition of the "Wyoming Livestock Roundup". The article was called "Tracking Predators". The first three paragraphs of the article state, "Beginning as a simple suggestion from area conservation districts, a Wildlife Services-led study in the Big Horn Basin looking at predators and sage grouse has now become a multi-agency effort with the potential to be a five-year project. Although the study just began last April, USDA APHIS Wildlife Services (WS) Northwest District Manager, Jim Pehringer says they've already collected a lot of information. The purpose of the project is to identify the

major predators of sage grouse in every phase of the year, says Pehringer, adding that the study also assesses the affects of human impacts on sage grouse, as well as what habitats the birds prefer."

Comment ID: 875
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: This effort should include consideration of important, new information concerning sage-grouse and sagebrush steppe. The following new information related to sage-grouse and sagebrush steppe was published during preparation of the draft Wyoming plan and should be considered in the final plan, as appropriate. 8. Howe, K. B., P. S. Coates, D. J. Delehanty. 2014. Selection of anthropogenic features and vegetation characteristics by nesting Common Ravens in the sagebrush ecosystem. Condor 116: 35-49. • The proximity of transmission lines was, among other factors, predictive of nest location for common ravens in/near sagebrush steppe. The research supports other findings that transmission lines subsidize ravens, a predator of sage-grouse. 9. Arkle, R. S., D. S. Pilliod, S. E. Hanser, M. L. Brooks, J. C. Chambers, J. B. Grace, K. C. Knutson, D. A. Pyke, J. L. Welty, T. A. Wirth. 2014. Quantifying restoration effectiveness using multi-scale habitat models: implications for sage-grouse in the Great Basin. Ecosphere 5(3): 1-32. Available at www.esajournals.org/doi/abs/10.1890/ES13-00278.1.

Comment ID: 872
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: This effort should include consideration of important, new information concerning sage-grouse and sagebrush steppe. The following new information related to sage-grouse and sagebrush steppe was published during preparation of the draft Wyoming plan and should be considered in the final plan, as appropriate.5. Copeland, H. E., A. Pocewicz, D. E. Naugle, T. Griffiths, D. Keinath, J. Evans, J. Platt. 2013. Measuring the effectiveness of conservation: a novel framework to quantify the benefits of sage-grouse conservation policy and easements in Wyoming. PLoS ONE 8(6): e67261. doi:10.1371/journal.pone.0067261. Available at www.plosone.org/article/fetchObject.action?uri=info%3Adoi%2F10.1371%2Fjournal.pone. 0067261&representation=PDF. • Modeling indicates that the Wyoming sage-grouse core area conservation strategy, fully applied, plus $250 million invested in targeted conservation easements, would slow, but not stop projected sage-grouse population declines in the state. The Wyoming core area policy prohibits or restricts surface occupancy within 0.6 miles of sage-grouse leks, generally limits development to one site per 640 acres, and limits cumulative surface disturbance to 5 percent per 640 acres in core habitat.

Comment ID: 871
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: This effort should include consideration of important, new information concerning sage-grouse and sagebrush steppe. The following new information related to sage-grouse and sagebrush steppe was published during preparation of the draft Wyoming plan and should be considered in the final plan, as appropriate. 4. Reisner, M. D., J. B. Grace, D. A. Pyke, P. S. Doescher. 2013. Conditions favouring Bromus tectorum dominance of endangered sagebrush steppe ecosystems. Journal of Applied Ecology, available at http://onlinelibrary.wiley.com/doi/10.1111/1365-2664.12097/pdf. • Cattle grazing exacerbates cheatgrass (Bromus tectorum) dominance in sagebrush steppe by decreasing bunchgrass abundance, shifting and limiting bunchgrass composition, increasing gaps between perennial plants, and trampling biological soil crusts. Grazing was also not found to reduce cheatgrass cover, even at the highest grazing intensities.

Comment ID: 870
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: This effort should include consideration of important, new information concerning sage-grouse and sagebrush steppe. The following new information related to sage-grouse and sagebrush steppe was published during preparation of the draft Wyoming plan and should be considered in the final plan, as appropriate. 3. Patricelli, G. L., J. L. Blickley, S. L. Hooper. 2012. The impacts of noise on greater sagegrouse: a discussion of current management strategies in Wyoming with recommendations for further research and interim protections. Unpublished report. Prepared for the Bureau of Land Management, Lander Field Office and Wyoming State Office, Cheyenne and Wyoming Game and Fish Department; available at http://www.wy.blm.gov/jiopapo/papo/wildlife/reports/sagegrouse/ 2012sgNoiseMon.pdf. • Maximum noise levels from land use and development allowed under the Wyoming state sagegrouse core area policy near sage-grouse leks and other habitat are untested, may be difficult to measure, and may be too high to support sage-grouse conservation within and outside core areas.

Comment ID: 868
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: This effort should include consideration of important, new information concerning sage-grouse and sagebrush steppe. The following new information related to sage-grouse and sagebrush steppe was published during preparation of the draft Wyoming plan and should be considered in the final plan, as appropriate. 1. Beschta, R. L., D. L. Donahue, D. A. DellaSala, J. J. Rhodes, J. R. Karr, M. H. O'Brien, T. L. Fleischner, C. Deacon-Williams, Cindy. 2012. Adapting to climate change on western public lands: addressing the ecological effects of domestic, wild, and feral ungulates. Environmental Management, available at http://fes.forestry.oregonstate.edu/sites/fes.forestry.oregonstate.edu/files/PDFs/Beschta/ Beschta_2012EnvMan.pdf. • Domestic livestock and other ungulates alter vegetation, soils, hydrology, and wildlife species composition and abundances that exacerbate the effects of climate change on western landscapes. Removing or reducing livestock grazing across large areas of public land would alleviate a widely recognized and long-term stressor and make ecosystems less susceptible to the effects of climate change.

Comment ID: 869
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: This effort should include consideration of important, new information concerning sage-grouse and sagebrush steppe. The following new information related to sage-grouse and sagebrush steppe was published during preparation of the draft Wyoming plan and should be considered in the final plan, as appropriate. 2. Knick, S. T., S. E. Hanser, K. L. Preston. 2013. Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range, U.S.A. Ecology and Evolution, available at http://onlinelibrary.wiley.com/doi/10.1002/ece3.557/pdf. • Sage-grouse require sagebrush-dominated landscapes containing minimal levels of anthropogenic disturbance. Ninety-nine percent of remaining active sage-grouse leks were in landscapes with less than 3 percent disturbance within 5 km of the lek, and 79 percent of the area within 5 km was in sagebrush cover.

Comment ID: 641
Organization: Anadarko
Name: David Applegate

Comment: Although CBNG development due to its localized nature throughout the range of sage-grouse is not a good indicator of range-wide gas development activities in the past or the foreseeable future, one area of Wyoming where this type of gas development was significant is the PRB. Hence, a detailed analysis of oil and gas activity as it relates to sage-grouse populations and lek persistence is warranted to clarify actual impacts from outdated assumptions.

Comment ID: 454
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Defenders urges the BLM to adopt adequate conservation measures based on the best available science in the final plan to conserve sage-grouse and their habitat in Wyoming. This effort should include consideration of important, new information concerning sage-grouse and sagebrush steppe. The following new information related to sage-grouse and sagebrush steppe was published during preparation of the draft Wyoming plan and should be considered in the final plan, as appropriate. 1. Beschta, R. L., D. L. Donahue, D. A. DellaSala, J. J. Rhodes, J. R. Karr, M. H. O'Brien, T. L. Fleischner, C. Deacon-Williams, Cindy. 2012. Adapting to climate change on western public lands: addressing the ecological effects of domestic, wild, and feral ungulates. Environmental Management, available at http://fes.forestry.oregonstate.edu/sites/fes.forestry.oregonstate.edu/files/PDFs/Beschta/ Beschta_2012EnvMan.pdf. 2. Knick, S. T., S. E. Hanser, K. L. Preston. 2013. Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range, U.S.A. Ecology and Evolution, available at http://onlinelibrary.wiley.com/doi/10.1002/ece3.557/pdf. 3. Patricelli, G. L., J. L. Blickley, S. L. Hooper. 2012. The impacts of noise on greater sagegrouse: a discussion of current management strategies in Wyoming with recommendations for further research and interim protections. Unpublished report. Prepared for the Bureau of Land Management, Lander Field Office and Wyoming State Office, Cheyenne and Wyoming Game and Fish Department; available at http://www.wy.blm.gov/jiopapo/ papo/wildlife/reports/sagegrouse/ 2012sgNoiseMon.pdf. 4. Reisner, M. D., J. B. Grace, D. A. Pyke, P. S. Doescher. 2013. Conditions favouring Bromus tectorum dominance of endangered sagebrush steppe ecosystems. Journal of Applied Ecology, available at http://onlinelibrary.wiley.com/doi/10.1111/1365-2664.12097/pdf. 5. Copeland, H. E., A. Pocewicz, D. E. Naugle, T. Griffiths, D. Keinath, J. Evans, J. Platt. 2013. Measuring the effectiveness of conservation: a novel framework to quantify the benefits of sagegrouse conservation policy and easements in Wyoming. PLoS ONE 8(6): e67261. doi:10.1371/journal.pone.0067261. Available at www.plosone.org/article/fetchObject.action?uri=info%3Adoi%2F10.1371%2Fjournal.pone. 0067261&representation=PDF. 6. Taylor, R. L., J. D. Tack, D. E. Naugle, L. S. Mills. 2013. Combined effects of energy development and disease on greater sage-grouse. PLoS ONE 8(8): e71256. doi:10.1371/journal.pone.0071256. Available at http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0071256. 7. Blickley, J. L., K. R. Word, A. H. Krakauer, J. L. Phillips, S. N. Sells, C. C. Taff, J. C. Wingfield, G. L. Patricelli. 2012. Experimental chronic noise is related to elevated fecal corticosteroid metabolites in lekking male greater sage-grouse (*Centrocercus urophasianus*). PLoS ONE 7(11): e50462. doi:10.1371/journal.pone.0050462. 8. Howe, K. B., P. S. Coates, D. J. Delehanty. 2014. Selection of anthropogenic features and vegetation characteristics by nesting Common Ravens in the sagebrush ecosystem. Condor 116: 35-49. 9. Arkle, R. S., D. S. Pilliod, S. E. Hanser, M. L. Brooks, J. C. Chambers, J. B. Grace, K. C. Knutson, D. A. Pyke, J. L. Welty, T. A. Wirth. 2014. Quantifying restoration effectiveness using multi-scale habitat models: implications for sage-grouse in the Great Basin. Ecosphere 5(3): 1-32. Available at www.esajournals.org/doi/abs/10.1890/ES13-00278.1.

Comment ID: 2586
Organization: Power Company of Wyoming LLC

Name: Garry L. Miller

Comment: Greater Sage-Grouse, Chapter 4.14, Special Status Species Page 4-257 contains the following paragraph: Greater Sage-Grouse will avoid and abandon areas where overhead structures, such as power lines, occur due to the increased risk of predation from raptors; and are also at risk of collisions with vehicles, guy-wires, and fences (Walker et a1. 2007). Habitat that Greater Sage-Grouse use for leks is within elevated or flat grassland sites with few vertical obstructions, areas that are also prime lands for the installation of wind turbines (Strickland et a1. 201l). Although there is no conclusive evidence that wind energy developments cause reductions in Greater Sage-Grouse lek numbers, because the species is sensitive to disturbance and habitat fragmentation, there is a high likelihood that Greater Sage-Grouse would be impacted by wind energy development. First, there is no scientific support or citations to back up the claim that "there is a high likelihood that Greater Sage-Grouse would be impacted by wind energy development," which should be addressed in the Final LUPA/EIS or deleted. Second, as documented by Terry A. Messmer et al in Stakeholder Contemporary Knowledge Needs Regarding the Potential Effects o/Tall Structures on Sage-Grouse (Messmer et al. 2013) there are no peer-reviewed, experimental studies reported in the scientific literature that specifically document increased avoidance or predation on sage-grouse because of the construction, operation, and maintenance of tall structures, such as transmission lines or wind turbines; however, recent unpublished reports have begun to address this issue, A recent report (Nonne et al. 2013) from the University of Nevada at Reno discussed impacts to sage-grouse from the Falcon-Gondor transmission line in Nevada. Messmer et a1. (2013) summarizes the results of the study as follows: Nonne et al. (2013) reported the results of a study that used pre- and post-construction telemetry data to assess the potential impacts of a transmission line on sage-grouse populations. They conducted a 10-year study of sage-grouse dynamics in response to a transmission line in central Nevada and reported that habitat conditions had the greatest effect on sage-grouse nest and brood success and overall survival in their study areas than did proximity to the power line. The report found "no negative effects on demographic rates (i.e., male survival and movement, female survival, pre-fledging chick survival, and nest survival) that could be explained by an individual's proximity to the transmission line." They found no evidence that predation increased close to the line, as nest survival and female survival were similar across all distances evaluated (Nonne et a1. 2013). The role of micro-habitat structure and annual landscape-scale v3liatioD in weather in sage-grouse nest and brood site selection and nest and brood success in xeric habitats has also been reported by Coates and Delehanty (2010), Kirol et al. (2012), LeBeau (2012), Guttery et al. (2013), and Robinson and Messmer (2013). By not considering Messmer et a1. (2013) and Nonne et al. (2013), the Draft LUPNEIS fails to use best available scientific information. BLM also fails to consider and discuss opposing, responsible scientific views. For the Final LUPA/EIS, BLM must consider and incorporate all best available scientific information including Messmer et al. (2013) and Nonne et al. (2013). Third, as the BLM notes, "there is no conclusive evidence that wind energy developments cause reductions in Greater Sage-Grouse lek numbers." As we noted in our previous comments, neither has the BLM disclosed the relatively limited surface disturbance associated with wind projects. 111US the necessary data has not been presented that justify a management action of precluding or reducing wind turbines in habitats as outlined in Management Objectives for Alternatives D and E, page 2-14.

Summary: Please use the scientific information, studies, protocols, strategy, and other documentation listed in the comment letters.

Response: 2550: The Wyoming Greater Sage-Grouse Core Strategy bases the surface disturbance cap on using the DDCT to analyze existing surface disturbance. Kirol et al 2012 Microhabitat selection for nesting and brood-rearing by the Greater Sage-Grouse in xeric big sagebrush paper found that sage-grouse inhabiting xeric sagebrush habitats rely on sagebrush cover and grass structure for nesting as well as brood-rearing and that at the microhabitat scale these structural characteristics may be more important than forb availability. Therefore, in xeric sagebrush, practices designed to increase forb production by markedly reducing sagebrush cover as a means to increase sage-grouse productivity, may not be justified. This study

was not designed to determine a disturbance cap in sage-grouse nesting and brood rearing habitat. 2551, 2554 and 2557: We have included the most recent research in the administrative record. BLM and Forest Service used the best available science to prepare and analyze the LUP Amendments. Some science/information provided was published following the preparation or release of the LUP Amendments. The new information does not present a seriously different picture of the impacts, and/or that the information submitted/used in the Proposed LUP Amendments would not result in impacts that were not previously considered and analyzed within the spectrum of the alternatives in the Draft EIS. 2552: p 2-2 and 2-3 address the Oil Shale PEIS and states that: "limit the scope of the decisions supported by the development of the PEIS to an allocation decision." This land use allocation does not authorize any future lease or development proposal. The current experimental state of the oil shale and tar sands industries does not allow the LUP Amendments to include sufficient specific information or cumulative impact analyses to support future leasing decisions within these allocated lands. Accordingly, both the 2008 and 2013 Oil Shale and Tar Sands PEISs make clear that prior to any actual oil shale leasing, additional NEPA and other applicable analyses will be required. Those analyses could result in decisions not to lease in specific areas or to lease in particular areas with stipulations, such as stipulations precluding surface disturbance. 2553: The Chapter 4 special status species section for Greater Sage-Grouse has included the research results of the Connelly and Hagen papers in the analysis. The BLM believes that a better approach of addressing the stubble height issue is ensuring that the standards and guidelines under our rangeland management regulations as well as the new management actions using ESDs in our monitoring protocols is a better course of management than a one size fits all stubble height requirement on our rangelands across the State of Wyoming where we have varying rangelands conditions and moisture regimes that could accommodate such a stubble height regardless of the potential pressures of livestock grazing. 2558: The assessments of the population trends have been addressed by the WGFD and included in our Chapter 3 analysis. The function of this document is to address the new management actions regarding sage-grouse and analyze their impacts to current and future management on BLM/Forest Service lands. 2559, 2560, 2563, 2064: The population trend data is provided by the WGFD, wildlife management. The core area strategy takes into account current and future land management techniques that account not only for the conditions and amount of intact habitat across the landscape for future population changes as well as direct and indirect impacts to sage-grouse throughout their life history. The population trends as well as the current management situation has been taken into account by the State of Wyoming as well as the USFWS in the pending listing decision. 2561, 2562, 2563, 2564: The WGFD and the USFWS are analyzing all components of risks to sagegrouse and population trends, not solely hunter harvest data; the largest component in the State of Wyoming is habitat loss and degradation. The lack of appropriate regulatory mechanisms in the BLM and Forest Service plans was effectively one of the most compelling reasons under the ESA listing requirements to consider Greater Sage-Grouse for listing under the ESA. The BLM and Forest Service have no authority to regulate hunting seasons or set hunting numbers, this is strictly a function of each state.The information is still valid to cite despite that the measures in this plan are projected to change those outcomes because they haven't been fully implemented on federal lands. These models and research cited represent the current conditions on a landscape basis and are projecting the population levels within the Management Zone. 2565: This plan does analyze the impacts of oil and gas development, we have provided the RFD for conventional oil and gas development in table 2-3 and analyzed this information in Chapter 4. This project area does have limited CBM potential but the analysis does not overshadow that of the conventional oil and gas development. The Powder River Basin CBM development and the impacts to this project area will be further analyzed in the cumulative impacts report that will be available in the Final EIS. 2566: p 4- 104 through 112 of the minerals and energy section does analyze the impacts of management actions that are applied to general habitat within this plan. 2572, 2574: The BLM complied with these regulations in describing the affected environment. The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decision. The affected environment provided in Chapter 3 and various appendices in the Draft EIS is sufficient to support, at the general land use planning-level of analysis, the environmental impact analysis resulting from management actions presented in the LUP Amendments/EIS. The analysis of economic impacts of management alternatives through effects on

the oil and gas industry is based on projected development over the planning horizon, not on the baseline data used. The baseline data serves as a reference for the relative magnitude of impacts and BLM and Forest Service do not expect the difference in impacts across alternatives to be meaningfully altered by updating the baseline. 2576: The management action in the Preferred Alternative E contain these themes in the livestock grazing management sections MAs 44-54 and the Riparian Management section MAs 55-57. 2577: The USFWS is a cooperator on this plan and has been reviewing and providing input on the management actions and the certainty of the implementation of these management actions throughout the development of the Draft EIS and now the Final EIS. 2580: The CEQ regulations require an environmental impact statement to "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues" (40 CFR 1502.15). Additionally, this EIS is a programmatic NEPA effort to conserve Greater Sage-Grouse and its habitat across a broad geographic area. The BLM and the Forest Service described the current conditions and trends in the affected environment broadly, across a range of conditions, appropriate to programlevel land use planning actions. The BLM has done the comparative analysis required by the CEQ by analyzing all alternatives against the baseline Alternative A. In order to comply with the CEQ guidance to avoid useless bulk analysis may reference back to analysis already described for previous alternatives rather than repeat the same analysis and add additional bulk to the document (e.g., Alternative E impacts are similar to Alternative B). The BLM and the Forest Service gathered the necessary data essential to make a reasoned choice among the alternatives analyzed in detail in the Draft LUP Amendments/Draft EIS, and provided an adequate analysis that led to an adequate disclosure of the potential environmental consequences of the alternatives in Chapter 4. As a result, the BLM and the Forest Service have taken a "hard look," as required by the NEPA, at the environmental consequences of the alternatives in the Draft LUP Amendments/Draft EIS to enable the decision maker to make an informed decision. Finally, the BLM and the Forest Service have made a reasonable effort to collect and analyze all available data. Absolutely essential habitat areas were identified in the Wyoming Governor's Core Area strategy as core habitat areas. Further identifications included connectivity and general habitat areas.

Sage-grouse

Best available information-baseline data

Wild horses are compatible with sage-grouse

Comment ID: 94
Organization:
Name: Kay Lightner

Comment: Further, this does not mean this is an excuse for the BLM to round up the wild horses and burros -- they are not the problem. Commercial use and petroleum ventures are the culprits.

Comment ID: 85
Organization:
Name: Elizabeth Watts

Comment: Please also know that wild horses and burros can live in harmony with these birds, so please do not allow support for the birds negatively impact the wild horses.

Comment ID: 51
Organization:

Name: Cheryl Sloan

Comment: PLEASE NOTE...WILD HORSES AND SAGE GROUSE HAVE LIVED TOGETHER FOR CENTURIES..HOWEVER YOU MIGHT CHECK FOR CATTLE... AND PEOPLE...AN OBVIOUS ENVIRONMENTAL THREAT.

Comment ID: 2759
Organization:
Name: Carol Kyer

Comment: Stop round ups now and forever, stop selling our wild horse to kill buyers, stop letting cattle graze on public land. Let the ranchers feed their own cattle on their own land and pay property tax like the rest of us have to. If the horse is a problem as you say it is for the grouse (a lie) well then the cattle that out number the horse 50 to 1 will even do more damage to the grouse than the horse has , as you and the cattle ranchers say is being done, but I am not buying it! If that were even near true, then why are grouse still here today thriving and hunters kill them by the 1000's???! Stop destroying our wild mustangs and get the cattle ranchers and cattle out of our parks!

Comment ID: 2786
Organization:
Name: peggy conroy

Comment: Rounding up the few wild horses left who are bothering nobody by your big moneyed corporate puppeteers, will do nothing to help the grouse. Taking livestock off the land will. Getting the drilling/mining interests off our public lands will. getting developers (desecrators) off out public lands will.

Summary: Wild horses and burros are not the problem; they can live together in harmony with sage-grouse and have been for centuries.

Response: Wild horses are not listed within any management zone as a threat to Greater Sage-Grouse, nor are they present throughout the planning area in large enough numbers to be considered an issue to sage-grouse habitat. Management actions in the LUP are included for wild horses as a safeguard to ensure that Greater Sage-Grouse core habitat is protected from any major disturbances.

Sage-grouse

Cumulative impact analysis

Comments on cumulative impacts

Comment ID: 355
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are concerned that the BLM and Forest Service have not fully considered the cumulative impact of exurban development on adjoining private lands, which might combine with impacts of permitted activities on federal lands to extirpate sage grouse breeding populations. Please provide analysis of private lands that meet or exceed the 4 person per km2 and 25 persons per km2 countywide thresholds that are inside Priority or General Habitats and in proximity to federal lands, and analyze the cumulative impacts that exurban development may have under each alternative when combined with reasonably foreseeable consumptive uses on nearby federal lands.

Comment ID: 2541
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: APLIC is concerned that this LUP revision does not adequately consider neighboring states in its planning process. The proposed Gateway South transmission line originates in Wyoming, crosses through northwest Colorado, and terminates in Utah. APLIC requests that BLM consider how decisions made for this LUP would affect those decisions in neighboring states. For example, BLM should consider that if the proposed avoidance and exclusion areas in Wyoming require shifting, this may affect the routing efforts that have taken place between the agencies and electric utility companies in Utah and Colorado. Additionally, APLIC requests that the routes proposed in our Gateway South Draft EIS be considered existing/planned actions and exempt from the decisions made in the LUP Amendment.

Comment ID: 1314
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS fails to sufficiently look outside of the planning area for cumulative impacts. The BLM's National Sage-grouse Habitat Conservation Strategy calls for a regional analysis, and the DLUPA/DEIS should have looked outside of the RMP area in the cumulative impacts discussion. See WWP v Salazar, No. 04.08-cv-516-BLW (D. Idaho September 28, 2011).

Comment ID: 1315
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS fails to consider the number of roads and the extent of vertical structures relating to livestock grazing operations that pose threats to GRSG, and no reductions in these impacts are proposed under any of the management alternatives. See Manier et al 2013, Howe et al. 2013. The failure to analyze the impacts of roads and livestock-related traffic on sage-grouse leks is just one of the failures to take a hard look at cumulative impacts of this activity. In particular, the effect of early morning traffic near lek sites for livestock water hauling, sheep trucking operations, supplemental feeding, etc. should have been analyzed. Additionally, the presence of vertical structures increases the likelihood of nesting by ravens, which also increases the problem of raven predation on sagegrouse. Id. An analysis of this cumulative impact of transmission lines in sage-grouse habitat is necessary, and the buffer zone overlays for utility impacts must consider these linear features. The DLUPA/DEIS specifies a limit on surface structures related to nonenergy leasables (mining) and requires a buffer around leks, but the DLUPA/DEIS does not apply these limits to livestock developments or analyze the existing windmills, powerlines, fence posts, corrals, handling chutes, or other livestock related insfrastructure throughout the planning area inside and outside of core.

Comment ID: 3082
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: BLM concludes that (DEIS at 4-491): Habitat conservation through regional efforts, threat reduction as identified in the Greater Sage- Grouse (*Centrocercus urophasianus*) Conservation Objectives Final Report (USFWS 2013), and management proposed in this amendment (including the Wyoming Core Area Strategy) could help prevent or reduce habitat fragmentation and habitat loss. Alternative C would provide the greatest protection of habitat, followed by Alternative B. Alternatives A, D, E vary in protections, although Alternative A protects the smallest acres of habitat of the three, with D and E

comparatively close in acres protected from surface disturbance among resources. The assertion that various efforts "could help prevent or reduce habitat loss" falls far short of the regulatory certainty needed to avoid a listing or meet recovery goals and objectives. This broad language violates NEPA and establishes the inadequacy of the cumulative impacts analysis. The cumulative impacts section lacks any analysis of how the cumulative impacts of the massive list of pending projects could impact the greater sage-grouse, its habitat, and recovery efforts. Landscape context planning for this landscape scale species will create resiliency as habitat and species respond and adapt to climate change, which is expected to increase ecosystem vulnerability. BLM needs to better incorporate recommendations from large-scale regional planning and assessments by ensuring that conservation measures will advance regional conservation and rangewide recovery. The Wyoming Basin Rapid Ecological Assessment should be considered in the FEIS/LUPA and integrated into management decisions.

Comment ID: 3104
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: NSO designations relied on by the current preferred alternative fail to provide the requisite regulatory certainty. (DEIS at 4-489). This broad brush analysis is helpful regarding the broad generalizations, but says next to nothing about specific impacts by field office, watershed, or core area. It offers no concrete examples – let alone a comprehensive discussion -- of specific threats and anticipated impacts from linear and other disturbances (such as transmission lines or oil and gas fields) that don't end at state lines. This analysis suffers from a lack of recognition of the limitation of NSO designations or the biological imperatives of effective sage-grouse conservation. It appears to assume that NSO means NSO, although that designation is subject to waivers, exceptions and modifications. The small NSO parcels proposed in Alternative E will not prevent fragmentation, and proposals to rely on NSO for blocks of habitat too large to be developed from outside the NSO area create rights that will be difficult if not impossible to exercise without NSO waivers. The ability to grant waivers, exceptions and modifications reduces regulatory certainty.

Comment ID: 3077
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: BLM needs to improve its cumulative impacts analysis of the direct, indirect and cumulative impacts to sage-grouse conservation. Conservation actions need to be coordinated with other RMPs and jurisdictions both within Wyoming and across state borders. The agencies need to ensure that decisions provide for coordinating conservation activities across the state and the Rocky Mountain Region. Many of the delineated core areas extend across Field Office, Forest, Grasslands, and State boundaries.

Comment ID: 3081
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The DEIS (at 4-489) lacks any analysis to support its assertion that seasonal restrictions will slow rates of adverse impacts, or whether or why that would matter for habitat over the long run if all wells are eventually drilled. It acknowledges that the restrictions will not prevent additional habitat destruction.

Comment ID: 3103
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The DEIS (at 4-490) notes that "Required design features in Appendix B of this document describe the management that would be required to reduce or prevent the introduction and spread of West Nile virus." It is incumbent on the cumulative impacts section to address the efficacy of these design features, whether they can actually prevent or only reduce West Nile risks, and whether and how the greater protections in the conservation alternatives can be expected to alleviate this threat. Experience, science, and common sense dictate that all alternatives are not equal. Under Alternatives A, D, and E: more lands will be open for development, and more overall development is forecast. How does this correspond to the risk of significant and cumulative impacts from West Nile virus?

Comment ID: 3107
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Regarding Conversion to Agriculture, the cumulative impacts analysis appears to be a submission from the Powder River Basin portion of the planning area and Management Zone. DEIS at 4-490. The FEIS should analyze all lands within the planning area, and threats from outside if they might impact populations and habitat within the planning area. Within the Powder River Basin portion of MZ I, the threat from conversion to agriculture is not a major management concern and is not addressed in the RMP and LRMP amendments. There is no management variation other than restriction to surface disturbing activities in proximity to leks that would apply to this threat.

Summary: Comments that the cumulative impact is inadequate: it does not consider neighboring states, the analysis is too broad, lacks regulatory certainty, and the analysis is not conclusive. Specific requests to consider the impacts of exurban development, livestock grazing, energy development and infrastructure, West Nile virus, predators, roads, and conversion to agriculture.

Response: The cumulative impact analysis has been updated in the Final EIS. Cumulative data and maps have been added and the analysis has been expanded to include greater detail of recommendations provided by the commenters. Some data requested is not available or quantifiable. The BLM determined that the appropriate geographic scope for the cumulative impacts analysis was the WAFWA Management Zone. Neighboring states were considered in the analysis, where appropriate.

Sage-grouse

DDCT

Inconsistencies, issues with DDCT

Comment ID: 1573
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Scientific research has determined that one energy site per square mile is the density threshold at which significant impacts to sage-grouse populations begin to be measured (Copeland et al. 2013). Tack (2009) found that this study in Montana's Milk River Basin, well densities of one per square mile also we correlated with a very low probability of a lek being large (see Figure 9, p. 43). The analysis of Copeland et al. (2013) found that a statewide analysis of well densities revealed population decline curves very close to the earlier studies by Holloran (2005), but also noted that a 1 wellpad per square mile density of development correlated to approximately 18% decline in sage grouse lek population (see Figure 4). So one wellpad per square mile definitely is not a zero-impact threshold. In accordance with these findings, the Wyoming Core Area strategies set a limit of one energy development site per square mile in core habitat, but use a Density/Disturbance Calculation Tool ("DDCT") to generate the well density figure. This is also

reflected in Alternatives D and E. The same DDCT area used to determine a project's disturbance limit is also used to calculate the density of sites (e.g., number of wellsites) that may be developed per square mile. But the DDCT only calculates site density per square mile, rather than capping density at one site per squaremile of land. In cases where the DDCT area is very large, the Core Area strategies may allow more than one well or mine site to be developed in a given square mile as long as the surrounding Core Area lands are relatively free from other development disturbance. This can result in a density of well sites that exceeds science-based thresholds at which significant impacts to sage grouse inhabiting the habitat in question begin to occur. By contrast, all available science that has evaluated impacts of well density on sage grouse has done so on a per-square-mile basis, and not one has ever evaluated the impact when calculating disturbance using the DDCT or any method similar to it. If BLM has published science that supports a well pad density or disturbance percentage that is based on a DDCT or similar are, please produce this in the Final EIS. There is at present no scientific basis for thresholds of well density and their effect on sage grouse using a DDCT calculation. Even well densities less than one per square mile can have a negative effect on sage grouse. According to Taylor et al. (2012: 28, emphasis added), "Two scenarios include decisions on whether to develop a landscape from 0 to 4 wells per section (0 to 1.5 wells/km2), and then from 4 to 8 wells per section (1.5 wells/km 2 to 3.1 wells/km 2). In both cases, the total northeast Wyoming lek count decreased by ~ 37% (1- 2,876/4,537 and 1- 1,768/2,876, Table 3), leaving only 39% of the original number of males on leks (1,768/4,537, Table 3) when development reached 8 wells per section (80 ac spacing)."

Comment ID: 421
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: A major discrepancy between Alternatives B and E, and EO 2011-5 is use of the language "the core landscape" (Alternative E), "total sage-grouse habitat" (Alternative B) and "suitable sage-grouse habitat" (EO 2011-5). EO 2011-5 establishes a process for application of the density of disturbance stipulation (i.e. 5% surface disturbance per 640 acres) that is applied only to suitable sage-grouse habitat; acres of development in "unsuitable habitat" are not considered disturbance acres. On the other hand, Alternative E appears to apply the density of disturbance stipulation to all habitat within the "core landscape." How BLM defines core landscape and applies the DDCT process is not clearly defined in Appendix I. As currently written, Alternative E would potentially include both suitable and unsuitable GSG habitat in the 5% disturbance calculation. This application is scientifically flawed because it will potentially result in the protection of sagebrush habitat that is unsuitable GSG habitat – not all sagebrush habitat is suitable GSG habitat. As a result, well locations will be unnecessarily restricted by the presence of unsuitable GSG habitat in the area, and such a restriction will not provide additional benefits to GSG populations. As such, Yates requests the BLM modify this density of disturbance stipulation such that it is consistent with EO 2011-5 (i.e. change "core landscape" to "suitable GSG habitat"). This will help ensure that only sagebrush habitat determined to be suitable GSG habitat will be considered in the density of disturbance calculation. Alternative E is otherwise consistent with EO 2011-5 in that the surface disturbance stipulation is a cap of 5% disturbance per 640 acres within the DDCT analysis area and that this stipulation is restricted to GSG Core Population Areas. Yates supports GSG density and disturbance stipulations within core habitat areas consistent with EO 2011-5.

Comment ID: 2554
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: BLM must explain the order in which applications (ROW, APD, etc.) and surface disturbing uses will be approved and prioritized, as well as managed within the surface disturbance cap. In order to reasonably conduct ongoing NEPA processes, BLM must hold disturbance cap space (sufficient for their implementation) available for long-running processes, particularly ROW applications that have been filed

and where NEPA is underway. If not, projects that have been designed to fit within the available disturbance limitations (under a particular zone's cap) could find that their disturbance can no longer be accommodated (under the cap) once BLM is ready to issue a decision at the end of the NEPA process. This is particularly the case for complex projects such as Gateway South. This type of "cap erosion" would further delay (or entirely prohibit) larger and more complex projects, and must be avoided.

Comment ID: 512
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Since its adoption in 2008, RSGA has witnessed seen the application of DDCT and concludes that it is too complex and difficult to apply. The examples below demonstrate the need for the DEIS to fully disclose the impacts of DDCT on valid existing rights and land uses. The DEIS omits these impacts entirely due to the cited unknowns about the DDCT. Example #1. A reclaimed area is still included in the DDCT on the basis that it was seeded with crested wheatgrass. While it is not a native grass and scores zero for rangeland species analysis under NRCS guidelines, it provides excellent wildlife habitat and useful winter forage for livestock. Therefore in the context of sage grouse habitat, BLM erred in giving it a zero score. Example #2. There is a lot of confusion as to what qualifies as disturbance. Recently, BLM treats livestock trailing as disturbance even though it is a temporary use of public land. Example #3. In counting the disturbance for transmission lines, the DEIS analysis assumes no impact on habitat or DDCT because it is built within the right-of-way. For instance the Gateway West Transmission line ROD was recently signed without addressing the DDCT calculation. The FEIS assumed no direct impact on sage grouse core because the right-of-way itself was not in core habitat. The company however must build roads adjacent to the transmission line outside the rightof- way but in core habitat. These roads will likely exceed DDCT. This is also true for other planned transmission lines.

Comment ID: 2055
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, it is unclear whether the proposal to limit disturbance within core habitat to three disturbances per 640 acres is supported by science or is arbitrary. BLM must provide a citation in support of this restriction, or it must be removed from consideration.

Comment ID: 245
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM argues that the 5% DDCT limit on surface disturbance corresponds to 2-3% surface disturbance using the Knick et al. (2013) protocol. This is a false assertion. Knick et al. (2013) measured disturbance across an area much smaller than a DDCT area, which can exceed 225 square miles based on BLM analysis of the Lost Creek uranium project. See Attachment 88. Therefore, 5% surface disturbance as measured across a DDCT area is an even higher percentage of surface disturbance when calculated using the Knick et al. protocol.

Comment ID: 2061
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Moreover, the USGS Report indicates that habitat fragmentation “generally begins to have significant effects on wildlife when suitable habitat becomes less than 30 to 50 percent of the landscape”

(USGS Report at 26), which directly contradicts the threshold stating that 70% of the landscape must be suitable habitat in order for the sage-grouse to persist, as required under Alternatives B (Ch.2 at 2- 13). In addition, the BLM fails to show how the goal of 70% sagebrush cover in priority habitat and the 3% disturbance cap are necessary, reasonable, and achievable, or how they would actually benefit sage-grouse and not result in unintended adverse consequences to sage-grouse or other species. AEMA contends that the habitat disturbance thresholds proposed throughout the DLUPA/DEIS (3% Alternatives B and C; 9% Alternative D; and 5% Alternative E) are not scientifically supported, and are based on opinions and invalid assumptions that temporary displacement of sage-grouse in a developed area equates to a population decline, or that sage-grouse avoidance of an area equates to a population decline.

Comment ID: 1608
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The Lost Creek Uranium In Situ Recovery Project exemplifies how development can exceed disturbance and density limits under the DDCT. The 4,254-acre permit area is located inside a Core Area, and it intersects the 4-mile buffers of 15 sage-grouse leks. 4 The DDCT area for this project is 147,060 acres, almost 230 square miles. If this were a hypothetical oil and gas project with the same 147,060-acre DDCT area, 229 wells would be allowed in the 4,254-acre permit area, for a density of 34.4 well sites per square mile within the permit area. Within the actual Calculations derived from data presented in the Lost Creek In Situ Recovery Project Final EIS at ES-2, 4.9-8, 4.9- 27, and Appendix D. perimeter of development, well site density will exceed 50 wells per half-section, or 100 well sites per square mile. This extreme density would destroy habitat function for sage-grouse locally, even though well density for the DDCT area would still be within the one well per square-mile limit in the Core Area strategies. In the case of the Lost Creek project, the extra-large DDCT area allowed intense development within the permit area. The project expects to disturb (i.e., bulldoze) 345 acres, which, when combined with preexisting disturbance, amounts to less than one percent for the DDCT area, but when compared to the 4,254-acre permit area, would yield 8.1 percent disturbance, far above the limit in the state and federal Core Area strategies. Note that virtually all development in this project will be along the ore trend (shown in Attachment 88), meaning that the actual density within the developed portion of the Permit Area will be much greater than 8.1%. The DDCT area for this project, by contrast, totals 147,060 acres (see Attachment 88), yielding a percent disturbance of less than 1% when considering the existing and proposed disturbance. The 345- acre development area also violates the strategies' limitation on site density. The DDCT assumes individual development sites (like oil and gas wells) will only each affect 4-5 acres. But for this project, Wyoming Game and Fish Department (WGFD) has classified the entire 4,254-acre development area as a single "site," which, although it meets the one site per square mile requirement in the Core Area strategies, will eliminate half of a square mile section of directly bulldozed land within the 4,254-acre project area where it is located, and certainly have deleterious effects on sage-grouse for miles around. The Wyoming RMP Amendment needs to be crafted to prevent this type of monkey business

Comment ID: 279
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In the case of the Lost Creek project, the extra-large DDCT area allowed intense development within the permit area. The project expects to disturb (i.e., bulldoze) 345 acres, which, when combined with preexisting disturbance, amounts to less than one percent for the DDCT area, but when compared to the 4,254-acre permit area, would yield 8.1 percent disturbance, far above the limit in the state and federal Core Area strategies. Note that virtually all development in this project will be along the ore trend (shown in Attachment 88), meaning that the actual density within the developed portion of the Permit Area will be much greater than 8.1%. The DDCT area for this project, by contrast, totals 147,060 acres (see Attachment

88), yielding a percent disturbance of less than 1% when considering the existing and proposed disturbance. The 345- acre development area also violates the strategies' limitation on site density. The DDCT assumes individual development sites (like oil and gas wells) will only each affect 4-5 acres. But for this project, Wyoming Game and Fish Department (WGFD) has classified the entire 4,254-acre development area as a single "site," which, although it meets the one site per square mile requirement in the Core Area strategies, will eliminate half of a square mile section of directly bulldozed land within the 4,254-acre project area where it is located, and certainly have deleterious effects on sage-grouse for miles around. The Wyoming RMP Amendment needs to be crafted to prevent this type of monkeybusiness.

Comment ID: 511
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The DEIS fails to provide any information regarding operation of DDCT. Appendix I consists of one page and the DEIS does not address resolution of conflicts between pipelines or transmission lines and oil and gas fields.

Comment ID: 242
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We would ask the Forest Service to consider the findings of Knick et al. (2013), which concluded in relevant part that 99% of the active leks in the study area (encompassing the entire western range of the greater sage grouse) were surround by habitat with 3% surface disturbance or less. See Attachment 1.

Comment ID: 1376
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Page 4-466 provides a very interesting insight into the disturbance calculations. For the NPL project the BLM is proposing 3500 new wells to be drilled within that project area and yet the disturbance calculation results in only 4.7%. So here you have an intensely developed oil and gas field that like the PAPA and Jonah Fields which have nearly eliminated sage grouse, under the proposed disturbance calculations would be permitted. Clearly if this level of development does not trigger the disturbance cap, it will not provide sage grouse anything than further declines. If the BLM wanted to be honest it could analyze the disturbance calculations of areas in which sage grouse have been researched and comparing those densities with sage grouse population dynamics to provide some rational basis for its disturbance cap but it has refused to do this basic analysis. As such the EIS is flawed.

Comment ID: 1338
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Nowhere within the EIS is there any scientific discussion on the impacts to sage grouse populations and habitat from the 3 and 5% disturbance caps. We also note that the DEIS stats that the 3% cap actually is equivalent to the 5% cap proposed because of different methods of calculations, but no details were provided that would allow for an analysis of the veracity of the statement.

Comment ID: 551
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The Density Disturbance Calculation Tool (DDCT) exposes its flaws almost immediately….First, and most obviously, project proponents will prefer areas that have the least amount of disturbance. If an existing project uses the allotted disturbance acreage, other project proponents will necessarily need to look to lesser or completely undisturbed areas. Even if an extremely small portion of one examination area overlaps with another, and the disturbance in one area is already breaching the 5% threshold, then the new project proponent must move the project to another area. Incidentally, the DDCT method actually promotes sprawling development and habitat fragmentation. Further, certain resources may remain undeveloped and the local economies will suffer the consequences.

Comment ID: 1575
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The Lost Creek Uranium In Situ Recovery Project exemplifies how development can exceed disturbance and density limits under the DDCT. The 4,254-acre permit area is located inside a Core Area, and it intersects the 4-mile buffers of 15 sage-grouse leks. 4 The DDCT area for this project is 147,060 acres, almost 230 square miles. If this were a hypothetical oil and gas project with the same 147,060-acre DDCT area, 229 wells would be allowed in the 4,254-acre permit area, for a density of 34.4 well sites per square mile within the permit area. Within the actual Calculations derived from data presented in the Lost Creek In Situ Recovery Project Final EIS at ES-2, 4.9-8, 4.9- 27, and Appendix D. perimeter of development, well site density will exceed 50 wells per half-section, or 100 well sites per square mile. This extreme density would destroy habitat function for sage-grouse locally, even though well density for the DDCT area would still be within the one well per square-mile limit in the Core Area strategies. In the case of the Lost Creek project, the extra-large DDCT area allowed intense development within the permit area. The project expects to disturb (i.e., bulldoze) 345 acres, which, when combined with preexisting disturbance, amounts to less than one percent for the DDCT area, but when compared to the 4,254-acre permit area, would yield 8.1 percent disturbance, far above the limit in the state and federal Core Area strategies. Note that virtually all development in this project will be along the ore trend (shown in Attachment 88), meaning that the actual density within the developed portion of the Permit Area will be much greater than 8.1%. The DDCT area for this project, by contrast, totals 147,060 acres (see Attachment 88), yielding a percent disturbance of less than 1% when considering the existing and proposed disturbance. The 345- acre development area also violates the strategies' limitation on site density. The DDCT assumes individual development sites (like oil and gas wells) will only each affect 4-5 acres. But for this project, Wyoming Game and Fish Department (WGFD) has classified the entire 4,254-acre development area as a single "site," which, although it meets the one site per square mile requirement in the Core Area strategies, will eliminate half of a square mile section of directly bulldozed land within the 4,254-acre project area where it is located, and certainly have deleterious effects on sage-grouse for miles around. The Wyoming RMP Amendment needs to be crafted to prevent this type of monkey business.

Comment ID: 554
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Notice also that the DDCT exposes potential and authorized users and permittes to significant vulnerability since radical activists may use arson or other surface disturbances to push the examination area over the disturbance cap in order to close the area to future disturbances.

Comment ID: 880
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: The NTT report approaches the management of GrSG and sagebrush habitat through the perspective of limiting surface disturbances in priority habitat. The use of a surface disturbance cap to limit sage brush habitat fragmentation and degradation may be a useful methodology to conserve GrSG populations but, as presented, the proposed approaches in all the action alternatives are poorly defined and lack a reasonable scientific justification. The goal of managing sagebrush habitat to a total surface disturbance regardless of surface ownership fails to explain how the chosen limit is appropriate or sufficient to conserve sage grouse populations. There are several critical details about the functionality and application of the disturbance cap management concept proposed in the DLUPA/DEIS, and they present numerous challenges that may prevent a clear and consistent implementation of the measure. The information presented in the DLUPA/DEIS does not adequately demonstrate that the disturbance caps are scientifically supported or would result in stable populations for GrSG. The functionality of this tool must be more thoroughly developed and presented to those that will be impacted by it before anyone will have a chance of understanding the impacts of its implementation. The goal of managing sagebrush habitat to a total surface disturbance regardless of surface ownership fails to explain how the chosen limit is appropriate or sufficient to conserve sage grouse populations.

Comment ID: 881
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: The NTT report places a 3% limit on surface disturbances and that limit is tracked in the DLUPA/DEIS Alternative B. Alternative D relies upon a 9% limit for surface disturbances in all sagebrush habitats and the preferred alternative, Alternative E, changes the upper limit to 5% of the core landscape. The Agencies and the NTT report provide no justification for the selection of the limits on surface disturbance. Limiting surface disturbances in sagebrush habitat may be a pragmatic approach to conserving sage grouse, but the Agencies must provide a sufficient basis for doing so.

Comment ID: 882
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: the DLUPA/DEIS does not detail how the caps will be implemented on a project by project basis. As disturbance cap limits are approached, there is likely to be a rush of project proposals and the authorized officer may consider a variety of criteria on which to base a decision to approve or reject a given proposal. Proposals may be deferred or rejected because the authorized officer determines through environmental documentation that the project is not a prudent use of cap space. Tri-State requests that the Agencies develop a process to identify projects that may not be approved, due to limited cap space or disproportionate adverse impacts, prior to completion of the final LUPA/EIS. Tri- State appreciates the commitment to developing a structure for determining the appropriate sage grouse mitigation by a Mitigation Implementation Team, but it does not provide enough relief from the unknowns of this strategy.

Comment ID: 2552
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: As proposed, disturbance caps are unworkable and violate BLM's responsibility to provide ROWs in the public interest under FLPMA. BLM must provide utilities and other entities the details of a workable system that they can use to plan and secure ROW approvals. APLIC directs BLM to Appendix F of the Northwest Colorado LUPA DEIS. The Wyoming LUP FEIS should include a similar appendix detailing how the disturbance caps would be allocated, tracked, and monitored.

Comment ID: 277
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In accordance with these findings, the Wyoming Core Area strategies set a limit of one energy development site per square mile in core habitat, but use a Density/Disturbance Calculation Tool ("DDCT") to generate the well density figure. This is also reflected in Alternatives D and E. The same DDCT area used to determine a project's disturbance limit is also used to calculate the density of sites (e.g., number of well sites) that may be developed per square mile. But the DDCT only calculates site density per square mile, rather than capping density at one site per square mile of land. In cases where the DDCT area is very large, the Core Area strategies may allow more than one well or mine site to be developed in a given square mile as long as the surrounding Core Area lands are relatively free from other development disturbance. This can result in a density of well sites that exceeds science-based thresholds at which significant impacts to sage grouse inhabiting the habitat in question begin to occur. By contrast, all available science that has evaluated impacts of well density on sage grouse has done so on a per-square-mile basis, and not one has ever evaluated the impact when calculating disturbance using the DDCT or any method similar to it. If BLM has published science that supports a wellpad density or disturbance percentage that is based on a DDCT or similar are, please produce this in the Final EIS. There is at present no scientific basis for thresholds of well density and their effect on sage grouse using a DDCT calculation.

Comment ID: 557
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Finally, the DDCT may require that non-core habitat is managed as core habitat. For example, if a lek is within the examination area, but is not within a core population area, the DDCT will prescribe certain actions. The result is that non-core habitat becomes de factor core habitat. These plain absurdities in the implementation of the DDCT counsel against a blanket application of the method. Instead, the BLM must carefully tailor disturbance calculations to the specific sites and conditions under consideration.

Comment ID: 2551
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: More detail should be provided in the FEIS regarding the ways in which the disturbance caps would be monitored and implemented. Specifically, APLIC would like to request the following information be included in the FEIS: • The proposed alternatives conflict in regard to co-location of facilities and disturbance caps. If co-location of a new utility line in an existing corridor resulted in a project exceeding the disturbance cap, a project proponent may seek to site the infrastructure in an area with no existing disturbance or on adjacent private land. This could "push" projects to areas where impacts to sage-grouse could be greater. APLIC requests that the BLM describe how they would address such situations to prevent unintended negative impacts to sage-grouse habitat, e.g., where siting new development in undisturbed areas would result in increased negative impacts to sagegrouse habitat compared to developing in areas where disturbance thresholds have already been exceeded.

Comment ID: 2549
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: More detail should be provided in the FEIS regarding the ways in which the disturbance caps would be monitored and implemented. Specifically, APLIC would like to request the following information

be included in the FEIS: • BLM must account for prior decisions in Resource Management Plans in allocating remaining disturbance. Specifically, BLM has designated utility corridors and their use must be assumed by setting aside disturbance "credits" under each cap where utility corridors exist. If not, BLM is voiding implementation of a previous decision. The effects of this action must be avoided or analyzed . Without addressing the above points, alternatives using disturbance caps must be considered infeasible.

Comment ID: 555
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The DDCT is also inconsistent in its prescriptions. According to EO 2011-5, prescribed fires are not included as part of a disturbance calculation. Wildfires, however, do constitute part of an areas disturbance allowance. The BLM admits in the DEIS that prescribed fires provide substantial beneficial effects to GRSG habitat. It makes little sense then, that a wildfire, with identical beneficial effects, would be counted against the disturbance cap.

Comment ID: 2547
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: More detail should be provided in the FEIS regarding the ways in which the disturbance caps would be monitored and implemented. Specifically, APLIC would like to request the following information be included in the FEIS: BLM fails to account for valid existing rights under their caps. Valid rights must be defined and quantified (disturbance allowances) for each management zone in the FEIS. BLM must quantify what rights lease holders have to disturbance under each cap, and quantify this disturbance for each management zone.

Comment ID: 556
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Sagebrush treatment is an important part of this DEIS and whether the treatment occurs intentionally or otherwise is not important. See Management Action 26. Nor is there any discussion with regards to how disturbance areas will be monitored, updated, and disseminated to the public. Considering BLM’s difficulty in fulfilling other management obligations (i.e. wild horse gathers), the BLM may not be able to effectively implement the DDCT process.

Comment ID: 2546
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: More detail should be provided in the FEIS regarding the ways in which the disturbance caps would be monitored and implemented. Specifically, APLIC would like to request the following information be included in the FEIS: • How would the overall disturbance "remaining" under each cap be tracked? This information is needed in order for the public and project proponents to adequately plan projects to avoid areas with no remaining cap without the burden of conducting site-specific studies for each project.

Comment ID: 244
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We would ask the responsible official to consider the findings of Copeland et al. (2013), which found that if all of the State of Wyoming sage grouse policy provisions (which include a 5% disturbance cap calculated using a Disturbance Density Calculation Tool) were implemented fully and to the letter, that a 9 to 15% decline in greater sage grouse populations would still occur statewide, including a 6 to 9% decline within designated Core Areas (where the 5% disturbance cap would be applied). We would ask the responsible official also to render the same determination regarding the accuracy, reliability, and relevance of science supporting the 3% disturbance cap proposed for implementation as a Condition of Approval for existing fluid mineral leases under Alternatives B and C. Please also make a formal determination regarding the disturbance cap in the context of sagebrush canopy cover, and if 3% is not the scientifically defensible threshold, then where that threshold should be set, for the same reasons as noted above for the 3% and 5% disturbance caps.

Comment ID: 553
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Variable GRSG lek locations, migratory habits, evolving habitat selection patterns, and temporary disturbances will also change the boundaries of the examination areas under the DDCT over the course of time. The BLM may not ignore these plain realities by adopting blanket assumptions and rules that do not account for local or landscape scale changes in circumstances. By the BLM's own admission, the DDCT method will only augment these issues since the DDCT manual continues to morph (due to unidentified influences) and "would become outdated soon after publication of this amendment document." See Appendix I. The BLM's admission is significant when, as here, landowners, permittees, local governments and other important entities depend on accurate and consistent information and regulatory guidance when planning new projects.

Comment ID: 552
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The Density Disturbance Calculation Tool (DDCT) exposes its flaws almost immediately…as new projects are proposed, examination areas begin to overlap between projects if the 5% disturbance threshold has not been met. For example, if the initial examination area has 3% disturbance, another examination area with 4% disturbance may overlap its boundaries. See EO 2011-5 at 7. The problem, however, is whether the overlap area is managed under the 3% or the 4% or in the alternative, a cumulative or completely distinct disturbance calculation. Put simply, surface disturbances in one examination area will impact the calculation of surface disturbances in another examination area and the BLM has not accounted for this error in the DDCT method.

Comment ID: 204
Organization: The 7L Livestock Company
Name: Doug Cooper

Comment: The use of the DDCT demonstrates an over reliance on one time data, especially in using GPS coordinates to locate leks. A single GPS point should represent a general location but has now become the cornerstone of sage grouse management even though the grouse have been observed at times strutting a half mile away.

Comment ID: 1420
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Density and Disturbance, Pages 2-133 and 2-134, Item #126. Alternative B does not support the BLM's policy of multiple use as stated "In priority habitats where the 3% disturbance threshold is already exceeded from any source, no further anthropogenic disturbances would be permitted…" If Alternative B is considered in the final LUP, a socioeconomic analysis of the impact to mining should be considered and added to Appendix N. Further, the 3% density disturbance limit is not widely supported by science and its use by BLM would result in inconsistent restrictions across the range, and could result in increased impacts on State and Private lands.

Comment ID: 247
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The Preferred Alternative would not apply appropriate density limits for wellpads and other surface disturbances as Conditions of Approval on existing fluid mineral leases, pursuant to National Technical Team recommendations. NTT (2011) recommendations would limit surface disturbances to no more than one per section on existing fluid mineral leases. This should be implemented for all leases (future if allowed, and existing) and for other types of similar disturbance in the final plan. Please review the best available science and make a determination regarding whether one wellpad/disturbance per section, or no limit at all, is the most scientifically supported approach or whether no limit on wellpad density would best achieve the purpose and need of the plan amendment. Please consider the following studies which directly address the threshold of well density at which impacts to sage grouse occur: Holloran (2005), Doherty (2008), Walker et al. (2007), Tack (2009), Taylor et al. (2012), and Copeland et al. (2013). Attachments 3, 4, 5, 21, 6, and 7, respectively. Each of these studies find significant declines of sage grouse populations as well densities exceed one pad per square mile, and some of these studies indicate negative effects on sage grouse at lower wellpad densities.

Comment ID: 2319
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Moreover, the USGS Report indicates that habitat fragmentation "generally begins to have significant effects on wildlife when suitable habitat becomes less than 30 to 50 percent of the landscape" (USGS Report at 26), which directly contradicts the threshold stating that 70% of the landscape must be suitable habitat in order for the sage-grouse to persist, as required under Alternatives B (Ch.2 at 2- 13). In addition, the BLM fails to show how the goal of 70% sagebrush cover in priority habitat and the 3% disturbance cap are necessary, reasonable, and achievable, or how they would actually benefit sage-grouse and not result in unintended adverse consequences to sage-grouse or other species. AEMA contends that the habitat disturbance thresholds proposed throughout the DLUPA/DEIS (3% Alternatives B and C; 9% Alternative D; and 5% Alternative E) are not scientifically supported, and are based on opinions and invalid assumptions that temporary displacement of sage-grouse in a developed area equates to a population decline, or that sage-grouse avoidance of an area equates to a population decline.

Comment ID: 2956
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Several of the alternatives discuss maximum disturbances per 640 acres. While some clarification is provided at the bottom of page 2-133 under the Density and Disturbance section, it is not clear in the LUP if the BLM will be calculating the disturbance area and percentage of disturbance in the same manner as the State of Wyoming Sage Grouse Implementation Team (SGIT) established by the Governor's Executive Order. NEPA requires that BLM disclose and explain its methodologies. The method

of calculation is extremely important and Ur-Energy may desire to comment on the methodology once it is made available. Ur-Energy respectfully requests that the BLM explain its methodology in a revised or supplemental draft LUP/EIS and make it available for comments from the public on this critical aspect of the various alternatives. Similarly, will the BLM utilize the State of Wyoming Density Disturbance Calculation Tool (DDCT) in the same fashion as the state or will the BLM have its own procedures on how to use this tool? If BLM plans to deviate from the state's methods, please disclose and explain the basis for this in the revised or supplemental draft LUP/EIS. The revised draft LUP/EIS should also clarify that the density of well pads for an in situ uranium project is not limited to an average of one per 640 acres of the DDCT but instead, the acreage of total disturbed area is divided by the acreage of the DDCT to ensure the disturbance does not exceed the percentage limit, which is different for each alternative, of the DDCT area. This clarification is important to distinguish between calculation methodologies for oil and gas and an in situ mining project. In fact, the Wyoming Governor's Executive Order 2011-S addresses mining specific issues in Attachment B Mining Stipulations. Ur-Energy encourages the BLM to adopt the EO language in the final LUP so that the unique issues surrounding mining, and in situ mining in particular, are clearly addressed. If these matters aren 't specifically addressed there may be attempts to regulate in situ mining in the same manner as oil and gas which would be arbitrary, unreasonable and inappropriate since the activities are quite different.

Comment ID: 2329
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The NTT report approaches the management of GrSG and sagebrush habitat by limiting surface disturbances in priority habitat. The use of a surface disturbance cap to limit sage brush habitat fragmentation and degradation may be a useful methodology to conserve GrSG populations but, as presented, the proposed approaches in all the action alternatives are poorly defined and lack a reasonable scientific justification. The goal of managing sagebrush habitat by limiting surface disturbance regardless of surface ownership fails to explain how the chosen limit is appropriate or sufficient to conserve sage grouse populations. There are several critical details about the functionality and application of the disturbance cap management concept proposed in the DLUPA/DEIS, and they present numerous challenges that may prevent a clear and consistent implementation of the measure. The information presented in the DLUPA/DEIS does not adequately demonstrate that the disturbance caps are scientifically supported or would result in stable populations for GrSG. The functionality of this tool must be more thoroughly developed and presented to those that will be impacted by it before anyone will have a chance of understanding the impacts of its implementation. The goal of managing sagebrush habitat to a total surface disturbance regardless of surface ownership fails to explain how the chosen limit is appropriate or sufficient to conserve sage grouse populations. The NTT report places a 3% limit on surface disturbances and that limit is tracked in the DLUPA/DEIS Alternative B. Alternative D relies upon a 9% limit for surface disturbances in all sagebrush habitats and the preferred alternative, Alternative E, changes the upper limit to 5% of the core landscape. The Agencies and the NTT report provide no justification for the selection of the limits on surface disturbance. Limiting surface disturbances in sagebrush habitat may be a pragmatic approach to conserving sage grouse, but the Agencies must provide a sufficient basis for doing so. Several questions arise in the review of this new approach that deserves consideration and response. The disturbance cap concept proposed in the DLUPA/DEIS could result in the denial of projects simply because other disturbances have decreased available cap space, ultimately denying valid existing mineral rights. To the extent non-anthropogenic disturbances, such as wildfire, could consume cap space, the cap proposal potentially interferes with valid existing rights in: an unpredictable manner. The DLUPA/DEIS fails to offer or analyze viable alternatives to disturbance caps that do not impair existing rights, such as mitigation for no net loss. Additionally, it is unclear how and when the BLM will issue credits for reclamation to reduce disturbance considered in the disturbance cap. Certainly industry should get credit for reclamation when evaluating any disturbance under a cap.

Comment ID: 2424
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Arbitrary disturbance caps. Nearly all the Alternatives present disturbance caps, with a range from 3% to 9% per 640 acres without adequate explanation or scientific, practical, or legal basis. Because the 5% cap in the preferred Alternative E wholly fails to consider the location of minerals and valid existing rights, it is inconsistent with BLM's multiple-use mandate and imposes unnecessary restrictions on non-discretionary BLM actions. The 5% disturbance cap is therefore arbitrary, unnecessarily harsh, and beyond BLM authority. BLM never explains how the disturbance cap will be assessed, and it fails to adequately describe what is included or excluded in the cap calculations. The Draft EIS states "[t]he 5% disturbance cap in Alternative E is based on using the DDCT [Density and Disturbance Calculation Tool] calculation method, which is a more fine-scale process." Draft EIS at 4-329. It also provides that "the DDCT process described in Appendix 1." Id. However, Appendix I has no information on how the disturbance cap is calculated using the DDCT. Instead, it refers to another set of materials referencing the DDCT and suggests that the LUPA will change as the DDCT materials change. But the DDCT is just a tool for helping project proponents assess impacts, and agencies could change it at any time in ways that could arbitrarily affect how projects affect the 5% cap. The referenced materials also provide minimal input on how existing anthropogenic and non-anthropogenic disturbances will be considered in the proposed disturbance cap. BLM's failure to quantify current conditions and existing disturbance thresholds underscores the lack of information included in the Draft EIS. An existing lessee or claimant cannot determine, based on the Draft EIS, whether certain areas have already met their 5% cap, and thus whether BLM is proposing to immediately limit further activity in those areas. Critical missing information deprives industry, the public, and the decision maker from understanding the impacts of these alternatives and is a violation of BLM regulatory policy requiring a clear statement of the available alternatives. See 40 CFR § 1502.14(a). BLM alludes to a study suggesting that oil and gas density affects leks but it never cites any scientific support for a 5% disturbance cap. BLM appears to settle on a middle number of 5% for Alternative E without any scientific or reasoned justification other than 5% being part of the existing Wyoming Executive Order and without fully incorporating all of the Executive Order 2011-5 provisions related to cap calculations, including allowing case-by-case exceptions. Any cap that fails to account for local habitat conditions, and that relies on landscape level mapping tools, suffers from the same flaws discussed above regarding inappropriate use of the landscape level maps. Not only does the science not support a 5% disturbance cap, a blanket condition ignores important distinctions such as habitat quality or disturbance type and/or timing that likely play a much greater role in GRSG success. Ultimately, the 5% disturbance cap is an arbitrary, one-size-fits-all approach that is not tailored to address many of the major threats identified in the Draft EIS which, in part, include wildfire, loss of native habitat to invasive species, and predation. This has no scientific basis. BPM strongly encourages that any disturbance cap account for all potentially unsuitable habitat in calculating disturbance and that existing disturbance not be counted in a new cap. At a minimum, BLM should provide for case-by-case exceptions for projects that can be shown not to adversely affect GRSG populations. A fundamental flaw in any disturbance cap is the inadequate consideration of how it will impact valid existing rights. The disturbance cap concept proposed in the Draft EIS could result in the denial of projects simply because other disturbances have decreased available cap space, ultimately denying valid existing mineral rights. To the extent non-anthropogenic disturbances, such as wildfire, could consume cap space, the cap proposal also potentially interferes with valid existing rights in an unpredictable manner. BLM fails to offer or analyze viable alternatives to disturbance caps that do not impair existing rights, such as mitigation for no net loss. To the extent the 5% disturbance cap will limit all activity managed by BLM in particular areas once a cap is reached, this proposal is inconsistent with BLM's multiple use mandate. See 42 U.S.C. § 1732(a). Furthermore, elevating GRSG protection above all other activities ignores the BLM mandate to manage its resources "in a manner which recognizes the Nation's need for domestic sources of minerals." 43 U.S.C. §§ 1701(11)-(12). It is no comfort to industry to suggest that additional cap space can be provided once land is reclaimed. Reclamation can take many years to complete

Comment ID: 2359
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, AEMA believes that the various disturbance threshold proposed under all the Action Alternatives, puts an overly restrictive and unrealistic burden on mining operators exercising their rights under the General Mining Law, and creates a de facto withdrawal which is outside BLM's authority and contrary to law. Furthermore, BLM's proposal that anthropogenic disturbances be limited to 3%, 5%, and 9% are derived from flawed studies, and in some cases are completely arbitrary.34 BLM must provide how and where these thresholds were determined, and re-evaluate the impacts they will have on other resources in the planning area as well as the socioeconomic impact they will have on the planning area, or else the Final EIS documents will not likely withstand legal or scientific scrutiny.

Summary: The goal of managing sagebrush habitat by limiting surface disturbance regardless of surface ownership fails to explain how the chosen (DDCT) limit is appropriate or sufficient to conserve sagegrouse populations. The information presented in the Draft LUP Amendments/Draft EIS do not adequately demonstrate that the disturbance caps are scientifically supported or would result in stable populations for Greater Sage-Grouse. All available science that has evaluated impacts of well density on sage-grouse has done so on a per-square-mile basis, and not one has ever evaluated the impact when calculating disturbance using the DDCT or any method similar to it. Further, the 3% density disturbance limit is not widely supported by science and its use by BLM would result in inconsistent restrictions across the range, could result in increased impacts on state and private lands, and it does not support BLM's multiple use policy. We would ask the responsible official to consider the findings of Copeland et al. (2013), which found that if all of the State of Wyoming sagegrouse policy provisions (which include a 5% disturbance cap calculated using a Disturbance Density Calculation Tool) were implemented fully and to the letter, that a 9 to 15% decline in Greater Sage- Grouse populations would still occur statewide, including a 6 to 9% decline within designated Core Areas (where the 5% disturbance cap would be applied). The use of the DDCT demonstrates an overreliance on one time data, especially in using GPS coordinates to locate leks. A 5% surface disturbance as measured across a DDCT area is an even higher percentage of surface disturbance when calculated using the Knick et al. protocol. The DDCT is too complex and difficult to apply. As currently written, Alternative E would potentially include both suitable and unsuitable Greater Sage-Grouse habitat in the 5% disturbance calculation. The 5% disturbance cap is an arbitrary, one-size-fits-all approach that is not tailored to address many of the major threats identified in the Draft EIS which, in part, include wildfire, loss of native habitat to invasive species, and predation. This application is scientifically flawed because it will potentially result in the protection of sagebrush habitat that is unsuitable Greater Sage-Grouse habitat. Yates requests the BLM modify this density of disturbance stipulation such that it is consistent with EO 2011-5 (i.e. change "core landscape" to "suitable Greater Sage-Grouse habitat"). A fundamental flaw in any disturbance cap is the inadequate consideration of how it will impact valid existing rights. Certain resources may remain undeveloped and the local economies will suffer the consequences. A socioeconomic analysis of the impact to mining from the DDCT should be considered and added to Appendix N. The Draft EIS fails to provide any information regarding operation of DDCT. Appendix I consists of one page and the Draft EIS does not address resolution of conflicts between pipelines or transmission lines and oil and gas fields. What qualifies as disturbance: reclaimed areas, livestock trailing, ROWs? It is unclear how and when the BLM will issue credits for reclamation to reduce disturbance considered in the disturbance cap. Certainly industry should get credit for reclamation when evaluating any disturbance under a cap. Project proponents will prefer areas that have the least amount of disturbance, and the DDCT method actually promotes sprawling development and habitat fragmentation. Surface disturbances in one examination area will impact the calculation of surface disturbances in another examination area and the BLM has not accounted for this error in the DDCT method. Wildfire should not be counted against the disturbance cap if prescribed fire isn't. BLM must hold disturbance cap space (sufficient for their implementation) available for long-running processes, particularly ROW applications

that have been filed and where NEPA is underway. Large projects, such as the Lost Creek project, may be able to disturb a larger area than the DDCT actually discloses. An existing lessee or claimant cannot determine, based on the Draft EIS, whether certain areas have already met their 5% cap, and thus whether BLM is proposing to immediately limit further activity in those areas. Radical activists may use arson or other surface disturbances to push the examination area over the disturbance cap in order to close the area to future disturbances. The proposed alternatives conflict in regard to co-location of facilities and disturbance caps: please describe how BLM/Forest Service would address such situations to prevent unintended negative impacts to sage-grouse habitat, e.g., where siting new development in undisturbed areas would result in increased negative impacts to sage-grouse habitat compared to developing in areas where disturbance thresholds have already been exceeded.

Response: BLM and Forest Service are committed to providing contiguous, unfragmented habitat for Greater Sage-Grouse to support the survival of the species throughout Wyoming. A range of allowable disturbance densities were considered in the Draft EIS under a reasonable range of alternatives. The density limitations, combined with the other management for sage-grouse habitat would provide the habitat protection necessary for the continued existence of sage-grouse. The well density per-square mile restriction is part of the management prescription for MA 126. The DDCT manual was created by the BLM, Forest Service, and the State of Wyoming. This methodology for calculating disturbance, project-by-project, across the landscape has been approved within the auspices of the National Greater Sage-Grouse Strategy. The Knick et al 2013 paper used a different scale of analysis/modeling that the Wyoming DDCT strategy, as well as which anthropogenic disturbances were used in the analysis (i.e.. the DDCT method considers the disturbance of roads, mines, wells, farmsteads, treated habitats, wildlife, urban areas etc.); whereas the Knick et al method considered developed urban, suburban, interstate, and state highways. Both methods are correct; however, the DDCT methodology provides a finer scale disturbance analysis than the Knick method. Current science has not caught up with this new disturbance cap strategy, so it is not appropriate to discount its use at this time. What we do know is that fragmentation and habitat disturbance is one of the leading causes for sage-grouse declines throughout its range and this methodology has merits in maintaining habitat continuity. Valid existing rights, existing disturbances, and how they fit into the implementation of a disturbance cap will be addressed on a project-by-project basis upon project implementation. The entire state of Wyoming has not been currently digitized to determine where the 5% disturbance cap has already been exceeded and where it has not, these issues are being taken into consideration into MA 2, 17, 30, 34, 63 etc. The application of reclamation credits when applying the DDCT methodology will also be determined by the BLM, Forest Service, the State of Wyoming, and the project proponent on a project-by-project basis, subject to the mitigation and monitoring strategies outlined in this plan.

Sage-grouse

Impact Analysis

Comments and changes to Chapter 4 Impact analysis

Comment ID: 1406
Organization: Cloud Peak Energy Resources
Name: Bob Green

Comment: EIS Should Recognize Independent Grass-roots Efforts Considerable grass-roots conservation initiatives have been independently developed and/or implemented for Greater Sage-Grouse. Some of these are part of Candidate Conservation Agreements or Candidate Conservation Agreements with Assurances that are in place or being developed. The EIS should clearly delineate that where specific conservation measures have been developed that are pertinent to greater sage-grouse that those will take precedence over any conservation measures developed as a result of the Nine-Plan Land Use Plan Amendments. In the structure of the EIS this recognition would likely be best incorporated into Subsection 4.14.7 Special Status

Species – Greater Sage-Grouse discussions, as well as Appendix 3 discussions of Reclamation Plans and specific metrics.

Comment ID: 374
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The DEIS does not provide sufficient detail in its analysis to determine the impacts of permitted activities on sage grouse under either alternative. Will either alternative maintain or recover current sage grouse populations inside Priority Habitats, and if not, how steep will be the declines? Similarly, what will be the impact of permitted activities on sage grouse populations outside Priority Habitats? And how do these two population trend series interact to affect the overall viability of sage grouse in Wyoming? Will loss of sage grouse populations outside Priority Habitats affect population trends inside Priority Habitats? Will sage grouse be displaced from lands outside Priority Habitats and into Priority Habitats by development, and what will be the survival rate of these displaced birds? Would the resulting competition with resident sage grouse decrease their ability to survive inside Priority Habitats? These questions need to be addressed so that BLM can make an informed choice among alternatives.

Comment ID: 1407
Organization: Cloud Peak Energy Resources
Name: Bob Green

Comment: EIS Should Recognize Existing Regulatory Frameworks The EIS does not address the significant species protection and conservation measures already involved in state and federal mine permitting and operational regulations via Wyoming Department of Environmental Quality and the Office of Surface Mining. These are substantial and need to be discussed as ameliorating aspects of any anticipated environmental consequences, and should be incorporated into Chapter 4 text.

Comment ID: 1435
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Environmental Consequences, page 4-489. A reference is made as follows, "It is estimated there is an 11% chance that the population of Greater Sage-Grouse could fall below 200 males by 2037 and a 24% chance the population could fall below 200 males by 2107 (Garton et al. 2011)." The referenced study was a comprehensive scientific study on sage-grouse across its entire range. It is important to note however, that this particular reference is not specific to the Wyoming Basin population, but rather across the entire range. Furthermore, it is worth noting that at least for the Wyoming Basin population as described in Table 15.18 of the study, the number of leks counted increased from 130 in 1965-1969 to 1149 in 2000-2007, and the number of males per lek over the same time frame remained much the same from 29 to 24, respectively. Also, the number of active leks increased from 91 to 807, however, the sheer magnitude of surveying increased 10 fold. It is also very important to note that the study points out its own statistical deficiencies; case in point the r2 values are in the range of 0.188 which indicates that there is a very low likelihood of accurate prediction from the model/study.

Comment ID: 249
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In Priority Habitats, Alternative E relies in large part (outside the 0.6-mile NSO buffer) on timing limitation stipulations on exploratory drilling to prevent surface disturbance. This allows roads, wellpads,

reserve pits, and other infrastructure to be built close to leks and within nesting habitats as long as construction activity occurs outside the breeding/nesting seasons. The BLM has relied heavily on timing limitation stipulations to mitigate impacts to breeding and nesting sage grouse, and the developments constructed using these timing limitations have had scientifically documented track records in terms of significant impacts to sage grouse breeding and nesting populations. Please evaluate the scientific basis for the effectiveness of timing limitation stipulations as an alternative to no surface occupancy stipulations, using the scientific studies cited in these comments and any other studies that examine the changes in sage grouse populations when drilling and construction activities are allowed within 4 miles of sage grouse leks, but construction and drilling activities are prohibited during the breeding and nesting seasons.

Comment ID: 296
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Under Alternative D, BLM would apply a 9% disturbance cap in the context of vegetation treatments. DEIS at 4-316. Please provide scientific justification for this threshold. The scientific basis for many such projects (which include prescribed burns and mechanical or herbicidal thinning or removal of sagebrush) is extremely shaky, and given the lack of familiarity of the project proponents with basic sage grouse habitat requirements, such projects may unintentionally cause additional damage to sage grouse habitats. The impacts (positive and/or negative) of such projects have not been rigorously tested, and thus their results for improving (or harming) sagebrush habitats remain open to speculation.

Comment ID: 1633
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The threats from energy developments are many pronged. In addition to the direct impacts of destruction of actual habitat by the footprint of the project, secondary and indirect impacts due to energy development include avoidance of previously used areas due to species psychology, increased predation, traffic-associated mortality, increased chance and spread of diseases such as the West Nile virus.

Comment ID: 283
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: A significant quantity of Core Area is already leased. Yet the BLM in its Affected Environment section has failed to analyze the amount of acreage leased currently within Core Areas, and in its impacts analyses the agency has not determined what acreage of Core Areas would be ineligible for withdrawal from future leasing under Alternative E. It is reasonable to expect BLM to perform this analysis in the EIS, due to the ready availability of the GIS data to support it and the fact that BLM performs exactly such an analysis for each lease parcel for every quarterly lease sale Environmental Assessment; failure to present this analysis represents a critical failure to take the ‘hard look’ required by NEPA.

Comment ID: 1371
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Many of the impact assessments are specious and unsupported. For instance the statement that "Forest Service livestock grazing practices provide adequate forage, cover and other habitat needs for greater sage grouse could provide forage and cover for other sagebrush dependent species" but most of the Forest Plans allow up to 60% of the annual production to be removed by livestock which in no way provides

"adequate forage, cover and other habitat needs". In addition the document states that "implementation of the Wyoming Standards for Healthy Rangelands would ensure that impacts are not significant" but current impacts from livestock grazing are significant both in terms of the amount of utilization that takes place failing to provide annual habitat needs as well as the widespread conversion to short stature and grazing tolerant species which do not provide long-term habitat needs either. Further, the document states "adverse impacts of fences on wildlife within the planning area would be minimal because of requirements that fences are located so as to not impede wildlife movement…." but this does absolutely nothing for the tens of thousands of miles of fence that is currently in place and the document is entirely silent as to the current impacts of these fences.

Comment ID: 198
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In the Wyoming RMP Amendment DEIS, BLM must take the legally required 'hard look' at the efficacy of sage grouse conservation measures, particularly those applied within Priority Habitats. We are concerned that the agency's examination of impacts to sage grouse is rudimentary in Priority Habitats and in many cases absent outside them in the DEIS.

Comment ID: 360
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are concerned that although BLM has included some vague, qualitative descriptions of the benefits of various mitigation measures for sage grouse, that the agency has failed to address impacts to the sage grouse when these mitigation measures are applied in the context of reasonably foreseeable, BLM-permitted development under the plans. For example, the agency lists the types of impacts that will not be allowed within 0.25 mile of leks under existing management (Alternative A)(DEIS at 4-255), but fails to note that this NSO buffer is inadequate to prevent significant declines in sage grouse lek populations (Holloran 2005).

Comment ID: 359
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM's analysis of impacts to sage grouse by alternative is flawed because it incorporates inappropriate assumptions. First, BLM assumes that sage grouse use riparian habitats within Core Areas "very little." DEIS at 4-242. In fact, riparian areas are used heavily by sage grouse during the early and late brood-rearing periods, and in fact are a key if not the key habitat features used by sage grouse during this phase of their life cycle. See DEIS at 4-260. Secondly, BLM correctly points out that sage grouse use wooded habitats very little or not at all (DEIS at 4-242), which is correct, but appear to assume that impacts that occur in wooded areas can have noise, dust, vehicle and human activity impacts that extend for miles into surrounding habitats (including occupied sagebrush habitats)(see, e.g., Holloran 2005 for distance effects or roads, drilling, and production activities at wellpads, and Patricelli et al. 2012 for noise impacts). Thus, impacts that occur in nonhabitat can have impacts that extend into occupied habitats, potentially rendering them uninhabitable by sage grouse.

Comment ID: 199
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM also must take the legally required ‘hard look’ at direct or cumulative impacts to sage grouse wintering habitat under the various alternatives; since the impact of development approved under the RMP Amendment on breeding and nesting sage grouse matters little if sage grouse populations do not survive the winter.

Comment ID: 2003
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page 4-242 “Prohibiting all disturbing and disruptive activities in Greater Sage-Grouse winter habitats is more beneficial to Greater Sage-Grouse than avoiding these activities.” BLM must clarify the term “disruptive activities” to make sure it does not include operator well visits and routine maintenance.

Comment ID: 467
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Sage grouse core habitat areas make up substantial portions of the White Mountain, Salt Wells and the Great Divide Basin HMAs in the Rock Springs Field Office. See WGFD, Wyoming Sage Grouse Core Area Maps. Elsewhere in Wyoming, the sage grouse core areas overlap HMAs. E.g. Conant Creek, Dishpan Butte, Lost Creek, Muskrat Basin, Green Mountain and Crooks Mountain HMAs. Many sage grouse leks and associated nesting habitat are found outside the core areas and throughout the HMAs and the surrounding lands. See e.g., EA, Adobe Town and Salt Wells Creek HMAs (Complex) Wild Horse Gather, WY-040-EA 13-82, at 25 (May 2013). Despite the overlap between HMAs and core strategy areas, the DEIS does not identify or analyze adverse impacts.

Comment ID: 2008
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page 4-335, Paragraph 3, Sentence 3 "Buffer distances from 0.5 to two miles from oil and gas infrastructure have been shown to be inadequate to prevent declines of birds from leks (Walker et al. 2007). Studies have shown that greater distances, anywhere from two to four miles, are required for viable Greater Sage-Grouse populations to persist (Connelly et al. 2000, Holloran and Anderson 2005, Walker et al. 2007)." Page 4-335 "a buffer distance for oil and gas infrastructure of 0.25 miles has been suggested to be insufficient (Walker et al. 2007)." We point out that this study was conducted in the Powder River Basin in an area with extremely high well densities that are now prohibited under both the EO and Alternative E. Its findings are completely irrelevant to other areas in the state. Further, we remind BLM that the EO provides for buffers of 0.6 miles inside core areas and 0.25 miles from leks outside of core areas, a limitation that has been supported in writing by the USFWS as “a sound framework for a policy by which to conserve greater sage grouse”.

Comment ID: 460
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Significantly, the Wyoming Executive Orders assume that livestock grazing has de minimus impact on sage grouse and sage grouse habitat. Ex. O. 2011-5, Att. C at 16, #3; 2013-3. The DEIS fails to follow those findings, instead attributing livestock grazing to adverse impacts to sage grouse habitat and applying the same management to wild horses as to livestock grazing. DEIS 2-15, 2-55; 4-500. The DEIS entirely omits the findings that equids have direct adverse impacts on sage grouse habitat. The DEIS refers

generally to impacts of livestock grazing and does not distinguish between sheep and cattle grazing or different seasons of use. See e.g. DEIS 2-55. While Chapter 3 does disclose different seasons and livestock types, the DEIS does not acknowledge or analyze the differences in impacts in either Chapter 2 or 4. The DEIS use of generalized statements reflects this lack of precision and results is that the discussion involving the Wyoming Checkerboard is largely inaccurate.

Comment ID: 1556
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: BLM must evaluate the effectiveness of the conservation measures used to minimize adverse impacts to wildlife and sensitive species with the best available science. "The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 C.F.R. § 1500.1(b) (2009). "For this reason, agencies are under an affirmative mandate to 'insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements[,] identify any methodologies used and . . . make explicit reference by footnote to the scientific and other sources relied upon for conclusions[.]'" Envtl. Def. v. U.S. Army Corps of Eng'rs, 515 F. Supp. 2d 69, 78 (D.D.C. 2007) (citing 40 C.F.R. § 1502.24 (2009)). In the Wyoming RMP Amendment DEIS, BLM must take the legally required 'hard look' at the efficacy of sage grouse conservation measures, particularly those applied within Priority Habitats. We are concerned that the agency's examination of impacts to sage grouse is rudimentary in Priority Habitats and in many cases absent outside them in the DEIS. BLM also must take the legally required 'hard look' at direct or cumulative impacts to sage grouse wintering habitat under the various alternatives; since the impact of development approved under the RMP Amendment on breeding and nesting sage grouse matters little if sage grouse populations do not survive the winter.

Comment ID: 2004
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page 4-256 "Winter concentration areas are documented areas where large numbers (25 to 50 or more) of Greater Sage-Grouse consistently use habitat during the winter months and contain sagebrush as described for winter habitat (BLM 2009b)." BLM needs to further clarify the distinction of "25 to 50 or more." IM WY2010-012 states that the number is dependent upon the total population size in the area; 50 or more birds in an area of winter habitat would constitute a winter concentration area in areas where the total GRSG population size is large and 25 or more birds in an area of winter habitat would constitute a winter concentration area in areas where the total GRSG population is marginal. Such a distinction must be made. Also, clarification needs to be added to the term "consistently". Is it a timeframe of 5 years, 10 years, etc.? Certainly 1 or 2 years does not satisfy the requirement of consistent use. As a comparison, it takes 10 years of continual data to demonstrate a lek has been abandoned. We again recommend that language be added clarifying that winter concentration areas are areas that have been or will be scientifically verified by field assessments on a site-specific basis and that they support biologically significant numbers of GRSG that nest in core areas.

Comment ID: 1290
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: The No Action Alternative analysis in the DLUPA/DEIS should quantify the impacts associated with ongoing implementation of the many existing local, state, and federal conservation measures and the existing BLM policies to protect sage-grouse habitat. Some of the impacts that could result from

continuation of the existing regulatory framework and conservation measures that should be evaluated in the EIS documents include the future, long-term habitat improvements that could occur with ongoing implementation of the existing sage-grouse habitat conservation measures in the Planning Area. For example, any Federal, state, local, private, and Tribal efforts to conserve sagegrouse through voluntary conservation agreements and/or strategies, and BMPs should be thoroughly analyzed. However, BLM fails to fully analyze other management actions or conservation measures currently in effect in the Planning Area that would have a positive impact on wildlife, such as habitat conservation improvements and the various conservation measures implemented on a local scale. While BLM may not have jurisdiction over these actions it is still imperative that they be fully considered in the impact analysis.

Comment ID: 2006
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Chapter 4, Page 4-329 "Leks have been shown to go inactive when well pad densities exceed one per 640 acres." The source of this information needs to be cited. It is unlikely that a density of more than one well pad per 640 acres would result in lek abandonment in all locations with this well density.

Comment ID: 457
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: RSGA strongly recommends the following changes in the DEIS: (4) Produce a supplemental document fully disclosing the impacts that implementation of the Wyoming sage grouse strategy has had and the potential conflicts with other agency objectives, such as promoting wind energy; and transmission lines that have potentially significant impacts on sage grouse habitat.

Comment ID: 2007
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Chapter 4, Page 4-335 "Holloran's (2005) study showed that male Greater Sage-Grouse were negatively influenced when well densities exceeded one per 699 acres." Notwithstanding our previous comments on Holloran 2005, clarification needs to be added describing exactly what is meant by the term "negatively influenced" leks as this term could imply a wide range of influence, from slight reductions in male lek attendance to total abandonment.

Comment ID: 1558
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The FEIS needs to take a hard look at issues including: 1) the potential impacts of significant growth in the number of Core Area acres to be held by development; 2) the potential for full-field development in priority habitat; 3) the likelihood of development in the hundreds of thousands of acres of core area lands proposed for leasing by industry in recent years, but deferred by BLM; 4) what impacts could result from 10% or more of core being held by production, let alone subject to full-field development; and 5) whether and how such leasing and development could affect progress towards conservation objectives and the need for a full ESA listing. The FEIS needs to take a hard look at these questions.

Comment ID: 1246
Organization: Western Watersheds Project

Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS's preferred alternative allows for higher levels of disturbance to the watersheds than grouse populations can tolerate. For example, proposed alternative proposes a five percent cap on anthropogenic disturbance only within core areas The DLUPA/DEIS contains no analysis of the actual footprint of these disturbances in terms of edge effects, increased likelihood of non-native species infestations, fire, predation, access, etc. By carving out 5 percent of the area to have surface area disturbance, the BLM and FS are neglecting to analyze the watershed impacts away from well pads, utility corridors, pipelines, etc. Both direct and indirect impacts should be considered in the disturbance cap. Additionally, the failure to consider livestock water developments as surface disturbances contributing to the overall impact is a serious oversight.

Comment ID: 300
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Alternatives B, D, and E involve the widespread creation of fire breaks. These fire breaks could be allowed to reduce sagebrush canopy cover below 15%, thereby negatively impacting sage grouse use of these habitats. In addition to habitat loss, fuel breaks cause habitat fragmentation. DEIS at 4-311. Creating firebreaks in sagebrush steppe is a practice unsupported by science. BLM touts various benefits of fire breaks in reducing the extent of catastrophic fires, provides no supporting scientific evidence for this assertion. DEIS at 4-295. Please provide peer-reviewed, scientific literature that demonstrates that such fuel breaks in sagebrush steppe habitat have been demonstrated to reduce fire.

Comment ID: 2151
Organization: Sierra Club, Wyoming Chapter
Name: Connie Wilbert

Comment: This DEIS generally fails to analyze the impacts of proposed actions on sage grouse populations and their habitat. The chapter on environmental consequences describes the proposed actions but fails to assess if sage grouse populations would continue to decline or reach some unstated population objective. Because the DEIS does not address the effects that the proposed actions will have on sage grouse populations, it must be ranked as environmentally unsatisfactory and the proposed actions should not be approved. For many key resources, BLM's proposed action will continue to violate national environmental standards on a long-term basis. As is well documented, the severity, duration and geographic scope of impacts on sage grouse warrant special attention that is not afforded through this draft plan and DEIS. The potential environmental impacts proposed by this decision are of national importance because of the threat not only to sage grouse but also to other wildlife, ecological values, and land uses. This DEIS does not adequately assess the identified potential significant environmental impacts.

Comment ID: 2939
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Chapter 4, Alternative D (P. 4-312) The claim is made that "Some smaller prey species will avoid and abandon areas where overhead structures are present, such as power lines and towers, due to the increased risk of avian predators." BLM must provide citations and science-based rationale for this claim, as this statement is very imprecise and speculative, or delete the sentence altogether. If retained in the LUPA/EIS, BLM should list which species avoid areas under transmission lines, and what "increased risk" in this context means, based upon best available scientific information and data. Tills same comment applies

across the majority of BLM's analysis. There are very few citations throughout that identify the basis of the claim and that validate the interpretations by BLM.

Comment ID: 2940
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Chapter 4. Alternative E (p.4-325) The claim is made that "Requiring all new transmission and distribution towers/structures to be designed to include raptor perching deterrents could protect special status species from predation by raptors, ravens or crows." Again, BLM must provide citations supporting these claims, or delete the sentence altogether. Without citations supporting these claims, these analyses are speculative and do not rely on best available science. Little evidence exists to support that transmission lines impact greater sage-grouse. Further, we are unaware of any evidence to support that perch deterrents are suitable to mitigate for any impacts that might occur. As documented by Terry A. Messmer et al in Stakeholder Contemporary Knowledge Needs Regarding the Potential Effects of Tall Structures on Sage-Grouse (Messmer et al. 2013) there are no peerreviewed, experimental studies reported in the scientific literature that specifically document increased avoidance or predation on sage-grouse because of the construction, operation, and maintenance of tall structures, such as transmission lines; however, recent unpublished reports have begun to address this issue. A recent report (Nonne et al. 2013) from the University of Nevada at Reno discussed impacts to sage-grouse from the Falcon-Gondor transmission line in Nevada. Messmer et al. (2013) summarizes the results of the study as follows: Nonne et al. (2013) reported the results of a study that used pre- and post-construction telemetry data to assess the potential impacts of a transmission line on sage-grouse populations. They conducted a 10-year study of sage-grouse dynamics in response to a transmission line in central Nevada and reported that habitat conditions had the greatest effect on sage-grouse nest and brood success and overall survival in their study areas than did proximity to the power Line. The report found "no negative effects on demographic rates (i.e., male survival and movement, female survival, pre-fledging chick survival, and nest survival) that could be explained by an individual's proximity to the transmission line." They found no evidence that predation increased close to the line, as nest survival and female survival were similar across all distances evaluated (Nonne et al. 2013). The role of microhabitat structure and annual landscape-scale variation in weather in sage-grouse nest and brood site selection and nest and brood success in xeric habitats has also been reported by Coates and Delehanty (2010), Kirol et a1. (2012), LeBeau (2012). Guttery et al. (2013), and Robinson and Messmer (2013). By not considering Messmer et al. (2013) and Nonne et al. (2013), the Draft Bureau of Land Management March 26, 2014 Page 15 LUPA/ElS fails to use best available scientific information. BLM also fails to consider and discuss opposing, responsible scientific views. For the Final LUPA/EIS, BLM must consider and incorporate all best available scientific information including Messmer et al. (20\3) and Nonne et al. (2013).

Comment ID: 2715
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Text: Declines of Greater Sage-Grouse populations following energy development have been shown through numerous scientific studies (Braun 1986, Remington and Braun 1991, Braun et al. 2002, Holloran 2005, Walker et al. 2007) and a buffer distance for oil and gas infrastructure of 0.25 miles has been suggested to be insufficient (Walker et al. 2007). Comment: Both the Data Quality Act and the Office of Management and Budget Guidelines implementing it require agencies to “ensure and maximize” the quality, objectivity, utility, and integrity of information disseminated by federal agencies. DQA §515(a), OMB Guidelines, § 11(2), 67 Fed. Reg. at 8458. The Walker study was completed in the Powder River Basin with well densities that are not allowed under either EO 2011-5 or Alternative E. Furthermore, the industry has developed best practices that have made this study largely irrelevant. Thus, the utility of the

Walker study is absent and the integrity of the BLM's citation tot that study here is severely compromised. BLM must provide additional information for the .25 buffer distance.

Comment ID: 3119
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: In addition to Map 3-19 depicting winter habitat, the FEIS needs to analyze the conditions of winter habitat, and assess impacts and trends with regard to the impacts from energy development, grazing and other threats. BLM should adapt Alternative B Action Numbers 65 and 134 for Winter Concentration Areas, DEIS at 2-76 and 2-162 to 163.

Comment ID: 2717
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: 4-342 Comment: Interim Reclamation is a best management practice with agency-wide emphasis. See BLM Instruction Memorandum No. 2010-098. Throughout the DEIS, BLM has failed to adequately implement interim reclamation and should include interim reclamation as a basic management assumption that will reduce surface disturbance and habitat impacts. Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development.

Comment ID: 2941
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Chapter 4. Alternative E (p. 4-336) This following sentence must be supported with science or deleted: "The ability to expand timeframes 14 days could add additional time for protection of habitat, delaying surface disturbing activities, and disruption from human or vehicle disturbance." Surmising that expansion by 14 days will protect more grouse is no different than stating that expansion by 60 days will protect more grouse. Neither value is supported by literature, and both are speculative and arbitrary.

Comment ID: 2580
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-2 Text: Certain information was unavailable for use in developing this plan amendment because inventories either have not been conducted or were incomplete. Some of the major types of incomplete and unavailable data include, but are not limited to, incomplete information on the location and size of the following Greater Sage-Grouse habitat types: • Winter concentration areas • Nesting/early brood-rearing habitat • Connectivity habitat. As a result of these missing data, some of the impacts that result from proposed management actions presented in the alternatives cannot be quantified. In these cases, impacts are projected in qualitative terms. Subsequent project-level analyses will provide the opportunity to collect and examine the site-specific inventory data necessary for determining the appropriate application of the Land Use Plan (LUP)-level guidance. In addition, ongoing inventory efforts within the planning area will serve to update and refine the information used to implement this plan amendment. Comment: Although the BLM discloses an apparent deficiency in the type or amount of information regarding GRSG habitat types, the BLM may not rely on such a disclosure to obviate further analysis of the impacts of the alternatives to these habitat types. 40 C.F.R. §1502.22; Lands Council v. Vaught, 198 F. Supp. 2d 1211, 1239 (E.D. Wash. 2002) (general disclosure of incomplete or unavailable data is fatal to an EIS). Here, the BLM attempts to augment "quantitative" data with "qualitative" evaluations. For example, in its socioeconomic evaluation

of livestock grazing, BLM states that "the differences in management actions affecting livestock grazing cannot be quantified. Qualitative differences in impacts are discussed later." DEIS at 4-156. During its qualitative evaluation of Alternative E, the BLM offers general statements as to potential impacts without providing any analytic substance. See DEIS at 4-198. For example, BLM states that several actions may have an impact, but does not describe the impact nor the logic behind its conclusion. See Robertson v. Methow Valley Citizens Council, 490 U.S. 332 (1989) (cursory discussion based on incomplete information is fatal to an EIS). The Coalition also notes that the BLM has not met the commands of Section 1502.14 of the CEQ regulations – "the heart of the environmental impact statement." 40 C.F.R. §1502.14. Based on the conclusions drawn about the affected environment, the BLM must "present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public." Id. (emphasis added). These comparisons should be based on a discussion of environmental effects of the alternatives. 40 C.F.R. §1502.16. The BLM does not describe the impacts of each alternative but instead describes the impacts of one alternative and then describes the remaining alternatives in relation to the first alternative (i.e. Alternative E is similar to Alternative A). Thus, the only real indicator of the impacts of each alternative is a cross reference to what the BLM considers to be the next most relatable alternative. Not only does this method appear intentionally misleading, but it also shallows the analysis by reciting the conclusions drawn about the impacts of one alternative and offering those conclusions for a subsequently discussed alternative. This analysis falls short of NEPA "hard look" standards. We also note that the DEIS does not adequately define absolutely essential GRSG habitat areas. Winter concentration areas, nesting/early brood-rearing habitat, and connectivity habitat are lacking important data points and the BLM, without these data, cannot properly evaluate the full spectrum of impacts that will result for any of the alternatives to these habitats. The decision maker cannot proceed on the basis of fundamentally flawed data.

Comment ID: 3064
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The potential indirect effects of infrastructure on sage-grouse were not addressed by the preferred alternative. Several authors have reported a "distance-effect" associated with the infrastructure of energy fields whereby sage-grouse on leks are negatively influenced to a greater extent if infrastructure is placed near the lek with the response diminishing as distances from lek to infrastructure increase (Manier et al. 2013). Additionally, the distance-effect of infrastructure with higher levels of human activity may be larger than that of infrastructure with lower levels of activity. Here, it should be noted that multi-well pads designed to recover the minerals from 640 or more acres of mineral estate can be expected to have significantly higher activity levels than pads draining smaller areas. In any case, the FEIS needs to take a hard look at these issues.

Comment ID: 2652
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-335, paragraph 1: After the language "may not exceed 5% loss" the language "according to the WY DDCT Calculation" should be added to be consistent with the EO.

Comment ID: 3148
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 4.13.4 4- 271 Second paragraph 49 dBA (10 dBA above background) noted noise restriction March 1- June 15 within two miles. Point at which the noise measurements are to be taken should be stated (edge of active lek).

Comment ID: 3149
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 4.14.4 4- 272 Second paragraph ALT B, C, D and E State time period for which landscape scale restoration/conservation and maintenance strategies will be developed and how they will be implemented financially and by whom.

Comment ID: 2714
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-335 Text: Buffer distances from 0.5 to two miles from oil and gas infrastructure have been shown to be inadequate to prevent declines of birds from leks (Walker et al. 2007). Studies have shown that greater distances, anywhere from two to four miles, are required for viable Greater Sage- Grouse populations to persist (Connelly et al. 2000, Holloran and Anderson 2005, Walker et al. 2007) Comment: Both the Data Quality Act and the Office of Management and Budget Guidelines implementing it require agencies to "ensure and maximize" the quality, objectivity, utility, and integrity of information disseminated by federal agencies. DQA §515(a), OMB Guidelines, § 11(2), 67 Fed. Reg. at 8458. The Walker study was completed in the Powder River Basin with well densities that are not allowed under either EO 2011-5 or Alternative E. Furthermore, the industry has developed best practices that have made this study largely irrelevant. Thus, the utility of the Walker study is absent and the integrity of the BLM's citation tot that study here is severely compromised. BLM must provide additional information for .5 buffer distances.

Comment ID: 2323
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: For example, the assumption that a canopy cover of at least 15% is representative of habitat health (See Ch. 4 at 4-407) is narrow and one-sided, and does not take into account understory health or the seral stage of the sagebrush stand, or use/function for a particular sage-grouse population. BLM must fully analyze and articulate the possibility that the "ideal" habitat condition may actually exacerbate the wildfire threat to sage-grouse, which raises the question of whether the canopy cover goal is adequate or appropriate in light of the threats. If reducing canopy cover would reduce the risk of fire and still provide functionality, then BLM must consider this as a better management option. BLM must explain the benefit of increasing the threat of fire to sage-grouse across seasonal habitats, in order to provide "ideal" conditions for one seasonal habitat. Moreover, BLM has failed to take into account that habitats are ever changing, and that these "ideal" conditions would be temporary in light of natural vegetation succession.

Comment ID: 3085
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Core areas require protection commensurate with their biological values. Where development occurs – including operations and maintenance -- conservation measures must be tailored to the duration, intensity and nature of impacts of that particular development. The Lander PRMP notes that "wildlife

seasonal protections from surface-disturbing and disruptive activities apply to maintenance and operations actions when the activity is determined to be detrimental to wildlife." Lander FEIS at 117. This is an important issue due to the longer period of time associated with maintenance and operations actions, beyond the usual development-specific stipulations. BLM supports this, "Beyond initial exploration (including geophysical activities), land clearing, and aboveground facility construction, continued human disturbance to special status wildlife could occur from activities such as equipment maintenance and site operations, which are especially disruptive during sensitive times (wintering, breeding, and nesting)." Lander FEIS at 931.

Comment ID: 2709
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-256 Text: Winter concentration areas are documented areas where large numbers (25 to 50 or more) of Greater Sage-Grouse consistently use habitat during the winter months and contain sagebrush as described for winter habitat (BLM 2009b). Comment: The DEIS defines Winter Concentration Area as: "Sage-grouse winter habitats which are occupied annually by sage-grouse and provide sufficient sagebrush cover and food to support birds throughout the entire winter (especially periods with above average snow cover). Many of these areas support several different breeding populations of sage-grouse. Sage-grouse typically show high fidelity for these areas, and loss or fragmentation can result in significant population impacts." The glossary makes no mention of the required number of birds and it also does not use the term "consistently." The BLM must clarify which definition is will apply. Certainly a handful of birds will not create a winter concentration area and similarly, the presence of birds over one or two years should not create a winter concentration area. We would suggest that a winter concentration area would be verified with scientifically based field assessments in coordination with landowners, permittees, and state, local and federal government entities.

Comment ID: 2660
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-111 Text: Prohibiting surface disturbing activities on 304,970 acres (Map 2-3) would be the same type of impacts as described in Alternative A, except 236,420 more acres (more than 4 times as many as Alternative A) would be prohibited. Comment: This statement is misleading and should be revised to disclose the difference in amount and type of impacts between the two alternatives. The purpose of the analysis is to demonstrate the incremental changes from alternative A. The BLM should use a uniform method to show what alternative A is, and how Alternative E is different. Please refer to our comment 16.

Summary: Specific comments for text changes to improve clarity, accuracy, or to support an opinion or viewpoint. Comments correct assumptions for analysis, needs for literature citations, definitions for "winter concentration areas" and "disruptive activities," and correction of acres. More general questions about: definitions, terminology, and scientific basis for analysis. Comments that the analysis is vague or inadequate, that legal requirements were not met with the analysis, suggestions for additional areas of analysis, and the need for expanded analysis of leks and other sage-grouse habitat.

Response: BLM believes that the analysis in Chapter 4 is sound and appropriately addresses the impacts to sagebrush habitat from wildland fire, energy development, and wild horse and livestock grazing management in Chapter 2. BLM and Forest Service have followed NEPA and the impact analysis in the LUP Amendments fulfill the requirements of NEPA and discloses impacts to the various resources to the level of detail possible using the available information, resources, data, and science. The combination of surface disturbance restrictions, timing limitations, limits on density of development, and other

management under Alternative E will prevent habitat fragmentation, reduce multiple stressors to the species, allow the continued existence of the Greater Sage-Grouse in Wyoming and protect core, general, and seasonal sage-grouse habitat. The phrase "(more than 4 times as many as Alternative A)" was deleted from page 4-111 to improve clarity in the sentence. BLM and Forest Service used the best available science to prepare and analyze the LUP Amendments. There is ample science to show that sage-grouse will avoid areas with tall structures since most Greater Sage-Grouse habitat is void of tall trees where predatory avian species perch and hunt. Avoidance is greater in areas where surface disturbance has taken place and adequate cover habitat is not present (Hagen 2011). The definition of winter concentration areas on page 4-256 was removed. A more accurate definition is in the glossary. The sentence on page 4-329 "Leks have been shown to go inactive when well pad densities exceed one per 640 acres." has been removed. The assumption on page 4-242 is not a management action, merely a basis for the analysis. Changes have been made to address the comment regarding perch deterrents. Chapter 4 only analyzes impacts from the management actions contained in Table 2-1 in Chapter 2. Including analysis of other management (such as grass roots conservation initiatives or existing regulatory frameworks) would not be an appropriate NEPA analysis and would be outside the scope of the LUP Amendments. Appendix L contains laws, regulations, policy, and guidance that BLM and Forest Service follow in their management of public lands. Due to the scale of the planning area and inherent nature of land use planning, quantitative measures of impacts such as sage-grouse population numbers, actual types of habitat loss, and specific locations of disturbance are not always available for the analysis. Qualitative analysis is used where quantitative data is not available. The management analyzed on page 4-336 regarding expanding timeframes by 14 days has been revised in Chapter 2 and the analysis in Chapter 4 reflects the changes. Page 4-335, paragraph 1. The language regarding the 5% loss according to the DDCT has been revised to reflect the EO. The assumption regarding sage-grouse use of riparian habitat has been removed (page 4-260).

Sage-grouse

Impact Analysis

Impacts to sage-grouse from oil and gas development are exaggerated, incorrect, etc.

Comment ID: 705
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Dr. Rob Roy Ramey, Wildlife Science International, and Lex Ivey, Terracognito GIS Services, compiled and analyzed 100 years of data on oil and gas development in the Pinedale Anticline Project Area (PAPA). Rob Roy Ramey, Spatial and Temporal Analysis of Oil and Gas Development, Mitigation, and Greater Sage-Grouse Lek Attendance in the Pinedale Planning Area, Wyoming 1990-2012 (2014)(On file with author). The study also considered data on recent mitigation efforts to benefit GRSG, spatial and temporal changes in oil and gas development, reclamation and restoration, along with GRSG responses (based on 22 years of male GRSG lek attendance data). Not only does Dr. Ramey utterly refute the NTT report and several studies relied upon in the NTT report (i.e. Holloran, 2005), but Dr. Ramey suggests a paradigm shift in the relationship between oil and gas development and GRSG habitat selection and population viability. The force of Dr. Ramey's report is easily summarized. Data from 1990 to 2012 do not indicate GRSG population decline nor widespread lek abandonment throughout the PAPA. In fact, lek attendance in the PAPA population was consistently above statewide averages and even more poignantly, lek attendance did not decline in areas with 3% disturbance within 4 miles of the lek. Going further, Dr. Ramey unilaterally states that studies currently being used for regulatory decisions with regards to GRSG are outdated and no longer relevant. Dr. Ramey also directly addresses Holloran's 2005 study and found no evidence of a population decline or population extirpation in the PAPA as predicted by Holloran in 2005. We strongly encourage BLM to utilize this information in the current GRSG management action. BLM is

obligated to utilize the best information available and it is clear that the NTT report be discarded as flawed, dated, stale, and fatally comromised.

Comment ID: 654
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM places far too much emphasis on the Holloran study from 2005 and it should not be cited for the proposition that oil and gas development necessarily causes adverse impacts to GRSG given the limitations of the study. Sage-Grouse DLUPA, pg. 3-241. In discussing the Holloran study, and any potential conclusions derived therefrom, the BLM should specifically disclose the fact that the BLM purposely waived the seasonal and timing stipulations normally associated with GRSG leks and specifically allowed oil and gas operators in the area to drill near an active lek during the strutting season in order to assess the potential impacts. Additionally, the BLM should remember that the Holloran study was based on data from only two leks and, again, the BLM's normal timing restrictions were not applied. Further, the data was obtained in 2004 during a state-wide decline in GRSG populations that is attributable to drought and other factors. Finally, BLM should not place significant emphases on the Holloran study given the fact the study's overall conclusions and predictions have been demonstrated to be untrue. Holloran predicted population declines between 8.7% to 24.4% annually within the Pinedale Field Office. Despite Holloran's predictions of catastrophic population declines in the unmitigated area, this prediction has been clearly refuted by the data. Instead, GRSG in the Pinedale Area are above statewide averages in Wyoming.

Comment ID: 622
Organization: Anadarko
Name: David Applegate

Comment: The characterization of energy impacts on sage-grouse impacts as “wide-spread” across Wyoming’s sage-grouse habitat is not consistent with the best scientific and commercially available data. As presented below, peer-reviewed literature indicates that 75 percent of all leks (current and historic, active and inactive) in Wyoming are not expected to have discernible impacts from oil and gas activities according to the criterion of less than 12 wells within a two-mile buffer surrounding a lek. Moreover, no less that 89 percent of all Wyoming leks are expected to persist given current levels of oil and gas development.

Comment ID: 625
Organization: Anadarko
Name: David Applegate

Comment: In summary, oil and gas impacts to sage-grouse in Wyoming are not uniform across its entire range and depend heavily on the density of development. Suggesting oil and gas development has led to wholesale sage-grouse population declines across Wyoming is not supported by the degree of historic development in comparison to the overall sage-grouse range using the peer-reviewed methodology of Doherty et al. (2010).

Comment ID: 646
Organization: Anadarko
Name: David Applegate

Comment: Oil and gas impacts to sage-grouse from dense vertical development have been well-documented. This type of development has not occurred on a range-wide basis in Wyoming. As documented in these comments the extent of high density energy development (not a defined term by the FWS but demarcated herein as development greater than 60 oil and gas well pads within a two-mile buffer

surrounding a lek) is not range-wide or wide-spread, and in fact impacts approximately only 11 percent of all historical leks in Wyoming. Hence, oil and gas development does not currently threaten sage-grouse persistence in Wyoming, home of nearly 40 percent of all sage-grouse. Lek abandonment (approximately 35 percent of all historical leks) occurs across Wyoming and although some portion of this abandonment (perhaps ten percent) in areas of high density development can be explained by oil and gas development, a larger percentage (perhaps as much as 25 percent) is not readily explained by the presence of oil and gas activities. The degree of lek abandonment caused by natural variations in population cycles, historic fires, predation, climate change, and anthropogenic impacts other than oil and gas development is an area ripe for investigation.

Comment ID: 1211
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is very concerned about the onerous mitigation measures BLM intends to impose under all alternatives in order to protect sage-grouse. Anschutz is particularly concerned because the BLM is utilizing oil and gas development in places such as Pinedale, Wyoming as the basis for the imposition of COAs and other lease stipulations. The oil and gas development that took place in the Pinedale Anticline and the Jonah Fields is unlikely to be repeated across much of Wyoming especially given improvements in technology since those fields were developed. The BLM places far too much emphasis on the Holloran study from 2005 and it should not be cited for the proposition that oil and gas development necessarily causes adverse impacts to GRSG given the limitations of the study. . Sage-Grouse DLUPA, pg. 3-241. In discussing the Holloran study, and any potential conclusions derived therefrom, the BLM should specifically disclose the fact that the BLM purposely waived the seasonal and timing stipulations normally associated with GRSG leks and specifically allowed oil and gas operators in the area to drill near an active lek during the strutting season in order to assess the potential impacts. When discussing the potential impacts of fluid minerals on GRSG, the BLM often overstates potential impacts to the GRSG. Sage-Grouse DLUPA, pgs. 3-241 – 3-2-42. The BLM's statements are contradicted by other reports that have been prepared regarding GRSG. Ramey (2011). Additionally, Taylor et. al., in 2007

Comment ID: 645
Organization: Anadarko
Name: David Applegate

Comment: The Taylor et al. (2013) analysis does not account for ongoing efforts to control mosquitos and more importantly does not explain why the outbreak of WNv in 2003 and 2007 in the PRB resulted in lek abandonment rates basin-wide that are nearly identical to rates in non-outbreak years. Figure 11 graphically represents lek abandonment within the PRB (same data as Table 5), and importantly highlights those years where WNv was denoted to occur. Years following WNv outbreaks show no increase in basin-wide lek abandonment rates irrespective of well density. This is to say that the PRB sage-grouse viability analysis presents a worst case scenario that does not reflect a) current development activity rates, b) ongoing mosquito control efforts, or c) the empirical data from actual outbreak years on basin-wide lek abandonment rates. Models are useful tools but they need to be verified and the assumptions they are built upon reviewed thoroughly to understand their limitations and usefulness as a management tool. Basinwide lek abandonment did not double in 2004 or 2008 (See Figure 11) from one third of the total lek count to two-thirds of all leks as suggested by the Taylor et al. (2013) modeling. Taylor et al. (2013) also does not explain why their modeled predictions of lek extirpation far exceed what was actually observed in 2004 and 2008 after WNv outbreak years. While the predictive ability of the Taylor et al. model in relation to oil and gas impacts and lek attendance appear to be well-correlated and reproducible, the impacts of WNv on lek attendance and abandonment at a basin-wide scale do not appear to be correlated to any actual outbreak year.

Comment ID: 644
Organization: Anadarko
Name: David Applegate

Comment: Actual Lek Abandonment Versus Modeled Predictions: The 2012 Report by Taylor et al. later published in journal format as Taylor et al. (2013) suggests sage-grouse viability in the PRB is threatened by the dual threats of CBNG development and WNv. Their analysis confirms the hazards of trying to predict oil and gas development outside the context of market drivers and fails to represent a foreseeable future in two fundamental respects: (1) It assumed CBNG development would continue at levels projected in the 2003 EIS; and (2) It over-stated historical impacts from WNv outbreaks. First, new CBNG drilling has virtually ceased in the PRB as witnessed by CBM well completion data from the Wyoming Oil and Gas Conservation Commission (Figure 10). Well locations are now being reclaimed at rates that exceed the rate of new completions. Second, given the error range in the Taylor et al. (2013) WNv paper, there is little evidence that WNv is a substantial threat to sage-grouse populations as suggested on a basin-wide basis. The Northeastern Wyoming Sage-Grouse Conservation Plan (page 6) embraces the Taylor et al. (2013) predictions and states: "The low elevation population in northeastern Wyoming is most threatened by WNv. Two outbreak years, 2003 and 2007, resulted in a significant number of leks with no male attendance in the following years in localized areas. An outbreak year is predicted to decrease the area lek counts by 60% due to an increase in lek extirpations" (Underline added, scale of "area" undefined).

Comment ID: 1553
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is very concerned about the onerous mitigation measures BLM intends to impose under all alternatives in order to protect GRSG. EOG is particularly concerned because the BLM is utilizing oil and gas development in places such as Pinedale, Wyoming as the basis for the imposition of COAs and other lease stipulations. The oil and gas development that took place in the Pinedale Anticline and the Jonah Fields is unlikely to be repeated across much of Wyoming especially given improvements in technology since those fields were developed. The BLM places far too much emphasis on the Holloran study from 2005 and it should not be cited for the proposition that oil and gas development necessarily causes adverse impacts to GRSG given the limitations of the study. Sage-Grouse DLUPA, pg. 3-241. In discussing the Holloran study, and any potential conclusions derived therefrom, the BLM should specifically disclose the fact that the BLM purposely waived the seasonal and timing stipulations normally associated with GRSG leks and specifically allowed oil and gas operators in the area to drill near an active lek during the strutting season in order to assess the potential impacts. Additionally, the BLM should remember that the Holloran study was based on data from only two leks and, again, the BLM‘s normal timing restrictions were not applied. Further, Mr. Holloran‘s data was obtained in 2004 during a state-wide decline in GRSG populations that is attributable to drought and other factors. Finally, BLM should not place significant emphasis on the Holloran study given the fact the study‘s overall conclusions and predictions have been demonstrated to be untrue. Holloran predicted population declines between 8.7% to 24.4% annually within the Pinedale Field Office. Despite Holloran‘s predictions of catastrophic population declines in the unmitigated area, this prediction has been clearly refuted by the data. Instead, GRSG in the Pinedale Area are above state-wide averages in Wyoming. When discussing the potential impacts of fluid minerals on GRSG, the BLM often overstates potential impacts to the GRSG. Sage-Grouse DLUPA, pgs. 3-241 – 3-2-42. The BLM‘s statements are contradicted by other reports that have been prepared regarding GRSG. Ramey (2011). Additionally, Taylor et. al., in 2007. Continually allowing hunting within the Planning Area may negate many of the mitigation measures currently proposed in the Sage-Grouse DLUPA.

Comment ID: 643
Organization: Anadarko

Name: David Applegate

Comment: The percentage of leks abandoned in CBNG development areas within the PRB over the entire period of significant development activity (1997 through 2012) was approximately ten percent greater than the lek abandonment rate outside of intensive CBNG development areas (defined herein as leks with less than 12 wells within a two-mile buffer surrounding a lek where a 30 percent abandoned rate was observed). In the context of this analysis, the degree of impact from CBNG development, while not insignificant, is certainly less than that suggested by the FWS Listing Decision introductory paragraph on energy development impacts to sage-grouse. For example, 12 years of coal-bed methane gas development in the Powder River Basin of Wyoming has coincided with 79% decline in the sage grouse population (Emmerich, pers. Comm.). USFWS Listing Decision, page 32. It is unclear based on the population estimates by Garton et al. (2011) and others (Taylor, et al. 2012) how the 79 percent decline estimate was derived, or for that matter if the use of the phrase "coincided with" was meant to obfuscate the fact that lek abandonment is not correlated with high wells counts within a two-mile buffer surrounding a lek. The conclusion that some degree of sagegrouse declines in the PRB have been caused by CBNG development is not debatable. However, other causative factors have received little to no attention fromresearchers or wildlife management agencies, with the exception of the threats posed by West Nile Virus ("WNv") (Taylor, et al. 2012.). In fact, the work by Taylor et al. (2012) confirmed the independent lek analyses presented above when they derived from their population modeling effort that "Increasing well-density had a negligible effect on lek extirpations, which remained between 25% and 33% regardless of the intensity of oil and gas development."

Comment ID: 642
Organization: Anadarko
Name: David Applegate

Comment: While lek abandonment has occurred across Wyoming both within and outside of areas impacted by oil and gas development (see earlier Table 3), a significant and apparently isolated degree of lek abandonment (in comparison to other sage-grouse breeding populations across the western range) occurred in the PRB in the 1990s. Causative factors explaining lek abandonment and sage-grouse population declines in the PRB during the 1990s has incorrectly been tied to extensive CBNG development, however, as discussed earlier, there is no causal tie between CBNG development and wholesale declines in sage-grouse populations upon review of the decline plotted temporally against timing of the onset of CBNG development, with CBNG following some years after precipitous declines in sage-grouse numbers in the PRB.

Comment ID: 640
Organization: Anadarko
Name: David Applegate

Comment: Finally, the heavy reliance by the agencies on Halloran (2005) indicates a lack of rigorous analysis. The results from the Holloran's (2005) Pinedale gas field study are not consistent with the work by Garton et al. (2011) which indicates increasing sage-grouse populations across the Wyoming Basin SMZ from 1995 forward. The agencies need to compare localized impacts to a lek (Holloran 2005) with the broader landscape level analysis done by Garton et al. (2011). The landscape level increasing sage-grouse population trend over the period of heightened oil and gas activity in southwest Wyoming encompasses the same evaluation period as the Halloran's (2005) analysis. Furthermore, field development activities in Pinedale shifted to directional drilling since the Holloran field work and there has been no effort by the agencies to determine if predictions have been validated.

Comment ID: 787

Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM places far too much emphasis on the Holloran study from 2005 and it should not be cited for the proposition that oil and gas development necessarily causes adverse impacts to GRSG given the limitations of the study. Sage-Grouse DLUPA pg. 3-241. In discussing the Holloran study, and any potential conclusions derived therefrom, the BLM should specifically disclose the fact that the BLM purposely waived the seasonal and timing stipulations normally associated with GRSG leks and specifically allowed oil and gas operators in the area to drill near an active lek during the strutting season in order to assess the potential impacts. Additionally, the BLM should remember that the Holloran study was based on data from only two leks and, again, the BLM's normal timing restrictions were not applied. Further, Mr. Holloran's data was obtained in 2004 during a state-wide decline in GRSG populations that is attributable to drought and other factors. Finally, BLM should not place significant emphases on the Holloran study given the fact the study's overall conclusions and predictions have been demonstrated to be untrue. Holloran predicted population declines between 8.7% to 24.4% annually within the Pinedale Field Office. Despite Holloran's predictions of catastrophic population declines in the unmitigated area, this prediction has been clearly refuted by the data. Instead, GRSG in the Pinedale Area are above state-wide averages in Wyoming. When discussing the potential impacts of fluid minerals on GRSG, the BLM often overstates potential impacts to the GRSG. Sage-Grouse DLUPA, pgs. 3-241 - 3-242. The BLM's statements are contradicted by other reports that have been prepared regarding GRSG. Ramey (2011), Taylor et. al. (2007)

Comment ID: 797
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: When discussing the potential impacts to Greater Sage-Grouse from fluid mineral development, the BLM unnecessarily relies on a few isolated studies and greatly overestimates the impacts of oil and gas development on sage-grouse.

Comment ID: 1822
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: SPATIAL AND TEMPORAL ANALYSIS OF OIL AND GAS DEVELOPMENT, MITIGATION, AND GREATER SAGE-GROUSE LEK ATTENDANCE IN THE PINEDALE PLANNING AREA (PPA), WYOMING: 1990-2012 (2014) (In Press) This soon to be published study by Dr. Rob Roy Ramey, Wildlife Science International, and Lex Ivey, Terracognito GIS Services, compiled and analyzed 100 years of data on oil and gas development in the PPA. The study also considered data on recent mitigation efforts to benefit GRSG, spatial and temporal changes in oil and gas development, reclamation and restoration, along with GRSG responses (based on 22 years of male GRSG lek attendance data). It is critical to note that this comprehensive, site-specific study found no evidence of a GRSG population decline in the PPA, specifically as a result of oil and gas development. Based upon these scientifically documented, site-specific findings, the assumptions and directions contained in the NTT report are inappropriate and excessive because they are predicated upon flawed scientific methods and the inaccurate hypothesis that oil and gas development “impacts are universally negative and typically severe.” Therefore, we strongly recommend that BLM modify its current approach to future management of GRSG and its habitat to ensure it does not unnecessarily restrict uses that have been demonstrated not to have the presumed impact of the NTT and COT reports.

Comment ID: 2295
Organization: Encana Oil and Gas

Name: Paul Ulrich

Comment: When discussing the potential impacts to Greater Sage-Grouse from fluid mineral development, the BLM unnecessarily relies on a few isolated studies and greatly overestimates the impacts of oil and gas development on sage-grouse. The BLM places far too much emphasis on the Holloran study from 2005. The study should not be cited for the proposition that oil and gas development necessarily causes adverse impacts to sage-grouse given the limitations of the study. In discussing the Holloran study, and any potential conclusions derived therefrom, the BLM should specifically disclose the fact that the BLM purposely waived the seasonal and timing stipulations normally associated with sagegrouse leks and specifically allowed oil and gas operators in the area to drill near an active lek during the strutting season in order to assess the potential impacts. Additionally, the BLM should remember that the Holloran study was based on data from only two leks and, again, the BLM's normal timing restrictions were not applied. Further, Mr. Holloran's data was obtained in 2004 during a state-wide decline in sage-grouse populations that is attributable to drought and other factors. Finally, BLM should not place significant emphases on the Holloran study given the fact his overall conclusions and predictions have been demonstrated to be untrue. When discussing the potential impacts of fluid minerals on Sage-grouse, the BLM often overstates potential impacts to the Sage-grouse. The BLM's statement is contradicted by other reports that have been prepared regarding Greater Sagegrouse. Ramey (2011). Additionally, Taylor et. al., in 2007.

Summary: Oil and gas impacts to sage-grouse in Wyoming are not uniform across its entire range and depend heavily on the density of development. Suggesting oil and gas development has led to wholesale sage-grouse population declines across Wyoming is not supported by the degree of historic development in comparison to the overall sage-grouse range using the peer-reviewed methodology of Doherty et al. (2010). Oil and gas development does not currently threaten sage-grouse persistence in Wyoming, home of nearly 40 percent of all sage-grouse. The degree of lek abandonment caused by natural variations in population cycles, historic fires, predation, climate change, and anthropogenic impacts other than oil and gas development is an area ripe for investigation. BLM unnecessarily relies on a few isolated studies (Holloran 2005; Taylor et al 2013) and greatly overestimates the impacts of oil and gas development on sage-grouse.

Response: Impacts from oil and gas activity on Greater Sage-Grouse used in the Draft and Final EIS are based on peer reviewed scientific literature specific to oil and gas activity; most of these studies have been conducted in Wyoming and are applicable to this project. Generally, the scientific literature suggests that sage-grouse need contiguous, unfragmented habitat in very large expanses for breeding, nesting, feeding and cover. Anthropogenic disturbance from roads, powerlines, energy development, and other activities all fragment sage-grouse habitat in Wyoming.

Sage-grouse

Impact Analysis

Livestock grazing impacts sage-grouse

Comment ID: 976
Organization:
Name: Rosalie More

Comment: Save the Sage Grouse by removing all the cattle and sheep from the public lands where endangered species reside.

Comment ID: 105
Organization:
Name: Lynn Anderson

Comment: SAGE GROUSE ARE INFINITELY MORE IMPORTANT TO ME, AND TO MANY OTHER PEOPLE, THAN OVER-GRAZING COULD EVER BE.

Comment ID: 1254
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The preferred alternative does not seriously address the primary source of degradation within Greater sage-grouse habitat in the project area: livestock grazing. It fails to resolve the conflicts between livestock grazing uses and the other users of the project area, namely, Greater sage-grouse and the citizens who want them recovered on the landscape.

Comment ID: 151
Organization:
Name: bk1492@aol.com

Comment: deny new leases to robber baron cattle ranchers and to miners and drillers. the grouse can come bac k if tyou leeav ethem alone.

Comment ID: 71
Organization:
Name: Paul Richey

Comment: It is a conflict of interest that BLM has the power to help the Greater Sage-Grouse while it also rents land for destructive cattle grazing.

Comment ID: 162
Organization:
Name:

Comment: Voluntary livestock allotment retirement should be encouraged

Comment ID: 155
Organization:
Name:

Comment: Prevent livestock grazing from degrading sage-grouse habitat, and facilitate voluntary retirement of federal grazing permits in sage-grouse range.

Comment ID: 2788
Organization:
Name: christine macmurray

Comment: The Bureau of Land Management/Wyoming's plan to protect sage grouse, a seriously threatened ground-dwelling bird, on 16.2 million acres of public land in the state, does not incorporate the devastating impact of livestock grazing on sagebrush habitat, which the bird depends on for survival

Comment ID: 2951
Organization:
Name: Beth Levine

Comment: Please stop allowing cattle ranchers to graze their cattle on public lands and protect the sage grouse.

Summary: Prevent livestock grazing from degrading sage-grouse habitat, and facilitate voluntary retirement of federal grazing permits in sage-grouse range and priority sage-grouse habitat.

Response: The State of Wyoming considers proper livestock grazing a de minimus practice within sagebrush habitat. On February 5, 2015 the USFWS released a memo detailing its position on livestock grazing and sage-grouse habitat management. This memo outlines the potential positive and impacts of grazing management. As with all resource uses, proper livestock grazing must be carefully managed to provide adequate habitat for sage-grouse and other native wildlife species. Areas of most concern are sensitive seasonal habitat for sage-grouse such as early brood-rearing, nesting, and winter ranges. Within seasonal habitat, vegetation height for sage-grouse cover and forage is necessary for species survival. The Proposed LUP Amendments include grazing management actions, including voluntary relinquishment of grazing permits, to ensure that livestock grazing continues to be a de minimis practice in sage-grouse habitat on public lands in Wyoming.

Sage-grouse

Mitigation measures

Mitigation, reclamation: questions, concerns, comments

Comment ID: 846
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: mitigation should be required to take place in the same eco-region or within the same habitat quality that is a functional unit (a contiguous parcel of land providing habitat for a particular group of sagegrouse during their annual life cycle) as the project site.

Comment ID: 845
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: site mitigation for impacts which cannot be mitigated on-site, or where landscape approaches to mitigation offer opportunities to address conservation needs on a larger scale while generating net conservation benefits for sage-grouse.

Comment ID: 1576
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is opposed to the BLM‘s incorporation of the mitigation strategy described in BLM Draft Manual Section 1794. As this document has not been finally implemented or developed by the BLM and is only in draft form, it has no binding effect. The BLM should refrain from using non-final documents.

Comment ID: 828
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: In addition, BLM now has guidance on regional or landscape-level mitigation.12 In this guidance, BLM formally acknowledges that it can condition approval of uses on sufficient off-site mitigation and provides detailed standards for designing appropriate mitigation. The final RMPA should identify specific off-site mitigation measures to offset development impacts that cannot be mitigated within a project area.

Comment ID: 826
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: As the agencies establish management guidelines for sage-grouse habitat, they should apply the BLM's habitat mitigation policy, codified at 43 C.F.R. § 1508.20. This policy lists habitat mitigation actions in descending order of preference: avoidance, minimization, rectification, reduction, and compensation. As the agencies engage in the difficult act of balancing development with conservation of sage-grouse and other sagebrush obligate species, they must keep in mind this mitigation hierarchy and consider "avoidance" the foremost objective, especially in sage-grouse priority habitat. BLM and USFS should strongly consider closing large areas in important sage-grouse habitat to anthropogenic disturbance. In the event that development occurs in sage-grouse habitat, the agencies are legally required to apply mitigation to lessen impacts on the species.

Comment ID: 1008
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg. 2-8: The BLM continues to implemented inconsistent mitigation measures. BLM must clarify whether it will follow established mitigation measures or Draft – Regional Mitigation Manual Section 1794 and BLM Instruction Memorandum No. 2013-142. MS 1794 includes substantial derivations in practice and it is our position, however, that IM No. 2013-142 must undergo notice and comment procedures before it can be implemented as part of the BLM's Final EIS and ROD. Furthermore, the BLM must consider a management action developed to include mitigation banking to more adaptively manage the impacts of a project where the goal is to replace the exact function and value of the specific habitat that would be adversely affected by a proposed activity or project. Habitat banking more closely ties the impact to the mitigation in both location and purpose.

Comment ID: 800
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is opposed to the BLM's incorporation of the mitigation strategy described in BLM Draft Manual Section 1794. This document has not been finally implemented or developed by the BLM and is only in draft form, it has no binding effect. The BLM should refrain from using non-final documents.

Comment ID: 1860
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Notwithstanding our comment above that points out that BLM MS 1794 must go through the regulatory review process, we question the need to establish six new Mitigation Implementation Teams when BLM is currently short-staffed and short-budgeted and most of the western states are already establishing their own teams for managing impacts on GRSG, including mitigation measures. There is certainly no need for such a team in Wyoming because it would confuse and complicate the current role of

the Wyoming Sage-Grouse Implementation Team (SGIT), in which both agencies participate. Moreover, the State of Wyoming has convened several local working groups that also coordinate activities with the SGIT. The SGIT must remain the primary authority in determining how best to manage Wyoming's GRSG core area strategy and activities therein. We recommend that BLM/FS abandon the establishment of redundant Mitigation Implementation Teams and focus their efforts in coordinating with the SGIT.

Comment ID: 798
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM indicates in section 4.14.4 that it intends to rely on a significant level of compensatory offsite mitigation in order to maintain or improve Greater Sage-Grouse habitat. Sage-Grouse DLUPA, pg. 4-271. The BLM needs to ensure that its proposed requirements for compensatory offsite mitigation are voluntary and consistent with existing BLM policy.

Comment ID: 1803
Organization: The Wilderness Society
Name: Nada Culver

Comment: The Draft EIS states that this team will make recommendations on compensatory mitigation, including structure for determining appropriate mitigation. We recommend that the final amendment incorporate more specific direction on use of compensatory mitigation. As noted in tehe Draft EIS, BLM now has guidance on regional mitigation in effect. See, BLM Instruction Memorandum No. 2013-142 and Draft Manual Section 1794 (Regional Mitigation) 25 [http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2013/IM_2013-142.html]. In this guidance, BLM formally acknowledges that it can condition approval of uses on sufficient off-site mitigation and provides detailed standards for designing appropriate mitigation. BLM should use this current guidance to develop and incorporate regional mitigation approaches that will meaningfully address development and other damaging activities that may continue in sage-grouse habitat, and that benefits multiple resources that might otherwise be harmed by the same activities, such as energy development. BLM should comply with its guidance on regional mitigation to avoid, minimize and mitigate impacts to sage-grouse and other resources through planning and management decisions. BLM's regional mitigation guidance, as well as the recent secretarial order, provides a framework for accomplishing these goals.

Comment ID: 361
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We call upon the Forest Service to reach a determination regarding the effectiveness of each category of compensatory mitigation to result in no net loss of sagebrush populations for the area in question, pursuant to NFMA. Please document any and all scientific studies that conclude that compensatory mitigation efforts have yielded an increase in sage grouse populations for the area to which mitigation efforts apply. We are unaware of any cases in which a compensatory mitigation program has resulted in a significant increase in sage grouse compared to an untreated landscape. The fact that "compensatory mitigation" funding frequently is used to purchase conservation easements is problematic, because this is a paper transaction with legal ramifications preventing future potential losses, but can never yield population gains to offset the very real and immediate losses of sage grouse habitats and populations incurred as a result of industrial development. BLM asserts increases in habitat values from mitigation (DEIS at 4-255) but fails to document populationlevel benefits for sage grouse. The proposition that the details of mitigation will be deferred to subsequent implementation teams (DEIS at 2-9) is also problematic

because it prevents the Wyoming EIS from analyzing the impacts of alternatives taking into account "offsetting" mitigation, and fails to analyze the effectiveness of mitigation measures, both of which appear to violate NEPA.

Comment ID: 1836
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: The BLM/FS need to discuss how they will handle monitoring the effectiveness of mitigation practices. Given the various mitigation policies being adopted through this LUPA/DEIS, the effectiveness of such practices must be an integral part of any monitoring program. Of particular concern is that no provision is included for those measures which reclaim or enhance habitat either onsite or offsite related to a project. A tracking system for identifying habitat improvements must be included in the implementation plan, one which does not rely exclusively or extensive on the Geographic Information Systems ("GIS") because it would be managed by a federal agency with tight budgets and limited staff hours for database management. Given funding constraints, we question whether staff or critical technology updates will be available for a new tracking database.

Comment ID: 886
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Tri-State encourages the Agencies to include new research and research funding as a legitimate and approved compensatory mitigation option, and to develop options to compare costs and assign value to research that can be conducted to further the understanding of how grouse respond to activities in their habitat and the mitigation measures used to benefit them. Additional research is required to better understand the implications of overhead facilities and other aboveground structures on the potential for increased predation, right-of-way avoidance, collision risk, and habitat fragmentation. Mitigation in the form of funding for further research studies that could be mutually agreed upon would be beneficial to both the Agencies and industry in helping to understand the issues, as well as identifying what is effective. The effect of predation on the fluctuation and viability of sage-grouse populations has never been investigated (Connelly and Braun 1997, Connely et al, 2000). Even the BLM has acknowledged in public meetings that natural predation could be a significant factor in sagegrouse mortality, yet there is still no clear understanding of the extent of these impacts on overall sage-grouse populations. Additional research funds could be used to better understand natural mortality rates from predation, and would enable us to better understand how relative raptor predation from increased perching on power poles affects sage-grouse.

Comment ID: 984
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Several management actions within the Draft LUP Amendment give indication that mitigation may be used in place of meeting EO 2011-5 stipulations. All efforts should be made to meet the Disturbance Density Calculation Tool (DDCT) thresholds and other stipulations. Only when there are no options because of legal or other unusual circumstances should additional mitigation be considered. If additional mitigation is necessary, then it should be subject to the following application priority: onsite, within the area of the DDCT, within the core area, adjacent to the core area, and, finally, outside of the core area. The use of additional mitigation has a role–to minimize impacts. If used improperly, it also has the potential to undermine efforts to protect intact habitat. It is important to work col1aboratively to determine if mitigation is warranted while also maintaining a degree of siting flexibility in order to address local situations. Mitigation should only be considered as a credible alternative where mitigation actions can be shown to be

effective prior to the actual disturbance. Mitigation must recognize all life cycle needs of GSG and be implemented on a time and scale that adequately addresses any habitat loss due to the activity and subsequent reclamation.

Comment ID: 1458
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: As to mitigation, NEPA requires that an EIS contain "a reasonably complete discussion of possible mitigation measures" and that they "be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated." NEPA implementing regulations recognize a diverse set of mitigation classes which include "[c]ompensating for the impact by replacing or providing substitute resources or environments" and "[r]ectifying the impact by repairing, rehabilitating, or restoring the affected environment." The final EIS should include more alternative design features and mitigation measures that: 1) recognize sage-grouse habitat quality and protection in proportion to potential sagegrouse conservation; 2) recognize the efforts of local, regional, statewide, and private conservation initiatives; and 3) provide for compensatory on-site and off-site mitigation (such as mitigation banks). In our experience, onsite mitigation options are often limited because BLM appears to believe that sage-grouse will disappear from the project area of a wind farm. If the term mitigation is used in its classic sense, as defined by the FWS and Corps of Engineers, mitigation includes (in this order) avoidance, minimization, and compensation. Using this definition, avoidance of as much impact through project siting, design and/or operation should constitute an onsite mitigation action, as would minimizing other impacts through project design or operation. Offsite mitigation options should include compensatory mitigation, in which sage-grouse habitat would be improved in some substantial way to provide a net benefit. Compensatory mitigation options include, but are not limited to, juniper removal, marking fences and transmission lines, decommissioning existing roads, replanting burned areas, controlling nonnative species, managing livestock, restoring higher quality native vegetation, and limiting public access to important areas, including lekking, nesting, and winter ranges. Offsite mitigation can also most easily be accomplished on private lands through conservation banking or through Candidate Conservation Agreements with Assurances (CCAAs) and on public lands (if feasible) through Candidate Conservation Agreements (CCAs).

Comment ID: 246
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Finally, we would ask the responsible official to render a formal determination regarding any scientific support for allowing exceptions to the disturbance cap to be granted with or without mitigation when sage grouse populations are at or above population targets and stable. Please cite to scientifically valid studies that provide examples of mitigation that have increased the populations of sage grouse where they have been implemented, to offset losses to sage grouse populations in developed areas.

Comment ID: 248
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We call upon the Forest Service to reach a determination regarding the effectiveness of the proposed compensatory mitigation to result in no net loss of sagebrush populations for the area in question. Please document any and all scientific studies that conclude that compensatory mitigation efforts have yielded an increase in sage grouse populations for the area to which mitigation efforts apply. We are unaware of any cases in which a compensatory mitigation program has resulted in a significant increase in sage grouse compared to an untreated landscape. The fact that "compensatory mitigation" funding

frequently is used to purchase conservation easements is problematic, because this is a paper transaction with legal ramifications preventing future potential losses, but can never yield population gains to offset the very real and immediate losses of sage grouse habitats and populations incurred as a result of industrial development.

Comment ID: 712
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The BLM provides a revealing example of its out-of-kind mitigation logic. Posed with the disturbance of sage-grouse winter habitat in Area (A), the BLM would mitigate that loss by reclaiming nesting and early brood-rearing habitat in Area (B). Draft at 1-9, Section 10(b). This management principle is fatally flawed. As sage-grouse rearing habitat works to increase the overall population of individual animals, winter range plays the opposite part. Thus, when winter range is disturbed, the carrying capacity of the landscape is decreased. Regardless of the number of individual birds that survive through the brood-rearing period, it is the winter range that caps the population. Mitigating Area (B) in this example would only exacerbate the disturbance in Area (A). Finally, the BLM states that "[o]ne acre of mitigation outside the area of impact may not necessarily be sufficient to compensate for one acre of direct onsite surface impact." Id. at 1-12. Instead, the BLM suggests that multiplying the number of acres actually impacted by three may be necessary to mitigate the impacts of a project. Id. BLM, however, makes no mention of the process it used to formulate the 3-to-1 ratio nor does BLM rely on peerreviewed research for its 3:1 ratio. The BLM's suggestion appears especially irrational since agencies and courts have concluded that a 1:1 mitigation ratio is sufficient. Nat'l Parks Conservation Ass'n v. Jewell, 2013 WL 4616972, 5* (D. D.C. Aug. 30, 2013).

Comment ID: 1859
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: We oppose BLM's attempt to adopt and implement the concept of regional mitigation through this planning process because its purpose is to extend BLM's management authority beyond public lands. Including Regional Mitigation in the GRSG plan amendments is premature, at best. Therefore, we strongly advise that all references to regional mitigation be qualified in the final environmental impact statement and subsequent records of decision that this aspect is still under review by the agency.

Comment ID: 1422
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Onsite and Offsite Mitigation, pages 2-135 and 2-136, Item #128. As stated under Alternative E, "Within sage-grouse core habitat when mitigation is required, the agencies in coordination with the State of Wyoming and its agencies and partners, would use the following mitigation hierarchy: 1. In-kind and onsite (on lease) mitigation would be first priority; 2. In-kind mitigation offsite within the project DDCT analysis area would be second priority; 3. In-kind mitigation offsite within the core area boundary would be third priority; 4. In-kind mitigation adjacent to the affected core area within general sagegrouse habitat would be fourth priority." This mitigation strategy is consistent with the EO, Wyoming Game and Fish Department guidance, and USFWS guidance. We appreciate the concept that mitigation is a potential opportunity, however we would like to point out the fact that not all core areas are created equal. Some core areas provide better habitat than others, and this is a function of differences in habitat across the range, and the fact that the core boundaries were basically developed in good-faith, but based on simply drawing lines on a map to encompass lek groupings and best estimates on habitat. Based on the fact that

some areas are simply better habitat than others, mitigation in highly functional habitat as opposed to mitigation adjacent to sub-optimal habitat, although next to a project, may provide improvements overall for the species. As a recommendation, the BLM's mitigation hierarchy should also consider the relative value of a nominated mitigation projects that provide relative benefits to the species, whether onsite, adjacent, or offsite.

Comment ID: 1399
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: BLM needs to reconsider the BLM's appeal policy regarding offsite mitigation in the Sage-Grouse DLUPA for several reasons. Sage-Grouse DLUPA pgs. 2-8 – 2-9. First, the BLM needs to ensure that its proposed requirements for off-site or voluntary mitigation are consistent with existing BLM policy. This provision is inconsistent with the BLM's current policy regarding off-site mitigation as expressed in BLM Instruction Memorandum No. 2008-204.Further, throughout section 2.3.3 the BLM refers to BLM's regional mitigation manual section 1794. Sage-Grouse DLUPA, pgs. 2-8 – 2-9. To date, however, the BLM has not released BLM Manual 1794 in a final format. Instead, the BLM has merely released a preliminary draft section of the manual for public review and comment. It is wholly inappropriate for the BLM to rely upon this draft Manual in the Sage-Grouse DLUPA until it has been finally promulgated.

Comment ID: 2049
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Require off-site mitigation for impacts which cannot be mitigated on-site, or where landscape approaches to mitigation offer opportunities to address conservation needs on a larger scale while generating net conservation benefits for sage grouse. Off-site mitigation should be required to take place in the same eco-region or with the same habitat quality that is a functional unit (a contiguous parcel of land providing habitat for a particular group of sage-grouse during their annual life cycle) as the project site.

Comment ID: 2051
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Reclamation should be a mandatory stipulation for all development in sage-grouse habitat and managers must recognize that methods for achieving success vary by region and are site-specific. Reclamation efforts should be monitored and results maintained in a single database to improve public understanding and effectiveness of efforts. The agencies should establish a process to identify and address failed reclamation projects.

Comment ID: 2743
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-9 Text: Discussion of Regional Mitigation Strategy. Comment: We incorporate our discussion of MS 1794 and Regional Mitigation here.

Comment ID: 2340
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: To the extent the DLUPA/DEIS pursues offsite or other mitigation requirements, Western Fuels urges that any required mitigation allow for flexibility in implementing required mitigation, including consideration of private mitigation banking options and credit exchanges. Flexibility should be used to encourage project proponents to adopt voluntary mitigation; flexibility should not be used by the BLM to allow districts to require arbitrary mitigation beyond levels established by the BLM on a project-specific basis using best available scientific data. Western Fuels appreciates the commitment to developing a structure for determining the appropriate sage grouse mitigation by a Mitigation Implementation Team, but it does not provide enough relief from the unknowns of this strategy.

Comment ID: 2321
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM should be compelled to provide evidence that supports the land use restrictions, and habitat thresholds proposed in the DLUPA/DEIS in light of more recent scientific points of view as presented by the USGS, another Department of the Interior agency. In addition, it is not clear whether the disturbance thresholds consider or account for off-site mitigation. It is BLM's policy to consider mitigation outside the area of impact when it is not feasible or practical to mitigate impacts to an acceptable level in the same area as the use authorization (BLM Regional Mitigation Manual Section MS-1794) (See Appendix L at L-18). BLM must clarify how mitigation is accounted for in the disturbance calculations.

Comment ID: 2183
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The BLM makes it clear in section 2.3.3 that it intends to rely on a significant level of off-site mitigation in order to protect and improve Greater Sage-Grouse habitat. BLM needs to reconsider the BLM's appeal policy regarding offsite mitigation in the Sage-Grouse DLUPA for several reasons. First, the BLM needs to ensure that its proposed requirements for off-site or voluntary mitigation are consistent with existing BLM policy. The BLM cannot require offsite mitigation for all oil and gas development. Such a policy ignores the fact that oil and gas development is an appropriate use of federal lands. Further, throughout section 2.3.3 the BLM refers to BLM's regional mitigation manual section 1794. Sage-Grouse DLUPA, pgs. 2-8 – 2-9. To date, however, the BLM has not released BLM Manual 1794 in a final format. Instead, the BLM has merely released a preliminary draft section of the manual for public review and comment. It is wholly inappropriate for the BLM to rely upon this draft Manual in the Sage-Grouse DLUPA until it has been finally promulgated.

Comment ID: 2562
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: APLIC urges the BLM to apply the definition of successful reclamation/restoration to all alternatives. Measures of successful reclamation/restoration must be included in the final decision so project proponents can accurately plan for project costs.

Comment ID: 2561
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: Successful reclamation of sagebrush habitat can take a considerable amount of time, depending on site conditions, annual weather variations, and the sagebrush subspecies planted. APLIC suggests the

BLM define a maximum timeframe or cost ceiling requirement for reclamation in sage-grouse habitat. Without this, project proponents cannot accurately plan for costs associated with reclamation. It is unclear in the DEIS whether temporary disturbances, such as staging areas and pulling and tensioning sites associated with transmission construction, would accumulate against the disturbance cap limit. Clarification should be added stating that temporary disturbance in sagebrush habitat (i.e ., any disturbance undergoing reclamation within one-year of vegetation clearance) is considered an exemption to the disturbance cap.

Comment ID: 2421
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Need for flexible mitigation approaches. To the extent BLM pursues offsite or other mitigation requirements, BPM urges that any required mitigation allow for flexibility in implementing required mitigation, including consideration of private mitigation banking options and credit exchanges. Flexibility should be used to encourage project proponents to adopt voluntary mitigation; flexibility should not be used by BLM to allow districts to require arbitrary mitigation beyond levels established by BLM on a project-specific basis using best available scientific data.

Comment ID: 2420
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Lack of justification for new mitigation requirements. BLM arbitrarily requires new mitigation and conservation measures in addition to the Wyoming Executive Order without any justification. BLM and the U.S. Fish & Wildlife Service have already endorsed the state's conservation program. As part of the Executive Order, industry is already required to comply with numerous conditions and best management practices through existing BLM rules. By adopting new mitigation requirements through the Draft EIS, BLM is circumventing legal requirements by establishing these new procedures as a matter of policy interpretation rather than regulatory changes adopted with full procedural protections and regulatory review.

Comment ID: 2419
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: The Executive Oder also allows mining operations to submit a conservation plan to the Sage Grouse Initiative Team to mitigate surface disturbing issues that fall within the .25 mile No Surface Occupancy buffer around leks. BLM fails to address how it will mitigate activities on BLM surface that are "restricted" within the .25 mile No Surface Occupancy property. Moreover, the Draft EIS fails to define what "restricted" means and how it will be implemented in a No Surface Occupancy area. Companies cannot be expected to be required to agree to mitigation without more detail regarding the levels of mitigation that would be required or how it could be achieved. Moreover, to the extent BLM has not even specified what levels of mitigation will be required, BLM could not have possibly met requirements to properly analyze the economic costs and cost effectiveness of its preferred alternative. See 43 C.P.R. § 1610.4-4.

Comment ID: 2283
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is very concerned about the onerous mitigation measures BLM intends to impose under all alternatives in order to protect sage-grouse. Encana is particularly concerned because the BLM is utilizing oil and gas development in places such as Pinedale, Wyoming as the basis for the imposition of COAs and other lease stipulations. The oil and gas development that took place in the Pinedale Anticline and the Jonah Fields is unlikely to be repeated across much of Wyoming especially given improvements in technology since those fields were developed. The BLM places far too much emphasis on the Holloran study from 2005 and it should not be cited for the proposition that oil and gas development necessarily causes adverse impacts to GRSG given the limitations of the study. When discussing the potential impacts of fluid minerals on GRSG, the BLM often overstates potential impacts to the GRSG. Sage-Grouse DLUPA, pgs. 3-241 – 3-2-42. The BLM's statements are contradicted by other reports that have been prepared regarding GRSG. Ramey (2011). Additionally, Taylor et. Al., in 2007. Although the State of Wyoming has taken a number of steps to reduce the number of Greater Sage-Grouse harvested annually, a significant number of birds are still lost to hunting each year. Continually allowing hunting within the Planning Area may negate many of the mitigation measures currently proposed in the Sage-Grouse DLUPA.

Summary: Please document any and all scientific studies that conclude that compensatory mitigation efforts have yielded an increase in sage-grouse populations for the area to which mitigation efforts apply. BLM should not use a draft manual (1794) as the mitigation strategy for this document. The fact that "compensatory mitigation" funding frequently is used to purchase conservation easements is problematic, because this is a paper transaction with legal ramifications preventing future potential losses, but can never yield population gains to offset the very real and immediate losses of sagegrouse habitats and populations incurred as a result of industrial development. Reclamation should be mandatory, results should be monitored, and failed projects should be addressed and rectified. The agencies should use 43 C.F.R. § 1508.20 which describes a mitigation hierarchy. We recommend that BLM/Forest Service abandon the establishment of redundant Mitigation Implementation Teams and focus their efforts in coordinating with the SGIT. The BLM needs to ensure that its proposed requirements for compensatory off-site mitigation are voluntary and consistent with existing BLM policy. BLM should apply the definition of successful reclamation/restoration to all alternatives and measures should be included so proponents can accurately plan for project costs. BLM should also define a maximum timeframe or cost ceiling requirement for reclamation in sage-grouse habitat. BLM must clarify how mitigation is accounted for in the disturbance calculations. BLM cannot require offsite mitigation for all oil and gas development. Any required mitigation should allow for flexibility in implementing required mitigation, including consideration of private mitigation banking options and credit exchanges. Mitigation in the form of funding for further research studies that could be mutually agreed upon would be beneficial to both the agencies and industry in helping to understand the issues, as well as identifying what is effective. BLM's mitigation hierarchy should also consider the relative value of a nominated mitigation projects that provide relative benefits to the species, whether onsite, adjacent, or offsite. -Require off-site mitigation for impacts which cannot be mitigated on-site, or where landscape approaches to mitigation offer opportunities to address conservation needs on a larger scale while generating net conservation benefits for sage-grouse. -Off-site mitigation should be required to take place in the same ecoregion or within the same habitat quality that is a functional unit (a contiguous parcel of land providing habitat for a particular group of sage-grouse during their annual life cycle) as the project site.

Response: Mitigation will be applied to all implementation actions/decisions that take place on Federal lands within Greater Sage-Grouse habitat during the life of this plan. Mitigation has been further defined as Regional Mitigation and the Implementation Framework is in Appendix D in the Proposed LUP Amendments/Final EIS. The Regional Mitigation Framework was developed to follow the BLM's Regional Mitigation Manual MS-1794, Forest Service Handbook FSH 1909.15, and CEQ 40 CFR 1508.20. The Mitigation Framework, through the mitigation hierarchy, guides the BLM and Forest Service. The hierarchy direction is to first avoid impacts entirely by not taking a certain action or parts of an action; second, if

unable to avoid, minimize impacts by limiting the degree or magnitude of an action or parts of an action; and lastly, if avoidance or minimizing is not possible, compensate impacts associated with future implementation actions. If residual impacts to Greater Sage-Grouse from implementation-level actions remain after applying avoidance or minimization measures, then compensatory mitigation projects will be used to offset the residual impacts in an effort to achieve the land use plan goals and objectives. As articulated in Appendix D, compensatory mitigation will occur on sites that have the potential to yield the greatest conservation benefit to the Greater Sage- Grouse, regardless of land ownership. These sites should be sufficiently "durable." According to BLM Manual Section 1794, durability is defined as "the administrative, legal, and financial assurances that secure and protect the conservation status of a compensatory mitigation site, and the ecological benefits of a compensatory mitigation project, for at least as long as the associated impacts persist." Specific mitigation strategies, based on the Framework, will be developed by regional teams (at the WAFWA Management Zone level) within one year of the issuance of the Record of Decision. These strategies will guide the application of the mitigation hierarchy to address Greater Sage-Grouse impacts within that WAFWA Management Zone. The WAFWA Management Zone Regional Mitigation Strategy will be applicable to BLM and Forest Service lands within the zone's boundaries. Subsequently, the BLM/Forest Service's NEPA analyses for implementation-level decisions that might impact Greater Sage-Grouse will include analysis of mitigation recommendations from the relevant WAFWA Management Zone Regional Mitigation Strategy(ies).

Sage-grouse

Monitoring

Appendix D is indefensible, violates NEPA, other comments

Comment ID: 1744
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips applauds the BLM's decision to develop a monitoring framework for sage-grouse as part of the Sage-Grouse DLUPA. Unfortunately, in its rush to release the supplement to the Sage-Grouse DLUPA, the BLM may have violated the terms of NEPA. The BLM indicates that it will include a new monitoring framework in the proposed RMPs and Final EIS. Sage-Grouse DLUPA, pgs. 2-6 – 2-7. If the monitoring framework will be included in the proposed RMPs for the first time, ConocoPhillips will not have an opportunity to review or submit comments regarding any of the specific monitoring criteria before they were proposed for inclusion in the Final EIS. It is inappropriate under NEPA for the BLM to introduce radically new and different concepts and procedures in the Final EIS for the Sage-Grouse DLUPA, especially given the limited ability for companies such as ConocoPhillips to submit comments or react to the new measures once a proposed RMP has been issued. Further, the BLM's inclusion of a new monitoring framework in the proposed RMPs may violate FLPMA because the public was not provided a meaningful opportunity to comment upon the monitoring framework. Because the monitoring framework is unquestionably a "substantial change" when compared to any of the alternatives included in the Draft EIS, the BLM should prepare and release for comment a supplement to the Draft EIS.

Comment ID: 1382
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Appendix D. provides the monitoring framework in which the BLM proposes to monitor sage grouse at the PAC scale through such incredibly crude parameters as "percent of sagebrush per unit area" completely ignoring the well delineated parameters for sage grouse habitat that can be monitored at that level. In section D .2 .3 we see that the disturbance monitoring completely ignores all aspects of livestock

related impacts from its disturbance monitoring. Given that livestock grazing is the primary impact to sage grouse over most of the analysis area this is indefensible.

Comment ID: 1386
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG applauds the BLM‘s decision to develop a monitoring framework for GRSG as part of the Sage- Grouse DLUPA. Unfortunately, in its rush to release the supplement to the Sage-Grouse DULPA, the BLM may have violated the terms of NEPA. The BLM indicates that it will include a new monitoring framework in the proposed RMPs and Final EIS. Sage-Grouse DLUPA, pgs. 2-6 – 2-7. If the monitoring framework will be included in the proposed RMPs for the first time, EOG will not have an opportunity to review or submit comments regarding any of the specific monitoring criteria before they were proposed for inclusion in the Final EIS. It is wholly inappropriate under NEPA for the BLM to introduce radically new and different concepts and procedures in the Final EIS for the Sage-Grouse DLUPA, especially given the limited ability for companies such as EOG to submit comments or react to the new measures once a proposed RMP has been issued.

Comment ID: 1387
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Further, the BLM‘s inclusion of a new monitoring framework in the proposed RMPs may violate FLPMA because the public was not provided a meaningful opportunity to comment upon the monitoring framework. Because the monitoring framework is unquestionably a "substantial change" when compared to any of the alternatives included in the Draft EIS, the BLM should prepare and release for comment a supplement to the Draft EIS.

Comment ID: 818
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix D - Monitoring Framework Devon applauds the BLM's decision to develop a monitoring framework for sage-grouse as part of the Sage-Grouse DLUPA. Because Appendix D of the DLUPA only contains the "major components" of the framework, however, Devon is unable to consider the details of the framework and provide informed comments. Furthermore, Appendix D should identify the entity that will be charged with collecting the monitoring data on oil/gas leases, and explain how this data could be used to adaptively feed back into the monitoring process and refine adaptive management needs on a planning area basis. This discussion should also explain what types of findings, or more specifically, what type of numeric thresholds (both hard and soft), might trigger adaptive management. Table D-1 outlines "Indicators for Monitoring Implementation of Decisions, Sagegrouse Habitat, and Sage-grouse Populations at the Broad and Mid Scales", but does not specify how thresholds are defined or what numeric measurements might constitute an "ecological threshold".

Comment ID: 588
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson applauds the BLM's decision to develop a monitoring framework for sage-grouse as part of the Sage-Grouse DLUPA. Unfortunately, in its rush to release the Sage-Grouse DLUPA, the BLM may have violated the terms of NEPA. The BLM indicates that it will include a new monitoring framework

in the proposed RMPs and Final EIS. Sage-Grouse DLUPA, pgs. 2-6 - 2-7. If the monitoring framework will be included in the proposed RMPs for the first time, Samson will not have an opportunity to review or submit comments regarding any of the specific monitoring criteria before they were proposed for inclusion in the Final EIS. It is wholly inappropriate under NEPA for the BLM to introduce radically new and different concepts and procedures in the Final EIS for the Sage-Grouse DLUPA, especially given the limited ability for companies such as Samson to submit comments or react to the new measures once a proposed RMP has been issued. If the BLM does not allow public comment on the monitoring framework, the BLM may be required to issue a supplement to the Draft EIS.

Comment ID: 1974
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. D-1, MONITORING FRAMEWORK While the WSGB understands the desire of the BLM to convey to the U.S.Fish and Wildlife Service that the BLM intends to adopt programs to provide "regulatory certainty" with respect to grouse conservation, we comment that LUP's are not in and of themselves, a "regulatory" process. The narratives under this "Monitoring" appendix convey that the BLM intends to conduct a level of monitoring we have yet to observe and which may be beyond the Bureau's capability. We comment that the BLM may have "promised" more than they can deliver which, in our opinion, is worse than not making the promise in the first place.

Comment ID: 1919
Organization: Wyoming Game and Fish
Name: Mark Konishi

Comment: Appendix D In order to better facilitate the implementation of the Core Area Strategy, all federal reporting should be done in conjunction with the State of Wyoming.

Comment ID: 1834
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: We recognize the need to monitor the implementation and effectiveness of the LUPA/DEIS. However, we are concerned that the agencies have not provided adequate specificity. The LUPA/DEIS merely describes the type of approach that will be taken to implement a monitoring framework. Without something closer to a final product, it is impossible to clearly understand and comment on such a policy. This approach is contrary to the disclosure and public involvement requirements under NEPA--particularly when results from the monitoring framework will lead to management changes through adaptive management. The final sentence of Appendix D states, "The BLM and Forest Service will consider public comments and collaborate with other agencies to finalize the Wyoming Greater Sage- Grouse LUP Amendments Sage-grouse Monitoring Plan." It is unclear how the commenting process will be handled; i.e., will BLM provide a Federal Register notice of availability for comment? Or will public meetings be held across the state or region to receive input to from industry and interested citizens? Further, once a final Monitoring Plan is developed, will an amendment to the LUPA be required? Again, we have serious procedural (and substantive) concerns with how BLM is handling this critical issue. We are concerned that these monitoring tools are intended to be the measure of success regarding implementation of the DEIS. We strongly recommend that the numerous ecological sites throughout core areas and non-core areas that do not contain GRSG habitat for a variety of other reasons be recognized and incorporated into the initial monitoring baseline to ensure they are accounted for and not counted as habitat disturbance. As previously discussed in these comments, the COT Report fails to meet the best available science standard of the ESA and the standards of objectivity, utility and transparency required by the Data Quality Act. For example,

the “threats” identified by the USFWS were combined into three simple categories: sagebrush, non-habitat (human footprint), and energy and mining. This approach is scientifically flawed because it ignores the fact that anthropogenic disturbance is not the only factor that can cause an area not to contain GRSG habitat.

Comment ID: 1143
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Further, the BLM’s inclusion of a new monitoring framework in the proposed RMPs may violate FLPMA because the public was not provided a meaningful opportunity to comment upon the monitoring framework. Because the monitoring framework is unquestionably a "substantial change" when compared to any of the alternatives included in the Draft EIS, the BLM should prepare and release for comment a supplement to the Draft EIS.

Comment ID: 740
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Based on the information provided in Appendix D, Devon appreciates that although the framework commits BLM to monitoring obligations, it does not appear to burden oil and gas lessees and other users of the public lands. The final framework similarly should not impose onerous monitoring requirements on users of the public lands. Moreover, before finalizing the framework, BLM should confirm that its budget allows it to implement the extensive monitoring described in Appendix D. Devon encourages the BLM to finalize the monitoring framework and make it available for public review and comment as soon as possible, and at the very least when the final LUPA/EIS is published for comment.

Comment ID: 1939
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2.6 " The last sentence in paragraph three on this page refers the reader to the Monitoring Framework in Appendix D. We comment that the Final 9 Plan document needs to contain a much greater level of detail as to the general components to be included in a "Monitoring Framework" for each of the LUP’s in this Draft. We do not support, a "one-size-fits-all" with respect to monitoring frameworks for each of the LUP’s attended to in this Draft. In concept, we are in support of many of the items in the Monitoring Framework in Appendix D but request that this document state that grazing permittees MUST be consulted and that “Cooperators” on each of the LUP’s covered by this Draft be offered an opportunity to be actual participants on the I.D. Team to develop local monitoring framework documents for their respective areas.

Comment ID: 3055
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: Developing and implementing an adequate adaptive management plan requires an effective and repeatable monitoring plan. To be effective, protocols need to be established prior to monitoring taking place. Adequate training, timing of data collection, standardization of data collection methods and techniques, and calibration of data collectors must be incorporated into the planning, as well as securing adequate funding sources and maintaining personnel as fully as possible. These issues should be discussed in the 9-Plan DEIS Appendix D and provision for implementing them should be made in the Record of Decision for this project. Sage-grouse require resilient and robust, undisturbed and unfragmented landscapes to thrive. Data collection and comparison is vitally important to tracking changes in habitat

quality over time. As monitoring protocols and methods develop over time, federal agencies must remain current with the latest science. Ecological Site Descriptions (ESDs) represent the most current tool for assessing ecological states and landscape health, as they assist with identification of all potential vegetation communities on a soil type and provide information about alternate stable states under multiple disturbance scenarios. Appendix 0 should discuss how the BLM and Forest Service will take steps to utilize ESDs in the project area and the Record of Decision should make provision for implementing ESDs. The Soil and Water Resources Conservation Act of 1977, Federal Land Policy and Management Act (FLPMA), and other supporting legislation augmented the statutory mandate for periodic assessment of the federal natural resources by requiring continuing inventories and planning under RMPs (FLPMA 43 USC Sections 1711(a) and 1712(a)). To fulfill this requirement, the National Resource Inventory (NRI) program was developed to provide critical information regarding natural resources on public and private land, and to supplement the NRCS Soil Survey Program. This NRI program utilizes ESDs to determine ecological health. The procedures outlined in Appendix D include important components necessary for effective monitoring of sage-grouse habitat on a landscape scale by using remote sensing data and calculations of landscape metrics. Data sources for remote sensing data provide a comprehensive set of data, though fencing data should be included in the set of Disturbance Data. As identified in our Ecological Thresholds section, fourth order spatial scale monitoring on the level of seasonal habitat use is critical to identifying trends in vegetation and should be fully expanded and addressed within Appendix D. We recommend implementing the use of ESDs and applying protocols and analysis outlined in Interpreting and Measuring Indicators of Rangeland Health (IIRH 2011, BLM National Training Center Course Number 1730-37) to standardize data collection methods and streamline analysis of habitat trends. The BLM and Forest Service should encourage continuing research, collaborating to add value to scientifically peer-reviewed research by guiding studies to areas and values where further research is needed. At landscape levels (RMP level), monitoring should track sagebrush density, percent cover, maturity of stands, preservation of key seasonal habitat components, and the degree of connectivity between sage-grouse populations, seasonal habitats, and habitat stands. At the project level, a truly effective monitoring strategy will include measures as to how plant communities respond, how that relates to vegetation structural and other sage-grouse habitat requirements, and how sage-grouse populations respond demographically (NTT p. 29) to changes in these factors.

Comment ID: 2440
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-5 2.3 Management Guidance Common to All Action Alternatives The CCCD is supportive of the proposed Monitoring Framework and would suggest coordination, consultation and cooperation with state and local governments affected by the BLM and Forest Service planning decisions.

Comment ID: 2413
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Inadequate monitoring plan. The Draft EIS provides only a very generic approach to monitoring and adaptive management and fails to clearly articulate how effectiveness of the LUPA will be monitored. For example, in Appendix D, it is unclear how BLM will consider public comment on a monitoring program or how it will integrate a final monitoring program into the LUP A. It is critical that the mining industry have a representative on any adaptive management oversight group.

Comment ID: 2181
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Further, the BLM's inclusion of a new monitoring framework in the proposed RMPs may violate FLPMA because the public was not provided a meaningful opportunity to comment upon the monitoring framework. Because the monitoring framework is unquestionably a "substantial change" when compared to any of the alternatives included in the Draft EIS, the BLM should prepare and release for comment a supplement to the Draft EIS.

Comment ID: 3031
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: Ecological Thresholds Habitat condition in sagebrush ecosystems is vitally important to maintaining sage-grouse populations. In 2010 the U.S. Fish and Wildlife Service published its Notice of 12- month Findings for Petition to List the Greater Sage-Grouse as Threatened or Endangered and noted that "[c]ontinued habitat destruction and modification, compounded by fragmentation and diminished connectivity, will result in reduced abundance and further isolation of many populations over time, increasing their vulnerability to extinction. Overall, this increases the risk to the entire species across its range" (USFWS 2010, p. 13986). Development of habitat triggers must be applicable across a range of jurisdictional scales and boundaries. We will discuss thresholds as they relate to the Sage-Grouse Habitat Assessment Framework (Stiver et al. 2010) spatial scale orders as presented in the 9-Plan DEIS Appendix D. Fourth order spatial scales necessitate monitoring protocols to address vegetation characteristics on an allotment or pasture scale. At this fine scale, microhabitat conditions are identified and data is collected to identify trends on a larger landscape scale. Identifying habitat trends and developing thresholds are straightforward at fourth order spatial scales, because scientifically recognized monitoring techniques (line-point-intercept, belt transects, etc.) are easily applicable to determine vegetation characteristics and habitat necessary to sustaining sage-grouse populations within all lifecycle stages. In identifying habitat thresholds, we suggest consulting with local and academic experts to determine appropriate biological thresholds for individual areas. However, we recommend that thresholds and monitoring be roughly standardized across the range of the 9-Plan DEIS. Based on the ecological variation across the areas covered by the amendment, standardization of thresholds may occur in the form of percentage decline in sagebrush density (e.g. % decline over three consecutive years, or in three out of five years), or may be represented as overall loss of habitat in winter or nesting habitat over a period of time. The primary threats are direct impact on sagebrush habitats and sage-grouse from energy development and road infrastructure and transport associated with both renewable and non-renewable energy resources (USFWS 2010). The most effective monitoring will identify thresholds correlated with anthropogenic disturbance and quantify direct and indirect effects to sage-grouse (e.g. mortality or decrease in nest success from predation or collisions, or behavioral avoidance of developed areas, etc.). The Density and Disturbance Calculation Tool (DDCT), used to calculate disturbance in accordance with the Greater Sage-Grouse Core Area Protection Executive Order 2011-5 (EO), could serve as a monitoring tool to identify additional habitat loss by calculating disturbances within four miles of each lek within each core area. Establishing local thresholds which can be applied across multiple ecological and spatial areas to address identified threats to sage-grouse must be developed with the help of local and academic experts. Third order spatial scales measure seasonal habitat configuration. Vegetation connectivity between habitat types facilitates movement, but can be degraded by fragmentation from anthropogenic sources. Anthropogenic disturbances impact sage-grouse behavior and use of habitat depending on the location of the disturbance (e.g. roads on the perimeter of habitat vs. roads bisecting habitat). Data collected from fourth order spatial scales within key linkage areas between seasonal habitats will help develop and establish thresholds within third order spatial scales. Data collected from monitoring disturbance within four-mile perimeters of sage-grouse leks may contribute to developing thresholds at this spatial scale. Non-anthropogenic disturbance may also be a factor for establishing thresholds within third order spatial scales. Conversion of suitable habitat due to nonnative invasive species or encroachment of conifers should be monitored, especially in areas prone to cheatgrass (Bromus tecotrum) expansion. Monitoring changes in vegetation composition should be implemented to track invasive species and

thresholds should be set based on local and academic experts. Second order spatial scales include populations and sub-populations of sage-grouse. The Western Association of Fish and Wildlife Agencies (WAFWA) management zones (MZ) I and II fall within the geographical boundaries of the state of Wyoming, but extend outside the jurisdictional state boundaries as well (Stiver et al. 2006). Anthropogenic disturbances within four miles of each lek in each core area continue to provide monitoring data at this scale. Additionally, landscape level monitoring (using aerial imagery and data from project and site-specific monitoring) should provide information about habitat availability, habitat patch sizes and numbers, connectivity between patches, and analysis of edge effects. Sage-grouse thrive in highly connected sagebrush (Artemisia tridentata) habitats, making highly patchy and fragmented habitat types undesireable (Walker et al. 2007; Aldridge et al. 2008; Doherty et al. 2008, 2010; Knick and Hanser 2011; Johnson et al. 2011; Wisdom et al. 2011). Across MZ I and II, monitoring by remote sensing as well as site specific monitoring must provide information about average patch size, distance between patches, and landscape scale edge components between habitat and non-habitat. Thresholds must be established based on the best available science from landscape ecologists and sage-grouse biologists. Formulation of habitat thresholds at first order spatial scales is reliant on landscape scale geographic information system analysis and remote sensing. Tools such as the Wyoming Game and Fish Wyoming Interagency Spatial Database & Online Management system (WISDOM, 2012), data from the Landscape Fire and Resource Management Planning Tools Project (LANDFIRE, 2010), and the Wyoming DDCT can provide information on habitat connectivity and disturbance for analysis at first order spatial scales.

Comment ID: 2180
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana applauds the BLM's decision to develop a monitoring framework for sage-grouse as part of the Sage-Grouse DLUPA. Unfortunately, in its rush to release the supplement to the Sage-Grouse DLUPA, the BLM may have violated the terms of NEPA. The BLM indicates that it will include a new monitoring framework in the proposed RMPs and Final EIS. Sage-Grouse DLUPA, pgs. 2-6 – 2-7. If the monitoring framework will be included in the proposed RMPs for the first time, Encana will not have an opportunity to review or submit comments regarding any of the specific monitoring criteria before they were proposed for inclusion in the Final EIS. It is wholly inappropriate under NEPA for the BLM to introduce radically new and different concepts and procedures in the Final EIS for the Sage- Grouse DLUPA, especially given the limited ability for companies such as Encana to submit comments or react to the new measures once a proposed RMP has been issued.

Comment ID: 2693
Organization: QEP Energy Company
Name: Mike Smith

Comment: Section D.l, page D-l, paragraph 2, last sentence: The indication that funding and personnel support decisions will be made annually through normal budget processes provides little if any assurance that the monitoring would be consistently implemented. It is suggested that some level of permanent/10-year/until grouse no longer sensitive, support be immediately dedicated for this effort.

Comment ID: 2597
Organization: QEP Energy Company
Name: Mike Smith

Comment: With regards to monitoring, Appendix D is difficult to follow and requires a more detailed description of numerous references and programs. The entire appendix should be simplified to provide for a clearer understanding by the reader. Also, further clarification is needed on what LANDFIRE entails,

although it appears inappropriate to measure and report disturbance changes relevant for GRSG on areas that have the potential to support sagebrush, but which may not at present be sagebrush habitat. Moreover, LANDFIRE lacks specificity for types of sagebrush vegetation and has relatively low accuracy. The BLM also needs to provide more information on the referenced "Sage Grouse Draft Monitoring Framework." (Appendix D, D.1). Given the major decisions that will be based off the BLM's ability to efficiently and effectively monitor, there needs to be an opportunity to comment on the completed monitoring framework when it is released.

Summary: The Draft EIS provides only a very generic approach to monitoring and adaptive management and fails to clearly articulate how effectiveness of the LUP Amendments will be monitored. For example, in Appendix D, it is unclear how BLM will consider public comment on a monitoring program or how it will integrate a final monitoring program into the LUP Amendments. It is critical that the mining industry have a representative on any adaptive management oversight group. The narratives under this "Monitoring" appendix convey that the BLM intends to conduct a level of monitoring we have yet to observe and which may be beyond the Bureau's capability. We are concerned that the agencies have not provided adequate specificity. We strongly recommend that the numerous ecological sites throughout core areas and non-core areas that do not contain Greater Sage-Grouse habitat for a variety of other reasons be recognized and incorporated into the initial monitoring baseline to ensure they are accounted for and not counted as habitat disturbance. Appendix D should identify the entity that will be charged with collecting the monitoring data on oil/gas leases, and explain how this data could be used to adaptively feed back into the monitoring process and refine adaptive management needs on a planning area basis. This discussion should also explain what types of findings, or more specifically, what type of numeric thresholds (both hard and soft), might trigger adaptive management. Disturbance monitoring completely ignores all aspects of livestock related impacts. How will the public be able to comment on the final appendix if it is released in the Final EIS? This could violate NEPA. LANDFIRE lacks specificity for types of sagebrush vegetation, has relatively low accuracy, and a better description of what LANFIRE is should be included. In order to better facilitate the implementation of the Core Area Strategy, all federal reporting should be done in conjunction with the State of Wyoming. Establishing four levels of habitat thresholds which can be applied across multiple ecological and spatial areas to address identified threats to sage-grouse must be developed with the help of local and academic experts.

Response: The Monitoring Framework in Appendix D outlines the methods that the BLM and Forest Service will use to monitor habitats and evaluate the implementation and effectiveness of the planning strategy to conserve the species and its habitat. The regulations for the BLM (43 CFR 1610.4-9) and the Forest Service (36 CFR 219.12) require that land use plans establish intervals and standards, as appropriate, for monitoring and evaluations, based on the sensitivity of the resource to the decisions involved. BLM and Forest Service will use the methods described in Appendix D to collect monitoring data to evaluate implementation and effectiveness of the Greater Sage-grouse planning strategy and the conservation measures contained in land use plans. To ensure that the BLM and Forest Service have the ability to make consistent assessments about sage-grouse habitats across the range of the species, the framework in Appendix D provides the methodology for monitoring the implementation and evaluating the effectiveness of BLM/Forest Service actions to conserve the species and its habitat through monitoring that informs effectiveness at multiple scales. Implementation monitoring results will provide information to allow the BLM and Forest Service to evaluate the extent that decisions from the BLM resource management plans (RMP) and Forest Service land management plans (LMP) to conserve Greater Sage-Grouse and its habitat have been implemented. Effectiveness monitoring will provide the information to evaluate BLM and Forest Service actions to reach the objective of the planning strategy (BLM IM 2012-044), to conserve Greater Sage-Grouse populations and habitats. Monitoring efforts will include data for measurable quantitative indicators of sagebrush availability, anthropogenic disturbance levels, and sagebrush conditions. This information will assist the BLM and Forest Service with identifying whether or not they are achieving their land use plan goals and objectives, as well as providing information relative to the disturbance cap.

Specifically, habitat degradation (percent of human activity in a biologically significant unit), habitat availability (percent of sagebrush in a biologically significant unit), and habitat degradation intensity (density of energy facilities and mining locations) will be the data gathered to inform the disturbance cap objective of 5% under the Preferred Alternative in the Draft EIS.

Sage-grouse

Noise

Noise: too restrictive, not restrictive enough

Comment ID: 671
Organization: Anadarko
Name: David Applegate

Comment: The agencies should consider guidance applied to other avian species. In review of guidance from the FWS for other avian species (owls and murrelets) (FWS, 2006), disturbance rises to the level of harassment under a limited range of conditions (emphasis added). For purposes of the guidance, FWS assumes harassment may occur when species demonstrate behavior suggesting that the safety or survival of the individual is at significant risk, or that a reproductive effort is potentially lost or compromised. The FWS interpret data to indicate such behaviors may manifest when: (a) the actiongenerated sound level substantially exceeds (i.e., by 20-25 dB or more as experienced by the animal) ambient conditions existing prior to the project; (b) when the total sound level, including the combined existing ambient and action-generated sound, is very high (i.e., exceeds 90 dB, as experienced by the animal); or (c) when visual proximity of human activities occurs close to (i.e., within 40 m of) an active nest site. Sound levels of lesser amplitude or human presence at farther distances from active nests have the potential to disturb these species, but have not been clearly shown to cause behaviors that meet the definition of harassment.

Comment ID: 670
Organization: Anadarko
Name: David Applegate

Comment: The data presented herein strongly suggests that the current noise level considerations in the Draft LUPA should be revisited. The Draft LUPA currently does not, but it should, take into account any of the strategies a freely moving bird in its natural environment is highly likely to employ to communicate in noise. These strategies include scanning the environment by turning the head, changing height or location, and raising voice level. Each of these factors alone can enhance communication in noise by as much as 10-15 dB8. Together, the combined effect of these strategies could be significant in reducing the effects of noise on acoustic communication in a natural environment. Since the typical bird normally experiences masking from ambient noise in its environment, how much industrial noise is a problem in any environment? The answer is complex and depends on the level of ambient noise and the species' communication lifestyle. It is unlikely that a noise level below an overall level of approximately 50-60 dB(A) would have much of an effect on acoustic communication or the biology of a bird in a quiet rural landscape.

Comment ID: 289
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The Preferred Alternative would require that noise be limited to 10 dbA above ambient noise levels within 0.6 mile of active leks, but fails to appropriately define ambient noise levels (DEIS at 2-166). We are concerned that under these provisions, BLM will inappropriately include currently existing human-

caused noise sources in the ambient noise level, allowing additional noise to be permitted far above the 30-32 dbA absolute threshold recommended by Patricelli et al. (2012), resulting in significant impacts to sage grouse populations in Core Areas. We recommend that noise limits be imposed in the RMP, allowing no greater than 32 dBA noise levels in sage grouse nesting and breeding habitats. Note that the current noise threshold prescribed as "background" on the Thunder Basin National Grassland (39 dBA, DEIS at 3-356) is set too high to provide adequate protection to sage grouse.

Comment ID: 1618
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The Preferred Alternative would require that noise be limited to 10 dbA above ambient noise levels within 0.6 mile of active leks, but fails to appropriately define ambient noise levels (DEIS at 2-166). We are concerned that under these provisions, BLM will inappropriately include currently existing human-caused noise sources in the ambient noise level, allowing additional noise to be permitted far above the 30-32 dbA absolute threshold recommended by Patricelli et al. (2012), resulting in significant impacts to sage grouse populations in Core Areas. We recommend that noise limits be imposed in the RMP, allowing no greater than 32 dBA noise levels in sage grouse nesting and breeding habitats. Note that the current noise threshold prescribed as "background" on the Thunder Basin National Grassland (39 dBA, DEIS at 3-356) is set too high to provide adequate protection to sage grouse.

Comment ID: 1616
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Yet BLM is still erroneously assuming a background noise level of 30 dBA and recommending limit of 49 dBA (DEIS at 4-271) that is too high to prevent major impacts on sage grouse based on the science. Particelli et al. went on to elaborate, "Second, and much more importantly, if noise levels drop down to stipulated levels at the edge of the lek, then much of the area surrounding the lek will be exposed to higher noise levels (see Figures 3 & 4). This management strategy therefore protects only a fraction of sage-grouse activities during the breeding season—mate assessment and copulation on the lek—leaving unprotected other critical activities in areas around the lek, such as foraging, roosting, nesting and brood rearing."

Comment ID: 665
Organization: Anadarko
Name: David Applegate

Comment: The need to address impacts specifically associated with noise and mechanical movement related to sage-grouse are unnecessary given the lack of rigorous scientific support. The issue of project-induced noise disturbance to greater sage-grouse has drawn increasing attention in recent years, yet it remains a complex, controversial, and poorly understood subject. An arbitrary threshold of 10 dB(A) above ambient noise level has been used throughout much of the west in management actions that affect sage-grouse. No data exists that provide at what noise level, above that of a quiet natural environment, could one begin to see effects of noise from oil and gas operations on vocal communication in sage-grouse. A quiet, natural environment typical of a quiet rural areahas an overall sound pressure level of approximately 45-55 dB(A) (Ouis, 2001). Given the paucity of ambient noise data existing within sagebrush habitats supportive of sage-grouse, this range is similar to data collected by Hessler Associates, Inc. an acoustical engineering firm for a project site in Converse County, Wyoming. In their study, the average sound level in a lower valley with a wind speed of ten miles per hour ("mph") was 45dB(A), while at two open plain elevations with wind speeds of 18-20 mph the ambient noise level was 50-52 dB(A)7. In Figure 12, derived from a study done

for the California Department of Transportation (Dooling and Popper, 2007) it can be seen that a bird will already be experiencing considerable masking (e.g., 20-25 dB) in its region of best hearing from such a level of environmental noise. The spectrum level in the region of 2-4 kHz (for a 40-50 dB(A) ambient noise is already about 0-10 dB which significantly elevates the thresholds that one could obtain in a quiet test booth (see dotted lines of 0 and +10 in the audiogram). In other words, masking is always occurring in natural environments.

Comment ID: 287
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Yet BLM is still erroneously assuming a background noise level of 30 dBA and recommending limit of 49 dBA (DEIS at 4-271) that is too high to prevent major impacts on sage grouse based on the science.

Comment ID: 700
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The Draft EIS limits all anthropogenic noise to less than 10 decibels above ambient measures (dBA) throughout each of the alternatives. The Draft EIS relies heavily on the NTT Report, which severely overstates and misrepresents the conclusion of the literature it cites. Jessica L. Blickley, et al. Experimental Evidence for the Effects of Chronic Anthropogenic Noise on Abundance of Greater Sage- Grouse at Leks, Conservation Biology, Volume 26, No. 3, 461-471 (2012). To be fair, the Blickley study actually found that GRSG tolerated, and even showed no signs of behavior variation, when noise levels were increased by 30 dBA. In fact, the conclusions relied upon by the BLM were the result of noise levels reaching 70 dBA – the equivalent of standing next to an interstate. Further, the Blickley study assumed an ambient noise level of 35 dBA and the Draft EIS does not identify a specific background dBA. Ambient levels should not be determined before 7 a.m., but should instead be averaged over a 24 hour period to reflect the highest and lowest GRSG tolerances. The Draft EIS also does not account for the location of GRSG leks, noise sources, geography, and wind direction. GRSG will display a greater aversion to noise depending on the predominant wind direction. Mathew J. Holloran, Greater Sage-Grouse Population Response to Natural Gas Field Development in Western Wyoming, (2005) ("Sound waves propagating upwind of the source enter a shadow zone >100 m from the source, resulting in substantial reductions (typically $20 dB) in sound intensity; downwind on the other hand, sound waves are bent in the opposite direction resulting in the opposite effect."). The average library operates at 30 dBA , a regular human conversation generally occurs at 60 dBA, rural areas are within 39-44 dBA, and the Environmental Protection Agency sets noise levels for pristine wilderness areas at 35 dBA. See Protective Noise Levels, Condensed Version of EPA Noise Levels Document, 8*, Figure 4 (Nov. 1978). No human activity, even whispering at the edge of a Lek, could meet these standards if the BLM continues to use the 10 dBA increase for anthropogenic noises

Comment ID: 1125
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-166 MA 136 Text: As new research is completed, new specific limitations would be coordinated with the WGFD and partners. Noise levels at the 0.6 mile perimeter of the lek should not exceed 10 dBA above ambient noise from March 1. Comment: Existing research shows that noise levels reaching 40 dBA and 30 dBA may have an adverse impact in certain conditions. There is, however, no support for 10 dBA. BLM has limited, if any, authority to regulate noise, which is delegated to states by EPA and set by state law. Stress on GRSG caused by noise is the subject of scientific controversy. NEPA requires that

BLM identify areas of scientific controversy and respond to adverse opinions held by respected scientists. Public Lands Council v. U.S. Department of the Interior, 929 F. Supp. 1436 (D. Wyo. 1996), aff'd in part, rev'd in part, 167 F.3d 1287 (10th Cir. 1999), aff'd 529 U.S. 728 (2000). See also Seattle Audubon Society v. Mosely, 798 F. Supp 1473, 1482 (W.D. Wash. 1992) (setting aside EIS which did not give reasoned analysis and response to scientific report which disputed agency findings); Sierra Club v. Eubanks, 335 F. Supp.2d 1070, 1079 (E.D. Call. 2004) (NEPA specifically requires BLM "to objectively evaluate and disclose credible scientific evidence that contradicts its proposed course of action"). BLM's failure to independently evaluate and confirm the basis for the WGFD recommendations also violates the Data Quality Act (DQA), Pub. L. No. 106-554 (Dec. 21, 2000) (published at 44 U.S.C. §3516 note). Finally, the Coalition directs the BLM to our discussion of the NTT Report in the cover letter preceding and attached to this table, and incorporate that discussion by reference here.

Comment ID: 3165
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.4 B- 5 Paragraph 3 Further definition of “noise shields” is needed, as are the locations where shields may be required.

Comment ID: 2327
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM’s assertion that activity associated with energy and mineral development produce noise and human activity that disrupt the habitat and life-cycle of sage-grouse (See Ch. 4 at 4-256, 271) is biased. For example, a recent study conducted on the Pinedale Anticline gas field shows that sagegrouse were not avoiding areas as a result of high levels of human activity but rather avoidance behavior was related to the density of the wells. This suggests that avoidance behavior is not a result of human activity as previously thought.23 BLM also fails to disclose that none of the noise studies cited in the NTT Report actually found a population decline in sage-grouse as a result of noise from oil and gas operations.24 BLM also fails to consider that other factors influence habitat selection such as topography and geology and distance to riparian areas or from forested stands, which are not a result of human activity. AEMA contends that the noise recommendations are not adequately supported. Review of studies used in support of noise limitations (limit noise to less than 10 dBA above ambient noise levels) has also revealed that the studies cited in the NTT Report, including Blickley et. al. 2012, (Ch. 4 at 4-271) do not rise to the level of best available science, but rather the cited studies suffer from flaws in methodology, lack of data, flawed assumptions, and erroneous interpretation of results.25 To that end the proposed limit of 10 dBA above ambient noise levels proposed under Alternatives B, C, and E must be removed or BLM should be compelled to provide additional studies in support of this prescriptive noise restriction. If such studies do not exist, then BLM’s action alternatives do not meet NEPA or BLM-internal requirements to use reliable, accurate, clear, and useful data as required in BLM’s policies implementing the Data Quality Act.26

Comment ID: 3197
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix E E- 17 Action 132, Alternative E This noise requirement needs to be applied at lek perimeter not at 0.6 mile from the lek. As is, the action could extend the effective NSO considerably farther afield. Additionally, there is no research showing that noise specifically affects anything other than lek attendance, and even that is debatable. Further definition is needed on how ambient noise levels will be determined and who will do/pay for this; noise levels vary dramatically based on time of day, season, and

measurement equipment types. In any case existing ambient anthropogenic noise is an important consideration as are other variables including topography.

Summary: We recommend that noise limits be imposed in the LUP Amendments, allowing no greater than 32 dBA noise levels in sage-grouse nesting and breeding habitats. Existing research shows that noise levels reaching 40 dBA and 30 dBA may have an adverse impact in certain conditions. There is, however, no support for 10 dBA. It is unlikely that a noise level below an overall level of approximately 50-60 dB(A) would have much of an effect on acoustic communication or the biology of a bird in a quiet rural landscape. BLM is still erroneously assuming a background noise level of 30 dBA and recommending limit of 49 dBA (Draft EIS at 4-271) that is too high to prevent major impacts on sage-grouse based on the science. The proposed limit of 10 dBA above ambient noise levels proposed under Alternatives B, C, and E must be removed or BLM should be compelled to provide additional studies in support of this prescriptive noise restriction. The Draft EIS also does not account for the location of Greater Sage-Grouse leks, noise sources, geography, wind direction, and fails to appropriately define ambient noise levels BLM has limited, if any, authority to regulate noise, which is delegated to states by EPA and set by state law. BLM's assertion that activity associated with energy and mineral development produce noise and human activity that disrupt the habitat and life-cycle of sage-grouse (See Ch. 4 at 4-256, 271) is biased. This noise requirement needs to be applied at lek perimeter not at 0.6 mile from the lek. As is, the action could extend the effective NSO considerably farther afield. B.2.4 B- 5 Paragraph 3 Further definition of "noise shields" is needed, as are the locations where shields may be required. The agencies should consider guidance applied to other avian species (owls and murrelets). The USFWS interpret data to indicate such behaviors may manifest when: (a) the action-generated sound level substantially exceeds (i.e., by 20-25 dB or more as experienced by the animal) ambient conditions existing prior to the project; (b) when the total sound level, including the combined existing ambient and action-generated sound, is very high (i.e., exceeds 90 dB, as experienced by the animal); or (c) when visual proximity of human activities occurs close to (i.e., within 40 m of) an active nest site.

Response: The range of alternatives in the LUP Amendments consider a variety of noise limits, all based on scientific studies on noise tolerance of sage-grouse and other avian species. The distance of the noise monitoring and the inclusion of the 10 dB above ambient is consistent with the State of Wyoming Core Strategy, in addition it is inconsistent with the most up to date research concerning the impacts of noise related to sage-grouse. The State of Wyoming is currently undertaking research to determine ambient noise levels across the State of Wyoming to determine variability in geography, environmental variables, topography, etc., after which the BLM/Forest Service will be working with the WGFD with respect to this issue. The type of noise shield and the location of the shield will be determined on a case-by-case project specific basis.

Sage-grouse

Predators

Predators and other threats to sage-grouse

Comment ID: 205
Organization: The 7L Livestock Company
Name: Doug Cooper

Comment: The proposed predator management (Appendix F) is entirely inadequate. Active reduction of raven, red fox and coyote populations is necessary. It is not enough to manage vertical structures, reduce roads and inventory predator populations if sage grouse are to be helped. Only by taking measures that protect sage grouse from predators will any meaningful recovery of the grouse occur.

Comment ID: 656
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: When discussing the potential impacts of fluid minerals on GRSG, the BLM often overstates potential impacts to the GRSG. Sage-Grouse DLUPA, pgs. 3-241 - 3-2-42. The BLM's statements are contradicted by other reports that have been prepared regarding GRSG.Samson understands that sage-grouse leks near the Pinedale Anticline and Jonah Field have experienced recent declines in attendance in the past couple years. Sage-Grouse DLUPA, pg. 3-287. However, as also demonstrated by the Sage-Grouse DLUPA, other leks in the area are experiencing significant increases in the number of birds attending. Sage-Grouse DLUPA, pg. 3-287. The status is not just that the sage-grouse are experiencing population declines within the area, but that the birds are merely adjusting to development and moving to other areas. The decreases associated with the Pinedale Anticline and Jonah Areas are more than offset by the increases seen in other areas. Although the State of Wyoming has taken a number of steps to reduce the number of Greater Sage- Grouse harvested annually, a significant number of birds are still lost to hunting each year. The BLM suggests that over 1,200 sage-grouse were killed in 2009, a shocking amount for a supposedly imperiled species. Continually allowing hunting within the Planning Area may negate many of the mitigation measures currently proposed in the Sage-Grouse DLUPA. Samson requests that BLM also analyze the impacts that continued hunting will have on sage-grouse populations.

Comment ID: 1851
Organization:
Name: Charles C. Price

Comment: I do not think that the decline of the sage grouse can be stopped without addressing the predation problem. Ravens, foxes, raccoons, dog and cats are present in increased numbers. Raven populations in particular have increased dramatically. Consider that when Robert L. Patterson gathered data for his research published as “The Sage Grouse in Wyoming”, he kept a record of the birds and animals he saw during his research. He lists these sightings in the appendix of his book. THERE IS NOT A SINGLE RAVEN IN THAT LIST. At that time ravens were not the ubiquitous bird in this ecosystem that they are now.

Comment ID: 124
Organization:
Name: CTVA Action Committee

Comment: Next in line affecting sage grouse populations are natural conditions including weather and fires and induced conditions such as wolves. Sage grouse populations are significantly impacted by natural conditions including drought. The benchmark for evaluation of impacts on sage grouse by OHV recreation should be established by comparison to these natural conditions and hunting regulations. The evaluation and subsequent decision-making must be based on comparison to these real world conditions.

Comment ID: 1962
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Chapter 3, Page 3-474 “Ravens are common in the planning area. Ravens are opportunistic and intelligent. They are scavengers, feeding on carrion, eggs (including sage-grouse eggs) and garbage. Studies are being conducted to determine the extent of raven predation on sage-grouse chicks. Wyoming classifies ravens as a pest; however, they are protected by the Migratory Bird Treaty Act (MBTA).” Although this statement suggests the importance of predation and GRSG, the LUPA/DEIS does not provide a thorough

or referenced discussion of this topic and as such a more detailed discussion must be added, including not only studies of raven predation on GRSG chicks, but also on egg loss. The NTT Report essentially ignores the effects of predation on GRSG productivity, stating merely that, “roads and infrastructure can increase predation”. The NTT Report neither identifies predators of GRSG nor suggests measures to lessen or mitigate the effects of predation, nor does it explain how roads and infrastructure lead to increased predation on GRSG. The COT Report simply states that predation may be significant at the local level, particularly if habitat quantity and quality are compromised; however, the USFWS did not identify predation as a significant range-wide threat in the evaluation to list the GRSG under the Endangered Species Act. A number of researchers have reported findings related to GRSG predation that must be considered. Based upon this common viewpoint concerning the effects of disease and degradation of habitat, as well as the substantial amount of GRSG habitat already fragmented and degraded, it is imperative for BLM to clearly identify such areas through routine surveys and monitoring before imposing mitigation measures on project proponents.

Comment ID: 1380
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Another "requirement" is that "water impoundments will be managed to prevent the spread of West Nile virus where analysis shows the virus poses a threat to sage grouse" but nothing within the proposed action requires such an analysis to be done. As such it looks good on paper but has no on the ground conservation value.

Comment ID: 223
Organization: American Motorcyclist Association
Name: Wayne Allard

Comment: ignoring other factors that have a dramatic effect on bird populations such as disease (i.e. encephalitis) and predator impacts on eggs and newly hatched birds raises questions ahout incomplete sc ientific information.

Comment ID: 306
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Coalbed methane development is accompanied by dewatering of coal seams, and the produced water, often saline and rich in heavy metals and other toxins, has been handled using surface disposal. Infiltration from these reservoirs is known to pollute groundwater. BLM recognizes that reservoirs are a concern due to their potential to harbor WNv- carrying mosquitoes. DEIS at 4- 262. Yet no alternative requires the breaching of current CBM reservoirs and/or the prohibition on new reservoir construction associated with energy development, requiring underground injection instead. Both of these measures should be not only considered in detail but required in the final RMP amendment; it is our experience that discretionary BMPs are rarely implemented. We have no confidence that larger reservoirs, steeper shorelines, or altering water levels will make a decisive difference in reducing the spread of West Nile during an outbreak, nor is there science to support this approach. The BLM should implement the prohibition on new coalbed wastewater reservoirs as in Alternative B (DEIS at 4-109), and require that existing reservoirs be breached, in order to minimize the risk of West Nile virus outbreaks.

Comment ID: 123
Organization:
Name: CTVA Action Committee

Comment: Wildlife populations are significantly affected by hunting regulations… More sage grouse can be protected by banning sage grouse hunting and eliminating predators than all of the proposed actions. This is a reasonable alternative that must be evaluated and selected.

Comment ID: 2069
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: B.2.3 West Nile Virus This entire section on West Nile Virus is missing any reference to insecticide applications which are effective in controlling mosquito larvae. We recommend this measure be included in the list of requirements and that its use be identified as an alternative mitigation measure.

Comment ID: 394
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: We support efforts to avoid a listing of the GSG as a threatened or endangered species by the USFWS; but we strongly object that DOI/BLM subscribe to the view that habitat destruction from oil and gas development is the single most important factor impacting the GSG. The Draft LUPA and EIS clearly fails to recognize and provide for effective management options that address predation, likely the single most important factor related to the continued existence of the GSG. Moreover, it fails to address the fact that precipitation levels are also key to the existence of the species. We urge BLM to consider these influential factors as well as the many limitations and flaws identified surrounding development of the NTT report.

Comment ID: 437
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: The LUPA and Draft EIS fails to provide for effective management options that address predation, likely the single most important factor related to the continued existence of the GSG. Yates urges BLM to thoroughly address predation in the ROD and Final EIS and provide a more thorough discussion on the significant impacts predation has on GSG populations.

Comment ID: 892
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Perch discouragers were originally designed to reduce raptor electrocutions by moving birds from an unsafe (electrocution risk) perching location to a safer alternative, either on the same structure or a nearby structure on the same distribution line. The Agencies have incorrectly taken recommendations from the Avian Power Line Interaction Committee (APLIC) that were proposed for minimizing electrocution risks and have applied these recommendations to predator management. Perch discouragers were never meant to entirely eliminate perching on transmission structures, but rather move raptors to perch on a safer portion of the structure. It is not possible to entirely deter raptors from perching on tall structures. In fact, recent data has documented the poor effectiveness of perch discouragers and greater effectiveness of covers for preventing electrocutions (see Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 [APLIC 2006], pages 17-18). Despite their declining use by electric utilities to prevent avian electrocution, perch discouragers are now being required by resource agencies to be installed in sage-grouse habitats to dissuade raptors and corvids from perching or nesting on power poles in areas with sage-grouse or other special status species. Perch discourager research has shown limited effectiveness

in preventing perching. Many perch discouragers actually increase the potential for nesting on structures because in some situations they provide a substrate for nest material. Some perch discouragers can actually increase raptor electrocution risk, particularly on lower voltage distribution lines. A perch discourager may reduce the separation required to prevent bird contact from phase to phase or phase to ground wires. In areas where raven predation on sage-grouse nests is a concern, perch discouragers may aid in the accumulation of nest material (APLIC 2006), and could potentially increase raven predation pressure due to nest construction on discouragers in sensitive areas. The negative impacts of perch discouragers must be weighed against the limited benefits, if any, they may provide, particularly if they are contributing to mortalities of protected birds and facilitating increases in predator nesting opportunities. There are also maintenance and operational concerns with the use of perch discouragers. Safety is Tri-State's main priority for all of our field staff. The maintenance crews need to be able to maneuver and attach themselves to structures for structure assessment and repairs. Perch deterrents would need to be removed whenever work is required on the structure so crews can safely work and have access to the structure. In addition, it is critical that anything that is placed on the structure cannot fall onto the conductors and create a safety hazard or outage. Because of these concerns, Tri-State requests that the Agencies focus on other more effective alternatives to sage-grouse conservation, such as habitat conservation or enhancement efforts, which are compatible with conservation measures for other protected species (e.g., electrocution prevention measures for raptors and other migratory birds). Consideration must be given to other federally protected species and should not result in impacts to migratory birds, including eagles. Tri- State also requests that the Agencies consider further research and application on nest management versus perch management on transmission structures as an effective and more viable option to minimize predation impacts to GrSG.

Comment ID: 228
Organization:
Name: Jon C. Nicolaysen

Comment: Alternative E is the best of a lot of Bad Choices.The major premise, "that disturbances by man have caused the decline of the Sage Grouse population" is false in our area and probably false in most of Wyoming. Most of the Sage Grouse habitat in Wyoming remains in tact. In fact the protection from predators provided by the presence of man has been a major help to Sage Grouse during my life. It has been only since the introduction of Bird Flu Virus that there has been such a total decline in the numbers of Sage Grouse. I do not believe that at this time, we can do anything about Bird Flu Virus in Sage Grouse. The primary contributing factor to the decline in Sage Grouse numbers controllable by man is predation. Predation by birds and mammals is something we can deal with. I recommend Study Areas within the Core Areas be set up where Predators are tightly controlled.

Comment ID: 1491
Organization:
Name: Denise Langley

Comment: If the Greater Sage Grouse are even considered as threatened then why are we still having seasons to kill something we are trying so hard to protect? Some areas have several grouse while several areas are diminishing in number of sage grouse. Maybe some adjustments need to be made and the very difficult job of trying to translocate small chicks with hens needs to be studied as well. With the mining industry displacing habitat and ravens and other predators increasing in some areas more needs to be done to place hens and chicks in safer established areas.

Comment ID: 1490
Organization:
Name: Denise Langley

Comment: Avian predators are just as responsible for the diminishing Greater Sage Grouse as anything on the ground. Ravens need a hard look as they are moving into Shirley Basin, Southwestern Wyoming and are showing up in Northeastern Wyoming as well. Predator control including avian species must be considered throughout the whole state.

Comment ID: 1470
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: We also question why hunting and predator control is determined to be outside the scope of the DEIS.

Comment ID: 480
Organization:
Name: Jean Harshbarger

Comment: When a publication of this size and scope dedicates only one page to predators, that indicates a serious lack of understanding of the dynamics of the natural world. Until we get serious about this very real threat to sage grouse there isn't any way to help them increase. Although the old timers and those of us who live in sage grouse country have no credibility with the bureaucracy, we have seen ups and downs in sage grouse numbers over the years and these are more related to predators than mineral drilling, livestock grazing or fences with no markers on them. This is especially true as relates to coyotes, foxes, etc., not just raptors or other birds.

Comment ID: 32
Organization:
Name: Kat Brekken

Comment: Habitat and pesticides are factors to look at.

Comment ID: 320
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Simply requiring perch inhibitors to be installed on powerlines is not an adequate regulatory mechanism; such perch deterrents reduce, but do not eliminate, raptor perching (Slater and Smith 2010). Notably, it was golden eagles and ravens, two of the most important sage grouse predators and nest predators, respectively, that most effectively circumvented powerline perch inhibitors in this study.

Comment ID: 189
Organization: Upper Green River Cattle Association
Name: Kent Price

Comment: We support Alt. D. Action Number 57, We support Alt. D. Grazing management in Sublette County has not caused the decline in sage grouse. Sage grouse have declined everywhere in the west, including areas where livestock grazing has not existed for decades. The major causes for decline in sage grouse numbers are climate change, sage grouse predators such as raccoons, foxes, and especially ravens, and other such predators, and housing and road developments along traditional sage grouse watering areas.

Comment ID: 12
Organization: Mackay School of Earth Sciences and Engineering

Name: Thom Seal

Comment: The draft DEIS, Purpose and Need completely omits a major threat to the GESG habitat, and that is disease. According to the U of Montana study "West Nile Virus: Ecology and Impacts on Greater Sage Grouse Populations" West Nile Virus (WNV)" outbreaks more common during drought" . We all recognize that the GRSG habitat in the west is in the midst of a severe drought, GRSG "hen survival July-August, 2003" was about 76% with no WNV and 20% with WNV. Thus the hen population decreases by nearly 75% and further information showed that WNV reduced the GESG population by 25% in 2003! The GESG population had a lek attendance decline of about 85% in 2004 due to WNV. WNV was detected in the GESG in the states of CO, ID, MT, ND, NV, OR, SD, UT, & WY. "WNV affects both sexes and all age classes" and "Lab tests confirm that all birds that contact disease die" GRSG Survival scenarios show a decrease of GESG of 6-9% per year! The presentation also suggests ways to manage the land to reduce mosquito's population. I am not aware of any scientific study that shows closing off public land for travel and mineral entry will have any effect on the populations of mosquitoes and the spread of West Nile Virus! "While running a placer operation plant I have seen Sage Grouse come in and drink out of my ponds day after day while my plant was running not 300 feet away. They only flew off only about ¼ of a mile and returned day after day. It is not man that adds to the equation of the decline of the GRSG it is the list of causes above that are BLM/USFS's problem." I have not seen any mitigation in the document that dealt with the underlying problem of Sage Grouse mortality as listed above. The BLM/USFS needs to develop better mosquito control on public lands, not withdraw the land from multiple-use.

Comment ID: 150
Organization:
Name: bk1492@aol.com

Comment: I note that the blm itself is responsible for wiiping out the sage grouse, along with wildlife murdering hunters. The impact when they have no land left to live on because blm has leased it out for cheap cheap rats to robber baron cattle ranchers is what has mean there is no land for wildlife.

Comment ID: 1801
Organization: The Wilderness Society
Name: Nada Culver

Comment: High voltage transmission lines should be prohibited within 1 mile of a lek to minimize grouse avoidance behavior and increased predation pressure. Anti-perching devices should be required for on all new overhead transmission lines in greater sage-grouse habitats, and the agencies should work with right-of-way holders to identify conflict areas and have anti-perching devices installed on existing overhead transmission lines in these same habitats. The agencies should incorporate relevant information from the updated APLIC guideline manual.

Comment ID: 164
Organization:
Name: Dan S. Budd

Comment: With no predator control, the sage grouse species have gone down, even with much better range conditions. So, maybe we should look at the problem of no predator control and learn from history. History shows that you can eliminate all grazing and accomplish nothing. Without predator control, your "Preferred Alternative E" is destined for failure.

Comment ID: 167
Organization:

Name: Jean Harshbarger

Comment: A serious lack of consideration appears to be given to predator control, and that mentioned is mainly about raptors. There are many instances where it has been noted that aggressive control of coyotes and foxes has had beneficial impacts for sage grouse. To ignore this is of great concern.

Comment ID: 39
Organization:
Name: Egret Plover

Comment: We are middle school two students who are the founders of a nonprofit organization, BABCE, which helps to supports the environment and spread awareness for particular endangered species. We have come to hear of your decisions involving industrializing fields that the Greater Sage-Grouse needs, and we are asking you politely to reconsider. While we may be younger than you and somewhat ignorant, we do feel strongly about issues such as these, and we ask you not to disregard our opinion. Considering what the human race has done to the environment in the last two centuries with the technological advancements and their need for fossil fuels, it is not surprising that a new project is being held. However, your new project, no matter how much of a good idea it seems at the time being, in the long run, your commercial building will be fatal to not only the land, water and air animals, but also us. Pesticides, for example, seem like a good idea--and could be--if they were not so harmful. Not only do pesticides poison insects, pesticide-sprayed, plant-eating animals and insecteating animals also suffer.

Comment ID: 2072
Organization: Wyoming Wool Growers Association
Name: Amy W. Hendrickson

Comment: It amazes us, and deeply disturbs us, that the Draft EIS fails to recognize the significant and observable impacts that predators have on sage-grouse. Substantial evidence exists that show the damage predators do to Sage Grouse populations yet the language in the document refers only to ambiguous and vague actions like “minimize the threat that predators pose” and “minimize impacts from predators”. The Draft EIS shows virtually no support for management of predation species that aggressively target sage-grouse. The idea that predators, which thrive on sage grouse eggs, pose a lesser threat to sage grouse populations than long-standing land use practices, such as livestock grazing, borders on absurd.

Comment ID: 395
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: In light of the GSG literature review prepared by NewFields, Yates urges BLM to fully consider all pertinent GSG research and identified mechanisms for impacts on GSG habitat, population trends and behavior. Failure to consider such identified impacts on GSG would result in a biased approach to developing GSG mitigation measures in the Draft LUPA and EIS. In particular, Yates urges BLM to thoroughly consider the significant effects of predation and naturally occurring population cycles on GSG in the Draft LUPA and EIS.

Comment ID: 975
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: As ranchers who have been recording and observing sage-grouse population trends for many decades, it is our contention that “predation” is by far the biggest cause of population cycles of the sage-

grouse here on the 4W Ranch along with spring weather impacts. (We are not referring to or subscribing to "climate change" theories.) Also we do not have any new oil and gas activity. Last oil well to be drilled in our area was in the 1980's, so that cannot be a factor. Large raptors, particularly Golden Eagles do require a substantial prey base to survive and remain in a given territory. Their main diet on the 4W Ranch is rabbits, sage-grouse and prairie dogs (PD). When the PD population peaked here on the 4W in 2000 prior to our first plague event, the PD population east of Lynch Road was estimated to be about 80,000 PD's. That year, 2000, there were five known active Golden Eagle nest on the ranch. Sage-grouse numbers were substantial with four known Leks within the ranch boundaries and rabbit numbers were high, attested by the number of road kill observed. Since 2000 the PD's have gone thru 3 plague events and our current PD population count last summer, 2013, was just 6,000 PD's east of Lynch Road in our 4W CCAA PD complex. The rabbit population died off about 7 to 8 years ago and as yet, has not started to recover. Hence, the Eagle and the other predators prey base is very low at this time. What is the annual prey requirement for one adult eagle? We are not sure without some in depth research. We do know that one Great-horned Owl requires the equivalent of one rabbit or one pheasant per week to sustain itself. We would estimate that one adult eagles diet would require at least one rabbit, one sage-grouse, one PD or the equivalent every 3 days. That is 122 critters needed per year per bird. Since the rabbit population is sub-par at this time a tremendous amount of pressure is being put on the already scarce sage-grouse population by the Eagles alone. Just this morning I made my first Lek count for 2014. Only two sagegrouse males were observed on the Keyton 1 Lek. That is down from 8 males in 2013, 16 males in 2012 and 20 males in 2011. On the other 3 leks no activity was observed today. So why, why are the SG numbers so low here on the 4W? The only logical answers are predation and poor reproduction the last 3 years due to cool or cold wet spring weather at brooding time. It is known that the sagegrouse hen is not the best when it comes to keeping her chicks dry and warm when needed for survival at this time of year. This is not a human cause or impact activity. It is a natural occurrence and nothing else. Not a damn thing any of us can do about it. So stop blaming our "livestock grazing" management for the decline of the sage-grouse here on the 4W. At the present time we have one confirmed active Golden Eagle nest within our primary sage-grouse habitat. We will be confirming additional nest sites shortly. Within 1/2 mile of the Keyton 3 Lek, there was an established Red-tailed Hawk nest.This was an active nest that had existed for years. The Keyton 3 Lek was by far the largest lek on the ranch, averaging 20 to 24 males displaying annually. In 2007, a pair of Golden Eagles took over that Red-tailed nest and preyed heavily on the Keyton 3 Lek area. Even though the eagles did not return to that nest in 2008 and the Red-tails did, the Keyton 3 Lek has had zero activity ever since. Predation was the direct cause of the loss of this lek, not "livestock grazing", not oil and gas activity. Along with the eagle requiring a substantial prey base, you also have the coyotes, fox and others that are going to survive until their food source is diminished beyond survival. We are not seeing a rebound in the rabbit population yet this spring. Without going into further detail at this time, we have recorded data that shows what predators and cold, wet late April early May weather is doing to the 4W Sage-grouse populations. This is an area that the Wyoming SG Draft EIS woefully did not address in the Draft EIS. Just one page covered "predation" in this extremely large document. The true answer for sage-grouse management in Wyoming, Weston County and the 4W Ranch is better predator management by the government, change some laws if needed, but don't put the "livestock producer" out of business. That will not save the sagegrouse.

Comment ID: 48
Organization:
Name: Linda Joo

Comment: How about stopping the bird slaughterers from blowing thousands of them to pieces every year?

Comment ID: 1824
Organization:
Name: Marybeth Devlin

Comment: Appendix F "Predator Management" is a one-page document. Its focus is on raptors as potential predators of Sage-Grouse. The basic approach appears to be two-fold: • Remove attractants (such as dead animals on which birds-of-prey scavenge) and • Reduce the number of artificial perches (such as power-poles, from which the raptors can spy and swoop down on the land-dwelling Sage-Grouse). Such measures are good management practices. However, raptors are not the problem. Loss of habitat is. As pointed out earlier, predation can be reduced significantly by the availability of proper cover.

Comment ID: 134
Organization:
Name: CTVA Action Committee

Comment: The analysis should also disclose impacts of the hunting of the Grouse, which is still allowed in at least 8 of the 11 states where it is found. Importantly, Sage Grouse conservation efforts such as seasonal restrictions and bag limits have been quite successful in maintaining healthy populations.

Comment ID: 9
Organization: Mackay School of Earth Sciences and Engineering
Name: Thom Seal

Comment: The real threat to the sage grouse is from wildfire, evasive species, disease and predators, not mining. Ravens, coyotes and other predators are hard on the nesting hens and their young and are a large cause of loss of existing GRSG nests and their young. Nowhere in the BLM/USFS and USFW Document do I find any mitigation of predators anywhere.

Comment ID: 7
Organization:
Name: Brandy Davis

Comment: PREDATOR MANAGEMENT IS THE FIRST THING TO LOOK AT

Comment ID: 523
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Completely omitting drought and predation distorts the causal relationship between GRSG mortality and anthropogenic activities in the project area and the DEIS is based on conserving GRSG habitat and population.

Comment ID: 376
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Aerial herbicide and pesticide applications should be precluded within one mile of sage grouse habitats to avoid inadvertent poisoning of sage grouse. Alternative B offers the most viable management strategy in this regard.

Comment ID: 1635
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: It is quite clear from observation and reported science that ravens are increasing and benefiting from fragmentation and human changes on the landscape. As this occurs, there will be continued negative consequences to sage-grouse nesting success and recruitment into the breeding population.

Comment ID: 1398
Organization: Uinta County Predator Management District
Name: Joe V. Hickey

Comment: We know that one of the reasons the Sage-Grouse have declined in our area is due to the Raven predation on the eggs and also the small chicks. When we had large populations of Sage-Grouse we did not have the Raven populations that we have now. Our Predator Management District has been cooperating and helping to fund, the studies being conducted by Michael R. Conover, Department of Wildland Resources, Utah State University in Logan, Utah, regarding the predation by Ravens and other predators, on Sage-Grouse eggs and chicks. There have been two published reports detailing these studies which we request you include in you analysis. They are as follows: "Greater Sage-Grouse Select Nest Sites To Avoid Visual Predators But Not Olfactory Predators" - Michael R. Conover, Jennifer S. Borgo, Rebekah E. Dritz, Jonathan B. Dinkins and David K. Dahlgren. "Greater Sage-Grouse (*Centrocercus Urophasianus*) Select Nest Sites and Brood Sites Away From Avian Predators" – Jonathan B. Dinkins, Michael R. Conover, Christopher P. Kirol and Jeffrey L. Beck. The predation of the Sage-Grouse eggs and chicks and even the adults, by other predators such as the Badger, Red Fox, Skunk, Hawks, Eagles and coyotes, is continually occurring. The Red Fox is a new predator to our area and could certainly be one of the reasons for the decline in the Sage-Grouse populations.Additionally, the Eagle is protected now and has been for a number of years, which may also be a reason for the decline in the Sage-Grouse populations. There has been a marked increase in the Sage-Grouse population in areas where predators, i.e. Coyotes, Red Fox and Ravens, have been removed. Again, we feel that many of the issues you are focusing on are not contributing to the reduced populations of Sage-Grouse and the restrictions placed on land use will not be beneficial in increasing our Sage-Grouse populations and will have an adverse effect on the economy of our county and the State of Wyoming.

Comment ID: 1996
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Appendix F—Predator Management: WSGA is disturbed by the failure of the Draft EIS to provide a comprehensive analysis of the impacts of predators on sage-grouse. The language in this Appendix uses avoidance terms including "minimize the threat that predators pose" and "minimize impacts from predators" while totally failing to show support for aggressive management of key sage-grouse predation species. The assumption that certain required design features are an adequate response to predation is unfounded. The inverse relationship between sage-grouse populations and predator populations is apparent to any conscientious observer of Wyoming wildlife history.

Comment ID: 2996
Organization:
Name: Ray and Kathleen

Comment: I think there should be more emphasis on sage-grouse predator control in appendix F, Predator Management. Predators such as coyotes, foxes, bobcats, eagles, and ravens are decimating the sagegrouse population.

Comment ID: 2225
Organization: Thunder Basin Grazing Association (TBGA)

Name: Frank G., Jr. Eathorne

Comment: Anecdotal evidence strongly suggests that in certain areas diseases, such as West Nile virus, and predators, such as raptors, corvids, skunks, badgers, raccoons, etc., can play a significant role in local population declines of sage-grouse. Naugle and others have Wyoming Sage-grouse Plan Comments attempted to quantify the local impact of West Nile virus but the negative impact from disease and predation should be further analyzed and appropriate regulatory mechanisms and conservation measures developed to minimize as much of the negative impact as possible.

Comment ID: 3102
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Science establishes West Nile virus as the second leading threat to the viability and recovery of sagegrouse populations in the Northeast Wyoming portion of the planning area. The FEIS should address this threat by expanding its analysis of stored water management to include breaching existing problematic CBNG reservoirs or stock ponds, and requiring underground injection or other effective disposal of produced water to avoid fostering conditions favorable to West Nile. Effective strategies to combat West Nile should be required, rather than discretionary best practices.

Comment ID: 2517
Organization: Converse County
Name: Richard C. Grant

Comment: In Appendix F, Predator management. The introduction states that the BLM and Forest Service will implement strategies and techniques in land management decisions that minimize the threat predators pose to sage-grouse. We can appreciate that the land management agencies will also support and encourage other landowners and agencies in their efforts to minimize impacts from predators on sage-grouse. However under F.2 Required Design Features, we feel that the emphasis is on raptors and eliminating perch structures. We believe there needs to be equal emphasis and measures to control predation by coyotes, fox, bobcats, skunks and others which prey on both live birds and eggs in the nest. The Executive Summary on page ix states "Management should address all threats to sage grouse, including predation by other species."

Comment ID: 2412
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Failure to consider predation and other non-anthropogenic factors. The U.S. Fish & Wildlife service has recognized predation as a significant factor related to the decline of GRSG distribution and abundance. Yet, the Draft EIS fails to address predation issues or the potential for mitigation measures that could reduce impacts from predation. Numerous parts of the core areas and non-core areas do not contain GRSG habitat for a variety of reasons, and BLM must account for these in initial baseline measurements so that they are accounted for and not counted as habitat disturbance.

Comment ID: 2527
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: Perch discouragers were originally designed to reduce raptor electrocutions by moving birds from an unsafe (electrocution risk) perching location to a safer alternative, either on the same structure or an alternate structure located nearby. Recent data has documented poor effectiveness in perch discouragers

and greater effectiveness of covers for preventing electrocutions (see Suggested Practices for Avian Pratection on Power Lines: The State of the Art in 2006 (APLIC 2006), pages 17- 18). Despite their declining use by electric utilities, perch discouragers have been installed in attempts to dissuade raptors and corvids from perching or nesting on power poles in areas with sagegrouse or other sensitive prey species. Perch discourager research has shown limited effectiveness in preventing perching, potential for increased nesting on discouragers, and increased electrocution risk associated with perch discouragers. In areas where raven predation on sage-grouse nests is a concern, perch discouragers may aid in the accumulation of nest material (APLIC 2006), and could potentially increase raven predation pressure due to nest construction on discouragers in sensitive areas. The negative impacts of perch discouragers must be weighed against the limited benefits they may provide, particularly if they are contributing to mortalities of protected birds and facilitating increases in predator nesting populations. The avian predators of sage-grouse should also be considered, as different species exhibit different hunting strategies, and employ different hunting techniques for different prey species. For example, golden eagle diet is largely mammalian (80-90%, Kochert et al. 2002). Golden eagles prey on sage-grouse opportunistically, and typically hunt sagegrouse by stooping from a high soar or low, coursing ambush flight (Watson 1997, Kochert et al. 2002). Consequently, power poles may not play an important role in eagle predation of sage-grouse. Golden eagles are vulnerable to electrocution mortality (APLIC 2006) and perch discouragers have been correlated with increased eagle electrocution risk (PacifiCorp, in prep.). Common ravens are known predators of sage-grouse nests, yet ravens are able to overcome perch discouragers and may experience higher nesting rates on poles with perch discouragers (APLIC, PacifiCorp, unpublished data).

Comment ID: 2217
Organization: Thunder Basin Grasslands Prairie Ecosystem Association
Name: Frank G., Jr. Eathorne

Comment: Anecdotal evidence strongly suggests that in certain areas diseases, such as West Nile virus, and predators, such as raptors, corvids, skunks, badgers, raccoons, etc., can play a significant role in local population declines of sage-grouse. Naugle and others have attempted to quantify the local impact of West Nile virus but the negative impact from disease and predation should be further analyzed and appropriate regulatory mechanisms and conservation measures developed to minimize as much of the negative impact as possible.

Comment ID: 2827
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 14 of Chapter 1 under the Wildlife and Fisheries section it discusses restoring degraded sagegrouse habitat. However given the small amount of historical information which seems to be available to the Agencies, will they know when they have restored to the historical levels the habitat? This same section also discusses threats to sage-grouse being livestock grazing. We would reiterate our previous comments about the disconnect between the Wyoming SGIT actions and findings and the statement found in this section. Further in this section the Agencies identify some design features which will be implemented to protect sage-grouse from predators. As mentioned previously however, these methods do not address impacts caused by predators already in an area which could be having significant impacts on sage-grouse. What types of control activities will address items like large skunk populations, or increased raccoon populations. Also, what will be done about crow and raven depredations on nesting sites from these corvids? Design features do not address these issues.

Comment ID: 2937
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: We oppose the use of anti-perch devices due to concerns with cost, effectiveness, science based documentation, maintenance issues and, based on design, potential safety concerns. BLM should not require installation and use of anti-perch devices because there is no scientific proof that such devices are an effective sage-grouse conservation measure. Therefore, the threats to sage-grouse identified by the USFWS would not be reduced by BLM requiring this expensive, unproven, and ineffective management action.

Summary: The major causes for decline in sage-grouse numbers are climate change, sage-grouse predators such as raccoons, foxes, and especially ravens, and other such predators, and housing and road developments along traditional sage-grouse watering areas. A serious lack of consideration appears to be given to predator control. The hunting of sage-grouse should be eliminated or properly managed to protect populations. The use of pesticides should be carefully considered, and the threat of West Nile virus, wildland fires, and drought should be considered as well. We have no confidence that larger reservoirs, steeper shorelines, or altering water levels will make a decisive difference in reducing the spread of West Nile during an outbreak, nor is there science to support this approach. The BLM should implement the prohibition on new coalbed wastewater reservoirs as in Alternative B (Draft EIS at 4-109), and require that existing reservoirs be breached, in order to minimize the risk of West Nile virus outbreaks. Perch discourager research has shown limited effectiveness in preventing perching. Predation can be reduced significantly by the availability of proper cover. The draft EIS shows virtually no support for management of predation species that aggressively target sagegrouse. The idea that predators, such as raptors, corvids, skunks, badgers, raccoons, etc., which thrive on sage-grouse eggs, pose a lesser threat to sage-grouse populations than long-standing land use practices, such as livestock grazing, borders on absurd. The agencies should incorporate relevant information from the updated APLIC guideline manual.

Response: The management for predators in the LUP Amendments is within the regulatory authority of BLM and Forest Service; any other regulation of predators is under the purview of APHIS or WGFD. Appendix F details the management of predators. The Forest Service has identified predation as a threat only when habitat is lacking or fragmented. Research shows that predator control programs do not help with long term predator reduction or removal. Predators increase in areas of development or disturbance; the RFDs and management under Alternative E aims to prevent fragmentation of habitat, reduce anthropogenic disturbances, and regulate areas that attract predators. The WGFD regulates hunting of sage-grouse. Pesticides are used according to the EPA instructions on the label. The RDFs for reservoirs and water developments to prevent mosquito reproduction and the spread of West Nile virus are based on the research by Doherty (2007), Knight et al. (2003) and Walton and Workman (1998). Coalbed methane reservoirs that are no longer needed could be breached; although in some cases they provide livestock water which improves distribution and management of livestock, which improves vegetation conditions. WY IM 2012-019 Policy Statement 7: West Nile virus artificial water impoundments will be managed to the extent of BLM's authority for the prevention and/or spread of West Nile virus where the virus poses a threat to sage-grouse. This may include but is not limited to: (a) the use of larvicides and adulticides to treat waterbodies; (b) overbuilding ponds to create non-vegetated, muddy shorelines; (c) building steep shorelines to reduce shallow water and emergent aquatic vegetation; (d) maintaining the water level below rooted vegetation; (e) avoiding flooding terrestrial vegetation in flat terrain or low lying areas; (f) constructing dams or impoundments that restrict seepage or overflow; (g) lining the channel where discharge water flows into the pond with crushed rock, or use a horizontal pipe to discharge inflow directly into existing open water; (h) lining the overflow spillway with crushed rock and construct the spillway with steep sides to preclude the accumulation of shallow water and vegetation; and (i) restricting access of ponds to livestock and wildlife (Doherty 2007). Field Offices should consider alternate means to manage produced waters that could present additional vectors for West Nile virus. Such remedies may include re-injection under an approved Underground Injection Control (UIC) permit, transfer to single/centralized facility, etc. Policy Statement 7 regarding West Nile virus does not apply to naturally occurring waters. Impoundments for wildlife and/or livestock use should be designed to reduce the potential to produce vectors for West Nile virus where the virus may pose a threat to sage-grouse.

Sage-grouse

Range of alternatives

Buffer distances on roads

Comment ID: 288
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Braun (1986) and Holloran (2005) demonstrated that main haul roads sited within 2 miles of sage grouse leks resulted in significant declines of breeding populations at the leks. BLM should correct the deficiencies in the State policy by requiring that nesting habitats be delineated, and that all new roads be sited at least 0.8 mile (not 0.6 mile) from leks, nesting habitat, and winter concentration areas, and that main haul roads be kept at least 2 miles from sage grouse leks in all cases (not subject to waiver). Within these areas, jeep trails should be used for access, and seasonal closures to motor vehicles should be applied during breeding, nesting, and wintering periods.

Comment ID: 1615
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: State Executive Order 2011-5 requires that main haul roads be sited at least 2 miles away from active sage grouse leks, and that other roads be sited at least 0.6 miles from active leks. The Executive Order is almost adequate in some respects, but is inadequate in others. Specifically, these measures are designed to address impacts to lekking grouse but do little to protect nesting females. BLM should correct these inadequacies through the Wyoming RMP Amendment. Wisdom et al. (2011) found that extirpated range of sage grouse was closer to highways (mean = 3.1 miles) than occupied range for sage grouse, and Holloran (2005) found that main haul roads (defined as gravel roads accessing 5 or more natural gas wells) had a significant negative effect up to 1.9 miles from the road on sage grouse lek attendance compared to unaffected leks (regardless of whether the road was visible from the lek or not), and that increased traffic led to increased impact. Braun (1986) also found a significant negative effect of mining haul roads on sage grouse leks within 1.9 miles of the road. At minimum, all roads need to be sited at least 0.8 miles from lekking and nesting habitat, and main haul roads should be sited at least 2 miles away. At minimum, all roads need to be sited at least 0.8 miles from lekking and nesting habitat. Patricelli et al. (2012, Attachment 4) tested the impact or road and drilling noise on sage grouse, and reached the following conclusions: "...we recommend that interim management strategies focus not on limiting traffic noise levels, but rather on the siting of roads or the limitation of traffic volumes during crucial times of the day (6 pm to 9 am) and/or season (i.e. breeding season). We estimate that noise levels will typically drop to 30 dBA at 1.3 km (0.8 mi) and to 32 dBA at 1.1 km (0.7 mi) from the road (these levels represent 10 dB over ambient using 20 or 22 dBA ambient respectively). Therefore to avoid disruptive activity in areas crucial to mating, nesting and brood-rearing activities, we recommend that roads should be sited (or traffic should be seasonally limited) within 0.7-0.8 miles from the edge of these areas. We emphasize that we are not recommending the siting of roads 0.7-0.8 miles from the edge of the lek perimeter, but rather 0.7-0.8 miles from the edge of crucial lekking, nesting and early brood-rearing areas.

Comment ID: 1617
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Braun (1986) and Holloran (2005) demonstrated that main haul roads sited within 2 miles of sage grouse leks resulted in significant declines of breeding populations at the leks. BLM should correct

the deficiencies in the State policy by requiring that nesting habitats be delineated, and that all new roads be sited at least 0.8 mile (not 0.6 mile) from leks, nesting habitat, and winter concentration areas, and that main haul roads be kept at least 2 miles from sage grouse leks in all cases (not subject to waiver). Within these areas, jeep trails should be used for access, and seasonal closures to motor vehicles should be applied during breeding, nesting, and wintering periods.

Comment ID: 285
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: State Executive Order 2011-5 requires that main haul roads be sited at least 2 miles away from active sage grouse leks, and that other roads be sited at least 0.6 miles from active leks. The Executive Order is almost adequate in some respects, but is inadequate in others. Specifically, these measures are designed to address impacts to lekking grouse but do little to protect nesting females. BLM should correct these inadequacies through the Wyoming RMP Amendment.

Comment ID: 286
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: At minimum, all roads need to be sited at least 0.8 miles from lekking and nesting habitat, and main haul roads should be sited at least 2 miles away. At minimum, all roads need to be sited at least 0.8 miles from lekking and nesting habitat.

Summary: Road buffer distances under Alternative E are insufficient. At a minimum, all roads need to be sited at least 0.8 miles from lekking and nesting habitat, and main haul roads should be sited at least 2 miles away to protect both lekking males and nesting females. Specifically, these measures are designed to address impacts to lekking grouse but do little to protect nesting females. BLM should correct these inadequacies through the Proposed LUP Amendments.

Response: A range of protection measures for both lekking and nesting sage-grouse have been examined in the alternatives. Specifically, the buffer distances for roads in Alternative E, and the other protection measures in the alterative are based on the best available science for the protection of both lekking and nesting sage-grouse. These buffer distances must be considered in the context of all the conservation measures in the Proposed LUP Amendments, and the all lands approach taken by the Wyoming State Core Area strategy.

Sage-grouse

Range of alternatives

Climate change, fire, invasive species

Comment ID: 1313
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The agencies have also overlooked an analysis of how sage-grouse habitats are likely to shift and change under various climate change scenarios and to evaluate how the current PPMA and PGMA classification schemes match the predictions for an altered biogeography in the interior west. Without a hard look at the viability of current provisions to protect and enhance sage-grouse habitat and populations

under the foreseeable future climate paradigm, the DLUPA/DEIS is inadequate and the promises of protection are bald.

Comment ID: 1670
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: At lower elevations and in the more arid portions of the sage-grouse range, the catastrophic spread of cheatgrass, aided and abetted by the impacts from grazing, as well as changes in fire frequency and intensity has led to a lasting, if not permanent, changes in ecosystem states. Repeat fires that eliminate or reduce shrubs, native grasses, and forbs; disturb soils and biological crusts; and release nutrients have allowed cheatgrass and other introduced annuals to replace the native shrub and herb layers. The resultant landscape is largely composed of introduced annuals, and is more susceptible to annual weather patterns and varies greatly from year to year, depending on moisture availability. Long-term changes in climate that facilitate or enhance invasion and establishment by invasive annual grasses further exacerbate the fire regime and accelerate loss of sagebrush habitats.109 At higher and cooler elevations, changes in fire frequency and intensity have come at the expense of sagebrush ecosystems in a different manner. Under pre-European settlement conditions, wildfires and indigenous planned fires kept western junipers confined to areas where fires would not typically reach – mainly rocky terrain where the fuels needed to carry the fire were patchy and disjunct. Once modern settlers arrived in the mid-1860s, with their domestic livestock, this pattern changed. Heavy livestock grazing initially greatly reduced the fine fuels needed to carry fires that kept western juniper in check, and later active human intervention suppressed fires. As a result, western juniper were able to establish seedlings in grass and shrubland areas where formerly fires would have eliminated them. This then was the beginning of the woodland expansion into sage-grouse habitat that continues today.110 111 Prior to 1860 two-thirds of the landscape was treeless and occupied by sagebrushsteppe communities. Today, less than one-third of the landscape remains treeless and more than 90 percent of the trees have established since the 1860s. These data support the need for active management in tree removal. In the absence of disturbance, woodlands will continue to expand, mature, and close.

Comment ID: 1692
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Wildfires present a huge threat to sage-grouse ecosystems - between 2000 and 2012, over 7,200 acres of GRSG habitat in the planning area were affected by wildland fire, and the threat of future wildfires are discussed in the DEIS.118 As discussed in Section 3 c of these comments, the best and most prudent approach is to protect and preserve existing sage-grouse habitats as opposed to being in the position of restoring or replacing damaged or lost habitats. Fire suppression activities should be aggressive and aimed at minimizing acres burned. Protecting sage-grouse habitats should generally rank above protection of human property and always behind protection of human lives.

Comment ID: 1843
Organization:
Name: Charles C. Price

Comment: As I reviewed the draft LUPA/EIS the lack of this document's recognition of the effects of climate on the various wild life components of the ecosystem that we are working with has astounded me. If you look back in time to the 1930's the sage grouse were in decline and even considered in crisis. A study was commissioned and the results were published as, "The sage Grouse in Wyoming" by Robert L. Patterson. The 1930's were the peak of a drought period then came the 1950's which was a high precipitation period when the sage grouse population increased exponentially. What can be seen from these

periods is that cyclic dry and moist weather patterns have a large effect on the sage grouse and wild life populations in general.

Comment ID: 2414
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: A particular concern is BLM's failure to prioritize specific actions that may have the greatest benefit to the sage-grouse. In BLM's own scoping materials for its EIS process, the BLM listed hard rock mining 16th out of 19 threats to the GRSG, just above hunting. Hunting has been found to be such an insignificant threat that it is not even recommended that it be prohibited. BLM appears to treat all threats from all programs equally, and apparently intends to spend its scarce resources implementing specific restrictions even when certain programs like mineral development may have relatively little effect on greater sage-grouse. BLM must prioritize higher threats and focus on the largest risks to GRSG such as invasive species and fire.

Summary: Changes in fire frequency, the spread of cheatgrass, and the spread of woodland species are threats to sagebrush communities. Tree removal should be used to reduce the spread of woodlands in sagebrush. Fire suppression activities should be aggressive and aimed at minimizing acres burned. Protecting sage-grouse habitats should generally rank above protection of human property and always behind protection of human lives. Protect and preserve existing sage-grouse habitats as opposed to being in the position of restoring or replacing damaged or lost habitats. BLM must prioritize higher threats and focus on the largest risks to Greater Sage-Grouse such as invasive species and fire. The document neglects the effects of climate and drought.

Response: The threats of fire, cheatgrass, and vegetation treatments are considered within the range of alternatives in the LUP Amendments and analyzed in Chapter 4. Climate change is addressed in the Air Quality sections in Chapters 3.2 and 4.2.

Sage-grouse

Range of alternatives

Comments and changes to Chapter 2 management alternatives

Comment ID: 430
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Alternative E applies a seasonal restriction prohibiting surface-disturbing and disruptive activities within nesting and early brood rearing habitat from March 1 to June 30. The TLS under Alternative B starts 15 days sooner than EO 2011-5 and ends at the same time, expanding the overall duration of the TLS by 15-days. Alternative E also provides that “dates could be expanded by 14-days” where credible data support different time frames. While there may be some discrepancy in nesting/broodrearing seasons due to elevation, geography, etc., the overall length of the season will be consistent regardless of location. For example, GSG in lower elevations tend to start mating approximately two weeks earlier than GSG at higher elevations; but, the overall length of the mating season remains the same. EO 2011-5 states that “adjustments to the stipulations may be necessary based upon local conditions and limitations.” Yates is not opposed to starting or ending this TLS on different dates than EO 2011-5 to account for geographic differences in GSG behavior. However, Yates is opposed to implementing a TLS for nesting/early-brood rearing habitat that is 15-days longer than deemed adequate under EO 2011-5. This discrepancy is not biologically justified. If the Wyoming Sage Grouse Implementation Team (SGIT) has

determined that a 3 ½ month TLS for nesting/earlybrood rearing is adequate throughout Wyoming, it should also be adequate throughout the Plan Area. Yates recommends that BLM revise this GSG TLS so that the overall duration is consistent with EO 2011-5. The burden should not be placed on the operator to provide "credible data" to support a different timeframe and expand this seasonal restriction as currently proposed under Alternative E; this has already been evaluated and determined by the Wyoming SGIT.

Comment ID: 429
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: While, Alternative D proposes a seasonal restriction consistent with EO 2011-5, it expands the size of the lek buffer from 0.6 miles (EO 2011-5) to within 2 miles of a lek within GSG core habitat areas. Expanding this seasonal restriction by nearly 400% has not been justified by BLM. As such, Yates requests BLM limit the size of the seasonal lek buffer within core habitat areas to 0.6 miles to establish consistency with EO 2011-5.

Comment ID: 428
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Alternatives B and C propose to expand protections to GSG breeding, nesting, and early broodrearing habitat beyond EO 2011-5 by applying seasonal restrictions to priority and general habitat areas, rather than applying only to core habitat areas. General and priority habitat areas are more expansive the core habitat areas. As such, Yates requests BLM limit the scope of these seasonal restrictions on exploratory drilling to core habitat areas. Furthermore, the term "seasonal restrictions" under alternatives B and C is vague and undefined. Yates requests BLM define this term such that it is consistent with EO 2011-5 (effective date of March 15 to June 30).

Comment ID: 305
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In addition to other protections, Timing Limitations need to be applied to all drilling and other permitted industrial activities in Priority and General Habitats. Impacts from industrial projects are in no way limited to exploratory drilling or construction, and all such activities should be restricted to non-critical seasons within Priority and General Habitats, as under the Lander RMP restrictions on "surface disturbing and disruptive activities." In this regard, Timing Limitation provisions should be paired with the substantive restrictions on leasing, well density, surface disturbance density, and setbacks contained in the National Technical Team recommendations (NTT 2011).

Comment ID: 423
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: EO 2011-5 establishes a lek buffer and TLS protect GSG habitat within connectivity corridors. However, EO 2011-5 does not apply density or disturbance stipulations within these areas. As such, Yates requests BLM eliminate the 3% and 5% surface disturbance stipulations currently proposed under Alternatives B and E respectively. As per EO 2011-5, such stipulations are overly restrictive and unnecessary; they have not been scientifically justified.

Comment ID: 422

Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Alternative B is entirely inconsistent with EO 2011-5 and unnecessarily restrictive. Alternative B proposed to allow a maximum disturbance of 3% of the total sage grouse habitat in priority sagegrouse habitats. The 3% disturbance cap is much more limiting than the 5% disturbance cap. This stipulation is not limited to core habitat areas; rather, it will apply to all sage-grouse priority habitat areas which are more expansive that core habitat areas established under EO 2011-5. Expanding this protection by decreasing the surface disturbance cap by 2% and applying it to all priority habitats is unnecessary and unjustified. For reasons previously discussed, Yates requests BLM replace the 3% surface disturbance cap in Alternative B with a 5% disturbance cap and limit the application of this stipulation to GSG Core Areas to establish consistency with EO 2011-5 and prevent unnecessary restriction on other potential surface uses within GSG Core Area Habitat.

Comment ID: 330
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM should require the fencing off of natural springs with buck-and-pole fences (to reduce collision mortalities) and place livestock water sources outside the fences rather than at the spring itself. If past actions have dried up natural springs or wetlands to create stock tanks, then remedial action should be required return some water to ground for sage grouse and vegetation, in an area protected from livestock.

Comment ID: 146
Organization:
Name: CTVA Action Committee

Comment: Listed below are some key concepts that should be considered as common sense prescriptions to protect the grouse in sensitive habitats. March 1 and May 15.

Comment ID: 336
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: According to the Conservation Objectives Team (COT 2013: 45), the following objective should be a guiding principle: Conduct grazing management for all ungulates in a manner consistent with local ecological conditions that maintains or restores healthy sagebrush shrub and native perennial grass and forb communities and conserves the essential habitat components for sage grouse (e.g. shrub cover, nesting cover). The Wyoming RMP amendment should implement its management standards such that this direction is achieved.

Comment ID: 344
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In addition dust can inhibit the growth of forbs, sagebrush, and other plants important to the sage grouse diet. Manier et al. (2011) found that two-track jeep trails were the single greatest vector of invasive weed spread among all human disturbances measured. For all categories of sage-grouse habitat, BLM should impose seasonal closures of these areas during the breeding and nesting season, and during winter for winter concentration areas. For Priority Habitat, BLM should also close these areas through the early- and late-brood-rearing seasons.

Comment ID: 314
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Under the Sage Grouse RMP Amendment EIS, BLM must evaluate the impacts of oil shale development on sage grouse under the current management (in the No Action alternative) and also develop a range of alternative oil shale management schemes, including closing Priority and General Habitats to oil shale leasing and development, and evaluate the various impacts of these alternatives as well. BLM must also evaluate the cumulative effects of oil shale development on federal and nonfederal lands together with all other human activities that affect sage grouse populations and habitats.

Comment ID: 346
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM's must limit motorized vehicles to designated (not "existing") routes, identified through travel management planning across Wyoming and marked on-the-ground. In order to preclude the continued proliferation of illegally created roads and trails in this manner, it is therefore necessary to limit motorized travel to designated routes during travel planning, and this should be required as an explicit action in sage grouse Priority Habitats, General Habitats, and Connectivity areas.

Comment ID: 435
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Outside the 0.6 mile NSO (that applies around occupied leks) EO 2011-5 does not allow exploration and production activity from December 2 to March 13 in winter concentration areas. Similar to EO 2011-5, Alternative E applies a TLS prohibiting surfacedisturbing and/or disruptive activities from December 1 to March 14. Alternative D unjustifiably expands this seasonal restriction by 16 days by starting it November 15th (see comments above pertaining to expansion of seasonal restrictions). Alternative B takes expansion of the seasonal restriction much farther by proposing a NSO yearround in priority habitats. Protection of winter concentration areas proposed under Alternatives B and D is inconsistent with EO 2011-5, unnecessary and has not been biologically justified by BLM. As such, these alternatives should not be considered by BLM. While alternative E is generally consistent with EO 2011-5, "protection of additional winter concentration areas" that "support populations of sage grouse that attend leks within core habitat" is overly broad and inconsistent with the EO. The EO limits this additional protection to "biologically significant numbers of sage grouse in core areas." Yates requests BLM place the same limitation on the protection of additional winter concentration areas such that the Draft LUPA and EIS is consistent with EO 2011-5. Alternative E also provides "activities in unsuitable habitats within core habitat areas would be evaluated under the exception, waiver, and modification criteria and could be allowed on a case-by-case basis." This case-by-case review and potential restriction on activities in unsuitable habitats in winter concentration areas is unjustified by BLM and inconsistent with EO 2011-5. Oil and gas activities should be allowed within unsuitable habitats (in an effort to protect suitable GSG habitat) subject to other Core Area stipulations as provided by EO 2011-5. As such, Yates requests BLM eliminate this review and potential restriction on activities in unsuitable habitats.

Comment ID: 309
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Alternative E offers essentially no protection from locatable minerals mining (DEIS at 2-88), and given the limited latitude that agencies have to regulate projects under the 1872 Mining Law, this is a particularly egregious abdication of the responsibility to protect and restore sage grouse populations. Therefore, the appropriate course of action is to avoid allowing claims to issue in these priority habitats. We are particularly concerned about the potential for uranium extraction, be it underground, strip mining, or through in situ drilling and extraction methods.

Comment ID: 432
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Alternatives C, D and E propose to seasonally prohibit surface disturbing and/or disruptive activities within connectivity habitat. Any blanket prohibition on such activities within connectivity habitat is excessive and inconsistent with EO 2011-5, which only provides for seasonal application of a CSU buffer around leks. CSU is much more restrictive than NSO. This deviation from the EO has not been justified by BLM. Yates requests BLM modify the connectivity habitat stipulations such that they are consistent with EO 2011-5 – a 0.6 mile CSI buffer around leks.

Comment ID: 424
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: The 0.6-mile NSO proposed under Alternative E and the 4-mile NSO proposed under Alternative B prohibits "surface disturbance" and "surface disturbing activities" in addition to "surface occupancy." Since it is possible to have surface disturbing activities without actually occupying the surface (e.g. buried pipelines, buried power lines), this is a notable discrepancy between these Alternatives and EO 2011-5 that will significantly restrict potential surface uses in these areas. EO 2011-5 prohibits surface occupancy, but does not prohibit surface disturbing activities. Rather, EO 2011-5 allows for authorization of "other activities" if protected resources are not adversely affected. Consequently, EO 2011-5 provides much greater flexibility in the application of this stipulation and potential land use. As such, Yates requests the BLM remove "surface disturbing activities" from these stipulations to achieve consistency with EO 2011-5 and increase flexibility in the management of potential land uses in these areas. Otherwise, the 0.6 mile NSO around occupied GSG leks proposed under Alternative E is consistent with EO 2011-5.

Comment ID: 434
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Alternatives D and E propose to apply a seasonal restrictions on surface disturbing and/or disruptive activities within 2 miles of the perimeter of GSG leks. These stipulations are consistent with the maximum 2 mile seasonal buffer provided under EO 2011-5 as long as they are only applied to occupied GSG leks. Alternative E specifically limits the seasonal restriction to occupied leks, but alternative D does not. Yates requests BLM specify that the seasonal restriction proposed under alternative D only applies to occupied GSG leks. While EO 2011-5 establishes a maximum seasonal buffer (2-miles) for occupied leks that may be applied outside of core areas, it does not mandate the application of any such stipulations outside of core areas. EO 2011-5 provides that "incentives to enable development outside core areas should be established," illustrating that development outside of core areas should be promoted to the extent possible. Consequently, the non-core area stipulations proposed under alternatives D and E are more restrictive than non-core area stipulations required under EO 2011-5 and may contradict the EO's intent to promote development outside of core areas. As such, Yates requests the BLM modify the non-core area stipulations proposed under alternatives D and E such that they are consistent with EO 2011-5 – consider

application of a 2 mile seasonal buffer on a case-by-case basis and only apply it where necessary; otherwise promote and develop incentives to enable development outside of core areas

Comment ID: 433
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: The term "seasonal restrictions" under alternatives C is vague and undefined. Yates requests BLM define this term such that it is consistent with EO 2011-5 (effective date of March 15 to June 30).

Comment ID: 425
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Applying the lek distance NSO to GSG priority habitat (Alternative B) and connectivity habitat (Alternatives B and E) is inconsistent with EO 2011-5. EO 2011-5 applies a 0.6 mile NSO within core habitat areas only; other priority habitat areas are not included. Additionally, EO 2011-5 applies a 0.6 mile CSO within connectivity areas but it does not apply an NSO within connectivity areas. Expanding the NSO by applying it to priority and connectivity habitat areas is unnecessary and unjustified. As such, Yates requests BLM limit the application of the NSO to core habitat areas.

Comment ID: 426
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Application of a NSO to protect GSG leks stipulation outside of GSG core areas is not only inconsistent with EO 2011-5, but it is unnecessary to protect GSG habitat and has not been justified by BLM. Failing to recognize the Core Area strategy, as endorsed by the USFWS and applied in BLM IM WY-2012-019, is a fundamental flaw in Alternative B. Increasing the size of this lek buffer almost 700% is excessive and unnecessary. From a practical standpoint placing a 4-mile NSO around all leks will unnecessarily preclude development in thousands of acres throughout the Plan Area (e.g. operations in "unsuitable" GSG habitat). In the alternative, a more focused NSO of 0.6 miles within GSG core areas allows for a case-by-case analysis and determination of where development is feasible after consideration of habitat suitability and other site specific conditions. Yates strongly urges BLM to remove the 4-mile NSO provided for in Alternative B from consideration for inclusion in the Final LUPA and EIS/ROD.

Comment ID: 427
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Alternatives D and E propose to apply a stipulation prohibiting or restricting surface occupancy and/or surface-disturbing activities within 0.25 miles of the perimeter of occupied GSG leks. These stipulations are consistent with the maximum NSO provided under EO 2011-5. However, while EO 2011-5 establishes a maximum NSO standard (1/4 mile) and seasonal buffer (2-miles) for occupied leks that may be applied outside of core areas, it does not mandate the application of any such stipulations outside of core areas. EO 2011-5 provides that "incentives to enable development outside core areas should be established," illustrating that development outside of core areas should be promoted to the extent possible. Consequently, the non-core area stipulations proposed under alternatives D and E are more restrictive than non-core area stipulations required under EO 2011-5 and may contradict the EO's intent to promote development outside of core areas. As such, Yates requests the BLM modify the non-core area stipulations proposed under alternatives D and E such that they are consistent with EO 2011-5 – consider application of a 0.25 mile

NSO on a case-by-case basis and only apply it where necessary; otherwise promote and develop incentives to enable development outside of core areas.

Comment ID: 382
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We recommend the adoption of the following measures which are proposed for adoption in the Preferred Alternative of other BLM plan revisions or sage grouse amendments. Some of these are similar to the provisions of Alternatives B and/or C. For Priority Habitats: Limit motorized use to existing roads and trails pending travel management planning. Complete planning within 5 years of ROD (Nevada – NE California RMP Amendment). Identify seasonal road closures through travel planning; consider re-routing roads where needed. Close and obliterate primitive roads and trails not designated in travel planning (Nevada – NE California RMP Amendment). No new roads except as necessary for public safety, administrative/public need, or for valid existing rights. Access to existing rights at minimum level necessary (Nevada – NE California RMP Amendment). Limit road reconstruction to realignments that minimize impacts of sage grouse habitats. No upgrading unless maintains/improves sage grouse habitat, provides fuel break, necessary for public safety, or eliminates need to construct a new road (Nevada – NE California RMP Amendment). Special Recreation permits allowed if neutral or beneficial to sage grouse. No new recreation facilities constructed in SG habitats (Nevada – NE California RMP Amendment). Retain public ownership of sage grouse habitat in realty transactions; exchange to create more contiguous fed ownership or net gain of SG habitat. Acquire lands to conserve/protect/restore SG habitat (Nevada – NE California RMP Amendment). No Surface Occupancy stipulations required for any new fluid minerals leasing, with no option for exceptions or modifications (Nevada – NE California RMP Amendment). Close Priority Habitats to salable minerals development (Nevada – NE California RMP Amendment). Close Priority Habitats to non-energy leasable minerals leasing (Nevada – NE California RMP Amendment). Employ herd management to minimize livestock impacts on sage grouse nesting habitat during spring. Hot season grazing does not occur on an annual basis. Adjust AUMs where sage grouse habitat objectives are not being met. Incorporate terms and conditions into grazing permits to meet sage grouse habitat objectives (Nevada – NE California RMP Amendment). Priority Habitats are exclusion areas for new renewable energy ROW permitting (Nevada – NE California RMP Amendment). Employ herd management to minimize livestock impacts on SG nesting habitat during spring. Hot season grazing does not occur on an annual basis. Adjust AUMs where sage grouse habitat objectives are not being met. Incorporate terms and conditions into grazing permits to meet sage grouse habitat objectives (Nevada – NE California RMP Amendment). Design vegetation treatments to decrease conifer encroachment and increase cover of sagebrush and/or understory. Reduce threat of raptor perching and manage for limiting habitat components. Protect old-growth trees (Nevada – NE California RMP Amendment). Remove, modify, or mark fences to reduce sage grouse strikes (Nevada – NE California RMP Amendment). Conduct restoration of roads not designated under travel planning (NW Colorado RMP Amendment). Use existing roads, or realignments as described above to access valid existing rights that are not yet developed. If valid existing rights cannot be accessed via existing roads, then build any new road constructed to the absolute minimum standard necessary. Allow no upgrading of existing routes that would change route category (road, primitive road, or trail) or capacity unless the upgrading would have minimal impact on sage-grouse habitat, is necessary for motorist safety, or eliminates the need to construct a new road. (North Dakota RMP Amendment). New road construction would be limited to realignments of existing roads, if that realignment has a minimal impact on greater sage-grouse habitat, eliminates the need to construct a new road, or is necessary for public safety. Incorporate BMPs. Existing roads used to access valid existing rights; if unavailable, construct to minimum standard necessary. (HiLine RMP revision, North Dakota RMP Amendment). Prohibit or bury powerlines within 0.6 miles of leks unless no SG declines can be demonstrated. Prohibit overhead transmission except within 0.5 mile of existing lines, corridor a maximum of 1 mile wide. Bury lines where possible. (Buffalo RMP revision). High-profile structures exceeding 10 feet in height, would be eliminated, designed or sited

in a manner which does not impact sage grouse. Permanent (longer than 2 months) structures which create movement must be designed or sited to minimize impacts to sage-grouse. (North Dakota RMP Amendment). Priority Habitat would be a priority in consideration of land acquisitions. Retain public ownership of PH. Consider exceptions where: There is mixed ownership, and land exchanges would allow for additional or more contiguous federal ownership patterns within the priority sage-grouse habitat area; Under priority sage-grouse habitat areas with minority federal ownership, include an additional, effective mitigation agreement for any disposal of federal land. As a final preservation measure consideration would be given to pursuing a permanent conservation easement. (North Dakota Plan Amendments). Allow only heliportable geophysical exploration, with timing limitations applied. (North Dakota RMP Amendment, Bighorn Basin RMP Revision). Apply Timing Limitation Stipulations to all Priority Habitat. (South Dakota RMP Amendment). Timing Limitations should apply to surface disturbing and disruptive activities. (Lander RMP revision). Find Priority Habitats unsuitable for coal leasing. (North Dakota RMP Amendment, HiLine RMP Revision, Northwest Colorado RMP Amendment). Maximum 25% forage utilization for livestock grazing in each grazing allotment. (North Dakota RMP Amendment). Incorporate sage grouse habitat objectives into permit renewals. Manage toward ecological site potential and toward reference state to achieve sage grouse objectives. (NW Colorado RMP Amendment). Avoid all new structural range developments and location of supplements (salt or protein blocks) unless independent peerreviewed studies show that the range improvement structure or nutrient supplement placement benefits GRSG. Design any new structural range improvements and location of supplements to conserve, enhance, or restore SG habitat through an improved grazing management system relative to SG objectives. Evaluate existing range improvements and location of supplements during AMP renewal process to make sure they conserve, enhance or restore SG habitat. (North Dakota RMP Amendment). Authorize water developments only when no adverse effect to SG. Analyze springs, seeps, and pipelines to see if modifications are needed. (NW Colorado RMP Amendment). Grazing allotments not meeting rangeland health standards and not making progress toward this goal will be closed. (Miles City RMP revision). Develop specific objectives to conserve, enhance or restore Priority Habitat based on ESDs and assessments. Implement management actions (grazing decisions, AMP/Conservation Plan development, or other plans or agreements) to modify grazing management to meet seasonal sage-grouse habitat requirements. (North Dakota RMP Amendment). Where riparian and wetland areas are already meeting standards they would be maintained in that condition or better. Where a site's capability is less than PFC, BLM would manage to achieve or move toward capability. Manage wet meadows to maintain a component of perennial forbs with diverse species richness relative to site potential (e.g., reference state) to facilitate brood rearing. Where riparian areas and wet meadows meet PFC, strive to move towards GRSG habitat objectives within capabilities of the reference state vegetation relative to the ESD. (North Dakota RMP Amendment). Do not allow vegetation treatments with a potential to adversely affect sage grouse. Retain a minimum of 70% of ecological sites capable of upporting 12% cover in Wyoming big sage or 15% cover in mountain big sage. Manage a total disturbance cap of less than 30% lands not meeting these criteria. (NW Colorado RMP Amendment). Evaluate role of existing seedings composed of introduced perennial grasses in andadjacent to Priority Habitat to determine if they should be restored to sagebrush or habitat of higher quality for sage grouse. If these seedings are part of an AMP/ Conservation Plan or if they provide value in conserving or enhancing the rest of the Priority Habitat, then no restoration would be necessary. (North Dakota RMP Amendment). Do not use fire in precipitation zones < 12", except as last resort and where conditions allow and cheatgrass is a very minor component. (NW Colorado RMP Amendment). Rest grazing allotments 3 full years following fire; utilize grazing exclosures for monitoring; grazing excluded until woody and herbaceous plants achieve SG objectives. (Bighorn Basin RMP Revision). Permanent retirement of grazing allotments will be considered on a willingpermittee basis. (Bighorn Basin RMP revision, Miles City RMP revision).

Comment ID: 383
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: General Sage Grouse Habitats Limit motorized use to existing roads and trails pending travel management planning. Complete planning within 5 years of ROD (Nevada – NE California RMP Amendment). Identify seasonal road closures through travel planning; consider re-routing roads where needed. Close and obliterate primitive roads and trails not designated in travel planning (Nevada – NE California RMP Amendment). No new roads except as necessary for public safety, administrative/public need, or for valid existing rights. Access to exsting rights at minimum level necessary (Nevada – NE California RMP Amendment). Exclusion area for renewable energy rights of way; allowable if co-located on industrial facilities for on-site generation (Nevada – NE California RMP Amendment). Closed to non-energy leasable minerals (Nevada – NE California RMP Amendment). Closed to future salable minerals sites (Nevada – NE California RMP Amendment). Employ herd management to minimize livestock impacts on sage grouse nesting habitat during spring. Hot season grazing does not occur on an annual basis. Adjust AUMs where sage grouse habitat objectives are not being met. Incorporate terms and conditions into grazing permits to meet SG habitat objectives (Nevada – NE California RMP Amendment). Design treatments to decrease conifer encroachment and increase cover of sagebrush and/or understory. Reduce threat of raptor perching and manage for limiting habitat components. Protect old-growth trees (Nevada – NE California RMP Amendment). Conduct restoration of roads, primitive roads and trails not designated in travel management plans. (North Dakota RMP Amendment). Site and/or minimize linear ROW to reduce disturbance to sagebrush habitats. Maximize placement of power lines and transportation routes in existing ROWs. Power lines would be buried, eliminated, designed or sited in a manner which does not impact SG. ROWs would be allowed with appropriate mitigation and conservation measures identified within the terms of the authorization to minimize surface disturbing and disruptive activities. Co-locate new ROWs within existing ROWs where possible. (North Dakota RMP Amendment). Allow new routes/realignments during site-specific travel planning if it improves GRSG habitat and resource conditions. Allow no upgrading of existing routes that would change route category (road, primitive road, or trail) or capacity unless the upgrading would have minimal impact on sage-grouse habitat, is necessary for motorist safety, or eliminates the need to construct a new road. (North Dakota RMP Amendment). Only allow geophysical operations by heliportable drilling methods and in accordance with seasonal timing restrictions. (North Dakota RMP Amendment). Find unsuitable for coal surface mining. (NW Colorado RMP Amendment). High-profile structures exceeding 10 feet in height, would be eliminated, designed or sited in a manner which does not impact sage grouse. Permanent (longer than 2 months) structures which create movement must be designed or sited to minimize impacts to greater sage grouse. (North Dakota RMP Amendment). Noise limited to no more than 10 dBA above ambient, where technologically feasible. (Buffalo RMP revision). Bury new distribution lines within 1 mile of leks. (HiLine RMP revision). Where riparian and wetland areas are already meeting standards they would be maintained in that condition or better. Where a site's capability is less than PFC, BLM would manage to achieve or move toward capability. Manage wet meadows to maintain a component of perennial forbs with diverse species richness relative to site potential (e.g., reference state) to facilitate brood rearing. (North Dakota RMP Amendment, Utah RMP Amendment). Avoid all new structural range developments and location of supplements (salt or protein blocks) unless independent peer-reviewed studies show that the range improvement structure or nutrient supplement placement benefits sage grouse. (North Dakota RMP Amendment). Do not use fire in precipitation zones < 12", except as last resort and where conditions allow and cheatgrass is a very minor component. (Northwest Colorado RMP Amendment).

Comment ID: 347
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: But it is not enough simply to limit vehicle use to designated routes; simply designating all or most routes for vehicle travel will result in negligible improvement of habitat conditions for sage grouse. BLM should also apply a maximum road density, no more than 0.7 linear miles per square mile within 2 miles of leks within Priority and General Habitats (after Holloran 2005). The agencies should apply

restoration to roads not designated as open during travel planning, and should require this action in the RMP Amendment.

Comment ID: 1117
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-141 MA 130 Text: Sage-grouse leks outside core and connectivity habitat areas: Surface occupancy and surface disturbing activities would be prohibited or restricted on or within a 0.25 mile radius of the perimeter of occupied sage-grouse leks (Map 2-3). Comment: In both Alternative D and Alternative E, the BLM cannot combine the impacts resulting from surface occupancy and surface disturbances since they are entirely different. Further, BLM should provide exceptions, waivers and modifications to accommodate unique on-theground circumstances.

Comment ID: 1426
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Timing and Distance Restrictions – Winter Concentration Areas, pages 2-162 and 2-163, Item #134. Alternative E. Lands within core areas for which no information exists demonstrating that they are "winter concentration habitats," as that term is defined, cannot be defined as winter concentration areas simply by virtue of their falling within Core. Likewise, areas (Core or otherwise) for which there is little or no information demonstrating winter use should not be designated as winter concentration areas. Winter use restrictions should not be imposed unless and until credible information is developed demonstrating that a particular area is, in fact, a winter concentration area. It is important to note that winter seasonal timing restriction is in addition to the sage-grouse nesting and early brood rearing restriction from March 1 – June 30, in addition to the December 1 – March 14 winter seasonal restriction. Conversely, a project proponent subject to these seasonal restrictions is limited to July – November for "disruptive" activities. Approximately 50% of the Known Sodium Leasing Area is inside core/priority habitat; this means that any new activity is limited to a five month window for half of that unique resource area. It is difficult to comprehend how this directive is commensurate with the BLM's multiple use policy. If the BLM applies winter concentration timing restrictions universally to all core/priority habitat areas, then it must do a full socioeconomic impact analysis on the impacts to mining, and include those impacts in Appendix N. As noted on page 3-108 of the DEIS, "Ninety percent of the Nation's trona production and 30% of the world's soda ash production comes from southwestern Wyoming." Considering the fact that soda ash is utilized in the production of numerous household and consumer goods such as flat glass, container glass, detergents, baking products, pharmaceuticals, animal feeds, and many other uses, the socioeconomic impacts would require a U.S. and international perspective, not just impacts on Wyoming. Those impacts would need to consider the increase in costs of housing, vehicles, electronic equipment, dishwasher and laundry detergents, foods, cleaning compounds, paper, pollution control products, and multiple other costs that affect living costs worldwide. Currently, Alternative E of the DEIS, the Preferred Alternative, assumes that no winter use would be allowed in any Core Areas, irrespective of habitat values. Therefore, under that assumption, the BLM must include the appropriate socioeconomic and other analyses accordingly. The EO describes Suitable sage-grouse habitat as "nesting, brood-rearing, or winter habitat," however it does not universally apply winter concentration zones across core habitat. This is an example of how the EO and the DEIS differ, and pose new conflicts or inconsistencies between the agencies. The biological value of protecting wintering areas is a valid argument, however applying winter concentration areas universally to all core areas is not based on best available science. In fact, the BLM admits in the DEIS on page 4-2 of the Environmental Consequences that some data is incomplete or unavailable. To quote DEIS Section 4.1.2 "Some of the major types of incomplete and unavailable data include, but are not limited to, incomplete information on the location and size of the following Greater Sage-Grouse habitat

types: Winter concentration areas, Nesting/early broodrearing habitat, Connectivity habitat. As a result of this missing data, some of the impacts that result from proposed actions presented in the alternatives cannot be quantified. In these cases, impacts are projected in qualitative terms." Universal application of winter concentration areas to all core/priority habitat areas would simply be arbitrary and capricious based on the lack of scientific information. Furthermore, Map 3-19 Greater Sage-Grouse Seasonal Habitat indicates that nearly all areas that lack scientific information were simply lumped into a category of winter habitat. In order to obtain the best available science, FMC has conducted third party winter surveys for the past three winters covering a vast area in southwest Wyoming. FMC will provide that information to the BLM and the Wyoming Game and Fish Department under separate cover in order to update the available scientific data. In summary, those particular winter surveys indicated consistently that few sage-grouse use much of the southwest Wyoming area shown on Map 3-19 as winter habitat. In fact, the surveys indicate minimal use of the areas for winter purposes, and that is a good indication that there is simply not enough scientific information to make a decision. Further, it suggests that more research is needed in order to better understand what areas are actually being used as winter habitat so that appropriate winter protections can be provided. It is our recommendation that core/priority habitat areas should not be restricted universally as winter concentration areas and that more scientific data needs to be collected to determine how and where sage-grouse winter.

Comment ID: 1015
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Management Action 115 (pp. 2-118 - 2-119) should be revised as follows: "Areas containing less than 5% canopy cover and have the potential of 5% sagebrush cover would be treated as disturbed ..." This amendment will ensure consistency with the reclamation guidance provided later in the document. Further, delete "This direction would not be intended for other incentive/mitigation situations." It is desirable to develop a positive trend line in areas that have the potential of being restored.

Comment ID: 1033
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-17 MA 22 Text: Evaluate opportunities to coordinate management plans and strategies on multiple allotments where coordination under a single management plan/strategy would result in enhancing Greater Sage-Grouse populations or its habitat, as determined in coordination with the state wildlife agency and with project proponents, partners, and stakeholders. Comment: This language should be amended to read: "Evaluate opportunities to coordinate management plans and strategies on multiple allotments where coordination under a single management plan/strategy would result in enhancing Greater Sage-Grouse populations or its habitat, as determined in coordination with the state wildlife agency and with project proponents, partners, landowners, permittees, local governments, and state and federal government entities."

Comment ID: 1196
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Under Alternative E, Anschutz objects to the BLM's proposal to expand seasonal limitation period by up to 14 days within sage-grouse core areas. Sage-Grouse DLUPA, pg. 2-146, Action No. 131. This limitation is inconsistent with the Wyoming Core Policy as expressed in Executive Order 2011-005. The Governor of Wyoming in conjunction with the Wyoming Game and Fish Department developed the Core Area Policy based upon the best scientific information available. As the BLM is aware, the Core Area

Policy was specifically endorsed by the United States Fish and Wildlife Service as an appropriate mechanism to protect sage-grouse and sage-grouse habitat. It is inappropriate for the BLM to attempt to modify or alter the mitigation measures set forth in the Core Area Policy.

Comment ID: 1126
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-176 Text: Avoid energy development in PACs (Doherty et al. 2010). Identify areas where leasing is not acceptable, or not acceptable without stipulations for surface occupancy that maintains sagegrouse habitats. Comment: "PACs" is not used nor defined in the remainder of this document. To the extent that BLM relies on the COT report to define PACs as "Priority Areas for Conservation" we insist that the BLM remove this terminology as it plays no part in Wyoming's Core Area Strategy.

Comment ID: 1124
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-165 MA 135 Text: In addition to Alternative A: The BLM/Forest Service would implement strategies and techniques in land management decisions that address predators shown to pose a threat to sage-grouse (Appendix F). The BLM/Forest Service would support and encourage other agencies in their efforts to minimize impacts from predators on sage-grouse where needs have been documented. Comment: This language should be amended to read: "The BLM/Forest Service would implement strategies and techniques in land management decisions that address predators shown to pose a threat to sage-grouse (Appendix F). The BLM/Forest Service would consult landowners, permittees, and state, local and federal government entities to the maximum extent possible, and support and encourage other agencies in their efforts to minimize impacts from predators and other pests (including weeds and mormon crickets) on sage-grouse where needs have been documented.

Comment ID: 1123
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-163 MA 134 Text: Sage-grouse winter concentration areas: Surface disturbing and/or disruptive activities in sage-grouse winter concentration areas would be prohibited from December 1–March 14 to protect core area populations of sage-grouse that use these winter concentration habitats. This timing limitation would be applied throughout the sagegrouse core area habitats. Activities in unsuitable habitats within core habitat areas would be evaluated under the exception, waiver, and modification criteria and could be allowed on a case-by-case basis. Protection of additional areas of winter concentration that are not located within the current core area boundaries would be implemented where winter concentration areas are identified as supporting populations of sage-grouse that attend leks within core habitat. Appropriate seasonal timing restrictions and habitat protection measures would be considered and evaluated in all identified winter concentration areas. Comment: As currently drafted, this provision will prohibit activity throughout core areas that contain winter habitat for seven (7) months out of the year (March 15 through June 30 and December 1 through March 14). This is entirely unreasonable and would nearly frustrate all efforts to develop crucial natural resources. Furthermore, "disruptive activities" is not defined and "Appropriate seasonal timing restrictions and habitat protection measures" must be clarified.

Comment ID: 1121
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-163 MA 134 Text: Activities in unsuitable habitats within core habitat areas would be evaluated under the exception, waiver, and modification criteria and could be allowed on a case-by-case basis. Comment: “Unsuitable” in this sentence should be deleted to comply with EO 2011-5

Comment ID: 1016
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Alternative E (p. 2-208) notes that, "within sage-grouse core areas, suppression practices would be the same as Alternative B." The Alternative B language is confusing. I request that the BLM and USFS adopt the management prescription detailed in EO 2011-5: "Fire suppression efforts in Core Population Areas should be emphasized, recognizing that other local, regional, and national suppression priorities may take precedent. However, public and firefighter safety remains the number one priority for all fire management activities."

Comment ID: 1120
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-156 MA 133 Test: Sage-grouse breeding, nesting, and early brood-rearing habitat outside sagegrouse core and connectivity habitat areas: Surface disturbing and/or disruptive activities would be prohibited from March 15–June 30 to protect sage-grouse nesting and early brood rearing habitats within 2 miles of the lek or lek perimeter of any occupied lek located outside core or connectivity areas. Where credible data support different timeframes for this restriction, dates could be expanded by 14 days prior or subsequent to the above dates. Comment: This language should be amended to read: Surface disturbing and/or disruptive activities would be prohibited from March 15–June 30 to protect sage-grouse nesting and early brood rearing habitats within DELETE "2" .60 miles of the lek or lek perimeter of any occupied lek located outside core or connectivity areas. After consulting with landowners, permittees, and state, local and federal government entities, this timing limitation would be applied throughout the sage-grouse core area habitats as adjusted to site-specific conditions. Where credible data support different timeframes for this seasonal restriction, dates could be DELETE "expanded" changed by no more than 14 days DELETE "prior or subsequent to the above dates".” We incorporate our comment from Management Action 131 by reference here. Furthermore, this management action effectively converts “outside sage-grouse core and connectivity habitat” into “core habitat” for the time period identified. Specifically, if a single lek appears outside of a core area, the BLM will treat that area and surrounding land in a 2 mile radius as an extension of a core area. Not only is this directly contrary to EO 2011-5, but the BLM is prohibited from taking such a major action without the following the proper NEPA channels. The Coalition suggests, and the Holloran study supports, a .60 mile radius with site-specific exceptions, waivers and modifications

Comment ID: 1018
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: In completing site stabilization and reclamation efforts, BLM must use native and sterile non-native seed mixes based site specific conditions to minimize noxious and invasive species.

Comment ID: 1237
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Manier et al. (2013) provides a fairly comprehensive review of potential impacts of livestock grazing on sage grouse.53 Manier et al. (2013) point out that a reduction in livestock stocking rates can directly increase residual vegetation substantially, potentially assisting in meeting this target level for grasses. BLM should include residual grass requirements inside all sage-grouse habitats to be applied as automatic amendments to permit terms and conditions and Allotment Management Plans; by automatic, WWP means at the approval of the LUPA/EIS, not at the unspecified future time for sitespecific permit renewals or new allotment management plans.

Comment ID: 1118
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-145 MA 131 Text: Sage-grouse breeding, nesting, and early brood-rearing habitat inside core habitat areas: Surface disturbing and/or disruptive activities would be prohibited from March 1–June 30 to protect sage-grouse breeding, nesting, and early brood rearing habitat. This timing limitation would be applied throughout the sage-grouse core area habitats. Activities in unsuitable habitats would be evaluated under the exception, waiver, and modification criteria and could be allowed on a case by case basis. Where credible data support different timeframes for this seasonal restriction, dates could be expanded by up to 14 days prior to or subsequent to the above dates. Comment: This language should be amended to read: “Surface disturbing and/or disruptive activities would be prohibited from DELETE " March 1" March 15– June 30 to protect sage-grouse breeding, nesting, and early brood rearing habitat. After consulting with landowners, permittees, and state, local and federal government entities, this timing limitation would be applied throughout the sage-grouse core area habitats as adjusted to site-specific conditions. Activities in unsuitable DELETE "core" habitats would be evaluated under the exception, waiver, and modification criteria and could be allowed on a case-by-case basis. Where credible data support different timeframes for this seasonal restriction, dates could be DELETE "expanded" changed by no more than 14 days. DELETE "up to 14 days prior to or subsequent to the above dates."” The BLM grants the GRSG more time than is necessary for spring breeding. From Alberta, Canada to the western United States, the best available science indicate that mid-March is the earliest that GRSG begin breeding and early April is actually more common. See, Aldridge 2000 (early April); Schroeder 1997 (late April); Bradbury et al. 1989 (early April); Petersen, 1980 (mid-April); Autenrieth 1981 (early April); Wallestad 1975; Jenni and Hartzler 1978 (mid to late April). To the extent that BLM relies on Matt Holloran’s 2005 study, A Review of Chapter 2 of Greater Sage-Grouse Populations Response to Natural Gas Field Development in Western Wyoming, the BLM’s reliance is misplaced. Mr. Holloran provided no verifiable data and cited no authority for his position that the breeding season begins on March 1. Nor does Holloran provide any reasoning behind his assertion. Thus, the BLM should base this management action on the substantial science that supports a later breeding period and provide for site-specific exceptions, waivers and modifications to adjust the date.

Comment ID: 1013
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Management Action 61 (p. 2-64) appears to be unnecessary in light of Management Actions 122 (p. E- 2 - E-3) and 123 (p. E-5).

Comment ID: 1021
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg. 2-11 Text: Alternative E incorporates the guidance from BLM IM WY-2010-012, the Wyoming Governor's Executive Order (WY EO 2011-05) and additional management based on the NTT recommendations. Comment: BLM IM WY-2010-012 was replaced by BLM IM WY-2012-019. Please clarify why BLM IM WY-2010-012 is used here.

Comment ID: 1116
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-138 MA 129 Text: Sage-grouse leks inside core and connectivity habitat areas: Surface occupancy and surface disturbing activities would be prohibited on or within a 0.6 mile radius of the perimeter of occupied sage-grouse leks (Map 2-3). Comment: The Coalition strongly prefers Alternative D with a .25 mile radius. Alternative E is based on stale data from more than 20 years ago (Carr 1967, Wallestad and Schladweiler 1974, Rothenmaier 1979, Emmons 1980, Schoenberg 1982). Courts have found that the BLM will fall short of NEPA's "hard look" standard in relying on stale data. Lands Council v. Powell, 395 F.3d 1019, 1031 (9th Cir.2005) Further, BLM should provide exceptions, waivers and modifications to accommodate unique on-theground circumstances. In both Alternative D and Alternative E, the BLM cannot combine the impacts resulting from surface occupancy and surface disturbances since they are entirely different.

Comment ID: 1115
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-135-138 MA 128 Text: In addition to Alternative A: Within sage-grouse core habitat when mitigation is required, the agencies in coordination with the State of Wyoming and its agencies and partners, would use the following mitigation hierarchy: 1. In-kind and onsite (on lease) mitigation would be first priority 2. In-kind mitigation offsite within the projects DDCT analysis area would be second priority 3. In-kind mitigation offsite within the core area boundary would be third priority 4. In-kind mitigation adjacent to the affected core area within general sage-grouse habitat would be fourth priority. When additional offsite mitigation is necessary, it would be conducted within the same population area where the impact occurs; and if that is not possible, mitigation would be conducted within the same Management Zone per 2006 WAFWA Strategy as the impact. Comment: Alternative E should be amended to exclude the language from Alternative A – the Rawlins RMP does not apply to another management zone. Furthermore, we incorporate our comments from our cover letter regarding the mitigation hierarchy by reference here.

Comment ID: 1114
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 134-135 MA 127 Text: Inside sage-grouse connectivity areas, all surface disturbance (any program area) would be limited to no more than 5 percent per 640 acres using the DDCT process described in Appendix I. Comment: Only one connectivity area has been identified. This language is drafted to indicate more than one. Also, Alternative E applies the same management standards used for lekking, nesting and broodrearing as for connectivity when the latter habitat is used temporarily by sage grouse.

Comment ID: 1113
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-133 MA 126 Text: Inside sage-grouse core habitat areas, the BLM/Forest Service would limit the density of activities related to oil and gas development or mining activities to no more than an average of 1 location per 640 acres, subject to valid existing rights; and would limit all surface disturbance (any program area) to no more than 5% of the core landscape using the DDCT process described in Appendix I. Comment: This language should be deleted. The BLM uses several terms in this management action that are overly broad or could be misconstrued. It is unclear whether “activities related to oil and gas development” include only a single well pad, or instead any of the other equipment and infrastructure used in during development. The BLM also attempts to quantify an “activity” by “location” when not all oil and gas development activities can be compartmentalized to a single location. BLM should define these terms and clarify their use. Further, the BLM does subject the first clause to valid existing rights, the second clause should also be subject to valid existing rights. Additionally, the BLM has not provided any citations to authority for the position that activities, however defined, must be limited by a 640 acre prescription. It appears that BLM has devised this rule without any analysis as to appropriate limits of disturbing activities. As discussed earlier, BLM must rely on the best available science. Finally, please refer to our cover letter regarding the DDCT method

Comment ID: 1112
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-132-133 MA 125 Text: The BLM/Forest Service, in coordination with the State of Wyoming and its agencies, other local partners and stakeholders, would establish monitoring protocols for sagegrouse populations and habitat that would be incorporated into individual project approvals, including small and in-house projects, as appropriate and necessary. Comment: This language should be amended to read: “The BLM/Forest Service DELETE ", in coordination with the State of Wyoming and its agencies, other local partners and stakeholders", , after consulting with landowners, permittees, and state, local and federal government entities to the maximum extent possible, would establish monitoring protocols for sage-grouse populations and habitat that would be incorporated into individual project approvals. DELETE ", including small and in-house projects, as appropriate and necessary."” A “one size fits all” approach to monitoring is unworkable and will greatly increase the administrative costs of a project while reducing management efficiency.

Comment ID: 1111
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-124-126 MA 124 Text: Alternative A: In Greater Sage-Grouse habitat (priority and general habitat), suppression would be a high priority and commensurate with values at risk. General sage-grouse habitat would be assigned a priority commensurate with its importance in the local fire plan. Fire fighter and public safety would be the highest priority. Greater Sage-Grouse habitat would be prioritized commensurate with property values and other critical habitat to be protected, with the goal to restore, enhance, and maintain areas suitable for Greater Sage-Grouse. Within sage-grouse habitat, core habitat (and PACs, if so determined by individual LUP efforts) would be the highest priority for conservation and protection during fire operations and fuels management decision making. The sage-grouse core habitat (and PACs, if so determined by individual LUP efforts) would be viewed as more valuable than general habitat when priorities are established. When suppression resources are widely available, maximum efforts would be placed on limiting fire growth in general sage-grouse habitat polygons as well. These priority areas will be further refined following completion of the Greater Sage-Grouse Landscape Wildfire and Invasive Species Habitat Assessments described in Appendix A. Comment: This language should be amended to read: “In Greater Sage-Grouse habitat (priority and general habitat), suppression would be a high priority and commensurate with values at risk and designed to comply with local, state and national wildfire plans,

including, but not limited to the Wyoming wildfire plan and the national direction. BLM will coordinate to the maximum extent possible with landowners, permittees, and state, local, and federal entities." The DEIS assumes that all areas within core habitat are essential for GRSG survival. This is simply not true. For example pinon juniper is not suitable habitat but there is pinon juniper within core areas. Wildfires may help or increase GRSG habitat if it occurs within pinon junier stands and the BLM should account for this reality in management decisions. To the extent that BLM makes such an assumption, BLM should map and identify these non-habitat areas within core habitat.

Comment ID: 1022
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-15 MA 2 Text: Field Offices and Ranger Districts will work with project proponents, partners, and stakeholders to avoid or minimize impacts and/or implement direct mitigation (e.g., relocating disturbance, timing restrictions, etc.), and utilize BMPs and off-site compensatory mitigation where appropriate. Comment: This language should be amended to read: "Field Offices and Ranger Districts will work with project proponents, partners, cooperators and stakeholders to avoid or minimize impacts and/or implement direct mitigation (e.g., relocating disturbance, timing restrictions, etc.), and utilize BMPs and off-site compensatory mitigation where appropriate." Also, off-site compensatory mitigation appears to be inconsistent with recent mitigation direction as we've discussed extensively in our cover letter.

Comment ID: 1023
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-15 MA 8 Text: These strategies must be coordinated and reconciled with adjoining management entities that share habitats or populations. Comment: This language should be amended to read: "These strategies must be coordinated and reconciled with adjoining management entities that share habitats or populations after appropriate NEPA analysis."

Comment ID: 1110
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-121-124 MA 119 Comment: Alternative A should be deleted entirely with the exception of the final sentence which reads: "As appropriate, the Fire Management Plan will be updated to reflect the appropriate suppression activity in sensitive resource areas." BLM must consult with landowners, permittees, and state, local, and federal government entities with regards to developing and implementing a Fire Management Plan

Comment ID: 1024
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-15 MA 9 Text: Design all range projects in a manner that minimizes potential for invasive species establishment. Monitor and treat invasive species associated with existing range improvements. Comment: This language should be amended to read: "Design, monitor, and treat all projects (existing or new) in a manner that minimizes potential for noxious weeds and invasive species establishment." Also, the BLM should clarify in this Management Action and throughout the FEIS that the definition of a "project" does not include a wildfire but would include a prescribed fire.

Comment ID: 1025
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-15 MA 10 Text: Apply required design features (Appendix B) as mandatory Stipulations/Conditions of Approval (COAs) within priority/core sage-grouse habitat for fluid minerals, travel management, lands and realty, range management, wild horses and burro, solid leasable minerals (coal), locatable minerals, West Nile Virus, mineral materials, non-energy solid leasable minerals, vegetation management, fire and fuels management, and noise. Comment: COA's that go beyond the terms of a valid existing lease must be negotiated in good faith with the lessee since BLM has no authority to add additional lease terms.

Comment ID: 1119
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-151 MA 132 Text: Sage-grouse breeding, nesting, and early brood-rearing habitat inside connectivity areas: Surface disturbing and/or disruptive activities would be prohibited within connectivity habitat from March 1–June 30 to protect breeding, nesting, and early brood-rearing habitats within 4 miles of the lek or lek perimeter of any occupied sage-grouse lek within identified connectivity areas. This timing limitation would be applied throughout the sage-grouse core area habitats. Activities in unsuitable habitats would be evaluated under the exception, waiver, and modification criteria and may be allowed on a case-by-case basis. Where credible data support different timeframes for this seasonal restriction, dates could be expanded by 14 days prior or subsequent to the above dates. Comment: This language should be amended to read: "Surface disturbing and/or disruptive activities would be prohibited within connectivity habitat from DELETE "March 1" March 15–June 30 to protect breeding, nesting, and early brood-rearing habitats within DELETE "4" .60 miles of the lek or lek perimeter of any occupied sage-grouse lek within identified connectivity areas. After consulting with landowners, permittees, and state, local and federal government entities, this timing limitation would be applied throughout the sage-grouse core area habitats as adjusted to site-specific conditions. Activities in DELETE "unsuitable" connectivity habitats would be evaluated under the exception, waiver, and modification criteria and may be allowed on a case-by-case basis. Where credible data support different timeframes for this seasonal restriction, dates could be DELETE "expanded" changed by no more than 14 days DELETE "prior or subsequent to the above dates"." We incorporate our comment from Management Action 131 by reference here. Furthermore, this management action effectively converts "connectivity habitat" into "core habitat" for the time period identified. Specifically, if a single lek appears inside connectivity habitat, the BLM will treat that connective corridor and the surrounding land in a 4 mile radius as an extension of a core area. Not only is this directly contrary to EO 2011-5, but the BLM is prohibited from taking such a major action without the following the proper NEPA channels. Moreover, the 4 mile guideline was only intended to be used in areas having at least 13" of sage brush cover and an understory of grass and forb/herb cover of at least 23% to maintain GRSG nutritional needs. The 4-mile boundary is not an arbitrary rule to be used in lieu of exacting science and should not be placed between any Lek and a de minimus potential disturbance. Some literature has documented that 75% of hens nest within 4-miles of a lek and 66% within 3-miles. That is a 9% difference in individual birds. Yet the acreage difference between a 3-mile and 4-mile buffer is 14,071.68 acres or 43% more acres to speculatively accommodate 9% of the birds. Given the fact that the majority of the nesting hens choose a site within .5 miles of the previous year's nest, by far the majority reside within the GRSG habitat within the first mile of the lek. The Coalition suggests, and the Holloran study supports, a .60 mile radius with site-specific exceptions, waivers and modifications.

Comment ID: 974
Organization: Defenders of Wildlife

Name: Mark Salvo

Comment: Key conservation measures: o Account for the effects of climate change on sagebrush steppe in conservation measures for sage-grouse.

Comment ID: 1425
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Timing and Distance Restriction - Winter Concentration Areas, pages 2-162 and 2-163, Item #134. As stated in Alternative B and C, "Sage-grouse winter concentration areas: In priority habitat, the following conservation measures would be provided as terms and conditions of the approved RMP: New surface occupancy would not be allowed on federal leases within priority habitats during any time of the year." This concept is not consistent with the BLM's multiple use policy and if it is considered further, the impacts to mining must be incorporated in the socioeconomic analysis in Appendix N. If revised, the socioeconomic impact analysis should incorporate impacts on global economies as discussed previously due to the large volume of exports from Wyoming industry.

Comment ID: 1424
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Timing and Distance Restrictions, pages 2-145 and 2-151, Items #131 and #132. We want to thank the BLM for revising the seasonal restriction closing date from July 15th to June 30th which is consistent with the EO. However, the sage-grouse nesting, and early brood-rearing habitat inside core habitat areas, and connectivity areas have different seasonal restriction dates as compared to the EO. The EO seasonal restriction dates are March 15-June 30. The BLM DEIS proposed seasonal restriction dates are March 1 – June 30. The difference in dates provides significant confusion for project proponents and the dates should be made consistent. As an example regarding the confusion, a project proponent may have a project on State Lands (Parcel A) adjacent to a separate project on BLM Lands (Parcel B). Activities continue on Parcel A through March 15th, and activities on Parcel B, which might be 100 feet apart cease on March 1st. Due to the activities on Parcel A, it provides no benefit to sage-grouse, and it provides significant confusion to the project proponent regarding why they can have activity on Parcel A, and not Parcel B, which is 100 feet away. Explaining that to a field operator adds ambiguity to the overall protection of sage-grouse, rather than providing a clear and consistent approach by all agencies. It is our opinion based on field observations that the March 15th seasonal closure date is adequately protective and the seasonal closure dates should be made consistent with the EO.

Comment ID: 1421
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Density and Disturbance, Pages 2-133 and 2-134, Item #126. Alternative E states "Inside sage-grouse core habitat areas, the BLM/Forest Service would limit the density of activities related to oil and gas development or mining activities to no more than an average of 1 location per 640 acres…and would limit all surface disturbance to no more than 5% of the core landscape using the DDCT process…" The limitation on the number of disturbances is a moot point if the DDCT density of disturbance process is utilized properly. We recommend that the BLM consider removing the number of disturbances and simply reference the 5% anthropogenic density disturbance limitation because it provides the same level of protection without confusing language. The EO should be updated in this same manner in the future. This change will result in consistency and fairness across industry and will result in a consistent approach to

density disturbance limits in core/priority habitat, thus providing the USFWS with certainties that the regulatory mechanisms being applied are fair, consistent, and adequate to protect sage-grouse.

Comment ID: 1411
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, General Management Direction for Action Alternatives, Page 2-16, Item #13. We recommend that the BLM also add or update inventories regarding habitat as research and data determines that areas are found to not be suitable, priority, core, winter, and other types of habitat. This recommendation supports the notion that the best available science is utilized in the adaptive management approach.

Comment ID: 1378
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Another "requirement" is that the BLM "evaluate the role of existing seedings that are currently composed primarily introduced perennial grasses in an adjacent to priority sage grouse habitat to determine if they should be restored to sagebrush or habitat of higher quality for sage grouse" but nothing actually forces the agency to do that. No time requirement or other trigger to implement that process to "evaluate" has been provided. In addition, a massive loophole is provided that if the seedings "are part of an AMP" or "if they provide value in conserving or enhancing the rest of the priority habitats" then no restoration is needed.

Comment ID: 1364
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 131 states that "surface disturbing and or disruptive activities would be prohibited from March 1 to June 30" but fails to apply this to the obvious disruptive activity of livestock grazing.

Comment ID: 1235
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

Comment ID: 1362
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 68 discusses categorical exclusions to NEPA but the document is entirely silent as to what these categorical exclusions are, where they have been applied and what percentage of development occurs under these categorical exclusions or their cumulative effect on sage grouse.

Comment ID: 1094
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-107 MA 98 Text: For vegetation treatments in sagebrush within core habitat areas, refer to Attachment 6 – WGFD Protocols for Treating Sagebrush to Benefit Sage-Grouse (WGFD 2011, as updated). Comment: The BLM must use the best available information regarding vegetation treatments. Conservation districts have significant statutorily recognized expertise in these areas and should be consulted regularly as Cooperating Agencies. Moreover, local land use plans have been successfully implemented for years and will provide the BLM with important information and guidelines. Thus, the BLM may not rely merely on Wyoming Game and Fish protocols without considering the most applicable knowledge and regulations regarding vegetation treatments. The BLM should revise this management action to include all local land use plans, conservation district policies, county expertise, and Wyoming Healthy Rangeland Standards.

Comment ID: 1354
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 46 maintains the status quo regarding monitoring which rarely takes place currently. For instance in the Casper RMP we see that "grazing leases would be adjusted where an evaluation of monitoring, field observations or other data indicate changes, and either increases or decreases, in forage allocations are needed". But since there is no requirement for this monitoring to take place the adjustments likewise never take place. For the Pinedale RMP, we see that the RMP requires "monitoring of the range and the vegetation resource would be conducted at a level sufficient to detect changes in grazing youth, trend and range condition" but despite the nearly half a decade since the RMP was put in place this has been implemented in not a single allotment within the field office. And in the two current decisions in draft form (Boulder Landscape and James Ryegrass), neither implements this RMP requirement.

Comment ID: 1350
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 23 – The EIS provides as the population objective for sage grouse in Wyoming that developed by the state of Wyoming, which interestingly is below the level that the US Fish and Wildlife Service determined was warranted for listing under the Endangered Species Act. So it appears that this entire effort is merely to provide a lower level of population than currently exists. This action merely implements "adaptive management "if monitoring identifies significant negative population impacts". This cannot be seen as adequate regulatory mechanisms. In action 24, this is laid out clearly when the document states that "the current population objective is to maintain at least 67% of the 2005 to 2008 greater sage grouse core area population within the state of Wyoming". Again this is significantly below the levels that the Fish and Wildlife Service had determined was warranted for listing. In addition, no population objective is provided for non-core sage grouse habitat. Again, this action leaves critical issues to some undefined process at some undefined future time. This is not adequate regulatory mechanisms. Even worse, the entire process has been built on the foundation of achieving maintenance of on 67% of the 2005 to 2008 population.

Comment ID: 1236
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: In presettlement times, the range of the sage-grouse paralleled the range of big sagebrush. Basin big sagebrush provides important cover for sage-grouse.39 Populations of sage-grouse have declined primarily because of loss of habitat due to overgrazing, elimination of sagebrush, and land development.40 Sage-grouse populations began declining from 1900 to 1915, when livestock utilization of sagebrush rangeland was heavy.41 In the 50's and 60's, land agencies adopted a policy of aggressive sagebrush control in order to convert sagebrush types to grassland. Chaining, frequent fire, and herbicide treatments reduced sagebrush by several million acres and sage-grouse numbers plummeted drastically.42 Since the continued "management" of sagebrush (including chemical herbiciding, chaining, fire, and other disturbance) has led to many of the situations scientists now agree are threatening these ecosystems, BLM should select the complete removal of livestock as the preferred alternative in the RMPA/EIS.

Comment ID: 1327
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The BLM has left itself too much "wiggle room" with respect to vegetation management and habitat restoration, and the lack of a commitment to restoration efforts with only native species for the benefit of sage-grouse is troubling. For example, the DLUPA/DEIS prioritizes the use of native seeds but, "Where the probability of success of adapted seed availability is low, desirable non-native seeds may be used as long as they support GRSG habitat objectives." DLUPA/DEIS at 2-108. The document does not define "desirability," and the subsequent emphasis on understory plants suggests that the agencies restoration and rehabilitation efforts might have intentions other than sage-grouse nesting cover. It also contradicts Manier and others (2013) who demonstrate that restoration of sage-grouse habitats requires the seeding of native species.

Comment ID: 1027
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-16 MA 13 Text: As new occupied sage-grouse habitat is found or occurs either through additional inventories or expansion into previously un-occupied habitat, the agencies will incorporate these areas into the general sage-grouse habitat category and manage them as such, until the earliest review occurs by the Sage-grouse Implementation Team (SGIT). At that time they will be considered for priority/core habitat status or continue to be managed as general habitat, and will be added to the statewide map at that time.Comment: This language should be deleted because it is entirely inconsistent with Wyoming Executive Order 2011-5, supp. 2013-3 (EO 2011-5). EO 2011-5 dedicates core areas for Greater Sage-Grouse (GRSG) habitat. As written, the DEIS would expand those areas into new areas and displace conflicting uses. This does not match the Wyoming Greater Sage Grouse Core Area Strategy (Core Area Strategy) and negates the purpose of EO 2011-5. BLM provides no additional studies or information that additional habitat is needed to meet population objectives and without such documentation this action item appears arbitrary and capricious.

Comment ID: 989
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: "Enhance quality/suitable habitat ... " is listed as a management objective common to all alternatives (p. 2-12). Although this is one facet that needs to be included, a more comprehensive Management Objective is to "Maintain and enhance quality/suitable habitat." It is just as important to maintain important habitats as it is to enhance habitats.

Comment ID: 990
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: General Sage-Grouse Habitat is defined as "occupied (seasonal or year-round) habitat outside of priority habitat." (p. GL-13). This definition and other notations (i.e., pp. 2-45 and 2-101) within the Draft LUP Amendment lead the reader to conclude that certain conservation measures, management prescriptions and stipulations may be applied to general habitat areas. The document does not provide a map depicting general habitat areas nor does it provide specific management actions that will apply to these areas. I request clarification on this point and request that only management prescriptions for non-core area habitat, as detailed in EO 2011-5, be applied to general habitat areas. If the BLM and USFS plan to apply other management prescriptions in general habitat areas, the location and management actions applied to these areas must be disclosed.

Comment ID: 1306
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA's preferred alternative does not require ungrazed areas for comparison or as baseline monitoring sites for evaluating conditions like drought reductions in forage cover, stubble height, capability, etc. It is not clear that there are any exclosures within GRSG habitat in the planning area. The DLUPA's preferred alternative does not require the use of pretreatment data in vegetation management areas. These data are critical for building the agency's understanding of the impacts of vegetation treatments on sage-grouse habitat and the unwillingness to require this as part of any but one alternative suggests that the agency is unwilling to take a "hard look" at its actions on the ground.

Comment ID: 999
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: There are numerous inconsistencies throughout Alternative E regarding timing stipulations. Per EO 2011-5, seasonal use restrictions are in effect for a three and a half month period, from March 15 to June 30. BLM IM WY-2012-019 notes: "[w]here local [Field Offices] have obtained credible data and information to support an additional 2 weeks of protection proceeding these recommended dates or subsequent to these dates, then the BLM FOs may consider expanding the dates of restriction for the protection of sage-grouse breeding, early brood rearing, and winter concentration habitat areas." If the BLM and USFS determine that seasonal use restriction should start two weeks early, they should correspondingly end two weeks early. The management prescription does not permit up to a four week extension of seasonal use restrictions. I request that the BLM and USFS amend Alternative E to reflect the limit of seasonal use restrictions.

Comment ID: 1000
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Management Action 134 (pp. 2-162 - 2-164) should include the qualifier, "identified and mapped winter concentration areas". Therefore, I request that Management Action 134 contain the following correction: "This timing would be applied throughout the sage core area habitats identified and mapped winter concentration areas."

Comment ID: 1001
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Under Alternative E, the noise stipulation in Management Action 132 (pp. E-17 - E-18) does not allow for noise to be above 10 dba above ambient between 8:00 a.m. and 6:00 p.m. when measured 0.6 miles from the perimeter of the lek. To be consistent with EO 2-11-5, this Management Action should be modified to allow for that activity. I am concerned that there is limited data that shows GSG have an aversion to noise at times other than breeding, and that existing noise levels at the local level have not been assimilated by GSG in those areas. I am also concerned that "ambient" noise definitions proposed by some are inconsistent with existing conditions throughout the range of GSG, and propose to measure something that simply does not exist in the real world.

Comment ID: 1302
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS is not explicit about its timeframe for these NEPA analyses, and given the agencies' frequent and repeated use of the permit renewal rider, the site-specific planning might not happen for ten, twenty, or more years. Where BLM has recently renewed a permit, it won't come around again for at least ten years, and that is under the best-case scenario where BLM actually conducts timely NEPA according to a schedule, something it has never demonstrably achieved. For instance, the Pinedale Field Office has renewed all but approximately 2 permits under the rider over the last decade. Rock Springs Field Office is a little better than this. The preferred alternative fails to immediately implement changes but instead does so at some unspecified and uncertain future time. This can not be seen as adequate regulatory mechanisms.

Comment ID: 1289
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM fails to fully explain or analyze adequately how existing regulatory mechanisms are either adequate to conserve sage-grouse or inadequate to conserve sage-grouse, and therefore provides no useful baseline against which each of the proposed alternatives can be compared. The continuation of existing management and conservation measures and existing regulatory policies including the directives contained in BLM Manual 6840 define the No Action Alternative and provide a baseline upon which useful analysis may take place. It seems apparent that BLM has prematurely concluded that these existing regulatory policies are inadequate. However, BLM provides no discussion based upon on-the-ground data that this is the case. BLM should not presume (as it currently has) that using the existing tools or better implementation of the existing regulatory tools would not provide adequate sage-grouse and sagebrush habitat conservation.

Comment ID: 1264
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Spring grazing, with impacts of livestock on nesting and brooding sage-grouse as well as long term vegetative community changes has been ignored. This is so clearly part of what sage-grouse need, it is unfortunate and inexcusable that the change isn't included in the preferred alternative.

Comment ID: 1263
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The preferred alternative merely asks the agencies to consider "as appropriate" actions that conserves, restores, or enhances GRSG habitat in the NEPA documents prepared for the permit renewal. DLUPA/DEIS at 2-38. The plan does not require the agencies to select such actions, even where the current livestock regime is not an effective grazing system to meet GRSG habitat requirements. Thus, the agencies are only required to conduct better planning in the future, not better management.

Comment ID: 1260
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: FLPMA and its implementing regulations and policies require BLM to utilize the land use planning process to determine "allowable" uses of public lands, including whether to exclude major uses under FLPMA Section 202(e). By failing to consider an alternative to exclude livestock grazing from the project area, the BLM cannot reasonably be said to have taken a hard look at the uses of these public lands or complied with the directions of FLPMA. The BLM's own Land Use Planning Handbook directs the agency to, "[i]dentify lands available or not available for livestock grazing considering the following factors: 1. Other uses of the land; 2. terrain characteristics; 3. soil, vegetation, and watershed characteristics; 4. the presence of undesirable vegetation, including significant invasive weed infestations; and 5. the presence of other resources that may require special management or protection, such as special status species…" BLM Land Use Planning Handbook at 13. Thus, in modifying the LUP with this LUP Amendment specifically to manage sage-grouse, a species harmed by livestock grazing, it is well within reason that the agency would revisit the allowable uses within the project area and compare the effects of levels of livestock exclusion. The BLM has blindly accepted previous available/unavailable determinations, none of which factored in sage grouse. The BLM's National Sage-Grouse Habitat Conservation Strategy (2004) Guidance for Addressing Sagebrush Habitat Conservation in BLM Land Use Plans confronts this question directly: "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." National Strategy Guidance at 5. The EIS did not do this.

Comment ID: 1238
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

Comment ID: 1349
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 22 merely asks the BLM to "evaluate" not actually act. Merely evaluating does nothing to recover sage grouse and its habitats.

Comment ID: 1080
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: MA 86 Text: The Casper Field Office Poison Spider OHV Park (290 acres) would remain as an "open" OHV area. The non-sand dune portions of the following OHV "open" areas within sage-grouse core habitat areas would be limited to existing roads and trails: 1. Rawlins Field Office: Dune Pond Cooperative Management Area. 2. Rock Springs Field Office: Portion of the Greater Sand Dunes Recreation Area. Comment: This language should be revised to correspond to BLM rules regarding road closures. Open is open, and small mention in RMP's do not conform to closure rules.

Comment ID: 1100
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-111-112 MA 105 Comment: This management action should prioritize the use of native plants and seeds for restoration unless the probability for success is low. Non-native plants and seeds may be used as long as they meet sage-grouse habitat objectives where restoration management would be designed to meet Wyoming Healthy Rangeland Standards based on local and site-specific information.

Comment ID: 1071
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-77 MA 68 Text: The BLM/Forest Service should closely examine the applicability of categorical exclusions in core and general Greater Sage-Grouse habitat. If extraordinary circumstances review is applicable, the BLM/Forest Service should determine whether those circumstances exist. Comment: This language should be deleted. Categorical exclusions are governed by rule, case law, and statute. The RMP cannot predetermine use of categorical exclusions and this language suggests that BLM has the authority to do so.

Comment ID: 1072
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-69 MA 69 Text: A reclamation bond would be required that is commensurate with the scope, scale, size of the project within sage grouse core habitat. Partial bonding may be appropriate depending on these factors. Comment: This language should be amended to read: "BLM must amend oil and gas rules to change bond criteria."

Comment ID: 1074
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-79 MA 71 Text: BLM/Forest Service would work cooperatively with the surface owner to apply the same sage-grouse conservation measures as applied on public land on a voluntary basis, for core and general habitat. Comment: The Coalition is concerned that the surface owner's private property rights could be compromised despite the BLM's "cooperative" efforts. The BLM must define the cooperative process it will use to deal with potential conflicts while complying with state and federal law.

Comment ID: 1099
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-110-111 MA 104 Text: The role of existing seedings that are currently composed of primarily introduced perennial grasses in and adjacent to priority sage-grouse habitats would be evaluated to determine if they should be restored to sagebrush or habitat of higher quality for sage-grouse. If these seedings are part of an AMP/ Conservation Plan or if they provide value in conserving or enhancing the rest of the priority habitats, no restoration would be necessary. The compatibility of these seedings would be assessed for sage-grouse habitat or as a component of a grazing system during the land health assessments (or other analyses [Forest Service only]) (Davies et al. 2011). Comment: This language should be amended to read: "The role of existing seedings that are currently composed of primarily introduced perennial grasses in and adjacent to priority sage-grouse habitats would be evaluated against the Wyoming Healthy Rangeland Standards to determine if they should be restored to sagebrush or habitat of higher quality for sage-grouse. If these seedings are part of an AMP/ Conservation Plan or if they provide value in conserving or enhancing the rest of the priority habitats as determined by the Wyoming Healthy Rangeland Standards, no restoration would be necessary." The Wyoming Healthy Rangeland Standards are the primary mechanism, and the only mandatory threshold, that dictate seeding and vegetation restoration. The BLM must clarify the role of the WHRS throughout this document since, as here, the BLM attempts prioritize restoration of sagebrush or "higher quality" habitat without referencing the WHRS. Further, the following language should be deleted: DELETE "The compatibility of these seedings would be assessed for sage-grouse habitat or as a component of a grazing system during the land health assessments (or other analyses [Forest Service only]) (Davies et al. 2011)." As stated by EO 2011-5, grazing and GRSG habitat are not mutually exclusive. Thus, it is unclear why the compatibility of any seedings would be assessed for sage-grouse habitat or as a component of a grazing system when grazing is a de minimus impact on GRSG habitat and further, enhances GRSG habitat

Comment ID: 1098
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-110 MA 103 Text: Post ES&R and BAER management would be designed to ensure long-term persistence of seeded or pre-burn native plants. This may require temporary or long-term changes in livestock grazing, wild horse and burro, and travel management, etc., to achieve and maintain the desired condition of ES&R and BAER projects to benefit sage-grouse (Eiswerth and Shonkwiler 2006). Comment: Alternative E should not be modeled after Alternative B and should be amended as "No Similar Action." All restoration projects must be taken with local input from landowners, permittees, state, local and federal government entities. BLM must use the best available science in developing management actions and the Eiswerth and Shonkwiler study appear to rely strictly on meta-analysis and did not consider field notations when developing their conclusions. These findings, therefore, are inherently suspect since they were not developed from on-the-ground studies. To the extent that BLM relies entirely on this single study, BLM is not meeting NEPA analysis standards and this document may be set aside. See Western Watershed Project v. Salazar, 4:08-CV-516-BLW, Dckt. 131 (D. Idaho 2011)

Comment ID: 1097

Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-108-109 MA 101 Text: Within sage-grouse core habitat, implementation of restoration projects would be prioritized based on environmental variables that improve chances for project success in areas most likely to benefit sage-grouse. Restoration would be prioritized in seasonal habitats that are thought to be limiting sage-grouse distribution and/or abundance. Comment: The following language should be added to Alternative E: "Permittees, landowners, state, local, and federal government entities should be consulted regularly during the implementation of restoration projects."

Comment ID: 1075
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-71 MA 72 Text: Where the federal government owns the surface, and the mineral estate is under nonfederal ownership, the BLM/USFS would work cooperatively with permittees, lessees and other surface landowners to negotiate and apply the same sage-grouse conservation measures as applied on public land within core and general habitat. Comment: This language should be amended to read: "Where the federal government owns the surface, and the mineral estate is under nonfederal ownership, the BLM/USFS would work cooperatively with DELETE "permittees," lessees and DELETE "other" surface landowners to negotiate and apply the same sage-grouse conservation measures as applied on public land within core DELETE "and general" habitat. Livestock grazing is a de minimus activity with regards to sage-grouse habitat and BLM will work cooperatively with grazing permittees in a similar capacity." EO 2011-5 concludes grazing impact is a de minimus impact. Thus, it is unclear why this provision would apply to grazing permittees. Also, the BLM cannot expand this principle to general habitat because EO 2011-5 and Wyoming's core area strategy are based on the premise that remaining land should not be managed primarily for sage grouse.

Comment ID: 1096
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-107 MA 100 Text: The use of native plants and seeds for restoration would be required unless the probability for success is low (non-native plants and seeds may be used as long as they meet sagegrouse habitat objectives), and restoration management would be designed to obtain long-term persistence based on ESD. Comment: This language should be amended to read: "The use of native plants and seeds for restoration would be required unless the probability for success is low (non-native plants and seeds may be used as long as they meet sage-grouse habitat objectives), and restoration management would be designed to DELETE "obtain long-term persistence based on ESD" meet Wyoming Standards for Healthy Rangelands based on local and sitespecific information. Appropriate livestock grazing management actions would be developed and integrated to address rangeland health standards, improve forage for livestock, and enhance rangeland health." The Coalition does approve of this language with regards to native and non-native seed mixtures to promote vegetative restoration. This language should be used consistently throughout the document.

Comment ID: 1076
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-88 MA 79 Text: The withdrawal of sage grouse core habitat areas from mineral entry would be considered for recommendation, based on risk to sage-grouse and its habitat from conflicting locatable

mineral potential and development (Map 2- 23). Comment: As mentioned throughout these comments, the Coalition is opposed to withdrawals and land acquisitions. Each has severe repercussions and direct economic impacts on local economies that do not provide any reciprocal benefit. Land acquisitions and withdrawals are also contrary to EO 2011-05. Map 2-23 shows massive withdrawals and proposed withdrawals that will immediately and continually affect revenues, development, industry, economy and our local communities.

Comment ID: 1077
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-89 MA 79 Comment: BLM has no authority to approve or disapprove notices of operation under 43 C.F.R. §3809. Since BLM has not made this suggested change, please provide the legal opinion upon which BLM is relying.

Comment ID: 1026
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-16 MA 12 Text: Existing notices and approved plans of operations under 43 CFR 38091: etc. Comment: The BLM has no approval authority for notices of operation. BLM cannot approve or disapprove a notice and hence cannot lawfully impose conditions.

Comment ID: 1079
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-89 MA 79 Comment: Section 204 of FLPMA requires that BLM justify a withdrawal based on the threat of the land use to a particular resource. The impacts must be weighed against support or opposition by state and local governments, the impacts to the economy and communities, present users and how they will be affected, existing and potential resource uses are incompatible with or in conflict with the proposed use, hearings, consultation with state and local governments, and a mineral examiner report of the deposit to be closed. This is not an undertaking to be lightly considered. Oil and Gas development constitutes more 43% of Sweetwater County's total assessed value. Thus, withdrawals have an immediate and significant impact on local economic conditions. If proposed in the FEIS, BLM must examine the impacts now, and not segment the action to a later day. Thus, BLM either deletes the withdrawal option or it expands the FEIS to address the impacts of closing significant deposits to manage sage grouse.

Comment ID: 1101
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 112 MA 106 Text: In fire prone areas where sagebrush seed is required for sage-grouse habitat restoration, the BLM/USFS would consider establishing seed harvest areas that are managed for seed production and are a priority for protection from outside disturbances. Comment: The BLM must disclose the nature of seed harvest areas and the constraints on land uses within those areas and the authority upon which BLM relies in this management action. Further, the BLM must disclose the size and other important elements that could impact livestock grazing operations (i.e. exclosures) or energy development in the area. It will also be necessary for the BLM to describe how it will protect the seed harvest areas from fires. BLM must consult landowners, permittees, state, local and federal government entities in locating,

mapping, and managing fire prone areas. To the extent that these concerns are not addressed, Alternative E should be amended as “No Similar Action.

Comment ID: 1095
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-107 MA 99 Text: Reclamation of surface disturbances in sage-grouse core habitats would be consistent with the Wyoming Reclamation Policy (BLM 2009a) and Appendix C or Forest Service Reclamation policy. A monitoring plan would be developed for each restoration or reclamation project and reporting progress and changes in resource condition. Comment: Repeating our earlier comment, this management action is improperly focused on sagebrush habitat and ignores the other elements necessary for both GRSG and other wildlife habitat. It also appears that the BLM has improperly cited to BLM IM 2009-022 which should be corrected.

Comment ID: 1082
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: MA 87 Text: Limit motorized travel to existing roads, primitive roads, and trails at a minimum, until such time as travel management planning is complete and routes are either designated or closed. Comment: This management action should be amended to be “No similar Action.” The FEIS may not usurp the proper planning, evaluation, and analysis inherent in a travel management plan that must take into consideration the Travel and Transportation Map we have attached to these comments as well as the procedures identified in the BLM’s H-8342 Travel Management Handbook.

Comment ID: 1083
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-96 MA 88 Text: New primary and secondary (BLM route category) or Route Category level 4 and 5 (Forest Service) roads would be avoided within 1.9 miles of the perimeter of occupied sage-grouse leks within sage-grouse core habitat areas. Other new roads would be avoided within 0.6 miles of the perimeter of occupied sage-grouse leks within core habitat areas. Comment: “Primary” and “secondary” roads are not all used to transport production and/or waste products, is not consistent with EO 2011-5 and should not be limited to the 1.9 mile requirement. The BLM should further define “other new roads” since these roads may not provide any disturbance to GRSG habitats (i.e. recreation trails).

Comment ID: 1084
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: MA 89 Text: Within sage-grouse core habitat, no upgrading of existing routes that would change route category (BLM route category: road, primitive road, or trail; Forest Service route category: level 1, level 2, or level 3) or capacity would be allowed unless the upgrading would have minimal impact on sage-grouse in sage-grouse core habitat, was necessary for motorist safety, or eliminated the need to construct a new road. Comment: This language should be deleted. Instead, Alternative E should be “Same as Alternative D” which reads: “Within sage-grouse core and general habitat, upgrading of existing routes would be allowed based on other resource uses." Furthermore, counties have authority to maintain county roads and Alternative D more specifically addresses local, state, and federal regulatory frameworks. See EO 2011-5, Attachment C.

Comment ID: 1085
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: MA 90 Text: If that disturbance exceeds 5% for that area, additional, effective mitigation necessary would be evaluated and implemented to offset the resulting loss of sage-grouse habitat. Comment: This language should be deleted. Valid existing rights cannot be set aside or otherwise infringed upon.

Comment ID: 1086
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: MA 91 Text: In addition to Alternative A: For roads, primitive roads and trails not designated in travel management plans within sage-grouse core habitat areas, natural reclamation of roads and trails would be allowed in appropriate situations where additional resource damage is not foreseeable. This would include primitive route/roads that were not designated in Wilderness Study Areas and within lands with wilderness characteristics that have been selected to be managed to retain those characteristics for protection. Kemmerer RMP: Roads and two-track routes determined to be unauthorized or redundant and unnecessary for resource management purposes would be reclaimed to achieve surrounding native conditions. Comment: The actions contemplated in Alternative A and Alternative E should be addressed according to the procedures set out in the BLM's H-8342 Travel Management Handbook. The goal of these procedures is to understand the existing transportation matrix while accounting for future transportation needs that match the requirements of a Resource Management Plan. It appears that Kemmerer RMP language is redundant since it appears in both Alternative A and Alternative E. Also, the following language should be deleted: "This would include primitive route/roads that were not designated in Wilderness Study Areas and within lands with wilderness characteristics that have been selected to be managed to retain those characteristics for protection." RMP's do not address these alleged wilderness characteristics and this language improperly suggests that there are wilderness characteristics.

Comment ID: 1087
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: MA 92 Text: Within sage-grouse core habitats, when reseeding roads and trails, appropriate seed mixtures would be used and the use of transplanted sagebrush would be considered. Comment: This language should be deleted and replaced with "No similar action."

Comment ID: 1088
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-101 MA 93 Text: Within sage-grouse core and general habitat, the BLM/Forest Service would manage for vegetation composition and structure that reflects ESD or other methods that reference site potential or comparable standard to achieve sage-grouse and other resource objectives. Comment: This language should be replaced by the following: "Vegetative communities in sage-grouse core and general habitat would be managed in accordance with Wyoming Standards for Healthy Rangelands on a site-by-site basis. Appropriate livestock grazing management actions would be developed and integrated to address rangeland health standards, improve forage for livestock, and enhance rangeland health." ESD's do not draw site-specific distinctions and should be deleted in favor of WSHR since those standards are the only applicable regulatory criteria. At best, ESD's are current best approximations of potential plant

communities on different range sites. These are not absolutes and they are subject to continual, on-going revisions as we learn more about the potential of the many various range sites. Consequently, these are not appropriate for binding terms and conditions in a grazing permit as there are too many variables in range sites and impacts to those sites. Also the application of ESDs is far too subjective. They are useful as references to what may be the potential of a given range site.

Comment ID: 1090
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-102-103 MA 94 Text: Within sage-grouse habitat in northeast Wyoming, vegetation treatments in nesting and wintering habitat that would reduce sagebrush canopy to less than 15% would not be conducted. Comment: The Coalition does not support this management action insofar as it applies outside of the northeast region of Wyoming and specifically requests that the BLM identify and define the exact boundaries of the region.

Comment ID: 1091
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-103 MA 95 Text: In addition to Alternative A: For vegetation treatments in sagebrush within core habitat areas, refer to Appendix A, WGFD Protocols for Treating Sagebrush to Benefit Sage-Grouse (WGFD 2011, as updated) and BLM Washington Office Instruction Memorandum 2013 128 and Forest Service 2013 Sage-grouse Conservation Methods (Sage-grouse Conservation Related to Wildland Fire and Fuels Management). These recommended protocols would be used in determining whether proposed treatment constitutes a “disturbance” that would contribute toward the 5% threshold within sage-grouse core habitat maintenance. Additionally, these protocols would be used to determine whether the proposed treatment configuration would be expected to have neutral or beneficial impacts for core populations or if they represent additional habitat loss or fragmentation. Treatments to enhance sagebrush/grasslands habitat for sage-grouse would be evaluated based upon habitat quality and the functionality/use of treated habitats post-treatment. The BLM and the Forest Service would work collaboratively with partners at the state and local level to maintain and enhance sage-grouse habitats. Comment: The BLM must allow for all vegetation treatments including fire, herbicides, chemical, and mechanical methods. Further, the BLM should define “treatment” and expressly identify all methods of sagebrush treatment on a site-specific basis. It also appears that Alternative A deals solely with prescribed burns while Alternative E addresses all vegetation treatments. Alternative E should be revised to clarify its purpose in conjunction with Alternative A. The Coalition also directs the BLM to our cover letter regarding DDCT methods.

Comment ID: 1092
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-105 MA 96 Comment: This management action is redundant with Management Action 95 and should be deleted.

Comment ID: 1093
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-106 MA 97 Text: Grazing would be deferred on treated areas for two full growing seasons unless vegetation objectives or vegetation recovery indicates a shorter or longer rest period is necessary based on vegetation monitoring results. Comment: As mentioned above, vegetation treatment needs to be evaluated on a site-specific basis and thus grazing on treated areas should also be evaluated in a similar manner. The BLM improperly suggests that livestock grazing, as opposed to other wildlife use (i.e. wild horses), are the only grazing impacts on treated areas. As repeated throughout our comments, grazing is a de minimus impact pursuant to EO 2011-5. Thus, it would be more accurate for BLM to specifically mention wild horse grazing given their year round subsistence on these areas and unique grazing habits. Also, it is not clear whether Alternative E is being amended or modified by Alternative A in this management action. The coalition reserves the right to comment on Alternative A should it be included in Alternative E.

Comment ID: 1078
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-89 MA 79 Comment: This management action also fails to distinguish between open pit and underground mining. There are significant differences in the impacts on habitat and the DEIS fails to recognize the differences.

Comment ID: 1105
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-116 MA 114 Text: Green strips (using native fire resistant/resilient species) and/or fuel breaks would be used, where appropriate, to protect seeding efforts from subsequent fire events. Comment: Consistent with our comments above, the word “native” should be deleted.

Comment ID: 1363
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 129 failed to implement the best available science regarding activities near sage grouse leks. In fact later on in the EIS, in the impacts of section, the BLM specifically mentions that the proposed distances are inadequate to protect sage grouse.

Comment ID: 1028
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-17 MA 17 Text: Fluid mineral leases often will include less stringent lease stipulations than the timing, distance, and density requirements identified for consideration in this policy. Agencies (BLM/USFS) will work with proponents holding valid existing leases that include less stringent lease stipulations than the timing, distance, and density restrictions described within this plan to ensure that measurable sage-grouse conservation objectives (such as, but not limited to, consolidation of infrastructure to reduce habitat fragmentation and loss, and effective conservation of seasonal habitats and habitat connectivity to support management objectives set by the WGFD) are included in all project proposals. Comment: This language should be amended to read: “Fluid mineral leases often will include less stringent lease stipulations than the timing, distance, and density requirements identified for consideration in this policy. Agencies (BLM/USFS) will work with proponents holding valid existing leases that include less stringent lease stipulations than the timing, distance, and density restrictions described within this plan to

ensure that measurable sage-grouse conservation objectives (such as, but not limited to, consolidation of infrastructure to reduce habitat fragmentation and loss, and effective conservation of seasonal habitats and habitat connectivity to support management objectives set by the WGFD) are included in all project proposals. Holders of valid existing leases may voluntarily comply with timing, distance, and density restrictions within this plan but are not obligated by restrictions that are not within their valid existing lease.

Comment ID: 1029
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-17 MA 18 Text: Limit motorized travel to existing roads, primitive roads, and trails at a minimum, until such time as travel management planning is complete and routes are either designated or closed within sage-grouse priority/core habitats. Comment: This language is inconsistent with EO 2011-5 and should be deleted or revised. Nothing in EO 2011-5 authorizes or even suggests that roads should be closed. Furthermore, BLM must consult local land use plans, local travel management plans, and county, state, and federal mapping layers. We have attached a Travel and Transportation Map to our comments for your review.

Comment ID: 1030
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-17 MA 19 Text: Complete activity-level travel plans within five years of the record of decision (ROD) for this planning effort. DELETE "During activity level planning, where appropriate, designate routes in priority habitat with current administrative/agency purpose or need to administrative access only." Existing plans should be assessed for consistency with sage-grouse conservation objectives. Comment: As written, it appears that BLM would close public lands to access for anything other than administrative purposes. For example, recreation and grazing access could be prohibited under the current language. The Mineral Leasing Act of 1920 and the Taylor Grazing Act of 1934 do not allow such a sweeping closure, if any at all, and the BLM must delete the sentence in strikethrough (in quotes).

Comment ID: 1108
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-120 MA 117 Text: Within sage-grouse core habitat, post fuels management projects would be designed to ensure long-term persistence of seeded or pre-treatment native plants (while controlling for erosion and treating infestation of invasive plant species), to return to suitable sage-grouse habitat. Comment: This language should be amended to read: “Within sage-grouse core habitat, post fuels management projects would be designed to ensure longterm persistence of seeded or pre-treatment native plants (while controlling for erosion and treating infestation of invasive plant species), to return to suitable sage-grouse habitat. The use of native plants and seeds would be required unless the probability for success is low (non-native plants and seeds may be used as long as they meet sage-grouse habitat objectives), and restoration management would be designed to meet Wyoming Healthy Rangeland Standards based on local and site-specific information.

Comment ID: 1031
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-17 MA 20 Text: Construct roads needed for production activities to minimum design standards within sage-grouse priority/core habitats, in compliance with the DDCT. Comment: This language should be amended to read: "Construct roads and other rights of access needed for production activities to minimum design standards within sage-grouse priority/core habitats, in compliance with the DDCT." Also, please refer to our cover letter with regards to DDCT methods.

Comment ID: 1034
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-17 MA 23 Text: These adaptive management strategies will be developed in partnership with the WGFD, project proponents, partners, and stakeholders and will incorporate the best available science. The purpose of these strategies is to ensure amelioration of Greater Sage-Grouse population declines by providing the framework in which management will be changed if negative impacts are detected through a rigorous monitoring program. Comment: This language should be amended to read: "These adaptive management strategies will be developed in partnership with the WGFD, project proponents, partners, landowners, permittees, local governments, and state and federal government entities and will incorporate the best available science."

Comment ID: 1036
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-17 MA 24 Text: The Wyoming BLM typically manages the public lands to meet the State of Wyoming's wildlife population objectives. The current population objective is to maintain at least 67% of the 2005-2008 Greater Sage-Grouse Core Area Population within the State of Wyoming. Comment: The FEIS should be drafted around maintaining viable populations, not increasing GRSG populations to the exclusion of other uses.

Comment ID: 1039
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-18 MA 26 Text: Fire and fuels management would contribute to the protection and enhancement of sagebrush habitat that support Greater Sage-Grouse populations (including large contiguous blocks of sagebrush). Comment: This language should be amended to read: "Fire and fuels management would contribute to the protection and enhancement of sagebrush habitat that support Greater Sage-Grouse populations DELETE "(including large contiguous blocks of sagebrush)"." Also, the Coalition has several concerns with this language. First, this language places a singular focus on sagebrush as the only element of GRSG habitat. Second, other wildlife have varying habitat needs that must be considered. Third, fire and fuels management cannot be counted during the DDCT evaluation and then also be used to protect and enhance GRSG habitat.

Comment ID: 1107
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-119 MA 116 Comment: Wildfire and prescribed fire treatment needs to be excluded from 5% disturbance rule. All treatments that benefit habitat and properly manage the resource should be excluded from the DDCT method. BLM must consult with landowners, permittees, and state, local, and federal government entities with regards to fuel management and evaluate all potential management

methods such as grazing, chemical and/or mechanical treatments. BLM places exaggerated emphasis on fire treatment without properly considering other available methods that local governments and landowners have successfully implemented.

Comment ID: 1042
Organization: American Colloid Company
Name: Melody Smith

Comment: Alternative A in Chapter 2 (Page 2-163) for the Newcastle Field Office states “Surface disturbing and disruptive activities would be avoided in sage-grouse winter habitat from November 15 through March 14.” If winter habitat restrictions and nesting habitat restrictions were implemented, this would only allow mining activities to take place from July 2nd to November 13th, thus reducing mining activities to a 4.5 month season on BLM land. (This is in reference to core area or populations outside of core that attend core habitat leks; how is that to do defined?)

Comment ID: 1106
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-118 MA 115 Text: Areas containing less than 5% canopy cover would be treated as disturbed pending an implementation management plan with trend data showing the area returning to functional sage-grouse habitat. This would be specific only to wildfire situations. This direction would not be intended for other incentive/mitigation situations. Comment: This language should be amended to read: “Areas containing less than 5% canopy cover would be treated as disturbed pending an implementation management plan with trend data showing the area is functional sage-grouse habitat or is returning to functional sage-grouse habitat.DELETE " This would be specific only to wildfire situations. This direction would not be intended for other incentive/mitigation situations".” This provision again treats GRSG habitat as one-dimensional and should be modified to show that an area with less than 5% canopy may be suitable, and even desirable in certain situations. Further, the BLM must consult with landowners, permittees, and state, local, and federal government entities.

Comment ID: 1062
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-64 MA 63 Comment: The Coalition prefers Alternative D for this management action.

Comment ID: 1046
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-21 MA 32 Text: New transmission projects proposed outside of these areas would be considered where it can be demonstrated that declines in sage-grouse populations could be avoided through project design and/or mitigation. Comment: This language should be amended to read: “New transmission projects proposed outside of these areas would be considered where it can be demonstrated that the project would not result in declines in GRSG populations or could be avoided through project design and/or mitigation."

Comment ID: 1061
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-64 MA 62 Geophysical exploration projects that are designed to minimize habitat fragmentation within sage-grouse core habitat would be allowed, except were prohibited or restricted by existing LUP decisions. Comment: This language should be deleted. Seismic Reflection, Aeromagnetic Surveys, Radiometric Surveys, Electromagnetic Surveys and other forms of geophysical exploration do not fragment GRSG habitat. To the extent that this language is not deleted, BLM must clarify this assertion.

Comment ID: 1049
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-30 MA 36 Text: Wind energy development would be prohibited in sage-grouse core habitat areas (Map 2-32), unless it can be sufficiently demonstrated that the development activity would not result in declines of sage-grouse core habitat populations. Sufficient demonstration of “no declines” should be coordinated with the WGFD and USFWS. Areas that are currently unavailable due to the need to protect sensitive resources would remain unavailable to wind energy development. Comment: Sweetwater County prohibits WEC facilities within Sage Grouse Core Areas as defined by EO 2011-5 and its amendments. See Sweetwater County Zoning Resolution 13-08-CC-01 at 23.

Comment ID: 1050
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-31 MA 38 Text: In addition to Alternative A: The use of guy wires for MET tower supports would be avoided within sage-grouse core habitat areas. All existing and any new unavoidable guy wires should be marked with recommended bird deterrent devices. The siting of new temporary MET towers within sage-grouse core habitat areas would be avoided within 2 miles of active sage-grouse leks, unless they are out of the direct line of sight of the active lek. Comment: The effects of anthropogenic and landscape features on habitat use of GRSG hens have not been evaluated relative to avian predator densities. See Dinkins, Jonathan B., "Common Raven Density and Greater Sage-Grouse Nesting Success in Southern Wyoming: Potential Conservation and Management Implications" (2013). To the extent that BLM is concerned about GRSG impacts from these wires, there are few, if any, studies and verified evidence of GRSG impact mortality. BLM must coordinate with local governments to ensure that MET guidelines in the FEIS match local land use and zoning regulations. For example, Sweetwater County requires that permanent MET Towers are non-latticed and non-guyed. See Sweetwater County Zoning Resolution 13-08-CC-01. Similarly, temporary MET towers are permitted for terms less than three years in Sweetwater County and must be visible from 2000 feet during daylight hours while bird diverters are installed on all guy wires that are reflective, at least 18 square inches in size, display movement in winds greater than 5 miles per hour, incorporate UV reflection in lowlight, and are luminescent for more than 10 hours during non-daylight hours. Id. These conditions are mandatory and should be included in this management action with regard Sweetwater County and all other counties with similar requirements.

Comment ID: 1104
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-115 MA 113 Comment: This management action should be deleted entirely.

Comment ID: 1051
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-32 MA 40 Text: For sage-grouse core habitat areas with minority federal ownership, an additional, effective mitigation agreement would be included for any disposal of federal land. As a final preservation measure, consideration should be given to pursuing a permanent conservation easement. Comment: This language should be amended to read: “For sage-grouse core habitat areas with minority federal ownership, an additional, effective mitigation agreement would be included for any disposal of federal land. DELETE "As a final preservation measure, consideration should be given to pursuing a permanent conservation easement".”

Comment ID: 1053
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-39 MA 49 Text: The BLM and Forest Service policies and the equivalent Annual Operating Instructions would be used to evaluate progress toward achieving land health standards in sagegrouse core habitat areas and, where not achieved, to determine if existing grazing management practices or levels of grazing use on public lands are significant factors in failing to meet, maintain or make progress towards achieving the standards and conform with the guidelines, which through this process will identify appropriate actions to address non-achievement and non-conformance. Comment: This language should be amended to read: “The BLM and Forest Service policies and the equivalent Annual Operating Instructions would be used to evaluate progress toward achieving land health standards in sage-grouse core habitat areas and, where not achieved, DELETE "to determine if existing grazing management practices or levels of grazing use on public lands are significant factors in failing to meet, maintain or make progress towards achieving the standards and conform with the guidelines, which through this process will" to identify appropriate actions to address non-achievement and non-conformance.” This language is inconsistent with EO 2011-5. The DEIS could be construed to support the conclusion that GRSG declines are due to current livestock grazing activities and as a result, grazing should be reduced. The Executive Order does not support this conclusion and the FEIS needs to be clear that grazing does not adversely impact GRSG.

Comment ID: 1054
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-54 MA 54 Text: In addition to Alternative A: Livestock trailing that is authorized would include terms and conditions designed to avoid sensitive areas and/or time periods for sage-grouse. The authorization would include specific routes and time frames for trailing. Comment: This language should be deleted entirely. EO 2011-5 concludes that grazing operations, including docking, herding, and trailing are exempt activities since each had a de minimus impact on GRSG habitat. See EO 2011-5, Attachment C.

Comment ID: 1055
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-55 MA 55 Text: Grazing between riparian habitats and upland habitats would be balanced to promote the production and availability of beneficial forbs to Greater Sage-Grouse for use during nesting and brood rearing. Grazing in meadows, mesic habitats, and riparian pastures also would be balanced to promote the production and availability of beneficial grasses and forbs for use during late brood rearing within core habitat areas, while maintaining upland conditions and functions. Comment: This language should be amended to read: “Grazing between riparian habitats and upland habitats will be managed to meet the WSHR meet Wyoming Standards for Healthy Rangelands based on local and site-specific information. Appropriate livestock grazing management actions would be developed and integrated to

address rangeland health standards, improve forage for livestock and wildlife, and enhance rangeland health. DELETE "and would be balanced to promote the production and availability of beneficial forbs to Greater Sage-Grouse for use during nesting and brood rearing. Grazing in meadows, mesic habitats, and riparian pastures also would be balanced to promote the production and availability of beneficial grasses and forbs for use during late brood rearing within core habitat areas, while maintaining upland conditions and functions"." This BLM's language indicates that grazing destroys habitat which is contrary to EO 2011-5 and unsupported by any study other than the NTT report. Furthermore, the only applicable standard with regards to livestock grazing is the Wyoming Standards for Healthy Rangelands. It also appears that that the BLM is assumes all areas should be managed similarly when each element of the GRSG habitat mosaic does not serve the same purpose. Such an assumption is incorrect and will yield misguided management actions. Finally, the RMP's mentioned in Alternative A do not address the "balancing" action suggested in Alternative E. See Kemmerer RMP ("Develop and implement appropriate livestock grazing management actions to address rangeland health standards, improve forage for livestock, and enhance rangeland health. At no point does the Kemmerer RMP address balancing GRSG forbs."); Pinedale RMP ("In allotments with riparian habitat, grazing management actions will be designed to maintain or achieve proper functioning condition."); Casper RMP ("Improve and (or) maintain rangeland health while providing opportunities for livestock grazing to support and sustain local communities.").

Comment ID: 1103
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-114 MA 109-112 Text: Within sage-grouse core habitat, the BLM would review and consider amending BLM Herd Management Area Plans (HMAPs) to incorporate sage-grouse habitat objectives and management considerations for all BLM herd management areas (HMAs). Comment: The BLM must recognize the severe impact that wild horses have on GRSG habitat. The Coalition strongly suggests decreased AML's and consistent gathers to protect GRSG habitat according to the Core Area Strategy and, equally as important, to prevent degradation of the rangeland health. Please refer to our cover letter regarding specific changes and issues. The Coalition also notes that the DEIS is exhaustive and exaggerated as to impacts of livestock grazing and all but silent as to impacts of wild horse numbers.

Comment ID: 1102
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Page 2-112 MA 107 Text: Vegetation treatment proposals must include evaluation of soils, precipitation, invasive/exotic plants, as well as the current condition of sage-grouse core habitats. Comment: BLM must define "vegetation treatment" to include chemical, mechanical, and prescribe fire methods. Vegetation treatment should occur with significant involvement by landowners, permittees, state, local and federal government entities.

Comment ID: 1057
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-61 MA 57 Text: Existing water developments associated with springs and seeps would be evaluated and associated pipelines/structures to those developments having a negative effect on sage-grouse core habitats would be modified. Comment: This language should be deleted entirely. To the extent that this language is based on the NTT report, we direct the BLM to our cover letter dealing with the chasms in the reasoning, analysis, and research of that report. To the extent that it is not deleted, the BLM must identify who is responsible for the developments and the source of the funding for the developments. Also, any and

all developments or range improvements must maintain WSHR and Forest Service Rangeland Management Directives.

Comment ID: 1058
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-64 MA 61 Text: A minimum lease size of 640 contiguous acres of federal mineral estate would be applied within sage-grouse core habitat areas. Smaller parcels may be leased only when 640 contiguous acres of federal mineral estate is not available and leasing is necessary to remain in compliance with laws, regulations and policy; for example, to protect the federal mineral estate from drainage or to commit the federal mineral estate to unit or communitization agreements. Comment: This language should be amended to read: “A minimum lease size of 640 contiguous acres of federal mineral estate DELETE "would be applied" is preferred within sage-grouse core habitat areas. Smaller parcels may be leased only when directional drilling may be combined with NSO stipulations DELETE "640 contiguous acres of federal mineral estate is not available and leasing is necessary" in order to remain in compliance with laws, regulations and policy; for example, to protect the federal mineral estate from drainage or to commit the federal mineral estate to unit or communitization agreements.” Applying a minimum lease size of 640 acres ignores the possibility of directional drilling as well as geophysical realities regarding drainage. Smaller tracts could be developed with NSO stipulations since operators may reach distant (and smaller) tracts using a single well pad in a different location.

Comment ID: 1109
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 121 MA 118 Comment: This management action only addresses Casper. Pinedale, Rawlins, and Kemmerer also need to be addressed.

Comment ID: 1045
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-20 MA 31 Text: In addition to Alternative A: Within general sage-grouse habitat where new ROWs/SUAs are necessary, new ROWs/SUAs would be co-located within existing ROWs/SUAs where technically feasible. Appropriate sage-grouse seasonal timing constraints would be applied. Comment: “General habitat” is inconsistent with, and not used by, EO 2011-5. If the BLM intends to keep its promise to follow EO 2011-5, it should use the same terms as they are used by the Executive Order consistently throughout the FEIS.

Comment ID: 1705
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Close/find unsuitable/withdraw all unleased or available areas to fluid, solid, locatable or salable mineral leasing.

Comment ID: 1866
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 35, Page 2-30: We recommend the last sentence of this provision be removed or revised in order to maintain consistency with the EO which only requires perch deterrents to be installed "within 0.6 miles from leks." (EO, Page 16).

Comment ID: 1865
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 21, Page 2-17: While we appreciate that the agencies will work with project proponents to site their projects in locations that meet the purpose and need for their project, we recommend that the phrase "or outside" be removed from the above provision because it would inappropriately apply core area stipulations to areas outside designated core areas in direct conflict with the EO.

Comment ID: 1858
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA believes Manual 6840 goes beyond what the ESA requires for candidate species, like the sagegrouse, and is a significant formalized conservation effort. BLM must properly implement Manual 6840 and collect the monitoring data necessary to document its implementation. Therefore, a new alternative that describes proper implementation of the conservation measures in Manual 6840 must be developed in a revised draft EIS and analyzed in detail in the Alternatives and Environmental Consequences chapters.

Comment ID: 1857
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Consideration of specific required management actions contained in Manual 6840 must be referenced in the Alternatives and Environmental Consequences chapters, and described in detail in an appendix, so that the public can objectively evaluate the potential effectiveness of the sagegrouse conservation measures in Manual 6840 and whether BLM is consistently implementing the required conservation measures. BLM should not ignore or replace the existing regulatory tools it already has without demonstrating why the existing regulations are not functioning properly or are inadequate.

Comment ID: 1856
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: However, none of the alternatives give proper analysis to the existing conservation measures or authorities the BLM already has to protect sage-grouse and its habitat. BLM must not ignore Manual 6840. Incredibly, BLM does not directly identify Manual 6840 in the Planning Criteria portions of the DLUPA or in the Special Status Species sub-section of the No Action Alternative (Ch.1 at 1-15,16,17; see also Ch. 2, Ch. 4), which seems extraordinarily negligent or at best incompetent, given the purpose of the LUP revisions. The DLUPA/DEIS must evaluate the numerous directives in BLM Manual 6840 in the context of each Alternative Considered in Detail, and include an additional alternative that analyzes full and consistent implementation of Manual 6840, existing BMPs, 2004 Strategy, and Fundamentals for Standards for Rangeland Health (43 CFR 4180.1).

Comment ID: 782
Organization: Devon Energy Corporation

Name: Randy Bolles

Comment: To be consistent with the Wyoming Core Area Strategy, the BLM should add the following language to Action #115, p. 2-118: A Technical Team comprised of BLM, USFS, WGFD, NRCS, LWG, Division of Forestry, WYDOAg (Weed and Pest), Conservation Districts, OSLI, private landowners would develop the plan and trending data. It would be the responsibility of the project proponent to conduct the monitoring. An upward trend would be determined through the collection of 5 years of data and reviewed by the technical team. 24 [Wyoming Game and Fish Department, http://wgfd.wyo.gov/wtest/Departments/Wildlife/pdfs/SGEO_WILDFIRELANGUAGE0003656.pdf (last visited Mar. 19, 2014).]

Comment ID: 1841
Organization: Powder River Basin Resource Council
Name: Shannon Anderson

Comment: Fourth, the BLM and the Forest Service should require greater protections across sage-grouse habitat. If areas are outside of designated priority habitat, but possess high quality habitat and viable leks, that area should be protected during agency leasing and permitting activities. Please address specifically in this plan how BLM and the Forest Service will protect high quality sage grouse habitat and viable leks, nesting and winter range for sage-grouse outside core areas.

Comment ID: 1717
Organization: Kennecott Uranium Company
Name: Oscar Paulson

Comment: Action 131 – Alternative. E Sage-grouse breeding, nesting, and early brood-rearing habitat inside core habitat areas: Surface disturbing and/or disruptive activities would be prohibited from March 1-–June 30 to protect sagegrouse breeding, nesting, and early brood rearing habitat. This timing limitation would be applied throughout the sage-grouse core area habitats. Activities in unsuitable habitats would be evaluated under the exception, waiver, and modification criteria and could be allowed on a case by case basis. Where credible data support different timeframes for this seasonal restriction, dates could be expanded by up to 14 days prior to or subsequent to the above dates. Inconsistencies exist between Wyoming Executive Order 2011-5 and Alternative E (Preferred Alternative in the DEIS). As an example, the Wyoming Executive Order seasonal restrictions are March 15-June 30 and Alternative E season restrictions are March 1-June 30. The LUPA and DEIS do not provide justification for the use of March 1 versus the March 15 date included in the WY Governor's Order. Action 131 states that "Where credible data support different timeframes for this seasonal restriction, dates could be expanded by up to 14 days prior to or subsequent to the above dates". However the LUPA and DEIS to not provide credible data to support the March1 date. KUC recommends that Action 131 be revised to be consistent with the Wyoming Executive Order 2011-5 as follows: Surface disturbing and/or disruptive activities would be prohibited from March 15-–June 30 to protect sage-grouse breeding, nesting, and early brood rearing habitat. This timing limitation would be applied throughout the sage-grouse core area habitats. Activities in unsuitable habitats would be evaluated under the exception, waiver, and modification criteria and could be allowed on a case by case basis. Where credible data support different timeframes for this seasonal restriction, dates could be expanded by up to 14 days prior to or subsequent to the above dates.

Comment ID: 1713
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Implement courtship, nesting, early-brood rearing and winter seasonal and timing restrictions for all human activities, including exploration.

Comment ID: 1712
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Apply best management practices to minimize surface disturbing activities.

Comment ID: 1667
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Manage rangelands to meet properly functioning condition standards. Manage wet meadows to maintain perennial forbs and a rich species mix needed for sage-grouse brood-rearing.

Comment ID: 1709
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Apply best management practices to minimize surface disturbing activities.

Comment ID: 1868
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 63, Page 2-73: 43 CFR 3162.3-1(f) states “The surface use plan of operations shall contain information specified in applicable orders or notices, including the road and drill pad location, details of pad construction, methods for containment and disposal of waste material, plans for reclamation of the surface, and other pertinent data as the authorized officer may require. A surface use plan of operations may be submitted for a single well or for several wells proposed to be drilled in an area of environmental similarity.” Referring to this section of the CFR is not useful in understanding the expectations of BLM with respect to core area requirements. Therefore, some type of additional guidance is needed to communicate these requirements to operators. Further, additional specificity is needed with a number of these core area requirements, such as “anticipated noise.” For instance, what is specifically being requested? What equipment is generating the noise or sound levels? What type of traffic information is being requested, is it axle load or trips per day? Should it be presented based upon the varying phases of development? These are just a couple of examples that demonstrate why the language in 43 CFR should be referenced only in a general sense; the specifics need to be developed in a Notice to Lessee with operator input.

Comment ID: 1356
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 48 would only apply "site-specific sage grouse habitat objectives" only within core area and only "as appropriate". This section ignores the issue of the appropriations rider as well as the issue that even in the best case scenario none of these actions will be implemented upon adoption of the amendments.

Comment ID: 1687
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Retain sagebrush canopy cover at or above what is expected for that ecological site, consistent with sage-grouse habitat objectives unless a fuels management objective requires additional reduction in sagebrush cover to meet strategic protection of priority sage--- grouse habitat and conserve habitat quality for the species.

Comment ID: 1684
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Identify and prioritize sage-grouse habitat for restoration projects based on environmental variables that improve chances for project success.116 Prioritize restoration in seasonal habitats that are thought to be limiting sage--- grouse distribution and/or abundance and where factors causing degradation have already been addressed (e.g., changes in livestock management).

Comment ID: 1683
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Where it will achieve sage-grouse habitat objectives, passive restoration approaches should be favored over active methods.

Comment ID: 1678
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --Retain sagebrush canopy cover at or above what is expected for that ecological site, consistent with sage-grouse habitat objectives unless a fuels management objective requires additional reduction in sagebrush cover to meet strategic protection of priority sage--- grouse habitat and conserve habitat quality for the species.

Comment ID: 1676
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --Restrict activities in SGCAs that facilitate the spread of invasive species, including recreational and commercial use by off-road vehicles.

Comment ID: 1675
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --Identify and prioritize sage-grouse habitat for restoration projects based on environmental variables that improve chances for project success. Prioritize restoration in seasonal habitats that are thought to be limiting sage--- grouse distribution and/or abundance and where factors causing degradation have already been addressed (e.g., changes in livestock management).

Comment ID: 1674
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --Ensure that vegetation treatments create landscape patterns which most benefit sage--- grouse. Only allow treatments that are demonstrated to benefit sage-grouse and retain sagebrush height and cover consistent with sage-grouse habitat objectives (this includes treatments that benefit livestock as part of an AMP/Conservation Plan to improve sage--- grouse habitat).

Comment ID: 1672
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --Where it will achieve sage-grouse habitat objectives, passive restoration approaches should be favored over active methods.

Comment ID: 1668
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Manage free-roaming horse and burro populations at levels demonstrated to achieve and maintain sage-grouse habitat objectives.

Comment ID: 1710
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Implement courtship, nesting, early-brood rearing and winter seasonal and timing restrictions for all human activities.

Comment ID: 1988
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: While we support voluntary modification of existing range improvements, such modifications should not be made mandatory as applied to sage-grouse “general habitat”. (Action Number 53)

Comment ID: 2073
Organization: Wyoming Wool Growers Association
Name: Amy W. Hendrickson

Comment: Role of Wyoming Governor's Executive Orders EO-2011-05 and EO-2013-03: The State of Wyoming has already implemented a comprehensive sage grouse management plan. While some landowners, including some WWGA members, have been negatively impacted by the Governor's plan, the WWGA would prefer to see the Governor's plan more fully incorporated into the BLM/FS approach. By incorporating the State's existing plan, which is by now familiar to most landowners, there is less likelihood for confusion and distrust. We believe this would help minimize further negative impact on Wyoming landowners. Wyoming's comprehensive plan has been endorsed by the US Fish and Wildlife Services. The BLM and FS would be better served to use Wyoming's existing plan as the foundation for the federal plan to address Sage Grouse. When discussing the "Preferred Alternative", that is Alternative E, the approach is said to be consistent with existing guidelines but a thorough reading of the full document reveals a lack of real recognition of the State's direction on sage grouse management. This is particularly true with regard to treatment of areas located outside of core sage grouse habitats. Under the Governor's Executive Orders, the management of areas outside core habitat are not managed at the same level as those areas within designated core areas (another reason for the need for defined terms, as mentioned earlier in these comments). Further, in various places throughout the BLM/USFS document, there is only reference to coordination with "state game and fish agencies" but under the Governor's Executive Orders, responsibility for Sage Grouse rehabilitation is placed within all "applicable state agencies", not just Wyoming's Game and Fish Department. We request that the BLM/FS incorporate the State approach in any land use amendment regarding sage grouse.

Comment ID: 2039
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Chapter 2, 2-17, action #24, "The current population objective is to maintain at least 67% of the 2005- 2008 Greater Sage-Grouse Core Area Population within the State of Wyoming." Is this acceptable to the USFWS?

Comment ID: 676
Organization: Anadarko
Name: David Applegate

Comment: Ecological Site Descriptions ("ESD's") are not defined (although it is assumed to mean "state and transition model") and should not be required if they do not exist for a site.

Comment ID: 2038
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Chapter 2, 2-17, action #23, will the coordination of adaptive management, in Wyoming, incorporate the state's local working groups? The local working groups have intimate knowledge of the greater sage-grouse leks, brooding, and nesting data in their region along with knowledge of historical uses on the landscape.

Comment ID: 2037
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Chapter 2, 2-17, action #17, When the BLM/FS work with valid existing right proponents in a core area, timing of development should be a factor particularly if/when multiple valid existing right proponents are moving ahead with construction of development at the same time.

Comment ID: 2036
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Chapter 2, 2-17, action #16, "The Memorandum of Understanding (MOU) states that agencies will meet at least annually to coordinate and review the accuracy of data, and incorporate the most upto-date information." Remove "at least". WWF would like a meeting held annually to incorporate new and relative science. o In fact, the literature below was not included in the DEIS and it should be incorporated into the final: Journal of Wildlife Management 74(8):1806–1814. hierarchical spatial components of animal occurrence: conserving seasonal habitat for greater sagegrouse. Ecosphere 3(4):30. http://dx.doi.org/10.1890/ES11-00315.1 relative to activity levels at natural gas well pads. Journal of Wildlife Management.

Comment ID: 2027
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Exceptions to lease stipulations, Conditions of approval, and terms and conditions – Chapter 2, page 2-62, action #60: The preferred alternative (alt. E) subscribes to alternative A for this action. WWF recommends two additions to this action. These additions are imperative because if the land managers want to control disturbance they must control leasing. o Provide the BLM and the FS with discretion to sell a fluid mineral lease under a no surface occupancy stipulation. (Appendix E, action #123) o Provide the BLM and the FS with discretion to not sell a fluid mineral lease if the 5% disturbance has been met and if other mineral leases (fluid or solid) exist in the 640 acre area. expected by the lessor. Thus, for an oil and gas lease, the lessee is required to abide by the "intent to develop" expectation. Therefore, if other leases exist (either solid or fluid) in a 640 acres and 5% of the acreage is disturbed or nearing disturbance, no additional leasing should be allowed. existing lease rights are handled with priority throughout this BLM amendment plan. Therefore, to control disturbance leasing must be controlled. For example: develop the mineral resources in a reasonable manner subject to other rights." Population Areas should be authorized or conducted only when it can be demonstrated that the activity will not cause declines in Greater Sage-Grouse populations." o Page 3, #9: "Existing rights should be recognized and respected."

Comment ID: 2025
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Exceptions to lease stipulations, Conditions of approval, and terms and conditions – Chapter 2, page 2-62, action #58: The preferred alternative (alt. E) subscribes to alternative D for this action. WWF recommends an addition to this action that includes the need to incorporate the DDCT prior to exception approval within the core habitat. o Our reasoning is that when land managers give exceptions to human activity, for example, within a timing/seasonal stipulation further declines in a wildlife population can occur. An example is the mule deer herds in the Pinedale Anticline and the number of winter exceptions to human activity that are given. New uses of the land disturb wildlife populations, including sage grouse.

Comment ID: 2022
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: WWF recommends the following exceptions for Alternative E in the rights-of-way, lands and realty management, chapter 2, action number 30, pages 2-18 – 2-20: "1. Within designated ROW corridors encumbered by existing ROW or SUA authorizations, new ROWs and SUAs should be co-located within

the designated corridors. 2. Subject to valid existing rights including non-federal land inholdings, required new ROWs and SUAs would be co-located within existing ROWS or SUAs or where it best minimizes sage-grouse impacts. Existing roads or realignments would be used to access valid existing rights that are not yet developed. 3. If valid existing rights cannot be accessed via existing roads, any new road would be constructed to the absolute minimum standards necessary, and the surface disturbance would be added to the total disturbance in the core habitat area. Disturbance will be determined using the Density and Disturbance Calculation Tool (DDCT) (IM WY- 2013-035). If that disturbance exceeds 5% of suitable habitat per 640 acres, additional effective mitigation necessary to offset the resulting loss of sage-grouse would be used. If such a ROW or SUA is subsequently relinquished, the AO would require the holder to complete reclamation with objective of ensuring reestablishment of prior affected sage-grouse habitat."

Comment ID: 1991
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Wildlife and Fisheries Habitat Management: The broad prohibition against "disruptive activities" throughout the core area habitats from March 1-June 30 (Action Number 131) causes us serious concern. The very long definition of "disruptive activity" contained in the draft, in particular the guidance of no more than one hour of disruption per 24 hours, could preclude livestock grazing within the core area during this time frame. This would be true in particular if the livestock were being herded, thereby requiring significant human presence. A particular example would be a range lambing operation. WSGA requests that you provide greater clarity regarding this provision. Our concerns are equally applicable to connectivity areas (Action Number 132), additional areas (Action Number 133) and winter concentration areas (Action Number 134).

Comment ID: 1867
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 63, Page 2-72: As stated earlier, BLM/FS has no authority to impose new restrictions through COAs on APDs if they would abrogate the valid existing lease rights. This statement must be revised to reflect the legal limitations of the agencies.

Comment ID: 1629
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: In addition, it is critically important for BLM to identify and protect winter concentration areas. Thus far, the location of these habitats remains largely undetermined. DEIS at 4-2. These lands, once identified under the RMP amendment, should be withdrawn from future mineral leasing and entry of all kinds, with Conditions of Approval applying NSO stipulations inside and within 2 miles of these areas, disturbance limits of 3% per square mile and one well pad per 640-acre section, exclusion of overhead powerlines, and seasonal road closures within the winter habitats. The proposal to simply apply timing stipulations to these areas as under the Preferred Alternative is insufficient because it allows construction of well pads and roads known to be deleterious to wintering sage grouse inside these key habitats as long as construction/drilling occurs outside the winter season, and further allows production-related activities throughout winter. Thus, the sage grouse may return to their winter habitats to find an industrialized, fragmented habitat that no longer has any habitat function due to the birds' avoidance of such areas.

Comment ID: 737
Organization: National Wildlife Federation

Name: Kathleen Zimmerman

Comment: Sage-grouse movement patterns are poorly understood, and as such transitional habitat is not adequately recognized and incorporated into current sagegrouse conservation and management…The agencies should create management policies that will protect areas that may likely serve as transitional habitat due to the proximity of these areas to highly productive habitat and lek sites.

Comment ID: 1987
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: While language in Action Numbers 50 and 51 for Alternatives B & C does not apply to Alternative D, we believe that this language does not appropriately reflect the distinctive legal authorities of FS, BLM regarding Section 15 lands and BLM regarding Section 3 lands. This language should be removed or appropriately clarified by bringing forward language now contained only in Chapter 4.11.5.

Comment ID: 1637
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management Inside SGCAs in sage-grouse habitat --Exclude these areas from new energy leasing and rights-of-way.

Comment ID: 1638
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management Inside SGCAs in sage-grouse habitat --Whenever possible, bury existing transmission lines within 10 km from active leks.

Comment ID: 1639
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management Inside SGCAs in sage-grouse habitat --Institute seasonal restrictions on existing surface occupancy within 10 km from leks during courtship and early brood-rearing periods. Limit permitted disturbance to 1 per section and no more than 3% surface disturbance per section.

Comment ID: 1985
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Livestock Grazing Management: WSGA strongly supports voluntary cooperative grazing management strategies (Action Number 45). However, to date, these efforts have too often been driven by the federal agency management demands rather than having been based on a true holistic approach to managing multiple ownership lands in a manner that is economically sustainable for the operator. We further urge that this section acknowledge and commit to development of Candidate Conservation Agreements upon the request of landowners who have entered into a CCAA with the USFWS.

Comment ID: 1945

Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2-42, - In the narrative under Alternative A, which we presume should be considered as relevant to Alternative E on this page because there is no narrative under Alternative E, it reads to convey that livestock strategies will be designed and implemented so as to provide quality nesting cover in ALL, (my emphasis), sagebrush stands within 3 miles of active display grounds, (leks, we presume). The narrative at this place also includes silver sage and greasewood as shrub species to which this narrative would apply. Our comment is that this narrative is totally inconsistent with the sage grouse literature and range science community with respect to the capability of livestock management to achieve this prescription for sagebrush communities currently in mid-seral status. (See Cagney, et al., 2010). In addition, we comment that it is most inappropriate to include greasewood dominated communities in this prescription because even under NO livestock grazing, greasewood communities can not produce "quality" nesting cover. We also comment that all sagebrush habitats within a 3 mile radius of a lek are not "quality nesting cover" and much of that area may not even have the potential to become "quality nesting habitat". We had understood that the "concentric circle" paradigm had been discarded as technically inappropriate ? Please re-write this part of Alternative A to reflect the literature and reality on our rangelands.

Comment ID: 1944
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2-39, item 49, Alternative E – The narrative at this place refers to the "process" to be used to identify "appropriate actions" to address non-achievement and non-conformance. Please include a direct reference to the use of Wyoming Governor Executive Order 2013-3, Supplement 2011-5, Greater Sage-Grouse Core Area – Grazing Adjustments, in this section of the description of Alternative E, the Preferred Alternative. This "Supplement" conveys the "process" we understand has been adopted by the Cheyenne BLM State office.

Comment ID: 1943
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2-12, 2.5.4, item 6 – The narrative in 6 conveys that the BLM "analyze at least one alternative that conserves, restores, or enhances, sage grouse habitats" if an effective grazing program that accomplishes these objectives is not already in place. Our comments is - what are the criteria for assessing whether or not an existing grazing system is contributing to these objectives, and in what type of document would this issue be "analyzed" should the current grazing system was found to be lacking. Also, what would be the timing of that analysis in relation to the schedule for renewal of a grazing permit ?

Comment ID: 1887
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 133, Page 2-153 "Sage-grouse breeding, nesting, and early brood-rearing outside sage-grouse core and connectivity habitat areas: Surface disturbing and/or disruptive activities should be prohibited from March 15-June 30 to protect sage-grouse nesting and early brood rearing habitats within 2 miles of the lek or lek perimeter of any occupied lek located outside core or connectivity areas." "Where credible data support different timeframes for this restriction, dates could be expanded by 14 days prior or subsequent to the above dates." This provision applies a seasonal restriction prohibiting surface disturbing and/or disruptive activities within 2 miles of the perimeter of GRSG leks. This is inconsistent

with page 3 of the EO which states, “For activities outside of Core Population Areas, no more than a one-quarter (1/4) mile no surface occupancy standard and a two (2) mile seasonal buffer should be applied to occupied leks.” [Emphasis added]. This language in the EO establishes a maximum seasonal buffer of (2) miles for occupied leks that may be applied outside core areas. The EO further provides on page 3 that “incentives to enable development outside core areas should be established,” illustrating that development outside of core areas should be promoted to the extent possible. Consequently, the provision in the LUPA/DEIS is more restrictive than non-core area stipulations required under the EO and contradicts the EO’s intent to promote development outside of core areas. The EO implies flexibility to the 2 mile buffer outside core and as such, this same flexibility should be provided by the BLM in the LUPA/DEIS. Additionally, as stated earlier, justification must be provided for the provision allowing a 14 day extension either before or after the seasonal restriction. This provision has the potential to add an additional month to the timing restriction. If data is provided to show that the timeframes for the seasonal restriction need to start earlier, then the timeframe should subsequently be shortened to end earlier by the same amount of time, and vice versa.

Comment ID: 1870
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 131, Page 2-145 "Sage-grouse breeding, nesting, and early brood-rearing habitat inside core habitat areas: Surface disturbing and/or disruptive activities would be prohibited from March 1 - June 30 to protect sage-grouse breeding, nesting, and early brood rearing habitat. This timing limitation would be applied throughout sage-grouse core area habitats." "Where credible data support different timeframes for this seasonal restriction, dates could be expanded by up to 14 days prior to or subsequent to the above dates." Action Number 132, Page 2-151 "Sage-grouse breeding, nesting, and early brood-rearing habitat inside connectivity areas: Surface disturbing and/or disruptive activities would be prohibited within connectivity habitat from March 1 - June 30 to protect breeding, nesting, and early brood rearing habitats within 4 miles of the lek or lek perimeter of any occupied sage-grouse lek within identified connectivity areas. This timing limitation would be applied throughout sage-grouse core area habitats." "Where credible data support different timeframes for this seasonal restriction, dates could be expanded by up to 14 days prior to or subsequent to the above dates." COMMENT: This TLS is inconsistent with the EO, which lists it as March 15 – June 30, and needs to be changed to maintain consistency in sage-grouse management practices throughout the state. Also, justification must be given for providing for a 14 day extension either before or after the seasonal restriction. This provision has the potential to add an additional month to the timing restriction which, through this provision, has already been extended by half a month. If data is provided to show that the timeframes for the seasonal restriction need to be extended before or after, then the timeframe must subsequently be shortened on the other side (i.e., if justification is provided for a seasonal restriction to start 14 days earlier, the restriction should then end 14 days earlier.)

Comment ID: 1685
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Restrict activities in SGCAs that facilitate the spread of invasive species.

Comment ID: 1628
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: In addition, it is critically important for BLM to identify and protect winter concentration areas. Thus far, the location of these habitats remains largely undetermined. DEIS at 4-2. These lands, once identified under the RMP amendment, should be withdrawn from future mineral leasing and entry of all kinds, with Conditions of Approval applying NSO stipulations inside and within 2 miles of these areas, disturbance limits of 3% per square mile and one well pad per 640-acre section, exclusion of overhead powerlines, and seasonal road closures within the winter habitats. The proposal to simply apply timing stipulations to these areas as under the Preferred Alternative is insufficient because it allows construction of well pads and roads known to be deleterious to wintering sage grouse inside these key habitats as long as construction/drilling occurs outside the winter season, and further allows production-related activities throughout winter. Thus, the sage grouse may return to their winter habitats to find an industrialized, fragmented habitat that no longer has any habitat function due to the birds' avoidance of such areas.

Comment ID: 1660
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Review free-roaming horse and burro herd management plans with sage-grouse habitat objectives in mind. Aggressively manage herds to maintain them at or below herd management objectives.

Comment ID: 1652
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat -- Identify existing grazing allotments where permanent retirement of the grazing privileges are feasible, and proceed with such retirements.

Comment ID: 1654
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Authorize no new water developments for diversion from spring or seep sources.

Comment ID: 1651
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Issue no new grazing permits.

Comment ID: 1665
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Remove, modify or mark fences in areas of moderate or high risk to sage-grouse collisions.107

Comment ID: 1655
Organization: Center for Biological Diversity

Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Ensure new or rehabilitated water developments are designed to use best management practices to limit and mitigate potential impacts from the West Nile virus.

Comment ID: 1656
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Remove, modify or mark fences in areas of moderate or high risk to sage-grouse collisions.106

Comment ID: 1657
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Institute 25% grazing utilization standard on existing allotments while meeting objectives for sagegrouse habitat conditions.

Comment ID: 1658
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Prioritize completion of land health assessments and ensure grazing systems and practices under permit are designed and required to meet sage-grouse habitat objectives. Institute timely monitoring to ensure objectives are being met.

Comment ID: 1643
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Standards and guidelines for management of public grazing lands are established by local resource advisory councils and must address habitats and conservation measures for endangered, threatened, proposed, candidate, or other at-risk or special status species. For further documentation of the impacts of livestock and grazing on sage-grouse and its habitats we refer you to the Sage-Grouse Recovery Alternative, and incorporate these comments as our own.96 The Center emphasizes our agreement with the Sage-Grouse Recovery Alternative regarding the treatment of livestock grazing as a diffuse disturbance on sage-grouse habitat.97 The readily and all too often observed sacrifice zone of utter destruction that occurs around watering, salting and gathering corrals is anything but diffuse. As Holechek and others observed, depending on topography, areas of severe degradation, or “sacrifice areas” around water sources, including water developments, can extend from one to several miles from water sources.98 The final plan should adopt specific measures to protect and enhance sage grouse populations and habitat in Wyoming, as it applies to grazing. These restrictions are both time and use restrictions. Grazing should also be restricted for certain times of the year. Specifically, there should be no grazing in important sage grouse habitat, except for between 6/20-8/1 and 11/15- March 1.

Comment ID: 1642
Organization: Center for Biological Diversity

Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Institute seasonal restrictions on surface occupancy within 5 km from leks during courtship and early brood-rearing periods.

Comment ID: 1641
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management Inside SGCAs in sage-grouse habitat -- If existing disturbed area in the SGRA exceeds 3% of the surface area, institute measures to provide additional mitigation to offset the impacts on the grouse.

Comment ID: 1640
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management Inside SGCAs in sage-grouse habitat --No new road construction for valid existing rights within 7.6 km of active leks.

Comment ID: 1653
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Avoid all new structural range improvements, and prohibit water developments and salting within 10 km of active leks.

Comment ID: 1659
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Manage riparian and wetland areas to meet properly functioning condition standards. Manage wet meadows to maintain perennial forbs and a rich species mix needed for sage-grouse brood-rearing.

Comment ID: 904
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Key conservation measures: o Manage or restore priority habitat so that at least 70 percent of the land cover in priority habitat is sagebrush steppe sufficient to support sage-grouse.

Comment ID: 1454
Organization: Jackson Hole Conservation Alliance
Name: Siva Sundaresan

Comment: We ask that Alternative E be modified to reduce the disturbance cap from 5% to 3%. We suggest using Density and Disturbance Calculation Tool (DDCT) to calculate habitat disturbance within core areas and connectivity areas. In particular, Alternative E, Action Numbers 126 and 127 should be rewritten to

read: "Inside sage grouse [core habitat areas/connectivity areas], all surface disturbance (any program area) would be limited to no more than an average of 1 location per 640 acres, subject to valid existing rights, and to no more than 3% of the core landscape using the DDCT process described in Appendix I." This will offer protection for sage grouse based on best available science and will ensure that all activities are considered under the disturbance definition. Several recent scientific studies repeatedly demonstrate that Sage grouse are highly sensitive to disturbance at all stages of their life cycle. Further, disturbance from energy development and habitat loss act together compounding the effect on sage grouse (Walker et al. 2007). Protection from disturbance during all life-stages from lekking to wintering is necessary to maintain populations (Holloran 2005; Walker et al. 2007; Doherty et al. 2008; Dzialak et al. 2012). Additionally, 74-80% of sage grouse nests are found within four miles of leks (Moynahan 2004, Holloran and Anderson 2005). It is critical that areas around leks remain free from disturbance. Lek persistence declines as the distance and density of oil and gas development increases (Dzialak et al. 2012; Knick et al. 2013). Ninety-nine percent of active leks have been found in landscapes with <3% developed (Knick et al. 2013). The negative influence of coal-bed natural gas (CBNG) on active leks persisted up to 2 miles from surface infrastructure (Holloran 2005; Walker et al. 2007, Aldridge & Boyce 2007; Doherty et al. 2008). Kirol (2012) found that disturbance greater than or equal to 4% of the land area had a significant negative impact on greater sage grouse brood rearing habitat. Most significantly, as stated above a recent study Copeland et al. (2013), found that employing a 5% disturbance cap would slow but not halt the decline of sage grouse in Wyoming. Given the overwhelming scientific evidence, we strongly urge the BLM to reconsider the 5% disturbance cap in Alternative E. From a development perspective, under the EO, lease agreements established prior to August 1, 2008 are not bound by development stipulations. Given the level of past disturbance and the potential for future development of pre-existing valid leases, we propose that the disturbance cap be set at 3% disturbance within sage grouse core areas. We suggest using the DDCT analysis to calculate disturbance to account for anthropogenic and wildfire disturbance. This would be in accord with the current best available science.

Comment ID: 902
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Key conservation measures: o Restrict new disturbance in priority habitat. The first priority in these areas should be to avoid new disturbances altogether. Where new disturbance cannot be avoided (e.g., due to valid existing rights), impacts should be minimized by (A) limiting preexisting and permitted disturbance to one site per section of priority habitat regardless of land ownership, (B) with less than three percent disturbance per section, regardless of ownership and including existing disturbance. Discrete anthropogenic disturbances include but are not limited to highways, roads, transmission lines, substations, wind turbines, natural gas and oil wells, heavily grazed areas, range developments, pipelines, landfills, and mines. (C) Where possible, surface disturbance and occupancy should be prohibited within four miles of sage-grouse leks.

Comment ID: 1456
Organization: Jackson Hole Conservation Alliance
Name: Siva Sundaresan

Comment: It is unclear how Alternative E addresses situations when disturbance within a core area exceeds the maximum disturbance threshold. Currently, Alternative E in identifying how management proceeds in areas exceeding the maximum percent disturbance is under Travel Management, Action Number 90 states that: "If that disturbance exceeds 5% for that area, additional, effective mitigation necessary would be evaluated and implemented to offset the resulting loss of sage- grouse habitat." By contrast Alternative B states: "In areas where the disturbance cap has been met by the project proponent, the BLM/Forest Service should consider opportunities for reclamation or removal of surface disturbing features that are no longer

in use in order to reduce the current disturbance before further projects are permitted." We recommend incorporating the language from Alternative B for reclamation of lost habitat. In addition, the BLM/Forest Service should be required to reclaim or remove disturbance features not merely consider their reclamation.

Comment ID: 1662
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Avoid all new structural range improvements, and prohibit water developments and salting within 10 km of active lets.

Comment ID: 1541
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Under Alternative E, EOG objects to the BLM's proposal to expand the seasonal limitation period by up to 14 days within GRSG core areas. Sage-Grouse DLUPA, pg. 2-146, Action No. 131. This limitation is inconsistent with the Wyoming Core Policy as expressed in Executive Order 2011-005. The Governor of Wyoming in conjunction with the Wyoming Game and Fish Department developed the Core Area Policy based upon the best scientific information available. As the BLM is aware, the Core Area Policy was specifically endorsed by the United States Fish and Wildlife Service as an appropriate mechanism to protect GRSG and GRSG habitat. It is inappropriate for the BLM to attempt to modify or alter the mitigation measures set forth in the Core Area Policy.

Comment ID: 1554
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The agency must also consider all measures contained within the Sage-Grouse Recovery Alternative (Attachment 11) submitted earlier in this NEPA process; it is important to note that this alternative has been considered in detail for sage grouse plan amendments elsewhere within BLM purview. The agency should designate as Priority Habitat and General Habitat all lands identified as PPMAs and PGMAs, and in addition should expand Priority Habitat to include all 75% population areas.

Comment ID: 905
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Key conservation measures: o Designate restoration habitat to focus restoration efforts to expand sage-grouse range and mitigate for future loss of priority habitat.

Comment ID: 907
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Key conservation measures: Prohibit new leasing for natural gas, oil and geothermal development in priority habitat. Where fluid minerals development is permitted, o Prohibit surface occupancy associated with natural gas, oil and other fluid minerals development (or at least within four miles of sage-grouse leks). o Limit density of disturbances to one well site or energy production facility per

640 acres. o Limit cumulative surface disturbance to 3 percent per 640 acres. o Prohibit surface occupancy in or adjacent to sage-grouse wintering areas.

Comment ID: 1562
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The DEIS has identified Alternative E as the Preferred Alternative. The goal of the Preferred Alternative is to "maintain and/or increase sage-grouse abundance and distribution by conserving, enhancing or restoring the sagebrush ecosystem upon which populations depend in cooperation with other state, local, industry, permittee and conservation partners." DEIS, at 2-11. However, the appropriate goal should be "to maintain and increase abundance and distribution of greater sagegrouse" (emphasis added) as described in the Sage-Grouse Recovery Alternative submitted by conservation groups.30

Comment ID: 2806
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: We also object to restricting the development of structural range improvements without corresponding scientific basis for such restriction, and it is unclear whether the BLM under Alternative B intends to restrict such development in core habitat or in priority sage-grouse habitat, as outlined on page 2-45 to 2-46. It appears that "sage-grouse priority habitat" has not been clearly defined.

Comment ID: 3120
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Facilities that produce continual noise can affect the breeding vocalizations of greater sage-grouse. Continuous noise from industrial facilities, such as compressor stations, close to active greater sagegrouse leks would interfere with male greater sage-grouse strutting behavior which could reduce the reproductive success of greater sage-grouse using these leks. Lander RMP FEIS at 932. Under 9-Plan DEIS Alternative B, "Noise would be limited to less than 10 decibels above ambient measures (20-24 dBA) at sunrise at the perimeter of a lek during active lek season." DEIS at 2-166. This provides more certainty than the discretionary approach proposed under Alternative E. The 9- Plan should look to the Lander RMP Alternative B (FEIS at 945) to prohibit BLM- authorized human activity in noise-sensitive areas from 1 hour before sunset to 1 hour after sunrise between March 1 and May 15, unless the activity is specific to inventorying, monitoring, or viewing greater sage- grouse. This action would prevent noise and disruptive activities in and around leks during the breeding season that could interfere with greater sage-grouse breeding and cause a localized population decline. The Buffalo DEIS recognized that "Greater Sage-Grouse are sensitive to noise levels from all activities during early evening and morning hours when strutting occurs during March and April, so actions to reduce noise levels during these periods should be taken." DEIS at 1621. BLM's decision must be informed by existing research regarding noise impacts on grouse, which suggests threats to sage-grouse population viability through abundance, stress levels, and behavior : Blickley et al. 201216, and Blickly and Patricelli 201217.

Comment ID: 2531
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: APLIC recommends the BLM remove stipulations that require or recommend perch discourager use in the Wyoming LUP. APLIC is available to discuss these concerns with BLM staff and provide

associated documentation. Rather than call for the use of perch discouragers, APLIC recommends the BLM reference the BMPs (see below) currently being developed for power lines in sage-grouse habitat. Likewise, current APLIC guidance should be applied to minimize avian electrocution and collision risks.

Comment ID: 2174
Organization: The Nature Conservancy
Name: Graham McGaffin

Comment: The Conservancy recommends BLM and USFS consider making some unleased minerals within core areas administratively unavailable. Withdrawal of mineral leasing is a particularly durable form of mitigation and could be applied to compensate for existing and/or anticipated development, including development that currently exceeds, or is anticipated to exceed, disturbance caps. As described in MS 1794, “the BLM may use the land use planning process to identify potential mitigation sites and measures on BLM-managed lands” (MS 1794, Page 1-4, Section C). The Conservancy recommends BLM and USFS identify lands with unleased minerals in core areas and consider identifying them as “mitigation sites” where leasing is unavailable over the life of the land use plan.

Comment ID: 2269
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Under Alternative E, Encana objects to the BLM’s proposal to expand seasonal limitation period by up to 14 days within sage-grouse core areas. Sage-Grouse DLUPA, pg. 2-146, Action No. 131. This limitation is inconsistent with the Wyoming Core Policy as expressed in Executive Order 2011-005. The Governor of Wyoming in conjunction with the Wyoming Game and Fish Department developed the Core Area Policy based upon the best scientific information available. As the BLM is aware, the Core Area Policy was specifically endorsed by the United States Fish and Wildlife Service as an appropriate mechanism to protect sage-grouse and sagegrouse habitat. It is inappropriate for the BLM to attempt to modify or alter the mitigation measures set forth in the Core Area Policy.

Comment ID: 2205
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Management Alternative #104 "The role of existing seedings that are currently composed of primarily introduced perennial grasses in and adjacent to core sage-grouse habitats would be evaluated to determine if they should be restored to sagebrush or habitat of higher quality for sage-grouse. If these seedings are part of an AMP/ Conservation Plan or if they provide value in conserving or enhancing the rest of the core habitats, no restoration would be necessary. The compatibility of these seedings for sage-grouse habitat or as a component of a grazing system would be assessed during the land health assessments (or other analyses [Forest Service only]) (Davies et al. 2011}." BLM and USFS should consider other regulatory requirements imposed on mines such as required seed mixes that may not be consistent with this alternative. TBCC has lands in the Black Thunder Mine's DEQ reclamation plan that are permitted for a post-mining use of croplands to create the premining condition of that area.

Comment ID: 3032
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-15, action 8: Delete the word reconciled since this may not be possible.

Comment ID: 2800
Organization:
Name: marla bosworth

Comment: 6. Please require in the Preferred Alternative that land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats.

Comment ID: 2620
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-166, Table 2-1, Action 162: Again, QEP asks that current noise restrictions stay in place until further research can be conducted to find concrete evidence on how GRSG respond to noise at various decibels.

Comment ID: 2748
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg E-12 Text: Surface disturbing and/or disruptive activities would be prohibited within connectivity habitat from March 1-June 30 to protect breeding, nesting, and early brood-rearing habitats within 4 miles of the lek or lek perimeter of any occupied Greater Sage-Grouse lek within identified connectivity areas. Comment: We incorporate our comments from Chapter 2 regarding management action 128 by reference here.

Comment ID: 2206
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: BLM Management Alternative # 125 and Appendix K Table K-3 USFS Management Alternative #125 "Sage-grouse leks outside core habitat and connectivity habitat areas: Surface occupancy and surface disturbing activities would be prohibited or restricted on or within a one quarter (0.25) mile radius of the perimeter of occupied sage-grouse leks." BLM and USFS are inconsistent with WYEO in expanding the general habitat stipulation of NSO to 0.25 miles. WYEO states "no more than a one-quarter (1/4) mile no surface occupancy standard." TBCC recommends BLM and USFS remain consistent with WYEO language.

Comment ID: 2619
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-163, Table 2-1, Action 134, Alternative E: Requires seasonal protection of winter concentration areas both inside and outside core habitat areas (outside core if core-nesting birds winter in the outside concentration area). It is unclear whether it is lek attending or core area nesting birds that drives the requirement for areas outside core; this needs clarification. Additionally how will this be determined?

Comment ID: 2266
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Disturbance Cap (Action 126, pages 2-133-135): In regard to the 3 vs 5% disturbance cap, we would point out that existing scientific literature does not support a consistently applied surface disturbance threshold. Rather, the literature supports the minimization of energy development infrastructure densities to 1 pad per section averaged across an area designated by a 3–3.2 km (1.86–2 mi) radius. We suggest that if a surface disturbance threshold is to be applied in the preferred alternative, that the threshold be established as the proportion of area disturbed using a metric directly related to infrastructure density and that is equivalent to 1 pad and access road/section. As an example, 1 average-sized well pad plus its access road directly influences a given number of acres that can be divided by 640 to establish a surface disturbance threshold that is directly relevant to the density threshold of 1 well pad/section reported in the literature. The literature also suggests that clustering of infrastructure reduces impacts of energy development to sage-grouse by reducing the proportion of a landscape indirectly influenced by that infrastructure. Thus, if unitization were to consistently result in clustered infrastructure it should be required as part of the final proposed action in the EIS. We would point out that the potential benefits of unitization may not always be compatible with a per section surface disturbance threshold, e.g., 3% - Alt. B, where permitted disturbances are limited to one per section with no more than the fixed percent surface disturbance in that section. Unless quantified as an average across a larger landscape, fixed percentages may counteract and contradict desires and need in some situations to cluster infrastructure. This should be re-visited, evaluated and incorporated into the EIS for specific situations where unitization is a desired strategy to reduce impacts on sage-grouse.

Comment ID: 2271
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Action 128, Page 2-135: We would point out that the mitigation hierarchy starts with Avoidance first and this should be explicitly stated throughout when mitigation is discussed here and in other places in the EIS. We also believe Alternative B offers components of mitigation that should be included in the final EIS, particularly in following the WAFWA strategy. Also, we recommend that descriptions associated with offsite and "in-kind" mitigation include explicit statements regarding other values, most notably recreational opportunities such as regulated hunting and fishing.

Comment ID: 2272
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Action 130, Page 2-141: We disagree with the notion that leks outside of core habitat are less important and thus only warranting a 0.25 mi buffer. This is not supported by the scientific literature. We recommend that timing and distance actions be the same for any occupied lek anywhere on the landscape and actions must protect the integrity of the lek site and surrounding landscape based on the scientific literature. Otherwise, the overall population will continue to decline to dangerously low levels.

Comment ID: 2263
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is extremely opposed to the BLM's prohibition on surface disturbing or disruptive activities between March 1 and June 30 to protect sage-grouse breeding, nesting, and early brood-rearing habitat inside core areas. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. The BLM has extended the timing restriction from March 15 to March 1 in direct contradiction of Wyoming Executive Order 2011-005. The timing restriction is also inconsistent with BLM Instruction Memorandum WY-2012-019 (Feb. 10, 2012). The BLM should not impose timing restrictions from March 1 to March 15. The Wyoming Sage-Grouse Conservation Strategy developed by the State of Wyoming was specifically endorsed by the United

States Fish and Wildlife Service as adequate to protect sage-grouse. The BLM should not modify or alter the timing restrictions set forth in that policy. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum.

Comment ID: 3084
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, Page 2-166 through 2-67 Action 136, Alternative E While most of the established requirements are okay as is, there remains the potential to add new additionally more problematic restrictions as more science is developed; this imparts considerable unknowns and we may want this material removed. Additionally, the noise the limitation requirement needs to be applied at lek perimeters not at 0.6 mile from the lek (use of the word “should” here is problematic). As is, if this is a required action, it would extend the effective NSO considerably farther afield.

Comment ID: 2207
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Management Alternative #127 "Inside sage-grouse connectivity areas, all surface disturbance (any program area) would be limited to no more than 5% per 640 acres using the DDCT process described in Appendix I." BLM and USFS are not clear on where the connectivity areas are and TBCC recommends they reference WYEO's identified connectivity areas.

Comment ID: 2208
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Management Alternative #133 "Sage-grouse breeding, nesting, and early brood-rearing habitat outside sage-grouse core and connectivity habitat areas: Surface disturbing and/or disruptive activities would be prohibited from March 15-June 30 to protect sage-grouse nesting and early brood rearing habitats within 2 miles of the lek or lek perimeter of any occupied lek located outside core or connectivity areas." TBCC encourages BLM and USFS to recognize valid and existing rights.

Comment ID: 2696
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-329 Text: Leks have been shown to go inactive when well pad densities exceed one per 640 acres. Comment: This statement is unsupported by any authority in the DEIS and the BLM must disclose the report upon which it relies to make such a statement. Both the Data Quality Act and the Office of Management and Budget Guidelines implementing it require agencies to “ensure and maximize” the quality, objectivity, utility, and integrity of information disseminated by federal agencies. DQA §515(a), OMB Guidelines, § 11(2), 67 Fed. Reg. at 8458. Here, the BLM has not verified nor maximized the quality and integrity of the statement that Leks have been shown to go inactive and thus it must be deleted.

Comment ID: 2255
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 48, Page 2-38-39): We would point out that quality nesting cover requires more than just having >15% canopy of sagebrush; understory requirements are equally if not more important and must be explicitly stated as part of this and all livestock management recommendations (again, see Connelly et al. 2011 for characteristics associated with different habitat needs).

Comment ID: 2184
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is concerned about the BLM's reference to BLM Instruction Memorandum Wyoming 2010- 012 and its incorporation into Alternative E. As the BLM is aware, BLM IM WY-2010-012 was replaced by Instruction Memorandum Wyoming 2012-019 on February 10, 2012. The language of IM WY-2012- 019 makes it absolutely clear that it replaces and abrogates BLM IM WY-2010-012. BLM should explain why its preferred alternative is based upon and instruction memorandum that is no longer in force and effect.

Comment ID: 2615
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-146, Table 2-1, Action 131, Alternative E: Since the time may be expanded, it is suggested that time could also be contracted. QEP asks for more certainty on whether time could also be contracted.

Comment ID: 2607
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-30, Table 2-1, Action 35, Alternative E: Appears to indicate that perch deterrents will be required to be retrofitted on existing facilities. Further detail is needed to specify what facility types/parameters will need retrofitting and what types of perch deterrents may be applied.

Comment ID: 2604
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-17, Table 2-1, Action 21: This may require moving locations, even outside core habitat areas. QEP asks that this be restricted to core habitat.

Comment ID: 2602
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-16, Table 2-1, Action 10: After the word "noise" insert "unless precluded by existing authorizations".

Comment ID: 2601
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-15, Table 2-1, Action 8: Delete the word "reconciled" since this may not be possible.

Comment ID: 2600
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-15, Table 2-1, Action 2: Off-site compensatory mitigation requiring proponent contribution must be voluntary.

Comment ID: 2613
Organization: QEP Energy Company
Name: Mike Smith

Comment: Pages 2-135 - 2-136, Table 2-1, Action 128, Alternative E: Off-site mitigation must be voluntary on the part of the proponent unless no proponent contributions are required.

Comment ID: 2746
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg E-10 Text: Surface disturbing and/or disruptive activities would be prohibited from March 1-June 30 to protect Greater Sage-Grouse breeding, nesting, and early brood-rearing habitat. This timing limitation would be applied throughout the sage-grouse core area habitats… Comment: This TLS is inconsistent with the EO, which lists it as March 15 – June 30, and should be changed to maintain consistency in sage-grouse management practices throughout the state. We incorporate our earlier comment from Chapter 2 regarding management action 127 here.

Comment ID: 2747
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg E-10 Text: Where credible data support different timeframes for this seasonal restriction, dates could be expanded by up to 14 days prior to, or subsequent to, the Greater Sage-Grouse breeding, nesting and early brood-rearing habitat inside designated core areas. Comment: We incorporate our comments from Chapter 2 regarding management action 127 by reference here.

Comment ID: 2324
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The DLUPA/DEIS's attempt to integrate various plans is inadequate. The Wyoming Executive Order and Alternative E both have .25 mile No Surface Occupancy buffer around leks in general habitat and a 2 mile seasonal restriction buffer around leks in general habitat (pg. 4-329 & 330). However, the Executive Order season restrictions are March 15-June 30 and Alternative E restrictions are March 1- June 30. There is no explanation or justification for why sage-grouse on BLM surface (as opposed to private Wyoming surface lands) would be more sensitive and need an additional 14 days of restricted activity.

Comment ID: 3123
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 5 2- 201 Special Status Species Alt D How are lek buffers determined to be insufficient? Please explain within text of document.

Comment ID: 2614
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-138, Table 2-1, Action 129, Alternative E: Requires no occupancy or disturbance within 0.6 mile of lek perimeters in core habitat areas or connectivity areas, which is consistent with the EO. However, QEP asks that the BLM include the following language "unless otherwise precluded due to existing rights and/or project-level authorizations" for clarification. BLM does not have the authority to impose new stipulations on an existing lease that exceed the terms and conditions of that lease, once issued.

Comment ID: 2177
Organization: The Nature Conservancy
Name: Graham McGaffin

Comment: Additionally, we recommend that BLM: • Stipulate that regional mitigation plans should be integrated with land use plans as early as possible in the planning process. • Emphasize that BLM's obligation to avoid unnecessary or undue degradation to resources and values takes precedence, supporting the need for avoidance measures. • Clarify that the resources and values BLM aims to protect against unnecessary or undue degradation include ecological values, as well as cultural values, lands with wilderness characteristics, recreational opportunities, viewsheds, etc. • Expand the definition of impacts to include cumulative, direct and indirect impacts and reflect that all impacts must be considered at appropriate stages in the mitigation planning process. • Ensure that the broader agency management goals for resources and values be considered in the mitigation planning process as they may or may not be adequately addressed in land use plans. These management goals, such as a no net loss of the resource, will help better inform the amount of compensation that will be needed to fully address impacts. • Require science-based, transparent and consistent methodologies to assess impacts (e.g. a crediting mechanism) to determine how much compensation a project requires and how much credit a proposed compensation project will generate. The policy should state that the credit calculation for proposed compensation must also take into account considerations such as the likelihood of success, temporal losses of resources and values, proximity of the impact site to the offset site, the difficulty of replacing the lost resources and values, etc. • Expand the guidance on long-term durability to include prescriptions in the land use plan, i.e. the policy and planning tools available to achieve durability, such as withdrawal of lands from certain uses, management prescriptions, protective designations, etc. BLM should also clarify when and how these prescriptions should be integrated into the land use plan. • Provide guidance on how to ensure compensatory mitigation investments are "additive" to management that would otherwise be provided by BLM through its existing commitments and mandates. • Improve provisions for the timing of compensatory mitigation actions. We support BLM's recognition that some compensatory mitigation actions are more appropriate to implement before project construction. However, we disagree with the provision to allow phasing- in of mitigation as it will likely lead to a temporal loss of resources and values. • Emphasize that compensatory mitigation measures should be evaluated both for compliance (was the project implemented) and for performance (did it achieve the anticipated outcome). The policy should also require development of performance measures as they are critical for informing the adaptive management process. • Stipulate that compensatory mitigation actions be monitored until they achieve their desired outcome, and that the responsibility to monitor and ensure their success should not end simply when a land use authorization expires.

Comment ID: 3195
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix E E- 16 Management Action #130 How will it be verified that grouse nesting in core areas use winter concentration areas outside core? This action allows assumption without actual knowledge of where specific SG actually winter. This should be further explained within the document.

Comment ID: 2305
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, the seasonal use prohibitions and restrictions proposed under Alternatives B and C are far too vague, and do not provide any useful information in terms of when the restrictions would apply and where (See Table 2-1 at 2-145 to 2-163), which is necessary to determine the potential impacts to operators – or the intended benefits to sage-grouse and sagebrush habitat.

Comment ID: 2254
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 46, Page 2-36-38): "Vegetative communities would be managed in accordance with Wyoming Standards for Healthy Rangelands." Again, we assume that the Wyoming Standards for Healthy Rangelands referenced here were not developed with the needs of sage grouse in mind, and we are not convinced they will meet vegetative conditions for sage grouse nesting and brood-rearing habitat in particular (see Connelly et al. 2011 for characteristics associated with different habitat needs). We recommend that BLM explicitly state clear and measurable range management goals, objectives, and management actions directly related to sage-grouse and their habitat requirements for vegetation height and density in the final draft EIS. We recommend that management actions and terms and conditions of grazing permits conform to guidance and recommendations provided in the scientific literature, and following or modified from Cagney et al. (2010) for meeting nesting and brood-rearing vegetative characteristics for sage-grouse. We recommend the management actions outlined in Alternatives B and C for livestock grazing management and permit requirements for Action 46.

Comment ID: 2616
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-151, Table 2-1, Action 132: This is inconsistent with the EO, which requires a 2 mile buffer outside of core habitat areas. QEP asks that the BLM change this seasonal buffer to 2 miles to be consistent with the EO.

Comment ID: 2749
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg E-12 Text: Where credible data support different timeframes for this seasonal restriction, dates could be expanded by up to 14 days prior or subsequent to the above dates. Comment: We incorporate our comments from Chapter 2 regarding management action 128 by reference here.

Comment ID: 2202
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: 2.5.8 Management Objectives for Alternatives D and E "1. Identify core/priority, general, and connectivity habitats for each WAFWA MZ across the current geographic range of Greater Sage-Grouse that are large enough to stabilize populations in the short term and enhance populations over the long term. Greater Sage-Grouse habitat in this planning area overlaps 2 WAFWA MZs: (1) MZ I-Great Plains and (2) MZ /I-Wyoming Basin. 2. Protect core/priority, general, and connectivity habitats from anthropogenic disturbance that will reduce distribution or abundance of Greater Sage-Grouse. " Objective #2 is inconsistent with the Wyoming Executive Order. The WYEO protects core and connectivity habitats already defined for inter-state connectivity concerns, and recognizes in general sage-grouse habitat that there will be some loss in population and habitat to allow for economic development in the state. There will be significant reductions in Wyoming's economy and BLM's and USFS's funding sources through taxes and royalties if core, connectivity, and all general habitat is offlimits to development. The vast majority of coal mines in Campbell County exist in sage-grouse general habitat. Most future LBA's for the coal mines in the PRB will be located in general habitat.

Comment ID: 2204
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Management Alternative #31 "Within general sage-grouse habitat where new ROWs/SUAs are necessary, new ROWs/SUAs would be co-located within existing ROWs/SUAs where technically feasible. Appropriate sage-grouse seasonal timing constraints would be applied. "Appropriate seasonal timing constraints" need to be referenced or identified in this alternative. TBCC recommends BLM and USFS follow the existing WYEO which states "For activities located outside Core Area Population Areas, no more than a onequarter mile no surface occupancy standard and a two mile seasonal buffer should be applied to occupied leks."

Comment ID: 2618
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-152, Table 2-1, Action 132, Alternative E: Since the times may be expanded, it is suggested that time could also be contracted. QEP asks for more certainty on whether time could also be contracted. Page 2-156 2-157, Table 2-1, Action 133, Alternative E: Since the times may be expanded, it is suggested that time could also be contracted. QEP asks for more certainty on whether time could also be contracted.

Comment ID: 2612
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-145, Table 2-1, Action 131, Alternative E: The March 1st_June 30th restriction is inconsistent with the EO, which has the timing limitation (TL) from March 15th-June 30th. QEP asks that the TL be changed to be consistent with the EO.

Comment ID: 2325
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: Seasonal noise stipulations are inconsistent. The Executive Order seasonal restrictions for new noise levels may not exceed levels above 10dBA at the perimeter of a lek during March i-May 15 from 6:00 pm to 8:00 am. Alternative E in the DEIS is the same as Alternative A and states, at p. 4-271: "Noise

minimization could reduce disturbance to wildlife species (Kemmerer, Pinedale and TBNG). Specific limitations, such as limiting noise to 10dBA from March i-June 15 or within two miles of a lek (TBNG), could reduce disturbances to Greater Sage-Grouse." It is not clear if the agencies intend to only impose noise stipulations for Kemmerer, Pinedale and Thunder Basin National Grassland. If not, once again it is unclear why the season is longer on BLM surface. And significantly, the DLUPA/DEIS fails to include a daily timing stipulation from 6:00pm-8:00am as found in the Executive Order.

Comment ID: 2427
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Potential additional requirements imposed on valid existing rights. Conservation requirements related to locatable minerals in Alternative E are unclear regarding when modified measures will be expected, and what the consequence will be for failing to adopt "suggested" new requirements. The Draft EIS discussion of Alternative E at pp. 2-88 - 2-89 notes that "operators could be requested to submit modifications to the accepted notice or approved plan of operations so that the operations minimally impact sage-grouse core area habitats." BLM specifically notes that these are "suggested conservation measures" only and that "[t]he request containing the suggested conservation measures must make clear that the operator's compliance is not mandatory." 2-89. This appears to protect valid existing rights, which is a BLM requirement. However, BLM also includes a note that measures "may not be reasonable or applicable to the BLM/Forest Service's determination of whether the proposed operations will cause unnecessary or undue degradation under 43 CPR 3809.5 and 36 CPR 228.3." It is unclear what BLM is stating here, and it should further clarify that valid existing rights will be protected and that there will be no consequences from failing to adopt "suggested" conservation measures.

Comment ID: 3060
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: Given the level of disturbance, the undocumented percentage of disturbance within core areas, and the potential for future development of pre-existing valid leases, we propose that the disturbance level be decreased to 3% disturbance within sage-grouse core areas using the DDCT analysis which includes disturbance from anthropogenic and wildfire disturbance. This would be in accord with the current best available science. Behavioral patterns of sage-grouse have been shown time and again to avoid anthropogenic disturbance. Ninety-nine percent of active leks have been found in landscapes with <3% developed (Knick et al. 2013), and Walker et al. (2007) found that influence on lek abandonment from the presence of coal-bed natural gas (CBNG) developments persisted out to 3.2 km (2 miles) from surface infrastructure and this finding is supported by additional literature (Holloran 2005; Aldridge & Boyce 2007; Doherty et al. 2008). Studies show that lek persistence drops precipitously as density of, and proximity to, oil and gas development increases (Dzialak et al. 2012; Knick et al. 2013). Additionally, 74-80% of sage-grouse nests are found within four miles of leks (Moynahan 2004, Holloran and Anderson 2005), underscoring the spatial relationship between nesting and lekking locations and supporting the need to prevent lek abandonment from disturbance. Given that the success of these broods will impact future recruitment to the adult population, protecting broods and nesting areas is of paramount importance to maintaining viable sage-grouse populations. While discussing the benefits of 3% and 5% disturbance on the landscape with Wyoming Game and Fish Department (WGFD), it has been brought to our attention that "disturbance" may have been considered differently between the research by Knick et al. (2013) and how the WGFD DDCT calculates disturbance. For this reason, we recommend that 3% disturbance be calculated using the DDCT, and that BLM and the Forest Service also revisit this calculation methodology to ensure all relevant habitat disturbance is considered. The 9-Plan DEIS Chapter 2 Alternatives: Density and Disturbance section, Action Number 126, Alternative B, states: "priority sage-grouse habitats would be

managed so that discrete anthropogenic disturbances cover less than 3% of the total sage- grouse habitat" (9-Plan DEIS, 2-133), and connectivity areas in Alternative B require "Three percent habitat disturbance (up to 19.2 acres) per 640 acres would not be exceeded using the DDCT process" (9-Plan DEIS, 2-134). This language is unclear, and may potentially lead to increased surface disturbance within core areas if exclusively using the methodologies from the NTT. We want to clarify that our recommendations are to use the DDCT to calculate habitat disturbance within core areas and connectivity areas in Alternative E, but reducing the maximum disturbance from 5% to 3% disturbance. We recommend Alternative E, Action Numbers 126 and 127 should be rewritten to read: "Inside sage-grouse [core habitat areas/connectivity areas], all surface disturbance (any program area) would be limited to no more than an average of 1 location per 640 acres, subject to valid existing rights, and to no more than 3% of the core landscape using the DDCT process described in Appendix I." We believe this will offer a more scientifically based level of protection, ensuring that all disturbance activities are considered when calculating disturbance.

Comment ID: 2926
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Action Number 30 for Alternative B, C, and D would manage sage-grouse core habitat areas as exclusion areas for new ROW or SUA permits with consideration of limited exceptions. This management action is not consistent with BLM's purpose and need statement or its multiple-use mission under FLPMA. One of the exceptions to be considered states that "Within designated ROW or SUA corridors encumbered by existing ROW or SUA authorizations, new ROWs could be co-located only if the entire footprint of the proposed project (including construction and staging) can be completed within the existing disturbance associated with the authorized ROWs or SUAs." It is not physically or technically possible to locate one project entirely within the existing disturbance associated with a prior authorized ROW or SUA. For example, a transmission line may not be located on top of a pipeline or down the middle of a road. In addition, locating two transmission lines on top of one another would be a clear violation of the Western Electricity Coordinating Council's reliability criteria. Finally, there would appear to be legal complications related to BLM authorizing two or more ROWs using the same real estate and possibly interfering with each another. The BLM must address all of these issues in the LUPA/ElS and clarify how it would proceed with implementing this management action, including authorization of conflicting ROWs. For Alternative E, it is not clear how Action Numbers 30, 31, and 32 relate to one another. For instance, under Action Number 30 core habitat is to be managed as a ROW avoidance area, hut under Action Number 32 new transmission projects are allowed within certain defined corridors (that is, corridors within core habitat are not avoidance areas). These two actions seem contradictory. BLM needs to clarify its intentions. For Action Number 31, within general sage-grouse habitat where new ROWs/SUAs are necessary, new ROWs/SUAs would be co-located within existing ROWs/SUAs where technically feasible. While it may be technically feasible to co-locate a new ROW/SUA next to an existing ROW/SUA, seldom if ever will it be technically feasible to co-locate a new ROW/SUA within an existing ROW/SUA. This proposed action should be dropped or BLM should clarify its intentions. Action Number 32 would require new electric distribution lines be buried where feasible. If not feasible, overhead lines would be located at least 0.6 miles from the perimeter of occupied Greater Sage-Grouse leks and raptor perch deterrents would be installed. We know of no science supporting the 0.6 mile buffer or the installation of raptor perch deterrents as a conservation measure to protect sage-grouse habitat. A justification for this proposed management action based on best available scientific information and data must be presented in the LUPA/EIS or the measure must be dropped from further consideration. In addition, BLM should provide guidance on what it considers "feasible" when considering the burying of electric distribution lines. While technically feasible to bury many lower voltage electric lines, this can be an extreme hardship financially as the cost of burying a line is many times greater than the cost of overhead construction. Burying a line extension across federal lands to service a new connection for a water well, residence or utility building could make the project economically unfeasible. Also, within the checkerboard pattern of land ownership, this proposed action is

particularly inappropriate as BLM has no authority over the intervening sections of private land. Theoretically, the line could go underground a mile on BLM, overhead the next mile on private, underground the next mile on BLM, etcetera, etcetera, etcetera, until reaching its destination. This seems impractical and of limited benefit to sage-grouse habitats. The BLM needs to reconsider this proposed action and discuss implementation in areas of mixed land ownership, such as the checkerboard, in the LUPA/EIS.

Comment ID: 2152
Organization: Sierra Club, Wyoming Chapter
Name: Connie Wilbert

Comment: To address the many problems identified in the preceding paragraphs, we recommend substantial changes to Alternative E, including: 1. Lower the disturbance cap from 5% to 3%, and extend this protection to General Habitat Areas as well as Core Habitat Areas. Include all existing disturbances in the disturbance calculation, calculated at the level of disturbance per square mile. 2. Designate all occupied habitat (100% of active leks) as Core Habitat Areas 3. Close all Core, General and Connectivity Habitat Areas to new fluid mineral leasing and ensure that no surface disturbance for fluid mineral extraction on existing leases occurs within four miles of active leks. Require no greater than one well per square mile well-pad spacing outside of this fourmile buffer. 4. Validate mitigation methods to ensure success for sage grouse and, where they are applied, require that mitigation methods have achieved habitat and sage grouse population goals before the project being mitigated may begin. If this planning amendment results in mitigation development, follow the 2013 Department of Interior Order 3330 (Improving Mitigation Policies and Practices of the Department of the Interior), and incorporate the approach and guidance for offsite mitigation outlined in the Draft Regional Mitigation Manual Section 1794. 5. Create a collaborative implementation working group that includes diverse key experts and interests to reform best management practices to meet sage grouse conservation needs and provide quality control in implementing conservation actions for sage grouse. 6. Create a system of reserves (i.e. using Area of Critical Environmental Concern designations), comprised of all Core Habitats, where only activities scientifically shown to be compatible with maintaining and restoring sage grouse populations to secure population levels are permitted.

Comment ID: 2253
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 45, Page 2-35-36): “The BLM/Forest Service would work cooperatively with permittees, lessees, and other landowners to develop voluntary grazing management strategies that integrate both public and private lands into single management units to improve sage-grouse habitat.” How can the BLM assure the USFWS that such “voluntary” practices will be adhered to, measured against desired outcomes, and enforced in some way to ensure those standards are met to improve sage-grouse habitat. What are the standards? Again, we recommend that BLM explicitly state clear and measurable range management goals, objectives, and management actions directly related to sage-grouse and their habitat requirements for vegetation height and density in the final draft EIS and in all conditions of grazing permits.

Comment ID: 2416
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Inconsistency between Wyoming Executive Order 2011-5 and Alternative E (Preferred Alternative in DEIS). The Wyoming Executive Order and Alternative E both have .25 mile No Surface Occupancy buffer around leks in general habitat and a 2 mile seasonal restriction buffer around leks in general habitat (pg. 4-329 & 330). However, the Executive Order season restrictions are March 15-June 30

and Alternative E restrictions are March I-June 30. There is no explanation or justification for why sage-grouse on BLM surface would be more sensitive and need an additional 14 days of restricted activity.

Comment ID: 2418
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: The inconsistency in seasonal restrictions is most evident in the noise stipulations. The Executive Order seasonal restrictions for new noise levels may not exceed levels above 10dBA at the perimeter of a lek during March 1-May 15 from 6:00 pm to 8:00 am. Alternative E in the DEIS is the same as Alternative A and states, at p. 4-271: "Noise minimization could reduce disturbance to wildlife species (Kemmerer, Pinedale and TBNG). Specific limitations, such as limiting noise to 10dBA from March 1-June 15 or within two miles of a lek (TBNG), could reduce disturbances to Greater Sage- Grouse."It is not clear if BLM intends to only impose noise stipulations for Kemmerer, Pinedale and Thunder Basin National Grassland. If not, once again it is unclear why the season is longer on BLM surface. And significantly, BLM fails to include a daily timing stipulation from 6:00pm-8:00am as found in the Executive Order.

Comment ID: 2961
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Page 2-16, Item 13, recognizes the need to incorporate new areas into the general sage grouse habitat category as new occupied sage-grouse habitat is found. Ur-Energy encourages the BLM to also include a mechanism to remove areas from the general-sage grouse habitat as necessary based on credible evidence. The Governor' EO 2011-05 has provisions for adding and removing land from the core area; will the BLM utilize the same methods as the state? This is a significant component of the LUP that the public should be able to comment on. Please provide a revised draft LUP and make it available so the public can consider and comment on the methodology for adding and removing area from the sage grouse habitat. The LUP/EIS should also establish criteria to determine when the sage-grouse has recovered sufficiently for the restrictions established by this LUP to be diminished or lifted entirely.

Comment ID: 2962
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Page 2-135 discusses how onsite and offsite mitigation will be prioritized. However, the LUP needs to contain a concise discussion of when mitigation will be required or may be used by a project proponent. For example, if a project will exceed the maximum allowable disturbance, can the proponent use offsite mitigations to compensate for the disturbance?

Comment ID: 2228
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 17, page 2-17): “Many sage-grouse seasonal habitats within and outside of core habitat areas are encumbered by valid existing rights, such as mineral leases or existing rights-of-way. Fluid mineral leases often will include less stringent lease stipulations than the timing, distance, and density requirements identified for consideration in this plan. Agencies (BLM/Forest Service) will work with proponents holding valid existing leases that include less stringent lease stipulations than the timing, distance, and density restrictions described within this plan to ensure that measurable sage-grouse conservation objectives (such as, but not limited to, consolidation of infrastructure to reduce habitat

fragmentation and loss, and effective conservation of seasonal habitats and habitat connectivity to support management objectives set by the WGFD) are included in all project proposals." We believe these statements above reflect a major flaw of this EIS. Before this EIS is signed, the BLM can, under Section 6 of the standard lease terms, make adjustments and even deny access/drilling if such activities pose a threat, even in regard to existing leased minerals. Implying nothing can be done beyond negotiating good faith with lease holders is a fallacy of this draft EIS. What if lease holders simply do not wish to comply with sage-grouse protection or conservation measures? At least half the core areas are leased and if lease holders exercised their rights as stated in the Wyoming strategy and the preferred alternative, would the USFWS deem this acceptable in regard to their listing decision? Will the BLM make those decisions or rely on the Wyoming Sage-grouse Implementation Team to determine actions? We strongly recommend the language in this action and other appropriate places in the EIS be revised to reflect that BLM will revisit all existing leases and make adjustments under Section 6 of the standard lease terms as needed to protect sage-grouse and their habitats (per the purpose and need of this EIS).

Comment ID: 3052
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-105, action 96, alt E: Is 5% threshold per 640 acres? Define area.

Comment ID: 2963
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Page 2-138 limits the distance between surface occupancy/disturbance and active leks to 0.6 miles. Ur-Energy is unaware of any scientific study to support such a hard distance limitation without consideration of the degree of disturbance and the BLM provides nothing credible to support this. For example, a proponent may need to install a monitor well 0.5 miles from an active lek and sample the well once per quarter. The well could be installed during the winter when there are no birds on the lek which would result in no harm to the birds. The sampling would take about I hour per quarter using a light pickup. Such minor activity is likely to produce less harm to the birds on the lek than a biologist approaching the lek three times per breeding season to count birds. Such hard and fast rules don't allow for common sense. Ur-Energy requests that the BLM revise the draft LUP to allow the BLM to make exceptions when disturbance will be de minimus. The 2011-5 EO provides an example of this language under item 18 of the EO as well as in item 12 of Attachment B General Stipulations. The BLM should also describe its authority to make exceptions to other stipulations when such exceptions are not likely to diminish sage grouse protection.

Comment ID: 3061
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: The language in Alternative E should be clarified to identify the actions or steps to be taken if disturbance is proposed (due to existing rights) within a core area where disturbance already exceeds the maximum percent allowed. Currently, the only language in Alternative E identifying how management proceeds in areas exceeding the maximum percent disturbance is under Travel Management, Action Number 90: "If that disturbance exceeds 5% for that area, additional, effective mitigation necessary would be evaluated and implemented to offset the resulting loss of sagegrouse habitat" (9-Plan DEIS, p. 2-100). The Alternative B summary offers suitable language, which should be adapted and incorporated into Alternative E to clarify management actions. Adaptation of Alternative B language should state: "In areas where the disturbance cap has been met by the project proponent, the BLM/Forest Service should consider

opportunities for reclamation or removal of surface disturbing features that are no longer in use in order to reduce the current disturbance before further projects are permitted" (9-Plan DEIS, p. 2-10). We recommend that, rather than BLM/Forest Service "consideration" of reclamation or removal of features, these actions should be required. This language should be clarified and included in a clear manner and location within the 9- Plan Record of Decision. Additionally, the NTT report recommends, "In priority habitats where the 3% disturbance threshold is already exceeded from any source, no further anthropogenic disturbances will be permitted by BLM until enough habitat has been restored to maintain the area under this threshold (subject to valid existing rights)" (NTT, p. 8). This language should be adapted into Alternative E to clearly identify policy moving forward that will regulate future development situations and create a management standard across the management areas outlined in the 9'-Plan DEIS. An appropriate combination of these statements would read: "In priority habitats where the 3% disturbance threshold is already exceeded from any source, the BLM/Forest Service will require that reclamation or removal of surface disturbing features that are no longer in use in order to reduce the current disturbance until enough habitat has been restored to maintain the area under this threshold (subject to valid existing rights)." We recommend this clarification of policy to clearly state the restrictions on development in areas meeting or exceeding the maximum allowed disturbance, and actions required before future development may occur. We request this language be added to the 9-Plan Record of Decision.

Comment ID: 2426
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: New onerous and costly reclamation requirements. Alternative E states that "[r]eclamation of surface disturbances in sage-grouse core habitats would be consistent with the Wyoming Reclamation Policy (BLM 2009a) and Appendix C or Forest Service Reclamation policy." Appendix C appears to impose new onerous requirements by defining "native shrubs" to constitute "at least 80 percent of pre-disturbance composition within 8 years." On pg. 4-328 it also discusses reclamation standards to which the landscape would be reclaimed to the original habitat components and structure to the extent possible. This is inconsistent with some existing mining permits and statements from BLM Field Offices stating that BLM approves reclamation seed mix that does not consist of shrub components. BLM has not adequately evaluated the economic costs of imposing new reclamation requirements with a higher level of native shrub in a faster timeframe. If entities are required to reclaim sagebrush on all BLM surface to the original landscape, BPM estimates that this would increase reclamation practices from $195/acre to approximately $1,600/acre based on vendor estimates. Alternative E requirements for reclamation bonds is the same as Alternative B on pg. 4-278 that states "Requiring full reclamation bonds sufficient to restore lands to pre-disturbance conditions could provide special species status with complete habitat improvement and recovery in areas disturbed by oil, gas and other surface disturbing activities if project abandonment occurs." Elsewhere, in a discussion of fluid minerals, BLM states that "[a] reclamation bond would be required on all projects that is commensurate with the scope, scale, size of the project within sage-grouse core habitat." These reclamation bonding requirements are vague and do not provide sufficient detail for entities to evaluate the various alternatives. The incomplete information certainly cannot provide BLM sufficient information to evaluate the full economic impacts of new reclamation bonding requirements. Finally, it is unclear how and when BLM will require or allow reclamation to reduce disturbance considered in the disturbance cap. Certainly industry should get credit for reclamation when evaluating any disturbance under a cap. But once again, a no net loss approach with mitigation would be the better approach.

Comment ID: 2415
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: A primary example of BLM's imposition of new burdensome requirements without adequate scientific justification is BLM's imposition of new more onerous conservation measures above and beyond existing state-led conservation efforts. BLM fails to adequately account for existing conservation requirements applicable to the GRSG in conducting its analysis of the various alternatives. Indeed, the BLM glosses over many of the existing conservation measures implemented through Wyoming Executive Order 2011-05 and existing BLM stipulations implemented through the BLM's own Special Status Species Manual 6840 and Instruction Memoranda. In some cases, the BLM's preferred alternative presents unclear and inconsistent approaches. This is a clear disregard for BLM's duty to provide a comparison of all reasonable alternatives in a manner that allows the public to clearly evaluate new requirements that could be imposed on development. 40 CFR § 1502.l4(a).

Comment ID: 2965
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Page 2-151 prevents surface disturbance and disruptive activities inside connectivity areas with 4 miles of an occupied lek from March 1 thru June 30th This equates to each lek having over a 50 square mile buffer. This is an excessive buffer especially when there is no consideration of the degree of disturbance/disruption. Appendix I allows the DDCT to perform an affects analysis out to eleven miles beyond a lek. Such a liberal distance equates to an analysis area of 3 80 square miles for a single lek. Since the analysis covers such a vast area, the BLM needs to specifically state what the analysis will be used for.

Comment ID: 3048
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 1 2- 76 Action 65 Alt B Suggest another Alternative be considered that incorporates the .6 mile NSO in priority habitat, as provided as guidance in the Wyoming Governor’s Executive Order (WY EO 2011--- 05). Disallowing any new development activities within winter concentration areas inside priority habitat during anytime of the year would preclude valid existing lease rights.

Comment ID: 3047
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 1 2- 72 through 2- 75 Action 63 Alt E The requirement to consider new COAs on previously issued leases where habitat protections are not provided in lease terms will require lots of additional work in SUPs; and while prior rights will be evaluated, recognized, and respected (positive language) by BLM/FS some required measures could easily be conflicting. It is suggested that at a minimum reference to COAs and SUPs be removed.

Comment ID: 2969
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Pages 2-166-167 Alternative E provides a noise restriction of 10 dBa above ambient levels at the 0.6 mile perimeter of a lek. Alternative E is advertised as being similar to the Governor's 2011- 05 Executive Order (EO), however, this is a significant deviation. The EO states the noise limit is to be measured at the perimeter of the lek instead of 0.6 miles away. Also, the EO has time of day and date restrictions while the LUP doesn't address such restrictions. The language in the LVP should be consistent with the EO in this regard. If BLM feels it must deviate from the EO, it should cite specific scientific

evidence to support such deviations so the public can review and comment on the appropriateness of the proposed restrictions.

Comment ID: 3044
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-30, action 35, alt E: Appears to indicate that perch deterrents will be required to be retrofitted on existing facilities. Further detail is needed to specify what facility types/parameters will need retrofitting and what types of perch deterrents may be applied.

Comment ID: 3040
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-17, action 24: Where does 67% come from? Please include explanation.

Comment ID: 3039
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-17, action 21: This may require moving locations, even outside core areas. Suggest restricting this to core.

Comment ID: 3037
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2--- 1 2- - - 17 Action 17 This action identifies inclusion of measures that are more stringent than existing lease and ROW stipulations, terms, and/or conditions, and it covers both core and non--- core habitat areas. Please consider either dropping this item to avoid existing rights and Core Area Policy conflicts or modifying such that it becomes a suggested or cooperative measure and/or is specific to core areas. On the list line replace the word “included” with “considered.”

Comment ID: 3035
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-15, action 10: After the word "noise" please insert "unless precluded by existing authorizations."

Comment ID: 2445
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-36 Action 46- Alternative E (Preferred Alternative) reference to "same as Alternative A" does not make sense as the Forest Service is not mentioned in Alternative A (No Action Alternative) text.

Comment ID: 2144
Organization: Permittee Cumberland/Uinta Allotment
Name: Wallace Schulthess

Comment: There are portions of Alternative A, (the no action alternative) in recent Resource Management Plans (RMP's) which have been completed. These plans include general collaborative and adaptive management directives for WYGRSG and therefore need no amending.

Comment ID: 3030
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-15, action 6: Season restrictions for what or who? Please provide an explanation within the document.

Comment ID: 2964
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Page 2-145 Alterative E prevents surface disturbance and disruptive activities from March 1 thru June 30th of each year. Would this restriction prevent the operation of a locatable mineral mine during this time frame? Such a restriction would force operators to shut down for 25% of the year thus placing a substantial economic strain on the company. It does not appear this real financial harm is even considered in the socio-economics portion of the LUP as required by NEPA regulations. This fact alone makes the socio-economic analysis flawed and inadequate and renders any decision based upon it arbitrary, uninformed and likely unlawful. Page 2-156 is similar but requires a 2 mile buffer around occupied leks outside the core area during the breeding/brooding season. The size of the buffer should be commensurate with the significance of the disturbance. As internal Interior documents made public under FOIA make clear, BLM's peer reviewers and other Department officials agree that the NTT's one size fits all approach is not reasonable, highly controversial, and unsupported by any data or studies, and BLM biologists should have the ability to exercise some professional judgment.

Comment ID: 3066
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Recommendations:--The approach to limiting surface disturbance outlined in the preferred alternative does not adequately address a distance effect of infrastructure. Current research supports an NSO buffer distance of 2 to 4 km for lower activity sites (e.g., producing well pads) and 6 to 6.4 km for higher activity sites (e.g., drilling rigs) around leks, an NSO buffer distance of 2 km around winter range, and an NSO buffer of 1 km around nesting habitats. These NSOs should not be clipped to the boundary of any habitat designation (i.e., core, general habitat or non-habitat) the buffers encompass. Additionally, if the goal of the NSO is to minimize negative impacts of energy development on sage-grouse populations (rather than for example maintaining lekking habitat integrity), current research supports these larger NSO buffers. A 0.6-mile NSO might help protect the habitats used by male sage-grouse during the breeding season, but will not prevent the indirect effects of energy development.

Comment ID: 3078
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Page 2-166, action 136, alt E: Add clarification that Governor's Sage Grouse Task group is working to identify ambient noise levels for Core areas. What is the basis of taking noise levels at the 0.6 mile perimeter of the lek?

Comment ID: 2251
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 44, Page 2-34): "The BLM policy in WO-IM-2009-007 and BLM Handbook H-4180-1 and a National Forest's LRMP or allotment specific NEPA decision for the Forest Service would be used to evaluate land health standards achievement in sage-grouse core habitats and…" We assume that the land health standards referenced here were not developed with the needs of sage grouse in mind, and we are not convinced they will meet vegetative conditions for sage grouse nesting and brood-rearing habitat in particular. We recommend that BLM explicitly state clear and measurable range management goals, objectives, and management actions directly related to sagegrouse and their habitat requirements for vegetation height and density in the final draft EIS (see Connelly et al. 2011). We recommend that management actions and terms and conditions of grazing permits conform to guidance and recommendations provided in the scientific literature, and following or modified from Cagney et al. (2010) for meeting nesting and brood-rearing vegetative characteristics for sage-grouse (Connelly et al. 2011).

Comment ID: 2250
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: In regard to grazing, we are supportive of livestock management on public lands but we are concerned that the grazing practices described in this draft EIS and the preferred alternative fall short of meeting vegetative requirements for sage-grouse, particularly nesting and brood-rearing. The preferred alternative appears to be "business as usual" (i.e., refers back to the no action alternative), and we do not believe this meets the purpose and need of the EIS to protect sage-grouse. Furthermore, each RMP has different actions and standards for livestock grazing permit monitoring. This makes no sense and these inconsistencies are not acceptable – some require monitoring according to the Wyoming Standards for Healthy Rangelands, others state "Grazing leases would be adjusted when an evaluation of monitoring, field observations, or other data indicate changes,…" None explicitly state that standards to meet sage-grouse nesting and brood-rearing habitat WILL be met, only to "reference" Cagney et al. 2010 for guidance. We recommend explicit statements of expectations and measures and consistency across all RMPs to be revised under this EIS. We also believe that nearly all grazing allotments within sage-grouse habitat need to incorporate adequate rest or lower livestock stocking rates that enable the native sagebrush community to maintain its health and vigor and to provide adequate cover for sage-grouse (see Cagney et al. 2010 and Connelly et al. 2011).

Comment ID: 3065
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-138, action 129, alt E: Requires no occupancy or disturbance within 0.6 mile of lek perimeters in core or connectivity (core area policy). Suggest including language "unless otherwise precluded due to existing rights and/or project- level authorizations."

Comment ID: 3069
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, pages 2-146, 2-152, 2-156, actions 131, 132 and 133 in alt E: Since times may be expanded, it is suggested that time could also be contracted. Please revise to read: "Where credible data

support different timeframes for this seasonal restriction, dates could be expanded or contracted by up to 14 days prior to or subsequent to the above dates."

Comment ID: 2216
Organization: Thunder Basin Grasslands Prairie Ecosystem Association
Name: Frank G., Jr. Eathorne

Comment: While it is appropriate that this DEIS deal solely with sage-grouse, it is important to note that a variety of sagebrush obligates and other species of concern inhabit the same landscape. In the Wildlife and Fisheries section of the executive summary (page x), a passing reference is made to comments received concerning potential conflicts between prairie dogs and greater sage-grouse management. However, Appendix M provides very little information on this situation. Since a portion of prairie dog MA 3.63 overlaps the Thunder Basin sage-grouse core area, it is unclear how competing management prescriptions will be blended in order to provide adequate habitat for both species. Managing for sage-grouse in conjunction with prairie dog and other shortgrass species is certainly complex. The Association acknowledges the necessity of conserving both ecotypes, sagebrush and shortgrass prairie, and managing for both ecotypes, in order to achieve the conservation of the suites of species associated with each habitat type. However, the Association suggests that the final alternative includes guidance for multi-species management including preserving, where possible, the habitat that takes the longest to establish or restore--in this case, sagebrush.

Comment ID: 2247
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Also, in Table 2-5 and other areas discussing wind energy: We found it interesting that restrictions on wind energy were extensive and yet restrictions on oil and gas and other sources of energy development rather lenient (e.g., acres closed to development). We have no issue with excluding wind energy development in priority habitat, but the discrepancy between traditional and renewable energy development is glaring and we believe, per comments above, that other sources of energy development must have greater restrictions to reduce threats to sage-grouse and thus meet the purpose and need of this EIS.

Comment ID: 3072
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: table 2-1, page 2-157, action 133, alt E: Areas outside core should not have extended stipulation seasons if there is no warranted need for such action.

Comment ID: 2923
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Management Objectives Common to All Action. Alternatives (p. 2-12) The list includes the following two items: 6. Develop specific objectives to conserve, enhance or restore sage-grouse priority habitat based on Ecological Site Descriptions (ESD) (Forest Service may use other methods) and BLM land health evaluations (including within wetland and riparian areas) taking into account site history (historic treatments or habitat manipulations) that have changed the soil chemistry possibly altering the ESD. If an effective grazing system that meets sage-grouse habitat requirements is not already in place, analyze at least one alternative that conserves, restores, or enhances sage-grouse habitat in the NEPA document prepared

for grazing management (Doherty et al. 20l1b, Williams et al. 2011). 10. Incorporate management practices that will provide for maintenance and/or enhancement of sage-grouse habitats, including specific attention to maintenance of desired understories of sagebrush plant communities. When developing objectives for residual cover and species diversity, identify the ecological site types within the planning area and refer to the appropriate ESDs (Forest Service may use other methods). Ecological Site Descriptions are not approved and/or published by the NRCS for all areas of the planning area; therefore, neither one of these "management objectives" are entirely achievable. Regarding the full list of "management objectives," each of these objectives is somehow related to reclamation planning, however, reclamation planning is not recognized as a major management objective. Reclamation planning and the restoration of the landscape and vegetation back to its original form can drive sage-grouse habitat conservation and should be recognized as a major planning objective and regulatory mechanism.

Comment ID: 3075
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Page 2-163, action 134, alt E: Requires seasonal protection of winter concentration areas both inside and outside core areas (outside core if core--nesting birds winter in the outside concentration area. It is unclear whether it is lek attending or core area nesting birds that drives the requirement for areas outside core; this needs clarification. Additionally how will this be determined? (Only through technically and economically impracticable collared bird studies).

Summary: Very specific wording changes and edits of management alternatives for accuracy or preference of commenter. More general comments and questions about language; asking for clarification in meaning; general preferences/opinions in management; requests for management consistency with the Wyoming EO, COT report, or NTT; suggestions for corrections to create consistency between management actions in Chapter 2 and Appendix E or Appendix K.

Response: General response - The 67% was used by the Wyoming Game and Fish Department to develop the Wyoming state core area strategy. Comment 305 - Timing limitations/restrictions will be placed on all permitted activities. This provides adequate protections to sage-grouse and their habitats. Comments 1628 -1629 - BLM and the Forest Service considered range of timing restrictions on sagegrouse winter concentration areas. With these restrictions, as well as the restrictions on development in core habitat, adequate protections are given to important sage-grouse habitat. Comment 1841 - Protections provided in this document are consistent with the Governor's Executive Order and Core Strategy. These protections are adequate to protect sage-grouse and their habitat. Comment 1991 - Most proper grazing activities are considered de minimis , and would not be subject to timing restrictions. However, some specific activities may be considered disruptive. This would be determined at the implementation or project specific level, and would be identified during the permit renewal process. See the additional guidance provided regarding incorporation of Greater Sage-Grouse decisions into grazing authorizations. Comment 3195 - This would have to be determined/identified on a project/implementation level basis. Comment 2965 - The 4 mile buffer in connectivity habitat takes into account that connectivity areas need added levels of protection over general habitat, but do not rise to the level of core habitat protections. Comment 1021 - Revisions have been made, updating BLM WY2010-12 to WY2012-019. Comment 1042 - Comment is in reference to Alternative A. Alternative A is existing management, no changes will be made to the wording in Alternative A. Comment 1049 - BLM and the Forest Service coordinate with other federal, state and local agencies as part of the NEPA process. No change needed. Comment 1050 - Comment is in reference to Alternative A. Alternative A is existing management, no changes will be made to the wording in Alternative A. Comment 1051 - Pursuing conservation easements should remain a viable avenue to pursue if necessary. No change to the document needed. Comment 1562 - BLM and the Forest Service manage habitat for sage-grouse, WGFD manages the bird. Current language is appropriate, no change needed. Comments 1637 – 1642,

1651 – 1660, 1662, 1665, 1667, 1668, 1672, 1674-1676, 1678, 1683-1685, 1687, 1705, 1709, 1710, 1712, 1713 -Management actions in the Preferred Alternative provide adequate protections for sage-grouse and sage-grouse habitat. No change needed. Comments 1717, 1866 - Although the Wyoming Governor's Executive Order does provide protections to sage-grouse, There are portions of the plan that may not meet each agency's legal or policy-related obligations, which is why there are occasional deviations from that strategy. Comment 2022 - Management actions in the Preferred Alternative provide adequate protections for sage-grouse and sage-grouse habitat. No change needed. Comment 2025 - Exceptions are granted on stipulations to a permitted activity, any activities in core are permitted after DDCT has been calculated, so there is no need to go through the DDCT process again for the granting of an exception. Comments 2027, 1643 - Management actions in the Preferred Alternative provide adequate protections for sage-grouse and sage-grouse habitat. No change needed. Comment 1943 - The LUP Amendments/EIS contains only planning actions and does not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM would conduct subsequent NEPA analyses that include sitespecific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions would be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. Comment 1944- Management actions in the Preferred Alternative provide adequate protections for sage-grouse and sage-grouse habitat. No change needed. Comment 1985 - The LUP Amendments/EIS contains only planning actions and does not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM would conduct subsequent NEPA analyses that include sitespecific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions would be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. Comment 1988 - The wording in action 53 says that modifications to improvements will be “evaluated and modified when necessary.” Modifications would be only “mandatory” when it is determined to be necessary to protect sage-grouse and/or sage-grouse habitat. Comments 346, 347, 383 - Travel Management route designations are done as implementation level actions. No change identified. Comment 1945 - The language in Alternative A for this action is specific to Alternative A, and is not carried over into Alternative E. Comment 2144 - Non-substantive - no indication of what portions of document are being talked about. Comment 422 - Alternative B is based on the NTT report, and is part of the range of alternatives for this document. Comment 1425 - Alternatives B and C are based on the NTT and Citizens proposal, respectively, and are part of the range of alternatives necessary for this document. Comment 1987 - The BLM complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for the Draft LUP Amendments/ Draft EIS, including seeking public input and analyzing reasonable alternatives. The alternatives include management options for the planning area that would modify or amend decisions made in the BLM field office RMPs, as amended, to meet the planning criteria, to address issues and comments from cooperating agencies and the public, or to provide a reasonable range of alternatives. Since this is a plan amendment to address Greater Sage-Grouse conservation, many decisions from the BLM field office RMPs are acceptable and reasonable. In these instances, there was no need to develop alternative management prescriptions. Based on this alternative development process, the BLM considered input from cooperating agencies and associated land use plans, environmental organizations, and the public. The resulting action alternatives offer a range of possible management approaches for responding to planning issues and concerns identified through public scoping, and to maintain or increase Greater Sage-Grouse abundance and distribution in the planning area. Comment 3123 - The sentence goes on to explain how the smaller buffer is insufficient. Comments 2926, 3048, 2806 - The BLM complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for the Draft LUP Amendments/Draft EIS, including seeking public input and analyzing reasonable alternatives.

The alternatives include management options for the planning area that would modify or amend decisions made in the field office RMPs, as amended, to meet the planning criteria, to address issues and comments from cooperating agencies and the public, or to provide a reasonable range of alternatives. Since this is a plan amendment to address Greater Sage-Grouse conservation, many decisions from the BLM field office RMPs are acceptable and reasonable. In these instances, there was no need to develop alternative management prescriptions. Based on this alternative development process, the BLM considered input from cooperating agencies and associated land use plans, environmental organizations, and the public. The resulting action alternatives offer a range of possible management approaches for responding to planning issues and concerns identified through public scoping, and to maintain or increase Greater Sage-Grouse abundance and distribution in the planning area. Comment 1289, 1302, 1856-1858, 2415 - The Draft LUP Amendments/Draft EIS provides an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. As required by 40 CFR 1502.16, the Draft LUP Amendments/Draft EIS provide a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Draft LUP Amendments/Draft EIS provided sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). The Draft LUP Amendments/Draft EIS contain only planning actions and do not include any implementation actions. Effects on Greater Sage-Grouse population levels are not required to be quantified as part of the impact analysis. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions. Comment 1541, 1870, 1887, 2073, 2324, 2746 -Although the Wyoming Governor's Executive Order does provide protections to sage-grouse, there are portions of the plan that may not meet each agency's legal or policy-related obligations, which is why there are occasional deviations from that strategy. Comment 2325, 2418 - Alternative A is existing management; some field offices currently have differing noise management. The Preferred Alternative will set a management action that will be common to all field offices, which will eliminate any "inconsistencies" identified in the comment. Comment 433 - See "Restriction/Restricted Use" and "Stipulation" in the Glossary. Comment 676 - See "Ecological Site" in the Glossary. Comment 1865 - The way this section is worded would not lead to placing core restrictions in noncore areas; it is simply saying that they will work with proponents to place projects in the least sensitive area while still meeting the project's purpose and need. Comment 2036 - The language is appropriate as written, and would allow for meeting annually or more frequently if necessary. Comment 2037 - The Draft LUP Amendments/Draft EIS contain only planning actions and does not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM would conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions would be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. Comment 2038 - Local working groups include members of federal, state and local agencies, as well as other stakeholders, that would be included in coordination

efforts. Comment 2039 - The USFWS has reviewed this document, and agrees with the action in question. Comment 2923 - Reclamation is a major component of this process, and a reclamation plan is part of the document. Comment 1018- The BLM complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for the Draft LUP Amendments/Draft EIS, including seeking public input and analyzing reasonable alternatives. The alternatives include management options for the planning area that would modify or amend decisions made in the BLM field office RMPs, as amended, to meet the planning criteria, to address issues and comments from cooperating agencies and the public, or to provide a reasonable range of alternatives. Since this is a plan amendment to address Greater Sage-Grouse conservation, many decisions from the BLM field office RMPs are acceptable and reasonable. In these instances, there was no need to develop alternative management prescriptions. Based on this alternative development process, the BLM considered input from cooperating agencies and associated land use plans, environmental organizations, and the public. The resulting action alternatives offer a range of possible management approaches for responding to planning issues and concerns identified through public scoping, and to maintain or increase Greater Sage-Grouse abundance and distribution in the planning area. Comment 1454 -The management actions in the Preferred Alternative provide adequate protections for sage-grouse and sage-grouse habitat. This includes the 5 % disturbance caps in the Governor's Executive Order. Comment 3047 –The language is appropriate as written. Comment 2748 -The management actions in the Preferred Alternative provide adequate protections for sage-grouse and sage-grouse habitat. Comment 2749 -The document adequately identifies and discusses the other species that occupy similar habitats to the sage-grouse. Comment 2216 -The management actions in the Preferred Alternative provide adequate protections for sage-grouse and sage-grouse habitat. Comment 2177 - The Draft LUP Amendments/Draft EIS provide an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. As required by 40 CFR 1502.16, the Draft LUP Amendments/Draft EIS provide a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Draft LUP Amendments/Draft EIS provided sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). The Draft LUP Amendments/Draft EIS contain only planning actions and do not include any implementation actions. Effects on Greater Sage-Grouse population levels are not required to be quantified as part of the impact analysis. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions. Comment 3030 -How seasonal restrictions are applied, and who they are applied to, is described adequately in the document. Comment 2531 - Changes have been made to address this comment.

Sage-grouse

Range of alternatives

Comments on Chapter 2 (not management alternatives)

Comment ID: 1346

Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Moving to the table of comparison of alternatives, we see that the proposed action is to "utilize the Wyoming's sage grouse implementation team and local working group plans or other state or cooperatively developed plans, analyses or other sources of information to guide development of conservation objectives" but the document completely fails to provide any information as to what these plans are, what they actually require and if they implement current science or how effective they are at recovering the species. Actions 7 only requires that "measurable, conservation and mitigation objectives" are included in "planning" but not the final decision.

Comment ID: 1861
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: We question why the preferred alternative incorporates guidance from BLM IM WY-2010-012. That IM was replaced by BLM IM WY-2012-019, the Wyoming BLM's current sage-grouse management policy, dated February 10, 2012 which specifically states, "This IM replaces IM No. WY-2010-012".

Comment ID: 1345
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: In section 6, we see that "if an effective grazing system that meets sage grouse habitat requirements is not already in place, analyze at least one alternative that conserves, restores or enhances sage grouse habitat in the NEPA document prepared for grazing management" but no information is provided whatsoever regarding exactly what sage grouse habitat requirements are and what grazing systems meet these requirements. In addition it requires no action whatsoever other than more analysis. This is not an adequate regulatory mechanism.

Comment ID: 1940
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2.8, Mitigation – We request that the Final document specifically include language stating that livestock permittees MUST be included in any efforts to mitigate resource issues that affect their family ranches.

Comment ID: 1343
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The overarching goals and objectives of the proposed action provided on page 2-11 is merely to "maintain" sage grouse abundance and distribution not provide for recovery.

Comment ID: 1938
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2-5, 2.3.1 Monitoring – The WSGB has reviewed a number of BLM LUP's in Wyoming and we do not recall observing " intervals and standards " for monitoring in any of these LUP's. Please

provide in your response to this comment, the specific pages that show the "intervals and standards" for monitoring for rangeland related multiple uses such as wildlife, "wild" horses, and livestock in the Rawlins, Rock Springs, Kemmerer, and Pinedale BLM Land Use Plans. In addition, please provide the location in this Draft document that lists the "intervals and standards" for monitoring of sage grouse parameters to be monitored in these BLM Field offices. At the bottom of this paragraph, the narrative conveys that, " One of the PECE criteria evaluates whether provisions for monitoring and reporting progress on implementation (based on compliance with the implementation schedule) and effectiveness is based on evaluation of quantifiable parameters of the conservation efforts are provided." Our comments on this sentence are, we don't think this sentence is structured as a complete sentence, and where in this Draft is this information "provided" as stated in this "sentence" ? We can't find it.

Comment ID: 2076
Organization: Wyoming Wool Growers Association
Name: Amy W. Hendrickson

Comment: We found the language throughout the document to be confusing, and its presentation fragmented. It is difficult to determine if it inadequately reflects or incorporates current and existing management practices. Part of this may be due to the fact that many of the document's components are used in proposals for other states and not just for the state of Wyoming. The lack of clear definitions or descriptions of several important terms is an example. It is stated in Chapter Two that the terms "core habitat" and 'priority habitat' are considered to have the same meaning and are interchangeable throughout the document. There is no other definition included for these terms. We argue that they do not have the same meaning and therefore need to be defined. Furthermore, the term "core area" is not defined, though the various ways in which states currently use the term is included. We recommend that the established and well accepted definitions that have been used by Wyoming in its Sage Grouse Management plan (as defined in the EOs) be incorporated into BLM and USFS plan for Wyoming.

Comment ID: 1862
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: It is unclear how the information provided in Table 2-1 compares to information provided in Table 2- 5. There are inconsistencies in the stipulations presented in each table. As such it is difficult to understand the stipulations that apply to oil and gas-related activities in preferred Alternative E. This inconsistency within Chapter 2 confounds the interpretations of the RDFs and oil and gas stipulations presented in Appendices B and E, respectively. Moreover, it makes it difficult to cross-reference the proposed stipulations with the requirements set forth in the EO, which have been adopted and endorsed by USFWS and the Wyoming BLM. BLM needs to cross-compare information presented in Table 2-1 with information presented in Table 2-5 to ensure there is uniformity in the proposed management actions presented in Chapter 2. Once a set of proposed management actions are presented in Chapter 2, we urge BLM/FS to compare those with the EO and explain the scientific basis for any proposed management actions in the preferred Alternative that are different from those contained in the EO. We also suggest that BLM eliminate any measures that conflict with the EO to maintain consistency. In addition, neither provision is consistent with the EO with regard to the TLS timeframes (starting March 1 versus March 14). BLM has not provided any scientific basis to justify seasonal restrictions that vary from the EO. As such, we request BLM resolve this discrepancy and rely solely on the guidance set forth in the EO.

Comment ID: 1303
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS requires only that agencies consider GRSG habitat objectives in core areas. This is vague, arbitrary, and ill-conceived. core habitats are important for the species' recovery and expansion and the agencies should be making a commitment to all habitats for the species.

Comment ID: 1020
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-10 Text: In the Western Watersheds Project v. U.S. Department of Interior, the Court remanded the Pinedale RMP decision to the BLM, without vacating the RMP, to allow the BLM to remedy the FLPMA and NEPA defects identified by the Court with respect to the Pinedale RMP and EIS. These remedies can be found in Alternative B. Comment: The importance of this decision is not merely the remedies prescribed, but the level of analysis BLM must meet in each alternative. This statement should be amended to state that each alternative include equal and rigorous analysis, not just Alternative B. We incorporate our discussion from our cover letter by reference here.

Comment ID: 496
Organization: Environmental Protection Agency, Region 8
Name: Philip Strobel

Comment: All of the action alternatives in the LUPA/EIS increase protections or improve GRSG habitat; however, it is not clear from the document if all of the action alternatives are likely to be successful in stabilizing or increasing GRSG populations. We recommend that the final LUPA/EIS add a section to compare the anticipated outcomes of each alternative in protecting GRSG populations in the long term. We understand that it would not be possible to make definitive predictions regarding long term population trends of GRSG in Wyoming. However, a qualitative comparison would add an important component to the decision-making process and improve the public's ability to understand the expected outcomes of the alternatives.

Comment ID: 993
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: The Draft LUP Amendment uses outdated and incomplete references. The Draft LUP Amendment indicates that Alternative E "incorporates guidance from BLM IM WY-2010-012, the Wyoming Governor's Executive Order (WY EO-2011-0S) and additional management based on the NTT recommendations." (p. 2-11). BLM Instruction Memorandum (IM) WY -20 I 0-012 was replaced by BLM IM WY-2012-019, Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands Including the Federal Mineral Estate.

Comment ID: 3068
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The DEIS establishes a population objective of at least 67% of the 2005-09 sage-grouse core area population in the state of Wyoming. DEIS at 2-17. The DEIS appears to have adopted this key metric from the State of Wyoming's wildlife population objectives, and does not appear to have independently considered the adequacy of the goal. Also lacking is a hard look at whether circumstances might arise where the overall population goal could be achieved at the same time adverse trends threaten overall conservation objectives (such as localized extirpation of key populations, or impacts to key habitat that isolates populations or otherwise threatens health and persistence).

Comment ID: 2922
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Alternative E (p. 2-11) The document says, "Under this alternative, a surface disturbance cap of 5% per 640 acres is considered within sage-grouse core habitat. Alternative E uses the terms "Greater Sage-Grouse core habitat" or "core areas" as well as "priority habitat" if the management action is the same as Alternatives B or C." BLM must clarify in the text and descriptions the differences between occupied sage-grouse habitat, greater sage-grouse core habitat, core areas, and priority habitat. The terms are poorly defined in the text as well as the glossary. Also, a justification based upon best available scientific data and information for the disturbance cap - whether it be 3%, 5% or 9% - should be stated.

Comment ID: 2921
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Alternatives B and C (p. 2-10) Alternative B and C discuss "occupied Greater Sage-Grouse habitat." We are unable to find a definition of "occupied Greater Sage-Grouse habitat" and how this may differ from priority habitat and Wyoming EO 2011-5 "core population areas." Also, it appears that this section uses the terms occupied habitat and priority habitat interchangeably, which, scientifically, they are not. The BLM should define "occupied Greater Sage-Grouse habitat" and care should be taken to use terms appropriately and according to their proper meanings throughout the document.

Comment ID: 2924
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Management Goals and Objectives (P. 2-11 and 2-14) This section needs to discern the difference between all habitat types or be consistent on which habitat definition to use throughout the alternatives and the document, preferably Wyoming EO 2011-5 "core population areas."

Comment ID: 3086
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-2, page 2-168: Re-evaluation of the new and large protected areas is needed: prohibited from surface disturbance (from 68,000 to 304,970 ac); NSO (from 40,980 to 689,300 ac); CSU (from about million to > 6 million ac); and ROW avoidance areas (from about 2.5 million to about 6 million acres). This seems excessive and if goes beyond core area policy, is unnecessary.

Comment ID: 2460
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page2-187 Table 2-5 Threats to Greater Sage-Grouse and Associated Management Actions - Climate Change - The section although short only entertains "drought" as the effect of cl imate change, whereas there appear to be several sources of scientific literature that indicates other impacts or benefits resulting from climate change depending on what is causing the climate to change. Maybe the section should not just focus on "drought".

Comment ID: 2919

Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Mitigation (P. 2-9) The documents says, "A structure for determining appropriate mitigation, including impact (debit) and benefit (credit) calculation methods, mitigation ratios, mitigation "currency" (i.e., numbers of birds, acres, etc.), location, and performance standards options by considering local and regional, mitigation options." However, the Draft LUPAIEIS is limited in scope to sage-grouse habitat and its use as mitigation "currency," therefore this statement must be edited to limit the discussion to acres and not include "numbers of birds." See previous comments on purpose and need and decision to be made.

Comment ID: 2458
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-182 Table 2-5 Threats to Greater Sage-Grouse and Associated Management Actions - Agriculture/Urbanization: Areas closed to livestock grazing - we disagree with using the terminology "prohibited" or "closed" without an explanation of prior existing rights and allotment management plans.

Comment ID: 2212
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Table K-3: Forest Service Translation of Management Actions into Standards. Guidelines. Objectives. And Required Design Features for Alternative E. Management Alternative# 36: "The BLM/Forest Service would retain public ownership of sage-grouse core habitat. Exceptions would be considered where there is mixed ownership and land exchanges would allow for additional or more contiguous federal ownership patterns within sage-grouse core habitat areas. For sage-grouse core habitat areas with minority federal ownership, an additional, effective mitigation agreement would be included for any disposal of federal land. As a final preservation measure, consideration should be given to pursuing permanent conservation easement. " USFS language states "Retain public ownership of core Greater Sage-Grouse habitat. Only allow Federal land sale or exchange when there is mixed ownership and land exchanges would allow for additional or more contiguous Federal ownership patterns within the Greater Sage-Grouse habitat area. In these cases, require a mitigation agreement and a permanent conservation easement on the federal parcel that is sold or exchanged. Utilize sagegrouse habitat requirements to prioritize parcels for exchange or acquisition. " Management of BLM and USFS sage-grouse core areas should be similar between the two agencies and should generally follow the spirit of the WYEO. Both Agencies suggest that an effective mitigation agreement be in place prior to disposal of federal lands. USFS management actions however require the implementation of a conservation easement in addition to the mitigation agreement. BLM allows the conservation easement to be optional. BLM's approach of evaluating the use of a conservation easement is a much more sensible approach as habitat conditions will vary between various land parcels and a conservation easement may not be suitable in many cases. Consistent management objectives will provide for more efficient implementation of the strategies. TBCC also recommends that the USFS language be clarified so that it clearly reflects that the mitigation agreements and conservation easements are only to be applied to core sage grouse habitat.

Comment ID: 2457
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Pages 2-180 thru 183: Table 2-5 Threats to Greater Sage-Grouse and Associated Management Actions - Agriculture/Urbanization - Areas prioritized for vegetation treatments Is Alternative A TBNG

LRMP carried over to Alternative E or just to Alternative D? Also Alternative Band C Statement "Across ALL Action alternatives" (emphasis added) what does it mean?

Comment ID: 2167
Organization: The Nature Conservancy
Name: Graham McGaffin

Comment: The Conservancy recommends BLM and USFS seek to avoid, to the greatest extent possible, impacts to high value ecological resources, fragmentation of intact habitats, and conflicts with other uses, designations and legal mandates, while facilitating permitted and allowable land uses including energy and mineral development and grazing. Where impacts to greater sage-grouse habitat are unavoidable, the Conservancy strongly recommends that BLM and USFS implement compensatory mitigation programs and, as a result, supports the inclusion of the Mitigation language in the DEIS that applies to Alternatives B-E (Section 2.3.3). The Conservancy believes compensatory mitigation programs are a critical part of successful sage-grouse conservation planning and support BLM and USFS implementing the elements of a compensatory mitigation program outlined in BLM's interim Regional Mitigation Manual Section (MS) 1794. Additionally, the Conservancy supports use of disturbance caps in core areas, consistent with the Wyoming Governor's Executive Order (WY EO 2011-5, supplemented by EO 2013-3). We also note that implementation of compensatory mitigation programs could allow, and serve as an incentive for, resource developers to restore or reclaim habitat in areas that are presently over a disturbance cap so that such areas come under the cap and might therefore be developable at some future time. Of greatest importance in a regional mitigation strategy: - Confirmation that BLM and USFS have the authority to require meaningful compensatory mitigation as a condition for a land use authorization or permit; - Emphasis that regional mitigation planning and implementation should be a routine and standard aspect of BLM and USFS planning and permitting processes; - Recognition that a regional or landscape-scale mitigation approach will help BLM and USFS maximize the management of conservation values while providing transparency and surety to both developers and other users of our public lands; - Emphasis that BLM and USFS can condition project approval on incorporating required mitigation measures; - Authority to deny applications if appropriate mitigation is not achievable through avoidance, minimization or reasonable compensation; - Encouragement of pre-application meetings between the developer and BLM or USFS; - Authority to allow compensatory mitigation strategies to be implemented post project approval but pre-construction; - Requirement of adequate bonding to ensure compensatory mitigation compliance; and - Calls for compensatory mitigation to be durable over the life of the impact. A key concern the Conservancy has with MS 1794 is the heavy focus on compensatory mitigation (offsets), without emphasizing the importance of avoidance and minimization before compensatory mitigation. Avoidance is the most effective mitigation strategy, and it is critical that the policy guidance state that compensatory mitigation measures must be considered in conjunction with upfront avoidance strategies. The Conservancy recommends BLM's and USFS's adoption of the mitigation hierarchy, and therefore prioritization of avoidance, minimization and onsite mitigation in advance of offset mitigation, as identified above. Additionally, the Conservancy recommends BLM and USFS incorporate guidance in the Final EIS that mandates research on sage-grouse population viability, at the project level, to fully understand the type and extent of onsite mitigation needed.

Comment ID: 2535
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: APLIC is concerned that the mitigation strategy in the Draft EIS is inadequate. The Draft EIS should provide examples of mitigation project types; criteria for determining appropriate mitigation sites and priorities; expected benefits of each mitigation type; expected target mitigation ratios for various projects types; methods to quantify mitigation; and monitoring and success criteria. While most project proponents and agency staff can agree on the definition of direct impacts and how to quantify them, there

is little information on indirect or unknown effects. Agencies commonly mention increased human use, increased predation, fear of tall structures, noise, and other factors as indirect effects, but there is very little in the literature to support these suppositions. The Draft EIS should identify and discuss indirect effects and provide a proposed method to quantify these or directly acknowledge the lack of information related to this potential effect. The BLM should consider including a more detailed mitigation strategy in the Final EIS.

Comment ID: 2925
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Management Objectives for Alternatives D and E (p. 2-14) This page says, "2. Protect core/priority, general, and connectivity habitats from anthropogenic disturbance that will reduce distribution or abundance of Greater Sage-Grouse." This is an overly broad-sweeping management objective and is inconsistent with BLM's purpose and need. The BLM's purpose and need is not to "protect" sage-grouse habitats, but to identify and incorporate appropriate sage-grouse conservation measures in its LUPs in the context of BLM' s multiple-use mandate under FLPMA. (see p.I-3) In addition, BLM and the Forest Service only have management authority over federal lands and minerals; therefore, protecting core/priority, general and connectivity habitats on non-federal lands (as implied by this management objective) is outside the agencies' jurisdiction and an interference with private property rights. The BLM must rewrite this management objective consistent with its purpose and need and management authority.

Comment ID: 2201
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Chapter 2, Alternatives, 2.3.1 Monitoring "To monitor habitats, the BLM and Forest Service will measure and track attributes of occupied habitat, priority habitat, and general habitat at the broad scale, and attributes of habitat availability, patch size, connectivity, linkage areas, edge effect, and anthropogenic disturbances at the mid-scale. Disturbance monitoring will measure and track changes in the amount of sagebrush in the landscape and changes in the anthropogenic footprint including the change in the density of energy development." BLM and USFS should rely on the already existing WGFD database and local sources that are very comprehensive of these attributes. BLM and USFS could potentially assign inappropriate mitigation or adaptive management in areas that have not been adequately assessed.

Summary: Very specific wording changes for the management goals and objectives; summaries of alternatives, Tables 2-2 and 2-5; and Section 2.3.1 Monitoring. More general comments and questions about language: comments about the use of core habitat and priority habitat, and confusion of other terms, definitions, and timeframes; making sure that alternatives match the management in Appendix K; comments on the Chapter 2 mitigation and adaptive management language; ensuring that the correct version of the BLM IM is listed; how management should be written to meet the purpose and need; and suggestions to improve readability, understanding, and organization of the chapter.

Response: Comment 496 - The Proposed LUP Amendments provide an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. As required by 40 CFR 1502.16, the Proposed LUP Amendments provide a discussion of the environmental impacts of the alternatives including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Proposed LUP Amendments provide sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the

public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). The Proposed LUP Amendments contain only planning actions and does not include any implementation actions. Effects on sage-grouse population levels are not required to be quantified as part of the impact analysis. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions. Comment 1939 - See Appendix D for information regarding rangeland monitoring intervals and standards. Comment 1940 - Management action 2 states: "Field Offices and Ranger Districts will work with project proponents, partners, and stakeholders to avoid or minimize impacts and/or implement direct mitigation (e.g., relocating disturbance, timing restrictions, etc.), and utilize BMPs and off-site compensatory mitigation where appropriate." Comment 2076 - See updated definitions of core and priority in the glossary. Comment 2167 - The BLM complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for the Proposed LUP Amendments, including seeking public input and analyzing reasonable alternatives. The alternatives include management options for the planning area that would modify or amend decisions made in the BLM field office RMPs, as amended, to meet the planning criteria, to address issues and comments from cooperating agencies and the public, or to provide a reasonable range of alternatives. Since this is a plan amendment to address Greater Sage-Grouse conservation, many decisions from the BLM field office RMPs are acceptable and reasonable. In these instances, there was no need to develop alternative management prescriptions. Based on this alternative development process, the BLM considered input from cooperating agencies and associated land use plans, environmental organizations, and the public. The resulting action alternatives offer a range of possible management approaches for responding to planning issues and concerns identified through public scoping, and to maintain or increase Greater Sage-Grouse abundance and distribution in the planning area. Comment 2201 - BLM and the Forest Service will use any relevant and appropriate data. Comment 2212 - Although the Wyoming Governor’s Executive Order does provide protections to sage-grouse, There are portions of the plan that may not meet each agency’s legal or policy related obligations, which is why there are occasional additions to that strategy.

Sage-grouse

Range of alternatives

Conservation measures in the plan must be mandatory (no waivers, exceptions, modifications)

Comment ID: 1498
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: In addition, conservation actions adopted in this Plan Amendment need to be mandatory, not optional. The Wyoming BLM has considerable track record of granting exceptions and waivers to sage grouse conservation measures over the past decade. Therefore, avoidance and exceptions are inappropriate to achieve adequate regulatory mechanisms for recovering and conserving the greater sage grouse.

Comment ID: 292
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Because the State of Wyoming has been reluctant to actually enforce Core Area policy measures when industrial developments run afoul of Core Area protections, BLM for its part must include in its RMP amendment a guarantee that measures prescribed in the Plan are not subject to waivers or exceptions. At the outset of the State's consensus-based Core Area mapping process, the original boundaries of Core Areas were drawn to exclude sage-grouse habitats that land users were interested in developing, particularly in the Powder River Basin, Atlantic Rim area, and upper Green River Valley. As a result, thousands of acres of undeveloped habitat were denied protection despite their vibrant sage-grouse populations and relatively undeveloped condition. Under the RMP Amendment process, the BLM should correct politically-driven changes to Core Area boundaries (such as those granted for the DKRW coal-to-liquids project, Atlantic Rim coalbed methane project, Whirlwind LLC White Mountain wind farm, and Chokecherry-Sierra Madre wind farm, see Attachment 91) that exclude lands within 5.3 miles of leks that represent the smallest area 75% of the Wyoming sage grouse population.

Comment ID: 295
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In addition to being inadequate, management prescriptions in the Wyoming BLM Core Area strategy are not even mandatory. Waivers, exceptions, or other exemptions from conservation measures would be allowed for every measure published in the RMP amendment under the Preferred Alternative. DEIS at 2-62. This discretionary language calls into question the BLM's commitment to implement the conservation measures outlined in its policy, and undermines the certainty of implementation of any and all measures contained within the Plan Amendment. For this reason alone, Alternative E fails to meet the Purpose and Need for the EIS.

Comment ID: 261
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In split-estate situations where BLM owns the mineral estate, agencies would work with surface owners on a voluntary basis to implement conservation measures. DEIS at 2-79. No requirements for sage grouse conservation would apply on these lands, which represent millions of acres. Instead, strong and mandatory sage grouse protections must be applied on split-estate lands as well.

Comment ID: 1504
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: In addition to being inadequate, management prescriptions in the Wyoming BLM Core Area strategy are not even mandatory. Waivers, exceptions, or other exemptions from conservation measures would be allowed for every measure published in the RMP amendment under the Preferred Alternative. DEIS at 2-62. This discretionary language calls into question the BLM's commitment to implement the conservation measures outlined in its policy, and undermines the certainty of implementation of any and all measures contained within the Plan Amendment. For this reason alone, Alternative E fails to meet the Purpose and Need for the EIS.

Comment ID: 231
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We encourage the federal agencies to set aside a system of reserves, comprised of all Priority Habitats, where only activities scientifically shown to be compatible with maintaining and restoring sage grouse populations to secure population levels are permitted. In most cases, oil and gas leasing in Core Areas has been deferred in Wyoming. The Preferred Alternative opens Core Areas to leasing, reversing the conservation gains that have been made to date. The final Plan Amendment needs to include long-term closure of Core Areas to future leasing, and stringent limits on the development of existing leases as outlined in these comments. In addition, conservation actions adopted in this Plan Amendment need to be mandatory, not optional. The Wyoming BLM has amassed an appalling track record of granting exceptions and waivers to sage grouse conservation measures over the past decade, and the idea that this agency should be trusted to decide whether or not to require sage grouse conservation efforts is not a credible path forward toward sage grouse recovery.

Comment ID: 258
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are concerned that BLM may not fully apply conservation measures identified in the RMP revision, using agency discretion to create loopholes in cases where project proponents find mitigation measures to be onerous. This concern is underscored by repeated references throughout the document to exceptions granted to plan standards either with or without compensatory mitigation. RMP language should be clearly articulated that standards are indeed standards and will be applied rigorously throughout the life of the Plan.

Comment ID: 260
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In the Preferred Alternative for the Wyoming RMP Amendment, provisions for across-the-board exceptions and waivers are built into the proposed conservation measures: Exceptions waivers [sic], and modifications to lease stipulations, COAs, and T&Cs, etc., for sagegrouse would continue to be considered on a case-by-case basis consistent with approved LUPs and other BLM/Forest Service policy and regulations as they relate to exceptions within sage-grouse core and general habitat. DEIS at 2-62. BLM itself concedes, “Exceptions to lease stipulations, Conditions of Approval (COAs) and terms of conditions [sic] (T&Cs) considered on a case-by-case basis could allow oil and gas development to occur in areas or timeframes previously restricted.” DEIS at 4-105, and see 4-260. This provision effectively renders each conservation measure that would be applied under the Preferred Alternative optional on the part of the agency, and completely negates any regulatory certainty that may otherwise have been attained through the adoption of conservation measures. In order to meet the purpose and need for this EIS, the BLM is required to implement the corresponding measures under Alternative C for Action 58. Id. Even Alternative B allows conservation measures in General Habitat to be ignored at the agency’s discretion.

Comment ID: 259
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The Wyoming RMP Amendment will similarly fail to implement regulatory measures and thereby remedy the inadequacy of existing measures identified by USFWS to the extent that it includes discretionary or non-binding standards to protect sage grouse. All conservation measures must therefore explicitly be mandatory.

Comment ID: 255

Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: 68 Fed. Reg. 15115. Importantly, the BLM appears to rely heavily on discretionary measures such as "avoidance" rather than "exclusion" of activities such as linear right-of-way development for pipelines and powerlines, which are known to be detrimental to sage grouse inside Priority Habitat areas, and offers exceptions to protections on a conditional basis. Even under alternatives where RDFs ("Required Design Features") are "mandatory," they would only be applied "where applicable, appropriate, and technically feasible…." DEIS at 4-285. This implies considerable discretionary latitude for BLM to grant exceptions. There is no regulatory certainty in these approaches.

Comment ID: 256
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Under Alternative B, it appears that the application of Conditions of Approval on existing leases will be left to the discretion of the leaseholder (DEIS at 4-272, 4-277), which also provides no certainty and little likelihood of implementation. Indeed, It is unknown, however, what long-term level of protection of habitat would occur, because the outcome is at each leaseholder's discretion. DEIS at 4- 286. This is unacceptable and violates the certainty provisions of the PECE Policy.

Summary: Conservation actions adopted in this Plan Amendment need to be mandatory, not optional. Waivers, exceptions, or other exemptions from conservation measures would be allowed for every measure published in the RMP amendment under the Preferred Alternative. Draft EIS at 2-62. This discretionary language calls into question the BLM's commitment to implement the conservation measures outlined in its policy, and undermines the certainty of implementation of any and all measures contained within the Plan Amendments. For this reason alone, Alternative E fails to meet the Purpose and Need for the EIS.

Response: BLM and Forest Service are committed to providing contiguous, unfragmented habitat for Greater Sage-Grouse to support the survival of the species throughout Wyoming. The issue of allowing waivers, exceptions, and modifications was analyzed in the Draft EIS under a reasonable range of alternatives. Under Alternative B and C, waivers, exceptions, and modifications would not be considered in sage-grouse habitat. Under the other alternatives, waivers, exceptions and modifications would be considered in order to provide flexibility when managing mineral development. Sage-grouse would be a primary consideration when determining and approving acceptable waivers, exceptions, and modifications. The final decision for this action will be included in the Record of Decision after completion of the public involvement process.

Sage-grouse

Range of alternatives

Continue exceptions, TLS, mitigation, BMPs, for flexibility in oil, gas and other development

Comment ID: 652
Organization: Anadarko
Name: David Applegate

Comment: Anadarko strongly encourages the agencies to incorporate into the Final LUPA the flexibility for the development of an Enhanced Mitigation/Expanded Use Authorizations Program. Such a program would allow the agencies to waive discretionary timing limitations on a programmatic basis (meaning several wells at a time for an extended period of time) and might require a change to Action 58 within Table

2-1 within the Draft LUPA (See 2-62). The proposed mitigation program would be developed in coordination with the State of Wyoming, promote the policy objective in the IM-2013- 142, and seek input from stakeholders including industry. Tools that could be utilized in such a program could include: • A biologically-based framework for mitigating impacts associated with a reasonable-access mitigation program that includes exceptions to wildlife timing stipulations. • Allow for the prioritization of potential mitigations sites. IM 2013-142. For example one idea could be to direct mitigation to two-mile buffers within core areas. • Possibly structured within two-mile buffers around sage-grouse leks, and may include mitigation targeted within the two-mile buffers around sage-grouse leks consistent with the work by Doherty et al. (2010). This possible approach would provide tangible benefits to sagebrush steppe species at a regional landscape level. • Possibly targeting restoration of habitat within the two-mile buffer around sage-grouse leks. Within these two-mile lek buffers, existing disturbance and fragmentation profiles could be mapped so that reclamation and enhancement efforts can be focused, monitored, and assessed. Consider case-bycase focused habitat improvements within two-mile lek buffers. This mitigation could be exchanged for timing stipulation exceptions granted by the agencies. • Areas targeted for habitat enhancement could include the two-mile lek buffers both in-and-outside of Wyoming's Sage-Grouse Core Areas. • Possibly cover both federal and non-federal lands in accordance with the draft guidance to evaluate mitigation opportunities on both Federal and non-Federal-managed lands. IM 2013-142.

Comment ID: 650
Organization: Anadarko
Name: David Applegate

Comment: The LUPA Must Maintain Management Flexibility to Continue to Utilize Exceptions for Seasonal and Other Restrictions and to Allow for Development of a Reasonable Access Program Combined with Enhanced Mitigation The LUPA is a high level planning document that must maintain management flexibility to address multi-use of public lands. Anadarko recommends the LUPA incorporate the concept of and programmatic flexibility to develop enhanced sage-grouse mitigation coupled with expanded use authorizations ("Enhanced Mitigation/Expanded Use Authorizations"). Anadarko encourages the agencies to utilize the concepts provided in the recent draft BLM Regional Mitigation Policy in conjunction while ensuring reasonable access for energy development. See DRAFT - REGIONAL MITIGATION MANUAL SECTION – 1794 (IM No. 2013-142).5

Comment ID: 1455
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: While an EIS should not address infeasible alternatives, the essence of an EIS is a robust exploration of the feasible alternative actions and mitigation measures. While the exclusion area approach has been put forth as one of the primary means of achieving sage-grouse conservation, the DEIS should focus more on effective alternative approaches that address design features and mitigation measures. Design features and mitigation are distinct but related concepts. Design features are specific measures or practices that comprise an alternative action, while mitigation encompasses separate strategies that seek to "reduce or eliminate effects of the proposed action or alternatives." Examples of design features include standard operating procedures, stipulations, and best management practices.

Comment ID: 879
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Tri-State requests that the Agencies provide a mechanism to consider local conditions in the habitat areas on a project-specific basis before imposing a one-size-fits-all management restriction, or

provide a mechanism to monitor habitat quality or use in the future. An understanding of the local habitat conditions and the future habitat quality and use will facilitate GrSG grouse conservation, minimize impacts, allow lawful activities to proceed, and meet multiple use objectives for the Agencies.

Comment ID: 1038
Organization: American Colloid Company
Name: Melody Smith

Comment: Not all area with broad scale habitat mapping is suitable and/or critical habitat; exceptions, waivers, and modifications to lease stipulations, COAs, etc. should continue to be considered on a case-bycase basis to avoid unnecessary burden on operations and socioeconomics as supported by Alternatives A and D.

Comment ID: 2339
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA contends that there must be some sort of relief of restrictions tied to the addition of more occupied habitat. The existence of more occupied habitat indicates that there is more, not only suitable habitat but actual use by the birds, which would undermine BLM's underlying assumption that there is a lack of habitat, therefore all occupied habitat must be protected. If more habitat is discovered, then BLM must consider that there may be less of a need to severely restrict, and prohibit activities within sage-grouse habitat, due to an increase in functional habitat.

Comment ID: 2977
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: Any national or regional greater sage-grouse strategy must be responsive to those efforts already undertaken at the local and state level that adequately address the concerns forwarded by an entity serving in an advisory capacity to the Agencies. Ultimately, any broadly applied strategy must first fit within the underlying multiple-use, sustained yield mandates of the Agencies. The WCCA believes, and as demonstrated in Wyoming's EO, that the notions of continued species viability and economic sustainability in the Planning Area are not mutually exclusive. In that vein, there exists the opportunity to embrace programmatic flexibility to couple enhanced management efforts with expanded use authorizations. Acknowledging and further incorporating such flexibility into the Plan will ensure continued viability of not only greater sage-grouse in the Planning Area, but so too the continued sustainable development of the mineral industries upon which our members' economies so heavily rely.

Summary: Not all areas with broad scale habitat mapping are suitable and/or critical habitat; exceptions, waivers, and modifications to lease stipulations, COAs, etc., should continue to be considered on a case-by-case basis to avoid unnecessary burden on operations and socioeconomics.

Response: The issue of allowing waivers, exceptions, and modification was analyzed in the Draft EIS under a reasonable range of alternatives. Under Alternative B and C, waivers, exceptions, and modifications would not be considered in sage-grouse habitat. Under the other alternatives, waivers, exceptions and modifications would be considered in order to provide flexibility when managing mineral development. Sage-grouse would be a primary consideration when determining and approving acceptable waivers, exceptions, and modifications. The final decision for this action will be included in the Record of Decision after completion of the public involvement process.

Sage-grouse

Range of alternatives

Core area policy works; B and C are too restrictive, Wyoming EO is preferred

Comment ID: 1019
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The BLM must uniformly implement the Wyoming Greater Sage-Grouse Draft Land Use Plan Amendment without adopting any portion of related, but distinct, amendments from other states. The Wyoming Greater Sage-Grouse Draft Land Use Plan Amendment is specific to Wyoming populations, regulations, management systems, economies, communities and other issues. Other management plans, such as the Utah Greater Sage-Grouse Plan, do not appropriately deal with these issues.

Comment ID: 2553
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: The basis for Alternative B is the sage-grouse conservation measures in A Report on. National Greater Sage-Grouse Conservation. Measures by the National Technical Team (NTT) released in 2011. The NTT (2011) report does not rely on best available science, contains numerous errors and misstatements of facts, and evidences a bias in favor of preservation of sage-grouse habitat rather than conservation of habitat and responsible multiple use. Neither the Draft LUPA/EIS nor the NTT (2011) report discloses opposing scientific views as to development impacts and threats to sage-grouse. Further, as set forth in our general and detailed comments below, neither the Draft LUPA/EIS nor the NTT (2011) report incorporates best available science. Therefore, BLM has failed to meet its obligations under the NEPA. Because Alternative B does not comply with NEPA and the foundation upon which the alternative was built is not scientifically sound, BLM should not carry forward Alternative B to the Final LUPA/EIS.

Comment ID: 1191
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA also believes that the use of the NTT Report's conservation measures is inappropriate because this report is outdated and should be discarded and replaced by more recent studies, discussed in detail below. Moreover, the IM requiring consideration of the NTT Report in DLUPAs has expired. AEMA believes Alternative B, which was developed to rely heavily on the recommendations contained in the NTT Report, and Alternatives C, D, and E-the revised NTT alternatives are inappropriate. The NTT Report and the principles underlying the NTT Report create policies that assume that sage-grouse conservation is the highest and best use of the land, while subordinating other interests, like locatable and leasable mineral exploration and development, without adequate analysis of the economic impacts these policies will have on the area as well as the mining industry as a whole.

Comment ID: 899
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Tri-State would like the opportunity to work collaboratively with the BLM, USFS, and the USFWS to identify sage-grouse conservation measures that will encourage the long-term conservation of the GrSG, as well as maintain a safe and reliable source of power for customers living throughout their

range. Tri-State supports the selection of Alternative E because it acknowledges existing rights, provides for adaptive management of GrSG as more information becomes available, encourages utilities and other industry to work closely with the Agencies on new projects to select sites and corridors that will minimize impacts, and meet the Agencies multiple use mandates.

Comment ID: 884
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Further research is also required to determine the effective temporal and spatial buffers that will effectively mitigate direct and indirect impacts to greater sage-grouse populations. Based on grouse science conducted in Wyoming and Colorado, an applicable buffer for sage-grouse leks may vary, based on lek size, topography, habitat, and type of tall structure. Also, grouse science being conducted in Colorado by the Colorado Division of Parks & Wildlife suggests that grouse actively avoid surface disturbances to a distance of 0.6 miles, nowhere near the 4 miles identified in the NTT report and echoed in Alternatives B & C. The spatial buffers used to date by a number of land management and regulatory agencies have generally been standardized, and do not reflect the best available science or the local conditions. Further research on effective setback distances would facilitate better planning, while providing an appropriate level of protection to breeding and nesting GrSG. Tri-State understands the necessity of having standard NSO and disturbance buffers for GrSG, but requests that the Final EIS and LUPA include a caveat that these distances should consider site specific data, and can be modified based on that data, and in the future if research can better identify effective buffers and other management objectives.

Comment ID: 672
Organization: Anadarko
Name: David Applegate

Comment: The agencies fail to recognize the efficacy of the Wyoming Core Area Policy and the umbrella it provides by which protection is extended to the approximately 75 percent of leks as noted in our previous discussion. This policy structure ensures the future viability of sage-grouse populations in the State into the foreseeable future. Further restrictions in habitats outside of formally designated core areas are not only unwarranted but also not in line with the agencies charter for management of lands for multiple use. Activities occurring in unsuitable habitats should not be subject to stipulations protective of sage-grouse. As such Anadarko recommends the agencies do not further encumber project proponents in locales which should not receive additional protections.

Comment ID: 983
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment:). I request that the BLM and USFS adopt a disturbance limit of five percent as established EO 2011-5 and BLM Instruction Memorandum (1M) WY-2012-019. Under EO 2011-5, surface disturbance is limited to five percent of suitable GSG habitat per an average of 640 acres. There is scientific support of the five percent approach as well as the limits on number of features on the landscape, including Kirol 2012 and Naugle et al. 2011. Kirol (2012) found evidence that overall disturbance began impacting brood survival at rates greater than six percent per square kilometer. With regard to limits on the number of features on the landscape in GSG habitat, Naugle et al (2011) identified impacts to breeding GSG populations when the number of wells exceeded one per square mile. The NTT Report's three percent approach is based on 90-meter resolution vegetation maps modeled at a landscape scale (Knick et al. 20134). These vegetation maps do not allow for the level of identification of existing disturbances as the NAIP imagery. The types of disturbances identified through this approach incorporate anthropogenic

features, but do not include vegetation treatments, wildfires and agriculture When the two approaches are applied to the same areas there is a difference in the number of GSG core areas where additional disturbance could be permitted. Based on a comparison of potential additional disturbances allowable in GSG habitat, the NTT Report's approach would potentially allow for a greater number of Wyoming GSG core areas to be disturbed through permitted activities. If the NTT Report's three percent approach, in its entirety, were adopted in Wyoming, additional disturbance would be permitted in 64 percent of the GSG core areas, and far more habitat could be removed and remain unaccounted for from vegetation treatments, wildfires and agricultural activities. While Wyoming's five-percent disturbance cap initially appears to allow a greater amount of disturbance in GSG core areas than the NTT Report's three-percent disturbance cap, when the two models are applied to the same areas Wyoming approach depicts a more accurate picture of the actual existing disturbances within GSG habitat.

Comment ID: 1764
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips does not support the BLM's proposal to designate the Greater Sage-Grouse priority habitat an ACEC under Alternative B as the proposal to make priority and Audubon Important Habitat an ACEC under Alternative C. Sage-Grouse DLUPA, pg. 2-95, Action No. 84. The existing State of Wyoming Core Area Policy provides sufficient protection for sage-grouse within Wyoming. The designation of an ACEC is neither necessary nor warranted. Further, ConocoPhillips does not believe that the BLM has sufficiently justified the creation of the ACECs using the relevance and importance criteria contained in the BLM's planning regulations. 43 C.F.R. § 1610.7-2. ConocoPhillips encourages the BLM not to create an ACEC to protect Greater Sage-Grouse habitat. ConocoPhillips supports the BLM's decision under Alternative D or Alternative E not to designate new sage-grouse conservation ACECs.

Comment ID: 833
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: The four-mile buffer around leks is a one-size-fits-all application and does not address the variations in habitat quality or use, and given the topography of the planning area there is substantial acreage within four miles of leks that may not actually be GrSG habitat, and/or would not be impacted by activities occurring four miles away. The DLUPA/DEIS presents no scientific evidence that this buffer distance will actually benefit the species and its habitat. As a result, the Agencies may be inadvertently expanding areas subject to the management restrictions outlined in the DLUPA/DEIS to areas that do not contain active leks or GrSG habitat. Tri-State requests that the Agencies consider modifying all lek buffer requirements to acknowledge that site specific factors may influence the appropriate seasonal buffers. The DLUPA/DEIS should also recognize and address the importance of adaptive management, so that future recommendations and management prescriptions can be updated once additional scientific information becomes available.

Comment ID: 1242
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: With some modifications, EOG supports Alternative E because it honors Wyoming Executive Order 2011-005 (June 2, 2011) and a more balanced approach to Greater Sage-Grouse protection and multiple use of the public land. EOG is particularly concerned about the onerous restrictions imposed on oil and gas development under Alternative B and Alternative C and strongly urges the BLM not to adopt either alternative.

Comment ID: 1983
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Alternative D: This is the clearly preferred alternative of WSGA. It represents BLM acceptance of the Governor's Executive Orders as the foundation for successful management of sage-grouse and their habitat in Wyoming. The USFWS has endorsed this approach as, when fully implemented, "an adequate regulatory mechanism" to protect the species. This alternative meets the same management objectives as the Preferred Alternative while allowing for carefully planned and coordinated continued robust multiple use of Wyoming's natural resources.

Comment ID: 766
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon does not support the BLM's proposal to designate the Greater Sage-Grouse priority habitat an ACEC under Alternative B or the proposal to make priority and Audubon Important Habitat an ACEC under Alternative C. Sage-Grouse DLUPA, pg. 2-95, Action No. 84. The existing State of Wyoming Core Area Policy provides sufficient protection for sage-grouse within Wyoming. The designation of an ACEC is neither necessary nor warranted. Further, Devon does not believe that the BLM has sufficiently justified the creation of the ACECs using the relevance and importance criteria contained in the BLM's planning regulations. 43 C.F.R. § 1610.7-2. Devon encourages the BLM not to create an ACEC to protect Greater Sage-Grouse habitat. Devon supports the BLM's decision under Alternative D or Alternative E not to designate new sage-grouse conservation ACECs. Devon does not believe that such additional designations are necessary or required in order to protect sage-grouse habitat. Devon urges the BLM not to select Alternative B or Alternative C.

Comment ID: 1788
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: BRC supports the agency's concept of limiting OHV use to existing and/or designated roads, trails, and open dune areas as a primary strategy to help protect Grouse habitat. BRC believes this is the appropriate method by which to "minimize" impacts and otherwise comply with applicable law.

Comment ID: 772
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon also strongly opposes BLM's proposal to prohibit surface occupancy or disturbance within four miles of a lek under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-139, Action No.129. Given the variable topography of the Planning Area and ongoing land uses, there is substantial acreage within four miles of leks that is not GRSG habitat. The four mile buffer also does not address the variations in habitat quality or habitat use.

Comment ID: 624
Organization: Anadarko
Name: David Applegate

Comment: When considering protections for sage-grouse the method of assessing oil and gas impacts should be informed by reviewing the development intensity within a two-mile buffer around a lek, as done

by Doherty et al. (2010). Following this methodology, results indicate that at one well pad per square mile or less (corresponds to as many as 12 wells per a two-mile radius or within 32.2 km2 of a lek) impacts from oil and gas development on sage-grouse are not detectable: "Impacts were indiscernible at 1 – 12 wells per 32.2 km2." This result is consistent with the proposed disturbance cap for sage-grouse core areas outlined in the Wyoming Sage-Grouse Core Area Policy and provides insight into the nature of localized impacts associated with oil and gas development within a twomile buffer around a lek.

Comment ID: 609
Organization: Anadarko
Name: David Applegate

Comment: The Wyoming Core Area Policy, Endorsed by the FWS, Is Effective to Conserve Sage-Grouse on a Landscape Scale. Energy development impacts in Wyoming on sage-grouse are, and will continue to be, mitigated by the Wyoming Core Area Policy. The Wyoming Core Area Policy is designed to protect sage-grouse populations and important habitats on which they depend into the future and provide certainty for the species. Table 3 indicates 1,508 leks or 64 percent of all leks in Wyoming are afforded protection through the Core Area Policy. Considering the number of leks that had over ten males counted in 2012, 483 (from a total of 626) or 70 percent of the most productive leks were in core areas. There were 741 active leks in core and 272 active leks in non-core. Hence, 73 percent of active leks counted in 2012 were in core areas. A recent analysis of future urbanization and energy development in Wyoming concluded, "No leks located within core areas are predicted to be extirpated with the core policy in place" (Copeland et al., 2013).

Comment ID: 612
Organization: Anadarko
Name: David Applegate

Comment: Anadarko disagrees with the necessity and justification of the agencies to propose sage-grouse conservation measures that go beyond the requirements of Wyoming's Core Area Policy. The agencies should not expand development restrictions to sage-grouse populations outside of core areas. Given the reach of the Core Area Policy, the agencies proposed measures are unwarranted and unnecessarily restrict other important uses of public lands, such as oil and gas development.

Comment ID: 1981
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Alternative B: This alternative, based on the NTT Report, is totally unacceptable to WSGA. In addition, we do not concur with the implication that this alternative may be necessary to remedy the defects found by the Court in WWP v. U.S.DOI.

Comment ID: 1982
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Alternative C: This alternative is defined as being "based on the citizen groups recommended alternative". We request that you identify more clearly in the Draft EIS the source of this alternative. WSGA is confident that this alternative does not represent the recommendation of the majority of Wyoming citizens or "citizen groups".

Comment ID: 2320

Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: Western Fuels supports the concept of implementing collaborative conservation efforts to avoid a formal listing of the species under the ESA in a balanced approach, but that approach must recognize the Agencies multiple use mandate, as well as the substantial and widespread social and economic impacts that its decisions will have in Wyoming and across the west. Western Fuels appreciates that Alternatives A, D & E specifically recognize the need to balance sage-grouse conservation with the multiple use mandate; however, we could find no such recognition of this mandate in Alternatives B & C.

Comment ID: 2137
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: With some modifications, Encana supports Alternative E because it honors Wyoming Executive Order 2011-005 (June 2, 2011) and a more balanced approach to sage-grouse protection and multiple use of the public land. Encana is particularly concerned about the onerous restrictions imposed on oil and gas development under Alternative B and Alternative C and strongly urges the BLM not to adopt either alternative.

Comment ID: 2411
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Potential limitation on exceptions and waivers. Alternatives B and C note that "Exceptions, waivers, and modifications to lease stipulations, COAs, and T&Cs for sage-grouse would not be considered within sage-grouse priority and general habitat." Any blanket prohibition on exceptions is unacceptable. While the preferred Alternative E notes that exceptions, waivers, and modifications to lease stipulations would "continue to be considered on a case-by-case basis," BLM must not accept any limitations on legally authorized exceptions.

Comment ID: 2179
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Inconsistencies exist between Wyoming Executive Order 2011-05 and Alternative E (Preferred Alternative in DEIS). As an example, the Wyoming Executive Order (WYEO) seasonal restrictions are March 15 through June 30 and Alternative E season restrictions are March 1 through June 30. TBCC encourages BLM and USFS to follow the WYEO as it has already been approved by USFWS for conservation of sage-grouse, has been proven effective, and has been in place for a number of years. BLM and USFS would be supporting the state of Wyoming by being consistent in their LUPA with WYEO. TBCC does not support the wholesale incorporation of management from the National Technical Team Report (NTT) into the LUPA. The NTT narrowly describes and endorses one-size-fitsall conservation measures for sage-grouse which can be detrimental to other species as well as being less effective than appropriate site-specific mitigation measures. Guidance from the NTT is not consistent with the guidelines provided in the WYEO, the WGFD, and general SOP's for land conservation and habitat enhancement in Wyoming.

Comment ID: 2203
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: Management Alternative #17 "Many sage-grouse seasonal habitats within and outside of core habitat areas are encumbered by valid existing rights, such as mineral leases or existing rights-of-way. Fluid mineral leases often will include less stringent lease stipulations than the timing, distance, and density requirements identified for consideration in this plan. Agencies (BLM/Forest Service) will work with proponents holding valid existing leases that include less stringent lease stipulations than the timing, distance, and density restrictions described within this plan to ensure that measurable sage-grouse conservation objectives (such as, but not limited to, consolidation of infrastructure to reduce habitat fragmentation and loss, and effective conservation of seasonal habitats and habitat connectivity to support management objectives set by the WGFD) are included in a/l project proposals." This is inconsistent with the WYEO in that valid and existing rights are not subject to new requirements and requirements for proposals in general habitat do not exist. The LUP should remain consistent with WYEO.

Comment ID: 2146
Organization: Permittee Cumberland/Uinta Allotment
Name: Wallace Schulthess

Comment: As a Permitee who will be directly affected by these alternatives: I support part of Alternative E as the final action. The ability to manage habitat plus implement predator control and invasive species management can be accomplished with Alternative E. This alternative continues LWG's collaboration and involvement, which has contributed more proven successes than any of the other proposed alternatives can accomplish, along with portions of alternative A. The Wyoming Greater Sage-Grouse Plan (alternative E) allows for implementation and local adaptive management programs to continue. This plan (Alternative E) has definable population and habitat goals within the established Sagegrouse Core Areas to prevent the need to list sage-grouse under the provisions of the ESA.

Comment ID: 3101
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 5 2- 195 Minerals and Energy Alt B Closes nearly all area of Governor's Core area to any development. USQ does not support this.

Summary: The agencies should not expand development restrictions to sage-grouse populations outside of core areas. Given the reach of the Core Area Policy, the agencies proposed measures are unwarranted and unnecessarily restrict other important uses of public lands, such as oil and gas development. The existing State of Wyoming Core Area Policy/Executive Order provides sufficient protection for sagegrouse within Wyoming. Do not deviate from the Wyoming EO. The designation of any ACECs is neither necessary nor warranted. Support of Alternative E; B and C are too restrictive. Alternative C does not represent the citizens of Wyoming. Alternative B does not comply with NEPA and the foundation upon which the alternative was built (the NTT Report) is not scientifically sound.

Response: The buffer distances, disturbance caps, and seasonal restrictions contained in the management alternatives are based on peer-reviewed scientific research of sage-grouse needs for continued existence. The goal of the LUP Amendments is to conserve, enhance or restore sagebrush ecosystems; and the management contained in the management alternatives will allow for unfragmented, contiguous habitat for sage-grouse while allowing for multiple use of public lands. BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science.

Sage-grouse

Range of alternatives

Do not limit motorized recreation access

Comment ID: 121
Organization:
Name: CTVA Action Committee

Comment: Motorized recreationists see the sage grouse as another potential mechanism used by the Forest Service and Bureau of Land Management to close public lands to motorized access and motorized recreation without any real basis for assumed impacts and conditions. To avoid this serious issue, the EIS must be based on site-specific information and data. The EIS and decision must be based on site specific data prepared by licensed biologists and peer reviewed by independent licensed biologists in all impact areas where significance is claimed.

Comment ID: 128
Organization:
Name: CTVA Action Committee

Comment: If a motorized route is within a distance of a lek that might cause some disturbance, then a reasonable alternative that can be easily implemented is to relocate the motorized route as opposed to closing that route.

Comment ID: 129
Organization:
Name: CTVA Action Committee

Comment: According to available literature and studies there is little information related to the effects of motorized recreation on the Grouse. Based on current science it appears that motorized recreation in, any of its forms, does not have an significant impact on the Grouse.

Comment ID: 147
Organization:
Name: CTVA Action Committee

Comment: Most of the BLM and National Forest managed lands in Wyoming have already completed its travel management plan. I do not believe that a critical habitat designation is needed if federal agencies continue to designate roads and trails for motorized use. We believe the implementation of travel management, enactment of reasonable sound laws, and creation of an invasive weed species education program by both the Forest Service and BLM will insure we have a vibrant population of the grouse in Wyoming.

Comment ID: 135
Organization:
Name: CTVA Action Committee

Comment: The same has been shown for motorized access and use. For example, Grouse leks are concise, wellestablished, historic areas that can last for decades. Add to this that leks are mostly in use for strutting/mating during crepuscular hours and that motorized recreation is generally NOT undertaken during those hours…the two can be successfully separated.

Summary: If a motorized route is within a distance of a lek that might cause some disturbance, then a reasonable alternative that can be easily implemented is to relocate the motorized route as opposed to closing that route. Based on current science, it appears that motorized recreation in any of its forms does not have a significant impact on the grouse. Grouse leks are concise, well-established, historic areas that can last for decades. Add to this that leks are mostly in use for strutting/mating during crepuscular hours and that motorized recreation is generally NOT undertaken during those hours…the two can be successfully separated. We believe the implementation of travel management, enactment of reasonable sound laws, and creation of an invasive weed species education program by both the Forest Service and BLM will insure we have a vibrant population of sage-grouse in Wyoming. We do not believe that a critical habitat designation is needed if federal agencies continue to designate roads and trails for motorized use.

Response: No routes in the Proposed LUP Amendments are being proposed for closure.The Proposed LUP Amendments would limit travel to existing routes and the BLM and Forest Service will undertake travel management planning to identify and designate routes within five years of the date of the Record of Decision related to this EIS. It is true that lek activity does occur when presence of vehicles is less frequent; nesting sage-grouse are still present during daylight hours directly adjacent to or within anywhere between 5-10 miles of a lek. Buffer distances are used in the range of management alternatives to prevent disturbance to lekking as well as nesting birds. BLM and Forest Service have no direct authority in designating critical habitat or making listing decisions for sage-grouse.

Sage-grouse

Range of alternatives

Fencing: minimal fencing, mark fences, remove fences, inventory

Comment ID: 1241
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

Comment ID: 1232
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Fences have now been found to be a major source of sage grouse mortality yet no analysis of current effects of this mortality on populations and habitat fragmentation has been provided in the EIS.

Comment ID: 1311
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS fails to disclose the impacts of the many thousands of miles of fencing that already occur within sage-grouse habitat.

Comment ID: 290

Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: fences in sage grouse Preliminary Priority and General Habitats should be inventoried to identify the minimum necessary fencing required for livestock management. Fences determined to be unnecessary should be removed, especially in flat areas near leks, and remaining fences should be outfitted with reflectors or other visibility devices to reduce sage grouse collisions as under Alternatives B and C. BLM concedes that this will result in multiple benefits for sage grouse. DEIS at 4-289. New fences should be precluded on BLM lands within Priority Habitats, and the RMP should include language to prioritize dismantlement of existing fences and addition of visibility markers for those that remain.

Comment ID: 1379
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Likewise "require sage grouse safe fences" with no implementation requirement or timeframe. This applies to both the tens of thousands of miles currently existing as well as proposed.

Comment ID: 1619
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Collisions with fences pose a potentially major cause of mortality for sage grouse. Stevens et al. (2013) found that fence collisions are an important source of grouse mortality, and fences on flat areas near leks were a particularly high risk for causing sage grouse fatalities. Christiansen (2009) also documented an alarmingly high level of fence mortality in Wyoming, and found that marking fences reduced collisions by only 61%, such that 39% of the collision rate on unmarked fences still occurred for marked fence sections. Of course, eliminating fences has the effect of reducing collisions to zero. With this in mind, fences in sage grouse Preliminary Priority and General Habitats should be inventoried to identify the minimum necessary fencing required for livestock management. Fences determined to be unnecessary should be removed, especially in flat areas near leks, and remaining fences should be outfitted with reflectors or other visibility devices to reduce sage grouse collisions as under Alternatives B and C. BLM concedes that this will result in multiple benefits for sage grouse. DEIS at 4-289. New fences should be precluded on BLM lands within Priority Habitats, and the RMP should include language to prioritize dismantlement of existing fences and addition of visibility markers for those that remain.

Comment ID: 3112
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Existing fencing can be an obstacle or potential hazard to special status wildlife species by concentrating livestock, adversely impacting vegetation and fragmenting habitat. New fences should be avoided because they further fragment the landscape, raise risks of mortality from potential collision points, and provide perching opportunities for raptors – all detrimental to sage-grouse. Overall, sage-grouse mortality is increased due to greater perching opportunities for avian predators and collision risk during flight. Alternative B provisions should be adopted for fencing and structural range improvements. DEIS at 2- 45 to 47. Avoidance and mitigation techniques should analyze and reference scientific research. The 2009 WGFD report examined sage-grouse mortalities near Farson and found that sage-grouse fence diverters reduced sage-grouse fatalities by 61 percent. (Christiansen 2009)14. Fence surveys in the Lander and Rock Springs Field Office areas have shown that sage-grouse can be injured or killed as a result of flying into fence wires. Lander FEIS at 969.

Summary: Fences in sage-grouse core and general habitats should be inventoried to identify the minimum necessary fencing required for livestock management. Fences determined to be unnecessary should be removed, especially in flat areas near leks, and remaining fences should be outfitted with reflectors or other visibility devices to reduce sage-grouse collisions. New fences should be avoided because they further fragment the landscape, raise risks of mortality from potential collision points, and provide perching opportunities for raptors – all detrimental to sage-grouse. The Preferred Alternative does not identify what constitutes a “high risk” area for fence collisions, nor the criteria to identify them later, and states "require sage-grouse safe fences" with no implementation requirement or timeframe. No analysis of current effects of fence-caused mortality on populations and habitat fragmentation has been provided in the EIS.

Response: Fences are addressed within the range of alternatives, MA 53 in the Draft EIS, and the concern of collision risk is addressed under all alternatives to varying degrees. Impacts to sage-grouse from fences and fence collisions are discussed in Chapter 4.14. It is not necessary to identify what constitutes a high collision risk; what is necessary is to document whether bird mortality is due to collision with fences, or if collisions are likely to occur due to new fence placement. This is why MA 53 uses the terminology that the BLM/Forest Service will be evaluating and modifying existing range improvements including fences when necessary. Since 2010, fences on BLM lands have been inventoried and modified as a result of an internal instruction memorandum. An implementation plan of the LUP Amendments actions will be developed after the ROD is completed.

Sage-grouse

Range of alternatives

Forest Service specific

Comment ID: 978
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: It is essential that the USFS apply stipulations on development consistent with Wyoming's strategy. This includes stipulations on existing uses and other uses which have been determined to be de minimis, or are not considered a threat to GSG. I understand the need for the USFS to analyze and address viability of the GSG on USFS land; however, the USFS must ensure that its management is consistent with that of the State and other land managers. This is particularly important when considering that the majority of GSG habitat is not found on USFS land. The USFS, at the regional and national level, must place a priority on consistency with Wyoming's strategy. The appearance of a USFS directive developed without State participation and inconsistent with the Wyoming's plan and FWS guidance will have a serious chilling effect on Wyoming's efforts to conserve GSG and its habitat.

Comment ID: 1997
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Appendix K—Forest Service Amendment—Alternative E: WSGA understands the need for this Appendix to reflect differences in terminology between BM and FS. We are, however, concerned with the large number of action items that are proposed to be converted to “Required Design Features”. WSGA requests that the Forest Service provide the specific language that will be incorporated into the respective forest plans rather than just indicating each of these changes with the symbol “RDF”.

Comment ID: 1481
Organization:

Name: Denise Langley

Comment: The FS states the desired conditions for Alternative E: Sage Grouse plan: RDF=Required Design Features which are "required to ensure regulatory certainty and the conservation of Greater Sage Grouse." In the S/G plan amendment draft EIS under the heading: Forest Service Translation of Management Actions into Standards, Guidelines, Objectives and Required Design Feature for Alternative E: Most of the areas under the FS heading LRMP are not written but instead have the acronym RDF (which are not written for comment yet). How can this be allowable for NEPA process when the FS does not have the REQUIRED management actions written for the public to comment on but instead only has the vast encompassing acronym-RDF as the proposed action?

Comment ID: 1207
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: 2622.01 - Authority. 2623 - QUANTIFYING OUTPUTS AND VALUES. The Forest Plan amendment fails to comply with these requirements. For example, the Forest Plan does not contain Standards and Guidelines necessary to protect sage grouse habitat. No Standards are provided that limit utilization to provide for the minimum 18cm residual grass height needed to provide cover.

Comment ID: 1210
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: For many of the Sensitive Species including sage grouse, the Forest Service has no data to determine if they are currently viable let alone make determinations that they will remain so under the proposed Forest Plan. The Forest Service lacks the data necessary to make the determinations they have made, making the proposed ROD arbitrary decision making. The Forest Service needs to collect the data necessary to make a scientifically defensible determination of viability.

Comment ID: 1212
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: 2670.22 3. Develop and implement management objectives for populations and/or habitat of sensitive species. The proposed Forest Plan amendment fails to implement this requirement. For instance, the Forest Service has failed to "develop and implement management objectives for populations and/or habitat of sensitive species" for sage grouse. The Plan amendment needs to be revised to comply with this requirement.

Comment ID: 196
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In addition, we had understood that the Thunder Basin National Grassland and Bridger-Teton National Forest were planning to apply the same protections in sage grouse Core Areas to other important occupied habitats outside Core Areas in order to meet National Forest Management Act (NFMA) viability requirements. Yet we have found no analysis or provisions that reflect this intention in the Draft EIS. Such measures need to be emplaced less the Forest Service fail to meet its obligation to maintain viable populations of greater sage grouse well-distributed throughout the planning area. We are concerned that the current measures in the Preferred Alternative do not meet this requirement.

Comment ID: 2275
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Also, it is our understanding that the Thunder Basin National Grassland and Bridger-Teton National Forest are planning to apply protections in important occupied habitats outside of sage-grouse core habitat that are similar to those in core habitat to meet National Forest Management Act (NFMA) viability requirements. However, we did not see any analysis or provisions reflecting this intention in this Draft EIS. As this plan is intended to cover USFS managed lands, we are concerned that the current measures in the Preferred Alternative do not meet this requirement and recommend addressing this issue in the final EIS.

Summary: It is essential that the Forest Service apply stipulations on development consistent with Wyoming's strategy and must ensure that its management is consistent with that of the state and other land managers. This is particularly important when considering that the majority of Greater Sage-Grouse habitat is not found on Forest Service land. The Forest Service, at the regional and national level, must place a priority on consistency with Wyoming's strategy. The Thunder Basin National Grassland and Bridger-Teton National Forest are planning to apply protections in important occupied habitats outside of sage-grouse core habitat that are similar to those in core habitat to meet National Forest Management Act (NFMA) viability requirements. However, we did not see any analysis or provisions reflecting this intention in this Draft EIS. As this plan is intended to cover Forest Service managed lands, we are concerned that the current measures in the Preferred Alternative do not meet this requirement and recommend addressing this issue in the Final EIS. In the Draft EIS under the heading: Forest Service Translation of Management Actions into Standards, Guidelines, Objectives and Required Design Features for Alternative E, most of the areas under the Forest Service heading LRMP are not written but instead have the acronym RDF (which are not written for comment yet). How can this be allowable for NEPA process when the Forest Service does not have the REQUIRED management actions written for the public to comment on but instead only has the vast encompassing acronym-RDF as the proposed action? 2670.22 3. The Forest Service has failed to “develop and implement management objectives for populations and/or habitat of sensitive species” for sage-grouse and other species. 2622.01 - Authority. 2623 - QUANTIFYING OUTPUTS AND VALUES. The Forest Plan amendment fails to comply with these requirements. For example, the Forest Plan does not contain Standards and Guidelines necessary to protect sage-grouse habitat. No Standards are provided that limit utilization to provide for the minimum 18cm residual grass height needed to provide cover. The Forest Service lacks the data necessary to make the determinations they have made, making the proposed ROD arbitrary decision making. The Forest Service needs to collect the data necessary to make a scientifically defensible determination of viability for sage-grouse and other sensitive species.

Response: These areas were not identified in time to analyze the impacts and be included in the Draft EIS. They have been included in the Final EIS.

Sage-grouse

Range of alternatives

General comments, adequacy of the plan

Comment ID: 1301
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The implementation of specific objectives to conserve, enhance, or restore GRSG seasonal habitats is dependent on future decision-making. The current document does not automatically confer changes to management at the site-specific level; subsequent implementation-level decision-making must

occur before any GRSG conservation measures are applied. In fact, the current DLUPA/DEIS must be developing these specific objectives, as discussed in the FLPMA section above, not deferring to some uncertain future time. The very point of this LUPA is to provide the direction necessary to implement sage-grouse conservation at the site-specific level. Instead, under the preferred alternative, the BLM is planning to plan to protect sage-grouse.

Comment ID: 1294
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Wyoming's Core Areas were not delineated based on sage grouse biological, but based on where sage grouse were, minus those areas of current or potential oil and gas development. As such, the Core and non Core do not meet the definition of priority and general habitat.

Comment ID: 1853
Organization:
Name: Charles C. Price

Comment: Because sage grouse populations using the Bridger-Teton Forest in Sublette County are small, and with the exception of the Gros Ventre population, use the FS lands as summer habitat the BLM should take the lead in research and biological work for the sage grouse. The Wyoming Game and Fish Department (WGFD) has extensive experience with the sage grouse and their expertise should be utilized by the federal agencies.

Comment ID: 2548
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: We suggest that the Final LUPA/EIS incorporate the multiple collaborative sage-grouse conservation initiatives cited in this handout as examples of the active conservation efforts that have long been underway in Wyoming.

Comment ID: 1925
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: 1. Regarding protective measures for the greater sage-grouse, the Service continues to favor the most extensive conservation measures present in the DEIS. These are generally found in Alternative B. The Service realizes, however, that the BLM and USFS must balance conservation for greater sagegrouse with their multiple-use objectives for land management. Furthermore, the Service is pleased with the attempts of the BLM and USFS in Wyoming to adopt the Wyoming Core Area Strategy into their RMPs and LRMPs statewide (Alternative E). The Service believes the Wyoming Core Area Strategy, if fully and properly implemented, can result in the long-term conservation of the greater sage-grouse in this state and, consequently, contribute to reducing the need to list the species rangewide under the ESA. As you are aware, actions outside of BLM and USFS- administered land in the range of the greater sage-grouse may influence any final listing decision.

Comment ID: 1980
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Alternative A: While we find some of the narrative description within this description to be inconsistent with current on-the-ground management, this "no action" alternative, when combined with the Executive Orders and the initiatives of the Fish & Wildlife Service, is, in our view an effective approach to the management of sage-grouse habitat and populations in Wyoming. However, we recognize that Wyoming BLM is under pressure, perhaps even direction, to move beyond this approach.

Comment ID: 1978
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: With respect to the portions of this Draft that deal with the Pinedale BLM area, we comment that this Draft is completely deficient with respect to providing "on-point" proposals to address the concerns of Judge Winmill in his 11/20/12 - Order on the Remedies. The Draft fails to adequately address allotment by allotment, the causal factors alleged to be related to livestock grazing and grouse issues and proposed mitigations, the cumulative impact sections of this draft are generic, not specific to his ruling on Pinedale issues, seasonal habitat map locations are not provided, and we could find no narratives that addressed his Ruling with respect to the Wyoming Basin Eco-region assessment or the WAFWA Conservation Assessment. We comment that the Final should contain a section that specifically conveys the elements in his Ruling. The Final should contain the BLM responses to each of these elements at a level of detail that is recognizable as being responsive to his concerns.

Comment ID: 1998
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: The State of Wyoming has already implemented a comprehensive sage grouse management plan that has been endorsed by the USFWS. This plan has been developed with strong local citizen input and is based on best available scientific information. It lends itself well to being the foundation for BLM and USFS plan amendments to address the needs of the sage-grouse. Alternative D accomplishes this in a generally acceptable manner. Alternative E, by attempting to superimpose elements of the NTT Report and other national directives, creates a hybrid plan amendment that is confusing and is less conducive to a collaborative on-the-ground approach to successful recovery of the species. As we have indicated in or comments, several changes are necessary to make the preferred alternative an acceptable choice for sage-grouse management that is compatible with established multiple use of Wyoming's public lands.

Comment ID: 1941
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2-11, 2.4.5, Alternative E, Preferred Alternative – This paragraph conveys an incorporation of the Wyoming Governor's Executive Order and conveys support for grouse population objectives set by the WGFD. Please include in the Final, the Executive Order and all addendums in the Appendix. We also request the inclusion of WGFD grouse population objectives in the format developed by the WGFD. We also comment and request that the Final document clearly convey where there are inconsistencies between the adoption of items from the NTT, BLM State and National grouse policies, and those contained in the Wyoming Executive Order.

Comment ID: 525
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The DEIS further fails to address the question of sage grouse habitat conservation in the context of livestock grazing. Judge Winmill previously set aside the Pinedale RMP for not adequately addressing the impacts. The DEIS unfortunately repeats this error but on a larger scale. BLM cannot avoid compliance with the Court's order especially when the BLM represented to the judge that it would address the failings of the Pinedale RMP in SG9.

Comment ID: 269
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Importantly, there will be a need for consistency between RMPs that share common ecosystems and sage grouse biology. Many of the scientifically demonstrated impacts of BLM-permitted activities to sage grouse, ranging from livestock grazing to impacts of tall structures or oil and gas development, would be expected to be similar across the range of the species. There is no reason to expect, for example, that the impact of transmission towers on sage grouse habitat use would be any different in Nevada than it is in Wyoming. Thus, in order to avoid the appearance of an arbitrary and capricious approach to sage grouse conservation between states or other jurisdictional boundaries that have no biological or ecological basis, BLM should have some common minimum requirements across RMPs that ensure that conservation measures that cannot be shown to support the maintenance and recovery of sage grouse populations do not crop up in regional or local RMPs due to the whims of local politics. Northeastern Wyoming, for example, shares an ecoregion and sage grouse Management Zone with Montana and the Dakotas. At a minimum, this plan should incorporate common minimum standards to protect sage grouse with plans in Utah, Colorado, Idaho, Montana, and the Dakotas that also govern lands in shared ecoregions.

Comment ID: 1462
Organization: Jackson Hole Conservation Alliance
Name: Siva Sundaresan

Comment: Sage grouse leks found in the Gros Ventre region of the BTNF represent a critical population connectivity corridor between sage grouse in the Upper Green River basin and an otherwise isolated population in Jackson Hole (Upper Snake River Basin Local Working Group Plan 2014). Leks found in the Hoback basin are unique. Sage grouse here are part of a migratory population that winters within designated core area and summers in the BTNF. All these birds are found within habitats at an elevation and under snow conditions that are otherwise at the extremes of sage grouse ranges. Overall, the sage grouse in the BTNF represent a unique local population that is of critical importance as a connectivity corridor (Upper Snake River Basin Local Working Group Plan 2014). Currently, sage grouse habitat within the BTNF is not considered core or priority. This means that few of the management measures under Alternative E apply to the BTNF. However, given the critical importance of this local population and the legal mandate the obligates the BTNF to maintain viable populations, we ask that the BTNF designate sage grouse habitat as core or connectivity habitat and apply the same level of protections as sage grouse in other core habitats. This includes accounting for our recommended modifications of Alternative E, as stated above. In addition, we believe that sage grouse within the BTNF are not well-studied. New lek locations are being identified (J Bohne, personal communication). Several of these populations also represent an undetermined fraction of migratory individuals. Current EO stipulations and existing measures under Alternative E are inadequate in providing necessary protections to migratory populations (Connelly et al 2000, Fedy et al 2012). These populations have significantly greater habitat requirements than non-migrants, moving much greater distances, >18km, among lekking, nesting and wintering habitats (Wakkinen et al. 1992, Connelly et al 2000). We strongly urge a more thorough monitoring and research approach to identifying occupied habitat and habitat requirements for sage grouse in the BTNF.

Comment ID: 307

Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: All habitat mitigation measures must apply to split-estate situations in which BLM owns either the surface or mineral estate. As BLM notes for Alternative B, “Private lands are not required to apply mitigation measures, which can cause further impacts to habitat loss and displacement of Greater Sage-Grouse.” DEIS at 4-292. This loophole affects millions of acres of split estate whereon BLM has the responsibility to manage oil and gas development and its impacts to prevent impacts to greater sage grouse. BLM must exercise its authority under all split-estate situations to ensure that BLMpermitted operations have no or minimal impact on sage grouse populations. Failure to do so constitutes both unnecessary and undue degradation of sage grouse habitats, each of which is a violation of FLPMA.

Comment ID: 143
Organization:
Name: CTVA Action Committee

Comment: Implementation - the formation of Sage Grouse Oversight Team is concerning since we aren’t sure if a balance of competing interests will serve on the team. The make- up of the team needs to include a process where it will fairly include all interests.

Comment ID: 1922
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: Conservation Objectives Team Report Consistency. Our review of your DEIS is provided, in part, in the context of the Final Greater Sage-Grouse Conservation Objectives Team Final Report (COT Report; U. S. Fish and Wildlife Service 2013). The purpose for developing the COT Report was to delineate range-wide conservation objectives, based on the best available scientific and commercial data available at the time of the COT Report's release, that, if met, would indicate that threats to the species have been reduced or ameliorated so that it is no longer in danger of extinction or likely to become so in the foreseeable future. A preliminary, qualitative assessment of COT Report consistency regarding the DEIS proposed action is provided for each alternative in the attached Matrix (USFWS BLM RMP Alternative Review Matrix). We hope this information enhances the BLM's own COT Report consistency evaluation. The attached matrix provides the Service's assessment regarding the consistency of the management actions contained in the DEIS with the COT Report Objectives. We did not provide an assessment of individual COT conservation measures recommended for each threat identified in the COT Report as our review of the Wyoming State Core Area Strategy determined that the preferred alternative of the 9-Plan RMP cumulatively addresses the threats using other mechanisms. The State of Wyoming has a Core Area Strategy to help balance the priorities of retaining healthy sage-grouse populations on the landscape. Statewide implementation of the Wyoming Governor's Executive Order for sagegrouse may help alleviate population declines. The 9 Plan Amendment preferred alternative, if adopted, will incorporate the protective measures from the Core Area Strategy into areas under the authority of the 9 Plan Amendment Field Offices/District Offices where sage-grouse occur. The implementation of an adequate monitoring program and adaptive management strategy (currently in the development stage) will increase the likelihood that the BLM/FS Offices will meet the COT objectives. The numbers in the attached matrix represent Agency Management Action Alternatives and were taken from Table 2-1 "Detailed Comparison of Alternatives" in the 9-Plan Amendment.

Comment ID: 2083
Organization: Public Lands Council and National Cattlemen’s Beef Association
Name: Dustin Van Liew

Comment: PLC and NCBA request that BLM conduct a more thorough analysis of the effectiveness of current frameworks, standards and guidelines applicable to livestock grazing and range management in conserving sage-grouse habitat and populations. Alternatives to the existing regulatory mechanisms should then be developed only if such analysis reveals a true purpose and need. Absent such a purpose and need, BLM must select Alternative A, no action.

Comment ID: 1499
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The FWS's PECE Policy informs this determination regarding the adequacy of existing regulatory mechanisms when considering whether listing is warranted. In particular, the PECE Policy requires the FWS to consider and evaluate (1) the certainty that the conservation effort will be implemented and (2) the certainty that the conservation effort will be effective in its decision as to whether listing can be avoided based on new regulatory standards.4 The proposed Plan Amendments fail to satisfy either of these elements because there is not sufficient certainty that conservation actions in any of the alternatives being considered for the Plan Amendments will occur and there is significant scientific evidence that the proposed management actions in each plan alternative will not be effective in either reversing the decline of the greater sage-grouse or recovering the species to levels where it is no longer threatened or endangered.

Comment ID: 1513
Organization: Center for Biological Diversity
Name: Randi Spivak

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

Comment ID: 1503
Organization: Center for Biological Diversity
Name: Randi Spivak

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

Comment ID: 1500
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: At the outset, both the BLM and Forest Service must commit to proactively take the necessary steps to make certain that the management changes in the proposed plan amendments will actually be implemented. Certainly, these agencies must follow the adopted land use plans,10 and implement standards, however, as the Supreme Court made clear in Norton v. Southern Utah Wilderness Alliance, merely including language that provides laudatory goals in a plan is not the same as the type of specific language needed to create binding commitments that the agency will carry out specific actions included in a plan.

Comment ID: 1501
Organization: Center for Biological Diversity
Name: Randi Spivak

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

Comment ID: 2516
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: APLIC has been working with a group of member utilities and state/federal agency representatives, including the BLM, to develop Best Management Practices for electric utilities in sage-grouse areas. The APLIC model of collaborative, voluntary efforts - such as the Avian Protection Plan Guidelines, short courses, and guidance documents developed in partnership with the FWS - is serving as a framework for the sage-grouse BMPs. These BMPs are intended to be a living document that is updated and refined as new research is available. Consequently, these BMPs would be easier to update (compared to a LUP) to reflect new science and technology. APLIC is interested in working with the BLM, FWS, and other agencies to develop measures that are practical, effective, sciencebased, and justifiable to customers and public service commissions. APLIC applauds the BLM for its continued involvement in this BMP effort and encourages the BLM to recognize these BMPs in the Wyoming Land Use Plans as a tool to address sage-grouse/power line issues.

Comment ID: 2529
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: Because of these concerns, APLIC requests that the BLM consider other more effective alternatives to sage-grouse conservation, such as habitat conservation or enhancement efforts that are compatible with conservation measures for other protected species (e.g. electrocution prevention measures for raptors and other migratory birds).

Comment ID: 2406
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Improper use of landscape-level habitat maps for project-level impacts. The BLM's landscape-level mapping for sage-grouse seasonal habitat (Map 3-19) in the Draft EIS cannot be used alone to mandate conservation measures at the project level. Currently, the large-landscape level habitat designation map incorporates habitat that is not suitable for sage grouse, such as woodland areas or areas lacking sagebrush cover, into suitable sage-grouse habitat. BLM should not use one-size-fits-all regulatory prescriptions with no allowance for GRSG conservation measures tailored to local conditions. Instead, habitat designations affecting individual projects must be made on a case-by-case basis with accurate data collection at the project site. In particular, habitat designations should be confirmed or adjusted utilizing site specific data collected during standard project-level NEPA analyses conducted by BLM at the time specific actions or

projects are proposed. If site specific information (i.e. the best scientific information available) demonstrates that previously designated habitat does not meet the criteria for general or priority habitat, then adjustments to those habitat boundaries and/or designations are appropriate and must be made by BLM. The use of landscape-level maps is particularly troubling to the extent it is used to determine required seasonal restrictions or disturbance caps (discussed below). These requirements must be determined using ground-level and project-specific information to determine actual impacts to high-value habitat. To the extent the BLM incorporates project-level analysis concepts from Wyoming Executive Order 2011-05, BPM supports an approach that is based on these principles. To the extent BLM prefers an alternative approach that does not appear to account for project-level information, this raises significant consistency issues that BLM must resolve with the State of Wyoming before adopting any particular alternative. See 43 C.P.R. § 1610.3-2.

Comment ID: 2534
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: The BLM Should Develop Incentives for Conservation Practices Implemented by Industry or Other Private Entities A critical component to successful sage-grouse conservation is a concerted effort among all stakeholders. The electric utility industry has a long history of collaborative conservation efforts with agencies, and APLIC encourages the BLM to continue this collaboration to address sage-grouse concerns. Electric utilities build new power lines as needed to meet customer demands and increasing load growth. Existing and future power lines require inspections, maintenance, and repairs as needed to maintain the integrity of the electrical system and provide reliable service to customers. Access to utility rights-of-way (ROW) is necessary for these operations and maintenance activities. Utility regulatory commissions set rates for electric utility companies and measures implemented must demonstrate a benefit to ratepayers. Consequently, utilities often seek conservation partnerships that serve a specific conservation need, provide a benefit to the species and/or habitats considered, provide a cost-effective benefit to ratepayers, and are reasonably commensurate with the level of impact. APLIC encourages the BLM to develop incentives for industry that meet these conservation and customer goals. Numerous state sage-grouse plans have either included or are developing incentive programs for industry and private landowners, as these are critical to the overall conservation of sage-grouse and their habitat. APLIC encourages the BLM to consider mitigation banks and offsite mitigation as mechanisms to pool habitat conservation resources and target conservation efforts in highest priority areas. Because habitat is the primary factor influencing sage-grouse populations, habitat conservation and enhancement efforts should be a primary focus of minimization and mitigation efforts. For unknown impacts of power lines, APLIC recommends that the BLM provide opportunities and incentives to conduct additional research using the research protocols developed by Utah Wildlife in Need (UWIN) in 2012 and endorsed by the Western Association of Fish and Wildlife Agencies (WAFWA). As indicated by WAFWA, such research should be acceptable as a component of a mitigation package for unknown project impacts. In addition, APLIC encourages the BLM to continue to work with APLIC to identify potential sage-grouse conservation partnership opportunities with the electric utility industry.

Comment ID: 233
Organization:
Name:

Comment: A report by the U.S. Geological Survey and other peer-reviewed research indicate that conserving the Greater Sage-Grouse will require both protecting large areas of habitat and making significant changes in land management to reverse population declines of this wide-ranging species. The Survey found that most priority sage-grouse habitat is already heavily degraded and that grouse are only

persisting in large, relatively undisturbed blocks of habitat. The species' survival requires a plan that will effectively reduce the rate of its decline and stabilize its population.

Comment ID: 2332
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The DLUPA/DEIS should not use one-size-fits-all regulatory prescriptions with no allowance for GrSG conservation measures tailored to local conditions. Instead, habitat designations affecting individual projects must be made on a case-by-case basis with accurate data collection at the project site. In particular, habitat designations should be confirmed or adjusted utilizing site specific data collected during standard project-level NEPA analyses conducted by agency at the time specific actions or projects are proposed. If site specific information (i.e. the best scientific information available) demonstrates that previously designated habitat does not meet the criteria for general or priority habitat, then adjustments to those habitat boundaries and/or designations are appropriate and must be made by the agency. The use of landscape-level maps is particularly troubling to the extent it is used to determine required seasonal restrictions or disturbance caps. These requirements must be determined using ground-level and project-specific information to determine actual impacts to highvalue habitat.

Comment ID: 2841
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: As an overall comment about this and later sections, the document seems to only be targeted towards expanding the federal estate. Wyoming Farm Bureau policy has long advocated that there should be no net gain in federal land ownership in Wyoming. We strongly oppose efforts by the Agencies to utilize the sage-grouse as an excuse to obtain private lands or interests in private lands.

Comment ID: 2322
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The agencies are attempting to ward off listing of the GrSG by recommending constraints that exceed those implemented for listed species. The overly burdensome restrictions are not based on scientific data and fail to account for the comprehensive state and local conservation efforts already ongoing in Wyoming. A particular concern is the failure to prioritize specific actions that may have the greatest benefit to the sage-grouse. In the BLM's scoping materials for its EIS process, The BLM listed hard rock mining 16th out of 19 threats to the GrSG, just above hunting. Hunting has been found to be such an insignificant threat that it is not even recommended that it be prohibited. The DLUPA/DEIS appears to treat all threats from all programs equally, and apparently intends to spend agency scarce resources implementing specific restrictions even when certain programs like mineral development may have relatively little effect on greater sage-grouse. The DLUPA/DEIS must prioritize higher threats and focus on the largest risks to GrSG such as invasive species and fire. Additionally, the U.S. Fish & Wildlife service has recognized predation as a significant factor related to the decline of GrSG distribution and abundance. Yet, the Draft EIS fails to address predation issues or the potential for mitigation measures that could reduce impacts from predation. A primary example of the DLUPA/DEIS's imposition of new burdensome requirements without adequate scientific justification is the imposition of new more onerous conservation measures above and beyond existing state-led conservation efforts. The DLUPA/DEIS fails to adequately account for existing conservation requirements applicable to the GrSG in conducting its analysis of the various alternatives. Indeed, the DLUPA/DEIS glosses over many of the existing conservation measures implemented through Wyoming Executive Order 2011-05 and existing stipulations implemented through the BLM's Special

Status Species Manual 6840 and Instruction Memoranda. In some cases, the DLUPA/DEIS's preferred alternative presents unclear and inconsistent approaches. This is a clear disregard for BLM's duty to provide a comparison of all reasonable alternatives in a manner that allows the public to clearly evaluate new requirements that could be imposed on development. 40 CFR § 1502.14(a).

Comment ID: 2804
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: As a general comment, the Draft LUPA/ElS BLM often strays from its stated purpose and need by providing analysis of individual sage-grouse and proposing development stipulations unrelated to managing sage-grouse habitat. BLM should not analyze impacts on individual sage-grouse until first establishing a link between the impacts to individuals and sage-grouse habitat. Furthermore, BLM may not propose management actions unrelated to management of sage-grouse habitat because such actions are outside the scope of this LUPA/ElS. All such management actions should be deleted from the Final LUPA/EIS.

Comment ID: 2599
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-9: QEP feels that the creation of a Mitigation Implementation Team for each of the six WAFWA Management Zones in the West is unnecessary. The Wyoming Sage-Grouse Implementation Team (SGIT) already exists and both the BLM and USFS already participate.

Comment ID: 2523
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: There has been significant effort and progress made in recent years to incorporate sage-grouse conservation measures into state and federal agency planning documents and decisions. In addition, industry has made positive efforts to address sage-grouse conservation and minimize project impacts to sage-grouse and their habitats. In most states, industry has been an active participant in sagegrouse planning documents and positive partnerships between agencies and industry have been developed to further sage-grouse conservation. This has resulted in consideration of sage-grouse habitat in line siting, efforts to schedule activities to minimize disturbance impacts to sage-grouse, and other conservation measures. APLIC is working with resource agencies (including the BLM, FWS, and state agencies) in the development of Best Management Practices for electric utilities in sagegrouse areas (see discussion below). APLIC encourages the BLM to reference these BMPs in the Wyoming LUP EIS.

Summary: Issue 1. Wyoming’s Core Areas were not delineated based on sage-grouse biological, but based on where sage-grouse were, minus those areas of current or potential oil and gas development. As such, the Core and non Core do not meet the definition of priority and general habitat. Issue 2. The document seems to only be targeted towards expanding the federal estate. Issue 3. BLM is encouraged to continue to work with APLIC to identify potential sage-grouse conservation partnership opportunities with the electric utility industry. Issue 4. All habitat mitigation measures must apply to split-estate situations in which BLM owns either the surface or mineral estate. Issue 5. Implementation - the formation of Sage- Grouse Oversight Team is concerning since we aren’t sure if a balance of competing interests will serve on the team. Issue 6. BLM and Forest Service must commit to proactively take the necessary steps to make certain that the management changes in the proposed plan amendments will actually be implemented. Issue 7. BLM should have some common minimum requirements across RMPs that ensure that conservation measures that

cannot be shown to support the maintenance and recovery of sagegrouse populations do not crop up in regional or local RMPs due to the whims of local politics. Issue 8. BLM is requested to conduct a more thorough analysis of the effectiveness of current frameworks, standards and guidelines applicable to livestock grazing and range management in conserving sage-grouse habitat and populations. Issue 9. The Proposed LUP Amendments fail to satisfy the USFWS's PECE elements because there is not sufficient certainty that conservation actions in any of the alternatives being considered will occur and there is significant scientific evidence that the proposed management actions in each plan alternative will not be effective in either reversing the decline of the Greater Sage-Grouse or recovering the species to levels where it is no longer threatened or endangered. Issue 10. Because the plan includes significant discretionary language (e.g. avoidance) the agencies are not, in reality, meaningfully bound to meet any of the goals within the proposed plan amendments and implement all of the actions to protect the sage-grouse. Vague mandates within the plans could be ignored or watered down even without new plan amendments well before the next overarching plan amendment review period 15 years from now. Issue 11. Actions outside of BLM and Forest Service- administered land in the range of the Greater Sage-Grouse may influence any final listing decision. Issue 12. In some cases, the Draft LUP Amendments/Draft EIS Preferred Alternative presents unclear and inconsistent approaches. This is a clear disregard for BLM's duty to provide a comparison of all reasonable alternatives in a manner that allows the public to clearly evaluate new requirements that could be imposed on development. 40 CFR § 1502.14(a). Issue 13. Habitat designations affecting individual projects must be made on a case-by-case basis with accurate data collection at the project site. Issue 14. BLM may not propose management actions unrelated to management of sage-grouse habitat because such actions are outside the scope of the LUP Amendments/EIS. All such management actions should be deleted from the Final LUP Amendments/Final EIS. Issue 15. The Draft EIS further fails to address the question of sage-grouse habitat conservation in the context of livestock grazing and compliance with the Court's order especially when the BLM represented to the judge that it would address the failings of the Pinedale RMP in this plan [SG9]. Issue 16. We strongly urge a more thorough monitoring and research approach to identifying occupied habitat and habitat requirements for sage-grouse in the BTNF. Few of the management measures under Alternative E apply to the BTNF. Issue 17. We suggest that the Final LUP Amendments/Final EIS incorporate the multiple collaborative sage-grouse conservation initiatives cited in this handout as examples of the active conservation efforts that have long been underway in Wyoming. Issue 18. Include a copy of the Wyoming Executive Order as an Appendix in the Final EIS.

Response: Issue 1. The Wyoming core areas were delineated based known sage-grouse leks and nesting habitat areas. The priority and general habitats were to be developed by each State within the range of the sage-grouse based on their knowledge and expertise of sage-grouse habitat and use. Issue 2. The document focuses on lands within federal jurisdiction whether they are surface estates or mineral estates. Issue 3. The BLM and Forest Service is committed to continue working with APLIC on conservation measures related to impacts to sage-grouse and their habitats from overhead powerlines. Issue 4. MA 71 and 72 address the application of conservation measures developed in this plan as they apply to split estate lands. Issue 5. All implementation of the measures outlined in this plan will primarily to overseen by BLM/Forest Service/USFWS/State of Wyoming personnel within the State of Wyoming. Issue 6. These measures will be amended to existing RMP/LUPs and the BLM/Forest Service is committed to their implementation. Issue 7. All of the measures within this plan are common requirements for sage-grouse and sage-grouse habitat management throughout the BLM/Forest Service lands within Wyoming. Issue 8. The analysis provided at the RMP level is thorough, however it is not site specific, implementation level planning will provide more specific analysis of the impacts of these management actions and their effectiveness on current range management regulations on a site specific basis. Issue 9. The BLM/Forest Service have been working closely with the USFWS to ensure that this plan satisfies the USFWS PECE policy and we have been given assurances that the USFWS is confident that the BLM/Forest Service are meeting regulatory certainty under the ESAs listing requirements. In the event that the measures in this plan are not effective reversing the decline of sage-grouse an adaptive management and monitoring strategy is in place to change the management prescriptions. Issue 10. The discretionary language found within the document is meant to

continue to allow the BLM/FS to continue to follow our multiple use mandate in addition, to conserve sage-grouse and their habitats in a way we have not considered in the past. Issue 11. The BLM/Forest Service is committed to working with federal, state and private partners outside of the jurisdiction of this plan in order to implement similar management prescriptions on a landscape level basis. Issue 12. The preferred alternative represents a new management strategy for managing sage-grouse habitats within our current regulations and jurisdictions, which may appear to present an inconsistent approach but is meant to bridge the vast differences of our laws and regulations. Revisions have been undertaken in the Final EIS to clarify and rectify apparent inconsistencies. Issue 13. Habitat designations for sage-grouse breeding, nesting, wintering, and brood rearing is based on known locations of sage-grouse activity. How these locations affect individual projects and the implementation of these projects will be determined on a case-by-case basis, under the auspice of these management actions outlined in this plan. Issue 14. The BLM/Forest Service is not proposing management actions that are unrelated to sage-grouse and their habitats in this plan and has been very cognizant of anything that may be out of scope. Issue 15. The Final EIS ensures that the analysis of sage-grouse habitat conservation and livestock grazing is in compliance with the Pinedale RMPs court mandates. Issue 16. All of the management actions in alternative E apply to the BTNF, including the monitoring and adaptive management strategies that will be implemented in this plan. Issue 17. The existing sage-grouse conservation efforts that have been initiated by the BLM/Forest Service on federal lands has been incorporated and referenced in Alternative A of this plan. Issue 18. This plan has incorporated many of the strategies found within the Wyoming Executive Order in our management actions; Wyoming BLM has also incorporated these strategies in WY BLM 2012-019.

Sage-grouse

Range of alternatives

Grazing and sage-grouse coexistence

Comment ID: 2087
Organization: Public Lands Council and National Cattlemen's Beef Association
Name: Dustin Van Liew

Comment: Not only did the FWS never find that existing regulatory mechanisms applicable to livestock grazing are inadequate, the 9-Plan EIS also fails to meaningfully analyze the effects of current grazing management. BLM states that "BLM policy in WO-IM-2009-007 and BLM Handbook H-4180-1, and the equivalent Forest Service Annual Operating Instructions to evaluate land health standard achievement in Greater Sage-Grouse core habitat could identify where land health standards are not being met. If appropriate action is taken by issuing a decision to modify grazing, … impacts to Greater Sage-Grouse from livestock grazing could be reduced." 9-Plan EIS at 4-258 (emphasis added). BLM must meaningfully analyze current grazing impacts and demonstrate that existing regulatory mechanisms are inadequate before imposing additional restrictions. The facts that are actually discussed in the 9-Plan EIS reflect that the status quo is substantially in compliance with protective standards and guidelines. For example, BLM- and Forest Service-managed grazing allotments not meeting wildlife standards comprise only 2% of Management Zone I, less than 5% in Management Zones II and VII, and "are not widespread" throughout the region. 9-Plan EIS at 4-489, 4-491. Additionally, much of MZ II (close to 5 million acres) is wild horse and burro range, suggesting that changes to wild horse and burro management should be considered ahead of any alterations to livestock grazing. 9-Plan EIS at 4-491. These circumstances highlight the inaccuracy of BLM's statement of the purpose and need with respect to livestock grazing and range management. The current regulatory framework is compatible with sage-grouse conservation. In sum, the 2010 FWS listing decision does not provide a foundation from which BLM can rationally conclude, or assume, that changes in the current regulatory framework applicable to livestock grazing and range management are necessary to conserve and protect sage-grouse, much less to avoid a future listing decision. BLM's reliance on the FWS listing decision as the basis for the purpose and need to amend regulatory mechanisms applicable to

livestock grazing and range management is arbitrary and capricious because the listing decision does not factually support BLM's statement of purpose and need. BLM has not established a legitimate purpose and need for amending current regulatory frameworks applicable to livestock grazing and range management.

Comment ID: 166
Organization:
Name: Jean Harshbarger

Comment: There is a statement concerning retirement of grazing rights as an option, and it should be pointed out that usually grazing enhances sage grouse habitat. Removal of grazing can be detrimental to grouse.

Comment ID: 119
Organization:
Name: CTVA Action Committee

Comment: Wyoming has the healthiest, most diverse grassland ecosystem in the world. Additionally, Montana has so many sage grouse that the Montana Department of Fish, Wildlife & Parks is transplanting some of them to Canada. This region's sage grouse production is in good shape due to decades of cooperation between ranchers and the BLM. The EIS must adequately acknowledge this condition.

Comment ID: 481
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Grazing by RSGA shareholders is compatible with conservation of sage grouse habitat but this hard work and 100 years of conservation management are threatened if BLM persists in its effort to minimize [wild horse] removals.

Comment ID: 2086
Organization: Public Lands Council and National Cattlemen's Beef Association
Name: Dustin Van Liew

Comment: BLM has made the unprecedented error of failing to undertake a careful, accurate review of the FWS's listing decision as it relates to livestock grazing and range management. As applied to livestock grazing and range management, BLM's statement of the purpose and need is inaccurate and misleading because the FWS never found, nor has BLM found, that existing regulatory mechanisms applicable to livestock grazing and range management pose a threat to sage-grouse habitat or populations, much less that changes in such regulatory mechanisms are necessary to avoid a listing decision. In the 2010 FWS listing decision, FWS reached a general conclusion that "the absence of regulatory mechanisms is a significant threat to the species." List. Dec. at 72. However, in its discussion of regulatory mechanisms, FWS discussed numerous land management activities, including livestock grazing, energy development, road use, and oil and gas development and reached different conclusions with respect to the adequacy and effectiveness of regulatory mechanisms applicable to each of those land management activities. For instance, FWS found that regulatory mechanisms relating to oil, gas and other energy development "fall short of meeting the conservation needs of the species," List. Dec. at 68. However, crucially, the FWS did not conclude that existing regulatory mechanisms relating to livestock grazing and range management were inadequate. To the contrary, FWS explained that it "lack[ed] the information necessary to assess how [the implementation of rangeland health assessments] effects sage-grouse conservation." List. Dec. at 66. Moreover, the FWS concluded that existing "RMPs, AMPs, and the permit renewal process provide an adequate regulatory framework." List. Dec. at 66. The question FWS identified, however, was "whether or not these regulatory mechanisms are being implemented in a manner that conserves sage-grouse." Id. Elsewhere, FWS

summarized its findings by stating that: "for other threats, such as grazing, our ability to assess the application of existing regulatory mechanisms on a broad scale is limited by the way that BLM collected and summarized their data on rangeland health assessments and the implementation of corrective measures, where necessary." List. Dec. at 69.

Comment ID: 701
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The NTT Report unilaterally targets domestic livestock grazing and provides only a cursory analysis of wild horse and other ungulate impacts on rangeland conditions. The Draft EIS adopts the NTT Report for grazing guidance even though EO 2011-5 concludes that appropriate grazing is actually beneficial to GRSG habitat. Alternatives D and E, although better than B or C, include various flaws as discussed in our Table attached to this letter.

Summary: This region's sage-grouse production is in good shape due to decades of cooperation between ranchers and the BLM. The EIS must adequately acknowledge this condition, and it should be pointed out that grazing usually enhances sage-grouse habitat. Removal of grazing can be detrimental to grouse.

Response: The State of Wyoming considers proper livestock grazing a de minimis practice within sagebrush habitat. The COT idenfiied improper livestock grazing as a threat. On February 5, 2015 the USFWS released a memo detailing its position on livestock grazing and sage-grouse habitat management. This memo outlines the potential positive and impacts of grazing management. As with all resource uses, proper livestock grazing must be carefully managed to provide adequate habitat for sage-grouse and other native wildlife species. As with all resource uses, proper livestock grazing must be carefully managed to provide adequate habitat for sage-grouse and other native wildlife species. Areas of most concern are sensitive seasonal habitat for sage-grouse such as early brood-rearing, nesting, and winter ranges. Within seasonal habitat, vegetation height for sage-grouse cover and forage is necessary for species survival. The Proposed LUP Amendments include grazing management actions and guidance for incorporating sage-grouse decisions into grazing authorizations to ensure that livestock grazing continues to be a de minimis practice on public lands in Wyoming.

Sage-grouse

Range of alternatives

Overall grazing: Healthy Rangelands, ESDs, PFC, measurable standards regarding residual stubble height for sagegrouse hiding cover and utilization standards

Comment ID: 1308
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS does not specify what the percent cover and height of vegetation should be, what the specific reference will be that provides this recommendation, and whether these conditions will be required. It does not say how often these land health assessments will be assessed or how the condition will be assessed relative to active livestock grazing use, or how a decade-scale monitoring event will account for the immediate and short-term displacement of nesting and lekking birds.

Comment ID: 1304
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS preferred alternative does not require that the agencies consider removing livestock in order to modify grazing management to meet seasonal GRSG requirements, even though the agencies understand that changing intensity of use, numbers of livestock, and class of livestock could be beneficial for GRSG habitat.

Comment ID: 1003
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: At best, Ecological Site Descriptions (ESD's) are approximations of potential plant communities on different range sites. ESD's are based largely on rough satellite data and do not contain any degree of measurable detail. ESD's are not, despite BLM's heavy insistence, ecological absolutes and are subject to continual revisions as the potential of the individual sites is revealed. By their very nature, these sites are extremely variable and should not be used as a basis for land management objectives or changes in permits to achieve such objectives. Instead, ESD's are references for the potential of a range site. The rangeland health standards at 43 C.F.R. §4180, however, provide a more appropriate threshold. The FEIS should define "ecological site description" and explain what it is based on. Also the FEIS must explain whether it uses actual ESDs or those derived from NRCS database

Comment ID: 1649
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: In addition to enshrining the consideration of livestock permit retirement on a voluntary basis in the RMP amendment, The Taylor Grazing Act gives federal agencies the authority to re-examine and reclassify lands within a grazing district that are "more valuable or suitable for any other use" than for grazing livestock. 43 U.S.C. § 315(f). The BLM's sage grouse plan amendment process provides an ideal vehicle for the Secretary to make a new determination that all existing sage-grouse habitat (or a subset of extant habitat – e.g., preliminary priority habitat or preliminary general habitat) is not "chiefly valuable for grazing," and thus modify existing grazing districts to excise these areas. Through this same process, the Secretary may separately determine that these same areas are "chiefly valuable" for sage grouse protection and conservation. This should be accomplished as part of the Wyoming RMP amendment process.

Comment ID: 1309
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS preferred alternative specifies that the agencies will use Ecological Site Descriptions (ESDs) as the basis for conducting land health assessments, but it does not say what seral stage ESD will be the basis. Action 92 merely says that the BLM will "manage for vegetation composition and structure that reflects ESD or other methods that reference site potential" but the alternative fails to implement the actions, requirements and limitations needed to get there. These omissions are violations of NEPA, FLPMA, NFMA, and agency regulation and the DLUPA/DEIS is inadequate and legally unsupported on these grounds.

Comment ID: 326
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM also asserts that "implementation of the Wyoming Standards for Healthy Rangelands on BLMadministered lands could ensure that impacts were not significant." DEIS at 4-259. Such assurance

cannot be made, because it is possible to meet the Wyoming Standards for Healthy Rangelands an not provide a minimum of 18 cm (or even 10 cm) of residual grass height in sage grouse nesting and brood-rearing habitats. Thus, widespread nest failure as a result of inadequate grass cover can still occur when these standards are met. This flawed analysis violates NEPA's 'hard look' and scientific integrity mandates.

Comment ID: 1647
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Rest from grazing can also result in the restoration of degraded riparian zones. According to Ohmart (1996: 270), "The best way to manage riparian habitats is not to graze them." For example, in Bone Draw, a tributary of the Big Sandy River in Wyoming, removal of grazing resulted in "expansion of the riparian zone, stream bank water recharge and stabilization, extension of perennial water flows, and improved sage grouse, antelope, and waterfowl habitat. Also, as a result of the project, trout weighing up to 4 pounds were making an annual spring run of up to 100 miles of the Big Sandy and Green Rivers and into Bone Draw" (GAO 1988: 56). In eastern Oregon, Case and Kauffmann (1997) found significant increases in the structure and density of riparian hardwoods after only 2 years following livestock removal. Rickard and Cushing (1982) found that a small spring stream in sagebrush steppe in eastern Washington recovered its willow vegetation within 10 years following the cessation of grazing. Brady et al. (1989) found that after a 16-year absence of grazing, the plant community achieved a rich and diverse balance, with increases in plant diversity and overall vegetation cover. For optimal riparian zone recovery, Case and Kaufman (1997) recommended complete protection from grazing for the first 5-10 years following livestock removal.

Comment ID: 1271
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

Comment ID: 908
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Key conservation measures: Livestock grazing in sage-grouse habitat should maintain and restore habitat characteristics important for conserving sage-grouse. Grazing management should: o Require that grazing strategies maintain at least 18 cm average grass height in nesting and broodrearing habitat. o Control grazing to avoid contributing to the spread of cheatgrass in sage-grouse habitat. o Facilitate voluntary grazing permit retirement in priority habitat.

Comment ID: 1269
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Standards and guidelines are usually assessed at a distance from livestock water developments, in areas of "moderate" livestock use. The DLUPA/DEIS does not discuss how the key areas used in S&G assessments overlaps with sage-grouse habitat or whether the S&G parameters specifically measure the impacts of livestock at specific points in sage-grouse lifecycles. The DLUPA/DEIS does not explicitly link the measurements of the S&G assessments to the criteria established for sage-grouse nesting and brooding success, only that these criteria will be developed at some unspecified future date. Without site-specific monitoring or a clear connection between the rangeland health standards and the habitat needs of sage-grouse, meeting the S&Gs cannot be considered as providing fully functioning sage grouse habitat or an adequate regulatory mechanism to prevent listing. At present, no S&G assessments have determined if sage grouse habitat needs are met or not, yet the EIS assumes allotments meeting Standards are meeting sage grouse habitat needs.

Comment ID: 251
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are concerned that the BLM's emphasis on grazing to reduce cheatgrass in some alternatives will collaterally reduce nesting cover below this critical threshold. Herman-Brunson et al. (2009) found that sage grouse nest survival decreased when residual grass cover was < 16 cm in height. According to Kaczor (2008: 26) grass height is positively correlated with nest success, and this researcher recommended, "Land managers should attempt to leave or maintain maximum grass heights [greater than or equal to] 26 cm, the inflection point for 50% nest success." See Attachment 8, and see Kaczor et al. (2011), Attachment 9. Heath et al (1997) also found that near Farson, Wyoming, nests with taller grass heights were more successful than those with shorter heights. The agencies should implement a standard within the plan to address a measurable stubble height that must remain throughout the nesting season in grouse nesting habitat. We recommend at minimum using the 7.1-inch residual stubble height standard as recommended by Connelly et al. (2000a). Attachment 10. The Forest Service should evaluate this standard and other residual stubble height standards for nesting and other habitats to determine which approach best represents the best science.

Comment ID: 250
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Alternative E does not include measurable standards regarding residual stubble height for sage grouse hiding cover, nor does it address this issue indirectly by prescribing a maximum percentage of forage allowed to be removed by livestock grazing and trampling. The federal agencies must pursuant to NFMA reach a determination regarding the science that is most relevant, reliable, and accurate regarding the amount of forage that needs to remain to provide sage grouse hiding cover. For the Great Basin, Connelly et al. (2000a) recommended leaving residual grass cover at least 18 cm in height, available during the nesting season. This finding was empirically confirmed by Hagen et al. (2007). Gregg et al. (2012) found that forb components are critical for early brood rearing, and recommended that land managers establish standards for these; such standards are also absent under the Preferred Alternativ and not considered under any alternative, although such measuers are reasonable and scientifically supported.

Comment ID: 1650
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: According to the Secretary, the Grazing Rider mandated that grazing permits be renewed with the same terms and conditions as the expiring permits, and required the Secretary of the Interior to defer compliance with all applicable laws, including FLPMA, at the time of renewal. Id. At 9-10. In other words,

the Secretary believes the Grazing Rider waives all environmental laws, and the Secretary is powerless to apply any new terms and conditions to expired, waived or transferred grazing permits. Accordingly, BLM's so-called livestock grazing conservation measures in the EIS will have a negligible effect on Greater sage grouse populations and habitat, and certainly cannot provide the required certainty of effectiveness or certainty of implementation required to preclude a listing under the U.S. Fish and Wildlife Service's PECE policy. To meet the PECE's policy's requirements for consideration of BLM's unproven sage grouse conservation measures, BLM must implement the below recommended conservation measures on all grazing permits within existing sage grouse habitat contemporaneously with BLM's adopting the Final EIS and amending all applicable land use plans. BLM cannot wait until the expiration, transfer or renewal of the grazing permits before it implements these conservation measures, because, at that time (according to the Secretary's own interpretation of the Grazing Rider), BLM will lack the authority to modify the terms and conditions of these grazing permits to incorporate any sage grouse conservation measure identified in the EIS. We recommend the following strengthened management approaches to minimize further degradation of sage-grouse habitats from livestock grazing and the impacts from feral wild horses.

Comment ID: 1324
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The BLM intends to use LANDFIRE vegetation data to monitor habitat characteristics throughout sage-grouse range. Broad to mid-scale monitoring is certainly valuable, but WWP is concerned with whether accurate and sufficient fine-level monitoring is available in the planning area. The agency's failure to take a hard look at the site-specific effects of livestock grazing in the immediate areas of leks or important sage-grouse habitat is a failure to acknowledge the profound impacts and significance of impacts of degradation at this fine scale.

Comment ID: 1310
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: NEPA's implementing regulations require a consideration of the cumulative impacts of a project, defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions." 40 C.F.R. § 1508.7. Because the synergistic effects of multiple stressors is a driving force of extinction,69 the need to consider the multiple stressors facing sage-grouse and the lack of regulatory mechanisms in agency management of all of them is a paramount concern for the protection of sage-grouse under the ESA. The DLUPA/DEIS unfortunately fails to provide this analysis. For example, the DLUPA/DEIS identifies some restrictions for surface-disturbing activities in the EIS. But the BLM does not consider livestock grazing to be a surface disturbing activity, despite the mechanics of heavy ungulate disturbance during the nesting and early-brood rearing season. This failure to define the problem appropriately is the basis of the problem with the analysis; the revised LUPA/EIS should include the surface disturbing effects of livestock. The 5-percent disturbance cap is really 100 percent given the ubiquity of grazing impacts.

Comment ID: 1646
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Placing salt blocks in upland areas is not an effective means of drawing cattle use away from riparian areas. Bryant (1982:784) found that salt placement and alternate water sources did not influence cattle preference for riparian habitats, and came to the following conclusion: "These cattle used the salt

when convenient but did not alter behavior patterns to obtain it." Thus, the BLM should not rely on the placement of salt blocks as a means to draw livestock away from riparian habitats.

Comment ID: 1645
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Given the state of degradation and the pervasive nature of livestock grazing, we recommend establishing a utilization rate of 25% while meeting sage-grouse habitat objectives. While definitions of light grazing use vary, numerous references have settled on a general 25 percent harvest coefficient for allocating forage for livestock. Although this rate is more conservative than others prescribed for light grazing, it allows both forage species and livestock to maximize their productivity, allows for error in forage production estimates, accounts for the potential effects of drought, and supports multiple use values. Holecheck et al. also noted that, because most ranchers have difficulty monitoring and measuring annual grazing utilization (and the BLM doesn't regularly monitor and collect utilization information), use of grazing coefficients higher than 25 percent "invariably leads to land degradation...when drought occurs because of rancher reluctance [to reduce livestock numbers]." Limiting livestock grazing to 25 percent utilization would also support other sage-grouse habitat objectives, such as maintaining a minimum stubble height. A case study of the Antelope Springs Allotment in southern Idaho demonstrates that ranching operations can be successful and improve sage-grouse habitat using a 20 percent utilization standard.

Comment ID: 252
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In addition, Braun (2006) recommended a maximum 25% forage utilization standard for livestock (and see Holechek et al. 2010). Controlling forage utilization levels confers numerous benefits on sage grouse and their habitats. DEIS at 4-275. Please review the scientific literature and make a determination regarding what percentage of available forage should be dedicated to forage utilization for domestic livestock.

Comment ID: 103
Organization:
Name: Nancy Schultz

Comment: The negative impacts of grazing on sage grouse are well documented. The research on percentages of big sagebrush, amount of native grasses and the importance of functioning riparian areas clearly shows the negative effects of grazing. In my experience and documented in numerous publications the BLM does not adequately manage our public lands for sage grouse to recover. Livestock allotment retirement in priority habitat needs serious consideration

Comment ID: 1328
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: As discussed above, riparian areas are critical habitat for sage-grouse brood-rearing (Connelly et al. 2000), but these are some of the most manipulated and degraded habitat types in Wyoming. For example, many valleys that used to contain wetland habitat have been replaced by agriculture (DLUPA/DEIS at 3-80), which is less than ideal habitat. The BLM anticipates increased competition for water from many users in the future (DLUPA/DEIS at 3-52 and 3-53) as development increases. That and climate change will place sage-grouse brooding habitat in an even more precarious position. But the most

impactful stressor is livestock, which concentrate around water sources and remove riparian vegetation and cover, compact soils, and lower water tables, which then alters water quality, invertebrate populations, and plant species composition. This can result in degradation of crucial habitats for Greater sage-grouse. Yet the preferred alternative continues status quo riparian management, seeking only to reach at some undefined point, PFC, which is merely the minimum physical functioning to withstand a 20 year flood event and is well below wildlife habitat.

Comment ID: 1329
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The BLM justifies this lower level of protection by relying on general BLM and Forest Service management requirements to ensure that riparian and wetland areas are in proper functioning condition (PFC) or managed to standards laid out in Land Use Plans or grazing decisional documents. They contend that this broad direction for land health standards is adequate to catch and correct livestock degradation of riparian areas before they negatively affect sage-grouse. In essence, the preferred alternative would rather fix problems after they develop rather than prevent them by reducing grazing use.

Comment ID: 1377
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Appendix B provides with the BLM is calling "required design features" but none of them directly address livestock grazing impacts to sage grouse habitat. In addition, they are often vague and poorly defined. For instance, there is one "requirement" that in NEPA analyses for water developments and other range improvements that the BLM "address the direct and indirect effects to sage grouse populations and habitat". But merely “addressing" does not actually implement any requirements for these actions to not further degrade sage grouse habitat.

Comment ID: 1330
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Furthermore, our experience on the ground belies this assertion. There is unfortunately a large body of photos and data showing that failing riparian areas are routinely ignored for years. In fact, the BLM set out in the early 1990’s to have 75% of the riparian areas at least in PFC by 1997 but the amount still below PFC is nearly the same now as it was in 1993. The BLM simply does not have the resources to repair the large number of riparian areas that require improvement to attain PFC, and then monitor them to make sure they stay that way. If this approach was successful, most riparian areas would be at PFC already. According to the BLM’s public lands statistics, however, at least 34 percent of lentic areas and 38 percent of lotic systems are functioning at risk or non-functioning. How much of these are important brood rearing habitat for sage-grouse? The BLM is taking a risk by relying on time-consuming assessments to determine whether action to protect habitat should take place rather than implementing automatic reductions in stocking levels at the outset.

Comment ID: 1375
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The EIS fails to analyze what the utilization levels necessary to meet the short and long-term habitat needs of sage grouse are nor does the document discusse the critical component of meeting shortterm

requirements in order to get to the long-term requirements. This clearly violates NEPA. In addition the document failed to provide any management requirements to deal with this issue.

Comment ID: 1334
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The preferred alternative allows new water developments for livestock without limit as long as the agency determines that it "maintains" sage grouse. DLUPA/DEIS at 2-45, 59. In practice, however, any diversion of water from a riparian area is going to impact the continuity of existing riparian vegetation and hydrology to some degree. If any water is removed it is no longer available to the riparian area and by definition the existing system will be reduced. The preferred alternative's proposal is an unobtainable objective. In addition, all upland water developments by their very nature degraded sage grouse habitat.

Comment ID: 1648
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Additionally, we recommend that BLM should include a provision to retire livestock grazing allotments on a willing-permittee basis when they come up for renewal under all alternatives, as is included under all alternatives in the BLM's South Dakota RMP Draft EIS. Allowing retired allotments to be purchased and taken out of service is a far preferable outcome for grouse. See DEIS at 4-275. Unless the agency can articulate a justification for sage grouse habitat objectives not being enhanced by permit retirement, it should presumptively accept that improvements in native understory composition, residual grass height, forb production, alleviation of soil compaction, alleviation of biological soil crust destruction, and alleviation of cheatgrass expansion will necessarily improve sage grouse habitats.

Comment ID: 368
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Language in Alternative D limiting retirement of grazing permits to 15% of a planning area (DEIS at 4- 314) prevents beneficial outcomes for sage grouse; this applies an unnecessary and counterproductive limit on voluntary permit retirement, which is done at the discretion of the permittee.

Summary: Livestock allotment retirement, either voluntarily or required, in priority habitat needs serious consideration. The Wyoming LUP Amendments fails to: 1) meaningfully analyze the effects of current grazing management; 2) analyze the utilization levels necessary to meet the short and long-term habitat needs of sage-grouse; and 3) analyze the existence of cattle, sheep, and horses in nesting areas (nest disturbance, trampling, flushing, or egg crushing). Meeting the Wyoming Standards for Healthy Rangelands may not provide a minimum forage height necessary for adequate sage-grouse nesting or brood rearing cover. BLM and Forest Service should pick a forage utilization percentage standard (suggested 25%) for livestock grazing as well as a minimum residual stubble height (suggest at least 18 cm) in nesting and brood-rearing habitat. The research on percentages of big sagebrush, amount of native grasses and the importance of functioning riparian areas clearly shows the negative effects of grazing. BLM and Forest Service need to describe what seral stage Ecological Site Descriptions (ESD) will be for the basis of conducting land health assessments. Without site-specific monitoring or a clear connection between the rangeland health standards and the habitat needs of sage-grouse, meeting the Standards and Guidelines cannot be considered as providing fully functioning sage-grouse habitat or an adequate regulatory mechanism to prevent listing. Changing intensity of use, numbers of livestock, and class of livestock could be beneficial for Greater Sage- Grouse habitat. The Taylor Grazing Act gives federal agencies the authority

to re-examine and reclassify lands within a grazing district that are "more valuable or suitable for any other use" than for grazing livestock; and this should be done as part of the amendment process. BLM and Forest Service should consider resting degraded riparian areas from grazing. Any diversion of water from a riparian area is going to impact the continuity of existing riparian vegetation and hydrology to some degree and all upland water developments, by their very nature, degrade sage-grouse habitat. BLM and Forest Service should not rely on the placement of salt blocks as a means to draw livestock away from riparian habitats. The use of PFC for riparian areas is not sufficient to protect the resource for sage-grouse brood rearing, especially when grazing is allowed in riparian areas. Closer monitoring efforts are necessary to assess the fine-scale effects of livestock grazing.

Response: BLM and Forest Service considered a range of alternatives for livestock grazing management, including allotment retirement, closing of grazing within sage-grouse priority habitat, reduction of grazing, a utilization percentage standard, as well as continued grazing in core and priority habitat. BLM and Forest Service have followed NEPA; the impact analysis in the LUP Amendments fulfills the requirements of NEPA and discloses impacts to the various resources to the level of detail possible using the available information, resources, data, and science. The Wyoming Standards for Healthy Rangelands provide a standard for functioning rangeland conditions; modifications to operations could be made if grazing were the cause of not meeting standards. Additionally, new guidance for incorporating the LUP Amendments decisions into grazing authorizations provides direction for thresholds based on Greater Sage-Grouse habitat objectives and/or land health standards that would allow the BLM to make adjustments to livestock grazing. Because of the climate and topography of Wyoming, a single standard for stubble height, percentage standard, or other fixed measure for grazing would not be feasible. The range of management alternatives considered in the LUP Amendments for livestock are necessary to allow flexibility while providing functioning habitat and to meet ESDs, Rangeland Standards, and to provide necessary seasonal habitat components for sagegrouse. Appropriate grazing use levels are determined on a site-specific allotment or pasture basis depending on the vegetation type and condition, other uses, and monitoring information pertinent to the area. Monitoring also occurs on a site-specific allotment or pasture basis.

Sage-grouse

Range of alternatives

Protect sage-grouse and habitat

Comment ID: 234
Organization:
Name:

Comment: For years, fossil fuels production and other commercial uses have dominated public land management across sagebrush habitats, resulting in significant impacts to wildlife, public recreation, and air and water quality. Protecting large expanses of important sage-grouse habitat--as outlined in Alternative C--will help stem the decline of many species of wildlife across the American West. This alternative will also begin restoring balance to an over-utilized and degraded landscape, while at the same time identifying areas most appropriate for development and those that need to be avoided.

Comment ID: 163
Organization:
Name:

Comment: Sage grouse breeding and nesting habitats outside priority habitat areas should be managed to maintain current populations at the very least.

Comment ID: 159
Organization:
Name:

Comment: Above-ground power lines, communication towers, and other tall structures should be excluded from priority sage grouse areas to prevent the abandonment of important habitats

Comment ID: 158
Organization:
Name:

Comment: Priority habitats should be closed to oil and gas leasing, and withdrawn from strip mining and other forms of mineral development that are incompatible with giving the sage grouse the best chance to survive; Industrial disturbance in these areas should not be allowed to exceed the 3% threshold established by scientists;

Comment ID: 157
Organization:
Name:

Comment: I am concerned that BLM's draft preferred alternatives do not comply with the best available science or with standards necessary to stabilize and recover grouse populations. I encourage BLM to adopt the conservation alternative to ensure sustainable management to conserve the species. These include science-based recommendations to limit future development and to create protected areas. Conserving the Greater Sage-Grouse will require both protecting large areas of habitat and making significant changes in land management to reverse population declines of this wide-ranging species. Most priority sage-grouse habitat is already heavily degraded and grouse are only persisting in large, relatively undisturbed blocks of habitat. For years, fossil fuels production and other commercial uses have dominated public land management across sagebrush habitats, resulting in significant impacts to wildlife, public recreation, and air and water quality. Protecting large expanses of important sagegrouse habitat—as outlined in the conservation alternative —will help stem the decline of many species of wildlife across the American West. The conservation alternative will begin restoring balance to an iconic American landscape by identifying areas most appropriate for development and those that need to be protected

Comment ID: 156
Organization:
Name:

Comment: Manage sagebrush grasslands to maintain and enhance sage-grouse seasonal habitats, including nesting, brooding, and winter habitat.

Comment ID: 154
Organization:
Name:

Comment: Withdraw or close priority habitat areas to further mineral development, and exclude new rights-ofway in these areas. Where management must accommodate valid existing rights, restrict habitat disturbance to one developed site and 3 percent of the land surface per section to limit effects on sage-grouse.

Comment ID: 153

Organization:
Name:

Comment: Specially designate sagebrush reserves where conservation of sage-grouse and other sagebrushdependent species is prioritized on the landscape.

Summary: Save and protect the sage-grouse and sage-grouse habitat. BLM and Forest Service should base their management alternatives on the best available science. The plan does not do enough to protect, stabilize or recover sage-grouse populations. More land should be closed to uses such as oil, gas, or other mineral development; livestock grazing, wind energy development, OHVs, or rights of ways. Large areas of unfragmented habitat for sage-grouse, including winter, corridors/connectivity, and nesting should be protected and preserved, possibly as ACECs for sage-grouse and other wildlife. The conservation alternative (Alternative C) is the most protective and should be adopted by BLM and the Forest Service. Alternative B and the recommendations of the NTT Report should be adopted by the Forest Service and BLM. The COT report indicates that Wyoming's sage-grouse populations must be maintained or restored to help support the species' long-term persistence (COT 2013). The Wyoming Core Area Strategies will fail to achieve these goals. There are no adequate conservation measures for sage-grouse in General Habitat under the Preferred Alternative or Alternative D. The NSO/CSU of 0.25 to 0.6 miles from a lek in Alternatives D and E will likely result in major impacts to active leks within the core areas themselves and other populations as well, as this proximity results in significant impacts to breeding grouse on the lek and will result in development occurring in the midst of the most prime nesting habitats that surround the affected lek. These and other failings to comply with law and policy, including NEPA, NFMA and FLPMA, render the Draft LUP Amendment/Draft EIS inadequate to protect the sage-grouse and insufficient to present the framework under which adequate regulatory mechanisms will guard against species extinction. Commercial uses of the land should only be permitted if they are compatible with protection of the sage-grouse and other sagebrush species. Concerns about the modeling of core and other habitat, the need for stronger actions than the National Technical Team (NTT) Report; concerns about the sage-grouse habitat segregation schemes that break occupied sage-grouse habitat or habitat essential for restoration of populations into priority and general habitats; uncertainty over how the process would address livestock allocations; concerns about the need for immediate and strong action to heal native sagebrush communities and prevent or reverse plant community changes and irreversible cheatgrass invasion and other harms caused by aggressive treatments and grazing; the agency culture of deference to industry; and many other issues. Recovery efforts must take stochastic events into account and aim to increase, rather than maintain sage-grouse populations. By sunsetting oil and gas leasing, BLM would give operators the opportunities to prove up leases that they already possess, and for those that are not developed, the lands would no longer be encumbered with valid existing rights which would allow at least limited industrial activity in some cases.

Response: BLM and Forest Service developed Alternative E based on the Wyoming Executive Order (WY EO 2011-5) Core Area Strategy, BLM WY IM 2010-012, IM 2012-019, and BLM WO IM 2012-044; the National Technical Team Report, the best available science, input from USFWS, the State of Wyoming, cooperating agencies, and the public to create a management approach to both protect sage-grouse and allow for multiple use of public lands. Alternative E was changed between the Draft and the Final EIS to strengthen conservation of Greater Sage-Grouse habitat. The combination of surface disturbance restrictions (see Management Actions 126 and 127), timing limitations (see Management Actions 129-134), limits on density of development (see Management Actions 126 and 127), and other management under the Proposed LUP Amendments would prevent habitat fragmentation, reduce multiple stressors to the species, allow the continued existence of the Greater Sage-Grouse in Wyoming, and protect core, general, and seasonal sage-grouse habitat. All alternatives considered in the draft EIS are reasonable alternatives that comply with all laws and policy and include conservation measures for Greater Sage-Grouse while meeting the multiple use mandate of FLPMA and NFMA. ACECs were considered under Alternatives B and C;

however, the protection of habitat under Alternative E will provide similar coverage of habitat viability for sagegrouse and other sagebrush species while continuing to allow for valid, existing rights of current leaseholders and other compatible uses of public lands.

Sage-grouse

Range of alternatives

Restore sagebrush and sage-grouse habitat

Comment ID: 2043
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Restoration habitat is degraded or fragmented habitat that may not be currently occupied by sagegrouse but might support the species if restored. Land managers should target passive and active habitat restoration efforts in these areas to extend current sage-grouse range and mitigate for future loss of priority habitat.

Comment ID: 825
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Restoration habitat is degraded or fragmented habitat that may not be currently occupied by sagegrouse but might support the species if restored. Land managers should target passive and active habitat restoration efforts in these areas to extend current sage-grouse range and mitigate for future loss of priority habitat.

Comment ID: 175
Organization: Stevenson Intermountain Seed, Inc.
Name: Ronald M. Stevenson

Comment: A significant discussion identifying that restoration of lost sage-grouse habitat through seeding of vegetation species that are important to good sage-grouse habitat will be a key component to reducing the current decline of sage-grouse numbers and move the sage-grouse numbers to an increasing trend. This discussion should include specific goals and objectives.

Comment ID: 174
Organization: Stevenson Intermountain Seed, Inc.
Name: Ronald M. Stevenson

Comment: The great reduction in sage-grouse numbers can mostly be attributed to the loss of good sage-grouse habitat (Nearly 50% loss in the past 150 years). Therefore, it is unquestionably evident that the restoring of good sage-grouse habitat that has been lost is an absolute must in maintaining and eventually increasing sage-grouse numbers. To improve or restore lost good sage-grouse habitat very often involves the planting of seed of vegetation species that provide good habitat. To correct the deficiency, a valid recommendation is that the final EIS and its proposed preferred alternative contain the lacking information identified as well as proposed actions of goals and objectives. Not doing so would be a great neglect or oversight that many would find unacceptable and find the EIS very incomplete

Comment ID: 1715
Organization: Center for Biological Diversity

Name: Randi Spivak

Comment: It should be noted that in the total area encompassed by these nine areas, there are lands that do not host sage-grouse life-time habitat needs for a number of reasons -previously disturbed, agriculture lands, privately developed lands, hostile terrain or habitat types, to name a few. They contain lands that once provided habitat but due to disturbances like wildfire no longer do; these lands should be considered for restoration by the appropriate agencies. The management prescriptions that occur in following sections of this letter apply only to sage-grouse existing habitat and areas to be restored, not to non-habitat. They also apply only to federal lands managed by the Bureau of Land Management, U.S. Forest Service and U.S. Fish and Wildlife Service.

Comment ID: 178
Organization: Stevenson Intermountain Seed, Inc.
Name: Ronald M. Stevenson

Comment: A discussion identifying the key species of vegetation that will be used to improve or restore valuable sage-grouse habitat and how and where the seed from these species will be obtained. Also, how conditions will be improved for higher productions and lower costs for seed of these species. Further discussion of this key item is needed so all that are not familiar with this topic can be informed.

Comment ID: 849
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Reclaiming or recovering sagebrush habitats is extremely challenging. BLM and USFS should direct efforts toward improving our ability to effectively reclaim degraded habitat, which requires gathering site-specific baseline (pre-treatment) data to adequately evaluate success. Reclamation should be a mandatory stipulation for all development in sage-grouse habitat and managers must recognize that methods for achieving success vary by region and are site-specific.17 Reclamation efforts should be monitored and results maintained in a single database to improve public understanding and effectiveness of efforts. The agencies should establish a process to identify and address failed reclamation projects. 17 Reclamation bonds should be sufficient to cover the full cost of restoration.

Comment ID: 850
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: As sage-grouse habitat becomes further fragmented by the increasing frequency of wildfires, restoration will become more important. Sage-grouse have evolved in habitat that has extremely infrequent wildfires, and benefit from the presence of mature sagebrush stands. Habitat fragmentation and alteration due to fire may influence distribution (including lek abandonment) or migratory patterns. We suggest that the final RMPA include a strategy for identifying sagebrush landscapes that are at risk from fire and preparation of a response plan to avoid the conversion of compromised landscapes to ones that are dominated by invasive species following fires.

Summary: Restoring good sage-grouse habitat that has been lost is an absolute must in maintaining and eventually increasing sage-grouse numbers. Restoration of sagebrush and sage-grouse habitat should be prioritized (by risk, need, value), and plans should include specific goals and objectives, and be monitored for progress. Passive and active habitat restoration efforts should occur in fragmented or degraded habitat to extend current sage-grouse range and mitigate for future loss of priority habitat. A discussion identifying

the key species of vegetation that will be used to improve or restore valuable sage-grouse habitat and how and where the seed from these species will be obtained should be included.

Response: Restoration and reclamation of sagebrush habitat is addressed in the LUP Amendments/EIS management actions and will be applied appropriately in core and other seasonal sage-grouse habitat.

Sage-grouse

Range of alternatives

ROWs, transmission lines

Comment ID: 1634
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Transmission lines—a key component of renewable energy development—also negatively impact sage-grouse populations. One study found that the mean distance to electric transmission lines was greater than 2 times further in occupied range than in extirpated range.85

Comment ID: 894
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: For the past several years Tri-State has effectively worked with the Agencies to identify and designate access roads for our transmission infrastructure during the process of renewing the ROW grant permits for transmission facilities. Tri-State has been using access roads, with the Agencies concurrence, for several years and in some cases for the entire term of the permit. This collaborative process has been effective and efficient, and we appreciate the ability to work with the agency on these issues; however, it would be more effective if the Agencies would identify in the Final EIS/Final LUPA, for any alternative adopted, that continued access to transmission facilities for maintenance and emergency services is required and an authorized activity.

Comment ID: 1404
Organization: Basin Electric Power Cooperative
Name: Darlene Steffan

Comment: recent studies suggest the effect of energy infrastructure on sage grouse may be overstated. As such, many of the proposed restrictions and conditions for BLM ROW use may be unnecessary, or may result in huge expenditures for additional miles of transmission line with little or no benefit to the species. Echoing APLIC's position, stipulations for sage grouse should not include any mitigation requirement unless it is based on valid science, not anecdotal evidence or casual observation. Further, the science should be specific to the sage grouse, not surrogate species such as the prairie chicken.

Comment ID: 2544
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: APLIC notes that the BLM proposes in the LUP amendment to undesignate utility corridors. Additionally, the LUP states that new transmission lines will be permitted in existing utility corridors. APLIC does not support undesignating corridors and requests that BLM maintain all designated utility corridors. APLIC would also like to emphasize that with the Gateway South project so far along in the

NEPA process, the BLM should consider the efforts that APLlC-member utilties, BLM, and other agencies working on the NEPA process for Gateway South have undertaken thus far in its LUP Amendment. These efforts include siting in areas that have been previously designated as utility corridors.

Comment ID: 1412
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Lands and Realty Management, Page 2-18, Item #30. Avoidance (or exclusion) areas should not be mandated in principle. Rather rights-of-way and other anthropogenic disturbances should be managed consistently with the EO by utilizing the DDCT process in core/priority habitat. Simply excluding or avoiding rights-of-way and other realty actions altogether in core/priority habitat is inconsistent with the EO and will result in conflicting management across the range.

Comment ID: 840
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: priority habitat exclusion areas for new ROW permits.

Comment ID: 1636
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The infrastructure associated with energy development within sagebrush ecosystems threatens the contiguous habitats remaining in the western United States. The linear right-of-ways associated with wind and other energy developments likely provide anthropogenic nesting subsidies and fragmented landscapes, both of which increase nesting opportunities for ravens. Preventing fragmentation by transmission lines, roads, and other human interventions is integral to stemming the increase and range expansion of raven populations.92 We recommend the following strengthened management approaches to minimize further degradation of sage-grouse habitats from energy-related development.

Comment ID: 889
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Other factors regarding the feasibility of building an underground transmission line include longevity, maintenance and operational issues, and increased habitat fragmentation effects. Underground transmission lines typically have half the life expectancy of an overhead transmission line, and when an outage occurs on an underground line it takes much longer to respond because it is difficult to pinpoint and reach the source of the outage. Repairs will take longer and require additional ground disturbance, potentially increasing disturbances to sensitive habitats. In an emergency situation, utilities would be required to repair the damage immediately regardless of seasonal constraints and buffers. Direct impacts to sagebrush habitats increase when burying a transmission line versus building an overhead line. The Right-of-Way (ROW) required to construct and operate an underground transmission line is generally wider and would result in more direct impacts to sagebrush habitats, increasing habitat fragmentation for sage-grouse. Burying transmission lines can result in greater ground disturbance and more regular maintenance in seeding and weed prevention. It is important to consider the other resources (biological and cultural) and conservation objectives associated with burying a high voltage transmission line compared to the ground disturbance for an overhead line. Restoring sagebrush habitat and weed control in a wide linear corridor is

inherently more difficult. The Agencies have identified that the surface disturbance associated with undergrounding a power line as a temporary feature, however they have also acknowledged that sagebrush restoration can take decades to reach pre-construction results/conditions.

Comment ID: 893
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Alternatives B & C within priority and general habitat would eliminate the ability for the upgrading of existing roads that would change road category, unless it was necessary for motorist safety or it eliminated the need to construct a new road. This stipulation could prevent Tri-State from accessing and, therefore upgrading or maintaining existing facilities. Tri-State suggests that the Agencies provide emergency access, and make provisions for access to valid existing ROWs. Also, new road construction would be prohibited within 4 miles of active sage-grouse lek, and avoided in priority or general habitat. As currently written, without exemptions, this language could be interpreted to prevent us from upgrading or maintaining our facilities if they were within 4 miles of a lek.

Comment ID: 837
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: should not issue new leases or right-of-way (ROW) permits within any priority area that is not currently subject to valid existing rights.

Comment ID: 321
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Priority Habitats need to be designated based on the habitats that sage grouse populations need to survive, not on the routing preferences of transmission line operators, and these Priority Habitats must include sufficient protections to keep such transmission lines at least 0.25 miles away from all occupied sage grouse habitats. The designation of a two-mile transmission corridor through Priority Habitats under the Preferred Alternative (DEIS at 4-312) would expand these impacts of transmission lines into identified Priority Areas for Conservation (PACs) resulting in undue degradation of these key sage grouse habitats. This would result in the severing of migration corridors (DEIS at 4-312) and result in a behaviorally impassable barrier to sage grouse, permanently dividing and isolating previously linked populations. Please provide scientific evidence that multiple large powerlines will not prevent movements of sage grouse across these linear features.

Comment ID: 322
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM prescribes a 0.6-mile buffer for overhead power lines in its Preferred Alternative (DEIS at 4-331). Please provide documentation that this level of protection will be adequate to prevent impacts to breeding and nesting sage grouse, particularly in light of studies (Doherty et al. 2011, Coates et al. 2013) that show that sage grouse concentrate their nesting activity within 5 miles of the lek site. We are concerned that a mere 0.6-mile buffer around leks will allow major impacts to nesting sage grouse, and major increases in nest predation, nest failure, and radically lowered recruitment.

Comment ID: 2524
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: Installing new power lines underground or converting existing lines from overhead to underground are often raised as possible permit stipulations or mitigation options. However, underground power lines result in increased cost, reduced reliability, greater ground disturbance during construction and repairs, longer outage periods for customers, and may not always be feasible from engineering and operations perspectives. Underground power lines require a continuous excavation through all habitat types. In sagebrush habitat, this would result in ground disturbance for the entire line route. This is in contrast to overhead lines, which result in a disturbance only at the structure locations. Underground lines would also require excavation for repairs or maintenance, which would result in ground disturbance occurring temporally over the life of the line, not just during initial construction. Ground disturbance during construction, repairs, and maintenance can result in large, permanent displacement of excavated soil and subsequent issues with re-establishing native vegetation and preventing the overgrowth of invasive species. A University of California study (Bumby et al. 2009) found that underground power lines have more environmental impacts than overhead power lines for all categories and most scenarios in southern California. For more detailed discussion of environmental and engineering constraints associated with underground power lines, see Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (APLIC 2012), pages 62- 63. APLIC encourages the BLM to allow overhead power lines an acceptable alternative in Wyoming and requests that requirements for placement of lines underground be removed.

Comment ID: 3150
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 4.14.4 4- 273 Last Paragraph, first sentence If new transmission corridors would not be authorized in priority and connectivity areas, where would these types of development be proposed to occur? Please provide explanation.

Summary: Please provide scientific support that the buffer distances for ROWs and transmission lines under Alternative E are sufficient to protect sage-grouse. We are concerned that a mere 0.6-mile buffer around leks will allow major impacts to nesting sage-grouse, major increases in nest predation, nest failure, and radically lowered recruitment. Establish priority habitat exclusion areas for new ROW permits. Agencies should not issue new leases or ROW permits within any priority area that is not currently subject to valid existing rights. Please do not undesignate any utility corridors and maintain all designated utility corridors. Rights-ofway and other anthropogenic disturbances should be managed consistently with the EO by utilizing the DDCT process in core/priority habitat. Continued access to transmission facilities for maintenance and emergency services is required and an authorized activity. Underground power lines result in increased cost, reduced reliability, greater ground disturbance during construction and repairs, longer outage periods for customers, and may not always be feasible from engineering and operations perspectives; please consider overhead powerlines an acceptable alternative, and remove requirements for underground powerlines. 4.14.4 4- 273 Last Paragraph, first sentence If new transmission corridors would not be authorized in priority and connectivity areas, where would these types of development be proposed to occur? Please provide explanation. Recent studies suggest the effect of energy infrastructure on sage-grouse may be overstated; stipulations and mitigation should be based on specific sage-grouse science

Response: The buffer distances, disturbance caps, and seasonal restrictions contained in the management alternatives are based on peer-reviewed scientific research of sage-grouse needs for continued existence. The goal of the LUP Amendments is to conserve, enhance or restore sagebrush ecosystems; and the management contained in the management alternatives will allow for unfragmented, contiguous habitat for

sage-grouse. There is no alternative that undesignates corridors. The DDCT is considered under Alternative E for new ROW projects; not burying powerlines is considered under Alternative D. Under Alternative B, new corridors would be proposed in general sage-grouse habitat.

Sage-grouse

Range of alternatives

Timing restrictions, buffer distances and disturbance caps are excessive

Comment ID: 431
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Alternative E proposes to expand the 0.6 mile CSU buffer for protection of connectivity corridors under EO 2011-5 to 4 miles. This significant 700% expansion of the lek buffer in connectivity corridors is excessive, inconsistent with EO 2011-5 and has not been justified by the BLM.

Comment ID: 1423
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Timing and Distance Restrictions, page 2-138 and 2-139, Item #129. As stated under Alternatives B and C, "Sage-grouse leks inside sage-grouse priority and connectivity habitat areas: Provide the following conservation measures as terms and conditions of the approved RMP. New surface occupancy would not be allowed on federal leases within priority habitats. This would include winter concentration areas during any time of year." This timing and distance restriction is not consistent with the BLM's policy of multiple use. If either of these alternatives are considered further, the BLM will need to complete a thorough socioeconomic impact analysis including mining and document those findings in Appendix N.

Comment ID: 141
Organization:
Name: CTVA Action Committee

Comment: The timing restrictions and the buffer around leks are problematic. These time frames cover most of the recreation season and the distance is excessive.

Comment ID: 1181
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA contends that the provisions of the NTT Report do not represent the Best Available Science2 which was also recognized by Department of the Interior (DOI) employees, and discussed in detail infra Section II(D): …In several places (i.e. page 11) we noticed that there are references to only a few literature citations that attempt to portray the impacts to a program (lands, minerals, etc.) and as far as we know, there really are no studies that have been completed that show this direct correlation… 3 ...Science says 30 – 50% in non-sagebrush cover is okay (see quote below), but the NTT Report says 3% in anthropogenic features is the NTT recommended maximum... Am I missing something, is it worded poorly, or is this a misapplication of professional judgment and science?4

Comment ID: 130

Organization:
Name: CTVA Action Committee

Comment: We strongly oppose components of the 2010 Conservation Measures that lack the flexibility to adapt to local management issues. The plan amendments should avoid inflexible management standards. Rather than impose a inflexible, broad-brush management prescription for the Grouse, we suggest the BLM adopts a "landscape specific" approach to minimize the impacts on both the Grouse and the recreating public. For example, we oppose the provision mandating that any "anthropogenic disturbances" cover less than 3% of the total sage grouse habitat. Without any flexibility, the implementation of this standard on the ground will be extremely difficult. Indeed, the agencies may be forced to restrict activities that have been found to have little to no impact on the grouse.

Comment ID: 2328
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: The 4-mile lek buffer proposed in the DLUPA/DEIS is also based on flawed studies.27 For example, the BLM in both its DLUPA/DEIS and the NTT Report does not take into account that lek buffers may not be applicable or necessary due to topography or other site-specific conditions, which would reduce the impact of noise. In addition, BLM, and many of the studies cited by the BLM in the DLUPA/DEIS rely on antiquated lek count data to demonstrate population declines and or displacement of birds, which has long been criticized for failing to render statistically valid estimates of population numbers and trends, partially due to the non-random sampling, the fact that male sage-grouse move between leks, and differences in count methodology/definition of active lek.

Comment ID: 2410
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Inconsistent utilization of buffers. In Alternative A, Chapter 4 pg. 4-264 & 4-270 identifies surface occupancy and seasonal timing limitation for nesting-brood rearing habitat buffer distances around leks. Buffer distances vary from .25 miles to 4 miles for surface occupancy and .75 miles to 4 miles for seasonal surface disruptive activities. There is no evidence that sage-grouse located in a different BLM Field Office are more sensitive to surface activities than other Field Offices, or that a 4 mile buffer is appropriate for mining activities.

Comment ID: 2341
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The DLUPA/DEIS proposes to prohibit surface occupancy or disturbance within four miles of a lek in sage-grouse priority habitat during nesting, lekking, and early brood-rearing periods. The four-mile buffer around leks is a one-size-fits-all application and does not address the variations in habitat quality or use, and given the topography of the planning area there is substantial acreage within four miles of leks that may not actually be GrSG habitat, and/or would not be impacted by activities occurring four miles away. The DLUPA/DEIS presents no scientific evidence that this buffer distance will actually benefit the species and its habitat. As a result, the Agencies may be inadvertently expanding areas subject to the management restrictions outlined in the DLUPA/DEIS to areas that do not contain active leks or GrSG habitat. Western Fuels requests that the Agencies consider modifying all lek buffer requirements to acknowledge that site specific factors may influence the appropriate seasonal buffers. The DLUPA/DEIS should also recognize

and address the importance of adaptive management, so that future recommendations and management prescriptions can be updated once additional scientific information becomes available.

Comment ID: 2344
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: Western Fuels requests that the Agencies provide a mechanism to consider local conditions in the habitat areas on a project-specific basis before imposing a one-size-fits-all management restriction, or provide a mechanism to monitor habitat quality or use in the future. An understanding of the local habitat conditions and the future habitat quality and use will facilitate GrSG grouse conservation, minimize impacts, allow lawful activities to proceed, and meet multiple use objectives for the Agencies.

Comment ID: 2564
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: The Draft LUPA/EIS also suggests that sage-grouse can change their behavior in response to noise and increased human presence associated with construction, operation, and maintenance activities. However, seasonal restrictions are commonly used to minimize these impacts during sensitive time periods, and those restrictions for the CCSM Project are fully documented in the Final EIS and ROD. Additionally, ongoing operation and maintenance activities for wind turbines are relatively benign because such activities typically occur only a few times a year, Daily visits may be required at oil and gas wells, but they are not required at wind turbine sites. The amount of vehicle traffic and human activity within an operating wind farm is typically very low; therefore it is inaccurate to lump together all energy development as having the same type of potential impacts.

Comment ID: 2338
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA contends that the seasonal use prohibitions proposed are overly restrictive and burdensome to those exercising their rights under the General Mining Law. For example, under Alternative D seasonal use prohibitions and restrictions are put in place November 1, and are not lifted until June 30 (See Table 2-1 at 2-145 to 2-163).

Summary: The provisions of the NTT report, timing restrictions, 3% disturbance cap, and the buffer around leks (prohibit surface occupancy or disturbance within four miles of a lek in sage-grouse priority habitat during nesting, lekking, and early brood-rearing periods) are problematic, based on flawed science, and lack the flexibility to adapt to local management issues. The time frames cover most of the recreation season and the distance is excessive. Alternative E proposes to expand the 0.6 mile CSU buffer for protection of connectivity corridors under EO 2011-5 to 4 miles. This significant 700% expansion of the lek buffer in connectivity corridors is excessive, inconsistent with EO 2011-5 and has not been justified by the BLM. Agencies should provide a mechanism to consider local conditions in the habitat areas on a project-specific basis before imposing a one-size-fits-all management restriction, or provide a mechanism to monitor habitat quality or use in the future.

Response: The buffer distances, disturbance caps, and seasonal restrictions contained in the management alternatives are based on peer-reviewed scientific research of sage-grouse needs for continued existence. The goal of the LUP Amendments is to conserve, enhance or restore sagebrush ecosystems; and the management contained in the management alternatives would allow for unfragmented, contiguous habitat

for sage-grouse. While BLM and Forest Service in Wyoming based Alternative E on the WY EO 2011-5, there were some areas the agencies felt management was needed beyond what was initially proposed in the EO. The seasonal buffer distance for sensitive breeding, nesting, and early brood rearing habitat was one place where BLM and Forest Service felt that greater protection of habitat should be included in the management for the LUP Amendments.

Sage-grouse

Range of alternatives

Vegetation treatments

Comment ID: 299
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We strongly urge the federal agencies to prohibit vegetation treatments in Priority Habitats except where they are consistent with maintaining optimal sage grouse habitat (NTT 2011). There is a growing scientific consensus that burns and mechanical treatments are deleterious to sage grouse. The agencies also need to assess non-native seedings and restore them to native vegetation if this is the most optimal option for sage grouse habitat, as has been proposed under the Northwest Colorado RMP Amendment Preferred Alternative. BLM itself notes the benefits of restoring areas converted to non-native grasses through seedings. DEIS at 4-295, 4-303. BLM and the Forest Service should also adopt a requirement for grazing exclosures and long-term monitoring following vegetation treatments. Furthermore, it is important to rest burned areas from livestock grazing for 3 full seasons following disturbance.

Comment ID: 298
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Taking into account the negative effects of vegetation treatments on sage grouse nesting and lekking areas, and uncertainty in the overall extent of sage grouse nesting habitat surrounding lek sites, the BLM should prohibit vegetation treatments within 5 miles of sage grouse lek sites.

Comment ID: 297
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM should 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 ID: 2047
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Avoid sagebrush reduction/treatments to increase forage in priority habitat and include plans to restore high-quality habitat in areas with invasive species.

Comment ID: 843
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: treatments to protect existing sagebrush ecosystems (including avoiding such treatments where they will harm sagebrush ecosystems) and prioritize fire suppression to conserve habitat.

Comment ID: 841
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: Our recommendations for management policies in sage-grouse habitat are as follows: sagebrush reduction/ treatments to increase forage in priority habitat and include plans to restore high-quality habitat in areas with invasive species.

Comment ID: 1326
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The agencies routinely turn to vegetation treatments to rectify resource problems brought about by past and current mismanagement. The DLUPA/DEIS proposes many such treatments over thousands of acres to improve sage-grouse habitat. However, these treatments are not assured of success. In fact, they are expensive and prone to failure and generally cause major increases in invasive species. Connelly et al. (2000) recommend no sagebrush treatment within sage grouse habitat because of the effects of the disturbance on sage-grouse. Given these caveats, it is unwise for the BLM to try to treat its way out of habitat degradation. This is why the livestock reduction followed by passive restoration proposed in Alternative C makes the most sense. DLUPA/DEIS at 2-156.

Comment ID: 1244
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

Comment ID: 2264
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Also, regarding both vegetation and fuels management, we question the notion that habitat management may contribute to disturbance caps and how this would affect efforts for managing for other species (e.g., mule deer, pygmy rabbit). We are aware that it has become increasingly difficult for WYGF to exercise habitat management projects for other species and strongly recommend that habitat management for all sagebrush-associated species be considered in a more holistic way that allows the state agency and land managers to treat habitat accordingly.

Summary: BLM should 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 sagegrouse 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? We strongly urge the federal agencies to prohibit vegetation treatments in Priority Habitats except where they are consistent with maintaining optimal sage-grouse habitat (NTT 2011). No treatment should be considered where sagebrush cover is less than 20 percent or within 2 miles of breeding, nesting, or brood areas. There is a growing scientific consensus that burns and mechanical treatments are deleterious to sagegrouse. The agencies also need to assess non-native seedings and restore them to native vegetation if this is the most optimal option for sage-grouse habitat. BLM itself notes the benefits of restoring areas converted to non-native grasses through seedings. BLM and the Forest Service should also adopt a requirement for grazing exclosures and long-term monitoring following vegetation treatments. It is important to rest burned areas from livestock grazing for 3 full seasons following disturbance. Taking into account the negative effects of vegetation treatments on sage-grouse nesting and lekking areas, and uncertainty in the overall extent of sage-grouse nesting habitat surrounding lek sites, the BLM should prohibit vegetation treatments within 5 miles of sage-grouse lek sites. Vegetation treatments are expensive and prone to failure and generally cause major increases in invasive species. Avoid sagebrush reduction/treatments to increase forage in priority habitat and include plans to restore high-quality habitat in areas with invasive species. Design fuel treatments to protect existing sagebrush ecosystems (including avoiding such treatments where they will harm sagebrush ecosystems) and prioritize fire suppression to conserve habitat

Response: The protocol in Appendix A in the Draft EIS included many of the recommendations provided in the comments and is the protocol that will be used for vegetation treatments. Considerations were made as the range of alternatives were developed using the best science and professional experience to create management that would enhance and improve sagebrush ecosystems and support sage-grouse populations. The use of prescribed fire, percent cover treated, use of seed, exclosures, thinning, monitoring have all been considered in the range of alternatives. The monitoring strategy proposed in this plan will also assist in determining the positive and negative impacts of any future vegetation treatments on sage-grouse habitat. The final decisions for vegetation treatments will be included in the Record of Decision after completion of the public

Sage-grouse

Range of alternatives

Wind, solar, geothermal issues

Comment ID: 319
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are concerned that the Wyoming DEIS does not identify existing or permitted wind farms located in Preliminary Priority or General Habitat for sage grouse on land ownerships and jurisdictions other than Forest Service or BLM in the Casper, Newcastle, Pinedale, Rawlins, and Rock Springs Field Offices. DEIS at 3-55, 3-59, 3-60, 3-62, and 3-63. Only for the Kemmerer Field Office does BLM provide even cursory information regarding wind farms on private land (DEIS at 3-58), and this analysis includes no data regarding the intersection of wind farms and Priority or General Habitats. This baseline information is important because it needs to be included in the cumulative effects analysis for all alternatives, and its absence prevents BLM from conducting a rigorous analysis of cumulative effects on sage grouse.

Comment ID: 149
Organization:
Name: Irene Gilbert

Comment: Any plan that is based upon "disturbance" of the ground is going to leave the door open to continued development of Wind and Solar developments. These developments claim to only disturb roughly 3% of the habitat. They ignore the fact that the wind towers cause sage grouse to abandon habitat and leks located within 3 miles of the turbines according to the Department of Fish and Wildlife. In addition, the roads which are developed at these locations fragment the expanses of habitat necessary for Sage Grouse survival. Given the limits on motorized travel on public lands and restrictions that continue to be applied to public access, any plan which does not prohibit the development of wind and solar farms on sage brush habitat used by sage grouse is not serious about the protection of this vulnerable species. I am requesting a prohibition of wind and solar developments on public lands being utilized by sage grouse.

Comment ID: 855
Organization: National Wildlife Federation
Name: Kathleen Zimmerman

Comment: BLM and USFS play critical roles in ensuring that the boom in wind energy development does not lead to declines in the Greater sage-grouse population. The agencies have sufficient data on quality of wind resources, potential conflicts with other resources and values, and availability of transmission, which should be used to designate wind energy zones, similar to Solar Energy Zones already in place on BLM lands. Through amendments to affected land use plans, BLM and USFS can incorporate not only wind energy zones but also areas that are off limits to wind energy development (as specific industrial-level energy ROW avoidance and exclusion areas).

Comment ID: 318
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Under the Preferred Alternative and Alternative D, wind energy development would be excluded unless it could be demonstrated that such development would not cause population declines. Id. How will this determination be made? Federal agencies are fallible, and the wording appears to leave the enforceability of these provisions to agency discretion. This creates a major uncertainty problem when considering that an erroneous judgment would still allow such projects to move forward inside Priority Habitats, potentially creating major impacts to sage grouse habitats and populations. Thus, both these types of industrial development (wind and solar) need to be excluded, on no uncertain terms, from Priority Habitats.

Comment ID: 317
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The Wyoming planning area is an intense focus for wind development, with over 1,000 new wind turbines forecast under several alternatives. Under Alternative C, Priority Habitats would be designated as exclusion areas for wind projects (and also solar projects). DEIS at 2-30, 2-31. This is the appropriate course of action, and geothermal projects should likewise be excluded from Core Areas.

Summary: Priority Habitats should be designated as exclusion areas for wind, solar, and geothermal projects. Under the Preferred Alternative and Alternative D, wind energy development would be excluded unless it could be demonstrated that such development would not cause population declines. How will this

determination be made? The Draft EIS does not identify existing or permitted wind farms that fall outside of the planning area; how can cumulative impacts be assessed without this information? BLM and Forest Service can incorporate not only wind energy zones but also areas that are off limits to wind energy development in their amendment process.

Response: BLM and Forest Service believe that the combination of management, including the management in Action 36, would provide protection for Greater Sage-Grouse habitat and reduce threats from habitat fragmentation, habitat loss, and the perceived threat of predation. The determination of "no declines" will be the responsibility of the project proponent. Scientific research, on-the-ground studies, or other sources could be used to support "no declines" of sage-grouse populations and will be the responsibility of the project proponent, with support by the BLM, Forest Service, WGFD, and USFWS. In response to public comment, a cumulative impacts report analyzing the data from all of the sage-grouse LUP and RMP amendments and revisions within WAFWA Management Zones I and II has been included in the Proposed LUP Amendments/Final EIS.

Sage-grouse

Range of alternatives

Winter habitat: management, protection, questions

Comment ID: 673
Organization: Anadarko
Name: David Applegate

Comment: Anadarko is currently only aware of one delineated winter concentration area ("WCA") within the State of Wyoming being developed through the Wyoming Governor's Sage-Grouse Implementation Team ("SGIT") for the normally pressured lance ("NPL") energy field utilizing a discrete set of parameters to define WCAs through a resource selection function ("RSF") modeling process. As noted in the SGIT process, estimated flock size data should be incorporated in the analysis to provide a measure of habitat quality (Johnson 2007). To define predicted high use areas as WCAs, the NPL committee (comprised of numerous agency and academic interests) recommended protocol that overlaid sage-grouse winter observations, as collected during annual flights, where >50 sage-grouse were observed on the RSF map. Those predicted highest quality habitats surrounding sage-grouse observations where >50 sage-grouse were observed repeatedly through time would delimit the boundaries of the WCA. WCAs are delimited in this way by a combination of RSF predictions of habitat quality and confirmed sage-grouse locations with >50 birds. Such a delineation of WCAs inherently considers the need for sage-grouse presence in sufficient quantity, while identifying and considering differences in habitat quality that surround those locations (The Wildlife Society, 2013). This results in a rigorous, science-based, data-driven approach. Should the agencies move forward with restrictions centered around WCAs, WCAs, as distinguished in the Final LUPA should be delineated by this same rigorous approach whereby locations of >50 birds are used to define boundaries. Utilization of models or reliance on utilization of any habitat in which a bird is found over winter be classified as important, is not in line with the current science. Currently, there is no scientific support Anadarko is aware of that asserts that oil and gas activities in WCAs lead to sage-grouse declines - the Core Area Policy is in itself an effective tool for mitigating impacts from oil and gas activities. Further, the agencies need to provide a definition of what constitutes a WCA so that stakeholders may appropriately understand the prescriptions being proposed and level of impact.

Comment ID: 436
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: BLM and USFS need to further clarify the distinction of "25 to 50 or more." IM 2010-012 states that the number is dependent upon the total population size in the area (large vs. marginal). Also, clarification needs to be added to the term "consistently". Is it a timeframe of 5 years, 10 years, etc.? Certainly 1 or 2 years does not satisfy the requirement of consistent use. As a comparison, it takes 10 years of continual data to demonstrate a lek has been abandoned. Yates requests BLM to clarify how "winter concentration areas" are identified and defined. Winter concentration areas should be limited to those areas that are biologically justified as such based upon long term and significant GSG use.

Comment ID: 903
Organization: Defenders of Wildlife
Name: Mark Salvo

Comment: Key conservation measures: o Identify and protect sage-grouse wintering areas in priority habitat.

Comment ID: 780
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Areas designated as winter concentration areas must be scientifically analyzed by site-specific field assessments to verify that those areas in fact exhibit requisite winter-concentration-area vegetative and habitat characteristics.

Comment ID: 1773
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips does not support the BLM's proposal to protect additional areas of winter concentration that are not located within current core area boundaries. Sage-Grouse DLUPA, pgs. 2- 162 – 2-163, Action No. 134. BLM has not justified this new restriction or demonstrated why it is necessary.

Comment ID: 1041
Organization: American Colloid Company
Name: Melody Smith

Comment: Our areas of interest in Crook County are mapped as providing Regional Winter/Nesting/Summer habitat, which could result in extensive timing restrictions.

Comment ID: 1122
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 2-163 MA 134 Text: "Winter Concentration Areas" Comment: This term has not been defined and located or described to promote appropriate NEPA analysis.

Comment ID: 1543
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG does not support the BLM‘s proposal to protect additional areas of winter concentration that are not located within current core area boundaries. Sage-Grouse DLUPA, pgs. 2-162 – 2-163, Action No. 134. BLM has not justified this new restriction or demonstrated why it is necessary.

Comment ID: 1203
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz does not support the BLM’s proposal to protect additional areas of winter concentration that are not located within current core area boundaries. Sage-Grouse DLUPA, pgs. 2-162 – 2-163, Action No. 134. BLM has not justified this new restriction or demonstrated why it is necessary.

Comment ID: 2278
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana does not support the BLM’s proposal to protect additional areas of winter concentration that are not located within current core area boundaries. BLM has not justified this new restriction or demonstrated why it is necessary.

Comment ID: 2409
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Over-reliance on vaguely defined "winter concentration areas." Many aspects of the Draft EIS refer to restrictions on surface disturbance activities in GRSG "winter concentration areas." See Table 2.5. The Draft EIS notes that "Winter concentration areas are documented areas where large numbers (25 to 50 or more) of Greater Sage-Grouse consistently use habitat during the winter months and contain sagebrush as described for winter habitat (BLM 2009b)." Instruction Memorandum WY201O- 012 states that the number is dependent upon the total population size in the area; 50 or more birds in an area of winter habitat would constitute a winter concentration area in areas where the total GRSG population size is large and 25 or more birds in an area of winter habitat would constitute a winter concentration area in areas where the total GRSG population is marginal. Such a distinction must be made. Also, clarification needs to be added to the term "consistently". Is it a timeframe of 5 years, 10 years, etc.? Certainly 1 or 2 years does not satisfy the requirement of consistent use. As a comparison, it takes 10 years of continual data to demonstrate a lek has been abandoned. BLM should clarify that winter concentration areas are areas that have been or will be scientifically verified by field assessments on a site-specific basis and that they support biologically significant numbers of GRSG that nest in core areas.

Summary: Areas designated as winter concentration areas must be scientifically analyzed by site-specific field assessments to verify that those areas in fact exhibit requisite winter concentration area vegetative and habitat characteristics. BLM must to clarify how winter concentration areas are identified and defined so that stakeholders may appropriately understand the prescriptions being proposed and level of impact. Winter concentration areas have not been defined and located or described to promote appropriate NEPA analysis.

Response: WGFD maps winter concentration areas, but not all habitat is currently mapped. If mapping has not occurred prior to project approval, it would occur before approval takes place. The map provided in the Draft LUP Amendments is a habitat model created by USGS. The habitat mapped in this model is not necessarily what is true on the ground. The definition of “winter concentration areas” is included in the Glossary of the Draft LUP Amendments.

Lands and Realty

Incorrect statements in the Draft EIS need to be revised

Comment ID: 2740
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-8 Text: Do not issue ROWs to counties on energy development roads, unless for a temporary use consistent with all other terms and conditions included in this document. Comment: This language should be amended to read: “Do not issue ROWs to counties on new energy development roads, unless for a temporary use consistent with all other terms and conditions included in this document.”

Comment ID: 2582
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Appendix N As with the Chapter 4: Socioeconomics section, Appendix N fails to recognize the CCSM Project site has been approved for wind energy development, via a Record of Decision signed in October 2012, and that detailed wind development economic data from the CCSM Project Final EIS is available. We request that the following specific sentences be corrected, updated or edited in Appendix N to reflect the CCSM Project and the Final EIS and ROD: Page N12: "The level of uncertainty regarding amounts and locations of wind energy development in the planning area was considered too large to allow estimation of economic impacts." Page N12: "It is difficult to foresee where these projects would be built." Page N14: "First, because no projects are currently approved on BLM and Forest Serviceadministered lands … . " This last sentence not only needs to be adjusted to reflect the CCSM Project's approval, but it also is inaccurate given that Wyoming's first utility-scale wind energy project was built on ELM lands in Carbon County. See data available on the BLM website at: http://www.blm.gov/wy/stlenlfield offices/Rawlins/wind.html, including the following: The Foote Creek Rim wind project is Wyoming's first commercial facility to generate electricity from wind. Located near Arlington, Wyoming, it began commercial operation on Earth Day, April 22, 1999. The project is partially located on public lands managed by tbe BLM Rawlins Field Office. The project is the largest in the intermountain West. Finally, Section 2.2.2 outlines how ELM determined the "low and high development scenarios" for wind energy in Wyoming, by sourcing industry expert opinions on "likely near-term wind development." First, there should be quantitative supporting data available and therefore cited to support the BLM Wyoming State Office "suggestion that 4,000 MW is a better assumption for the minimum level of development" (page N-13).

Summary: Issue #1: Draft EIS, Page B-8: “Do not issue ROWs to counties on energy development roads, unless for a temporary use consistent with all other terms and conditions included in this document.” Comment: This language should be amended to read: “Do not issue ROWs to counties on new energy development roads, unless for a temporary use consistent with all other terms and conditions included in this document.” Issue #2: Appendix N fails to recognize the Chokecherry Sierra Madre (CCSM) Project site has been approved for wind energy development, via a Record of Decision signed in October 2012, and that detailed wind development economic data from the CCSM Project Final EIS is available. We request that the following specific sentences be corrected, updated or edited in Appendix N to reflect the CCSM Project and the Final EIS and ROD: Page N12: "The level of uncertainty regarding amounts and locations of wind energy development in the planning area was considered too large to allow estimation of economic impacts." Page N12: "It is difficult to foresee where these projects would be built." Page N14: "First, because no projects are currently approved on BLM and Forest Serviceadministered lands … . " Finally, Section 2.2.2 outlines how BLM determined the "low and high development scenarios" for wind energy in Wyoming, by sourcing industry expert opinions on "likely near-term wind development." First, there should

be quantitative supporting data available and therefore cited to support the BLM Wyoming State Office "suggestion that 4,000 MW is a better assumption for the minimum level of development" (page N-13).

Response: Issue #1: It is not necessary to change this. If the county requests a ROW on an existing energy development road, it should be analyzed through the NEPA process and coordinated with the travel management plan as to whether a permanent road to the county for the public is warranted. Issue #2: CCSM has been referenced in the Final EIS. It is inappropriate to extrapolate the specifics of the CCSM project across the entire planning area due to difference, including but not limited to, wind potential, land ownership status, proximity to transmission lines and other infrastructure. The appendix adequately describes the process and data used to prepare wind development projections or assumptions. Assumptions are for the purpose of analysis only. They are presumed true for the purpose of equitably comparing the alternatives, do not constrain or define management, and are based on observations, historical trends and professional judgment. NREL is the Department of Energy's recognized expert in wind energy. The data provided by NREL is considered the best available.

Lands and Realty

Language in alternatives needs to be revised

Comment ID: 409
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Alternative E proposes to require that new projects in GSG core habitats “that may require future distribution and transmission lines” must include potential disturbance from these lines in their DDCT, and that such disturbance will count against the 5% disturbance cap. This requirement is inconsistent with EO 2011-5 and places and unjustified burden on operators attempting to exercise valid existing rights within GSG core habitats. Yates requests BLM eliminate the requirement that new projects include potential disturbance from transmission projects that are not, at a minimum, in the planning process. The only disturbance that should that should be included is that which is planned or at least reasonably expected to occur within GSG core habitats. Yates requests BLM modify this stipulations by substituting the phrase “may require future distribution and transmission lines” with “distribution and transmission lines that are in the planning process and reasonably expected to be developed.”

Comment ID: 891
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: These same issues apply to the suggestion to re-locate transmission lines outside of priority habitat (pg. 2-29). Re-locating a multi-million dollar facility is cost-prohibitive and not a viable option for Tri- State and its members in almost all situations. Transmission lines are originally routed to avoid impacts to the natural and human environment to the greatest extent feasible at the time they are sited. Transmission siting and routing is a complex process that must consider many different resources. Relocating and removing existing power lines requires local, state, and federal permits; the acquisition of new easements on private lands; and complete environmental compliance under the National Environmental Policy Act, often for facilities that have been in operation for decades. Relocating a transmission line can also cost millions of dollars in permitting, engineering, and construction fees. All of these costs are passed along to the rate payers in the community. Potential line re-location also could result in cumulative impacts to greater sage-grouse from increased habitat fragmentation across the landscape for power lines that cross federal and private lands and, therefore, could not be moved entirely out of a geographic area (due to engineering constraints or established electrical paths). Given the extent of ROW exclusion areas identified for the DEIS alternatives, it is likely not feasible to re-route a power line outside of sage-grouse priority habitat.

Comment ID: 890
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: The DLUPA/DEIS calls for co-locating power lines within existing ROWs in each of the action alternatives where technically feasible. For operational and safety reasons, electric utilities typically cannot co-locate facilities within existing ROWs. Electric utilities are required to maintain clearances identified in the National Electric Safety Code for the safe and reliable operation of the transmission system. The Final EIS/Final LUPA should recognize that there are requirements, policies, and guidelines defined by the North American Electric Reliability Corporation (NERC) and the Federal Energy Regulatory Commission (FERC) for the safe and reliable operation of transmission systems. Tri- State must also comply with these requirements and must adhere to the policies and guidelines of these agencies. Tri-State requests that the Final EIS/Final LUPA clarify that these linear facilities should parallel existing ROWs, but not co-locate within them to the greatest extent feasible, in order to allow electric utilities the ability to comply with other federal agency operation standards and directives. Alternative E is the only viable and practical alternative that addresses and recognizes these operational requirements, and clarifies that transmission lines may be permitted within 2 miles of transmission line corridors and within 0.5 miles on either side of existing 115kV or larger lines.

Summary: Issue #1: The Draft EIS calls for co-locating power lines within existing ROWs in each of the action alternatives where technically feasible. For operational and safety reasons, electric utilities typically cannot co-locate facilities within existing ROWs. Electric utilities are required to maintain clearances identified in the National Electric Safety Code for the safe and reliable operation of the transmission system. The Proposed LUP Amendments/Final EIS should recognize that there are requirements, policies, and guidelines defined by the North American Electric Reliability Corporation (NERC) and the Federal Energy Regulatory Commission (FERC) for the safe and reliable operation of transmission systems. Tri-State must also comply with these requirements and must adhere to the policies and guidelines of these agencies. Tri-State requests that the Proposed LUP Amendments/Final EIS clarify that these linear facilities should parallel existing ROWs, but not co-locate within them to the greatest extent feasible, in order to allow electric utilities the ability to comply with other federal agency operation standards and directives. Alternative E is the only viable and practical alternative that addresses and recognizes these operational requirements, and clarifies that transmission lines may be permitted within 2 miles of transmission line corridors and within 0.5 miles on either side of existing 115kV or larger lines. Issue #2: Alternative E proposes to require that new projects in Greater Sage-Grouse core habitats "that may require future distribution and transmission lines" must include potential disturbance from these lines in their DDCT, and that such disturbance will count against the 5% disturbance cap. This requirement is inconsistent with EO 2011-5 and places and unjustified burden on operators attempting to exercise valid existing rights within Greater Sage-Grouse core habitats.

Response: The BLM and the Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with NEPA. The CEQ regulations (40 CFR 1502.1) require that the BLM and the Forest Service consider reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and the Forest Service fully considered the management opportunities presented in the Analysis of the Management Situation (AMS) and the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. The range of alternatives in the Draft LUP Amendments/Draft EIS represented a full spectrum of options including a No Action alternative. Issue #1: The BLM and Forest Service realize that it may not be possible to co-locate some power lines within existing ROWs, which is why some alternatives use the language "where technically feasible." Given the use of this language, the BLM and Forest Service think specific text changes within the management actions are not

necessary. Issue #2: Alternative E is not solely based on EO 2011-5, but rather includes a combination of recommendations from various sources, as described in Chapter 2 of the Draft LUP Amendments/Draft EIS. Alternative E incorporates the guidance from BLM IM WY-2010-012, the Wyoming Governor's Executive Order (WY EO 2011-05) and additional management based on the NTT recommendations. The BLM purposely included the action/requirement raised in the comment because the BLM and Forest Service determined it may be necessary to effectively conserve sagegrouse habitat. Based on the Chapter 4 impact analysis and public comments, the BLM and Forest Service will make the final decision in the Record of Decision regarding this action/requirement.

Lands and Realty

Language in the alternatives should be revised

Comment ID: 1403
Organization: Basin Electric Power Cooperative
Name: Darlene Steffan

Comment: Use of Utility Corridors Basin Electric understands and generally agrees with the rationale for utility corridor use and the colocation of infrastructure in order to minimize impacts. It is important to note, however, the limitations associated with using corridors. Parallel high voltage transmission lines should be separated by a reasonable distance to increase and ensure reliability. The obvious concern is that two or more closely spaced transmission lines may be damaged by a single storm event, thereby disrupting power over a large geographic area. Further, not all utilities are compatible in adjacent ROW, due to induced currents, interference, etc. Corridor use may be appropriate in many situations, but the limitations must be considered, and options outside of the corridor may be appropriate in particular cases based on a full review of all of the alternatives.

Comment ID: 2603
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-17, Table 2-1, Action 17: This action is more stringent than existing lease and ROW stipulations, terms, and/or conditions, and it covers both core and non-core habitat areas. QEP asks that this item be either dropped or modified to avoid violating existing rights and EO conflicts. On the last line replace the word "included" with "considered".

Comment ID: 2890
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: Action Number 32 would require new electric distribution lines be buried where feasible. If not feasible, overhead lines would be located at least 0.6 miles from the perimeter of occupied Greater Sage-Grouse leks and raptor perch deterrents would be installed. We know of no science supporting the 0.6 mile buffer or the installation of raptor perch deterrents as a conservation measure to protect sage-grouse habitat. A justification for this proposed management action based on best available scientific information and data must be presented in the LUPAIEIS or the measure must be dropped from further consideration. In addition, BLM should provide guidance on what it considers "feasible" when considering the burying of electric distribution lines. While technically feasible to bury many lower voltage electric lines, this can be an extreme hardship financially as the cost of burying a line is many times greater than the cost of overhead construction. Burying a line extension across federal lands to service a new connection for a water well, residence or utility building could make the project economically unfeasible. Also, within the checkerboard pattern of land ownership, this proposed action is particularly inappropriate as BLM has no authority over

the intervening sections of private land. Theoretically, the line could go underground a mile on BLM, overhead the next mile on private, underground the next mile on BLM, etcetera, etcetera, etcetera, until reaching its destination. This seems impractical and of limited benefit to sage-grouse habitats. The BLM needs to reconsider this proposed action and discuss implementation in areas of mixed land ownership, such as the checkerboard, in the LUPA/EIS.

Summary: Issue #1: Action Number 32 would require new electric distribution lines be buried where feasible. If not feasible, overhead lines would be located at least 0.6 miles from the perimeter of occupied Greater Sage-Grouse leks and raptor perch deterrents would be installed. We know of no science supporting the 0.6 mile buffer or the installation of raptor perch deterrents as a conservation measure to protect sage-grouse habitat. A justification for this proposed management action based on best available scientific information and data must be presented in the LUP Amendments/EIS or the measure must be dropped from further consideration. In addition, BLM should provide guidance on what it considers "feasible" when considering the burying of electric distribution lines. While technically feasible to bury many lower voltage electric lines, this can be an extreme hardship. Issue #2: Page 2-17, Action 17: This action is more stringent than existing lease and ROW stipulations, terms, and/or conditions, and it covers both core and non-core habitat areas. QEP asks that this item be either dropped or modified to avoid violating existing rights and EO conflicts. On the last line replace the word "included" with "considered". Issue #3: Basin Electric understands and generally agrees with the rationale for utility corridor use and the co-location of infrastructure in order to minimize impacts. It is important to note, however, the limitations associated with using corridors. Parallel high voltage transmission lines should be separated by a reasonable distance to increase and ensure reliability. Further, not all utilities are compatible in adjacent ROW, due to induced currents, interference, etc.

Response: Issue #1: The BLM and Forest Service have determined that a 0.6-mile buffer around sage-grouse leks and installing raptor perch deterrents are effective measures in reducing impacts on sage-grouse populations and habitat and conserving sage-grouse habitat. This determination is based on professional judgment, literature sources, and consultation with other agencies. There is no data available to determine feasibility of burying power lines. The costs are extreme and according to sources make the power unreliable. However, new technology could become available that would make burying such lines feasible, so BLM and Forest Service considered such an alternative to be reasonable for purposes of analysis in the EIS. Issue #2: The BLM and Forest Service agree this action is more stringent than existing management actions, which is why it is included under the action alternatives as a consideration for future management. The objective of this planning effort is to amend existing decisions in order to increase protection measures for Greater Sage-Grouse. All management actions implemented as a result of this planning effort will comply with valid, existing rights and all laws and regulations. Issue #3: The BLM and Forest Service recognize that co-location is not feasible or appropriate in all circumstances, particularly for new power lines. Under all alternatives, the BLM and Forest Service would continue to review proposed infrastructure projects on a case-by-case basis within and outside Greater Sage-Grouse habitat.

Lands and Realty

The Draft EIS is not clear on how ROW avoidance areas would be managed

Comment ID: 193
Organization: The 7L Livestock Company
Name: Doug Cooper

Comment: A citizen has no way to be certain how exactly the federal government would implement such concepts as right-of-way avoidance areas. It is unclear whether an ROW avoidance area would mean that a majority of applications for a right-of way would be turned down or just a few. As a mineral owner that needs to cross federal land to access my minerals, I find no certainty in this plan except for the exclusion

areas. The Wyoming Constitution, which was accepted by the Federal government at Statehood, provides that mineral owners shall be able to access their minerals, yet it appears that the Bureau of Land Management intends to deny adjacent mineral owners the right to cross federal surface to access state and private minerals. The plan also proposes withdrawal of the federal minerals from development in the Sand Hills Management Area. This withdrawal is intended to protect the sensitive sand hill area but it is interesting to note that the withdrawal is only where federal minerals and surface coincide. The adjacent areas of private surface in the sand hills will not have the underlying federal minerals withdrawn. Evidently the federal surface is worth protecting but not the private surface.

Summary: It is unclear whether an ROW avoidance area would mean that a majority of applications for a rightof way would be turned down or just a few. The Wyoming Constitution, which was accepted by the federal government at statehood, provides that mineral owners shall be able to access their minerals, yet it appears that the BLM intends to deny adjacent mineral owners the right to cross federal surface to access state and private minerals. The plan also proposes withdrawal of the federal minerals from development in the Sand Hills Management Area. This withdrawal is intended to protect the sensitive sand hill area but it is interesting to note that the withdrawal is only where federal minerals and surface coincide. The adjacent areas of private surface in the sand hills will not have the underlying federal minerals withdrawn.

Response: The issue regarding which ROW applications would be approved or not approved within ROW avoidance areas depends on multiple factors, including project type, location, and design and whether other projects/disturbances already exist within the proposed project area. Each ROW application will be reviewed on a site-specific basis to determine if the project is feasible and whether specific mitigation measures are required. As stated in the Draft LUP Amendments/Draft EIS, the BLM and Forest Service will honor all valid existing rights.

Lands and Realty

The LUP Amendments do not ensure private property rights

Comment ID: 224
Organization:
Name: Frank Deede

Comment: I am shocked and concerned as a result of following the Sagegrouse issue how little attention is paid by the Government as to the Private Property Rights of landowners and concern for the use of appurtenances held such as grazing permits. With 9 federal agencies, 8 Wyoming agencies local governments you would think someone within this group would be directed to make sure the private property rights are not infringed on and the Constitution which guarantees these rights are followed. This does not seem to be the case! I am a 30 year long agricultural real estate broker and I see no more or less grouse in the wild than 30 years ago. If the money spent on this issue was redirected to growing birds instead of all government people meeting with each other the counts would go up dramatically. I have yet to see cattle,elk or deer kill a sagegrouse or eat the foods that these birds eat in any amount that would impact the environment for the grouse. If you want the real the real story on a possible decline in sagegrouse numbers, talk to a coyote. Do not implement policies that violate private property rights!

Summary: The BLM and Forest Service must ensure that private property rights are not infringed upon. I am concerned this is not the case with this planning effort.

Response: The BLM and Forest Service will honor all valid existing rights. Private property rights will not be infringed upon by implementing the land use decision included in the Proposed LUP Amendments.

Lands and Realty

Best available information-baseline data

Baseline data in Draft EIS needs to be updated

Comment ID: 2583
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Also, it appears that BLM failed to incorporate the best available data and information from the BLM's own NEPA Hot Sheet, dated Jan. 7, 2014, page 6, available at http://www.blm.gov/pgdata/etc/medialib/blm/wy/information/NEPA.Par.24843.File.dat/hot_sheet. pdf . This document shows there are only two active wind energy development projects on federal ELM land in Wyoming: The 3,000 MW, 1,000-turbine CCSM Project, and the Sandhills Ranch Wind Energy Project, consisting of25 turbines for a total of 50 MW. Whatever truly active wind energy projects are listed on the most recent version of the ELM NEPA Hot Sheet should be incorporated into the Final LUPAIEIS as the best available data.

Comment ID: 2585
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Further, the ELM should be seeking the best available data and guidance from Wyoming's largest utility and owner/buyer of wind power in Wyoming, PacifiCorp/dba Rocky Mountain Power. We recommend that the BLM interview Rocky Mountain Power experts directly for their guidance, but our reading of the 2013 IRP indicates the company is not planning to acquire any new wind power in Wyoming over the next 10-year planning horizon. Their "preferred portfolio" until 2024, as shown on page 11, includes no new wind energy resources. They write: With policy and market drivers contributing to unfavorable economics for new renewable resources, renewable resource additions in the 2013 IRP preferred portfolio reflect a near-term unbundled REC compliance strategy. And this appears on page 14: With renewable portfolio standard (RPS) compliance achieved with unbundled renewable energy credit (REC) purchases, the preferred portfolio does not include incremental renewable resources prior to 2024. If BLM is overstating the high end of possible wind development in Wyoming in the next 10 years, and if BLM potentially and incorrectly is assuming that severely restricting wind development by up to 90% is an adequate regulatory mechanism to protect sage-grouse habitat, then BLM may end up assuming and assigning more "value" to restricting wind development than what actually would exist. In other words, restricting what could be practically zero future wind development beyond the two active projects on the BLM's list will lead to practically zero changes or effects on sage-grouse habitat, thereby not serving as an adequate regulatory mechanism.

Summary: If BLM is overstating the high end of possible wind development in Wyoming in the next 10 years, and if BLM potentially and incorrectly is assuming that severely restricting wind development by up to 90% is an adequate regulatory mechanism to protect sage-grouse habitat, then BLM may end up assuming and assigning more "value" to restricting wind development than what actually would exist. In other words, restricting what could be practically zero future wind development beyond the two active projects on the BLM's list will lead to practically zero changes or effects on sage-grouse habitat, thereby not serving as an adequate regulatory mechanism. It appears that BLM failed to incorporate the best available data and information from the BLM's own NEPA Hot Sheet, dated Jan. 7, 2014, page 6, available at http://www.blm.gov/pgdata/etc/medialib/blm/wy/information/NEPA.Par.24843.File.dat/hot_sheet. pd This document shows there are only two active wind energy development projects on federal BLM land in Wyoming: The 3,000 MW, 1,000-turbine CCSM Project, and the Sandhills Ranch Wind Energy Project,

consisting of 25 turbines for a total of 50 MW. Whatever truly active wind energy projects are listed on the most recent version of the BLM NEPA Hot Sheet should be incorporated into the Proposed LUP Amendments/Final EIS as the best available data.

Response: The BLM thoroughly explained its consideration and analysis of cumulative effects in the Draft LUP Amendments/Draft EIS in Section 4. The Draft LUP Amendments/Draft EIS considered the present effects of past actions, to the extent that they are relevant, and present and reasonably foreseeable (not highly speculative) federal and non-federal actions, taking into account the relationship between the proposed alternatives and these reasonably foreseeable actions. The BLM explicitly described their assumptions regarding proposed projects and other reasonably foreseeable future actions. The BLM has complied fully with the requirements of 40 CFR 1508.7 and prepared a cumulative impact analysis to the extent possible based on the broad nature and scope of the proposed management options under consideration at the land use planning level.

Lands and Realty

Best available information-baseline data

Locate renewable energy projects on private previously disturbed land

Comment ID: 1632
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: At the same time, the Center is highly concerned about the impacts from poorly sited renewable energy projects on rare species and their habitats. We advocate for locating renewable energy projects on private or previously disturbed lands near transmission lines, or through roof-top solar distributive-community systems.

Summary: Renewable energy projects should be located on private or previously disturbed lands near transmission lines, or through roof-top solar distributive-community systems.

Response: The BLM and Forest Service do not have management jurisdiction on privately owned lands. The Draft LUP Amendments/Draft EIS only addresses the management of wind energy on BLMadministered lands and National Forest System lands.

Lands and Realty

Best available information-baseline data

Restrictions on renewable energy development are not based in science.

Comment ID: 1262
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: The NTT report also requires: “Manage[ment of] priority sage-grouse habitat so that discrete anthropogenic disturbances cover less than 3% of the total sage-grouse habitat regardless of ownership.” The basis for this recommendation is cited as “professional judgment” derived from several studies cited in the report. All of these studies, however, were conducted in non-wind energy development areas, which are very different from and orders of magnitude larger and more complex than a typical wind project. The assumption that sage grouse will respond to an individual wind project in the same way that they respond

to other development activities that are several orders of magnitude larger is questionable and should not be relied upon without further support for such a conclusion.

Comment ID: 14
Organization: Mackay School of Earth Sciences and Engineering
Name: Thom Seal

Comment: Do not exclude wind and solar energy development.

Summary: The NTT report states "Manage priority sage-grouse habitat so that discrete anthropogenic disturbances cover less than 3% of the total sage-grouse habitat regardless of ownership." The basis for this recommendation is cited as "professional judgment" derived from several studies cited in the report. All of these studies, however, were conducted in non-wind energy development areas, which are very different from and orders of magnitude larger and more complex than a typical wind project. The assumption that sage-grouse will respond to an individual wind project in the same way that they respond to other development activities that are several orders of magnitude larger is questionable and should not be relied upon without further support for such a conclusion.

Response: Based on studies, professional judgment, and coordination with other agencies, the BLM and Forest service have determined that wind energy development can adversely impact sage-grouse populations and habitat. This is also disclosed in the analysis of environmental consequences in Chapter 4 of the Draft LUP Amendments/Draft EIS. As a result, the BLM and Forest Service have developed a reasonable range of alternatives concerning wind energy development and restrictions thereof. These alternatives were analyzed in detail in the Draft EIS. Based on this analysis and comments from the public and other agencies, the BLM and Forest Service will make the final decision in the Record of Decision regarding which wind energy restrictions will be implemented across the planning area. Lands and Realty

Best available information-baseline data

Restrictions on renewable energy development will reduce or prevent such development, which is in conflict with BLM's priority for renewable energy development

Comment ID: 513
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: DEIS Omits Wind Farm Impacts in Rock Springs Before the Wyoming Executive Orders were signed, several wind farms were proposed in Sweetwater County and these projects included RSGA lands. The regulatory burdens associated with the sage grouse conservation plan directly led to these projects to being withdrawn. For instance proposed farms for Kinney Rim were dropped and the Delaney Rim project was reduced in size. Similarly, Muller Mountain projects were terminated and projects on Aspen Mountain were again reduced in size. Finally, the BLM/RSGA White Mountain project was cancelled despite a positive NEPA analysis that when USFWS recommended reducing the project from 250 turbine sites to 50 turbine sites after an avian study. Thus, sage grouse conservation will preclude development of noncarbon energy in direct conflict with the Interior Department's priority for such development. For that matter, several transmission lines were put on a fast-track for approval, apparently without the benefit of the SG9 RMP revisions.

Summary: Before the Wyoming Executive Orders were signed, several wind farms were proposed in Sweetwater County and these projects included RSGA lands. The regulatory burdens associated with the sage-grouse conservation plan directly led to these projects being withdrawn. Sage-grouse conservation

will preclude development of non-carbon energy, which is in direct conflict with the Interior Department's priority for such development.

Response: The BLM and Forest Service realize that some management actions and land use restrictions therein may affect the development of wind energy projects; however, the sage-grouse conservation measures do not preclude development of non-carbon energy, such as wind energy. This is reflected in the Chapter 4 analysis of environmental consequences included in the Draft LUP Amendments/Draft EIS. The various alternatives result in different levels of impact. The final decision regarding management actions related to wind energy development will be made by the BLM and Forest Service in the Record of Decision after the land use planning process is completed.

Lands and Realty

Best available information-baseline data

Restrictions on wind energy development are more intensive than restrictions on oil and gas development.

Comment ID: 1351
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Interestingly, action 36 provides specific limitations for renewable energy yet it fails to implement the same requirements for oil and gas development. The EIS is completely silent on the rationale as to why these limitations should apply to one type of energy development but not another even though the impacts are similar (other than the obvious on that the wind industry lacks the 'political clout' of the oil and gas industry).

Comment ID: 1270
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: This alternative was developed by Cooperating Agencies and provides for the most resource use with reduced sage-grouse habitat restrictions. This alternative calls for a surface disturbance cap of 9% per 640 acres and it uses the term "Greater Sage-Grouse core habitat" or "core areas." Wind energy development would be prohibited within sage-grouse core habitat areas (5,000,400 acres) unless it can be sufficiently demonstrated that the development activity would not result in declines of sage-grouse core habitat populations. This would result in a total of 980 2-MW wind turbines projected to be constructed, which is a 22% decrease compared to Alternative A (Section 4.5.6) or a reduction in projected development to 21,863 turbines compared to Alternative A (Section 2.7). This is much more than the expected 4% decrease for oil wells. We note that it is unclear how the wind industry would demonstrate no net loss of sagegrouse populations as it is not outlined in the DEIS. While AWEA urges BLM to reconsider in whole its options for creating the sage-grouse conservation plan, this appears to be the best alternative proposed in the DEIS. Given the significant land areas potentially affected by the land management plan revisions policies related to sage-grouse, AWEA appreciates the more balanced and reasoned sage-grouse conservation strategies pursued in this alternative. In our opinion, it is less likely to unnecessarily deter wind energy development than the policies proposed in the other alternatives, with the exception of the no-action alternative.

Comment ID: 1842
Organization: Powder River Basin Resource Council

Name: Shannon Anderson

Comment: We are particularly concerned about how the plan treats oil and gas development vis-à-vis wind development. Wind energy is greatly restricted under the proposed plan (see Map 2-33) whereas oil and gas development is not nearly as restricted (see Map 2-8). As discussed above, all priority habitat areas should be closed to all energy development leasing, not just for wind energy. If your final plan continues to grant preferential treatment to oil and gas development over wind development, please provide and disclose the scientific documentation justifying this contradiction.

Summary: Wind energy is greatly restricted under the proposed plan (see Map 2-33) whereas oil and gas development is not nearly as restricted (see Map 2-8). As discussed above, all priority habitat areas should be closed to all energy leasing and development, not only wind energy development.

Response: The impacts on sage-grouse resulting from wind energy development are substantially different than those resulting from oil and gas development. Because of these differences, the restrictions placed on wind energy development are different than those placed on oil and gas development. Because of the inherent differences between these two energy sources, they are not directly comparable.

Lands and Realty

Best available information-baseline data

The Draft EIS does not provide a wind energy RFD

Comment ID: 1469
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: The DEIS fails to identify reasonably foreseeable future actions. For example, the fact that there are 12 wind testing applications does not equate to reasonably foreseeable utility scale wind energy projects.

Summary: The Draft EIS fails to identify reasonably foreseeable future actions for wind energy development.

Response: A wind RFD was developed for this planning effort and the number of wind turbines projected under each alternative is used and reflected in the Ch. 4 analysis of environmental consequences. These projections are also included in Table 2-7 in Chapter 2 of the Draft LUP Amendments/Draft EIS.

Lands and Realty

Cumulative impact analysis

Cumulative impact analysis needs to be revised

Comment ID: 1471
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: The DEIS also fails to meaningfully identify the spatial scope of cumulative impact area for renewable energy.

Summary: The Draft EIS fails to meaningfully identify the spatial scope of the cumulative impact area for renewable energy.

Response: The spatial scope of the cumulative impact analysis area for wind energy was disclosed on Page 4- 482 of the Draft LUP Amendments/Draft EIS.

Lands and Realty

Impact Analysis

The discrepancy regarding the number of wind turbines that are estimated to be constructed through 2020 needs to be resolved

Comment ID: 1250
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: Up to 1,254 wind turbines are projected to be constructed across the planning area through 2020 (Section 4.5.3) or a total of 27,970 wind turbines (2 MW) are projected to be developed through 2020 (Section 2.7). This discrepancy in projected wind turbines should be cleared up in the final report as it is a common theme with every alternative.

Summary: The Draft EIS provides conflicting data regarding the reasonably foreseeable development for wind turbines. An estimate of 1,254 turbines is provided in some places of the document, while 27,970 turbines are estimated in other places of the document. The Final EIS needs to resolve this issue.

Response: The Draft LUP Amendments/Draft EIS contained an error regarding the projected number of wind turbines. In some areas of the document, the correct number was used and in other areas of the document, an incorrect number was used. This error was corrected in the Proposed LUP Amendments/Final EIS.

Lands and Realty

Impact Analysis

The Draft EIS should include estimates of disturbance associated with energy development

Comment ID: 2563
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: BLM may not make broad statements asserting disturbance without including best available information and data to support those assertions. The Draft LUPA/EIS references disturbance related to wind energy projects; however, there is no description of typical wind farm land use requirements. Neither could we find any quantitative descriptions of other human infrastructure, such as the disturbance associated with pipelines, transmission lines, well pads, oil field access roads, highways and communication towers. If the Draft LUPAIEIS is to assert that energy development activities directly or indirectly cause material levels of disturbance in sage-grouse habitat, then estimated disturbance calculations should be provided for all of the different types of energy development and other human activities in order to quantify and provide context to such disturbance. The CCSM Project, for example, is estimated to have less than 2,000 acres of long-term surface disturbance across a 320,000-acre ranch, as documented in the Final EIS and ROD. This is less than 1% of the project site and includes turbine footprints, access roads and internal electrical distribution facilities. A persistent misunderstanding of wind farms assumes that the entire project area is disturbed, yet that is never the case. Permanent disturbance is typically simply the tower footings themselves, above-ground electrical facilities and access roads. Temporary disturbance can be significantly reduced by specialized construction techniques. Nevertheless, the Draft LUPAIEIS inaccurately assumes degradation of habitat from wind energy ROW ground disturbance as a contributing factor for decreased

habitat availability, increased predation, and spreading of invasive plants. In the case of the CCSM Project, 99% of the TOTCO ranch land will remain available for wildlife use and migration activities, and our years of sage-grouse data collection show that sagegrouse need and use a wide variety of vegetation to support their various life activities including agricultural fields, ditches and roadsides.

Comment ID: 2908
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: BLM may not make broad statements asserting disturbance without including best available information and data to support those assertions. The Draft LUPA/EIS references disturbance related to transmission lines and references impacts of transmission Lines; however, there is no description of typical transmission line land use requirements. Neither could we find any quantitative descriptions of other human infrastructure, such as the disturbance associated with pipelines, wind turbines, well pads, oil field access roads, highways and communication towers. If the Draft LUPA/EIS is to assert that energy development activities directly or indirectly cause material levels of disturbance in sage-grouse habitat, then estimated disturbance calculations should be provided for all of the different types of energy development and other human activities in order to quantify and provide context to such disturbance. The Draft LUPA/EIS should include an accurate description of potential transmission line impacts and accurately reflect best available scientific information concerning potential effects of tall structures on sage-grouse.

Summary: The Draft LUP Amendments/Draft EIS references disturbance related to transmission lines and references impacts of transmission lines; however, there is no description of typical transmission line land use requirements. Neither could we find any quantitative descriptions of other human infrastructure, such as the disturbance associated with pipelines, wind turbines, well pads, oil field access roads, highways and communication towers. If the Draft LUP Amendments/Draft EIS is to assert that energy development activities directly or indirectly cause material levels of disturbance in sage-grouse habitat, then estimated disturbance calculations should be provided for all of the different types of energy development and other human activities in order to quantify and provide context to such disturbance.

Response: Acres of disturbance were calculated for development associated with oil and gas resources, including well development, pipelines, and roads. These figures are used throughout the analysis of environmental consequences included in Chapter 4 of the Draft LUP Amendments/Draft EIS.

Lands and Realty

Impact Analysis

The impacts analysis needs to be revised

Comment ID: 1402
Organization: Basin Electric Power Cooperative
Name: Darlene Steffan

Comment: BLM should consider the cumulative impacts of this LUP with proposed LUPs/RMPs in adjacent Planning Areas. Taken one at a time, the LUPs/RMPs may not appear to be overly restrictive, but considered together (on a state-wide or larger scale) the LUPs/RMPs may be shown to present insurmountable obstructions to interstate transmission projects. At a minimum, all of the proposed ROW restrictions found in LUPs/RMPs currently under consideration within and adjacent to the State of Wyoming should be aggregated to depict the range of cumulative impacts (restrictions) on future ROW development.

Comment ID: 1882
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Furthermore, the DLUPA/DEIS omits any discussion or analysis of impacts the proposed withdrawals, segregations, and restrictions will have on sage-grouse except to state: …[n]ot recommending withdrawal proposals not associated with mineral activity in Greater Sage- Grouse priority habitat could allow for additional management for Greater Sage-Grouse and sagebrush habitat…more acres of Greater Sage-Grouse habitat could be protected from disturbance and habitat loss compared to Alternative A… (Ch.4 at 4-288, 293). There is no attempt to quantify the impacts, or describe the impacts with sufficient qualitative descriptors, whether beneficial or adverse, instead broad generalizations are used. BLM must provide reasoned analysis relating to the prosed withdrawals, segregations, and restrictions proposed throughout the DLUPA/DEIS.

Comment ID: 362
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM's analysis of impacts of transmission lines by alternative is incomplete. For example under Alternative A, there are over 2 million acres of right-of-way "avoidance" corridors (DEIS at 4- 257) that suggest, but do not require, that transmission lines be sited outside these areas. Given these restrictions, the utility corridor designations currently in place, and the reasonably foreseeable construction of the Energy Gateway West, Energy Gateway South, TransWest Express, Zephyr, High Plains Express, and Wyoming-Colorado Intertie projects which have either been announced with proposed alignment options and/or are already in the NEPA approval process, how many miles of new transmission line are likely to be constructed in Preliminary Priority Habitats and Preliminary General Habitats as designated by the COT (2013) under each alternative, implementing "avoidance" direction versus "exclusion" direction? This analysis is critically important for BLM to understand the differing levels of impact to sage grouse by alternative and to make an informed choice among alternatives, pursuant to NEPA and FLPMA mandates.

Comment ID: 1879
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM goes on to describe the impacts from the above management action as "similar" despite the significant increase in land subject to the exclusions. BLM fails to recognize that the increase in area, leads to an increase in impact. Alternative B proposes a 1,698% increase in ROW exclusion areas, while Alternative C proposes a 3,932% increase (Ch. 4 at 4-74). Clearly the impacts to ROW holders, applicants and projects dependent on ROW approval would be far greater under Alternatives B and C. BLM must expand the impact analysis to provide sufficient detail and then re-issue a revised draft to allow for public input.

Comment ID: 2595
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-69 Text: Impacts from ROW management would be similar to Alternative A, except ROW avoidance areas would increase to 6,065,960 acres. This could increase the potential for forest stands to be disturbed as ROW development could be displaced from sage-grouse habitat into forested areas. Comment: Throughout Chapter 4, BLM does not simply state the differences between the impacts of the alternatives. Here, the BLM states that Alternative E will increase ROW avoidance areas to 6,065,960 acres without

providing acres for Alternative A. Instead, BLM should simply state that the Alternative E increases ROW avoidance areas by XXXXX acres to a total of 6,065,960 acres. The importance of such a simple revision cannot be overstated since the DEIS cannot be properly reviewed if the BLM veils the issues with confusing and misleading descriptions between alternatives. Moreover, the EIS should specifically state what proportion of the incremental increases from alternative to alternative occur inside GRSG habitat since that is the fundamental purpose of the DEIS.

Summary: Issue #1: BLM's analysis of impacts of transmission lines by alternative is incomplete. The analysis should disclose the number of miles of new transmission lines that are likely to be constructed in sage-grouse priority and general habitats under each alternative. This analysis is critically important for BLM to understand the differing levels of impact to sage-grouse by alternative and to make an informed choice among alternatives, pursuant to NEPA and FLPMA mandates. Issue #2: Pg 4-69 Text: Impacts from ROW management would be similar to Alternative A, except ROW avoidance areas would increase to 6,065,960 acres. This could increase the potential for forest stands to be disturbed as ROW development could be displaced from sage-grouse habitat into forested areas. Comment: Throughout Chapter 4, BLM does not simply state the differences between the impacts of the alternatives. For example, on Page 4-69, it states "Impacts from ROW management would be similar to Alternative A, except ROW avoidance areas would increase to 6,065,960 acres." Instead, the Draft EIS should simply state that the Alternative E increases ROW avoidance areas by XXXXX acres to a total of 6,065,960 acres. Issue #3: Furthermore, the Draft EIS omits any discussion or analysis of impacts the proposed withdrawals, segregations, and restrictions will have on sage-grouse, except to state: "not recommending withdrawal proposals not associated with mineral activity in Greater Sage-Grouse priority habitat could allow for additional management for Greater Sage-Grouse and sagebrush habitat…more acres of Greater Sage-Grouse habitat could be protected from disturbance and habitat loss compared to Alternative A" (Page 4-288, 4-293). There is no attempt to quantify the impacts, or describe the impacts with sufficient qualitative descriptors, whether beneficial or adverse. Instead broad generalizations are used. BLM must provide reasoned analysis relating to proposed withdrawals, segregations, and restrictions. Issue #4: Alternative B proposes a 1,698% increase in ROW exclusion areas, while Alternative C proposes a 3,932% increase (Ch. 4 at 4-74). Clearly the impacts to ROW holders, applicants and projects dependent on ROW approval would be far greater under Alternatives B and C. The analysis does not describe this difference in sufficient detail. Therefore, the BLM and Forest Service must expand the impact analysis and re-issue a revised Draft EIS to allow for public input. Issue #5: The BLM should consider the cumulative impacts of this LUP Amendments with proposed LUPs/RMPs in adjacent planning areas. Taken one at a time, the LUPs/RMPs may not appear to be overly restrictive, but considered together (on a state-wide or larger scale) the LUPs/RMPs may be shown to present insurmountable obstructions to interstate transmission projects.

Response: Issue #1: Because the future construction of transmission lines is dependent on multiple, interrelated factors, it is not possible to accurately predict the number of miles of new transmission lines that will be constructed in sage-grouse habitat under each alternative. When the specific transmission line projects are proposed, a separate NEPA analysis will be conducted to disclose the environmental consequences associated with the project. Issue #2: The analysis of environmental consequences included in Chapter 4 of the Draft LUP Amendments/Draft EIS presents the environmental impacts of implementing the decisions in Chapter 2 in a manner that allows for comparison among the five alternatives. Text descriptions, acreage values, tables, and maps are all used to present a comparative analysis among the alternatives. Regarding the suggestion included in the comment to state the difference in acres among the alternatives is very specific and a minor aspect of the entire analysis. However, the BLM and Forest Service made efforts to further clarify the differences among the alternatives in the Final EIS. Issue #3: An analysis of impacts on sage-grouse from implementing mineral withdrawals is included in Section 4.14 in Chapter 4 of the Draft LUP Amendments/Draft EIS. The detail included in the analysis was increased and included in the Final EIS. Issue #4: The analysis of impacts on lands and realty management is included in Section 4.5 in Chapter 4 of the Draft LUP Amendments/Draft EIS. The analysis focuses on the constraints and

opportunities for ROW authorizations (e.g., pipelines, power lines, transmission lines, roads, and communication sites), land tenure adjustments (disposals and acquisitions), and land ownership adjustments (purchases, exchanges, and donations). The analysis does not necessarily address specific impacts on ROW holders or applicants, as that is not appropriate for an analysis of environmental consequences at the land use plan level. The existing analysis is sufficient in that it clearly discloses the impacts associated with implementing the decisions included in Chapter 2 and provides a comparative analysis among the alternatives. Issue #5: The cumulative effects analysis considered actions and projects outside of the planning area, including those contained in other land use plans.

Lands and Realty

Mitigation measures

Conservation easement and mitigation agreement associated with land exchanges should be optional

Comment ID: 1486
Organization:
Name: Denise Langley

Comment: FS Land Ownership Adjustment Standard: "Retain public ownership of core Greater Sage grouse habitat. Only allow federal land sale of exchange when there is mixed ownership and land exchanges would allow for additional or more contiguous federal ownership patterns within the Greater Sage- Grouse habitat area. In these cases, REQUIRE a mitigation agreement and a PERMANENT conservation easement on the federal parcel that is sold or exchanged." Now think about this: What is the landowner gaining if they trade or buy a federal parcel if the FS is requiring a surface easement where the federal agency will still control the management of the surface? This mitigation agreement should be optional like the BLM has stated they will include rather than REQUIRED. There will be very few landowners willing to accept a required conservation easement on the surface they are getting. This mandatory requirement will cause the elimination of several future land trades or purchases.

Summary: Forest Service Land Ownership Adjustment Standard: "Retain public ownership of core Greater Sage grouse habitat. Only allow federal land sale of exchange when there is mixed ownership and land exchanges would allow for additional or more contiguous federal ownership patterns within the Greater Sage-Grouse habitat area. In these cases, REQUIRE a mitigation agreement and a PERMANENT conservation easement on the federal parcel that is sold or exchanged." What is the landowner gaining if they trade or buy a federal parcel if the Forest Service is requiring a surface easement where the federal agency will still control the management of the surface? This mitigation agreement should be optional like the BLM has stated they will include rather than REQUIRED. There will be very few landowners willing to accept a required conservation easement on the surface they are getting. This mandatory requirement will cause the elimination of several future land trades or purchases.

Response: Based on public comments and analysis, the language contained in the Draft LUP Amendments/Draft EIS has been revised to eliminate any requirement for an easement or mitigation agreement on a federal parcel that is exchanged.

Lands and Realty

Mitigation measures

The BLM and Forest Service should work collaboratively with industry

Comment ID: 1234

Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: AWEA believes that preservation of the sage-grouse can best be achieved by enlisting the wind industry as a partner in conservation and that wind development can be designed and operated to coexist with sage-grouse habitats. Site-specific habitat analyses can be completed pre- and post-construction for wind facilities to determine how they can best be sited and maintained to mitigate any potential impacts on sage-grouse habitats. In addition, such measures as compensatory mitigation measures can also be pursued to provide a net benefit to the species, such as establishing conservation banks that benefit specific populations in various regions that are most in need.

Summary: Preservation of the sage-grouse can best be achieved by enlisting the wind industry as a partner in conservation and that wind development can be designed and operated to coexist with sage-grouse habitats. Site-specific habitat analyses can be completed pre- and post-construction for wind facilities to determine how they can best be sited and maintained to mitigate any potential impacts on sagegrouse habitats. In addition, such measures as compensatory mitigation measures can also be pursued to provide a net benefit to the species, such as establishing conservation banks that benefit specific populations in various regions that are most in need.

Response: Teams are formed between the applicant and the affected interest groups to address impacts that could result if the project is approved. Those teams look at anticipated residual and cumulative effects and propose mitigation, both on-site and off-site, to provide a net benefit to the species. Establishing conservation banks has been considered and used on many large scale projects. Attention is focused on local impacts, but if mitigation cannot be used beneficially, then it can be used off-site to benefit the species in other areas. It must be outlined in the agreement as to how the funds will be used. Future ROW/SUP applications would be evaluated and approved on a case-bycase basis based upon site-specific determinations of the ability to avoid, minimize, and/or mitigate impacts on Greater Sage-Grouse habitat at the implementation phase, including application of current best management practices (e.g., APLIC guidelines). A proposed project's contribution to the amount of disturbance on the landscape would be evaluated during site-specific NEPA analysis.

Lands and Realty

Range of alternatives

Alternative D discriminates against wind energy and transmission development

Comment ID: 2559
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Alternative D is described as being based on scoping comments and participation by Cooperating Agencies. BLM claims that this alternative emphasizes balancing resources and resource use among competing human interests, land uses, and the conservation of sage-grouse habitat. We are not convinced, as this alternative does not adequately demonstrate or include evidence that a balance is actually achieved. In particular, it appears biased against wind energy and transmission development.

Comment ID: 2906
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Alternative D is described as being based on scoping comments and participation by Cooperating Agencies. BLM claims that this alternative emphasizes balancing resources and resource use among competing human interests, land uses, and the conservation of sage-grouse habitat. We are not convinced, as this alternative does not adequately demonstrate or include evidence that a balance is actually achieved. In particular, it seems discriminatory against wind energy and transmission development.

Summary: BLM claims that Alternative D is based on scoping comments and participation by cooperating agencies and emphasizes balancing resources and resource use among competing human interests, land uses, and the conservation of sage-grouse habitat. However, this balance is not achieved. In particular, it seems discriminatory against wind energy and transmission development.

Response: The BLM and Forest Service complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for the Draft LUP Amendments/Draft EIS, including seeking public input and analyzing reasonable alternatives. The alternatives include management options for the planning area that would modify or amend decisions made in the field office RMPs, as amended, to meet the planning criteria, to address issues and comments from cooperating agencies and the public, or to provide a reasonable range of alternatives. Alternative D provides opportunities to use and develop the planning area while providing protection of Greater Sage-Grouse habitat based on scoping comments and input from cooperating agencies involved in the alternatives development process.

Lands and Realty

Range of alternatives

Alternatives B and C are too restrictive

Comment ID: 1268
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: Alternative C consists of recommendations from citizen groups. It presents the greatest limitation to wind development, closing 11,531,340 acres of land from such development. It also presents a surface disturbance cap of 3% per 640 acres. Under this alternative, 127 2-MW wind turbines are projected to be constructed, which represents a 90% decrease compared to Alternative A (Section 4.5.5) or reduction in projected development to 2,821 turbines (Section 2.7), the same as under Alternative B, but limiting more areas where they could be developed than Alternative B. Conversely, oil well production will only decrease by 32%. Alternative C appears to be far too constrictive regarding land use for renewable energy development on BLM land; therefore, we do not support it.

Comment ID: 1243
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: While AWEA recognizes the importance of taking immediate steps to protect the sagegrouse and does not want to see the species listed, we do think it is important to point out that the conservation measures proposed by Alternatives B and C are ironically potentially more burdensome and stringent than the conservation scheme that would be triggered if there were an ESA listing. Considering the ESA's role as a species protection statute of last resort, this should not be the case. Conversely, with respect to sage-grouse, Alternatives B, C, and E provide for a blanket prohibition on wind energy development in Preliminary Priority Habitats (PPH) areas in which the 3 percent disturbance threshold has already been met. Another quantitative restriction mandates that PPH areas must be managed or restored so that at least 70 percent of the land cover provides sagebrush habitat for the sage-grouse. These inflexible numeric

criteria would effectively halt wind energy development in many circumstances, without even providing industry the opportunity to demonstrate the potential mitigation benefits that project development plans could bestow on sage-grouse populations. These alternatives expressly adopt an “exclusion area” approach, barring wind development from large expanses of land, while the ESA provides for no such absolute bans. The fact that the development restrictions contemplated by these alternatives are more inflexible and provide less certainty than those that would arise pursuant to an ESA listing reveals the need for BLM and the FS to pursue a more balanced conservation strategy that preserves the sage-grouse while not halting productive renewable energy development on public lands.

Comment ID: 2557
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Map 2-31. "Alternative C Wind Energy Development Restrictions," shows that wind energy development would in fact be "closed" across what appears to be nearly all federal land in the Planning Area. including the CCSM Project area, which has already been approved for wind energy development by the U.S. Secretary of the Interior. This alternative should not have been carried forward into the Draft LUPA/EIS analysis, given that the CCSM Project was identified as a BLM Renewable Energy Priority Project for 2012 and was approved via a Record of Decision in October 2012. Alternative C is not a reasonable alternative. It is so restrictive that it fails to meet BLM's statutory obligation and purpose and need of th.is plan amendment to manage public lands for multiple use. Alternative C is the no-resource development alternative that would, if selected, require ELM to manage for a single resource - sage-grouse. While FLPMA does not require BLM to manage for every resource everywhere, it does require BLM to strike a balance in the management of public lands and does not allow the BLM to manage a significant percentage of its lands within the Planning Area to the benefit of a single species. Alternative C should be dropped from further consideration.

Summary: The conservation measures proposed by Alternatives B and C are potentially more burdensome and stringent than the conservation scheme that would be triggered if there were an ESA listing. Considering the ESA’s role as a species protection statute of last resort, this should not be the case. Conversely, with respect to sage-grouse, Alternatives B, C, and E provide for a blanket prohibition on wind energy development in priority habitat areas in which the 3 percent disturbance threshold has already been met. Another quantitative restriction mandates that priority habitat areas must be managed or restored so that at least 70 percent of the land cover provides sagebrush habitat for the sage-grouse. These inflexible numeric criteria would effectively halt wind energy development in many circumstances, without providing industry the opportunity to demonstrate the potential mitigation benefits that project development plans could bestow on sage-grouse populations. Map 2-31. "Alternative C Wind Energy Development Restrictions," shows that wind energy development would in fact be "closed" across what appears to be nearly all federal land in the planning area. Alternative C is not a reasonable alternative. It is so restrictive that it fails to meet BLM's statutory obligation and purpose and need of this plan amendment to manage public lands for multiple use.

Response: The EIS analyzes a reasonable range of alternatives regarding ROW restrictions and wind energy development. The land use restrictions included under Alternatives B and C were considered and analyzed under a range of alternatives designed to conserve sage-grouse habitat. The final decision regarding the management actions analyzed in the EIS will be made by the BLM and Forest Service in the Record of Decision after the land use planning process is completed.

Lands and Realty

Range of alternatives

Designate a permitted functional access route for maintenance of utility lines.

Comment ID: 2347
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: Utilities facilities must maintain access to transmission lines. In cases of an emergency (outage), a utility will be required to access the line and repair the damage to restore power immediately without regard for timing or access constraints. Generally, new Special Use Permits and ROW Grants acknowledge this exception to travel management stipulations and seasonal buffers/restrictions. Western Fuels believes that having a permitted functional access route will minimize overall environmental impacts by keeping utility maintenance crews in pre-approved designated areas and minimize unauthorized off-road travel by the public.

Summary: Utilities facilities must maintain access to transmission lines. In cases of an emergency (outage), a utility will be required to access the line and repair the damage to restore power immediately without regard for timing or access constraints. Generally, new Special Use Permits and ROW Grants acknowledge this exception to travel management stipulations and seasonal buffers/restrictions. Designating a permitted functional access route will minimize overall environmental impacts by keeping utility maintenance crews in pre-approved designated areas and minimize unauthorized offroad travel by the public.

Response: Utility lines are considered previous disturbance. It is expected that utility companies will need access to the lines to provide maintenance checks, and to remove vegetation that can disrupt power service. Existing roads would be used to maintain the lines. New roads would have to go through the NEPA process. Future ROW/SUP applications would be evaluated and approved on a case-by-case basis based upon site-specific determination of the ability to avoid, minimize, and/or mitigate impacts on Greater Sage-Grouse habitat at the implementation phase, including application of current best management practices (e.g., APLIC guidelines). A proposed project's contribution to the amount of disturbance on the landscape will be evaluated during site-specific NEPA analysis. The BLM and the Forest Service will protect valid existing rights as long as ROW permit holders comply with the terms and conditions of their ROW authorization or easement.

Lands and Realty

Range of alternatives

Do not agree with restrictions in the alternatives regarding MET towers

Comment ID: 2571
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Met tower restrictions (p. 2-31) Met towers are scientific instruments that measure wind speed and collect an important array of weather data necessary for the proper siting, management and operation of wind energy projects. By their very nature and design, met towers need guy wires to provide tower stability and security, especially in very windy environments such as those found in Wyoming. Met towers are necessary both before a wind energy project may formally be proposed, and after a wind energy project is in operation. The Draft LUPAIEIS includes the following restrictions on met towers in Table 2-1, Detailed Comparison of Alternatives. Alternative A (No Action Alternative); Kemmerer RMP: New

meteorological towers (MET) towers would be avoided within I mile of occupied sagebrush obligate habitats, unless anti-perch devices are installed. MET towers relying on guy wires for support would be prohibited in these habitats. Exceptions could be made if NEPA analysis shows little or no impact to sagebrush obligate species. Rawlins RMP: MET towers would be authorized on a case-by-case basis from 0.25 mile to I mile of an occupied Greater Sage-Grouse and sharp-tailed grouse lek. Alternative E (Preferred Alternative); In addition to Alternative A: The use of guy wires for MET tower supports would be avoided within sage-grouse core habitat areas. All existing and any new unavoidable guy wires should be marked with recommended bird deterrent devices. The siting of new temporary MET towers within sagegrouse core habitat areas would be avoided within 2 miles of active sage-grouse leks, unless they are out of the direct line of sight of the active lek. It is unclear how "occupied sagebrush obligate habitats" are defined, but restricting met towers within 1 mile of any of this type of habitat appears overly broad and unsupported by scientific data, as are the requirements to install anti-perch devices. In addition, all pre-construction and must post-construction met towers have guy wires, so requiring a met tower without guy wires is effectively banning them, a management action that again is not backed up by scientific data. There also is no data provided in the Draft LUPA/EIS as to the very limited surface disturbance caused by a met tower, which should be disclosed if the BLM is claiming or assuming that restricting met towers will lead to significant sage-grouse habitat preservation. The BLM also should include the supporting science for requiring "recommended bird deterrent devices" as well as to disclose who is responsible for making the recommendation and at what cost.

Summary: Restricting MET towers within 1 mile of occupied sagebrush obligate habitats appears overly broad and unsupported by scientific data, as are the requirements to install anti-perch devices. In addition, all pre-construction and most post-construction MET towers have guy wires, so requiring a MET tower without guy wires is effectively banning them, a management action that again is not backed up by scientific data. There also is no data provided in the Draft LUP Amendments/Draft EIS as to the very limited surface disturbance caused by a MET tower, which should be disclosed if the BLM is claiming or assuming that restricting MET towers will lead to significant sage-grouse habitat preservation. The BLM also should include the supporting science for requiring "recommended bird deterrent devices" as well as to disclose who is responsible for making the recommendation and at what cost.

Response: The BLM and Forest Service have determined that restricting the construction of MET towers near sage-grouse habitat is an effective measure in protecting sage-grouse populations and habitat. This determination is based on guidance provided in WO IM 2010-022. Requirements for anti-perch devices for existing structures and applications for new MET towers would be evaluated at the time of ROW renewal or amendment on a case-by-case basis by the BLM or Forest Service project Deciding Officer. Towers designed using guy wires for support that are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers (e.g., bird diverter devices) on the wires to prevent collisions by these diurnal moving species. For guidance on markers, the Avian Power Line Interaction Committee has published guidance (Reducing Avian Collisions with Power Lines: The State of the Art in 2012 and Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006). Copies can be obtained at http://www.aplic.org/.

Lands and Realty

Range of alternatives

Do not agree with ROW exclusion and avoidance areas proposed in the alternatives

Comment ID: 1154
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz believes BLM has not sufficiently analyzed the significant extent these limitations on future rights-of-way ("ROW") will have upon oil and gas operations. In particular, Anschutz is concerned about the management of the priority and even general habitat under Alternative B or Alternative C as ROW exclusion and avoidance areas. Sage-Grouse DLUPA, pgs. 2-18 – 2-20, Action Nos. 30 and 31. The BLM has not justified this substantial increase in the number of acres subject to ROW exclusion and avoidance areas. Anschutz is particularly concerned that the ROW exclusion and avoidance areas will be utilized to significantly hamper or decrease oil and gas operations. Anschutz encourages the BLM to reduce the area subject to ROW avoidance or exclusion limitations as they may adversely impact oil and gas development in the area.

Comment ID: 407
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Under each alternative in the Draft LUPA and EIS, BLM proposes to establish ROW exclusion areas in identified habitat areas. Yates is strongly opposed to the number of ROW exclusion and avoidance areas proposed under each of these alternatives. BLM should justify this proposal. Withdrawing lands from potential ROWs may diminish and restrict oil and gas development activities for off lease roads and pipeline connects to wells. BLM should remain flexible when working with operators to access oil and gas leases. BLM has failed to recognize the need for improved transportation infrastructure and the fact that pipeline ROW impacts are temporary.

Comment ID: 1274
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: As discussed below, AWEA is generally in favor of state plans as they tend to strike a better balance between the needs of appropriate development activities and sage-grouse conservation. However, we note that this alternative [Alternative E] considers a version of the Wyoming State Plan that is far too restrictive to wind energy development. Other state plans, such as Nevada and Idaho, have struck a better balance by meeting the state's energy needs and conserving the sage-grouse. It is our hope that the plan will ultimately revised to ensure that it does not unnecessarily impede such development. This can be done in a thoughtful and responsible manner if Wyoming incorporates into its state plan some of the more site-specific approaches in the sage-grouse management practices of neighboring states. We hope that is the case and that the final DEIS reflects the consideration of a revised Wyoming State Plan that adopts such values. The Idaho State Plan allows, for example, the potential for wind development in its most protected zone. Likewise, under the Nevada State Plan, even in the highest value sage-grouse management area, there are also exemptions for development activities that would allow them to go forward if certain conditions are met. Thus, the Idaho and Nevada State Plans take into account the fact that as knowledge of sage-grouse and its habitat increases, the plans could allow for the development of wind energy in appropriate locations that uphold the sage-grouse conservation needs. The Nevada State Plan has four zones, allowing for a more site-specific approach. By delineating activities into four areas, Nevada's approach, allows for even greater flexibility and accuracy with respect to ensuring a zone is properly tailored to provide expanded opportunities for economic development activities without impairing the state's ability to maintain its sage grouse conservation objectives. In other words, the more zones employed allows a state the opportunity to provide more precise management direction based on the quality and location of sage-grouse populations and habitats, permitting development opportunities, such as wind development, where appropriate. We also note that the U.S. Fish and Wildlife Service's Wind Energy Guidelines (WEGs) are specifically referenced in the Idaho State Plan as an adjunct to the proposed core area approach and are proposed to be made mandatory. As we articulated in our comments thereto, there is no reason that they could not also serve as a wholesale substitute for a core area approach with respect to assessing the impacts of wind development

on sage-grouse. Indeed, if the WEGs were used instead to analyze the risk to sage-grouse from any particular wind project at any given time, it could arguably make the need for a core area approach with respect to wind development superfluous. Specifically, wind energy projects, unlike other development activities, could be exempted from a mapping/zoning approach, such as the one proposed in the Wyoming State Plan, because the WEGs, which have been approved by the Fish and Wildlife Service, provide a regulatory mechanism that already addresses the interaction of wind development and sage-grouse. Even if Oregon does not use the WEGs as a substitute approach for evaluating wind energy's impacts on sage-grouse, we still encourage the Oregon State Plan to recognize the WEGs as an appropriate wind energy regulatory mechanism vis-à-vis sage-grouse conservation and its use for determining if wind development is compatible with that goal in a particular area on a case-by-case basis, based on actual data collected in the field on the presence/absence of sage grouse and the quality of the habitat. We strongly believe and scientific evidence appears to suggest that sage-grouse and wind energy can coexist with proper planning and management. The flexibility provided under the Nevada and Idaho State Plans, in comparison to the Wyoming State Plan, can provide for better management of individual sage-grouse populations and their habitat while allowing development that is consistent with those objectives to proceed. Moreover, since habitat can vary, and will likely shift and change as a result of climate change, along with sage-grouse populations, it is important to allow for the most customized stewardship as possible. By incorporating best management practices from other state plans and the WEGs, the Oregon State Plan should be able to adopt a more site-specific approach to the benefit of both the wind industry and sage-grouse, balancing the economic and conservation needs of Oregon.

Comment ID: 410
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Limiting the location and seasonal construction of transmission lines within GSG core and winter habitats will potentially preclude construction of infrastructure (i.e. power lines) that is not a lease production facility and may prohibit a public utility from installing non-lease facilities on adjacent fee surface estate. As such, these stipulations proposed under EO 2011-5 may exceed the limits established in recent SDR decisions and should be modified to limit the BLM's authority over construction of overhead power lines consistent with SDR findings.

Comment ID: 1400
Organization: Basin Electric Power Cooperative
Name: Darlene Steffan

Comment: Restrictions and Limitations on new ROW Alternatives under consideration by the BLM propose designating ROW exclusion areas ranging from 285,390 to 11 ,531,340 acres while designated ROW avoidance areas range from 0 to 6,390,010 acres in the Planning Area. Alternative C, the most severely restrictive option, includes 11,531 ,340 acres of ROW exclusion areas that would effectively block any north-south transmission line development in the western two-thirds of Wyoming. The Preferred Alternative proposes 6,065,960 acres as avoidance areas, an alarmingly large percentage in the Planning Area. These proposed limitations on ROW, including uses for electric distribution and transmission lines within the Planning Area, would have a significant negative impact on Basin Electric's ability to site new infrastructure if necessary to support future load growth. BLM ROW exclusion and avoidance areas could have the unintended side-effect of shifting ROW development onto adjacent private lands. This shift would likely result in longer routes with concomitant increases in surface disturbance and cost. In any case, new BLM ROW restrictions are expected to impact electric utility customers through increased costs and time delays for new projects.

Comment ID: 2565

Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Finally, as documented by Terry A. Messmer et al in Stakeholder Contemporary Knowledge Needs Regarding the Potential Effects of Tall Structures on Sage-grouse (Messmer et al. 2013), there are no peer-reviewed, experimental studies reported in the scientific literature that specifically document increased avoidance or predation on sage-grouse because of the construction, operation, and maintenance of tall structures, such as transmission lines or wind turbines. Neither is it scientifically valid to require anti-perching devices on vertical structures. Thus, we question the BLM's apparent conclusion in the Draft LUPA/EIS (page 2-20 and elsewhere) that managing portions of sage-grouse general habitat areas as ROW avoidance areas for wind turbines is scientifically valid, or will significantly contribute to sage-grouse conservation or sagebrush conservation.

Comment ID: 2568
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Map 2-9 through 2-13: ROW Exclusion and Avoidance Areas All of these maps for Alternatives A, B, C, D and E are inconsistent with the October 2012 ROD for the CCSM Project. The ROD, signed by the Secretary of the Interior, specifically approves wind energy development within the Chokecherry and Sierra Madre Wind Energy Project site, and Figure 3-1 within the ROD shows the areas approved for wind energy development. All of these maps, if carried forward, must be corrected for the Final LUPA/EIS as they are in direct conflict with the Secretary's 2012 decision. It is inappropriate for BLM to attempt to designate ROW avoidance and exclusion areas in places already approved for wind energy development. It also is not scientifically demonstrated why ROW avoidance areas should be designated in sage-grouse general habitat and outside of core population areas. Finally, Map 2-13 Alternative E, which shows ROW avoidance areas placed outside of core population areas, is in conflict with the General Management Direction Item 30 on page 2-18, which states for Alternative E that solely "Sage-grouse core habitat areas would be managed as ROW avoidance areas for new ROW or SUA."

Comment ID: 2569
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Map 2-29 through 2-33: Alternative E Wind Energy Development Restrictions These maps appear to be inconsistent with the October 2012 ROD for the CCSM Project. The ROD, signed by the Secretary of the Interior, specifically authorizes wind energy development within the CCSM Project site, and Figure 3-1 within the ROD shows the areas authorized for wind energy development. Of particular concern, Map 2-33 - the Preferred Alternative - is cited in the text in Chapter 4, page 4-77, as only allowing 127 turbines to be constructed in the entire planning area. However, the CCSM Project was approved with lip to 1,000 turbines. These maps and/or the text in the document must be reviewed in context with the CCSM Project ROD, and corrected or amended as appropriate, as otherwise it appears all of these maps are in direct conflict with the Secretary's October 2012 decision.

Summary: Issue #1: The BLM should justify the proposed ROW exclusion and avoidance areas included in the Draft EIS. Management of ROW exclusion and avoidance areas could significantly hamper or decrease oil and gas operations. The BLM should reduce the area subject to ROW avoidance or exclusion limitations, as they may adversely impact oil and gas development in the area. The ROW restrictions proposed under EO 2011-5 may exceed the limits established in recent SDR decisions and should be modified to limit the BLM’s authority over construction of overhead power lines, consistent with SDR findings. Limiting the location and seasonal construction of transmission lines within sage-grouse core and

winter habitats will potentially preclude construction of infrastructure (i.e. power lines) and may prohibit a public utility from installing non-lease facilities on adjacent fee surface estate. Issue #2: As documented by Terry A. Messmer et al in Stakeholder Contemporary Knowledge Needs Regarding the Potential Effects of Tall Structures on Sage-grouse (Messmer et al. 2013), there are no peer-reviewed, experimental studies reported in the scientific literature that specifically document increased avoidance or predation on sage-grouse because of the construction, operation, and maintenance of tall structures, such as transmission lines or wind turbines. In addition, it is not scientifically valid to require anti-perching devices on vertical structures. Thus, we question the BLM's apparent conclusion in the Draft EIS (page 2-20 and elsewhere) that managing portions of sage-grouse general habitat areas as ROW avoidance areas for wind turbines is scientifically valid, or will significantly contribute to sage-grouse conservation or sagebrush conservation. Issue #3: Maps 2-29 through 2-33 and Maps 2-9 through 2-13 appear to be inconsistent with the October 2012 ROD for the Chokecherry and Sierra Madre (CCSM) Project. The ROD, signed by the Secretary of the Interior, specifically authorizes wind energy development within the CCSM Project site, and Figure 3-1 within the ROD shows the areas authorized for wind energy development. Of particular concern, Map 2-33 is cited in the text in Chapter 4 (Page 4-77) as only allowing 127 turbines to be constructed in the entire planning area. However, the CCSM Project was approved to allow up to 1,000 turbines. These maps and/or the text in the document must be reviewed in context with the CCSM Project ROD, and corrected or amended as appropriate. Otherwise it appears all of these maps are in direct conflict with the Secretary's October 2012 decision. It is inappropriate for BLM to attempt to designate ROW avoidance and exclusion areas in places already approved for wind energy development.

Response: The BLM and Forest Service complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for the Draft LUP Amendments/Draft EIS, including seeking public input and analyzing reasonable alternatives. The alternatives include management options for the planning area that would modify or amend decisions made in the land use plans, as amended, to meet the planning criteria, to address issues and comments from cooperating agencies and the public, or to provide a reasonable range of alternatives. Chapter 4 of the Draft LUP Amendments/Draft EIS analyzes the impacts on all resource values and uses from managing areas as ROW exclusion and avoidance areas. The BLM and Forest Service also analyzed a reasonable range of alternatives specifically concerning ROW exclusion and avoidance areas. The BLM and Forest Service will review the analysis and consider comments from the public and other agencies on this issue in order to make a final decision in the Record of Decision.

Lands and Realty

Range of alternatives

Forest Service cannot dispose of land parcels. On split-estate lands, the BLM controls surface use on non-federal surface land.

Comment ID: 485
Organization:
Name: Jean Harshbarger

Comment: The section on land ownership adjustments on the TBNG refers to purchase, exchanges and disposel of these lands. This is something of a joke. We were included in a land exchange which drug on for 10+ years--finally we withdrew. Disposal should mean sale, but the Forest Service has said they cannot(will not?) sell any of these lands. Somewhere in this huge set of volumes there is something intimating that in any adjustments of land ownership the F.S. would still maintain control of some uses. Another point of contention is that on split estate lands--private ownership, federal minerals-- the BLM

would have a lot of authority over surface use, not just as regards mineral exploration, but also grazing and other surface use.

Summary: The section on land ownership adjustments on the TBNG refers to purchase, exchanges and disposal of these lands. The Draft EIS suggests that the Forest Service would maintain control of uses on lands they dispose/sell. The BLM would also have authority of surface use on split estate lands with nonfederal surface lands.

Response: If the Forest Service sells the surface estate, the BLM may choose to lease the mineral estate and the lessee would have the right to reasonable use of the surface estate to access the minerals beneath the surface. The mineral estate has precedence over the surface estate.

Lands and Realty

Range of alternatives

Include flexibility to amend land use restrictions based on site-specific monitoring and data

Comment ID: 1239
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: When exclusion areas are designated under the alternatives, there should be a process for amending these designations based on site-specific data. As discussed further below, draft sage-grouse plans in other states have recognized the need for site-specific data to provide for a more efficient conservation plan with respect to allowing appropriate wind development to proceed. Other such plans should inform this DEIS so that efficient conservation plans are adopted that help sage-grouse conservation without unnecessarily impeding the deployment of wind energy—by avoiding blanket prohibitions on wind development in large areas without appropriate ex ante site-specific evaluations that can harmonize the multiple uses of public lands.

Summary: When exclusion areas are designated under the alternatives, there should be a process for amending these designations based on site-specific data. As discussed further below, draft sage-grouse plans in other states have recognized the need for site-specific data to provide for a more efficient conservation plan with respect to allowing appropriate wind development to proceed. An efficient sage-grouse conservation plan can be developed without unnecessarily impeding wind energy development by avoiding blanket prohibitions on such use.

Response: Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the planlevel analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions. Impacts of lands and realty decisions on renewable energy development are discussed in Chapter 4 of the Final EIS. Changes to land use decisions included in RMPs and LRMPs can be made through the LUP amendment process. If new information becomes available that shows the delineation of the exclusion areas should be revised, this can be accomplished through the amendment process. Site-specific amendments can be made on a projectby- project basis.

Lands and Realty

Range of alternatives

Oppose federal acquisition of land

Comment ID: 2080
Organization: Wyoming Wool Growers Association
Name: Amy W. Hendrickson

Comment: The WWGA stands in strong opposition to increased acquisition of lands by the federal agencies. Further, we strongly oppose any acquisition of lands by federal agencies that is not based on clear multiple use benefits, including livestock grazing. We cannot lend our support to any alternative that does not acknowledge and respect private land ownership.

Comment ID: 1984
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Land & Realty Management: The statement requiring retention of public ownership of core habitat with narrow exceptions related to ownership patterns fails to recognize that protection/enhancement of sage-grouse habitat is often being accomplished more effectively on private lands than on federal lands. The private landowner has numerous tools including entering into a CCAA and participating in NRCS programs to provide for sage-grouse conservation. WSGA strongly opposes any acquisition of lands by the federal agencies that result in an increase in federal land ownership in Wyoming or that are not based on clear multiple use benefits. We further oppose the prioritization of parcels for acquisition (Action Number 42) as this can have the effect of significantly distorting market-based land values.

Comment ID: 202
Organization: The 7L Livestock Company
Name: Doug Cooper

Comment: Chapter 2 Alternatives B C D E-We are strongly opposed to the federal government acquiring any additional land within Wyoming. These lands should be transferred to the State of Wyoming for school trust lands or sold to the current lease holder. At a minimum, there should be no net gain in federal ownership within Wyoming. We also object to mitigation agreements or conservation easements being required where there is a disposal of federal land within a core area. A mitigation agreement will simply make acquiring federal land within the core areas prohibitively expensive to the private sector.

Summary: We are strongly opposed to the federal government acquiring any additional land within Wyoming. At a minimum, there should be no net gain in federal ownership within Wyoming. Further, we strongly oppose any acquisition of lands by federal agencies that is not based on clear multiple use benefits, including livestock grazing. We also object to mitigation agreements or conservation easements being required where there is a disposal of federal land within a core area. A mitigation agreement will simply make acquiring federal land within the core areas prohibitively expensive to the private sector.

Response: The purpose and need as stated on page 1-2 of the Draft EIS provides the appropriate scope to allow the BLM and the Forest Service to analyze a reasonable number of alternatives to cover the full spectrum of potential impacts. Increasing and/or the net gain of acres in federal ownership in Wyoming is not the purpose of this action. However, the federal acquisition of land can be an effective tool to allow for additional or more contiguous federal ownership patterns within sagegrouse core habitat areas, and is therefore considered within the range of alternatives in Chapter 2 of the Draft LUP Amendments/Draft EIS.

Mitigation agreements and conservation easements can also be effective in conserving sage-grouse habitat, and are therefore considered within the range of alternatives. The final decision regarding these issues will be included in the Record of Decision after the land use planning and public involvement processes are completed. The Forest Service does not have any authority to require or control uses on lands once they are disposed of or sold.

Lands and Realty

Range of alternatives

Powerlines should be prohibited within 5.3 mile of sage-grouse leks

Comment ID: 268
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: A 5.3-mile buffer should apply around leks (after Doherty et al. 2011) within which powerlines cannot be sited and existing powerlines will be buried or removed, and this level of protection should be accorded to All Designated Habitats. As perch inhibitors do not fully prevent raptor perching, this measure should be amended to allow buried powerline but prohibit new overhead lines under any circumstance. Priority habitats should be exclusion areas for all powerline rights-of-way, regardless of size of the line. Alternative E applies an inadequate 0.6- mile buffer around leks within which powerlines should not be sited. This allows new powerline construction in the heart of prime nesting habitats. The National Technical Team fully considered the impacts of overhead powerlines, and also considered the impacts of noxious weeds, and both are discussed in detail in the NTT Report. After weighing carefully the relative harms from each threat, the NTT unambiguously recommended that electrical distribution lines be buried in all cases.

Summary: The BLM and Forest Service should apply a 5.3-mile buffer around sage-grouse leks in all designated habitat within which power lines cannot be sited and existing power lines would be buried or removed. As perch inhibitors do not fully prevent raptor perching, this measure should be amended to allow buried power lines but prohibit new overhead lines under any circumstance. Priority habitats should be exclusion areas for all power line rights-of-way, regardless of size of the line. Alternative E applies an inadequate 0.6- mile buffer around leks within which power lines should not be sited. This allows new power line construction in the heart of prime nesting habitats. The National Technical Team fully considered the impacts of overhead power lines, and also considered the impacts of noxious weeds, and both are discussed in detail in the NTT report. After weighing carefully the relative harms from each threat, the NTT unambiguously recommended that electrical distribution lines be buried in all cases.

Response: The land use restrictions included in the Preferred Alternative would be appropriate to conserve sage-grouse habitat and potentially reduce the need to list the species under the Endangered Species Act. The combination of all the land use restrictions and conservation measures included under the alternative would provide an appropriate level of protection to sage-grouse habitat. The BLM and Forest Service developed Alternative E based on the Wyoming Executive Order (WY EO 2011-5) Core Area Strategy, BLM WY IM 2010-012, BLM WY IM 2012-019, BLM WO IM 2012-044, the National Technical Team Report, best available science, and input from the USFWS, State of Wyoming, cooperating agencies, and the public to create a management approach to both protect sage-grouse and allow for multiple use of public lands. The combination of surface disturbance restrictions, timing limitations, limits on density of development, and other management meet the purpose and need of the planning effort and will allow the continued existence of the Greater Sage-Grouse in Wyoming.

Lands and Realty

Range of alternatives

Prohibit wind energy development in sage-grouse core areas

Comment ID: 2723
Organization: Sweetwater County
Name: Mark Kot

Comment: For consideration, please note that Sweetwater County's Resolution 13-08-CC-OI, adopted on August 6, 2013, prohibits wind energy development within Sage Grouse Core Areas as defined by the Wyoming Governor's Executive Order 2011-5. Also, this Resolution requires that all lattice style metrological towers be permitted on a temporary basis for a three year timeframe and that approved bird diverters be installed on all guy wires.

Comment ID: 3121
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Wind projects should be excluded from sage-grouse priority habitat, areas that conflict with raptor populations, and other sensitive biological resources. Wind and other renewable energy development should be directed to already disturbed lands lacking significant biological values. Protecting raptors must be a paramount concern in project siting and design. Proposed facilities must collect several years of site-specific field data before submitting applications, and, at a minimum, satisfy all guidelines and requirements imposed by USFWS and WGFD. Public comment and involvement must be assured through preparing a full Environmental Impact Statement.

Summary: Wind projects should be excluded from sage-grouse priority habitat, areas that conflict with raptor populations, and other sensitive biological resources. Wind and other renewable energy development should be directed to disturbed lands lacking significant biological values. Sweetwater County's Resolution 13-08-CC-OI, adopted on August 6, 2013, prohibits wind energy development within sage-grouse core areas as defined by the Wyoming Governor's Executive Order 2011-5. Also, this resolution requires that all lattice style metrological towers be permitted on a temporary basis for a three year timeframe and that approved bird diverters be installed on all guy wires. In addition, protecting raptors must be a paramount concern in project siting and design. Proposed facilities must collect several years of site-specific field data before submitting applications, and, at a minimum, satisfy all guidelines and requirements imposed by USFWS and WGFD.

Response: The Draft EIS analyzes a reasonable range of alternatives regarding restrictions on wind energy development in sage-grouse core/priority habitat, including a prohibition on wind energy development in these habitats. The final decision regarding the alternatives and management actions therein will be made in the Record of Decision after the land use planning process is completed.

Lands and Realty

Range of alternatives

Questions of clarification

Comment ID: 1413
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Map 2-13, Alternative E ROW Exclusion and Avoidance Areas. The ROW map generally indicates ROW avoidance inside core/priority habitat, however, it also indicates avoidance in many areas outside of core/priority habitat as well. As an example, several ROW avoidance areas are indicated just south of the Seedskadee Core area along the Kemmerer and Rock Springs Field Office boundaries. The scale of the map makes it difficult to understand where these particular parcels are located, however, these avoidance areas are outside of core/priority habitat and this is not discussed in the text or on the map as to why they are avoidance areas. As currently shown on the map, the avoidance areas appear to restrict ROW activities outside of core/priority in the same manner as inside of core/priority.

Comment ID: 786
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM suggests that the Forest Service is required to identify inventoried roadless areas during the Forest Plan Development Process. Sage-Grouse DLUPA, pg. 3-223. As support for this claim, the BLM cites 36 C.F.R. § 219.17. As discussed earlier, however, that requirement was found in the 2000 Planning Regulations which were abrogated by the Forest Service during 2012. As such, this regulation is no longer in effect and there is no requirement to inventory potential roadless areas as part of the forest planning process. The BLM should correct or explain while they are still utilizing the 2000 regulations despite their abrogation.

Comment ID: 1480
Organization:
Name: Denise Langley

Comment: DEIS quote: "Transmission lines should follow existing corridors up to a certain corridor width." If a transmission line does not travel down an existing corridor the DEIS states the line will count towards the 5% surface disturbance. Is this disturbance for the year of construction or for the life of the power line? Does it matter if the power line is AC or DC? Is there a distinct possibility the lessee of the BLM or FS allotment will see a reduction in AUMs due to the construction of a power line thru their allotment? If there is a reduction in AUMs will there be a fee decrease? The fees should be cut for that pasture during the time of decrease or forced non-use. Will there be other pasture available to the lessee for compensation? It is not the lessee's fault if some company determines a transmission line will pass thru the land the livestock owners are counting on for forage but it is the lessee that is punished by a cut in AUMs. If you cut the pasture usage during construction then bring the AUMs back the following years. You should have grass available somewhere else for that lessee to use. Grazing the area during the winter months, if this is possible, will help offset the loss of forage. If the lessee is a responsible manager and likes to leave the pastures in good condition-why punish an innocent and responsible lessee that is paying for the grass.

Comment ID: 1256
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: This alternative is based on the NTT Report with a recommended surface disturbance cap of 3% per 640 acres. 5,000,400 acres will be managed as closed to wind development with an additional 6,530,940 acres restricted. This would reduce projected development to 127 turbines, which represents a 90% decrease as compared to Alternative A (Section 4.5.4) or reduce projected development to 2,821 turbines compared to Alternative A (Section 2.7). For comparison, oil well production is projected to only decrease by 16% compared to Alternative A. We note that is unclear how the exclusion and avoidance zones would comport with the NTT recommendation of no more than 3% anthropogenic disturbances.

Comment ID: 2270
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Page 2-22: "New electric distribution lines would be buried where feasible." What constitutes "feasible" and who decides? For example, burying lines will be expensive and companies could suggest that they are cost-prohibitive and thus not "feasible." We suggest clear definition and description of feasibility and how decisions are to be made.

Comment ID: 3043
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 1 2- 88 Action 79 Alt B Where does money for land purchases come from? Acquisition prioritized over easements does not seem to make conservation any stronger.

Summary: Issue #1: Map 2-13 and related actions under Alternative E generally indicate ROW avoidance inside core/priority habitat; however, it also indicates avoidance in many areas outside of core/priority habitat. These avoidance areas are outside of core/priority habitat and this is not discussed in the text or on the map as to why they are avoidance areas. As currently shown on the map, the avoidance areas appear to restrict ROW activities outside of core/priority in the same manner as inside of core/priority. Issue #2: The BLM suggests that the Forest Service is required to identify inventoried roadless areas during the Forest Plan Development Process (Sage-Grouse Draft LUP Amendments, pg. 3-223). As support for this claim, the BLM cites 36 C.F.R. § 219.17. As discussed earlier, however, that requirement was found in the 2000 Planning Regulations which were abrogated by the Forest Service during 2012. As such, this regulation is no longer in effect and there is no requirement to inventory potential roadless areas as part of the forest planning process. The BLM should correct or explain why they are still utilizing the 2000 regulations despite their abrogation. Issue #3: Regarding Action 79 under Alternative B, where does funding for land purchases come from? Acquisition prioritized over easements does not seem to make conservation any stronger. Issue #4: In the Draft EIS, it states "Transmission lines should follow existing corridors up to a certain corridor width." If a transmission line does not travel down an existing corridor, the Draft EIS indicates the line will count towards the 5% surface disturbance. Is this disturbance for the year of construction or for the life of the power line? Does it matter if the power line is AC or DC? Is there a distinct possibility the lessee of the BLM or Forest Service allotment will see a reduction in AUMs due to the construction of a power line through their allotment? If there is a reduction in AUMs, will there be a fee decrease? The fees should be cut for that pasture during the time of decrease or forced non-use. Will there be other pasture available to the lessee for compensation? Issue #5: Alternative B is based on the NTT report with a recommended surface disturbance cap of 3% per 640 acres. 5,000,400 acres will be managed as closed to wind development, with an additional 6,530,940 acres restricted. It is unclear how the exclusion and avoidance zones would comport with the NTT recommendation of no more than 3% anthropogenic disturbances. Issue #6: In the Draft EIS, it states (Page 2-22) "New electric distribution lines would be buried where feasible." What constitutes "feasible" and who decides? For example, burying lines will be expensive and companies could suggest that they are cost-prohibitive and thus not "feasible." We suggest clear definition and description of feasibility and how decisions are to be made.

Response: Issue #1: ROW avoidance areas outside of sage-grouse priority/core habitat are related to management action #31, which addresses ROW avoidance areas in sage-grouse general habitat. Issue #2: The BLM and the Forest Service began working together to address conservation of the Greater Sage-Grouse and its habitat in 2010. At that time, the Forest Service's 2012 Planning Rule was not final; it became final May 9, 2012. For plan amendments initiated before May 9, 2012, the Forest Service may complete and approve the amendments under the prior planning regulations, including its transition

provisions (36 CFR part 219, published at 36 CFR parts 200 to 299, revised as of July 1, 2010). Land use plan amendments associated with the Greater Sage-Grouse conservation effort are using the 1982 planning rule procedures that are allowed under the transition procedures of the prior planning rule. The 1982 planning rule procedures may be found in 36 CFR parts 200 to 299, Revised as of July 1, 2000 or at http://www.fs.fed.us/emc/nfma/includes/nfmareg.html. The text referenced in this comment has been revised to clarify this in the Final EIS. Issue #3: Funding acquisition of lands or easements comes from a variety of sources including Land and Water Conservation Fund and private donors. Funding comes from the benefiting program. Thus, if the Forest Service were acquiring habitat for wildlife, it would be funding from the wildlife program. Issue #4: The disturbance is based on the life of the project and the width of the authorization. It does not take into account the type or use of the disturbance; it is strictly based on the amount of land authorized. It is possible a permittee of a BLM or Forest Service allotment might see a reduction in AUMs due to the authorization of a power line through their allotment. Decisions are based on cumulative amounts of disturbance, type of use (i.e. cattle, sheep, horses, etc.), and health of the allotment. It can be a temporary reduction, based on level of disturbance, health of range lands, and reclamation success. Yes, there is a fee reduction if the AUMs are reduced. There are no provisions to offer alternative pasture if an allotment must be reduced due to a different type of land authorization. If it is a permanent reduction, permittees will receive a 2-year notification letter prior to the reduction becoming permanent, which allows for the permittee to make alternative arrangements. Issue #5: All activities on BLM- and Forest Service-managed lands would be required to comport with the disturbance cap, subject to valid existing rights and applicable law. Issue #6: Presently, feasibility is determined based on recommendations from the applicant, and the decision is made by the Authorized Officer. It is anticipated that technology could be developed that would make burying high voltage power lines more feasible. Line voltage, size, distance, resource conditions and use are considered in determining feasibility in addition to cost.

Lands and Realty

Range of alternatives

Restrictions on renewable energy development will reduce or prevent such development, which is in conflict with BLM's priority for renewable energy development

Comment ID: 895
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: The ability to safely maintain, operate, and access our existing electric delivery system facilities is crucial to providing a reliable source of electricity to our customers. Tri-State requests that the Agencies acknowledge in the final RMP that access is a critical component to existing facility authorizations, and that the BLM would not close designated or non-designated roads that may be critical to maintaining existing electrical facilities.

Summary: Before the Wyoming Executive Orders were signed, several wind farms were proposed in Sweetwater County and these projects included RSGA lands. The regulatory burdens associated with the sage-grouse conservation plan directly led to these projects being withdrawn. Sage-grouse conservation will preclude development of non-carbon energy, which is in direct conflict with the Interior Department’s priority for such development.

Response: The BLM and Forest Service realize that some management actions and land use restrictions therein may affect the development of wind energy projects; however, the sage-grouse conservation measures do not preclude development of non-carbon energy, such as wind energy. This is reflected in the Chapter 4 analysis of environmental consequences included in the Draft LUP Amendments/Draft EIS. The various alternatives result in different levels of impact. The final decision regarding management actions

related to wind energy development will be made by the BLM and Forest Service in the Record of Decision after the land use planning process is completed.

Lands and Realty

Range of alternatives

ROWs must meet legal requirements

Comment ID: 1168
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

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

Response: All management actions included in the Draft LUP Amendments/Draft EIS must comply with all laws and regulations. This is included as a general assumption in the Chapter 4 analysis of environmental consequences (Section 4.1.3). This assumption states "Implementation actions will comply with valid existing rights and all federal laws, regulations, and policies."

Lands and Realty

Range of alternatives

Sage-grouse core areas should be exclusion areas under Alternative E

Comment ID: 267
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The NTT Report recommends that all electrical distribution lines be buried within Core Areas, period. Under Alternative E, Priority Habitats would be an avoidance area, not an exclusion area. In other sage grouse plan amendment DEISs, BLM itself has pointed out increases in predator concentration within 4.3 miles of powerlines. Power lines may also cause changes in lek dynamics, with lower growth rates observed on leks within 0.25 miles of new power lines in the Powder River Basin of Wyoming as compared with those further from the lines, a difference attributed to increased raptor predation (Braun et al. 2002). Powerlines should be excluded from Priority Habitats, as in Alternative C.

Summary: Power lines should be excluded from sage-grouse core/priority areas, as they can adversely impact sage-grouse and result in increased raptor predation. The NTT report recommends that all electrical distribution lines be buried in sage-grouse core areas.

Response: The BLM and the Forest Service have authority to manage the habitat and have provided numerous management actions across the range of alternatives. Altering the sagebrush habitat of the Greater Sage-Grouse can create an influx of predators into an area and lead to a population decline. Roads, fences, power lines, trails, and other disturbances may make access easier for potential predators and increase risks to the species. Alternatives described in the Draft EIS calls for measures that will substantially reduce disturbances in the bird's habitat, thus reducing predation risk. The BLM and Forest Service developed Alternative E based on the Wyoming Executive Order (WY EO 2011-5) Core Area Strategy, BLM WY IM 2010-012, BLM WY IM 2012-019, BLM WO IM 2012-044, the National Technical Team Report, best available science, and input from the USFWS, State of Wyoming, cooperating agencies, and the public to create a management approach to both protect sage-grouse and allow for multiple use of public lands. The combination of surface disturbance restrictions, timing limitations, limits on density of development, and other management will meet the purpose and need of the planning effort and allow the continued existence of the Greater Sage-Grouse in Wyoming.

Lands and Realty

Range of alternatives

Support federal acquisition of land to protect sage-grouse habitat

Comment ID: 3114
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Audubon supports the land tenure provisions in Alternative B, which the most regulatory certainty towards meeting conservation goals. We further support this provision from the Lander FEIS/RMP (at 151): "No parcels within an NLCS unit or an ACEC or in greater sage-grouse Core Area are identified for disposal unless the disposal would benefit the goals and objectives of the area's priority values or other important resource values … Acquire lands in areas with mixed ownership and where land exchanges would result in additional or more contiguous federal ownership patterns or would improve management for the benefit of priority resources." The overall goal should be to maintain as many acres as possible in public ownership, especially in areas containing habitat for special status wildlife. The plan needs to avoid disposal of federal land where that could fragment contiguous habitat blocks and connectivity corridors. Retaining important wildlife habitat in federal ownership improves management flexibility and furthers regulatory certainty. Land tenure decisions should be informed by the need to consolidate ownership and conservation management of large tracts of relatively undisturbed landscapes, targeting sensitive habitat for sage-grouse, raptors, passerine species, and other priority species and ecosystems.

Summary: We support the land tenure provisions in Alternative B, which provide the most regulatory certainty towards meeting conservation goals. We further support this provision from the Lander FEIS/RMP (at 151): "No parcels within an NLCS unit or an ACEC or in Greater Sage-Grouse Core Area are identified for disposal unless the disposal would benefit the goals and objectives of the area's priority values or other important resource values … Acquire lands in areas with mixed ownership and where land exchanges would result in additional or more contiguous federal ownership patterns or would improve management for the benefit of priority resources." The overall goal should be to maintain as many acres as possible in public ownership, especially in areas containing habitat for special status wildlife. The plan needs to avoid disposal of federal land where that could fragment contiguous habitat blocks and connectivity corridors. Retaining important wildlife habitat in federal ownership improves management flexibility and furthers regulatory certainty. Land tenure decisions should be informed by the need to consolidate ownership and conservation management of large tracts of relatively undisturbed landscapes,

targeting sensitive habitat for sage-grouse, raptors, passerine species, and other priority species and ecosystems.

Response: The Draft EIS analyzes a reasonable range of alternatives regarding land tenure adjustments, including land exchanges that result in federal acquisition of surface lands. The management actions under Alternative B are available for consideration by the BLM and Forest Service. The final decision regarding the alternatives and management actions therein will be made in the Record of Decision after the land use planning process is completed.

Lands and Realty

Range of alternatives

The agencies should designate areas outside of important sage-grouse habitat in which wind energy development is permitted

Comment ID: 2023
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: The BLM and the FS play critical roles in ensuring that the boom in wind energy development does not lead to declines in the Greater sage-grouse population. The agencies have sufficient data on quality of wind resources, potential conflicts with other resources and values, and availability of transmission, which should be used to designate wind energy zones, similar to Solar Energy Zones already in place on BLM lands. Through amendments to affected land use plans, the BLM and FS can incorporate not only wind energy zones but also areas that are off limits to wind energy development.

Summary: The agencies have sufficient data on quality of wind resources, potential conflicts with other resources and values, and availability of transmission, which should be used to designate wind energy zones, similar to Solar Energy Zones already in place on BLM lands. Through amendments to affected land use plans, the BLM and Forest Service can incorporate not only wind energy zones but also areas that are off limits to wind energy development.

Response: This is correct. Wind energy development and non-development areas are currently being addressed in all LUP revisions and amendments. Completed plans that do not include this analysis can be amended to include those decisions, through the land use planning process.

Lands and Realty

Range of alternatives

Transmission lines should avoid sage-grouse core habitat

Comment ID: 3124
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The Lander and Miles City RMPs provide instructive examples for managing transmission lines in sagegrouse habitat. The Lander RMP FEIS Record #4102 (Alternative B): Prohibit new, permanent, highprofile structures (higher than 12 feet) within 1 mile of occupied greater sage-grouse nesting habitat (Map 64). FEIS at 130. Similarly in the Miles City Daft RMP, while high voltage transmission lines are allowed within General Habitat, they should avoid areas within 1 mile of a lek to minimize grouse avoidance behavior and increased predation pressure. Research indicates approximately one-third of juvenile sage-grouse mortality is directly attributed to collisions with power lines (Beck, Reese, Connelly, and Lucia

2006[1]; Flake, Connelly, Kirschenmann, and Lindbloom 2010[2]). Miles City DEIS at 4-133. In addition, a study in Idaho found that transmission line collisions resulted in 33 percent of juvenile sage-grouse deaths in the study area (Beck et al. 2006; Flake et al. 2010). Miles City DEIS at 4- 158. We support these transmission line provisions as a means to prevent area avoidance by sagegrouse, and encourage the agencies to incorporate similar provisions in the 9-Plan.

Comment ID: 3122
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: High voltage transmission lines should avoid core habitat, except in designated corridors as outlined in the Governor's Executive Order. While they are allowed within the remaining habitat (general habitat), they should at least 1 mile from leks to minimize grouse avoidance behavior and increased predation pressure. Burying transmission lines, while eliminating perching opportunities for avian predators, may be more detrimental in regards to volume of surface disturbance occurring in such proximity to leks. Additional analysis should compare the impacts to sage-grouse from burying versus vertical structures.

Summary: The Lander and Miles City RMPs provide instructive examples for managing transmission lines in sagegrouse habitat. The Lander RMP FEIS Record #4102 (Alternative B): "Prohibit new, permanent, highprofile structures (higher than 12 feet) within 1 mile of occupied Greater Sage-Grouse nesting habitat (Map 64)." Similarly in the Miles City Daft RMP, while high voltage transmission lines are allowed within sage-grouse general habitat, they should avoid areas within 1 mile of a lek to minimize grouse avoidance behavior and increased predation pressure. Research indicates approximately one-third of juvenile sage-grouse mortality is directly attributed to collisions with power lines (Beck, Reese, Connelly, and Lucia 2006[1]; Flake, Connelly, Kirschenmann, and Lindbloom 2010[2]). In addition, a study in Idaho found that transmission line collisions resulted in 33 percent of juvenile sage-grouse deaths in the study area (Beck et al. 2006; Flake et al. 2010). The agencies should incorporate similar provisions in the Wyoming Sage-grouse 9-Plan Amendment.

Response: The Draft EIS analyzes a reasonable range of alternatives regarding the construction of transmission lines, including a prohibition on all ROWs within sage-grouse priority and general habitat. These alternatives are all available for consideration by the BLM and Forest Service. The final decision regarding the alternatives and management actions therein will be made in the Record of Decision after the land use planning process is completed.

Lands and Realty

Range of alternatives

Transmission project stipulations under Alternative D are appropriate to protect sage-grouse

Comment ID: 408
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Transmission project stipulations proposed under Alternative D are consistent with EO 2011-5 (e.g. use of 2 mile and 1 mile wide corridor, timing stipulation). As such, these stipulations are adequate and biologically justified to provide effective GSG protection for transmission project disturbances. Yates supports transmission project stipulations that are consistent with EO 2011-5.

Summary: Transmission project stipulations proposed under Alternative D are consistent with EO 2011-5 (e.g. use of 2 mile and 1 mile wide corridor, timing stipulation). As such, these stipulations are adequate and biologically justified to provide effective Greater Sage-Grouse protection for transmission project disturbances.

Response: The Draft EIS analyzes a reasonable range of alternatives related to the development of transmission projects, which are reflected in the Chapter 4 analysis of environmental consequences. Based on review of this analysis and public comments, the BLM and Forest Service will make the final decision on this particular management action in the Record of Decision.

Lands and Realty

Valid Existing Rights

Restrictions to protect sage-grouse should not infringe on valid existing rights

Comment ID: 662
Organization: Anadarko
Name: David Applegate

Comment: In action number 30 (See 2-18) sage-grouse core habitat areas would be managed as right-of-way ("ROW") avoidance areas for new ROWs or surface use agreements. Anadarko requests that should this management action move forward that this be subject to valid, existing rights where new ROWs or SUAs associated would not be limited or precluded.

Summary: The Draft EIS should be updated to reflect that management of ROW exclusion and avoidance areas are subject to valid, existing rights.

Response: All management actions within the Draft LUP Amendments/Draft EIS are subject to valid, existing rights. This was specifically stated as a general assumption in the Chapter 4 analysis of environmental consequences (Section 4.1.3). This assumption states "Implementation actions will comply with valid existing rights and all federal laws, regulations, and policies."

Lands with Wilderness Characteristics

Impact Analysis

How many acres of lands with wilderness characteristics are protected in core/priority/etc.?

Comment ID: 351
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM does not disclose the acreage or location of Lands with Wilderness Character that overlap with sage grouse Priority or General Habitats (see Map 3-33), nor is any acreage or identity of LWCs and Priority or General Habitats disclosed in the Affected Environment section of the EIS (DEIS at 3-71). How many acres of LWCs overlap with Priority Habitat/Core Areas? How many of these acres would be protected by withdrawing Priority Habitats from oil and gas leasing and other surface-disturbing activities, and setting limits on industrial incursions on existing leases/claims under each alternative? The EIS is silent on these questions, a violation of NEPA's 'hard look' imperative. See DEIS at 4-79 through 86.

Summary: BLM does not disclose the acreage or location of lands with wilderness characteristics that overlap with sage grouse priority or general habitats (see Map 3-33), nor is any acreage or identity of lands with wilderness characteristics and priority or general habitats disclosed in the Affected Environment

section of the Draft EIS (Draft EIS at 3-71). How many acres of lands with wilderness characteristics overlap with priority habitat/core areas? How many of these acres would be protected by withdrawing priority habitats from oil and gas leasing and other surface-disturbing activities, and setting limits on industrial incursions on existing leases/claims under each alternative?

Response: The purpose and need of the Greater Sage-Grouse planning effort is limited to making land use planning decisions specific to the conservation of Greater Sage-Grouse habitats. No decisions related to the management of lands with wilderness characteristics will be made as part of this planning effort; therefore, management of lands with wilderness characteristics is considered outside the scope of this plan amendment process. Impacts to lands with wilderness characteristics from the alternatives being analyzed for this planning effort are presented in Chapter 4.

Lands with Wilderness Characteristics

Range of alternatives

Lands with wilderness characteristics decisions are out of scope

Comment ID: 1006
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: On December 23, 2010, the Secretary of the Department of the Interior, Ken Salazar, issued Secretarial Order No. 3310, commonly referred to as the Wild Lands Policy. On April 14, 2011, the United States Congress passed a Continuing Resolution that prohibited the BLM from spending any federal funds to implement its Wild Lands Policy. Congress' defunding mechanism made good sense since only wilderness study areas (WSAs) may be managed so as to not impair their wilderness character under Section 603 of FLPMA. Tri-County Cattleman's Association Idaho Cattlemen's Association, 60 IBLA 305, 314 (1981). There is no other statutory authority and FLPMA, elsewhere, states that all other public lands are to be managed so as to not unduly and unnecessarily degrade the resources. 43 U.S.C. §1732(b). Given the lack of authority, BLM may not inventory areas for wilderness character as part of the GRSG amendment. The purpose and need of the National Greater Sage-Grouse planning effort is limited to making land use planning decisions specific to the conservation of GRSG habitats. No decisions related to the management of lands with wilderness characteristics are authorized as part of this planning effort. As such, management of lands with wilderness characteristics is outside the scope of this amendment.

Comment ID: 1952
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 3-71, Lands With Wilderness Characteristics – The WSGB comments that the narratives under this section appear to propose actions to be taken by the BLM that are very close to the recent "Wild Lands" program which we understand was not funded by Congress. The WSGB does not support a "wild Lands" program under the guise of maintaining a periodic inventory of lands with wilderness characteristics.

Comment ID: 1389
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-71 Text: The purpose and need of the National Greater Sage-Grouse planning effort is limited to making land use planning decisions specific to the conservation of Greater Sage-Grouse habitats.

No decisions related to the management of lands with wilderness characteristics will be made as part of this planning effort; therefore, management of lands with wilderness characteristics is considered outside the scope of this plan amendment process. Impacts to lands with wilderness characteristics from the alternatives being analyzed for this planning effort are presented in Chapter 4. Comment: The Coalition supports this language but our concern with regards to LWC inventories is addressed in our cover letter. We incorporate that discussion by reference here.

Comment ID: 563
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: BLM may not inventory areas for wilderness character as part of the GRSG amendment. The purpose and need of the National Greater Sage-Grouse planning effort is limited to making land use planning decisions specific to the conservation of Greater Sage-Grouse habitats. No decisions related to the management of lands with wilderness characteristics are authorized as part of this planning effort. As such, management of lands with wilderness characteristics is outside the scope of this amendment.

Comment ID: 1955
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 4-79, Lands With Wilderness Characteristics – We again comment that the BLM should not use the grouse issue as justification for additional lands being considered as having wilderness or wild land characteristics.

Comment ID: 3126
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 3.6.1 3- 72 Pinedale Office Areas noted should remain as current status as per notation on page 3- 71: “No decisions related to the management of lands with wilderness characteristics will be made as part of this planning effort.”

Comment ID: 2852
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 57 in Table 2-1 under Alternatives B and C discusses removal of water improvements and one narrative discusses moving conditions to "predevelopment conditions. This requirement would appear to try and move conditions to a "wilderness status" without the necessary steps required for such a determination. This action would be totally inappropriate and we strongly reject such a requirement.

Comment ID: 2708
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-232 Text: Updated policy addressing the management of lands with wilderness characteristics was issued in 2012. The BLM will inventory and consider lands with wilderness characteristics in accordance with BLM Manual 6310 and 6320. This policy will be adhered to during any site-specific project NEPA analyses that are conducted in the planning area. Comment: Please refer to our cover letter regarding lands with wilderness characteristics.--"Given the lack of authority, BLM may not

inventory areas for wilderness character as part of the GRSG amendment. The purpose and need of the National Greater Sage-Grouse planning effort is limited to making land use planning decisions specific to the conservation of Greater Sage-Grouse habitats. No decisions related to the management of lands with wilderness characteristics are authorized as part of this planning effort. As such, management of lands with wilderness characteristics is outside the scope of this amendment."

Comment ID: 2610
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-79 Text: This section identifies potential impacts to land with wilderness characteristics from implementing actions presented in Chapter 2. Existing conditions of lands with wilderness characteristics are described in Chapter 3. Comment: On December 23, 2010, the Secretary of the Department of the Interior, Ken Salazar, issued Secretarial Order No. 3310, commonly referred to as the Wild Lands Policy. On April 14, 2011, the United States Congress passed a Continuing Resolution that prohibited the BLM from spending any federal funds to implement its Wild Lands Policy. Congress' defunding mechanism made good sense since only wilderness study areas (WSAs) may be managed so as to not impair their wilderness character under Section 603 of FLPMA. Tri-County Cattleman's Association Idaho Cattlemen's Association, 60 IBLA 305, 314 (1981). There is no other statutory authority and FLPMA, elsewhere, states that all other public lands are to be managed so as to not unduly and unnecessarily degrade the resources. 43 U.S.C. §1732(b). Given the lack of authority, BLM may not inventory areas for wilderness character as part of the GRSG amendment pursuant to the defunct Wild Lands Policy. To the extent that BLM does so, the Coalition strongly opposes any such actions.

Summary: Given the lack of authority, BLM may not inventory areas for wilderness character as part of the Draft LUP Amendments/Draft EIS. The purpose and need of the National Greater Sage-Grouse planning effort is limited to making land use planning decisions specific to the conservation of Greater Sage-grouse habitats. No decisions related to the management of lands with wilderness characteristics are authorized as part of this planning effort. As such, management of lands with wilderness characteristics is outside the scope of this amendment. Under Section 2.5.7, Page 2-13, item 2 and item 8 appear to be the same. The concept advocated also appears to be a de facto designation for wilderness whether in name or in fact. Action 57, Alternatives B and C: The removal of water improvements discusses moving conditions to "predevelopment conditions." This requirement would appear to try and move conditions to a wilderness status without the necessary steps required for such a determination. Page 3-71: The narratives under this section appear to propose actions to be taken by the BLM that are very close to the recent "Wild Lands" program which we understand was not funded by Congress. Page 4-79: This section identifies potential impacts to land with wilderness characteristics. On December 23, 2010, the Secretary of the Department of the Interior, Ken Salazar, issued Secretarial Order No. 3310, commonly referred to as the Wild Lands Policy. On April 14, 2011, the United States Congress passed a Continuing Resolution that prohibited the BLM from spending any federal funds to implement its Wild Lands Policy. Congress' defunding mechanism made good sense since only wilderness study areas (WSAs) may be managed so as to not impair their wilderness character under Section 603 of FLPMA. BLM may not inventory areas for wilderness character as part of the Draft LUP Amendments pursuant to the defunct Wild Lands Policy.

Response: There are no specific management actions for lands with wilderness characteristics within Chapter 2 and Table 2.1 which contains the range of management alternatives. The commenters' assertion that the BLM and Forest Service lack authority to inventory or consider lands with wilderness characteristics is legally incorrect. Bullet 8 in Section 2.5.7 has been removed as it is a duplicate. The management for Action 57 is for the management of sage-grouse with regard to riparian areas and reducing human impacts and habitat fragmentation. Page 3-71: BLM Manual 6320 page 2 part C 1 directs District Managers and Field Managers to "update and maintain the wilderness inventory for lands within the

planning area consistent with BLM wilderness characteristics inventory guidance." Section 3.6 is a narrative of what each field office has currently inventoried. 4-79: As stated on page 3-71, “The purpose and need of the National Greater Sage-Grouse planning effort is limited to making land use planning decisions specific to the conservation of Greater Sage- Grouse habitats. No decisions related to the management of lands with wilderness characteristics will be made as part of this planning effort; therefore, management of lands with wilderness characteristics is considered outside the scope of this plan amendment process. Impacts to lands with wilderness characteristics from the alternatives being analyzed for this planning effort are presented in Chapter 4.”

Lands with Wilderness Characteristics

Range of alternatives

Wilderness characteristics must be considered

Comment ID: 350
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: This planning amendment addresses the protection of sage grouse habitats across Wyoming, therefore directly affecting the naturalness and outstanding opportunities for primitive and unconfined recreation. It therefore requires consideration of an alternative that would protect wilderness characteristics pursuant to BLM Manual 6320.06. The designation of new Lands with Wilderness Characteristics (“LWCs”) under BLM inventories in the planning area represents significant new information that must be addressed here.

Comment ID: 352
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: None of these lands has been designated for protection of wilderness resources through the land use planning process to date. BLM apparently intends to ignore direction to address this issue in this landmanagement planning effort, despite the clear value in designating LWCs for protection of wilderness character to sage grouse conservation. This is arbitrary and capricious. We are concerned that BLM has not fully lived up to its obligations under Manual 6320, undertaking the process required for the planning and management of Lands with Wilderness Characteristics. This must be done under the RMP amendment at hand, and the plan amendment should further designate all LWCs falling within sage grouse habitats to preserve their naturalness, solitude, and outstanding opportunities for primitive and unconfined types of recreation. Such protections would directly address threats that have been identified as threatening the persistence of sage grouse, such as infrastructure. This would confer addition protections on key sage grouse habitats, further buttressing the agency effort to apply adequate conservation measures for the bird.

Comment ID: 1798
Organization: The Wilderness Society
Name: Nada Culver

Comment: The Rock Springs Field Office is preparing a draft RMP revision; the Kemmerer, Casper, Rawlins, Pinedale and Newcastle plans were finalized prior to the issuance of this guidance and have varying degrees of out of date inventories, ongoing updates and information that has been made available for public input. Ongoing planning efforts should incorporate updated inventories of lands with wilderness characteristics (LWC), as directed by Instruction Memorandum 2011-154 and as defined by BLM Manual 6310. We expect that there is substantial acreage at issue. Currently, the Draft EIS does not address potential

values of these lands to supporting sage-grouse, does not provide for how to incorporate information from ongoing inventories, and does not consider management of lands with wilderness characteristics in the scope of this process. Deferring inventory and management decisions until proposed projects will not provide maximum benefits for wilderness characteristics or greater sage-grouse. as noted above and acknowledged in the Draft EIS and underlying RMPs, many lands with wilderness characteristics have not been identified and most identified lands with wilderness characteristics are not being managed to maintain their values. Further, given that the preferred alternative would not close any new areas to leasing or impose other strong prescriptions for many areas, the management adopted in this plan amendment could significantly impact natural areas including lands with wilderness characteristics. While conducting site-specific analysis prior to approving implementation actions will be important, the values of lands with wilderness characteristics should be acknowledged in this EIS. Until full field inventories are completed under ongoing efforts and the public is given an opportunity to analyze and comment on these inventories, these inventories cannot be considered complete, and therefore BLM should adopt a broad approach to addressing lands with wilderness characteristics in this EIS. For instance, in the Rock Springs Field Office, BLM completed an initial LWC inventory which found substantial acreage of potential LWCs do not possess wilderness characteristics, in addition to finding some areas which do possess wilderness characteristics. However, the public has not yet had the chance to comment on this inventory and BLM has not had the chance to update the inventory in response to public information, a process through which we expect BLM to significantly increase the amount of LWCs within the field office. Because the potential LWCs were identified on the basis of likely containing at least 5,000 acres of unroaded, undeveloped land, BLM should assume for the purposes of this EIS that all potential LWCs overlapping with mapped sage-grouse habitat may likely provide important habitat and represent good opportunities for sage-grouse conservation. Where inventoried LWCs are not currently being managed as “natural areas,” the value of these lands for sage-grouse should still be evaluated. Additionally, BLM should take this opportunity to update and incorporate LWC inventories for field offices rather than deferring to project-level analyses. BLM should identify lands with overlapping conservation values for protective designation, including considering whether and how protecting lands with wilderness characteristics would contribute to protecting and recovering sage-grouse in the planning area, and incorporate an analysis of these benefits into developing and selecting a proposed plan. BLM should include all potential LWCs in its analysis and management decisions for this EIS, recognizing that LWC inventories are underway in a number of field offices, as well. - For the purposes of the sage-grouse EIS, BLM should assume roadless lands adjacent to Wilderness Study Areas that overlap with mapped sage-grouse habitat likely provide important habitat resources for sage-grouse and should analyze these potential LWCs for sage-grouse conservation opportunities. - For purposes of the sage-grouse EIS, BLM should assume that all potential LWC units which overlap with mapped sage-grouse habitat may likely provide important sage-grouse habitat and identify sagegrouse conservation opportunities on those lands. Alternatively, BLM could utilize the updated LWC inventory if BLM is able to publish its draft revised inventory for public review, accept public comments on the draft revised inventory, complete necessary field work and update the revised inventory in time to inform the sage-grouse EIS. - Preliminary general habitat and core habitat in lands with wilderness characteristics should be managed as part of priority management areas.

Comment ID: 2947
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: WWA recognizes the scope of this amendment is specific to the conservation of the Greater Sage Grouse and thus will only discuss the management of lands that possess wilderness characteristics and are within Sage Grouse Core Areas. Moreover, the discussion of our management prescriptions for these for areas will also include how the suggested management for these lands will be beneficial to Greater Sage Grouse conservation. Additionally, it is important to recognize that any management prescription with respect to lands that possess wilderness characteristics in the DRMP, even if it is limited to those decisions

related to sage grouse management, are management decisions that impact LWCs. Thus, a discussion of LWCs that within the planning area and sage grouse core habitat is appropriate to the scope of this planning process.

Comment ID: 2944
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: The specific ways in which WWA's prescribed management for our areas of interest in the planning area will benefit both sage grouse and wilderness resources will be discussed in greater detail later in this document. Our prescriptions will protect both of these multiple uses, which is directly in line with the multiple use mandate put in place by FLPMA and will also, importantly, benefit existing sage grouse populations. Consequently, we ask that BLM incorporate our recommendations into its Agency Preferred Alternative.

Comment ID: 3009
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: South Honeycomb Buttes: BLM Unique Identifier- Bear Creek Trail (Revised) WY 040-2011-088 There is one point at which WWA and the BLM's inventory results diverge for this unit. Specifically the inventory results diverge at the determination of the unit's western boundary. This divergence will be discussed below. There is also one major similarity between the inventories. The BLM's most recent inventory for this unit indicates that this unit possesses wilderness characteristics. WWA's inventory is aligned with the BLM's inventory in that WWA's inventory also demonstrated that this unit possesses wilderness characteristics. The location of the unit as described on the BLM's current conditions form is included below. Description: The area is BLM managed land and does not include the state managed lands located T 26 N r 100 W sec 36. It is bounded to the north by the Honeycomb Buttes Wilderness Study Area boundary road, to the east by an unnamed two track, to the south by county road 4-74 and to the west by an unnamed two track". BLM Current Conditions Form WY 040-2011-088. The one notable difference between WWA and the BLM's inventory results is that WWA's western boundary differs from the BLM's western boundary for the unit. As described above, the BLM's western boundary is an unnamed two track. In WWA's inventory, this two track is identified as route 2. Please see the map, photo table, and route analysis form (route 2) in Appendix B for the location of this route. As WWA's route analysis form for route 2 indicates, this route does not qualify as a wilderness inventory road. BLM Manual 6310 indicates that boundaries "should be determined largely on the basis of wilderness inventory roads and naturalness". As route 2 is not a wilderness inventory road, it should not be used as a boundary for the unit. Moreover, as WWA's inventory report indicates that the portion of the unit that is excluded by using route 2 as a boundary possesses the naturalness characteristic, route 2 should not be used as a boundary. The western boundary proposed by WWA's inventory results is County Road 74, which is a wilderness inventory road. If the unit is bounded to the west by County Road 74, then the BLM inventory results of the unit will adequately comply with BLM Manual 6310.

Comment ID: 3019
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: Prospect Mountain: BLM Unique Identifier- WY 040-2011-095 The Rawlins BLM Field Office inventory report for the Prospect Mountain unit indicates that the area does not appear to be natural due to three issues including, (1) routes, (2) reservoirs, and (3) oil and gas wells. WWA's inventory staff found that the area did possess naturalness and each of the three above issues with respect to WWA's inventory

will now be addressed in turn. With respect to the routes in the area, they are neither omnipresent nor pervasive. Additionally, these routes are easily avoided by the visitor. Excluding this area based on the primitive routes is an overly strict approach to determining naturalness. Such an overly strict approach is contrary to the guidance provided by BLM Manual 6310. The BLM's inventory also cites existing reservoirs and oil and gas wells as a reason for the unnatural determination. However, WWA also found these impacts to be minimal and neither omnipresent nor pervasive. Please see Appendix D for a detailed analysis. Additionally, it should be noted that although WWA was on the ground looking for these impacts, the staff member was often able to walk for hours at time and not encounter any significant human impacts. Additionally, it should be noted that if the Rawlins Field Office determines that it must exclude the unit due to existing impacts, the Rawlins Field office staff should attempt to create new boundaries in order to exclude any disqualifying impacts prior to simply classifying the entire unit as unnatural. This reconsideration of boundaries would help ensure compliance with BLM Manual 6310. As the divergence between inventory results is currently based on the BLM's divergence from the procedures and guidance provided by BLM Manual 6310, these inventories must be updated with specific care to ensure that the information this land us plan is based upon is high quality and in compliance with BLM policy.

Comment ID: 3017
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: South Buffalo Hump: BLM Unique Identifier- WY 040-2011-177 There is a major divergence in process subsequent results between WWA and the BLM's inventory results for this unit. Specifically, the inventory results diverge in that WWA's findings conclude that a subunit of the WY 040-2011-177 unit possesses wilderness characteristics and the BLM's inventory findings indicate that the unit does not possess wilderness characteristics. After consideration of the BLM's inventory reports for this unit it is reasonable to conclude that the divergence in results is a result of a divergence in process. The following description taken from the BLM's current condition form for the unit in question is the only discussion of the BLM's findings: The inventory area is bounded to the north by the Buffalo Hump and Sand Dunes Wilderness Study Area boundary roads, to the south by the checkerboard lands and to the west by the Triterritory Short Loop Road. The area does not include WY040-2011-066 (Boars Tusk) or WY 040-2011-068 (Six Mile Draw) inventories which are evaluated in separate inventories. The area is crossed by numerous seismic routes, improved two track routes and other routes and does not meet size. Current Conditions Form WY 040-2011-177. This description, along with an accompanying map of the unit's boundary gives insight into the BLM's rationale for disqualifying the unit from Lands with Wilderness Characteristics consideration. This rationale is, "The area is crossed by numerous seismic routes, improved two track routes and other routes and does not meet size". The process by which the BLM arrived at this conclusion is problematic as this process does not meet the requirements of BLM Manual 6310. The inventory for this unit was signed on July 3, 2013. Thus, this inventory is subject to the guidance and requirements of BLM Manual 6310 Conducting Wilderness Characteristics Inventory on BLM Lands. This manual requires route analysis forms and supporting photo logs, neither of which are included with the BLM's inventory findings for this unit. BLM Manual 6310 at 10. Route analysis forms and photo logs are critical to determine the existing characteristics of the routes within a unit. This is particularly critical for determining the boundaries of a unit as BLM Manual 6310 indicates that boundaries "should be determined largely on the basis of wilderness inventory roads and naturalness". Without adequate data and analysis yielded by route analysis forms and photo tables, it is impossible to comply with this boundary determination requirement

Comment ID: 2995
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: WWA's inventory submissions meet the minimum standard for further review. However, the BLM has yet to evaluate the new information, document their findings, make the findings available to the public, and retain a record of the evaluation and the findings as evidence of the BLM's consideration. Without these steps, the BLM does not have the relevant information to adequately analyze the impacts of the amendment alternatives. NEPA requires an adequate analysis and NEPA documents must be "high quality". Additionally, "accurate scientific analysis" is also necessary for successfully carrying out NEPA procedures. (40 C.F.R. 1500.1(b)). An analysis that is not based on the most current information possible does not demonstrate "high quality" information or "accurate scientific analysis". If the BLM is basing their analysis on older information, then this does not constitute "high quality". This is especially relevant when the BLM has had adequate indication, provided by WWA's inventory submission, that there is new information and that resource conditions may have changed. Additionally, BLM Manual 6310 recognizes that conditions related to wilderness characteristics can change over time. BLM Manual 6310 at 2. In order to meet the procedural requirements of NEPA and BLM Manual 6310, the BLM should ensure before the release of the Record of Decision that the BLM has evaluated the new inventory information, documented their findings, made the findings available to the public, and retained a record of the evaluation and the findings as evidence of the BLM's consideration.

Comment ID: 3018
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: South Buffalo Hump: BLM Unique Identifier- WY 040-2011-177. The inventory approach used by the BLM for this unit is also problematic because it is based on inaccurate data. Many of the routes on the route layer that the BLM uses for this unit The inventory approach used by the BLM for this unit is also problematic because it is based on inaccurate data. Many of the routes on the route layer that the BLM uses for this unit map no longer exist. During WWA's inventories, it is rare to find that all of the routes on any statewide GIS road layer are still in existence. Moreover, the road classifications and descriptions in this road layer data are often outdated or inaccurate. Thus, it is critical for accuracy and compliance with BLM Manual 6310 to ensure that the BLM' inventory results are based on data that is collected on the ground by BLM staff. WWA's inventory process for this unit complied with BLM Manual 6310 and the resulting current condition form, route analysis forms, photo table, and map indicate that a subunit of WY 040-2011-177 possesses wilderness characteristics. Contrary to the BLM's inventory, WWA's inventory results indicate that existing routes within the subunit should not disqualify the subunit from LWC consideration. No routes within the unit qualify as wilderness inventory roads, nor are their impacts omnipresent or pervasive. Please see route analysis forms in Appendix C for specific route analyses. Although, there are primitive routes within the unit they do not detract from the naturalness the average visitor would experience. There is ample opportunity for a visitor to intentionally or unintentionally avoid these primitive routes. Additionally, there is ample topographic screening throughout the unit and vegetative screening in the seasonal drainages to prevent the routes from being omnipresent. The routes within the large unit are few enough as to not be pervasive. Thus, these existing primitive routes should not disqualify the unit from LWC consideration.

Comment ID: 2999
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: Harris Slough: BLM Unique Identifier- WY 040-2011-095 There is a major divergence in process that subsequently produces differences in results between WWA and the BLM's inventory results for this unit. Specifically, the inventory results diverge in that WWA's findings conclude that a subunit of the WY 040-2011-095 unit possesses wilderness characteristics and the BLM's inventory findings indicate that the unit does not possess wilderness characteristics. After consideration of the BLM's inventory reports

for this unit it is reasonable to conclude that the divergence in results is a result of a divergence in process. The following description taken from the BLM's current condition form for the unit in question is the only discussion of the BLM's findings: The area is bounded to the north and east by the Sulfur Springs Road, to the south by the Honeycomb Buttes Wilderness Study Area access road, and to the west by private access route ZZ/GD. The area is crossed by numerous improved roads and does not meet size requirements. BLM Current Conditions Form WY 040-2011-095. This description, along with an accompanying map of the unit's boundary gives insight into the BLM's rationale for disqualifying the unit from Lands with Wilderness Characteristics consideration. This rationale is, "The area is crossed by numerous improved roads and does not meet size requirements". The process by which the BLM arrived at this conclusion is problematic as this process does not meet the requirements of BLM Manual 6310. The inventory for this unit was signed on July 3, 2013. Thus, this inventory is subject to the guidance and requirements of BLM Manual 6310 Conducting Wilderness Characteristics Inventory on BLM Lands. This manual requires route analysis forms and supporting photo logs, neither of which are included with the BLM's inventory findings for this unit. Route analysis forms and photo logs are critical to determine the existing characteristics of the routes within a unit. This is particularly critical for determining the boundaries of a unit as BLM Manual 6310 indicates that boundaries "should be determined largely on the basis of wilderness inventory roads and naturalness". BLM Manual 6310 at 10. Without adequate data and analysis yielded by route analysis forms and photo tables, it is impossible to comply with this boundary determination requirement. The inventory approach used by the BLM for this unit is also problematic because it is based on inaccurate data. Many of the routes on the route layer that the BLM uses for this unit map no longer exist. During WWA's inventories, it is rare to find that all of the routes on any statewide GIS road layer are still in existence. Moreover, the road classifications and descriptions in road layer data are often outdated or inaccurate. Thus, it is critical for accuracy and compliance with BLM Manual 6310 to ensure that the BLM' inventory results are based on data that is collected on the ground by BLM staff. WWA's inventory process for this unit complied with BLM Manual 6310 and the resulting current condition form, route analysis forms, photo table, and map indicate that unit of WY 040-2011-095 possesses wilderness characteristics. Contrary to the BLM's inventory, WWA's inventory results indicate that existing routes within the subunit should not disqualify the subunit from LWC consideration. No routes within the unit qualify as wilderness inventory roads, nor are their impacts omnipresent or pervasive. Please see route analysis forms in appendix A for specific route analyses. Although, there are primitive routes within the unit they do not detract from the naturalness the average visitor would experience. There is ample opportunity for a visitor to intentionally or unintentionally avoid these primitive routes. Additionally, there is ample topographic screening throughout the unit and vegetative screening in the seasonal drainages to prevent the routes from being omnipresent. The routes within the large unit are few enough as to not be pervasive. Thus, these existing primitive routes should not disqualify the unit from LWC consideration.

Comment ID: 2957
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: The BLM should update their inventory results for the areas of interest and take special care to prior to the finalization of this plan amendment to ensure that the information this land us plan is based upon is high quality and in compliance with BLM policy. The circumstances surrounding WWA's submission of their 2012 wilderness characteristics inventory and this land use plan amendment are in line with the guidance outlined above (Manual 6310) regarding when the BLM should update their wilderness characteristics inventory. The public, namely WWA representing its membership, has identified wilderness characteristics as as issue during this particular NEPA process. WWA's wilderness characteristics inventories meet the requirements of the minimum standards to be considered as new information, which fulfills the second circumstance outlined above. Finally, this amendment may impact wilderness characteristics, which fulfills the third circumstance outlined above. Given the fulfillment of these three

circumstances, it is clear that the BLM should pursue the next steps following a recognized need to revisit their inventory.

Comment ID: 3020
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: Implementing WWA's preferred stipulations on portions of four LWC's of interest that fall within sage grouse core areas would bolster existing protections in the plan amendment and ensure more comprehensive protection for sage grouse populations. Eliminating disruptions to breeding and nesting imposed by anthropogenic noise and infrastructure as well as related increases in predation is the only way to ensure lasting vitality of sage grouse populations in core areas. This, in turn, will help prevent listing of the sage grouse as an endangered species under the Endangered Species Act. Similarly, our recommended preferred management stipulations would preserve existing naturalness and excellent opportunities for solitude and primitive recreation. The importance of keeping these wilderness and sage grouse resources intact cannot be overlooked in the land use planning process. Additionally, where two fragile resources such as sage grouse and wilderness characteristics can be easily protected by the same management prescriptions, these prescriptions should receive serious consideration.

Comment ID: 3021
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: WWA Preferred Stipulations for the Identified Areas of Interest (Harris Slough, South Honeycomb Buttes, South Buffalo Hump, and Prospect Mountain WWA Identified LWC's) • Motorized travel limited to existing routes. • Mechanical maintenance limited to routes classified as Wilderness Inventory Road. • Administratively unavailable to locatable, salable, and leasable mineral leasing • Closed to mineral materials disposal and geophysical exploration

Comment ID: 2946
Organization: Wyoming Wilderness Association
Name: Jennie Trefren

Comment: There are four areas that WWA has identified to possess wilderness characteristics and are within the planning area and sage grouse core areas. These areas include Harris Slough, South Honeycomb Buttes, South Buffalo Hump, and Prospect Mountain. The Harris Slough, South Honeycomb Buttes, Southern Buffalo Hump units are within the Rock Springs Field Office planning area. The Prospect Mountain unit is in the Rawlins field office. Our management prescriptions apply to the portions of these four units that fall within sage grouse core as depicted by Maps 1 and 2. These units, their corresponding BLM unique identifiers, and descriptions of the units are listed below for reference.

Summary: This planning amendment addresses the protection of sage-grouse habitats across Wyoming, therefore directly affecting the naturalness and outstanding opportunities for primitive and unconfined recreation. It therefore requires consideration of an alternative that would protect wilderness characteristics pursuant to BLM Manual 6320.06. The designation of new lands with wilderness characteristics under BLM inventories in the planning area represents significant new information that must be addressed. In order to meet the procedural requirements of NEPA and BLM Manual 6310, the BLM should ensure before the release of the Record of Decision that the BLM has evaluated new wilderness inventory information, documented their findings, made the findings available to the public, and retained a record of the evaluation and the findings as evidence of the BLM's consideration. The plan amendment should designate all lands with wilderness characteristics falling within sagegrouse habitats to preserve their naturalness, solitude, and

outstanding opportunities for primitive and unconfined types of recreation. Such protections would directly address threats that have been identified as threatening the persistence of sage-grouse, such as infrastructure. This would confer additional protections on key sage-grouse habitats, further buttressing the agency effort to apply adequate conservation measures. Specific lands with wilderness characteristics to protect include Harris Slough, South Honeycomb Buttes, South Buffalo Hump, and Prospect Mountain. These LWCs should have the following management applied: • Motorized travel limited to existing routes. • Mechanical maintenance limited to routes classified as Wilderness Inventory Road. • Administratively unavailable to locatable, salable, and leasable mineral leasing • Closed to mineral materials disposal and geophysical exploration.

Response: The purpose and need of the Greater Sage-Grouse planning effort is limited to making land use planning decisions specific to the conservation of Greater Sage-Grouse habitats. No decisions related to the management of lands with wilderness characteristics will be made as part of this planning effort; therefore, management of lands with wilderness characteristics is considered outside the scope of this plan amendment process. Impacts to lands with wilderness characteristics from the alternatives being analyzed for this planning effort are presented in Chapter 4.

Leasable Minerals

Appendices

Appendix B revisions

Comment ID: 1581
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Operations, No. 7, pg. B-4 “Restrict the construction of tall facilities and fences to the minimum number and amount needed.” It is unclear what is meant by ―tall‖. Certain facilities, particularly those for compression or natural gas treatment, require the use of designs which incorporate vessels or equipment that, by their design, can involve height. Furthermore, fences are typically installed for reasons of security, reclamation, and safety. Although some flexibility is mentioned such as the "minimum number and amount needed", this requirement lacks specificity and the reality of what is needed to construct a facility and what needs to be removed. The BLM should specifically describe what types of tall facilities and fences they are referring to.

Comment ID: 1590
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features for Noise, No. 3, pg. B-5 “Locate new compressor stations outside priority habitats and design them to reduce noise that may be directed towards priority habitat.” This requirement is overly broad and unnecessarily restrictive. There are many items to consider when siting compressor stations, such as the engineering and design constraints inherent to gas gathering systems. Further, some wells may require well site compression due to gas lift because of the directional requirements, or simply due to surface terrain. With regard to directing compressor station noise away from priority habitat, proximity to other receptors, such as homes, also needs to be considered. This item needs to be subject to technological feasibility, as well as landowner preferences when private land is involved.

Comment ID: 1588
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features for Noise, No. 1, pg. B-5 "Limit noise to less than 10 decibels above ambient measures (20 to 24 decibels) at sunrise at the perimeter of a lek during active lek season (Patricelli et al. 2010; Bickley et al. In preparation)." This measure is poorly written and infeasible for several reasons. First, it prescribes a starting point from which this restriction would be imposed (sunrise), but no end, which makes it unclear as to whether it is intended to apply only during daylight hours or 24/7 throughout an active lek season. More importantly, however, 10db is an extremely low threshold roughly equivalent to a human voice speaking at an elevated level. Next, the BLM has not identified how background ambient noise levels are to be measured or evaluated. Obviously ambient noise levels vary from day to day depending on meteorological conditions and even natural activities. Finally, and most importantly, the BLM has not adequately justified the scientific basis for the restrictions. This requirement should be removed.

Comment ID: 1587
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Operations, No. 18, pg. B-4 "Design or site permanent structures which create movement (e.g., pump jacks) to minimize impacts on Greater Sage-Grouse." This requirement is unreasonable and lacks scientific justification. We are unaware of any studies on GRSG which correlate movement and distances relative to GRSG response. We recommend this requirement be removed.

Comment ID: 1586
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Operations, No. 16, pg. B-4 "Use remote monitoring techniques for production facilities and develop a plan to reduce the frequency of vehicle use." Remotely monitoring a site may not always identify all operational considerations, so there is still the need to physically inspect a well or facility. In order to conduct safe and effective oil and gas operations, certain inspection and maintenance activities must be conducted regularly. We recognize that limitations on some disruptive activities and access to well locations during critical seasons may be necessary, such as prohibiting construction activities (e.g., well pads, roads, pits). However, basic maintenance and operational activities are necessary to maintain safe, effective, and environmentally sound operations. Further, the installation and utilization of telemetry equipment may not always be technologically feasible or economically viable. This requirement should be subject to operational considerations, technological feasibility, and economic viability.

Comment ID: 1585
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Operations, No. 14, pg. B-4 "Place liquid gathering facilities outside of priority areas. Have no tanks at well locations within priority areas to minimize truck traffic and perching and nesting sites for ravens and raptors. Pipelines must be under or immediately adjacent to the road (Bui et al. 2010)." This requirement is confusing. Placing liquids gathering facilities inside priority habitat would reduce truck traffic which would be advantageous in priority habitat. Tanks and trucking may be the only economical alternative for low liquids volume wells. Further, if liquids gathering or trucking is not allowed inside priority habitat, there is no way to remove liquids production from the lease. This requirement conflicts with standard operational practices, is not feasible and needs to be removed.

Comment ID: 1584
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Operations, No. 13, pg. B-4 “Apply a phased development approach with concurrent reclamation.” EOG strongly encourages the BLM to eliminate RDFs for phased development. Sage-Grouse DLUPA, pg. B-2. EOG opposes phased development that only allows certain portions of a leasehold or unit to be developed over time and requires the first portion to be plugged, abandoned, or reclaimed before an oil and gas operator may proceed to another portion of the leasehold or unit. This is an unreasonable restriction that may render development uneconomic and is a clear violation of valid existing rights. Additionally, the United States Court of Appeals for the Tenth Circuit, which has authority over all of Wyoming, recently affirmed a BLM decision not to require a phased leasing RMP in the Buffalo Field Office specifically because such an alternative would delay the production of energy resources and was not otherwise practical. Further, allowing oil and gas developers to secure leases in only one portion of a geologic basin or area at a time will limit and preclude exploration and development activities. Before an oil and gas operator will be willing to commit the millions of dollars necessary to drill even a single exploratory oil and gas well, it must secure a large enough lease position to justify the expense. If phased leasing was mandated by the BLM, the operator may be unable to secure such lease positions and new exploration would come to a halt, along with the economic benefits associated therewith. The term ―phased development‖ needs clarification. This means different things to different people. EOG opposes phased development which only allows certain portions of a leasehold or unit to be developed over time and requires the first portion to be plugged, abandoned or reclaimed before an oil and gas operator may proceed to another portion of the leasehold or unit. It is an unreasonable restriction that may render development uneconomic. This is a clear violation of existing lease terms, since this type of terminology has not been used in federal lease forms before, and valid existing rights.

Comment ID: 1595
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features for Vegetation, No. 6, pg. B-6 “Power wash all vehicles and equipment involved in vegetation treatment activities prior to entering the area to minimize the introduction of undesirable and/or invasive plant species” EOG requires vehicles to be cleaned regularly and whenever mud develops on our vehicles, although washing vehicles can only be done in developed areas such as towns and shops. Clean vehicles leaving such areas are still likely to travel across roads impacted by non-native plant seeds, and often the maintenance of such roads is outside EOG‘s jurisdiction.

Comment ID: 1582
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Operations, No. 10, pg. B-3 “Cluster disturbances, operations (e.g., fracture stimulation and liquids gathering), and facilities.” The intent of this measure and how it is supposed to be implemented is unclear. For example, how could one "cluster" unrelated operations such as those described in the parenthetical example? The BLM needs to define "cluster" and clarify the specific intent of this measure in each context before EOG or anyone else can provide meaningful comments.

Comment ID: 1594
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features for Reclamation, No. 5, pg. B-5 “Utilize mulching techniques to expedite reclamation and to protect soils.” The RFD is unclear. "Mulching techniques" is vague and does not describe duration, frequency, equipment, or materials. EOG supports proven reclamation techniques but is not aware of any standards of supporting scientific data that would allow ―mulching techniques‖ to become an RDF. As such, this RDF should be eliminated.

Comment ID: 1580
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Operations, No. 3, pg. B-3 “Bury power lines to the extent technologically feasible.” This requirement is excessive and cost-prohibitive and does not include any information related to proper power distribution design. Buried distribution lines are not always feasible or practical. Power companies must comply with power factors and buried power often cannot be used due to losses when large load lines are buried. Terrain must be a consideration where issues such as endangered plants, streams, hard rock, and other factors impact the ability to install buried distribution lines. We applaud BLM for allowing flexibility that takes into account technological feasibility, but encourage the BLM to also consider safety and economic considerations.

Comment ID: 1579
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Operations, No. 2, pg. B-3 “Place new utility developments (power lines, pipelines, etc.) and transportation routes in existing utility or transportation corridors.” Locating power lines and pipelines under existing roads may not be possible due to numerous ROW holders and various owners. The phrase "where practicable" should be added to ensure flexibility.

Comment ID: 1578
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Roads, No. 6, pg. B-3 “Establish trip restrictions (Lyon and Anderson 2003) or minimization through use of telemetry and remote well control (e.g., Supervisory Control and Data Acquisition).” Remotely monitoring a site may not always identify all operational considerations, so there is still the need to physically inspect a well or facility. In order to conduct safe and effective oil and gas operations, certain inspection and maintenance activities must be conducted regularly without restrictions. Remote monitoring itself requires maintenance and remote monitoring will not eliminate corrosion, spills, and leaks. Regular visits by qualified personnel are necessary for required activities such as production, environmental compliance, and spill reporting.This requirement should be subject to operational considerations, technological feasibility and economic viability.

Comment ID: 1591
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features for Fluid Minerals, Reclamation, General Habitat, No. 1, pg. B-5 “Include objectives for ensuring habitat restoration to meet sage-grouse habitat needs in reclamation practices/sites (Pyke 2011). Address post reclamation management in reclamation plan such that goals and objectives are to enhance or restore sage-grouse habitat.” EOG supports reclamation to

original pre-disturbance conditions. Enhanced reclamation is vague and means different things to different people. This RDF should be eliminated.

Comment ID: 446
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Enclosed tanks should not be the only option for management of fluids. Rather, BLM should retain the flexibility to allow use of either lined pits or storage tanks on a case-by-case basis. It is not reasonable to require closed loop mud systems for drilling. Many drilling rigs are not equipped for closed loop drilling (no reserve pit). Further, some type of pit will be needed for drilling cuttings if a closed system were available on a drilling rig.

Comment ID: 579
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson applauds the BLM's recognition that LUPs are not the appropriate place to make site-specific decisions. Nonetheless, in the Sage-Grouse DLUPA, the BLM proposes several site-specific COAs contained in Appendix B that will be applied to all site-specific projects. The BLM should recognize the contradiction in its decision making and remove any attempts to make site-specific decisions in the Sage-Grouse DLUPA. This error should be corrected.

Comment ID: 1583
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Operations, No. 11, pg. B-4 “Use directional and horizontal drilling to reduce surface disturbance.” The BLM incorrectly assumes that all oil and gas resources in the Planning Area can be accessed and developed via directional and horizontal drilling techniques. The phrase ―where technologically feasible and economically viable‖ should be added to provide necessary flexibility to this requirement.

Comment ID: 810
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 18, pg. B-4 "Design or site permanent structures which create movement (e.g. pump jack) to minimize impacts on Greater Sage-Grouse." This requirement is unreasonable and lacks scientific justification. We are unaware of any studies on GRSG which correlate movement and distances relative to GRSG response. We recommend this requirement be removed.

Comment ID: 802
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2..1, Roads, No. 6, pg. B-3 "Establish trip restrictions (Lyon and Anderson 2003) or minimization through use of telemetry and remote well control (e.g., Supervisory Control and Data Acquisition)." Remotely monitoring a site may not always identify all operational considerations, so there is still the need to physically inspect a well or facility. In order to

conduct safe and effective oil and gas operations, certain inspection and maintenance activities must be conducted regularly without restrictions. This requirement should be subject to operational considerations, technological feasibility and economic viability.

Comment ID: 803
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.2, Operations, No.10, pg.B-3 "Cluster disturbances, operations (e.g., fracture stimulation and liquids gathering), and facilities." The intent of this measure and how it is supposed to be implemented is unclear . For example, how could one "cluster" unrelated operations such as those described in the parenthetical example? The BLM needs to define "cluster" and clarify the specific intent of this measure in each context before Devon or anyone else can provide meaningful comments.

Comment ID: 804
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 11, pg. B-4 and General Habitat, No.2, pg. J-4 "Use directional and horizontal drilling to reduce surface disturbance." The BLM incorrectly assumes that all oil and gas resources in the Planning Area can be accessed and developed via directional and horizontal drilling techniques. The phrase "where technologically feasible and economically viable" should be added to provide necessary flexibility to this

Comment ID: 805
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.2, Operations "Apply a phased development approach with concurrent reclamation." Devon strongly encourages the BLM to eliminate RDFs for phased development. Sage-Grouse DLUPA, B-2. Devon opposes phased development that only allows certain portions of a leasehold or unit to be developed over time and requires the first portion to be plugged, abandoned, or reclaimed before an oil and gas operator may proceed to another portion of the leasehold or unit. This is an unreasonable restriction that may render development uneconomic and is a clear violation of valid existing rights. The term "phased development" needs clarification. This means different things to different people. Devon opposes phased development which only allows certain portions of a leasehold or unit to be developed over time and requires the first portion to be plugged, abandoned or reclaimed before an oil and gas operator may proceed to another portion of the leasehold or unit. It is an unreasonable restriction that may render development uneconomic. This is a clear violation of existing lease terms, since this type of terminology has not been used in federal lease forms before, and valid existing rights.

Comment ID: 806
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.2, Operations, No.14, pg.B•4 "Place liquid gathering facilities outside of priority areas. Have no tanks at well locations within priority areas to minimize truck traffic and perching and nesting sites for ravens and raptors. Pipelines must be under or immediately adjacent to the road (Bui et. at. 2010)." This requirement is confusing. Placing liquids gathering facilities inside priority habitat would reduce truck traffic which would be advantageous in priority habitat. Tanks

and trucking may be the only economical alternative for low liquids volume wells. Further, if liquids gathering or trucking is not allowed inside priority habitat, there is no way to remove liquids production from the lease. This requirement conflicts with standard operational practices, is not feasible and needs to be removed.

Comment ID: 807
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.2, Operations, Priority Habitat, No. 14, pg. B-4 "Restrict the construction of tall facilities and fences to the minimum number and amount needed." It is unclear what is meant by "tall". Certain facilities, particularly those for compression or natural gas treatment, require the use of designs which incorporate vessels or equipment that, by their design, can involve height. Furthermore, fences are typically installed for reasons of security, reclamation, and safety. Although some flexibility is mentioned such as the "minimum number and amount needed", this requirement lacks specificity and the reality of what is needed to construct a facility and what needs to be removed. The BLM should specifically describe what types of tall facilities and fences they are referring to.

Comment ID: 1592
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Reclamation, No. 3, pg. B-5 “Restore disturbed areas at final reclamation to the pre- disturbance landforms and desired plant community.” If the disturbance is on non-federal surface land, this requirement needs to be subject to the preferences of landowners.

Comment ID: 809
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 3, pg. B-3 "Bury power lines to the extent technologically feasible." This requirement is excessive and cost-prohibitive and does not include any information related to proper power distribution design. Buried distribution lines are not always feasible or practical. Power companies must comply with power factors and buried power often cannot be used due to losses when large load lines are buried. Terrain must be a consideration where issues such as endangered plants, streams, hard rock. and other factors impact the ability to install buried distribution lines. We applaud BLM for allowing flexibility that takes into account technological feasibility, but encourage the BLM to also consider safety, and economic considerations.

Comment ID: 1593
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features for Fluid Minerals, Reclamation, Priority Habitat, No. 4, pg. B-5 “Implement irrigation during interim or final reclamation for sites where establishment of seedlings has been shown or is expected to be difficult due to dry conditions.” This RDF should be reworded to recognize feasibility and to reflect that irrigation needs to be done in a way that will prevent vegetation from being unable to withstand drought conditions after the irrigation has been removed. Additionally, BLM should consider several potential issues this RDF could present. For example, irrigation could require a pump and a fresh water supply. The pump would require a fuel source and may require an air quality

permit. The fresh water supply would likely need to be trucked in. The BLM should address these issues in the development of this RDF.

Comment ID: 811
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.4 Noise, No.1, pg. B-5 "Limit noise to less than 10 decibels above ambient measures (20 to 24 decibels) at sunrise of the perimeter of a lek during active lek season (Patricelli et al. 2010; Bickley et al. In preparation)." This measure is poorly written and infeasible for several reasons. First, it prescribes a starting point from which this restriction would be imposed (sunrise), but no end, which makes it unclear as to whether it is intended to apply only during daylight hours or 24/7 throughout an active lek season. More importantly, however, 1Odb is an extremely low threshold roughly equivalent to a human voice speaking at an elevated level. Next, the BLM has not identified how background ambient noise levels are to be measured or evaluated. Obviously ambient noise levels vary from day to day depending on meteorological conditions and even natural activities. Finally, and most importantly, the BLM has not adequately justified the scientific basis for the restrictio11s. This requirement should be removed.

Comment ID: 812
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.4, Operations, No.2, pg. B-5 "Require noise shields when drilling during the lek, nesting, brood-rearing, or wintering seasons." This requirement is too broad and vague. First, the measure does not define the types of noise shields that are required. Further, the shield can take any number of shape and form. lt is also important to realize that noise shields cannot be used at a site without being engineered for safety factors such as wind load. This requirement needs to be completely reworded to provide more clarification and flexibility.

Comment ID: 813
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.4, Noise, No.3, pg. B-5 "Locate new compressor stations outside priority habitats and design them to reduce noise that may be directed towards priority habitat." This requirement is overly broad and unnecessarily restrictive. This item needs to be subject to technological feasibility, as well as landowner preferences when private land is involved.

Comment ID: 814
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 16, pg. B-4 "Use remote monitoring techniques for production facilities and develop a plan to reduce vehicular traffic frequency of vehicle use." Remotely monitoring a site may not always identify all operational considerations, so there is still the need to physically inspect a well or facility. ln order to conduct safe and effective oil and gas operations, certain inspection and maintenance activities must be conducted regularly. We recognize that limitations on some disruptive activities and access to well locations during critical seasons may be necessary, such as prohibiting construction activities (e.g. well pads, roads, pits). Basic maintenance and operational activities are necessary to maintain safe, effective, and environmentally sound operations.

Further, the installation and utilization of telemetry equipment may not always be technologically feasible or economically viable. This requirement should be subject to operational considerations, technological feasibility, and economic viability.

Comment ID: 815
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.5, Reclamation, No. 3, pg. B-5 "Restore disturbed areas at final reclamation to the pre-disturbance landforms and desired plant community." If the disturbance is on non-federal surface land, this requirement needs to be subject to the preferences of landowners.

Comment ID: 1577
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Roads, No. 2, pg. B-3 “Locate roads to avoid important areas and habitats.” The BLM needs to clarify the definition of "important areas and habitats." This requirement also needs to be made subject to the preferences of landowners on split estate lands where the surface is owned by non-federal landowners. BLM must defer decisions regarding road location with those nonfederal surface owners. Exceptions should also be allowed for topographical, archeological and other considerations.

Comment ID: 801
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features 8.2..1 Roads, No.2, pg. B-3 "Locate roads to avoid important areas and habitats." The BLM needs to clarify the definition of "important areas and habitats." This requirement also needs to be made subject to the preferences of landowners on split estate lands where the surface is owned by non-federal landowners. BLM must defer decisions regarding road location with those non-federal surface owners. Exceptions should also be allowed for topographical, archeological and other considerations.

Comment ID: 808
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 2, pg.B-3 "Place new utility developments (e.g. power lines and pipelines) and transportation routes in existing utility or transportation corridors." Few such corridors exist within the Planning Area and placement within existing ROWs held by third parties is not allowed since ROWs are permitted exclusively to the ROW holder. The phrase "where practicable" should be added to ensure flexibility.

Comment ID: 2081
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: B.2.5 Reclamation Page B-5, Paragraph 2 "Maximize the area of interim reclamation on long-term access roads and well pads, including reshaping, topsoiling, and revegetating cut-and-fill slopes." If private landowners are involved, they may not support this requirement if they have alternate use of the

areas under consideration for reclamation. A reference to landowner preferences should be included in this requirement.

Comment ID: 2077
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-5, Paragraph 2 "Require noise shields when drilling during the lek, nesting, brood-rearing, or wintering season." This item is too broad and vague. First, what types of noise shields are being referenced? These can take any number of shape and form. Additionally, larger well pads may be needed to accommodate the configuration of a "shield". Attenuation of noise from a site to receptors such as leks, nesting, and brood rearing must also be considered. Further, simply stating that noise shields are required may not be necessary if the drilling is occurring where the noise attenuation is not an issue. This requirement needs to be completely reworded to provide more direction and flexibility.

Comment ID: 2084
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-5, Paragraph 4 "Implement irrigation during interim or final reclamation for sites where establishment of seedlings has been shown or is expected to be difficult due to dry conditions." We recommend BLM reword this requirement to reflect that irrigation needs to be done in a way that will prevent vegetation from being unable to withstand drought conditions after the irrigation has been removed.

Comment ID: 2024
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 6 The special use authorizations are typically written to the user of the roads which would be the energy companies. The county may take authority for the road later, but not typically at issuance. Requiring that the all other terms and conditions be included is too broad. This measure should read “Ensure rights-of-way or special use authorizations on newly constructed energy development roads are issued using only appropriate terms and conditions included in this document.”

Comment ID: 2026
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 8 "Apply dust abatement on roads, well pads, and other surface disturbances." This needs to be rewritten to specify what types of dust abatement may be considered as effective (i.e. chemical applicants or water).

Comment ID: 693
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.2, Operations, No.3, pg. B-3 "Bury power lines to the extent technologically feasible." This requirement is excessive and cost-prohibitive and does not include any information related to proper power distribution design. Buried distribution lines are not always feasible or practical. Power companies must comply with power factors and buried power often cannot be used due to losses when large load lines are buried. Terrain must be a consideration where issues such as endangered

plants, streams, hard rock, and other factors impact the ability to install buried distribution lines. We applaud BLM for allowing flexibility that takes into account technological feasibility, but encourage the BLM to also consider safety, and economic considerations.

Comment ID: 694
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 18, pg. B-4 "Design or site permanent structures which create movement (e.g. pump jack) to minimize impacts on Greater Sage-Grouse." This requirement is unreasonable and lacks scientific justification. We are unaware of any studies on GRSG which correlate movement and distances relative to GRSG response. We recommend this requirement be removed.

Comment ID: 2082
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-5, Paragraph 3 If the disturbance is on private land, this requirement needs to be subject to the preferences of landowners.

Comment ID: 2100
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 7th Bullet Point "Use remote monitoring techniques for production facilities and develop a plan to reduce the frequency of vehicle use." See previous comment with regard to remote monitoring.

Comment ID: 2033
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 2 It may be acceptable for pipelines to be placed under or immediately adjacent to the road, provided enough room exists topographically to make it feasible. If a pipeline adjacent to a road results in significant cut and fill, it may be more appropriate to consider a different approach. This requirement needs to be reworded to say "Place new utility developments (e.g., power lines and pipelines) and transportation routes in existing utility or transportation corridors taking into account any surface use constraints such as steep terrain or soil conditions which would make this approach inappropriate."

Comment ID: 2021
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 5 This requirement is inconsistent with the EO and we recommend it be removed. BLM must recognize that remotely monitoring a site may not always identify all operational considerations. In order to conduct safe and effective oil and gas operations, certain onsite inspection and maintenance activities must be conducted regularly. We recognize that limitations placed on access to well locations during critical seasons may be necessary, such as prohibiting construction activities (e.g. well pads, roads, pits) or limiting the number of trips allowed. However, basic maintenance and operation activities are crucial to maintaining safe, effective, and environmentally sound operations. Further, some

operations cannot economically absorb the costs of telemetry. This requirement must be subject to operational considerations and economic viability.

Comment ID: 2079
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-5, Paragraph 3 It is important to understand that the farther the distance between production wells and compressor stations, the larger the amount of compression will be needed outside the priority habitat area which will actually create more noise. Also, there are many considerations when siting compressor stations, such as the engineering and design constraints inherent to gas gathering systems. With regard to directing compressor station noise away from priority habitat, proximity to other receptors, such as homes, also needs to be considered. This requirement must be revised to account for technical feasibility, as well as landowner preferences when private land is involved.

Comment ID: 2040
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 3 "Bury power lines to the extent technically feasible." Not only is this requirement not feasible in all cases, it is also excessive and cost prohibitive. We urge BLM to add flexibility that takes into account technical feasibility and economic considerations.

Comment ID: 2101
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 8th Bullet Point "Control the spread and effects from non-native plant species. (e.g., by washing vehicles and equipment)." See previous comment with regard to vehicle wash stations.

Comment ID: 2102
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 9th Bullet Point "Restrict pit and impoundment construction to reduce or eliminate augmenting threats from West Nile virus (Dougherty 2007)." See previous comment with regard to pit and impoundment construction.

Comment ID: 2042
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 4 "Cover all fluid-containing pits and open tanks with netting (maximum 1.5-inch mesh size) regardless of size to reduce sage-grouse mortality." We recommend this requirement be eliminated because fine mesh netting is not only extremely difficult to deploy, but it is also difficult to maintain, especially during winter with heavy snow accumulation. BLM fails to acknowledge that drilling pits are temporary and will be closed soon after drilling and completion operations are concluded.

Comment ID: 2044
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 6 "Control the spread and effects of invasive non-native plant species (Evangelista et al. 2011), including treating weeds prior to surface disturbance and washing vehicles and equipment at designated wash stations when constructing in areas with weed infestations." This requirement fails to describe how the wash areas and runoff associated with wash stations will be handled. Can the fluid and associated substances be hauled off, injected or disposed of at a facility onsite and are special permits required? This RDF attempts to address concerns regarding a perceived problem but fails to fully consider the ramifications of such a requirement. Also, BLM must identify the degree to which the general public or recreationalist crossing Public Lands on motorized and non-motorized forms of transportation spread invasive non-native plants species and how the agency will both control and monitor this form of threat.

Comment ID: 2046
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Last Paragraph "Cluster disturbances, operations (hydraulic fracture stimulation, liquids gathering, etc.) and facilities." This requirement will not be possible with multiple leaseholders in an area. Due to such things as ownership, royalties, operational differences and safety considerations, this is not feasible in many cases. This could be the case with even a single operator. This item should be reworded to state "Taking into account ownership, royalty accounting, operational and safety, consideration may be given to clustering disturbances, operations (e.g., fracture stimulation and liquids gathering), and facilities."

Comment ID: 2048
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, First Paragraph While directional and horizontal drilling are effective in some reservoirs, they may not be possible in others. The phrase "where technically feasible and as part of the downhole design objectives" needs to be added to provide the necessary flexibility to this requirement. Moreover, it must also be recognized that pad sizes associated with directional drilling of several wells from a single pad will increase to accommodate additional well bores. While surface issues may give rise to considering directional or horizontal techniques, the federal land management agencies must recognize that these decisions can only be made with careful consideration of many other factors that influence a project's viability. Therefore, it is unreasonable to impose a requirement across the study area that could render a well or wells uneconomic or infeasible, particularly in cases where existing leases do not require the use of alternative drilling techniques.

Comment ID: 2029
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 9 Careful consideration of what constitutes "duplicate roads" is required. An agency may believe a road to be a duplicate when actually it may not be the case for other land users or landowners in the vicinity. Also, before restoring roads to "original land form", the practicality of doing so must be considered. This item should be reworded to say, "Close and reclaim duplicate roads by restoring original landform, and establishing desired vegetation only after taking into account the practicality of doing so and careful consideration of current and future use of the road by permit holders and landowners in the vicinity."

Comment ID: 689
Organization: Samson Resources Company

Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.2, Operations "Apply a phased development approach with concurrent reclamation." Samson strongly encourages the BLM to eliminate RDFs of phased development. Sage-Grouse DLUPA, B-2. Samson opposes phased development that only allows certain portions of a leasehold or unit to be developed over time and requires the first portion to be plugged, abandoned, or reclaimed before an oil and gas operator may proceed to another portion of the leasehold or unit. This is an unreasonable restriction that may render development uneconomic and is a clear violation of valid existing rights. Additionally, the United States Court of Appeals for the Tenth Circuit, what has authority over all of Wyoming, recently affirmed a BLM decision not to require a phased leasing RMP in the Buffalo Field Office specifically because such an alternative would delay the production of energy resources and was not otherwise practical. Biodiversity Conservation Alliance, et al. v. Bureau of Land Management, et al ., 608 F.3d 709, 715 (1Oth Cir. 2010). The BLM need not analyze such an unreasonable and impractical alternative. Further, allowing oil and gas developers to secure leases in only one portion of a geologic basin or area at a time will limit and preclude exploration and development activities. Before an oil and gas operator will be willing to commit the millions of dollars necessary to drill even a single exploratory oil and gas well, it must secure a large enough lease position to justify the expense. If phased leasing was mandated by the BLM, the operator may be unable to secure such lease positions and new exploration would come to a halt, along with the economic benefits associated therewith. The term "phased development" needs clarification. This means different things to different people. Samson opposes phased development which only allows certain portions of a leasehold or unit to be developed over time and requires the first portion to be plugged, abandoned or reclaimed before an oil and gas operator may proceed to another portion of the leasehold or unit. It is an unreasonable restriction that may render development uneconomic. This is a clear violation of existing lease terms, since this type of terminology has not been used in federal lease forms before, and valid existing rights.

Comment ID: 2097
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 2nd Bullet Point "Use directional and horizontal drilling to reduce surface disturbance." See previous comment with regard to directional and horizontal drilling.

Comment ID: 2095
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Operations Page B-9, 1st Bullet Point "Cluster disturbances, operations (fracture stimulation, liquids gathering, etc.) and facilities." See previous comment with regard to clustering disturbances.

Comment ID: 685
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.1 Roads, No.2, pg. B-3 "Locate roads to avoid important areas and habitats." The BLM needs to clarify the definition of "important areas and habitats." This requirement also needs to be made subject to the preferences of landowners on split estate lands where the surface is owned by non-federal landowners. BLM must defer decisions regarding road location with those nonfederal surface owners. Exceptions should also be allowed for topographical, archeological and other considerations.

Comment ID: 686
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.1, Roads, No.6, pg. B-3 "Establish trip restrictions (Lyon and Anderson 2003) or minimization through use of telemetry and remote well control (e.g.. Supervisory Control and Data Acquisition)." Remotely monitoring a site may not always identify all operational considerations, so there is still the need to physically inspect a well or facility. In order to conduct safe and effective oil and gas operations, certain inspection and maintenance activities must be conducted regularly without restrictions. Remote monitoring itself requires maintenance and remote monitoring will not eliminate corrosion, spills, and leaks. Regular visits by qualified personnel are necessary for required activities such as production, environmental compliance, and spill reporting, Weather has a substantial impact on operations: cold weather causes freezes to liquids and wet gas; wind blows out burners used to process gas and oil for sales; fog reduces the effectiveness and reliability of solar power and batteries used in measurement and automation. Further, the installation and utilization of telemetry equipment may not always be technologically feasible or economically viable. This requirement should be subject to operational considerations, technological feasibility and economic viability.

Comment ID: 687
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.2 Operations, No. 10, pg. B-3 “Cluster disturbances, operations (e.g., fracture stimulation and liquids gathering), and facilities.” The intent of this measure and how it is supposed to be implemented is unclear. For example, how could one “cluster” unrelated operations such as those described in the parenthetical example? The BLM needs to define “cluster” and clarify the specific intent of this measure in each context before Samson or anyone else can provide meaningful comments.

Comment ID: 688
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 11, pg. B-4 and General Habitat, No. 2, pg. J-4 “Use direction and horizontal drilling to reduce surface disturbance.” The BLM incorrectly assumes that all oil and gas resources in the Planning Area can be accessed and developed via directional and horizontal drilling techniques. The phrase “where technologically feasible and economically viable” should be added to provide necessary flexibility to this requirement.

Comment ID: 2098
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 4th Bullet Point "Restrict the construction of tall facilities and fences to the minimum number and amount needed." See previous comment with regard to tall facilities and fences.

Comment ID: 692
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.2, Operations, No.2, pg. B-3 "Place new utility developments (e.g. power lines and pipelines) and transportation routes in existing utility or transportation corridors." Few such corridors exist within the Planning Area and placement within existing ROWs held by third parties is not allowed since ROWs are permitted exclusively to the ROW holder. The phrase "where practicable" should be added to ensure flexibility.

Comment ID: 2094
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 4th Bullet Point "Close and reclaim duplicate roads by restoring original landform and establishing desired vegetation." See previous comment with regard to closing and reclaiming duplicate roads.

Comment ID: 2089
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 1st Bullet Point "Coordinate road construction and use among ROW holders." See previous comment with regard to coordinating road construction.

Comment ID: 2012
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: B.1 INTRODUCTION, Page B-1, Paragraph 2 “Additional COAs developed through consultation with other federal, state, and local regulatory and resource agencies may be applied when supported by site-specific analysis.” The process must be explained by which the applicant would be involved in developing or responding to COAs not included as part of a project proposal. Also, BLM must be careful to infer, as this statement may, that COAs cannot be developed absent involvement of other federal, state, and local regulatory and resource agencies. BLM needs to instead specify that COAs will be developed in conjunction with the project proponent.

Comment ID: 2093
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 3rd Bullet Point "Use dust abatement practices on roads and pads." See previous comment with regard to dust abatement.

Comment ID: 2091
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 2nd Bullet Point "Construct road crossing at right angles to ephemeral drainages and stream crossings." See previous comment with regard to constructing road crossings at right angles to ephemeral drainages and stream drainages.

Comment ID: 1589
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix B, Required Design Features Noise, No. 2, pg. B-5 “Require noise shields when drilling during the lek, nesting, brood-rearing, or wintering seasons.” This requirement is too broad and vague. First, the measure does not define the types of noise shields that are required. Further, the shield can take any number of shape and form.This requirement needs to be completely reworded to provide more clarification and flexibility.

Comment ID: 2018
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 2 Not all users may be able to coordinate activities on roads. Some authorization holders may pre-date others and activities may not coincide among users. This requirement should be reworded to say “Coordinate road construction and use among right-of-way or special use authorization holders consistent with rights granted.”

Comment ID: 690
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features 8.2.2, Operations, No. 14, pg. 8-4 "Place liquid gathering facilities outside of priority areas. Have no tanks at well locations within priority areas to minimize truck traffic and perching and nesting sites for ravens and raptors. Pipelines must be under or immediately adjacent to the road (Bui et al. 2010) .” This requirement is confusing. Placing liquids gathering facilities inside priority habitat would reduce truck traffic which would be advantageous in priority habitat. Tanks and trucking may be the only economical alternative for low liquids volume wells. Further, if liquids gathering or trucking is not allowed inside priority habitat, there is no way to remove liquids production from the lease. This requirement conflicts with standard operational practices, is not feasible and needs to be removed.

Comment ID: 691
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.2, Operations, Priority Habitat, No. 14, pg. 8-4 "Restrict the construction of tall facilities and fences to the minimum number and amount needed." It is unclear what is meant by "tall". Certain facilities, particularly those for compression or natural gas treatment, require the use of designs which incorporate vessels or equipment that, by their design, can involve height. Furthermore, fences are typically installed for reasons of security, reclamation, and safety. Although some flexibility is mentioned such as the "minimum number and amount needed", this requirement lacks specificity and the reality of what is needed to construct a facility and what needs to be removed. The BLM should specifically describe what types of tall facilities and fences they are referring to.

Comment ID: 2088
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-8, 2nd Bullet Point "Do not issue ROWs to counties on energy development roads, unless for a temporary use consistent with all other terms and conditions included in this document." See previous comment with regard to ROW to counties on energy development roads.

Comment ID: 2099
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-9, 5th Bullet Point "Cover (e.g., fine mesh netting or use other effective techniques) all drilling and production pits and tanks regardless of size to reduce sage-grouse mortality." See previous comment with regard to covering drilling and production pits.

Comment ID: 2071
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, Paragraph 2 These requirements need to be subject to the preferences of landowners. On split estate lands where the surface is owned by private landowners, BLM must defer decisions with regard to such things as what remains on the land and the size of ponds to those private landowners. Also, with regard to (c), while the intent of steep shorelines may be advantageous for the control of mosquito species, it presents a hazard to mammals being able to escape from the impoundment. This is something that needs to be considered in administering this measure.

Comment ID: 695
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.4 Noise, No.1, pg. B•5 "Limit noise to less than 10 decibels above ambient measures (20 to 24 decibels) at sunrise at the perimeter of a lek during active lek season (Patricelli et al. 2010; Bickley et at. In preparation)." This measure is poorly written and infeasible for several reasons. First, it prescribes a starting point from which this restriction would be imposed (sunrise), but no end, which makes it unclear as to whether it is intended to apply only during daylight hours or 24/7 throughout an active lek season. More importantly, however, 10db is an extremely low threshold roughly equivalent to a human voice speaking at an elevated level. Next, the BLM has not identified how background ambient noise levels are to be measured or evaluated. Obviously ambient noise levels vary from day to day depending on meteorological conditions and even natural activities. Finally, and most importantly, the BLM has not adequately justified the scientific basis for the restrictions. This requirement should be removed. Studies cited by the BLM, including the Patricelli and Blickley studies did not find population declines as a result of noise from oil and gas operations. Rather, they observed a transient period of disturbance at leks where playing high levels of noise occurred. Even if they stood for the proposition cited, there are numerous deficiencies with the indiscriminate use of the studies. These reports and others are described in more detail in the API comments and the Report of Dr. Rob Ramey evaluating the NTT Report. Absent sufficient scientific basis, the BLM simply cannot and should not impose such an onerous restriction on oil and gas operations.

Comment ID: 2059
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, Paragraph 6 "Use remote monitoring techniques for production facilities and develop a plan to reduce the frequency of vehicle use (Lyon and Anderson 2003)." This requirement is inconsistent with the EO and we recommend it be removed. BLM must recognize that remotely monitoring a site may not always identify all operational considerations. In order to conduct safe and effective oil and gas operations, certain on-site inspection and maintenance activities must be conducted regularly. We recognize that limitations placed on access to well locations during critical seasons may be necessary, such as

prohibiting construction activities (e.g. well pads, roads, pits) or limiting the number of trips allowed. However, basic maintenance and operation activities are crucial to maintaining safe, effective, and environmentally sound operations. Further, the economics associated with some leases may not allow telemetry to be installed. This requirement must be subject to operational considerations and economic viability.

Comment ID: 2056
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, Paragraph 3 The term "phased development" is vague and requires clarification because it is subject to a variety of interpretations. We oppose phased development which only allows certain portions of a leasehold unit or NEPA analysis area to be developed over time until that portion is plugged or abandoned before proceeding to another portion of the leasehold, unit or NEPA analysis area. This approach would constitute a clear violation of existing lease terms since this type of terminology departs from the existing language in the federal lease form. Recognition must also be given to the fact that multiple operators may often develop an area under a specific NEPA analysis, thereby necessitating BLM to consider impacts to valid existing rights under a phased development scenario. Until this terminology and its limits on application are specifically defined, this requirement needs to be removed.

Comment ID: 2064
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, Paragraph 9 It is not reasonable to require closed loop mud systems for all drilling. Many drilling rigs are not equipped for closed loop drilling (no reserve pit). Further, some type of pit will be needed for drilling cuttings if a closed system were available on a drilling rig. This requirement should be qualified to allow this as an option, not a requirement.

Comment ID: 2066
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, Paragraph 10 "Consider using oak (or other material) mats for drilling activities where topography permits to reduce vegetation disturbance and for temporary roads between closely spaced wells to reduce soil compaction and maintain soil structure to increase likelihood of vegetation reestablishment following drilling." While this technique has been used in some locations, it can only be used in areas with flat terrain otherwise a safety risk exists when the drilling equipment is erected on the site. This should be recognized by stating: "Subject to safety considerations, consider using oak (or other material) mats for drilling activities to reduce vegetation disturbance".

Comment ID: 2057
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, Paragraph 4 "Place liquid gathering facilities outside priority areas. To reduce truck traffic and perching and nesting sites for ravens and raptors, do not place tanks at well locations within priority habitat areas." This requirement is confusing. Placing liquid gathering facilities inside priority areas would reduce truck traffic, which would be more advantageous in priority areas. Further, if liquid gathering or trucking is not allowed inside priority areas, there is no way to remove liquid production from the lease. This requirement conflicts with standard operational practices and is not feasible and needs to be removed.

Comment ID: 698
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 16, pg. B-4 "Use remote monitoring techniques for production facilities and develop a plan to reduce vehicular traffic frequency of vehicle use." Remotely monitoring a site may not always identify all operational considerations, so there is still the need to physically inspect a well or facility. In order to conduct safe and effective oil and gas operations, certain inspection and maintenance activities must be conducted regularly. We recognize that limitations on some disruptive activities and access to well locations during critical seasons may be necessary, such as prohibiting construction activities (e.g. well pads, roads, pits). Basic maintenance and operational activities are necessary to maintain safe, effective, and environmentally sound operations. Further, the installation and utilization of telemetry equipment may not always be technologically feasible or economically viable. This requirement should be subject to operational considerations, technological feasibility, and economic viability.

Comment ID: 2050
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, Paragraph 2 "Place infrastructure in already disturbed locations where the habitat has not been fully restored." There are several issues with this requirement. First, private landowners may not want additional infrastructure placed in already disturbed locations. Second, if reclamation is underway and restoration objectives are strict and must be met to allow continued development, this requirement will not work. This needs to be re-worded to state, "Place infrastructure in already disturbed locations where the habitat has not been fully restored with consideration to landowner preferences and the overall reclamation objectives for the area where this requirement will be used."

Comment ID: 696
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.4, Operations, No.2, pg. B-5 "Require noise shields when drilling during the lek, nesting, brood-rearing, or wintering seasons " This requirement is too broad and vague. First, the measure does not define the types of noise shields that are required. Further, the shield can take any number of shape and form. It is also important to realize that noise shields cannot be used at a site without being engineered for safety factors such as wind load. Shields are not merely installed near a noise source. They must be carefully anchored, potentially with a foundation, to meet wind load requirements depending upon the material used to build a "shield." Additionally, expanded well pads may be needed to accommodate the configuration of a "shield", which increases surface disturbance. It is also important to consider the attenuation of noise from a site to receptors such as leks, nesting, and brood rearing. Moreover, simply stating that noise shields are required during "wintering seasons" may not be necessary if the drilling is occurring where the noise attenuation would not be a problem. This requirement needs to be completely reworded to provide more clarification and flexibility.

Comment ID: 699
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.S, Reclamation, No.3, pg. 8-5 "Restore disturbed areas at final reclamation to the pre-disturbance landforms and desired plant community." If the disturbance is on non-federal surface land, this requirement needs to be subject to the preferences of landowners.

Comment ID: 2062
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, Paragraph 8 "Design or site permanent structures to minimize impacts to sage-grouse, with emphasis on locating and operating facilities that create movement (e.g., pump jacks) or attract frequent human use and vehicular traffic (e.g., fluid storage tanks) in a manner that will minimize disturbance of sage-grouse or interference with habitat use." This requirement is unreasonable and lacks scientific justification. BLM has failed to identify any studies on GRSG which correlate movement and distances relative to GRSG response. Considering the existing NSO from leks, pump jacks at a distance of at least 0.6 mile, as under Wyoming core area management, will not create an issue. We recommend this requirement be removed.

Comment ID: 697
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B, Required Design Features B.2.4, Noise, No.3, pg. B-5 "Locate new compressor stations outside priority habitats and design them to reduce noise that may be directed towards priority habitat." This requirement is overly broad and unnecessarily restrictive. There are many items to consider when siting compressor stations, such as the engineering and design constraints inherent to gas gathering systems. Further, some wells may require well site compression due to gas lift because of the directional requirements, or simply due to surface terrain. With regard to directing compressor station noise away from priority habitat, proximity to other receptors, such as homes, also needs to be considered. This item needs to be subject to technological feasibility, as well as landowner preferences when private land is involved.

Comment ID: 2060
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-4, Paragraph 7 "Restrict the construction of tall facilities, distribution powerlines, and fences to the minimum number and amount needed." It is unclear what is meant by "tall". Although some flexibility is mentioned such as the "minimum number and amount needed", this requirement is inviting possible conflicts due to the lack of specificity and the reality of what is needed to construct a facility. We strongly recommend this requirement be eliminated.

Comment ID: 2671
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-9, bullet 7: Remote monitoring is not always possible; suggest adding "where feasible".

Comment ID: 2299
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.1, Roads, No. 6, pg. B-3 Remotely monitoring a site may not always identify all operational considerations, so there is still the need to physically inspect a well or facility. This requirement should be subject to operational considerations, technological feasibility and economic viability.

Comment ID: 2300
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 10, pg. B-3 The intent of this measure and how it is supposed to be implemented is unclear. For example, how could one "cluster" unrelated operations such as those described in the parenthetical example? The BLM needs to define "cluster" and clarify the specific intent of this measure in each context before Encana or anyone else can provide meaningful comments.

Comment ID: 2302
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 11, pg. B-4 and General Habitat, No. 2, pg. J-4 The BLM incorrectly assumes that all oil and gas resources in the Planning Area can be accessed and developed via directional and horizontal drilling techniques. The phrase "where technologically feasible and economically viable" should be added to provide necessary flexibility to this requirement.

Comment ID: 2303
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.2, Operations Encana strongly encourages the BLM to eliminate RDFs for phased development. Sage- Grouse DLUPA, B-2. Encana opposes phased development that only allows certain portions of a leasehold or unit to be developed over time and requires the first portion to be plugged, abandoned, or reclaimed before an oil and gas operator may proceed to another portion of the leasehold or unit. This is an unreasonable restriction that may render development uneconomic and is a clear violation of valid existing rights. The term "phased development" needs clarification. This means different things to different people. Encana opposes phased development which only allows certain portions of a leasehold or unit to be developed over time and requires the first portion to be plugged, abandoned or reclaimed before an oil and gas operator may proceed to another portion of the leasehold or unit. It is an unreasonable restriction that may render development uneconomic. This is a clear violation of existing lease terms, since this type of terminology has not been used in federal lease forms before, and valid existing rights.

Comment ID: 2306
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.2, Operations, Priority Habitat, No. 14, pg. B-4 It is unclear what is meant by "tall". Certain facilities, particularly those for compression or natural gas treatment, require the use of designs which incorporate vessels or equipment that, by their design, can involve height. Furthermore, fences are typically installed for reasons of security, reclamation, and safety. Although some flexibility is mentioned such as the "minimum number and amount needed", this

requirement lacks specificity and the reality of what is needed to construct a facility and what needs to be removed. The BLM should specifically describe what types of tall facilities and fences they are referring to.

Comment ID: 2310
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.4 Noise, No. 1, pg. B-5 This measure is poorly written and infeasible for several reasons. First, it prescribes a starting point from which this restriction would be imposed (sunrise), but no end, which makes it unclear as to whether it is intended to apply only during daylight hours or 24/7 throughout an active lek season. More importantly, however, 10db is an extremely low threshold roughly equivalent to a human voice speaking at an elevated level. Next, the BLM has not identified how background ambient noise levels are to be measured or evaluated. Obviously ambient noise levels vary from day to day depending on meteorological conditions and even natural activities. Finally, and most importantly, the BLM has not adequately justified the scientific basis for the restrictions. This requirement should be removed.

Comment ID: 2309
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 18, pg. B-4 This requirement is unreasonable and lacks scientific justification. We are unaware of any studies on GRSG which correlate movement and distances relative to GRSG response. We recommend this requirement be removed.

Comment ID: 2670
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-9, bullet 6: Further explanation on the types/methods for deterrence is warranted.

Comment ID: 2307
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 2, pg. B-3 Few such corridors exist within the Planning Area and placement within existing ROWs held by third parties is not allowed since ROWs are permitted exclusively to the ROW holder. The phrase “where practicable” should be added to ensure flexibility.

Comment ID: 2308
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 3, pg. B-3 This requirement is excessive and cost-prohibitive and does not include any information related to proper power distribution design. We applaud BLM for allowing flexibility that takes into account technological feasibility, but encourage the BLM to also consider safety, and economic considerations.

Comment ID: 2304

Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 14, pg. B-4 This requirement is confusing. Placing liquids gathering facilities inside priority habitat would reduce truck traffic which would be advantageous in priority habitat. Tanks and trucking may be the only economical alternative for low liquids volume wells. Further, if liquids gathering or trucking is not allowed inside priority habitat, there is no way to remove liquids production from the lease. This requirement conflicts with standard operational practices, is not feasible and needs to be removed.

Comment ID: 2668
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-9, bullet 5: Covering pits is impractical for larger pits and it is unnecessary at active developments.

Comment ID: 2667
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-9, Operations bullets 1 &2: Clustering and the use of directional and horizontal drilling may not always be possible. Suggest adding "where feasible".

Comment ID: 2311
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.4, Operations, No. 2, pg. B-5 This requirement is too broad and vague. First, the measure does not define the types of noise shields that are required. Further, the shield can take any number of shape and form. Moreover, simply stating that noise shields are required during "wintering seasons" may not be necessary if the drilling is occurring where the noise attenuation would not be a problem. This requirement needs to be completely reworded to provide more clarification and flexibility.

Comment ID: 2665
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-5, paragraph 4: QEP asks that the RDFs beginning with "locate new compressor stations" be stricken.

Comment ID: 2315
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.2, Operations, No. 16, pg. B-4 Remotely monitoring a site may not always identify all operational considerations, so there is still the need to physically inspect a well or facility. In order to conduct safe and effective oil and gas operations, certain inspection and maintenance activities must be conducted regularly. We recognize that limitations on some disruptive activities and access to well locations during critical seasons may be necessary, such as prohibiting

construction activities (e.g. well pads, roads, pits). Basic maintenance and operational activities are necessary to maintain safe, effective, and environmentally sound operations. Further, the installation and utilization of telemetry equipment may not always be technologically feasible or economically viable. This requirement should be subject to operational considerations, technological feasibility, and economic viability.

Comment ID: 2664
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-5, paragraph 3: Further definition of "noise shields" is needed as are the locations where shields may be required.

Comment ID: 2140
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Based on the BLM's own policies and binding legal precedent, the BLM should ensure that the agency does not utilize the land use planning process to impose site-specific COAs or unreasonably limit future management actions when revising the Sage- Grouse DLUPA. The BLM attempts to make too many specific decisions in the Sage-Grouse DLUPA that may unreasonably restrict its management opportunities in the future. With this background in mind, Encana is very concerned the BLM's development of Required Design Features ("RDF") will be imposed on all future projects under most of the action alternatives. Imposing site-specific COAs in a land use plan is fundamentally in contrast to federal court precedent and BLM policies. Encana encourages BLM to provide sufficient flexibility not to require all of the RDFs, as discussed in more detail later. Many of the RDFs are not appropriate in every circumstance. The BLM should reconsider identifying RDFs in a land use plan.

Comment ID: 2662
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-4, paragraphs 5, 6, and 9: Suggest adding "where feasible".

Comment ID: 2661
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-4, paragraph 4: Liquid gathering facilities will need to be among well locations regardless of where wells are located (i.e., within or outside priority areas). Tanks to handle upset conditions will be required at most well locations even with liquids gathering. Suggest adding "where feasible".

Comment ID: 2659
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-4, paragraph 3: Phased development requires further definition and may not be feasible in areas with multiple Operators. Suggest adding "where feasible".

Comment ID: 2658
Organization: QEP Energy Company

Name: Mike Smith

Comment: Page B-4, paragraph 2: Placing infrastructure at previously disturbed locations may not be feasible. Suggest adding "where feasible".

Comment ID: 2657
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-3, last paragraph: Clustering may not be feasible in many areas (e.g., liquids gathering). Suggest adding "where feasible".

Comment ID: 2656
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-3, paragraph 14: The requirement to equip all above-ground tanks and facilities with structures or devices to discourage nesting and perching by raptors and corvids is untenable. QEP suggests as an alternative that monitoring for raptor/corvid perching/nesting be implemented by operators and that anti-perching/nesting structures/devices be installed only at locations where problematic nesting/perching is found.

Comment ID: 2655
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-3, paragraph 13: This requirement to net all fluid-containing pits and open tanks is unnecessary at locations with high levels of human activity. QEP asks that it be removed.

Comment ID: 2666
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-8, paragraph 10: Making all applicable BMPs mandatory as COAs is problematic due to considerations like prior rights and it notably restricts development outside "core", which is inconsistent with the intent of the EO.

Comment ID: 3169
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.6 B- 9 Operations Bullet 5 Covering pits is impractical for larger pits (add text on alternative means), and it is unnecessary at active developments (add text identifying need only at sites with low levels of human presence).

Comment ID: 3154
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.2 B- 3 Paragraph 13 on the page This requirement to net all fluid containing pits and open tanks is unnecessary at locations with high levels of human activity. Additionally, consideration of alternatives to netting is appropriate for larger pits.

Comment ID: 3155
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.2 B- 3 Paragraph 14 on the page The requirement to equip all aboveground tanks and facilities with structures or devices to discourage nesting and perching by raptors and corvids is untenable. It is suggested as an alternative that monitoring for raptor/corvid perching/nesting be implemented by Operators, and that anti- perching/nesting structures/devices be installed only at locations where problematic nesting/perching is found.

Comment ID: 3156
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.2 B- 3 Last paragraph on page Clustering may not be feasible in many areas (e.g., liquids gathering). Suggest adding “where feasible”.

Comment ID: 3157
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.2 B- 4 Paragraph 2 Placing infrastructure at previously disturbed locations may not be feasible. Suggest adding "where feasible."

Comment ID: 3158
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.2 B- 4 Paragraph 3 Phased development requires further definition and may not be feasible in areas with multiple Operators. Suggest adding "where feasible."

Comment ID: 3159
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.2 B- 4 Paragraph 4 Liquid gathering facilities will need to be among well locations regardless of where wells are located (i.e., within or outside priority areas). Tanks to handle upset conditions will be required at most well locations even with liquids gathering. Suggest adding "where feasible."

Comment ID: 3160
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.2 B- 4 Paragraphs 5, 6 & 9 Suggest adding "where feasible."

Comment ID: 3161
Organization: Ultra, Shell, and QEP

Name: Kelly Bott

Comment: B.2.4 B- 5 Noise Ambient measures noted at 20- 24 dBA the Governors Sage Grouse Implementation Team is making this determination. This is premature.

Comment ID: 3164
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.4 B- 5 Noise, 2nd Sentence This should only be considered if drilling is being conducted within the sage- grouse buffers associated with the timing stipulations.

Comment ID: 3166
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.4 B- 5 Paragraph 4 New compressors may be required in priority habitats; please delete this item.

Comment ID: 3168
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.6 B- 9 Operations Bullets 1 & 2 Clustering and the use of directional and horizontal drilling may not always be possible. Suggest adding "where feasible".

Comment ID: 2313
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.4, Noise, No. 3, pg. B-5 This requirement is overly broad and unnecessarily restrictive. This item needs to be subject to technological feasibility, as well as landowner preferences when private land is involved.

Comment ID: 3170
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.6 B- 9 Operations Bullet 6 Further definition on the types/methods for deterrence is warranted.

Comment ID: 2316
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Appendix B, Required Design Features B.2.5, Reclamation, No. 3, pg. B-5 If the disturbance is on nonfederal surface land, this requirement needs to be subject to the preferences of landowners.

Comment ID: 2654
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-1, paragraph 2, lines 2-6: QEP asks that this material be removed because prior rights are not considered.

Comment ID: 2741
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-8 Text: Establish speed limits to reduce vehicle/wildlife collisions or design roads to be driven at slower speeds. Comment: Roads are designed to specific standards at certain speeds. BLM need not require additional speed limits or travel obligations. This provision should be deleted.

Comment ID: 2742
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Page B-9 Text: Close and reclaim duplicate roads by restoring original landform and establishing desired vegetation. Comment: Travel management decisions are not to be made as part of the SG9 amendment. This provision should be deleted.

Comment ID: 2672
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-IO, paragraph 5: Off-site mitigation must be recognized as voluntary on the part of the project proponent.

Comment ID: 3172
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.7 B- 10 Paragraph 4 Establishment of WAFWA Management Zone- specific Mitigation Implementation Teams could begin immediately to provide greater assurance to the USFWS regarding regulatory mechanisms. Teams must be established well in advance of the USFWS decision.

Comment ID: 3173
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.7 B- 10 Paragraph 5 USQ supports the use of carefully designed off- site mitigation efforts; however, off- site mitigation must be recognized as voluntary on the part of the project proponent.

Comment ID: 3167
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2.6 B- 8 Paragraph 10 Making all applicable BMPs mandatory as COAs is problematic because this approach restricts existing rights, notably restricts development outside "core," and conflicts with current national energy policy.

Comment ID: 3171
Organization: Ultra, Shell, and QEP

Name: Kelly Bott

Comment: B.2.6 B- 9 Operations Bullet 7 Remote monitoring is not always possible; suggest adding "where feasible".

Summary: LUPs are not the appropriate place to make site-specific decisions. Nonetheless, in the Sage-Grouse Draft LUP Amendments, the BLM proposes several site-specific COAs contained in Appendix B that will be applied to all site-specific projects. The BLM should recognize the contradiction in its decision making and remove any attempts to make site-specific decisions in the Sage-Grouse Draft LUP Amendments. The following revisions should be made to Appendix B: Page B-1, Paragraph 2, lines 2-6: QEP asks that this material be removed because prior rights are not considered. Page B-1, Paragraph 2, last sentence: The process must be explained by which the applicant would be involved in developing or responding to COAs not included as part of a project proposal. Also, BLM must be careful to infer, as this statement may, that COAs cannot be developed absent involvement of other federal, state, and local regulatory and resource agencies. BLM needs to instead specify that COAs will be developed in conjunction with the project proponent. Page B-3, Paragraph 1: The BLM needs to clarify the definition of "important areas and habitats." This requirement also needs to be made subject to the preferences of landowners on split estate lands where the surface is owned by non-federal landowners. Exceptions should also be allowed for topographical, archeological and other considerations. Page B-3, Paragraph 2: Not all users may be able to coordinate activities on roads. Some authorization holders may pre-date others and activities may not coincide among users. This requirement should be reworded to say “Coordinate road construction and use among right-of-way or special use authorization holders consistent with rights granted.” Page B-3, Paragraph 5: This requirement is inconsistent with the EO and should be removed. Remotely monitoring a site may not always identify all operational considerations, so there is still the need to physically inspect a well or facility. In order to conduct safe and effective oil and gas operations, certain inspection and maintenance activities must be conducted regularly without restrictions. Remote monitoring itself requires maintenance and remote monitoring will not eliminate corrosion, spills, and leaks. Regular visits by qualified personnel are necessary for required activities such as production, environmental compliance, and spill reporting. This requirement should be subject to operational considerations, technological feasibility, and economic viability. Page B-3, Paragraph 6: The special use authorizations are typically written to the user of the roads which would be the energy companies. The county may take authority for the road later, but not typically at issuance. Requiring that the all other terms and conditions be included is too broad. This measure should read “Ensure rights-of-way or special use authorizations on newly constructed energy development roads are issued using only appropriate terms and conditions included in this document.” Page B-3, Paragraph 8: This needs to be rewritten to specify what types of dust abatement may be considered as effective (i.e. chemical applicants or water). Page B-3, Paragraph 9: Careful consideration of what constitutes "duplicate roads" is required. An agency may believe a road to be a duplicate when actually it may not be the case for other land users or landowners in the vicinity. Also, before restoring roads to “original land form,” the practicality of doing so must be considered. This item should be reworded to say, "Close and reclaim duplicate roads by restoring original landform, and establishing desired vegetation only after taking into account the practicality of doing so and careful consideration of current and future use of the road by permit holders and landowners in the vicinity." Page B-3, B.2.2, Paragraph 2: Locating power lines and pipelines under existing roads may not be possible due to numerous ROW holders and various owners. Few such corridors exist within the planning area and placement within existing ROWs held by third parties is not allowed since ROWs are permitted exclusively to the ROW holder. The phrase "where practicable" should be added to ensure flexibility. Page B-3, B.2.2, Paragraph 2: It may be acceptable for pipelines to be placed under or immediately adjacent to the road, provided enough room exists topographically to make it feasible. If a pipeline adjacent to a road results in significant cut and fill, it may be more appropriate to consider a different approach. This requirement needs to be reworded to say "Place new utility developments (e.g., power lines and pipelines) and transportation routes in existing utility or transportation corridors taking into account any surface use constraints such as steep terrain or soil

conditions which would make this approach inappropriate." Page B-3, B.2.2, Paragraph 3: This requirement is excessive and cost-prohibitive and does not include any information related to proper power distribution design. Buried distribution lines are not always feasible or practical. Power companies must comply with power factors and buried power often cannot be used due to losses when large load lines are buried. Terrain must be a consideration where issues such as endangered plants, streams, hard rock, and other factors impact the ability to install buried distribution lines. We applaud BLM for allowing flexibility that takes into account technological feasibility, but encourage the BLM to also consider safety and economic considerations. Page B-3, B.2.2, Paragraph 4: We recommend this requirement be eliminated because fine mesh netting is not only extremely difficult to deploy, but it is also difficult to maintain, especially during winter with heavy snow accumulation. BLM fails to acknowledge that drilling pits are temporary and will be closed soon after drilling and completion operations are concluded. This requirement is unnecessary at locations with high levels of human activity. Additionally, consider alternatives to netting for larger pits. Delete this RDF. Page B-3, B.2.2, Paragraph 5: The requirement to equip all aboveground tanks and facilities with structures or devices to discourage nesting and perching by raptors and corvids is untenable. It is suggested as an alternative that monitoring for raptor/corvid perching/nesting be implemented by operators, and that anti- perching/nesting structures/devices be installed only at locations where problematic nesting/perching is found. Page B-3, B.2.2, Paragraph 6: This requirement fails to describe how the wash areas and runoff associated with wash stations will be handled. Can the fluid and associated substances be hauled off, injected, or disposed of at a facility onsite and are special permits required? This RDF attempts to address concerns regarding a perceived problem but fails to fully consider the ramifications of such a requirement. Also, BLM must identify the degree to which the general public or recreationalist crossing Public Lands on motorized and non-motorized forms of transportation spread invasive nonnative plants species and how the agency will both control and monitor this form of threat. Page B-3, B.2.2, Paragraph 10: Clustering may not be feasible in many areas (e.g., liquids gathering). Suggest adding "where feasible." Page B-3, B.2.2, Paragraph 10: The intent of this measure and how it is supposed to be implemented is unclear. For example, how could one "cluster" unrelated operations such as those described in the parenthetical example? The BLM needs to define "cluster" and clarify the specific intent of this measure in each context. Page B-4, Paragraph 1: Not all oil and gas resources can be accessed and developed via directional and horizontal drilling techniques. The phrase "where technologically feasible and economically viable" should be added. Page B-4, Paragraph 2: Placing infrastructure at previously disturbed locations may not be feasible. Suggest adding "where feasible." Page B-4, Paragraph 3: Phased development requires further definition and may not be feasible in areas with multiple operators. Suggest adding "where feasible." Page B-4, Paragraph 3: Eliminate RDFs for phased development. The term phased development needs clarification. Phased development only allows certain portions of a leasehold or unit to be developed over time and requires the first portion to be plugged, abandoned, or reclaimed before an oil and gas operator may proceed to another portion of the leasehold or unit. This is an unreasonable restriction that may render development uneconomic and is a clear violation of valid existing rights. Further, allowing oil and gas developers to secure leases in only one portion of a geologic basin or area at a time will limit and preclude exploration and development activities. Before an oil and gas operator will be willing to commit the millions of dollars necessary to drill even a single exploratory oil and gas well, it must secure a large enough lease position to justify the expense. Page B-4, Paragraph 4: Liquid gathering facilities will need to be among well locations regardless of where wells are located (i.e., within or outside priority areas). Tanks to handle upset conditions will be required at most well locations even with liquids gathering. Suggest adding "where feasible." Page B-4, Paragraph 4: This requirement is confusing. Placing liquid gathering facilities inside priority areas would reduce truck traffic, which would be more advantageous in priority areas. Further, if liquid gathering or trucking is not allowed inside priority areas, there is no way to remove liquid production from the lease. This requirement conflicts with standard operational practices and is not feasible and needs to be removed. Page B-4, paragraphs 5, 6, and 9: Suggest adding "where feasible." Page B-4, Paragraph 6: This requirement is inconsistent with the EO and we recommend it be removed. Remotely monitoring a site may not always identify all operational considerations. In order to conduct safe and effective oil and gas operations, certain on-site inspection and maintenance activities must be conducted

regularly. Further, the economics associated with some leases may not allow telemetry to be installed. This requirement must be subject to operational considerations and economic viability. Page B-4, Paragraph 7: It is unclear what is meant by “tall.” Certain facilities, particularly those for compression or natural gas treatment, require the use of designs which incorporate vessels or equipment that, by their design, can involve height. Furthermore, fences are typically installed for reasons of security, reclamation, and safety. Although some flexibility is mentioned such as the "minimum number and amount needed,” this requirement lacks specificity and the reality of what is needed to construct a facility and what needs to be removed. The BLM should specifically describe what types of tall facilities and fences they are referring to. Page B-4, Paragraph 8: This requirement is unreasonable and lacks scientific justification. BLM has failed to identify any studies on Greater Sage-Grouse which correlate movement and distances relative to Greater Sage-Grouse response. Considering the existing NSO from leks, pump jacks at a distance of at least 0.6 mile, as under Wyoming core area management, will not create an issue. We recommend this requirement be removed. Page B-4, Paragraph 9: It is not reasonable to require closed loop mud systems for all drilling. Many drilling rigs are not equipped for closed loop drilling (no reserve pit). Further, some type of pit will be needed for drilling cuttings if a closed system were available on a drilling rig. This requirement should be qualified to allow this as an option, not a requirement. Page B-4, Paragraph 10: This technique can only be used in areas with flat terrain, otherwise a safety risk exists when the drilling equipment is erected on the site. This should be recognized by stating: "Subject to safety considerations, consider using oak (or other material) mats for drilling activities to reduce vegetation disturbance.” Page B-4, B.2.3, Paragraph 2: On split estate lands where the surface is owned by private landowners, BLM must defer decisions with regard to such things as what remains on the land and the size of ponds to those private landowners. Also, with regard to (c), while the intent of steep shorelines may be advantageous for the control of mosquito species, it presents a hazard to mammals being able to escape from the impoundment. This is something that needs to be considered in administering this measure. Page B-5, B.2.4, Paragraph 1: For ambient noise measures noted at 20- 24 dBA, the Governors SageGrouse Implementation Team is making this determination. This is premature. Page B-5, B.2.4, Paragraph 1: This measure is poorly written and infeasible for several reasons. First, it prescribes a starting point from which this restriction would be imposed (sunrise), but no end, which makes it unclear as to whether it is intended to apply only during daylight hours or 24/7 throughout an active lek season. More importantly, however, 10db is an extremely low threshold roughly equivalent to a human voice speaking at an elevated level. Next, the BLM has not identified how background ambient noise levels are to be measured or evaluated. Obviously ambient noise levels vary from day to day depending on meteorological conditions and even natural activities. Finally, and most importantly, the BLM has not adequately justified the scientific basis for the restrictions. This requirement should be removed. Page B-5, B.2.4, Paragraph 2: This item is too broad and vague. First, what types of noise shields are being referenced? These can take any number of shapes and forms. Additionally, larger well pads may be needed to accommodate the configuration of a "shield.” Attenuation of noise from a site to receptors such as leks, nesting, and brood rearing must also be considered. Further, simply stating that noise shields are required may not be necessary if the drilling is occurring where the noise attenuation is not an issue. This requirement needs to be completely reworded to provide more direction and flexibility. Page B-5, B.2.4, Paragraph 2: This should only be considered if drilling is being conducted within the sage- grouse buffers associated with the timing stipulations. Page B-5, B.2.4, Paragraph 3: New compressors may be required in priority habitats; delete this item. Page B-5, B.2.4, Paragraph 3: This requirement is overly broad and unnecessarily restrictive. There are many items to consider when siting compressor stations, such as the engineering and design constraints inherent to gas gathering systems. Further, some wells may require well site compression due to gas lift because of the directional requirements, or simply due to surface terrain. With regard to directing compressor station noise away from priority habitat, proximity to other receptors, such as homes, also needs to be considered. This item needs to be subject to technological feasibility, as well as landowner preferences when private land is involved. Page B-5, B.2.5, Paragraph 1: Enhanced reclamation is vague and means different things to different people. This RDF should be eliminated. Page B-5, B.2.5, Paragraph 2: If private landowners are involved, they may not support this requirement if they have alternate use of the areas under consideration for reclamation. A

reference to landowner preferences should be included in this requirement. Page B-5, B.2.5, Paragraph 3: If the disturbance is on non-federal surface land, this requirement needs to be subject to the preferences of landowners. Page B-5, B.2.5, Paragraph 4: Reword this requirement to reflect that irrigation needs to be done in a way that will prevent vegetation from being unable to withstand drought conditions after the irrigation has been removed. Additionally, BLM should consider several potential issues this RDF could present. For example, irrigation could require a pump and a fresh water supply. The pump would require a fuel source and may require an air quality permit. The fresh water supply would likely need to be trucked in. The BLM should address these issues in the development of this RDF. Page B-5, B.2.5, Paragraph 5: "Mulching techniques" is vague and does not describe duration, frequency, equipment, or materials. There is no supporting scientific data that recommend “mulching techniques.” This RDF should be eliminated. Page B-6, Paragraph 3: Operators often require vehicles to be cleaned regularly and whenever mud develops on the vehicles, although washing vehicles can only be done in developed areas such as towns and shops. Clean vehicles leaving such areas are still likely to travel across roads impacted by non-native plant seeds, and often the maintenance of such roads is outside operator’s jurisdiction. Pg. B-8: Establish speed limits to reduce vehicle/wildlife collisions or design roads to be driven at slower speeds. Comment: Roads are designed to specific standards at certain speeds. BLM need not require additional speed limits or travel obligations. This provision should be deleted. Page B-8, General Greater Sage-Grouse Habitat, BMPs: Making all applicable BMPs mandatory as COAs is problematic due to considerations like prior rights and it notably restricts development outside "core,” which is inconsistent with the intent of the EO and it restricts existing rights, notably development outside "core," and conflicts with current national energy policy. Page B-8, General Greater Sage-Grouse Habitat, Roads, 2nd Bullet: See previous comment with regard to ROW to counties on energy development roads. Page B-9: "Close and reclaim duplicate roads by restoring original landform and establishing desired vegetation." Travel management decisions are not to be made as part of these amendments. This provision should be deleted. Page B-9, 1st Bullet: See previous comment with regard to coordinating road construction. Page B-9, 2nd Bullet: See previous comment with regard to constructing road crossings at right angles to ephemeral drainages and stream drainages. Page B-9, 3rd Bullet: See previous comment with regard to dust abatement. Page B-9, 4th Bullet: See previous comment with regard to closing and reclaiming duplicate roads. Page B-9, Operations, 1st Bullet: See previous comment with regard to clustering disturbances. Add "where feasible.” Page B-9, Operations, 2nd Bullet: See previous comment with regard to directional and horizontal drilling. Add "where feasible.” Page B-9, Operations, 4th Bullet: See previous comment with regard to tall facilities and fences. Page B-9, Operations, 5th Bullet: See previous comment with regard to covering drilling and production pits. Covering pits is impractical for larger pits (add text on alternative means), and it is unnecessary at active developments (add text identifying need only at sites with low levels of human presence). Page B-9, Operations, 6th Bullet: Further explanation on the types/methods for deterrence is warranted. Page B-9, Operations, 7th Bullet: See previous comment with regard to remote monitoring. Add "where feasible.” Page B-9, Operations, 8th Bullet: See previous comment with regard to vehicle wash stations. Page B-9, Operations, 9th Bullet: See previous comment with regard to pit and impoundment construction. Page B- 10, Paragraph 4: Specific Mitigation Implementation Teams could begin immediately to provide greater assurance to the USFWS regarding regulatory mechanisms. Teams must be established well in advance of the USFWS decision. Page B-10, Paragraph 5: Off-site mitigation must be recognized as voluntary on the part of the project proponent.

Response: The BLM and the Forest Service complied with NEPA by including a discussion of measures that may mitigate adverse environmental impacts of the alternatives in the Draft LUP Amendment/Draft EIS. See 40 CFR 1502.14(f), 1502.16(h). The BLM and the Forest Service must include mitigation measures in an EIS pursuant to NEPA; yet the BLM and the Forest Service have full discretion in selecting which mitigation measures are most appropriate, including which forms of mitigation are inappropriate. Additionally, site-specific concerns and more detailed environmental descriptions will be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any

site-specific actions. RDFs included in the Draft EIS are based on best management practices included in the NTT report and are based on the best available science at the time of publication. RDFs are BMPs; BLM describes BMPs as “state-of-the-art mitigation measures”. The aim of BMPs is to protect wildlife, air quality, landscapes, and other natural resources. BLM’s policy is that all “Field Offices consider BMPs in NEPA documents to mitigate anticipated impacts to surface and subsurface resources. BMPs are not "one size fits all." The actual practices and mitigation measures best for a particular site are evaluated through the NEPA process and vary to accommodate unique, sitespecific conditions and local resource conditions. There are no site specific decisions being made in the LUP Amendments. COAs are an implementation action. As specific actions come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions and, at that stage, may determine that particular RDFs or BMPs are not applicable or otherwise inappropriate for a particular authorization (see Appendix B). Site-specific concerns and more detailed environmental descriptions will be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. "Consistent with Washington Office Instruction Memorandum No. 2004-110 Change 1, Fluid Mineral Leasing and Related Planning and National Environmental Policy Act (NEPA) Processes and Best Management Practices, more extensive/ expansive/ restrictive mitigation, including adaptive management, could be developed during the site-specific NEPA analysis that would be required to address any specific exploration or development actions that are proposed. In this document, valid existing rights refers to rights that were held before the LUPs are modified. These rights are not modified by the LUP modifications. They include rights under the mining laws as well as things such as leases (oil and gas, geothermal, etc.).

Leasable Minerals

Appendices

Appendix C revisions

Comment ID: 680
Organization: Anadarko
Name: David Applegate

Comment: Appendix C; Page C-19 under Mulch noting the use of “Gravel or other inorganic material…” Recommendation: Gravel at a depth of two inches would be prohibitive to seedling growth and establishment and would not promote reclamation. Anadarko suggests eliminating this option.

Comment ID: 2108
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: C.2.8 Reporting, Page C-9 It is unclear if the BLM or the project proponent will be required to complete this for project disturbances. We would like to point out that not all proponents have GIS capabilities adding issue to this already overly burdensome requirement. As such, it should be removed.

Comment ID: 681
Organization: Anadarko
Name: David Applegate

Comment: Comment Page C-19 under Mulch last paragraph noting “Any mulch used must be certified free from mold, fungi, or noxious or invasive weed seeds.” Recommendation: Anadarko suggests this read "Any

mulch used must be certified weed free". There is no mechanism/authority set up to certify mulch from mold and/or fungi.

Comment ID: 3178
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.2.5 C- 5 Paragraph 3 Please clarify the purpose and need as well as the parties involved in these potential Cooperative Agreements.

Comment ID: 3175
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.1 C- 1 Paragraph 3, lines 4- 7 It is unclear due to the use of the word "should" whether post-approval Adaptive Management changes will only be required with proponent agreement. Please clarify.

Comment ID: 2680
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-6, paragraph 1: It is not the proponent's responsibility to create ESDs with State and Transition Models.

Comment ID: 3180
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.2.6 C- 6 Paragraph 1 It is not the proponent’s responsibility to create ESDs with State and Transition Models.

Summary: The following revisions should be made to Appendix C: Page C- 1, C.1, Paragraph 3, lines 4-7: It is unclear due to the use of the word "should" whether post- approval Adaptive Management changes will only be required with proponent agreement. Please clarify. Page C- 5, C.2.5, Paragraph 3: Please clarify the purpose and need as well as the parties involved in these potential Cooperative Agreements. Page C- 6, C.2.6, Paragraph 1: It is not the proponent’s responsibility to create ESDs with State and Transition Models. Page C-9, C.2.8 Reporting: It is unclear if the BLM or the project proponent will be required to complete this for project disturbances. We would like to point out that not all proponents have GIS capabilities adding issue to this already overly burdensome requirement. As such, it should be removed. Page C-19 under Mulch: Note the use of “Gravel or other inorganic material…” Gravel at a depth of two inches would be prohibitive to seedling growth and establishment and would not promote reclamation. Eliminate this option. Page C-19 under Mulch: Change to read "Any mulch used must be certified weed free". There is no mechanism/authority set up to certify mulch from mold and/or fungi.

Response: Specified reclamation standards have been developed by subject matter experts, utilizing the best available scientific research and experience, to provide standards which will apply within designated core habitat areas. The reclamation processes included in Appendix C are specific to reclamation activities in sage-grouse core habitat areas designated within the project area.

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Appendices

Appendix D revisions

Comment ID: 3191
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: D.1 D- 1 Paragraph 2, last sentence The indication that funding and personnel support decisions will be made annually through normal budget processes provides little if any assurance that the monitoring would be consistently implemented. It is suggested that some level of permanent/10- year/until grouse are no longer sensitive support be immediately dedicated for this effort.

Comment ID: 2127
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Appendix D should identify the entity that will be charged with collecting the monitoring data on oil/gas leases, and explain how this data could be used to adaptively feed back into the monitoring process and refine adaptive management needs on a planning area basis. This discussion should also explain what types of findings, or more specifically, what type of numeric thresholds (both hard and soft), might trigger adaptive management. Table D-1 outlines "Indicators for Monitoring Implementation of Decisions, Sage-grouse Habitat, and Sage-grouse Populations at the Broad and Mid Scales", but does not specify how thresholds are defined or what numeric measurements might constitute an "ecological threshold". Summary The following revisions should be made to Appendix D: Appendix D should identify the entity that will be charged with collecting monitoring data on oil and gas leases, and explain how this data could be used to adaptively feed back into the monitoring process and refine adaptive management needs on a planning area basis. This discussion should also explain what types of findings, or more specifically, what type of numeric thresholds (both hard and soft), might trigger adaptive management. Table D-1 outlines "Indicators for Monitoring Implementation of Decisions, Sage-grouse Habitat, and Sage-grouse Populations at the Broad and Mid Scales," but does not specify how thresholds are defined or what numeric measurements might constitute an "ecological threshold." Page D- 1, D.1, Paragraph 2, last sentence: The indication that funding and personnel support decisions will be made annually through normal budget processes provides little if any assurance that the monitoring would be consistently implemented. It is suggested that some level of support (permanent, 10- years, or until grouse are no longer sensitive) be immediately dedicated for this effort.

Response: The agencies will use the data collected from monitoring (Appendix D) to identify any changes in habitat conditions related to the goals and objectives of the plan. The BLM and Forest Service will use the information collected through monitoring to determine when adaptive management triggers are met. The adaptive management soft and hard triggers and land use planning responses to these triggers are in Management Actions 23 and 24, in Table 2-1 of the Draft EIS. Soft triggers represent an intermediate threshold indicating that management changes are needed at the project/implementation level to address habitat and population losses. Hard triggers represent a threshold indicating that immediate action is necessary to stop a severe deviation from Greater Sage- Grouse conservation goals and objectives as set forth in the BLM and Forest Service plans. As a landscape level planning effort, none of the alternatives prescribe project-level or site-specific activities on BLM- or Forest Service-managed lands. Furthermore, the agencies' selection of an alternative does not authorize funding to any specific project or activity nor does it directly tie into the agencies' budgets as appropriated annually through the federal budget process. As a consequence, agencies' costs and differences in program costs across alternatives have not been

quantified. Information has been presented in several resource impact sections on the types of costs that might be associated with various sage-grouse conservation measures.

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Appendices

Appendix E opposition/revisions

Comment ID: 1600
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix E, Management Action #125, Alternative B, NSO, Greater Sage-Grouse leks inside designated core areas and connectivity areas, pgs. E-6 – E-7 EOG is strenuously opposed to the BLM‘s proposed no surface occupancy stipulation for fluid minerals within GRSG priority and connectivity areas, including winter concentration areas. EOG also strongly opposes BLM‘s proposal to prohibit surface occupancy or disturbance within four miles of active leks. Given the variable topography of the planning area and ongoing land uses, there is substantial acreage within four miles of active leks that is not GRSG habitat. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM‘s blanket application of the four mile buffer contradicts the direction of the Greater Sage-Grouse Conservation Objectives Team Report published by the U.S. Fish and Wildlife Service. As already discussed, the BLM cannot impose such limitations on EOG‘s existing oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without NSO stipulations, and in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. Further, the BLM cannot deprive EOG of its valid and existing lease rights either directly or indirectly.

Comment ID: 1599
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix E, Management Action #123, Alternative E, CSU, Density and disturbance inside Greater Sage-Grouse connectivity areas, pgs. E-5 – E-6 EOG is strenuously opposed to the BLM‘s proposed conditional surface use stipulation for fluid minerals to limit oil and gas surface disturbance to no more than five percent per 640 acres within GRSG connectivity areas. As already discussed, the BLM cannot impose such limitations on EOG‘s existing oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without NSO stipulations, and in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold.Further, the BLM cannot deprive EOG of its valid and existing lease rights either directly or indirectly.

Comment ID: 1598
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix E, Management Action #123, Alternative D, CSU, Density and disturbance inside Greater Sage-Grouse connectivity areas, pgs. E-4 – E-5 EOG is strenuously opposed to the BLM‘s proposed conditional surface use stipulation for fluid minerals to limit oil and gas surface disturbance to no more than nine percent per 640 acres within GRSG connectivity areas. As already discussed, the BLM cannot impose such limitations on EOG‘s existing oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without NSO stipulations, and in the absence of a nondiscretionary statutory prohibition

against development, the BLM cannot completely deny development on the leasehold. Further, the BLM cannot deprive EOG of its valid and existing lease rights either directly or indirectly.

Comment ID: 1596
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix E, Management Action #122, Alternative E, CSU, Density and disturbance inside Greater Sage-Grouse designated core areas, pgs. E-2 – E-3 EOG is strenuously opposed to the BLM‘s proposed conditional surface use stipulation for fluid minerals to limit oil and gas surface disturbance to no more than five percent within a particular area. As already discussed, the BLM cannot impose such limitations on EOG‘s existing oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without NSO stipulations, and in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. Further, the BLM cannot deprive EOG of its valid and existing lease rights either directly or indirectly.

Comment ID: 1597
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix E, Management Action #123, Alternative B, CSU, Density and disturbance inside Greater Sage-Grouse connectivity areas, pgs. E-3 – E-4 EOG is strenuously opposed to the BLM‘s proposed conditional surface use stipulation for fluid minerals to limit oil and gas surface disturbance to no more than three percent per 640 acres within GRSG connectivity areas. As already discussed, the BLM cannot impose such limitations on EOG‘s existing oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without NSO stipulations, and in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. Further, the BLM cannot deprive EOG of its valid and existing lease rights either directly or indirectly.

Comment ID: 2608
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-72 - 2-75, Table 2-1, Action 63, Alternative E: The requirement to consider new COAs on previously issued leases where habitat protections are not provided in lease terms could easily conflict with prior existing rights. QEP asks that this reference be removed.

Summary: The following revisions should be made to Appendix E: Action 63, Alternative E: The requirement to consider new COAs on previously issued leases where habitat protections are not provided in lease terms would conflict with prior existing rights. The reference should be removed. Action 122, Alternative E: The commenter opposes the proposed CSU stipulation for fluid minerals to limit oil and gas surface disturbance to no more than five percent within a particular area. The BLM cannot impose such limitations on existing oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without NSO stipulations, and in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. Further, the BLM cannot deprive an entity of its valid and existing lease rights either directly or indirectly. Action 123, Alternative B: The commenter opposes the proposed CSU stipulation for fluid minerals to limit oil and gas surface disturbance to no more than three percent per 640 acres within Greater Sage-Grouse connectivity areas. Action 123, Alternative D: The commenter opposes the proposed CSU stipulation for fluid minerals to limit oil and gas surface disturbance to no more than nine percent per 640 acres within connectivity areas. Action 123, Alternative E: The commenter opposes the proposed CSU stipulation for fluid minerals to limit oil and gas surface

disturbance to no more than five percent per 640 acres within connectivity areas. Action 125, Alternative B: The commenter opposes the proposed NSO stipulation for fluid minerals within priority and connectivity areas, including winter concentration areas, as well as the proposal to prohibit surface occupancy or disturbance within four miles of active leks. Given the variable topography of the planning area and ongoing land uses, there is substantial acreage within four miles of active leks that is not sage-grouse habitat. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM‘s blanket application of the four mile buffer contradicts the direction of the Greater Sage-Grouse Conservation Objectives Team Report published by the USFWS.

Response: Specific to the oil and gas program, the alternatives in the Draft EIS would apply to LUPs and activity level decisions that are not yet implemented by addressing the availability of lands for future oil and gas leasing, potential lease stipulations, and additional mitigation to be considered and applied during the Application for Permit to Drill (APD) process. When an oil and gas lease is issued, it constitutes a valid existing right, and BLM cannot unilaterally change the terms and conditions of a lease. Agencies (BLM/Forest Service) will work with proponents holding valid existing leases that include less stringent lease stipulations than the timing, distance, and density restrictions described within this plan to ensure that measurable sage-grouse conservation objectives (such as, but not limited to, consolidation of infrastructure to reduce habitat fragmentation and loss, and effective conservation of seasonal habitats and habitat connectivity to support management objectives set by the WGFD) are included in all project proposals whenever possible, consistent with the rights granted in the lease. In determining the disturbance cap level for each alternative, the BLM utilized the recommendations and input specific to each alternative. Ample literature establishes a relationship between disturbance and Greater Sage-Grouse occupancy and persistence. Two papers in particular establish thresholds of disturbance related to development and Greater Sage-Grouse persistence. See specifically references to Kirol 2012 and Knick 2013, which are recent studies done on disturbance thresholds and Greater Sage-Grouse. Based on this literature, the alternatives consider a range of appropriate disturbance caps. While the caps would set a particular level of disturbance, the implementation of the disturbance caps would occur after the LUP Amendments are approved in the Record of Decision. The BLM inventoried the habitat with the best available information at the time of the Draft EIS, but would also do additional in-depth analysis and inventory within Management Zones at the implementation stage. There are no site specific decisions being made in the EIS. COAs are an implementation action. As specific actions come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions and, at that stage, may determine that particular RDFs or BMPs are not applicable or otherwise inappropriate for a particular authorization (see Appendix B). Site-specific concerns and more detailed environmental descriptions will be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions.

Leasable Minerals

Appendices

Appendix K would make coal mining impractical

Comment ID: 2521
Organization: Converse County
Name: Richard C. Grant

Comment: Table K-3, p. K-16, MA 73: As a county that produces coal we believe that this is an example of restriction on coal mine siting. Practically speaking, no proposed coal mine could meet the surface occupancy, disturbance and density standards, and guidelines.

Summary: Page K-16, Table K-3, Action 73: As a county that produces coal we believe that this is an example of restrictions on coal mine siting. Practically speaking, no proposed coal mine could meet the surface occupancy, disturbance and density standards, and guidelines.

Response: The restriction you are concerned with, MA #73, deals with coal exploration only. Drilling of exploratory holes to delineate the coal resource is subject to disturbance, density standards, and potentially other restrictions. Actions associated with coal leasing are found in MA #71 and 72 of Appendix K. Valid existing rights granted in existing leases will be honored by the BLM and the Forest Service.

Leasable Minerals

Best available information-baseline data

Baseline fails to consider previously-leased acreage against total core

Comment ID: 1613
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Unfortunately, many sage-grouse Core Areas are already encumbered with prior existing oil and gas leases at the time of their establishment, and the BLM is in many cases citing the existence of these prior existing leases (the majority of which are undeveloped paper assets that have yet to have any effect on sage-grouse habitat on the ground) as a justification for allowing new leasing inside Core Areas. As of July 10, 2012, twelve of the 31 Core Areas in Wyoming were at least 20 percent leased according to WGFD data, ranging up to 82 percent leased. These 12 Core Areas represent almost 4.5 million acres of sage-grouse habitat. Compounding this problem, all but three of the 31 Core Areas have at least 20 percent non-federal mineral ownership, meaning that a large proportion of Core Area is exempt from protection from future federal leasing. A significant quantity of Core Area is already leased. Yet the BLM in its Affected Environment section has failed to analyze the amount of acreage leased currently within Core Areas, and in its impacts analyses the agency has not determined what acreage of Core Areas would be ineligible for withdrawal from future leasing under Alternative E. It is reasonable to expect BLM to perform this analysis in the EIS, due to the ready availability of the GIS data to support it and the fact that BLM performs exactly such an analysis for each lease parcel for every quarterly lease sale Environmental Assessment; failure to present this analysis represents a critical failure to take the ‘hard look’ required by NEPA.

Summary: Many sage-grouse core areas are encumbered with prior existing oil and gas leases. The BLM is citing the existence of these prior existing leases (the majority of which are undeveloped paper assets that have yet to have any effect on sage-grouse habitat on the ground) as a justification for allowing new leasing inside core areas. Twelve of the 31 core areas in Wyoming are at least 20 percent leased according to WGFD data, ranging up to 82 percent leased. These 12 core areas represent almost 4.5 million acres of sage-grouse habitat. Compounding this problem, all but three of the 31 core areas have at least 20 percent non-federal mineral ownership, meaning that a large proportion of them are exempt from protection from future federal leasing. The affected environment section has failed to analyze the amount of acreage leased currently within core areas, and in its impacts analyses the agency has not determined what acreage of core areas would be ineligible for withdrawal from future leasing under Alternative E.

Response: The acreage within designated core areas currently leased for fluid minerals development is disclosed in Chapter 3 within the discussion of each LUP being amended by this plan, and the analysis summarized in Chapter 4 included consideration of these areas which are currently leased. Specific to the oil and gas program, the alternatives in this Draft EIS would apply to LUPs and activity level decisions that are not yet implemented by addressing the availability of lands for future oil and gas leasing, potential lease stipulations, and additional mitigation to be considered and applied during the Application for Permit to

Drill process. When an oil and gas lease is issued, it constitutes a valid existing right, and BLM cannot unilaterally change the terms and conditions of a lease. Agencies (BLM/Forest Service) will work with proponents holding valid existing leases that include less stringent lease stipulations than the timing, distance, and density restrictions described within this plan to ensure that measurable sage-grouse conservation objectives (such as, but not limited to, consolidation of infrastructure to reduce habitat fragmentation and loss, and effective conservation of seasonal habitats and habitat connectivity to support management objectives set by the WGFD) are included in all project proposals whenever possible, consistent with the rights granted in the lease.

Leasable Minerals

Best available information-baseline data

BLM did not issue mineral potential report

Comment ID: 1874
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, BLM Manual Section 3060 (MS 3060) clearly establishes that actions involving planning documents require a mineral report (MS 3060 at .1). BLM has failed to produce an up-to-date mineral occurrence and potential development report for the Planning Area in conjunction with this planning effort, and therefore BLM must prepare the required report(s), and then re-issue the DLUPA/DEIS for public comment with the revised mineral information.

Summary: BLM has failed to produce an up-to-date mineral occurrence and potential development report for the planning area in conjunction with this planning effort, and therefore BLM must prepare the required report(s), and then re-issue the Draft LUP Amendments/Draft EIS for public comment with the revised mineral information.

Response: Mineral resources are adequately discussed in Chapter 3.8 Minerals and Energy. Mineral Occurrence and Development Potential Reports are available for the six existing BLM RMPs and the three existing Forest Service LRMPs as referenced in the Literature Cited.

Leasable Minerals

Best available information-baseline data

Directional drilling is not always applicable

Comment ID: 1999
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: 4.8.2 Assumptions, Page 4-103 While we appreciate BLM's recognition of the limitations to using directional drilling in every situation, it must also be recognized that pad sizes associated with directional drilling of several wells from a single pad will increase to accommodate additional well bores. While surface issues may give rise to considering directional or horizontal techniques, the federal land management agencies must recognize that these decisions can only be made with careful consideration of many other factors that influence a project's viability. BLM must keep in mind that it is unreasonable to impose a requirement across the study area that could render a well or wells uneconomic or infeasible, particularly in cases where existing leases do not require the use of alternative drilling techniques.

Comment ID: 2731
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-4 Text: Use directional and horizontal drilling to the extent feasible Comment: Please refer to our earlier comment regarding the differences between horizontal and directional drilling and BLM's need to distinguish these terms in the glossary.

Comment ID: 2639
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 103 Text: Directional drilling could be used to access hydrocarbon resources under areas constrained by surface use restrictions (e.g., NSO restrictions) that necessitate relocating wells outside the drilling window established by the Wyoming Oil and Gas Conservation Commission (WOGCC). Directional drilling viability and offset distance varies with the target formation, the top depth of the target formation, and formation productivity. Comment: BLM assumes that mineral resources can be reached using directional drilling but BLM has not shown such a capability. BLM must analyze and disclose the impacts of directional drilling since it has assumed that it can apparently reach all resources with such a method. BLM must also analyze and disclose the difference between the ability to recover resources with a vertical hole and the impacts associated with that drilling, versus the ability to drill directional or horizontal holes and the impacts associated with that method. BLM cannot assume that the impacts are the same. Directional drilling, although allowing more wells per pad (i.e. per surface disturbance) has increased costs, decreased efficiencies, and could therefore lead to premature abandonments. BLM should analyze these secondary effects in the EIS.

Comment ID: 2644
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-103, paragraph 4, bullet 6, lines 1-3: This is misleading. It gives the public the impression that it is always possible to horizontally or directionally drill to obtain minerals, which is not correct. QEP asks that this bullet point be stricken.

Comment ID: 2593
Organization: QEP Energy Company
Name: Mike Smith

Comment: The DLUPA/EIS mentions that existing leases should be reached using directional drilling. Much of the BLM's analysis in this DLUPA/EIS assumes that oil and gas extraction can be done by directionally drilling from outside of core habitat areas, but that may not be the case. While QEP does use directional and horizontal drilling technologies in some of its fields, directional drilling is not necessarily an answer to be employed in every field for every type of development. Challenges include limitations due to maximum reach capabilities, production success, drainage area, and engineering technology just to mention a few. It is not proven at this time that horizontal or directional drilling are feasible alternatives for developing the mineral resources in all areas.

Summary: BLM assumes that mineral resources can be reached using directional drilling but BLM has not shown such a capability. Pad sizes associated with directional drilling of several wells from a single pad will increase to accommodate additional well bores. While surface issues may give rise to considering directional or horizontal techniques, the federal land management agencies must recognize that these

decisions can only be made with careful consideration of many other factors that influence a project's viability. Challenges include limitations due to maximum reach capabilities, production success, drainage area, and engineering technology just to mention a few. BLM must keep in mind that it is unreasonable to impose a requirement across the study area that could render a well or wells uneconomic or infeasible, particularly in cases where existing leases do not require the use of alternative drilling techniques. BLM must also analyze and disclose the difference between the ability to recover resources with a vertical hole and the impacts associated with that drilling, versus the ability to drill directional or horizontal holes. BLM cannot assume that the impacts are the same. Directional drilling, although allowing more wells per pad (i.e. per surface disturbance) has increased costs, decreased efficiencies, and could therefore lead to premature abandonments. BLM should analyze these secondary effects in the EIS. Page 4-103, 4.8.2 Assumptions, Bullet 6: This is misleading. It gives the public the impression that it is always possible to horizontally or directionally drill to obtain minerals, which is not correct. This bullet point be stricken. Page 4-103, 4.8.2 Assumptions, Bullet 7: While we appreciate BLM's recognition of the limitations to using directional drilling in every situation, it must also be recognized that pad sizes associated with directional drilling of several wells from a single pad will increase to accommodate additional well bores. While surface issues may give rise to considering directional or horizontal techniques, the federal land management agencies must recognize that these decisions can only be made with careful consideration of many other factors that influence a project's viability. BLM must keep in mind that it is unreasonable to impose a requirement across the study area that could render a well or wells uneconomic or infeasible, particularly in cases where existing leases do not require the use of alternative drilling techniques.

Response: Section 4.8.2 of the Draft EIS recognizes that there are technical limitations on both horizontal and directional drilling and that the use of these technologies may not provide access to all formations containing fluid mineral resources. BLM and Forest Service have drafted a range of acres unavailable for new oil and gas leasing and projected number of oil and gas wells for each of the Alternatives. The technical limitations on both horizontal and directional drilling falls within this range. BLM and Forest Service will consider the entire range of alternatives and make a final decision in the Record of Decision when the land use planning process is completed. All development proposals are evaluated on a site-specific basis.

Leasable Minerals

Best available information-baseline data

Minerals development data and RFDs used are outdated

Comment ID: 1391
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-101 Text: Based on production records from the State of Wyoming Oil and Gas Conservation Commission for 2002, 14% of the state's oil and 5% of the state's gas were produced from Natrona and Converse Counties. Comment: Production records are available for all relevant counties on the Wyoming Oil and Gas Conservation Commission website up to, and including, 2014. The BLM's reliance on data from 2002, unless relevant for a specific reason, is strongly indicative that the BLM has not properly described the affected environment. Moreover, BLM discusses only two counties (Natrona and Converse), which is insufficient when addressing the full potential and the cumulative impacts (addressed later) throughout the entire project area. This data must be analyzed and disclosed before the decision maker can make a decision.

Comment ID: 1871
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Indeed, § 1502.15 provides that the agency describe the affected environment in a clear and concise manner, and to a degree as to limit superfluous information; but § 1502.15 does not condone reckless oversight of the description of the affected environment on key issues. BLM's haphazard and inconsistent description of the geology and mineral potential across the Planning Area and within field offices does not give an adequate picture of the existing locatable mineral production or future mineral potential (See Ch. 3). What the discussion lacks is any useful information of the mineral potential within the Planning Area. Without a discussion of geology, mineral potential, and existing conditions, it makes it impossible to analyze the potential impacts the proposed alternatives will have on various resources, especially locatable minerals.

Comment ID: 1929
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Table 2-6. Reasonably Foreseeable Development Scenario for Federal Oil and Gas and Coalbed Natural Gas Wells and Associated Surface Disturbance Areas The BLM must ensure that the Reasonably Foreseeable Development Scenario (RFD) is based on the most information BLM has including proposed projects, such as the Powder River Oil and Gas Project, and other relevant geologic industry information.

Comment ID: 1392
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-101 Text: The Reasonable Foreseeable Development (RFD) scenario for oil and gas describes studies pertaining to the Casper Field Office, including their assumptions and results (BLM 2005a). Comment: "FLPMA requires the BLM to manage public lands and resources according to the principles of multiple use and sustained yield, including recognizing the nation's needs for domestic sources of minerals, food, timber, and fiber." DEIS at 4-1 (emphasis added). BLM must address reasonably foreseeable development in the context of the state, regional, and national demands for energy resources in Wyoming.

Comment ID: 1390
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-100 Text: The Mineral Occurrence and Development Potential Report (BLM 2004f) contains a more detailed explanation of these processes. Table 3-31 lists important oil- and gas-producing formations in the Denver-Cheyenne, Powder River, and Wind River basins (BLM 2005f). Comment: Chapter 3 provides the baseline for the BLM's analysis of the impacts of the alternatives. Incorrectly describing the affected environment in Chapter 3 will therefore misconstrue the possible impacts addressed in Chapter 4. Thus it is extremely important to use reliable and up-to-date information when describing the affected environment. The BLM, however, continues to use studies, reports, data and other information that reflect the affected environment as it existed approximately 10 years ago. Relying on data nearly 10 years old produces assumptions about energy development that do not accurately reflect prices, demand, and other important variables. Furthermore, courts have held that data older than 6 years cannot be used to support key assumptions in an FEIS. Lands Council v. Powell, 395 F.3d 1019 (9th Cir. 2005). Listing "important oil- and gas-producing formations" is exactly the type of key assumption that needs to be accurately reflected with the most current information. Furthermore, the BLM may not rely on stale and inaccurate data from EIS documents. See Northern Plains Resource Council, Inc. v. Surface Transp. Bd., 668 F.3d 1067 (2011) (aerial surveys from the 1980s-1997 rather than current aerial surveys and photography or actual onthe- ground surveys was arbitrary and capricious). Moreover, mineral potential

reports are based on known geologic conditions and recovery technology at a particular time. Over time, mineral potential can be revised and technology and market conditions can result in updated RFDs. Therefore, assessments made on outdated potential and RFD reports are likely to underestimate the effects of management actions that limit development. Basing a decision on these reports is severely flawed.

Comment ID: 2621
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-102 Comment: The Coalition believes it essential the GRSG EIS disclose that the estimates of future production are very likely to be conservative because they are based on an RFD that reflects current knowledge of the geologic resources and current recovery technology. Recent improvements by industry with respect to exploration, development and recovery across Wyoming and elsewhere have been behind a major increase in the estimates of economically recoverable reserves. There's no reason to expect that further improvements won't continue in the future. Closing areas to fluid mineral leasing of the known resources would also foreclose future development. The CLG is not asking the BLM and USFS to speculate as to the timing and level of development involved, or economic effects foregone, however, it is imperative for the BLM and USFS to acknowledge the persistence of a closure to leasing beyond the 2020 time frame. The closure, foregone resource recovery and the economic benefits that would've otherwise accrued to the local residents, communities and to the state as a whole represent an otherwise unrecognized opportunity cost to the state.

Comment ID: 3127
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 3.8 3- 119 Paragraph 3, lines 4- 6 Replace "as many as eight wells have been drilled from a single pad in the Pinedale Field Office, and proposals have been submitted to potentially drill as many as 21 wells from a single pad." with "many wells may be drilled from a single pad in the Pinedale Field Office, with some pads presently having more than 40 wells on a pad."

Comment ID: 2632
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 3-259, last paragraph & page 3-260 paragraph 1: QEP asks the BLM to delete "However, with oil and gas prices reaching all-time highs and with strong support from the current political administration," as well as the last sentence in the paragraph. The first statement is no longer applicable and the second is entirely subjective.

Comment ID: 2623
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 3-119, paragraph 3, lines 4-6: Replace "as many as eight wells have been drilled from a single pad in the Pinedale Field Office, and proposals have been submitted to potentially drill as many as 21 wells from a single pad" with "many wells may be drilled from a single pad in the Pinedale Field Office, with some pads presently having more than 40 wells on a pad."

Comment ID: 2624
Organization: Coalition of Local Governments

Name: Kent Connelly

Comment: 4-103 Text: The potential for mineral resources is a prediction of the likelihood of the occurrence of these resources. The occurrence of a mineral resource does not necessarily imply that the mineral can be economically exploited or is likely to be developed; mineral occurrence potential includes both exploitable and potentially exploitable occurrences. The potential for the occurrence of a mineral resource also does not imply that the quality and quantity of the resource are known. Comment: Mineral potential reports are based on known geologic conditions and recovery technology at a particular time. Over time, mineral potential can be revised and technology and market conditions can result in updated RFDs. Therefore, assessments made on outdated potential and RFD reports are likely to underestimate the effects of management actions that limit development making the BLM's analysis similarly shallow and the BLM must disclose this deficiency in the EIS.

Comment ID: 2566
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-105 Text: Of the approximately 1.6 million acres of oil and gas mineral estate managed by the Kemmerer Field Office, approximately 1,070,000 acres are currently leased for oil and gas development. The majority of federal mineral estate in the Kemmerer Field Office (1,118,602 acres or 71%) is considered by the BLM to have low development potential for oil and gas resources. Approximately 315,651 acres (20%) of federal mineral estate are classified as moderate and 112,160 (7%) are classified as high development potential for oil and gas. Comment: This text is almost word for word from Kemmerer Analysis of Management Situation (AMS) written in 2005. BLM incorrectly assumes that no new leases and no new APDs have been issued in the last 8 years. It also relies on an RFD report written in 2003 (Crockett, 2003). See also, AMS at 25. Relying on data more than 10 years old produces assumptions about energy development that do not accurately reflect prices, demand, and other important variables. Furthermore, courts have held that data older than 6 years cannot be used to support key assumptions in an FEIS. Lands Council v. Powell, 395 F.3d 1019 (9th Cir. 2005). The RMP data being cut and pasted into the DEIS are more than 10 years out of date. Thus, BLM's reliance on the data is misplaced and certain to be set aside. Similarly, the Mineral Assessment report was final in 2004, inconsistent with then-existing field development, has not been updated, and the Kemmerer RFD was revised as final in 2006. The BLM appears to omit the Moxa Arch Proposal to drill 1,861 wells when stating that the number of wells will not change. The Moxa Arch FEIS should soon be released and the alternatives will impact the Moxa Arch proposal yet the BLM does not analyze and disclose these impacts.

Comment ID: 2570
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-120 Rawlins Field Office discussion. Comment: This discussion also relies on out-of-date data. The number of wells that existed in 2003 will not provide an accurate representation of the number of wells that currently exist and the corresponding conclusions will necessarily be unreliable. The BLM's discussion omits any mention of the expansion of Continental Divide and other new developments.

Comment ID: 2572
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-128 Text: Based on the Mineral Report for the Pinedale Field Office, 287,230 acres were nominated and offered for lease between 1996 and 2001. As of June 2004, approximately 1,174

BLMadministered federal oil and gas leases covered 734,020 acres, or approximately 61%, of the federal mineral estate in the Pinedale Field Office. Comment: The discussion of Pinedale mineral potential and likely number of wells is similarly out-of-date. The RFD was written in 2006, using data that predated much of the Jonah field as well as the expansion of the Pinedale Anticline. BLM must include the appropriate data in Chapter 3 in order to draw the appropriate analysis in Chapter 4 and the BLM has not used the best available data to determine the cumulative impacts of the number of leases in the entire project area (i.e. Rock Springs data is missing).

Summary: The BLM continues to use studies, reports, data and other information that reflect the affected environment as it existed approximately 10 years ago. Relying on data nearly 10 years old produces assumptions about energy development that do not accurately reflect prices, demand, and other important variables. Mineral potential reports are based on known geologic conditions and recovery technology at a particular time. Over time, mineral potential can be revised and technology and market conditions can result in updated RFDs. Assessments made on outdated RFD reports are likely to underestimate the effects of management actions that limit development making the BLM's analysis shallow. The discussion of Pinedale mineral potential and likely number of wells is out of date. The RFD was written in 2006, using data that predated much of the Jonah field as well as the expansion of the Pinedale Anticline. The Chapter 3 discussion on Rawlins refers to numbers from the RFD written in 2003. The BLM's discussion omits any mention of the expansion of Continental Divide and other new developments. Disclose that the estimates of future production are very likely to be conservative because they are based on an RFD that reflects current knowledge of the geologic resources and current recovery technology. Courts have held that data older than 6 years cannot be used to support key assumptions in a Final EIS. Lands Council v. Powell, 395 F.3d 1019. Specific examples and changes include the following: Pg. 3-101 states "Based on production records from the State of Wyoming Oil and Gas Conservation Commission for 2002, 14% of the state's oil and 5% of the state's gas were produced from Natrona and Converse Counties." Production records are available for all relevant counties on the Wyoming Oil and Gas Conservation Commission website up to, and including, 2014. The BLM's reliance on data from 2002, unless relevant for a specific reason, is strongly indicative that the BLM has not properly described the affected environment. Moreover, BLM discusses only two counties (Natrona and Converse), which is insufficient when addressing the full potential and the cumulative impacts throughout the entire project area. Page 3-105: This text is almost word for word from Kemmerer Analysis of Management Situation (AMS) written in 2005. BLM incorrectly assumes that no new leases and no new APDs have been issued in the last 8 years. It also relies on an RFD report written in 2003. The Mineral Assessment report was final in 2004, inconsistent with then-existing field development, has not been updated, and the Kemmerer RFD was revised as final in 2006. Page 3-119, paragraph 3, lines 4-6: Replace "as many as eight wells have been drilled from a single pad in the Pinedale Field Office, and proposals have been submitted to potentially drill as many as 21 wells from a single pad" with "many wells may be drilled from a single pad in the Pinedale Field Office, with some pads presently having more than 40 wells on a pad." Page 3-259, last paragraph and page 3-260 paragraph 1: Delete "However, with oil and gas prices reaching all-time highs and with strong support from the current political administration," as well as the last sentence in the paragraph. The first statement is no longer applicable and the second is entirely subjective.

Response: Mineral resources are adequately discussed in Chapter 3.8, Minerals and Energy of the Final EIS. BLM and Forest Service have drafted a range of acres unavailable for new oil and gas leasing and projected number of oil and gas wells for each of the alternatives as presented in Chapter 2 in the Draft EIS. The RFD Scenario is not a limit and should not be a constraint on future oil and gas. Many variable circumstances could increase or decrease the level of drilling activity and associated surface disturbance acreage throughout the expected life of the RMP. If the projections in the RFD prove to be inaccurate, then BLM will evaluate the RMP when the well numbers or surface disturbances in the RFD are approached to determine if a plan amendment or revision is warranted. Chapter 4 presents the impacts anticipated form the various alternatives based on best available science and professional judgment. The Draft LUP

Amendments/Draft EIS provided sufficiently detailed information to aid in determining whether to proceed with the preferred alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with CFR 1502.1.

Leasable Minerals

Best available information-baseline data

RFD consistency issue

Comment ID: 2605
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pgs 4-71, 4-104, 4-179 Comment: These pages list the numbers of future wells to be developed under Alt A, and presumably on federal minerals that have not yet been leased, as 16,411, 13,653 and 12,585. Please ensure the consistency of the well numbers between the different resource assessments. The application of inconsistent assumptions regarding the number of wells, with nearly a 25% difference, would result in an inaccurate characterization of difference in economic impacts in Section 4.11.

Summary: Pgs. 4-71, 4-104, 4-179 Comment: These pages list the numbers of future wells to be developed under Alternative A, and presumably on federal minerals that have not yet been leased, as 16,411, 13,653 and 12,585. Please ensure the consistency of the well numbers between the different resource assessments. The application of inconsistent assumptions regarding the number of wells, with nearly a 25% difference, would result in an inaccurate characterization of difference in economic impacts in Section 4.11.

Response: These errors have been corrected in the Final EIS. The correct number is 13,653.

Leasable Minerals

CBNG

CBNG activity is overestimated in the Powder River Basin

Comment ID: 648
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Section 3.8 - Minerals and Energy. Samson also believes the BLM places far too much emphasis on the development of coalbed natural gas (CBNG) within the Casper Field Office. As the BLM is certainly aware, CBNG development has almost entirely ceased within the Powder River Basin. Given current pricing scenarios and the expenses associated with CBNG development, it is unlikely CBNG will be developed significantly within the Planning Area.

Comment ID: 784
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is concerned that the unconstrained RFD Scenario for oil and gas development within the Casper Field Office is outdated and too low. Devon is aware of a proposal by several oil and gas operators to propose the development of over 5,000 wells within the Converse County portion of the Casper Field Office. This one project alone exceeds the current RFO Scenario. As noted earlier, however, the RFD Scenario is not a limit and should not be a constraint on future oil and gas development. Devon also believes

the BLM places far too much emphasis on the development of coalbed natural gas (CBNG) within the Casper Field Office. As the BLM is certainly aware, CBNG development has almost ceased entirely within the Powder River Basin. Given current pricing scenarios and the expenses associated with CBNG development, It Is extremely unlikely CBNG will be developed significantly within the Planning Area.

Comment ID: 1548
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is concerned that the unconstrained RFD Scenario for oil and gas development within the Casper Field Office is outdated and too low. EOG is aware of a proposal by several oil and gas operators for the development of over 5,000 wells within the Converse County portion of the Casper Field Office. This one project alone exceeds the current RFD Scenario. As noted earlier, however, the RFD Scenario is not a limit and should not be a constraint on future oil and gas development. EOG also believes the BLM places far too much emphasis on the development of coalbed natural gas (CBNG) within the Casper Field Office. As the BLM is certainly aware, CBNG development has almost ceased entirely within the Powder River Basin. Given current pricing scenarios and the expenses associated with CBNG development, it is extremely unlikely CBNG will be developed significantly within the Planning Area.

Summary: BLM places far too much emphasis on the development of coalbed natural gas (CBNG) within the Casper Field Office. CBNG development has almost entirely ceased within the Powder River Basin. Given current pricing scenarios and the expenses associated with CBNG development, it is unlikely CBNG will be developed significantly within the planning area.

Response: Mineral resources are adequately discussed in Chapter 3.8 Minerals and Energy of the Draft EIS. BLM and Forest Service have drafted a range of acres unavailable for new oil and gas leasing and projected number of oil and gas wells for each of the alternatives. The RFD Scenario is not a limit and should not be a constraint on future oil and gas. Many variable circumstances could increase or decrease the level of drilling activity and associated surface disturbance acreage throughout the expected life of the LUPs. If the projections in the RFD prove to be inaccurate, then BLM will evaluate the LUPs when the well numbers or surface disturbances in the RFD are approached to determine if a plan amendment or revision is warranted.

Leasable Minerals

Geophysical Exploration

Further restrict geophysical exploration

Comment ID: 1708
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --In existing leased and permitted areas, apply a 10 km non-surface occupancy around active leks and limit permitted disturbance to 1 per section and no more than 3% surface disturbance per section. Only allow geophysical exploration activities by helicopter portable drilling methods in accordance with appropriate seasonal and timing restrictions.

Comment ID: 1707
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat. --Only allow geophysical exploration activities by helicopter portable drilling methods in accordance with appropriate seasonal and timing restrictions.

Summary: On existing leases inside core areas, only allow geophysical exploration activities by helicopter/portable drilling methods in accordance with appropriate seasonal and timing restrictions.

Response: This measure is considered in the Draft LUP Amendments/Draft EIS under Alternatives B and C.

Leasable Minerals

Geophysical Exploration

Geophysical exploration should not be restricted

Comment ID: 1756
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips also does not support the BLM's proposal under Alternative B and Alternative C, and to a lesser extent Alternative E, that would significantly curtail the use of geophysical and other seismic exploration within the Planning Area. Sage-Grouse DLUPA, pg. 2-64, Action No. 62. ConocoPhillips does not agree that the BLM should close the entire Greater Sage-Grouse key habitat area to geophysical exploration or propose unnecessary restrictions on geophysical exploration. Overall, ConocoPhillips believes that seismic exploration can actually reduce impacts to the environment because operators will be less likely to drill unsuccessful wildcat wells in previously undisturbed areas. The BLM should not place unnecessary requirements, limitations, or procedures on seismic and geophysical surveys. For example, it is not reasonable to allow geophysical operations only using heliportable drills. Sage-Grouse DLUPA, pg. 2-64, Action No. 62. Such a restriction is far too onerous. Further, on a national scale, the BLM has recognized that geophysical exploration is the type of activity that does not individually have a significant effect on the human environment because geophysical exploration has been identified as a Department-wide categorical exclusion. The language in the Sage-Grouse DLUPA does not sufficiently recognize the fact that geophysical surveys are designed to have very little impact and rarely cause adverse impacts to the natural environment. The BLM should develop language to encourage seismic exploration in the Sage-Grouse DLUPAs.

Comment ID: 606
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson also does not support the BLM's proposal under Alternative B and Alternative C, and to a lesser extent Alternative E, that would significantly curtail the use of geophysical and other seismic exploration within the Planning Area. Sage-Grouse DLUPA, pg. 2-64, Action No. 62. Samson does not agree that the BLM should close the entire Greater Sage-Grouse key habitat area to geophysical exploration or propose unnecessary restrictions on geophysical exploration. Overall, Samson believes that seismic exploration can actually reduce impacts to the environment because operators will be less likely to drill unsuccessful wildcat wells in previously undisturbed areas. The BLM should not place unnecessary requirements, limitations, or procedures on seismic and geophysical surveys.The BLM should ensure that nothing in the Sage-Grouse DLUPA eliminates or discourages the use of geophysical exploration or the approval of such exploration using categorical exclusions.The language in the Sage-Grouse DLUPA does not sufficiently recognize the fact that geophysical surveys are designed to have very little impact and rarely

cause adverse impacts to the natural environment. The BLM should develop language to encourage seismic exploration in the SageGrouse DLUPAs.

Comment ID: 1164
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz also does not support the BLM's proposal under Alternative B and Alternative C, and to a lesser extent Alternative E, that would significantly curtail the use of geophysical and other seismic exploration within the Planning Area. Sage-Grouse DLUPA, pg. 2-64, Action No. 62. Anschutz does not agree that the BLM should close the entire Greater Sage-Grouse key habitat area to geophysical exploration or propose unnecessary restrictions on geophysical exploration. Overall, Anschutz believes that seismic exploration can actually reduce impacts to the environment because operators will be less likely to drill unsuccessful wildcat wells in previously undisturbed areas. The BLM should not place unnecessary requirements, limitations, or procedures on seismic and geophysical surveys. The BLM should ensure that nothing in the Sage-Grouse DLUPA eliminates or discourages the use of geophysical exploration or the approval of such exploration using categorical exclusions. The language in the Sage-Grouse DLUPA does not sufficiently recognize the fact that geophysical surveys are designed to have very little impact and rarely cause adverse impacts to the natural environment. The BLM should develop language to encourage seismic exploration in the Sage-Grouse DLUPAs. For geophysical exploration activity the BLM the BLM should incorporate Categorical Exclusions instead of EA's.

Comment ID: 1489
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG also does not support the BLM's proposal under Alternative B and Alternative C, and to a lesser extent Alternative E, that would significantly curtail the use of geophysical and other seismic exploration within the Planning Area. Sage-Grouse DLUPA, pg. 2-64, Action No. 62. EOG does not agree that the BLM should close the entire GRSG key habitat area to geophysical exploration or propose unnecessary restrictions on geophysical exploration. Overall, EOG believes that seismic exploration can actually reduce impacts to the environment because operators will be less likely to drill unsuccessful wildcat wells in previously undisturbed areas. The BLM should not place unnecessary requirements, limitations, or procedures on seismic and geophysical surveys. The BLM should ensure that nothing in the Sage-Grouse DLUPA eliminates or discourages the use of geophysical exploration or the approval of such exploration using categorical exclusions. The language in the Sage-Grouse DLUPA does not sufficiently recognize the fact that geophysical surveys are designed to have very little impact and rarely cause adverse impacts to the natural environment. The BLM should develop language to encourage seismic exploration in the Sage-Grouse DLUPAs.

Comment ID: 758
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon also does not support the BLM's proposal under Alternative B and Alternative C, and to a lesser extent Alternative E, that would significantly curtail the use of geophysical and other seismic exploration within the Planning Area. Sage-Grouse DLUPA, pg. 2-64, Action No. 62. Devon does not agree that the BLM should close the entire Greater Sage-Grouse key habitat area to geophysical exploration or propose unnecessary restrictions on geophysical exploration. Overall, Devon believes that seismic exploration can actually reduce impacts to the environment because operators will be less likely to drill unsuccessful wildcat wells in previously undisturbed areas. The BLM should not place unnecessary

requirements, limitations, or procedures on seismic and geophysical surveys. For example, it is not reasonable to allow geophysical operations only using heliportable drills. Sage-Grouse DLUPA, pg. 2-64, Action No. 62. Such a restriction is far too onerous. Further, on a national scale, the BLM has recognized that geophysical exploration is the type of activity that does not individually have a significant effect on the human environment because geophysical exploration has been identified as a Department-wide categorical exclusion. The language in the Sage-Grouse DLUPA does not sufficiently recognize the fact that geophysical surveys are designed to have very little impact and rarely cause adverse impacts to the natural environment. The BLM should develop language to encourage seismic exploration in the Sage- Grouse DLUPAs.

Comment ID: 2197
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana also does not support the BLM's proposal under Alternative B and Alternative C, and to a lesser extent Alternative E, that would significantly curtail the use of geophysical and other seismic exploration within the Planning Area. Sage-Grouse DLUPA, pg. 2-64, Action No. 62. Encana does not agree that the BLM should close the entire Greater Sage-Grouse key habitat area to geophysical exploration or propose unnecessary restrictions on geophysical exploration. Overall, Encana believes that seismic exploration can actually reduce impacts to the environment because operators will be less likely to drill unsuccessful wildcat wells in previously undisturbed areas. The BLM should not place unnecessary requirements, limitations, or procedures on seismic and geophysical surveys. The BLM should ensure that nothing in the Sage-Grouse DLUPA eliminates or discourages the use of geophysical exploration or the approval of such exploration using categorical exclusions. The language in the Sage-Grouse DLUPA does not sufficiently recognize the fact that geophysical surveys are designed to have very little impact and rarely cause adverse impacts to the natural environment. The BLM should develop language to encourage seismic exploration in the Sage-Grouse DLUPAs.

Summary: Alternatives B and C, and to a lesser extent Alternative E, would significantly curtail the use of geophysical and other seismic exploration within the planning area. Seismic exploration can actually reduce impacts to the environment because operators will be less likely to drill unsuccessful wildcat wells in previously undisturbed areas. The BLM should not place unnecessary requirements, limitations, or procedures on seismic and geophysical surveys. For example, it is not reasonable to allow geophysical operations only using heliportable drills. Such a restriction is far too onerous. The language in the Sage-Grouse Draft LUP Amendments does not sufficiently recognize the fact that geophysical surveys are designed to have very little impact and rarely cause adverse impacts to the natural environment. The BLM should develop language to encourage seismic exploration in the Sage-Grouse Draft LUP Amendments. For geophysical exploration activity, the BLM should incorporate Categorical Exclusions instead of EA's.

Response: The agencies are required to analyze a range of management strategies within the considered alternatives. Some management strategies will be more restrictive to other land uses, and some will be less restrictive. Requiring limitations on geophysical exploration methods within sensitive habitats is a reasonable consideration which complies with NEPA and FLPMA. BLM and Forest Service will consider the entire range of alternatives and make a final decision in the Record of Decision when the land use planning process is completed.

Leasable Minerals

Impact Analysis

Drilling technology has already decreased impacts

Comment ID: 639
Organization: Anadarko
Name: David Applegate

Comment: More and more wells are now drilled directionally and horizontally, significantly decreasing surface use and associated impacts due to the ability to consolidate wells and associated infrastructure. Additionally, improved reclamation practices and reduction in oil and gas field traffic due to remote monitoring have also reduced oil and gas field impacts to wildlife but are not addressed herein. Future reasonable foreseeable development ("RFD") forecasts and management decisions should recognize this step change in technology, and the lower impact afforded to species such as sagegrouse. New directional drilling technologies are on the rise in the planning area, suggesting that impacts to sage-grouse habitat can be reduced through partnering with oil and gas developers on placement and timing of development. The increasing use of new technologies should be accounted for in the Final LUPA and mitigation measures should reflect its availability for deep oil and gas drilling.

Comment ID: 647
Organization: Anadarko
Name: David Applegate

Comment: With regard to foreseeable impacts from oil and gas development in Wyoming, the regulatory framework of the Wyoming Core Area Policy, in combination with a technological shift in drilling technology to directional and horizontal drilling will ensure the ongoing viability of sage-grouse in Wyoming into the foreseeable future. Other changes in how oil and gas development is implemented that will benefit sage-grouse not discussed in detail in these comments, include reclamation practices and remote monitoring of oil and gas production facilities to name only a few. The BLM and USFS need to take these easily verifiable conclusions into account when assessing foreseeable threats to sage-grouse habitats, the likelihood of sage-grouse persistence, and management prescriptions on lands deemed by law for multiple uses.

Comment ID: 638
Organization: Anadarko
Name: David Applegate

Comment: Technological changes over the past ten years have dramatically shifted drilling technology from vertical well bores to directional and horizontal well bores, with the consequence that disturbance and fragmentation levels are declining at the same time that reservoir recovery rates are increasing.

Summary: Technological changes over the past ten years have dramatically shifted drilling technology from vertical well bores to directional and horizontal well bores, with the consequence that disturbance and fragmentation levels are declining at the same time that reservoir recovery rates are increasing. New directional drilling technologies are on the rise in the planning area, suggesting that impacts to sage-grouse habitat can be reduced through partnering with oil and gas developers on placement and timing of development. The increasing use of new technologies should be accounted for in the Proposed LUP Amendments and mitigation measures should reflect its availability for deep oil and gas drilling. Other new technologies that reduce impacts include reclamation practices and remote monitoring of oil and gas production facilities.

Response: The use of environmentally protective practices are included in the LUP Amendments, Appendix B, as best management practices and would be implemented wherever practical. BLM does not mandate directional drilling.

Leasable Minerals

Impact Analysis

Impacts analysis does not compare RFD to existing development levels

Comment ID: 1365
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The proposed action is expected to result in nearly 13,000 new oil and gas wells during the life of the plan but no information is provided regarding how this compares to the current numbers that already exist. From adding up the partial information provided in the NEPA document it appears that this is more than double the current number of producing wells. The EIS completely fails to compare and contrast the current level of oil and gas development with its attendant impacts on sage grouse with this massive increase.

Summary: The proposed action is expected to result in nearly 13,000 new oil and gas wells during the life of the plan but no information is provided regarding how this compares to the current numbers that already exist. From adding up the partial information provided in the NEPA document it appears that this is more than double the current number of producing wells. The LUP Amendments completely fail to compare and contrast the current level of oil and gas development with its attendant impacts on sage-grouse with this massive increase.

Response: In Chapter 3, Affected Environment, BLM and Forest Service discuss the current level of development within the project area, as well as the impacts of current development on Greater Sage-Grouse populations. The projected oil and gas development will be subject to more stringent restrictions for the protection of Greater Sage-Grouse, upon implementation of the LUP Amendments. An analysis of the impacts associated with the projected development under the management strategies for each alternative is found in Chapter 4, Environmental Consequences. Table 2-6 in the Draft EIS presents the RFD and estimates for Alternative A (No action) 13,653 conventional and 2,758 coal bed natural gas wells compared to Alternative E 12,355 conventional and 2,462 coal bed natural gas wells.

Leasable Minerals

Impact Analysis

Impacts need to consider increased disruption from collocation

Comment ID: 3062
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The DEIS does not appear to have analyzed the potential for high-intensity disturbances resulting in regulatory uncertainty by causing more significant impacts than might be expected based on only considering the total area disturbed and number of disturbances. For instance, using a single wellpad for 20-plus wells could result in levels of traffic, activity, noise, and associated disturbances that are much greater than an individual wellpad that can be drilled in a far shorter time period and required limited routine or special maintenance. For multi-well pads, disturbance periods would be expected to be longer and the

nature of disturbance greater corresponding to the number of wells and the area being developed. It is reasonably foreseeable that a smaller acreage footprint and less total disturbances associated with full-field development could have significant impacts stemming from both the intensity of the disturbance, and the distance-effect documented for energy fields whereby sage-grouse are negatively influenced.

Summary: The Draft EIS does not appear to have analyzed the potential for high-intensity disturbances resulting in regulatory uncertainty by causing more significant impacts than might be expected based on only considering the total area disturbed and number of disturbances. For instance, using a single wellpad for 20-plus wells could result in levels of traffic, activity, noise, and associated disturbances that are much greater than an individual wellpad that can be drilled in a far shorter time period and required limited routine or special maintenance. For multi-well pads, disturbance periods would be expected to be longer and the nature of disturbance greater corresponding to the number of wells and the area being developed. It is reasonably foreseeable that a smaller acreage footprint and less total disturbances associated with full-field development could have significant impacts stemming from both the intensity of the disturbance, and the distance-effect documented for energy fields whereby sage-grouse are negatively influenced.

Response: Chapter 4 has been modified to include analysis of impacts from collocating operations.

Leasable Minerals

Impact Analysis

Impacts on oil and gas development are understated

Comment ID: 1284
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Further, the BLM has not analyzed or disclosed the potential impacts the restrictions on future leasing may have upon operations on existing leases. The BLM must recognize, study, and report the economic impact that its decision to close significant portions of the Planning Area to leasing, or to make significant portions of the Planning Area only available with major constraints, will have upon future exploration and development in the area. It is not enough for the BLM to simply assert that existing lease rights will be protected; the BLM must analyze further how existing lease rights will be impacted by future limitations on leasing and development and what protection it will afford existing leases in the above-described scenario. Contrary to the requirements of BLM's Land Use Planning Handbook H-1601, the BLM has not properly identified lands within the Planning Area that are open to oil and gas leasing with moderate constraints and those that are available only with major constraints. BLM Land Use Planning Handbook H-1601, Appd. C.II.H., pgs. 23 – 24 (Rel. 1-1693 03/11/05). The BLM should supplement the information contained in the Sage-Grouse DLUPA with this information as soon as possible.

Comment ID: 663
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM has significantly underestimated the potential impact the restrictions proposed under Alternative B and Alternative C would have on future oil and gas development. The BLM seems to suggest the many RDFs and other limitations on surface disturbing activities would only delay mineral development. In fact, the imposition of RDFs coupled with additional timing restrictions, surface occupancy restrictions, and other mitigation measures would make it uneconomic for most oil and gas operators to develop oil and gas resources within sage-grouse habitat. It is inappropriate for the BLM to simply suggest that development may be delayed. The overall minerals management under Alternative B and Alternative

C are inappropriate because they unreasonably limit oil and gas development. Sage-Grouse DLUPA, pg. 4•8. As noted above, the BLM is significantly limiting potential future oil and gas development in the Planning Area by making 6,809,580 acres under Alternative B and 16,878,220 acres under Alternative C unavailable for oil and gas leasing. The adoption of Alternative B or Alternative C would significantly curtail domestic production compared to both the baseline scenario and any of the other alternatives analyzed by the BLM. Sage-Grouse DLUPA, Table 2-6, Section 4.8. The loss of such an enormous energy supply is contrary to the best interests of the nation, and inconsistent with the Energy Policy Act of 2005.

Comment ID: 597
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson believes BLM has not sufficiently analyzed the significant extent these limitations on future rights-of-way ("ROW") will have upon oil and gas operations. In particular, Samson is concerned about the management of the priority and even general habitat under Alternative B or Alternative C as ROW exclusion and avoidance areas. Sage-Grouse DLUPA, pgs. 2-18 - 2-20, Action Nos. 30 and 31. The BLM has not justified this substantial increase in the number of acres subject to ROW exclusion and avoidance areas. Samson is particularly concerned that the ROW exclusion and avoidance areas will be utilized to significantly hamper or decrease oil and gas operations. The BLM must be willing to work with oil and gas lessees and operators to design access routes for proposed oil and gas development projects. Samson encourages the BLM to reduce the area subject to ROW avoidance or exclusion limitations as they may adversely impact oil and gas development in the area.

Comment ID: 790
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon believes the BLM has significantly underestimated the potential impact the restrictions proposed under Alternative B and Alternative C would have on future oil and gas development. The BLM seems to suggest the many ROFs and other limitations on surface disturbing activities would only delay mineral development. In fact, the imposition of RDFs coupled with additional timing restrictions, surface occupancy restrictions and other mitigation measures would make it uneconomic for most oil and gas operators to develop oil and gas resources within sage-grouse habitat. The overall minerals management under Alternative B and Alternative C are inappropriate because they unreasonably limit oil and gas development. The adoption of Alternative B or Alternative C would significantly curtail domestic production compared to both the baseline scenario and any of the other alternatives analyzed by the BLM. Sage-Grouse DLUPA, Table 2-6, Section 4.8. The loss of such an enormous energy supply is contrary to the best interests of the nation, and inconsistent with the Energy Policy Act of 2005. The removal of vast areas of lands from future oil and gas development and potential restrictions on existing leases under Alternative B and Alternative C would also significantly restrict regional earnings, jobs, and tax revenue. According to the information presented in the Sage-Grouse DLUPA, the adoption of Alternatives a and C would reduce regional earnings significantly and reduce local jobs over the current management. See Sage-Grouse DLUPA. Table 4.43. In these difficult economic times, it is inappropriate for the BLM to significantly restrict economic development opportunities. Further, the BLM has not analyzed or disclosed the potential impacts the restrictions on future leasing may have upon operations on existing leases. The BLM must recognize, study, and report the economic impact of its decision to close significant portions of the Planning Area to leasing, or to make significant portions of the Planning Area only available with major constraints will have upon future exploration and development in the area. It is not enough for the BLM to simply assert that existing lease rights will be protected, the BLM must analyze further how existing lease rights will be impacted by future limitations on leasing and development and what protection it will afford existing leases in the above-described scenario. Devon is concerned about the BLM's decision to

significantly increase the number of acres subject to NSO restrictions under Alternative E. The BLM indicates there would be a 400% increase in areas subject to NSO but has not clearly identified or explained its rationale for this decision. Sage- Grouse DLUPA, pg. 4-111. The BLM should provide far more information regarding the significant increase in areas subject to NSO restrictions.

Comment ID: 997
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Alternative B analyzes closing 6,809,580 acres to oil and gas leasing. Alternative C closes a staggering 16,878,220 acres. Oil and gas development is a significant economic driver within the Planning Area and the BLM and USFS analysis demonstrates Alternative B and C will have significant adverse impacts to the local and state economy. It is estimated that Alternative B would reduce oil and gas economic output by $3,457,294,000 and Alternative C would reduce economic output by $8,047,983,000. The BLM and USFS analysis indicates that Alternative C would result in a loss of more than 7,000 jobs per year roughly one third of the oil and gas related jobs in the Planning Area. Most of the 15 counties in the Planning Area derive more than 50% of the county's assessed value from oil and gas. Sublette County's assessed valuation is 97% attributed to oil and gas. Sweetwater County estimates that approximately 86% of its operating budget (approximately $140 million) is generated from oil and gas and other mineral development revenues and property taxes - mostly from production on BLM lands. These are significant figures and not easily replaced by other revenue streams.

Comment ID: 1565
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG believes the BLM has significantly underestimated the potential impact the restrictions proposed under Alternative B and Alternative C would have on future oil and gas development. The BLM seems to suggest the many RDFs and other limitations on surface disturbing activities would only delay mineral development. In fact, the imposition of RDFs coupled with additional timing restrictions, surface occupancy restrictions and other mitigation measures would make it uneconomic for most oil and gas operators to develop oil and gas resources within GRSG habitat. It is inappropriate for the BLM to simply suggest that development may be delayed. The overall minerals management under Alternative B and Alternative C are inappropriate because they unreasonably limit oil and gas development. Sage-Grouse DLUPA, pg. 4-8. The adoption of Alternative B or Alternative C would significantly curtail domestic production compared to both the baseline scenario and any of the other alternatives analyzed by the BLM. Sage-Grouse DLUPA, Table 2-6, Section 4.8. The loss of such an enormous energy supply is contrary to the best interests of the nation, and inconsistent with the Energy Policy Act of 2005. The removal of vast areas of lands from future oil and gas development and potential restrictions on existing leases under Alternative B and Alternative D would also significantly restrict regional earnings, jobs, and tax revenue.The BLM must not adopt an alternative that would reduce economic development, decrease domestic energy supplies, and harm the local tax base. Further, the BLM has not analyzed or disclosed the potential impacts the restrictions on future leasing may have upon operations on existing leases. As the BLM acknowledges in Map 3-1, a significant portion of the Planning Area is currently leased for oil and gas development. Some leases, however, are isolated making them virtually impossible and not economically feasible to develop in their current state. The BLM must recognize, study, and report the economic impact of its decision to close significant portions of the Planning Area to leasing, or to make significant portions of the Planning Area only available with major constraints, will have upon future exploration and development in the area. It is not enough for the BLM to simply assert that existing lease rights will be protected, the BLM must analyze further how existing lease rights will be impacted by future

limitations on leasing and development and what protection it will afford existing leases in the above-described scenario.

Comment ID: 1216
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz believes the BLM has significantly underestimated the potential impact the restrictions proposed under Alternative B and Alternative C would have on future oil and gas development. The BLM seems to suggest the many RDFs and other limitations on surface disturbing activities would only delay mineral development. In fact, the imposition of RDFs coupled with additional timing restrictions, surface occupancy restrictions and other mitigation measures would make it uneconomic for most oil and gas operators to develop oil and gas resources within sage-grouse habitat. It is inappropriate for the BLM to simply suggest that development may be delayed.

Comment ID: 586
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Further, the BLM has not analyzed or disclosed the potential impacts the restrictions on future leasing may have upon operations on existing leases. As the BLM acknowledges, a significant portion of the Planning Area is currently leased for oil and gas development. Sage-Grouse DLUPA, § 3.8.1. Some leases, however, are isolated making them virtually impossible and not economically feasible to develop in their current state. Any responsible oil and gas producer who decides to take the risk of exploring by drilling a wildcat area must do so only after assembling a large enough block of leasehold acreage so that, if the drilling is successful, it can obtain an adequate return on the highrisk dollars invested. The BLM has, in another context, recognized the need for control of a reasonable acreage block. See Prima Oil & Gas Co., 148 IBLA 45, 51, (1999) (BLM policy to suspend leases when "a lessee is unable to explore, develop, and produce leases due to the proximity, or commingling of other adjacent Federal lands needed for logical exploration and development that are currently not available for leasing"). The BLM must recognize, study, and report the economic impact of its decision to close significant portions of the Planning Area to leasing, or to make significant portions of the Planning Area only available with major constraints will have upon future exploration and development in the area. It is not enough for the BLM to simply assert that existing lease rights will be protected; the BLM must analyze further how existing lease rights will be impacted by future limitations on leasing and development and what protection it will afford existing leases in the above-described scenario.

Comment ID: 1966
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: CHAPTER 4 4.6.7 Alternative E, Page 4-85 "Prohibiting surface disturbing activities on 304,970 acres (Map 2-3) would be the same type of impacts as described in Alternative A, except 236,420 more acres (more than 4 times as many as Alternative A) would be prohibited. Restricting surface disturbance on 21,950 acres (Map 2-3) would have the same impact as described in Alternative A, except restrictions would occur on only 20% as much area, mainly from prohibiting surface disturbance on lands that only have restrictions under Alternative A." This sentence is very poorly written and incomprehensible and needs to be revised. We question the notion that a prohibition of surface disturbing activities on 4 times as many acres could logically be considered the same type of impact. Similarly, it is unclear how restrictions occurring on 20% as much area can be construed as having the same impact.

Comment ID: 1142
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Further, the BLM has not analyzed or disclosed the potential impacts the restrictions on future leasing may have upon operations on existing leases. The BLM must recognize, study, and report the economic impact that its decision to close significant portions of the Planning Area to leasing, or to make significant portions of the Planning Area available only with major constraints, will have upon future exploration and development in the area. It is not enough for the BLM to simply assert that existing lease rights will be protected; the BLM must analyze further how existing lease rights will be impacted by future limitations on leasing and development and what protection it will afford existing leases in the above-described scenario.

Comment ID: 2642
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-75, paragraph 6: Oil and gas development would be further restricted and may be precluded due to the inability to develop roads and pipelines in core. QEP asks that those restrictions be included in the socioeconomic analysis.

Comment ID: 2651
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-272, paragraph 6: This paragraph is misleading and gives the public the impression this is not already done by proponents. There are many instances of leaseholder/project proponents agreeing to BMPs to reduce "additional habitat loss and fragmentation due to oil and gas development by protecting existing habitat resources from new development with buffer distances, additional reclamation, or seasonal closures." These are all current BMPs that operators agree to comply with in order for concessions on development in other areas.

Comment ID: 2646
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-111: "In total, 12,355 oil and gas wells (10% fewer than Alternative A) ... are projected over the life of the plan under Alternative E." How were these figures determined? Considering Alternative E has NSO on 689,300 acres and CSU on 6,146,570 acres, far more than Alternative A, it seems the decrease in oil and gas wells is extremely low.

Comment ID: 3146
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 4.8.7 4- 111 Last sentence on page What determined avoiding roads within 1.9 miles of the perimeter of lek? This is extreme even in core areas.

Comment ID: 2289
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Further, the BLM has not analyzed or disclosed the potential impacts the restrictions on future leasing may have upon operations on existing leases. As the BLM acknowledges in Map 3-1, a significant portion of the Planning Area is currently leased for oil and gas development. Some leases, however, are isolated making them virtually impossible and not economically feasible to develop in their current state. The BLM must recognize, study, and report the economic impact of its decision to close significant portions of the Planning Area to leasing, or to make significant portions of the Planning Area only available with major constraints will have upon future exploration and development in the area. It is not enough for the BLM to simply assert that existing lease rights will be protected, the BLM must analyze further how existing lease rights will be impacted by future limitations on leasing and development and what protection it will afford existing leases in the abovedescribed scenario.

Comment ID: 3145
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 4.8.2 4- 103 Bullet 5, lines 4- 6 This language implies that additional protection measures that go beyond what is currently deemed necessary under existing leases and project- level authorizations could be required as COAs on APDs and ROWs. This assumption requires removal to ensure our existing development operations are not newly impeded in existing and authorized development areas.

Comment ID: 2643
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-103, paragraph 4, bullet 5, lines 4-6: This language implies that additional protection measures that go beyond what is currently deemed necessary under existing leases and project-level authorizations could be required as COAs on APDs and ROWs. QEP requests that this assumption be removed to ensure our existing development operations are not impeded in existing and authorized development areas.

Comment ID: 2287
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana believes the BLM has significantly underestimated the potential impact the restrictions proposed under Alternative B and Alternative C would have on future oil and gas development. The BLM seems to suggest the many RDFs and other limitations on surface disturbing activities would only delay mineral development. In fact, the imposition of RDFs coupled with additional timing restrictions, surface occupancy restrictions and other mitigation measures would make it uneconomic for most oil and gas operators to develop oil and gas resources within sage-grouse habitat. It is inappropriate for the BLM to simply suggest that development may be delayed. The overall minerals management under Alternative B and Alternative C are inappropriate because they unreasonably limit oil and gas development.

Comment ID: 2622
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 2-168, Table 2-2: Under fluid mineral leasing, NSO in Alternative E is 689,300 acres, which is 648,320 more acres than the NSO under Alternative A. Controlled Surface Use (CSU) in Alternative E is 6,146,570 acres, which is 1,131,360 more acres than the CSU under Alternative A. The ROW avoidance areas went from 2.5 million in Alternative A to almost 6 million acres in Alternative E.

The negative socioeconomic consequences are grossly underestimated considering the amount of land being restricted in the preferred alternative. In their current form, Alternatives B, C, D, and E have the potential to substantially decrease oil and gas production thereby greatly reducing royalty and tax payments.

Comment ID: 3140
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Chapter 4 Throughout Alternative D impacts are understated due to the preclusion of ROWs/SUAs in core. Where these features are denied, many other developments would not be achievable.

Comment ID: 3142
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 4.5.6 4- 75 Paragraph 6 O&G development would be further restricted and may be precluded due to the inability to develop roads and pipelines in core.

Comment ID: 2176
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Further, the BLM has not analyzed or disclosed the potential impacts the restrictions on future leasing may have upon operations on existing leases. The BLM must recognize, study, and report the economic impact of its decision to close significant portions of the Planning Area to leasing, or to make significant portions of the Planning Area only available with major constraints will have upon future exploration and development in the area. It is not enough for the BLM to simply assert that existing lease rights will be protected; the BLM must analyze further how existing lease rights will be impacted by future limitations on leasing and development and what protection it will afford existing leases in the above-described scenario. Contrary to the requirements of BLM's Land Use Planning Handbook H-1601, the BLM has not properly identified lands within the Planning Area that are open to oil and gas leasing with moderate constraints and those that are available only with major constraints. The BLM should supplement the information contained in the Sage-Grouse DLUPA with this information as soon as possible.

Summary: BLM has significantly underestimated the potential impact the restrictions proposed under Alternative B and Alternative C would have on future oil and gas development. The BLM seems to suggest the many RDFs, the preclusion of ROWs/SUAs, and other limitations on surface disturbing activities would only delay mineral development. In fact, the imposition of RDFs coupled with additional timing restrictions, surface occupancy restrictions, and other mitigation measures would make it uneconomic for most oil and gas operators to develop oil and gas resources within sagegrouse habitat. It is inappropriate for the BLM to simply suggest that development may be delayed. Further, the BLM has not analyzed or disclosed the potential impacts that restrictions on future leasing could have on existing leases. The BLM must recognize, study, and report the economic impact of its decision to close significant portions of the planning area to leasing, or to make significant portions of the planning area only available with major constraints. Most of the 15 counties in the planning area derive more than 50% of the county's assessed value from oil and gas. Sublette County's assessed valuation is 97% attributed to oil and gas. Sweetwater County estimates that approximately 86% of its operating budget (approximately $140 million) is generated from oil and gas and other mineral development revenues and property taxes - mostly from production on BLM lands. These are significant figures and not easily replaced by other revenue streams. It is not enough for the BLM to simply assert that existing lease rights will be protected; the BLM must analyze how existing lease rights will be impacted by future limitations on leasing and development and what protection it will afford existing leases.

Specific changes that should be made to Chapter 4 include: Page 4- 75 Paragraph 6: Oil and gas development would be further restricted and may be precluded due to the inability to develop roads and pipelines in core. Page 4-85, 4.6.7, Alternative E, "Prohibiting surface disturbing activities on 304,970 acres (Map 2-3) would be the same type of impacts as described in Alternative A, except 236,420 more acres (more than 4 times as many as Alternative A) would be prohibited. Restricting surface disturbance on 21,950 acres (Map 2-3) would have the same impact as described in Alternative A, except restrictions would occur on only 20% as much area, mainly from prohibiting surface disturbance on lands that only have restrictions under Alternative A." This sentence is very poorly written and incomprehensible and needs to be revised. The notion that a prohibition of surface disturbing activities on four times as many acres could logically be considered the same type of impact is questionable. Similarly, it is unclear how restrictions occurring on 20% as much area can be construed as having the same impact. Page 4-75, paragraph 6: "Oil and gas development would be further restricted and may be precluded due to the inability to develop roads and pipelines in core." Those restrictions should be included in the socioeconomic analysis. Page 4- 103 Bullet 5, lines 4- 6: This language implies that additional protection measures that go beyond what is currently deemed necessary under existing leases and project- level authorizations could be required as COAs on APDs and ROWs. This assumption requires removal to ensure our existing development operations are not newly impeded in existing and authorized development areas. Page 4-111: "In total, 12,355 oil and gas wells (10% fewer than Alternative A) … are projected over the life of the plan under Alternative E." How were these figures determined? Considering Alternative E has NSO on 689,300 acres and CSU on 6,146,570 acres, far more than Alternative A, it seems the decrease in oil and gas wells is extremely low. Page 4- 111: Last sentence on page: What determined avoiding roads within 1.9 miles of the perimeter of lek? This is extreme even in core areas. Page 4-272, paragraph 6: This paragraph is misleading and gives the public the impression this is not already done by proponents. There are many instances of leaseholder/project proponents agreeing to BMPs to reduce "additional habitat loss and fragmentation due to oil and gas development by protecting existing habitat resources from new development with buffer distances, additional reclamation, or seasonal closures." These are all current BMPs that operators agree to comply with in order for concessions on development in other areas.

Response: Chapter 4 presents the impacts anticipated form the various alternatives based on best available science and professional judgment. The Draft LUP Amendment/Draft EIS provided sufficiently detailed information to aid in determining whether to proceed with the preferred alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. Because land use plan-level decisions are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning), the associated analyses are correspondingly high level. Impacts were considered on numerous resources, resource uses, and socioeconomic conditions, which included economic impacts, social impacts, and environmental justice. See Section 4.11 of the Draft EIS. The impacts analysis for mineral leasing notes repeatedly under all alternatives, particularly Alternatives B and C, state that many conservation measures would eliminate and restrict, not merely delay, the development of leases. BLM and Forest Service have drafted a range of acres unavailable for new oil and gas leasing and projected number of oil and gas wells for each of the Alternatives. BLM and Forest Service will consider the entire range of alternatives and make a final decision in the Record of Decision when the land use planning process is completed. Existing leases would not be affected by new closures and/or areas administratively unavailable for lease, and restrictions could not be added to existing leases. Surface use and timing restrictions resulting from this RMPA cannot be applied to existing leases. Surface disturbance that is the result of the exercise of valid existing rights will not be precluded because of the cap or density restriction, but will be counted by the BLM toward the cap and the density restriction when BLM is considering whether to authorize new discretionary surface development. Other aspects of the plan, such as RDFs and buffer distances, will be applied to existing rights to the extent they do not interfere with those rights. The BLM will also seek to engage with authorized users

of the public lands so that the exercise of valid existing rights occurs while providing for the maximum conservation of the species. Existing leases would not be terminated until the lease expires. Once a lease expires, the parcel would be subject to the final decision on the management actions and alternatives included in the Record of Decision.

Leasable Minerals

Impact Analysis

Impacts to coal and trona are understated

Comment ID: 514
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Impacts on Trona and Coal Mining DEIS 2-88; 4-119 The DEIS concurs that trona mining will be affected either through denial of leases, 2-88 and through DDCT calculations. The DEIS does not fully estimate the adverse impacts to state severance taxes or local taxes. Trona mining is very important to Sweetwater County.

Comment ID: 1408
Organization: Cloud Peak Energy Resources
Name: Bob Green

Comment: Assumptive determination of leasing unsuitability for sage-grouse priority habitat The text in Section 4.8 (Page 4-102) outlines that: "This analysis assumes areas identified as sagegrouse priority habitat would be determined to be unsuitable for further consideration for coal leasing and development, and therefore, no development of the coal resource would occur on these lands." This assumption is highly restrictive and appears to reflect a foregone conclusion in advance of any site-specific screenings or assessments, and is inconsistent with discussions in Section 4.12.7 for Alternative E. This assumptive approach should be modified to reflect the spectrum of potential outcomes from actual screenings and assessments. At a minimum, qualifying considerations of effective on-site and off-site mitigation measures, compensatory conservation measures or other alternatives should be added to this discussion as well as specific provisions for these alternatives.

Comment ID: 2502
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-375 4.18.5 Alternative C: Are we to understand that the first phrase in the first sentence of the seventh paragraph would spell the doom for all coal mining in the TBNG?

Summary: Impacts to coal and trona mining from sage-grouse conservation measures are understated in Chapter 4 of the Draft LUP Amendments. Coal and trona mining will be affected either through denial of leases and through DDCT calculations. The Draft EIS does not fully estimate the adverse impacts to state severance taxes or local taxes. The text in Section 4.8 (Page 4-102) outlines that: "This analysis assumes areas identified as sagegrouse priority habitat would be determined to be unsuitable for further consideration for coal leasing and development, and therefore, no development of the coal resource would occur on these lands." This assumption is highly restrictive and appears to reflect a foregone conclusion in advance of any site-specific screenings or assessments, and is inconsistent with discussions in Section 4.12.7 for Alternative E. This assumptive approach should be modified to reflect the spectrum of potential outcomes from actual screenings and assessments. At a minimum, qualifying considerations of effective

on-site and off-site mitigation measures, compensatory conservation measures, or other alternatives should be added to this discussion as well as specific provisions for these alternatives.

Response: Chapter 4 presents the impacts anticipated form the various alternatives based on best available science and professional judgment. The Draft LUP Amendment/Draft EIS provided sufficiently detailed information to aid in determining whether to proceed with the Preferred Alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives in accordance with 40 CFR 1502.1. Because land use plan-level decisions are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning), the associated analyses are correspondingly high level. Impacts were considered on numerous resources, resource uses, and socioeconomic conditions, which included economic impacts, social impacts, and environmental justice. See Section 4.11 of the Draft EIS. We agree that applying unsuitability criteria #15 to an area proposed for coal leasing using surface methods may result in a number of outcomes. However, our analysis needs to make assumptions in order to properly describe potential impacts, and for this particular analysis it was determined we would examine impacts assuming no development of coal would occur on high priority lands for sagegrouse. When BLM receives a coal lease application in an area identified as acceptable for further consideration for leasing, consistent with our coal regulations at 43 CFR 3420 and 3461, BLM will examine each individual situation and consult with the State of Wyoming to determine if leasing will be suitable on land identified as high priority areas for sage-grouse.

Leasable Minerals

Impact Analysis

Mineral and energy development impacts sage-grouse

Comment ID: 1704
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The impacts from the various minerals development activities – fluid, coal, locatable, leasable and sand and gravel have been amply documented in by Connelly, Naugle and others and have been cited elsewhere in our comments. While the impacts are much akin to those of energy development, onthe- whole they involve much greater human presence and activity and noise, and hence have a much greater impact on the grouse. In addition, we wish to highlight a few of the examples. Energy development can cause radical changes to sagebrush ecosystems. Analysis of oil and gas developments found cases where such lands contained twice as many roads and power lines and the density of development far exceeded the grouse's threshold of tolerance. Energy development and its related infrastructure impacts grouse in many ways, both direct and indirect, cumulatively and synergistically.

Comment ID: 822
Organization:
Name: Laurinda Reinhart

Comment: the impacts of energy development also need to be considered. until the involved agencies manage our public lands holistically and sustainably, using science and not politics, nothing is going to improve

Summary: The impacts from the various minerals development activities – fluid, coal, locatable, leasable, and sand and gravel have been amply documented in by Connelly, Naugle, and others. Impacts from mineral

and energy development involves human presence, activity, and noise. Energy development can cause radical changes to sagebrush ecosystems. Analysis of oil and gas developments found cases where such lands contained twice as many roads and power lines and the density of development far exceeded the grouse's threshold of tolerance. Mineral and energy development and its related infrastructure impacts grouse in many ways, both direct and indirect, cumulatively, and synergistically.

Response: An analysis of the impacts associated with the projected development under the management strategies for each alternative is found in Chapter 4 - Environmental Consequences.

Leasable Minerals

Impact Analysis

Need scientific reference or source for assertions

Comment ID: 2653
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-366, paragraph 4: "Groundwater in these areas could also be affected by oil and gas leasing activities through withdrawal, injection, or mixing of material from different geologic layers or the surface. Withdrawal of groundwater could affect local groundwater flow patterns and create changes in quality and quantity of the remaining groundwater." There is no source listed for these claims. There have been no incidences of hydraulic fracturing fluids contaminating groundwater. Therefore, QEP requests that the BLM either remove this statement, or provide evidence and specific citations to support this assumption.

Summary: Page 4-366, Paragraph 4: "Groundwater in these areas could also be affected by oil and gas leasing activities through withdrawal, injection, or mixing of material from different geologic layers or the surface. Withdrawal of groundwater could affect local groundwater flow patterns and create changes in quality and quantity of the remaining groundwater." There is no source listed for these claims. There have been no incidences of hydraulic fracturing fluids contaminating groundwater. BLM should remove this statement or provide evidence and specific citations to support this

Response: There are no impacts from leasing. The potential impacts listed are from exploration or production, and are dealt with at the time the downhole (BLM) portion of the SUPO is approved in the APD process. The statement is not specific to hydraulic fracturing fluids or techniques, but refers to the generic injection or mixing of foreign materials into groundwater. The agencies believe the statement is correct. The effects to groundwater by hydraulic fracturing is beyond the scope of this document.

Leasable Minerals

Impact Analysis

Valid existing rights discussion is missing in Chapter 4 for Alternative E

Comment ID: 2196
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: For most of the Alternatives addressed in Section 4.8 (Minerals and Energy) there are specific discussions recognizing valid existing rights. That is not the case for the discussions in Subsection 4.8.7 (Alternative E). While the assumptions listed in Subsection 4.1.3 imply that implementation actions would comply with valid existing rights, Subsection 4.8.7 needs to specifically state that all valid existing rights

will be recognized and respected, relative to potential implementation of any new restrictions or stipulations related to the Nine-Plan Amendments.

Comment ID: 3006
Organization: Wyoming Mining Association
Name: Marion Loomis

Comment: For most of the Alternatives addressed in Section 4.8 (Minerals and Energy) there are specific discussions recognizing valid existing rights. That is not the case for the discussions in Subsection 4.8.7 (Alternative E). While the assumptions listed in Subsection 4.1.3 imply that implementation actions would comply with valid existing rights, Subsection 4.8.7 needs to specifically state that all valid existing rights will be recognized and respected, relative to potential implementation of any new restrictions or stipulations related to the Nine-Plan Amendments.

Summary: For most of the Alternatives addressed in Section 4.8 (Minerals and Energy) there are specific discussions recognizing valid existing rights. That is not the case for the discussions in Subsection 4.8.7 (Alternative E). While the assumptions listed in Subsection 4.1.3 imply that implementation actions would comply with valid existing rights, subsection 4.8.7 needs to specifically state that all valid existing rights will be recognized and respected, relative to potential implementation of any new restrictions or stipulations related to the Draft LUP Amendments.

Response: All management actions included in the LUP Amendments must comply with all laws, regulations, and valid existing rights. This is included as a general assumption in the Chapter 4 analysis of environmental consequences (Section 4.1.3). This assumption states "Implementation actions will comply with valid existing rights and all federal laws, regulations, and policies."

Leasable Minerals

Mitigation measures

BLM's draft Regional Mitigation manual should not be considered

Comment ID: 590
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Further, throughout section 2.3.3 the BLM refers to BLM's regional mitigation manual section 1794. Sage-Grouse DLUPA, pgs. 2-8 - 2-9. To date, however, the BLM has not released BLM Manual 1794 in a final format. Instead, the BLM has merely released a preliminary draft section of the manual for public review and comment. It is wholly inappropriate for the BLM to rely upon this draft Manual in the Sage-Grouse DLUPA until it has been finally promulgated.

Comment ID: 707
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: MS 1794 unquestionably imposes new obligations on private interests. MS 1794 states that BLM will “locate mitigation sites, projects, and measures . . . where the impacts of the use authorization can be best mitigated . . . regardless of land ownership.” Draft at 1-6. In other words, the BLM is claiming the authority to determine that the best site for mitigation is a privately-owned parcel outside the project area. Once located, the BLM will impose what it determines to be adequate management and protection measures to mitigate the effects for the entire lifetime of the project on those privately-owned parcels. Id. at 7. The

BLM may even demand legally binding "written assurances from the relevant . . . surface owner . . . that mitigation conducted on those lands is agreed to and will receive adequate management, protection, [and] site access during the expected lifetime of the land-use authorization..." Id. In effect, the BLM grants to itself a sweeping right to impose upon landowners significant obligations to comply with mitigation measures for projects with which landowners have absolutely no relation and apparently, without just compensation. This is a regulatory taking that violates the U.S. and Wyoming Constitutions. U.S. Constitution, Fifth amendment; Wyo. Const., Art. 1, §32; Pater v. City of Casper, 646 F.3d 1290, 1294-96 (10th Cir. 2013) (holding that notice of lien that clouded title was a regulatory taking). Imposition of land use restrictions to mitigate a distant public land project is similarly a regulatory taking. It certainly exceeds BLM's authority, which is limited to public lands. 43 U.S.C. §1702(e). Under MS 1794, existing rights, such as infrastructure, may also need to be removed. Id. at 1-1. Roads, wells, pipes, transmission lines likely all qualify under BLM's undefined term "infrastructure" and those property rights appear to be either stripped or burdened in the name of mitigation throughout the Draft. Notice and comment as well as the rulemaking analysis are essential because landowners, citizens, and several interested agencies and local government entities may face the loss of existing property rights and new mitigation obligations. There is no question that expanding mitigation to a regional scale will increase regulatory costs and burdens on small businesses. BLM fails to address any of these adverse impacts.

Comment ID: 741
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM cannot require compensatory offsite mitigation for all oil and gas development. Such a policy ignores the fact that oil and gas development is an appropriate use of federal lands. Further, throughout section 2.3.3 the BLM refers to BLM's Regional Mitigation Manual Section 1794. Sage-Grouse DLUPA, pgs. 2-8 – 2-9. To date, however, the BL.M has not released BLM Manual 1794 in a final format. Instead, the BLM has merely released a preliminary draft section of the Manual for public review and comment. It is wholly inappropriate for the BLM to rely upon this draft Manual in the Sage-Grouse DLUPA until the BLM has finalized the Manual. Also, there is no need to establish a Mitigation Implementation Team in Wyoming. Currently the BLM participates in the Wyoming Sage-Grouse Implementation Team ("SGIT"). Establishing a separate Mitigation Implementation Team would confuse and complicate the current role of SGIT.

Comment ID: 708
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: No law or rule authorizes regional or landscape mitigation in addition to on-site and compensatory off-site mitigation. MS 1794 cites FLPMA, MLA, Endangered Species Act, NEPA, and several other statutes as authority for regional mitigation. MS 1794 1-1. The ESA provides for mitigation of a federal undertaking for listed species only, not generic impacts. 16 U.S.C. §1736. BLM also relies on FLPMA as its authority to implement MS 1794. Id. at 1-20 citing multiple use management, 43 U.S.C. §1712(a); and policies to protect scenic, historic, scientific and ecological values, §1701(a)(8),1 and nondegradation management, §1732(b). BLM restates the "undue degradation" policy provisions of FLPMA but fails to identify a single provision that authorizes mitigation, let alone regional mitigation. Draft at 1-20, 1-21; 43 U.S.C. §1732(b). BLM has no authority to stipulate land uses on private or state lands. BLM's regulatory authority is limited to public lands, 43 U.S.C. §§1702(e), 1712, 1732. MS 1794 purports to exercise this authority as a condition of approving a public land project, whether it be a drilling permit, pipeline or transmission line right-of-way, or a wind farm. MS 1794 fails to connect how BLM can require landowners unaffiliated with the project to burden their land with what would essentially be a conservation easement. The omission demonstrates the significant gaps in BLM's claim to authority to

require regional mitigation as a condition of approving public land uses. NEPA or NEPA regulations also do not support MS 1794. It is well settled that "NEPA itself does not mandate particular results, but simply prescribes the necessary process." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 350 (1989). Methow Valley is controlling with regards to MS 1794. In that case, the Supreme Court set aside a lower court ruling that approval of a ski area expansion should be conditioned on mitigating the impacts of related development. Id. at 332. The Supreme Court held that "it would be inconsistent with NEPA's reliance on procedural mechanisms-as opposed to substantive, result-based standards-to demand the presence of a fully developed plan that will mitigate environmental harm before an agency can act." Id. at 353. NEPA has not been amended to require mitigation since Methow Valley and it certainly has not been amended to even require regional mitigation measures.

Comment ID: 706
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The Coalition has previously commented on the BLM's Regional Mitigation Manual Section 1794 (MS 1794) and BLM now implements MS 1794 while entirely ignoring the Coalition's advice. The Coalition is increasingly concerned about the implementation of MS 1794 and the cursory mention provided in the DEIS. See DEIS at 2-8. Our concerns follow. A. MS 1794 Must Undergo Rulemaking With Notice and Comment FLPMA explicitly provides that when dealing with public lands, the Secretary shall, . . . promulgate rules and regulations to carry out the purposes of this Act and of other laws applicable to the public lands, and the Secretary of Agriculture, with respect to lands within the National Forest System, shall promulgate rules and regulations to carry out the purposes of this Act. The promulgation of such rules and regulations shall be governed by the provisions of chapter 5 of title 5 of the United States Code, without regard to section 553 (a) (2). Prior to the promulgation of such rules and regulations, such lands shall be administered under existing rules and regulations concerning such lands to the extent practical. 43 U.S.C. §1740. FLPMA also provides for public comment on public land management and programs, policies, and guidelines. Id. §§1712(f); 1739(e). Undoubtedly, MS 1794 relates to the management of public lands, because BLM relies on FLPMA as its authority and MS 1794 significantly impacts private property interests. BLM must, therefore, comply with FLPMA by undertaking rulemaking before attempting to implement regional mitigation. MS 1794 goes well beyond merely restating duties already contained in existing BLM regulations and cannot be considered an "interpretive rule." 5 U.S.C. § 553(a)(3)(A); Gen. Motors Corp. v. Ruckelshaus, 742 F.2d 1561, 1565 (D.C. Cir. 1984). To the contrary, as explained below, MS 1794 purports to implement statutory authority under FLPMA, NEPA and ESA and imposes new obligations on private interests. It is instead, a "legislative rule." Steinhorst Associates v. Preston, 572 F. Supp.2d 112, 120 (D. D.C. 2008). Legislative rules must undergo notice and comment pursuant to the Administrative Procedure Act (APA) to give interested parties ample opportunity to participate by submitting written data, views, analysis, and uniquely effected perspectives. 5 U.S.C. § 553(c). Rulemaking also ensures that the regulatory costs are addressed by a cost-benefit analysis, Ex. Order 12,12,866, 3 C.F.R. Parts 638, 639 (1993), The Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1501–04 (1994 & Supp 1995), and (Paperwork Reduction Act, 44 U.S.C. §§3501-3521) as well as disparate impacts on small businesses, Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. §§601-612) and impacts on minority communities, Ex. Order 12898 (1994). BLM evades these important regulatory checks by implementing new authority without rulemaking.

Comment ID: 709
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: MS 1794 provides that "[w]hen conditioning a BLM authorization on the performance of mitigation outside the area of impact, the BLM should identify a "reasonable relationship" between the

resources and values affected by the authorization and the resources and values benefitted by the mitigation." Id. at 1-5,1-6 (emphasis added). The relationship will be identified during the NEPA process and the BLM may expressly condition its approval on the applicant's commitment "to perform or cover the costs of mitigation, both onsite and outside the area of impact." Id. Here, the BLM incorrectly states a well-established rule of law. When conditioning approval of a permit upon mitigating impacts of a proposed development, the BLM must comply with the unconstitutional conditions doctrine. Koontz v. St. Johns River Water Mgmt. Dist., 133 S. Ct. 2586, 2595 (2013). Under this doctrine, the BLM "may not leverage its legitimate interest in mitigation to pursue governmental ends that lack an essential nexus and rough proportionality to those impacts." Id. (Emphasis added). Conditioning permit approval includes two steps. Id.; see also Dolan v. City of Tigard, 512 U.S. 374, 387-88 (1994). First, the BLM cannot rely on attenuated relationships and gimmickry to claim a nexus between a proposed project and the environmental effects to be mitigated. Dolan, 512 U.S. at 387. Secondly, the BLM must make "individualized determinations" that the on-the-ground efforts are related in "both nature and extent to the impact of the proposed development." Id. at 389. Combined, these two steps ensure that the BLM will not overstep its considerable power over public land projects. In light of the above precedent, MS 1794 already misstates the law. MS 1794 only requires BLM to claim a "reasonable relationship" between a project and the benefit to be produced by mitigation, rather than only applying regional mitigation when there is an essential nexus between the project and its impacts plus a separate determination that the nature and extent of the mitigation required are roughly proportionate to the impacts. Dolan, 512 U.S. at 387. A "reasonable relationship," is an ubiquitous legal term that the US Supreme Court explicitly rejected because it would be easily confused with rational basis. Instead the court held that any condition must be roughly proportionate to the nature and extend of development impacts. Dolan, 512 U.S. at 392; Koontz v. St. Johns River Water Mgmt. Dist., 133 S. Ct. at 2595 (affirming need to justify condition on nexus and rough proportionality). An appropriate notice and comment period would allow the public to demonstrate the consequences of the BLM's misstated legal principles. Numerous agencies, landowners, employees and people involved in large resource development projects rely on federal policies for guidance, when those policies are incorrect or unclear, citizens and the environment pay the price.

Comment ID: 684
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: B.2.7 - Regional Mitigation Strategy Samson is concerned about the BLM's incorporation of the mitigation strategy described in BLM Draft Manual Section 1794. As this document has not been finally implemented or developed by the BLM and is only in draft form, it has no binding effect. The BLM should refrain from using non-final documents.

Summary: Throughout section 2.3.3 the BLM refers to BLM's Regional Mitigation manual, section 1794. To date, the BLM has not released BLM Manual 1794 in a final format. Instead, the BLM has merely released a preliminary draft section of the manual for public review and comment. It is wholly inappropriate for the BLM to rely upon this draft manual in the Draft LUP Amendments until it has been finally promulgated. MS 1794 Must Undergo Rulemaking With Notice and Comment: FLPMA explicitly provides that when dealing with public lands, the Secretary shall, . . . Promulgate rules and regulations to carry out the purposes of this Act and of other laws applicable to the public lands, and the Secretary of Agriculture, with respect to lands within the National Forest System, shall promulgate rules and regulations to carry out the purposes of this Act. The promulgation of such rules and regulations shall be governed by the provisions of chapter 5 of title 5 of the United States Code, without regard to section 553 (a) (2). Prior to the promulgation of such rules and regulations, such lands shall be administered under existing rules and regulations concerning such lands to the extent practical. FLPMA also provides for public comment on public land management and programs, policies, and guidelines. Undoubtedly, MS 1794 relates to the management of public lands, because BLM relies on FLPMA as its authority and MS 1794 significantly

impacts private property interests. BLM must, therefore, comply with FLPMA by undertaking rulemaking before attempting to implement regional mitigation. MS 1794 goes well beyond merely restating duties already contained in existing BLM regulations and cannot be considered an "interpretive rule." 5 U.S.C. § 553(a)(3)(A); Gen. Motors Corp. v. Ruckelshaus, 742 F.2d 1561, 1565. To the contrary, as explained below, MS 1794 purports to implement statutory authority under FLPMA, NEPA and ESA and imposes new obligations on private interests. It is instead, a "legislative rule." Legislative rules must undergo notice and comment pursuant to the Administrative Procedure Act (APA) to give interested parties ample opportunity to participate by submitting written data, views, analysis, and uniquely effected perspectives. Rulemaking also ensures that the regulatory costs are addressed by a cost-benefit analysis, Ex. Order 12,12,866, 3 C.F.R. Parts 638, 639, The Unfunded Mandates Reform Act of 1995, and Paperwork Reduction Act as well as disparate impacts on small businesses, Small Business Regulatory Enforcement Fairness Act and impacts on minority communities. BLM evades these important regulatory checks by implementing new authority without rulemaking. MS 1794 unquestionably imposes new obligations on private interests. MS 1794 states that BLM will "locate mitigation sites, projects, and measures . . . Where the impacts of the use authorization can be best mitigated . . . Regardless of land ownership." In other words, the BLM is claiming the authority to determine that the best site for mitigation is a privately-owned parcel outside the project area. Once located, the BLM will impose what it determines to be adequate management and protection measures to mitigate the effects for the entire lifetime of the project on those privately-owned parcels. The BLM may even demand legally binding "written assurances from the relevant . . . Surface owner . . . That mitigation conducted on those lands is agreed to and will receive adequate management, protection, [and] site access during the expected lifetime of the land-use authorization…" In effect, the BLM grants to itself a sweeping right to impose upon landowners significant obligations to comply with mitigation measures for projects with which landowners have absolutely no relation and apparently, without just compensation. This is a regulatory taking that violates the US and Wyoming Constitutions. US Constitution, Fifth amendment; Wyo. Const., Art. 1, §32; Pater v. City of Casper, 646 F.3d 1290, 1294-96 (holding that notice of lien that clouded title was a regulatory taking). Imposition of land use restrictions to mitigate a distant public land project is similarly a regulatory taking. It exceeds BLM's authority, which is limited to public lands. 43 U.S.C. §1702(e). Under MS 1794, existing rights, such as infrastructure, may also need to be removed. Roads, wells, pipes, transmission lines likely all qualify under BLM's undefined term "infrastructure" and those property rights appear to be either stripped or burdened in the name of mitigation throughout the Draft. Notice and comment as well as the rulemaking analysis are essential because landowners, citizens, and several interested agencies and local government entities may face the loss of existing property rights and new mitigation obligations. There is no question that expanding mitigation to a regional scale will increase regulatory costs and burdens on small businesses. BLM fails to address any of these adverse impacts. MS 1794 provides that "[w]hen conditioning a BLM authorization on the performance of mitigation outside the area of impact, the BLM should identify a "reasonable relationship" between the resources and values affected by the authorization and the resources and values benefitted by the mitigation." The relationship will be identified during the NEPA process and the BLM may expressly condition its approval on the applicant's commitment "to perform or cover the costs of mitigation, both onsite and outside the area of impact." Here, the BLM incorrectly states a well-established rule of law. When conditioning approval of a permit upon mitigating impacts of a proposed development, the BLM must comply with the unconstitutional conditions doctrine. Koontz v. St. Johns River Water Mgmt. Dist., 133 S. Ct. 2586, 2595. Under this doctrine, the BLM "may not leverage its legitimate interest in mitigation to pursue governmental ends that lack an essential nexus and rough proportionality to those impacts." Conditioning permit approval includes two steps. Id.; see also Dolan v. City of Tigard, 512 U.S. 374, 387-88. First, the BLM cannot rely on attenuated relationships and gimmickry to claim a nexus between a proposed project and the environmental effects to be mitigated. Dolan, 512 U.S. at 387. Secondly, the BLM must make "individualized determinations" that the on-the-ground efforts are related in "both nature and extent to the impact of the proposed development." Combined, these two steps ensure that the BLM will not overstep its considerable power over public land projects. In light of the above precedent, MS 1794 already misstates the law. MS 1794 only requires BLM to claim a "reasonable relationship" between a

project and the benefit to be produced by mitigation, rather than only applying regional mitigation when there is an essential nexus between the project and its impacts plus a separate determination that the nature and extent of the mitigation required are roughly proportionate to the impacts. Dolan, 512 U.S. at 387. A "reasonable relationship," is an ubiquitous legal term that the US Supreme Court explicitly rejected because it would be easily confused with rational basis. Instead the court held that any condition must be roughly proportionate to the nature and extend of development impacts. Dolan, 512 U.S. at 392; Koontz v. St. Johns River Water Mgmt. Dist., 133 S. Ct. at 2595 (affirming need to justify condition on nexus and rough proportionality).

Response: The Regional Mitigation Framework was developed to follow the BLM's Regional Mitigation Manual MS-1794, Forest Service Handbook FSH 1909.15, and CEQ 40 CFR 1508.20. Per IM 2013-142 the interim policy is effective and is to be implemented. A final policy is being developed, but in the interim, implement IM 2013-142. BLM manuals and handbooks can be developed and implemented without a rule-making. The Regional Mitigation manual is not a legislative rule requiring notice-andcomment rulemaking under the APA and is within BLM's broad authority to regulate the public lands. Moreover, the principles in the Regional Mitigation Framework are now undergoing notice-andcomment as part of this planning process. The fact that the Draft Manual (MS 1704 -BLM's Regional Mitigation Manual) has not been finalized does not mean the BLM is without authority to continue to consider the guidance set forth therein as it undertakes the current land use planning effort and that Draft Manual and its implementing IM specifically provides that it is to be followed pending finalization. The BLM is appropriately considering and evaluating the guidance set forth in the Draft Manual, in addition to any other relevant internal agency guidance, through the Greater Sage-grouse planning process. The objectives of the Draft Manual are to provide guidance to BLM on how to 1) develop regional mitigation strategies, (2) incorporate regional mitigation into the land use planning process, and (3) identify and implement appropriate mitigation measures for particular land-use authorizations.

Leasable Minerals

Mitigation measures

Develop collaborative mitigation programs

Comment ID: 653
Organization: Anadarko
Name: David Applegate

Comment: An Enhanced Mitigation/Expanded Use Authorizations Program would serve many benefits to both the sage-grouse population while also ensuring reasonable access and multi-use activities. It could allow for a reduced need for non-core sage-grouse timing stipulations which are often extremely costly and difficult for energy projects to effectively work around. Therefore timing stipulations should not be applied as a default requirement, but considered in light of a program balancing both wildlife protections and industrial activities. As it relates to the oil and gas industry, the ability to conduct coordinated and well planned operations during wildlife timing stipulations makes for faster, safer, less impactful and more efficient operations. An Enhanced Mitigation/Expanded Use Authorizations Program could allow operators to consistently apply techniques and practices, and to immediately implement lessons learned and reducing cycle times and decreasing temporal impacts for the overall operation. Anadarko welcomes the opportunity to meet with the agencies to further discuss and contribute to the development of such potential program.

Comment ID: 887
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: Tri-State requests that the Agencies initiate a dialogue with members of industry to develop a better understanding of the construction and operational constraints relative to the recommended conservation measures. Tri-State believes that such a dialogue would positively impact the Agencies understanding of other federal and state agency requirements, as well as general operational requirements for the transmission system as they move forward to implement reasonable and feasible conservation measures.

Comment ID: 140
Organization:
Name: CTVA Action Committee

Comment: Permits will include requirements for mitigation that promote genetic diversity, critical connectivity, and population viability. This is new language for industry. What agency would come up with these requirements and when would we see them?

Summary: The BLM and Forest Service should initiate a dialogue with members of industry to develop a better understanding of the construction and operational constraints relative to recommended conservation measures. An Enhanced Mitigation/Expanded Use Authorizations Program would serve many benefits to both the sage-grouse population while also ensuring reasonable access and multiuse activities. It could allow for a reduced need for non-core sage-grouse timing stipulations which are often costly and difficult for energy projects to effectively work around. Therefore, timing stipulations should not be applied as a default requirement, but considered in light of a program balancing both wildlife protections and industrial activities. As it relates to the oil and gas industry, the ability to conduct coordinated and well planned operations during wildlife timing stipulations makes for faster, safer, less impactful and more efficient operations. An Enhanced Mitigation/Expanded Use Authorizations Program could allow operators to consistently apply techniques and practices, to immediately implement lessons learned, reducing cycle times, and decreasing temporal impacts for the overall operation.

Response: Specific mitigation strategies, based on the Regional Mitigation Framework, will be developed by regional teams within one year of the issuance of the Record of Decision and be consistent with the BLM’s Regional Mitigation Manual MS-1794, Forest Service Handbook FSH 1909.15, and CEQ regulations at 40 CFR 1508.20.

Leasable Minerals

Mitigation measures

Opposition to mitigation policies, measures are overly prescriptive

Comment ID: 589
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM makes it clear in section 2.3.3 that it intends to rely on a significant level of off-site mitigation in order to protect and improve Greater Sage-Grouse habitat. BLM needs to reconsider the BLM's appeal policy regarding off-site mitigation in the Sage-Grouse DLUPA for several reasons. Sage-Grouse DLUPA pgs. 2-8 - 2-9. First, the BLM needs to ensure that its proposed requirements for off-site or voluntary mitigation are consistent with existing BLM policy. This provision is inconsistent with the BLM's current policy regarding off-site mitigation as expressed in BLM Instruction Memorandum No. 2008-204. Instruction Memorandum 2008-204 makes it clear that off-site mitigation may be offered voluntarily by a project proponent and can only be a condition of a permit on a site-specific basis, under very specific criteria. It is contrary to BLM's policy to require off-site mitigation for any and all surface

disturbing authorization. The Instruction Memorandum makes it clear that it "is not the intent of the policy to solicit or require aptly committed mitigation that exceeds the impact of the Applicant's proposed project. Furthermore, not all adverse impacts can or must be fully mitigated either on-site or off-site. A certain level of adverse impacts may be acceptable and should be identified during the environmental review and acknowledged in its decision document." Instruction Memorandum 2008-204, pg. 2. The BLM's current policy regarding off-site mitigation makes it absolutely clear that off-site mitigation is only required or appropriate when impacts cannot be mitigated to an acceptable level on-site. It is not intended to be applied in all circumstances. Such a position is contrary to BLM policy and past procedures. The BLM cannot require offsite mitigation for all oil and gas development. Such a policy ignores the fact that oil and gas development is an appropriate use of federal lands.

Comment ID: 542
Organization: Anadarko
Name: David Applegate

Comment: Anadarko requests that the agencies reconsider the sage-grouse mitigation measures set out in the Draft LUPA at Appendix B and discussed in more detail in Section II below, in light of the scientific information contained in these comments and the practical and economic implications of imposing mitigation measures not supported by scientific data. As currently drafted, some of the conservation and mitigation measures proposed in the Draft LUPA are overly prescriptive and are not supported by the best available science. Specifically, Anadarko offers these comments, as discussed in more detail in the following sections: 1. The agencies must consider data that shows sage-grouse populations are no longer declining as suggested by earlier literature; 2. The Draft LUPA does not adequately account for the Wyoming Core Area Policy and the rangewide protections afforded to sage-grouse by that policy; 3. Oil and gas activities must be considered under the lens of today’s technologies in use and actual development; 4. The agencies summary of sage-grouse threats in Northeastern Wyoming is overstated; 5. Oil and gas energy impacts are mischaracterized - summary conclusions; 6. Anadarko requests that the agencies amend the exception-request process to expressly allow for a programmatic process for reasonable access;

Comment ID: 1854
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: We oppose any requirement for compensatory mitigation unless it is offered voluntarily by a project proponent. Moreover, before an operator considers compensatory mitigation, BLM must scientifically demonstrate that protective requirements which are already in place to reduce or eliminate impacts associated with oil and gas activities on public lands are not sufficiently effective. We emphasize that industry is already obligated to conduct multiple resource surveys on behalf of BLM as well as to comply with numerous BMPs; COAs; restrictive regulatory thresholds; NEPA analyses; in addition to a host of additional federal agency and state requirements. We strongly recommend BLM provide a framework of compensatory mitigation which may be voluntarily considered by a project proponent. We are concerned that absent specific guidance, resource specialists could be predisposed to requiring compensatory mitigation whenever it suits them, without regard for need or implementation of operator committed mitigation measures.

Comment ID: 675
Organization: Anadarko
Name: David Applegate

Comment: The Wyoming Core Area Policy is designed to limit disturbances in Sage-grouse Core Area habitats and maintain sage-grouse population viability across the State of Wyoming. Stating that all new

energy development projects will require mitigation above and beyond the Wyoming Core Area Policy is fundamentally inconsistent with the informal stakeholder agreements that led to the establishment of the Core Area Policy. Establishing a monitoring program to determine if the Wyoming Core Area Policy is working would seem much more important and prudent than stating at this juncture that nearly all energy development projects will need to conduct mitigation beyond what is inherent to the Wyoming Core Area Policy, especially in light of the research noted previously from Doherty et al. (2010) that bolsters the effectiveness of this policy and its ability to mitigate impacts from development to a level that provides indiscernible impacts to sage-grouse. The Draft LUPA appears to create a framework whereby all projects will have additional regional mitigation elements required. This additional requirement is unnecessary given that the efficacy of the State of Wyoming's Core Area Policy, endorsed by the FWS, is working and will continue to work to maintain the viability of sage-grouse populations and the habitats on which they depend.

Comment ID: 447
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Yates has several concerns with the Regional Mitigation policy provided in BLM IM 2013-142, Draft Regional Mitigation Manual Section 1794 (Draft Manual), as referred to in Appendix B of the Draft LUPA and EIS. In general, BLM's policy was to place a priority on onsite mitigation while considering voluntary off-site mitigation projects. BLM has now adopted a policy that compels project mitigation outside a project area of impact at a regional scale. The Draft Manual proposes a one-size-fits-all approach to off-site mitigation on both federal and non-federal lands on an unprecedented landscape scale.

Comment ID: 2009
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page 4-336, Paragraph 2 It is imperative BLM clarify the term "disruptive activities" to ensure it specifically and clearly excludes operator well visits and routine maintenance. There are several reasons for this, not the least of which include environmental exposure and risk of an unknown release increases significantly if a well cannot be accessed on a regular or frequent basis (this is especially true during winter months), vandalism of equipment could occur which would be unknown until the site could be accessed after the closure, and if a well maliciously becomes active, response times for any resulting environmental impacts (spills, product releases, etc.) would be delayed significantly due to the need for extensive snow clearing to obtain access for equipment. In addition, extended periods of shut-in can result in reservoir damage which can significantly reduce the productive life and economic viability of a well.

Comment ID: 1533
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG does not believe the BLM's reliance upon off-site or voluntary mitigation is consistent with existing BLM policy. The BLM seems to assume off-site mitigation should be required for more projects, particularly under Alternative B and Alternative C. Sage-Grouse DLUPA, pgs. 2-135 – 2-136, Action No. 128. This provision is inconsistent with the BLM's current policy regarding off-site mitigation as expressed in BLM Instruction Memorandum No. 2008-204. The BLM cannot require offsite mitigation for all oil and gas development. Such a policy ignores the fact that oil and gas development is an appropriate use of federal lands.

Comment ID: 770

Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon does not believe the BLM's reliance upon compensatory off-site or voluntary mitigation is consistent with existing BLM policy. The BLM seems to assume that compensatory off-site mitigation should be required for more projects, particularly under Alternative B and Alternative C. Sage-Grouse DLUPA, pgs. 2-135- 2-136, Action No. 128. This provision is inconsistent with the BLM's current policy regarding off-site mitigation as expressed In BLM Instruction Memorandum No. 2088-24. 23 [BLM Instruction Memorandum 2008-204 expired in September 2009. To date, however, no additional guidance has been issued by the BLM, and thus this is the most current guidance regarding off-site or compensatory mitigation. Although the BLM released Instruction Memorandum 2014-142 on January 17, 2014, it did not contain any final, binding guidance]

Comment ID: 1467
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: As discussed earlier, EOG also objects to the BLM‘s attempt to impose site-specific mitigation measures in the Sage-Grouse DLUPA. The Supreme Court of the United States, in a unanimous decision, recognized that under FLPMA, and the BLM‘s own regulations, land use plans are not ordinarily the medium for making affirmative decisions. The Forest Service Planning Regulations and past Supreme Court decisions also recognize Forest Plans should not be used to make site-specific decisions.

Comment ID: 710
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: “Out-of-kind” mitigation is the “replacement or substitution of resources or values that are not the same type and kind as those impacted, but are related or similar.” Draft at 1-9. Initially, the Coalition notes that the BLM does not have legal authority to require out-of kind mitigation, and opposed outof- kind proposals have been rejected. See Methow Valley Citizens Council, 490 U.S. at 334 (“…although NEPA and CEQ regulations require detailed analysis of off-site mitigation measures, there is no basis to conclude that the [Agency’s] own regulations must also be read in all cases to condition permit issuance on consideration (and implementation) of such measures.”); see also 40 C.F.R. §1508.20. Even if required, the Coalition is confident that had the BLM chosen appropriate notice and comment procedures, this provision would be significantly altered, if not entirely deleted.

Comment ID: 1175
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is significantly opposed to the proposal to require full reclamation bonds for all oil and gas operations under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-77, Action No. 69. The BLM should not attempt to override national policies and regulations through a regional RMP. Given the release of Instruction Memorandum 2013-151 in July of 2013, the BLM absolutely must eliminate this proposal from the Sage-Grouse DLUPA.

Comment ID: 448
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Yates has additional concerns with the Draft Manual that include the following: 1) BLM has already begun "strategically pre-identifying" offsite mitigation areas without going through the NEPA process, 2) mitigation strategies will be developed outside the NEPA process, 3) BLM will develop mitigation obligations even for non-significant impacts contrary to the mandates of NEPA, 4) the Regional Mitigation policy appears contrary to the multiple use mandate of FLPMA, which recognizes mineral development is a principal use of federal lands, and 5) BLM can deny an application if they cannot reach an agreement on the scope and level of mitigation, which is inconsistent with existing law and may infringe upon valid existing rights. In light of these concerns Yates is opposed to the Draft Manual and its explicit adoption in the Draft LUPA and EIS. Yates would like to emphasize the BLM does not have the authority to implement such sweeping policy without going through the formal notice and comment rulemaking process. As such, Yates urges to eliminate this policy from the Draft LUPA and EIS.

Comment ID: 1778
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is very concerned about the onerous mitigation measures BLM intends to impose under all alternatives in order to protect sage-grouse. ConocoPhillips is particularly concerned because the BLM is utilizing oil and gas development in places such as Pinedale, Wyoming as the basis for the imposition of COAs and other lease stipulations. The oil and gas development that took place in the Pinedale Anticline and the Jonah Fields is unlikely to be repeated across much of Wyoming especially given improvements in technology since those fields were developed. The BLM places far too much emphasis on the Holloran study from 2005 and it should not be cited for the proposition that oil and gas development necessarily causes adverse impacts to GRSG given the limitations of the study. Sage-Grouse DLUPA, pg. 3-241. In discussing the Holloran study, and any potential conclusions derived therefrom, the BLM should specifically disclose the fact that the BLM purposely waived the seasonal and timing stipulations normally associated with GRSG leks and specifically allowed oil and gas operators in the area to drill near an active lek during the strutting season in order to assess the potential impacts. When discussing the potential impacts of fluid minerals on GRSG, the BLM often overstates potential impacts to the GRSG. Sage-Grouse DLUPA, pgs. 3-241 – 3-2-42. The BLM's statements are contradicted by other reports that have been prepared regarding GRSG. Ramey (2011). Additionally, Taylor et. Al., in 2007

Comment ID: 2242
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana does not believe the BLM's reliance upon off-site or voluntary mitigation is consistent with existing BLM policy. The BLM seems to assume off-site mitigation should be required for more projects, particularly under Alternative B and Alternative C. The BLM's current policy regarding offsite mitigation makes it absolutely clear that off-site mitigation is only required or appropriate when impacts cannot be mitigated to an acceptable level on-site. It is not intended to be applied in all circumstances. Such a position is contrary to BLM policy and past procedures. The BLM cannot require offsite mitigation for all oil and gas development. Such a policy ignores the fact that oil and gas development is an appropriate use of federal lands.

Comment ID: 3153
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: B.2 B- 2 Paragraph 1 We appreciate the recognition that BMPs are continually improving and that application of all BMPs may not be appropriate in all areas and/or situations, but should be applied in consideration of the specific circumstances associated with each project.

Summary: The mitigation measures BLM intends to impose under all alternatives in order to protect sagegrouse are onerous and not backed by science. The BLM places far too much emphasis on the Holloran study from 2005 and it should not be cited for the proposition that oil and gas development necessarily causes adverse impacts to Greater Sage-grouse given the limitations of the study. In discussing the Holloran study, and any potential conclusions derived therefrom, the BLM should specifically disclose the fact that the BLM purposely waived the seasonal and timing stipulations normally associated with Greater Sage-grouse leks and specifically allowed oil and gas operators in the area to drill near an active lek during the strutting season in order to assess the potential impacts. When discussing the potential impacts of fluid minerals on Greater Sage-grouse, the BLM often overstates potential impacts. The BLM's statements are contradicted by other reports such as Ramey (2011) and Taylor et al. (2007). The BLM cannot require compensatory off-site mitigation for all oil and gas development. This provision is inconsistent with the BLM's current policy regarding off-site mitigation as expressed In BLM Instruction Memorandum No. 2088-24. (BLM Instruction Memorandum 2008-204 expired in September 2009. To date, no additional guidance has been issued by the BLM. Although the BLM released Instruction Memorandum 2014-142 on January 17, 2014, it did not contain any final, binding guidance) .It is contrary to BLM's policy to require off-site mitigation for any and all surface disturbing authorization. The BLM's current policy regarding off-site mitigation makes it absolutely clear that off-site mitigation is only required or appropriate when impacts cannot be mitigated to an acceptable level on-site. It is not intended to be applied in all circumstances. Such a position is contrary to BLM policy and past procedures. The Draft LUP Amendments appears to create a framework whereby all projects will have additional regional mitigation elements required. This additional requirement is unnecessary given that the State of Wyoming's Core Area Policy, endorsed by the USFWS, is working and will continue to work to maintain the viability of sage-grouse populations and the habitats on which they depend. Compensatory mitigation should be offered voluntarily to a project proponent. Before an operator considers compensatory mitigation, BLM must scientifically demonstrate that protective requirements are not sufficiently effective. Industry is already obligated to conduct multiple resource surveys on behalf of BLM as well as to comply with numerous BMPs, COAs, restrictive regulatory thresholds, and NEPA analyses, in addition to a host of additional federal agency and state requirements. Remove the requirement for full reclamation bonds for all oil and gas operations under Alternative B and Alternative C. The BLM should not attempt to override national policies and regulations through a regional RMP. "Out-of-kind" mitigation is the "replacement or substitution of resources or values that are not the same type and kind as those impacted, but are related or similar." Draft at 1-9. BLM does not have legal authority to require out-of kind mitigation. See Methow Valley Citizens Council, 490 U.S. at 334 ("…although NEPA and CEQ regulations require detailed analysis of off-site mitigation measures, there is no basis to conclude that the [Agency's] own regulations must also be read in all cases to condition permit issuance on consideration (and implementation) of such measures."); see also 40 C.F.R. §1508.20. Even if required, had the BLM chosen appropriate notice and comment procedures, this provision would be significantly altered, if not entirely deleted. Clarify the term "disruptive activities" to ensure it specifically and clearly excludes operator well visits and routine maintenance. There are several reasons for this, not the least of which include environmental exposure and risk of an unknown release increases significantly if a well cannot be accessed on a regular or frequent basis (this is especially true during winter months), vandalism of equipment could occur which would be unknown until the site could be accessed after the closure, and if a well maliciously becomes active, response times for any resulting environmental impacts (spills, product releases, etc.) would be delayed significantly due to the need for extensive snow clearing to obtain access for equipment. In addition, extended periods of shut-in can result in reservoir damage which can significantly reduce the productive life and economic viability of a well.

Response: The BLM and Forest Service have developed a reasonable range of alternatives for the Draft LUP Amendments and Draft EIS. The BLM and Forest Service complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for this Draft EIS, including seeking public input and analyzing reasonable alternatives. Mitigation has been further defined as a Regional Mitigation Framework and is detailed in Appendix D. The Framework is incorporated in the Wyoming Draft LUP Amendment and Draft EIS and was developed to achieve a net conservation gain to the species by implementing conservation actions. Regional mitigation is a landscape-scale approach to mitigating impacts to resources. This involves anticipating future mitigation needs and strategically identifying mitigation sites and measures that can help achieve the greatest conservation benefit for Greater Sage-Grouse and its habitats. If impacts to Greater Sage-Grouse or its habitat from authorized land uses remain after applying avoidance and minimization measures, then compensatory mitigation projects will be used to fully offset impacts to achieve conservation benefits. Any compensatory mitigation will be durable, timely, and in addition to that which would have resulted without the compensatory mitigation. Specific mitigation strategies, based on the framework, will be developed by regional teams within one year of the issuance of the Record of Decision and be consistent with the BLM's Regional Mitigation Manual MS-1794, Forest Service Handbook FSH 1909.15, and CEQ regulations at 40 CFR 1508.20. The definition of "Disruptive Activities" can be found in the Draft EIS Glossary and states "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. In this context, disruptive activity/activities refers to those actions that alter behavior or cause the displacement of individuals such that reproductive success is negatively affected, or an individual's physiological ability to cope with environmental stress is compromised. This term does not apply to the physical disturbance of the land surface, vegetation, or features. When administered as a land use restriction (e.g., No Disruptive Activities), this term may prohibit or limit the physical presence of sound above ambient levels, light beyond background levels, and/or the nearness of people and their activities. The term is commonly used in conjunction with protecting wildlife during crucial life stages (e.g., breeding, nesting, birthing, etc.), although it could apply to any resource value on the public lands. The use of this land use restriction is not intended to prohibit all activity or authorized uses. For actions other than those taken for human health and safety, regulatory compliance or emergency, BLM must determine if any activity proposed in sage-grouse nesting, brood-rearing or WCA habitat is "disruptive" by determining if the activity would require people and/or the structure or activity to be present in these habitats for a duration of more than 1 hour during any one 24 hour period during the applicable season in the site-specific area."

Leasable Minerals

Noise

Opposition to noise restrictions

Comment ID: 438
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Alternative E uses the phrase "expected to reduce functionality of habitats" as a potential limit to project related noise. This is a vague term that cannot be clearly defined. As a result, it provides no consistency or predictability for the BLM or operators regulating and developing project operations. This makes implementation by the BLM difficult and operator compliance impossible. Yates requests BLM eliminate this vague stipulation from Alternative E and stick to a measurable noise level (i.e. dBA) based on actual ambient noise for regulating project noise levels.

Comment ID: 795
Organization: Devon Energy Corporation

Name: Randy Bolles

Comment: Under Alternative E, Devon is also opposed to noise restrictions similar to those proposed under Alternative 6 at the 0.6 mile perimeter around leks from March 1 to May 15. See Sage-Grouse DLUPA, pg. 4-240.This restriction has not been previously proposed, and the BLM has not demonstrated a sound scientific basis for such a restriction. As discussed earlier, Devon is adamantly opposed to the BLM's proposal to limit noise to less than 1Odba above ambient measures (20-24 dBA) at sunrise at the perimeter of a lek during active lek season under Alternative B. Sage-Grouse DLUPA, pg. 2-166- 2-167, Action No.136. Devon is also opposed to the BLM's assumption that background ambient levels are around 20 to .Z4dba. There is no science to support this across the Planning Area. Studies cited by the BLM in previous planning documents, including Patricelli and Bilckley did not find population declines as a result of noise associated with oil and gas operations. Rather, they observed a transient period of disturbance at leks where playing high level of noise occurred. Even if they stood for the propositions cited, there are numerous deficiencies with the indiscriminate use of the studies. These reports and others described in more detail in a report by Dr. Rob Ramey evaluating the NTT report. Absent scientific basis, the BLM cannot and should not impose such onerous restrictions oil and gas operations. Additionally, the proposals to limit noise above ambient levels is difficult because the BLM has not explained how background noise levels would be measured or quantified. As noted earlier, the BLM has not adequately supported with valid scientific justification the suggestion that noise levels should be limited above the 20dba to 24dba background level cited in the Sage-Grouse DLUPA. Finally, the BLM's restriction is unnecessarily onerous because 10dba is a very low threshold. Limiting noise levels from facilities to only 10dba above the ambient noise level is extraordinarily limiting, unreasonable, and not justified by current science.

Comment ID: 439
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: How can BLM establish a predetermined ambient noise level of 20-24 dBA when ambient noise is site specific and will vary by location? Yates requests BLM eliminate this predetermined range of ambient noise levels as proposed under Alternative B as it is not scientifically justified. Additionally, alternative B applies the proposed noise stipulation “during active lek season.” This is a vague time frame that should be redefined to establish consistency with EO 2011-5 (i.e. March 1 – May 15). Furthermore, to establish consistency with EO 2011-5, Yates requests BLM limit application of the noise stipulation from 6:00 p.m. to 8:00 a.m. during this time of year. Broader application of noise stipulations has not been justified by BLM.

Comment ID: 2075
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: B.2.4 Noise Page B-5, Paragraph 1 The reference to 20-24 decibels has no basis for being used as ambient. Varying ambient levels exist across the landscape depending upon terrain and wind. This item must be revised to allow site specific ambient levels to be determined instead of numerical metrics which cannot be duplicated across the landscape. We recommend this be revised to reflect the EO which limits noise to 10 dBA above ambient and directs that ambient noise be determined by measurements taken at the perimeter of a lek at sunrise during active lek season.

Comment ID: 634
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is adamantly opposed to the BLM's proposal to limit noise to less than 10dba at the parameter of a lek under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-166 - 2-167, Action No. 136. Samson is also opposed to the BLM's assumption that background ambient levels are around 20 to 24dba. There is no science to support this across the Planning Area. Absent scientific basis, the BLM cannot and should not impose such onerous restrictions oil and gas operations. Additionally, the proposal to limit noise above ambient levels is difficult because the BLM has not explained how background noise levels would be measured or quantified. As noted earlier, the BLM has not adequately supported with valid scientific justification the suggestion that noise levels should be limited above the 20dba to 24dba background level cited in the Sage-Grouse DLUPA. Finally, the BLM's restriction is unnecessarily onerous because 1Odba is a very low threshold. Just for the sake of comparison, a soft whisper approximates 20dba and the sound of leaves rustling or very soft music easily reaches 30dba. Normal human speech is usually as high as 60dba, and the sound of a lawnmower or shop tool can be as loud as 90dba. Limiting noise levels from facilities to only 10dba above the ambient noise level is extraordinarily limiting, unreasonable, and not justified by current science.

Comment ID: 1774
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM’s proposal to limit noise to less than 10dba at the parameter of a lek under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-166 – 2-167, Action No. 136. ConocoPhillips is also opposed to the BLM’s assumption that background ambient levels are around 20 to 24dba. There is no science to support this across the Planning Area. Additionally, the proposals to limit noise above ambient levels is difficult because the BLM has not explained how background noise levels would be measured or quantified. As noted earlier, the BLM has not adequately supported with valid scientific justification the suggestion that noise levels should be limited above the 20dba to 24dba background level cited in the Sage-Grouse DLUPA. Finally, the BLM’s restriction is unnecessarily onerous because 10dba is a very low threshold.

Comment ID: 440
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Yates generally supports the flexible approach to noise stipulations proposed under Alternative E. At a minimum, operators should retain the opportunity to gather ambient noise data at a specific location to establish the baseline ambient noise level. A predetermined ambient noise level may be unworkable. Yates further supports measuring noise levels at the 0.6 mile perimeter of the lek. Since the purpose of this stipulation is to protect GSG from excessive noise that may modify behavior, it makes sense to measure the noise level from the perimeter of a lek rather than create a blanket noise level threshold that applies to all facilities equally regardless of distance from the nearest lek. Measuring noise from a lek takes into account actual potential impact on GSG behavior.

Comment ID: 1544
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is adamantly opposed to the BLM‘s proposal to limit noise to less than 10dba at the perimeter of a lek under Alternative B and Alternative C. Sage-Grouse DLUPA, pgs. 2-166 – 2-167, Action No. 136. EOG is also opposed to the BLM‘s assumption that background ambient levels are around 20 to 24dba. There is no science to support this across the Planning Area. Absent scientific basis, the BLM cannot and should not impose such onerous restrictions on oil and gas operations. Additionally, the proposals to

limit noise above ambient levels is difficult because the BLM has not explained how background noise levels would be measured or quantified. As noted earlier, the BLM has not adequately supported with valid scientific justification the suggestion that noise levels should be limited above the 20dba to 24dba background level cited in the Sage-Grouse DLUPA. Finally, the BLM‘s restriction is unnecessarily onerous because 10dba is a very low threshold.

Comment ID: 781
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon Is adamantly opposed to the BLM's proposal to limit noise to less than 10dba above ambient measures (20-24 dBA) at sunrise at the perimeter of a lek under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-166 – 2-167, Action No. 136. Devon is also opposed to the BLM’s assumption that background ambient levels are around 20 to 24dba. There is no science to support this across the Planning Area. Studies cited by the BLM in previous planning documents, including Patricelli and Bilckley did not find population declines as a result of noise associated with oil and gas operations. Additionally, the proposals to limit noise above ambient levels is difficult because the BLM has not explained how background noise levels would be measured or quantified. Finally, the BLM's restriction is unnecessarily onerous because 10dba is a very low threshold.

Comment ID: 1204
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM’s proposal to limit noise to less than 10dba at the parameter of a lek under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-166 – 2-167, Action No. 136. Anschutz is also opposed to the BLM’s assumption that background ambient levels are around 20 to 24dba. There is no science to support this across the Planning Area. Additionally, the proposals to limit noise above ambient levels is difficult because the BLM has not explained how background noise levels would be measured or quantified. As noted earlier, the BLM has not adequately supported with valid scientific justification the suggestion that noise levels should be limited above the 20dba to 24dba background level cited in the Sage-Grouse DLUPA. Finally, the BLM’s restriction is unnecessarily onerous because 10dba is a very low threshold. Limiting noise levels from facilities to only 10dba above the ambient noise level is extraordinarily limiting, unreasonable, and not justified by current science.

Comment ID: 1605
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix E, Management Action #132, Alternative E, TLS, Noise levels affecting Greater Sage-Grouse leks inside designated core areas, pgs. E-17 – E-18 EOG is adamantly opposed to the BLM‘s proposal to limit noise to less than 10dba at the perimeter of a lek under Management Action #132. There is no science to support this across the Planning Area. Absent scientific basis, the BLM cannot and should not impose such onerous restrictions on oil and gas operations. Additionally, the proposals to limit noise above ambient levels is difficult because the BLM has not explained how background noise levels would be measured or quantified. As noted earlier, the BLM has not adequately supported with valid scientific justification the suggestion that noise levels should be limited above the 20dba to 24dba background level cited in the Sage-Grouse DLUPA. Finally, the BLM‘s restriction is unnecessarily onerous because 10dba is a very low threshold.

Comment ID: 1915

Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 136, Page 2-166 COMMENT: This provision is vague and ambiguous. BLM needs to fully explain how it will determine what measures will be used to gauge whether noise from an activity "would be expected to reduce functionality of habitats". The uncertainty regarding how BLM will judge such impacts upfront makes it difficult for a project proponent to determine the feasibility and viability of a potential project. Additionally, ambient noise conditions vary widely across Wyoming making it difficult to establish a sound level that could reasonably be uniform to all leks across GRSG range. Moreover, all studies need to be carefully peer reviewed to ensure proper noise protocols for collecting data are followed. Also, the phrase "specific new limitations appropriate to the type of project" is far too broad and consideration needs to be given to the economic and technical practicality of mitigation. Additionally, the criteria need to be specifically referenced in this provision.

Comment ID: 2279
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is adamantly opposed to the BLM's proposal to limit noise to less than 10dba at the parameter of a lek under Alternative B and Alternative C. Encana is also opposed to the BLM's assumption that background ambient levels are around 20 to 24dba. There is no science to support this across the Planning Area. Absent scientific basis, the BLM cannot and should not impose such onerous restrictions oil and gas operations. Additionally, the proposals to limit noise above ambient levels is difficult because the BLM has not explained how background noise levels would be measured or quantified. As noted earlier, the BLM has not adequately supported with valid scientific justification the suggestion that noise levels should be limited above the 20dba to 24dba background level cited in the Sage-Grouse DLUPA. Finally, the BLM's restriction is unnecessarily onerous because 10dba is a very low threshold. Limiting noise levels from facilities to only 10dba above the ambient noise level is extraordinarily limiting, unreasonable, and not justified by current science.

Comment ID: 2663
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page B-5, paragraph 2: The ambient measures (20-24 dBA) are extremely quiet and may not be representative of many leks. Furthermore, the term "sunrise" provides for only a very brief period. Suggest deleting "(20-24)" and further defining "sunrise" hours.

Comment ID: 2596
Organization: QEP Energy Company
Name: Mike Smith

Comment: The noise requirement in the preferred alternative is straight from the flawed and biased NTT report. The preferred alternative restricts noise to less than 10 decibels above ambient (20-24 db(A)) at the 0.6 mile perimeter of the lek. The studies cited in the NTT report were not able to find population declines as a result of noise from oil and gas operations. Rather, they observed a transient period of disturbance to GRSG at leks where playbacks of high levels of noise were conducted utilizing deficient equipment (substandard microphone, recorder, and playback speakers). Of equal importance is that the data from these studies is not publically available, which renders the results irreproducible. Therefore, QEP asks that current noise requirements stay in place until further research can be conducted to find concrete evidence on how GRSG respond to noise at various decibels.

Summary: Remove noise restrictions similar to those proposed under Alternative E at the 0.6 mile perimeter around leks from March 1 to May 15. The BLM has not demonstrated a sound scientific basis for such a restriction. BLM's proposal to limit noise to less than 10 decibels above ambient measures (20- 24 decibels) at sunrise at the perimeter of a lek under Alternatives B and C should be removed. Studies cited by the BLM in previous planning documents, including Patricelli and Bilckley did not find population declines as a result of noise associated with oil and gas operations. Rather, they observed a transient period of disturbance at leks where playing a high level of noise occurred. These reports and others are described in more detail in a report by Dr. Rob Ramey evaluating the NTT report. Absent a scientific basis, the BLM cannot and should not impose such onerous restrictions on oil and gas operations. BLM has not adequately supported with valid scientific justification the suggestion that noise levels should be limited above the 20 to 24 decibel background level. Ten decibels is a very low threshold. By comparison, a soft whisper approximates 20 decibels and the sound of leaves rustling or very soft music easily reaches 30 decibels. Normal human speech is usually as high as 60 decibels, and the sound of a lawnmower or shop tool can be as loud as 90 decibels. Limiting noise levels from facilities to only 10 decibels above the ambient noise level is extraordinarily limiting, unreasonable, and not justified by current science. Some commenters support the more flexible approach to noise stipulations proposed under Alternative E. At a minimum, operators should retain the opportunity to gather ambient noise data at a specific location to establish the baseline ambient noise level. A predetermined ambient noise level may be unworkable. Measuring noise levels at the 0.6 mile perimeter of the lek makes sense rather than creating a blanket noise-level threshold that applies to all facilities equally regardless of distance from the nearest lek. Ambient noise is site specific and varies by location. Eliminate the predetermined range of ambient noise levels (20-24 decibels) as proposed under Alternative B as it is not scientifically justified. Additionally, alternative B applies the proposed noise stipulation “during active lek season.” This is a vague time frame that should be redefined to establish consistency with EO 2011-5 (i.e. March 1 – May 15). Furthermore, to establish consistency with EO 2011-5, BLM should limit application of the noise stipulation from 6:00 p.m. to 8:00 a.m. during this time of year. Broader application of noise stipulations has not been justified by BLM. Alternative E uses the phrase “expected to reduce functionality of habitats” as a potential limit to project related noise. This is a vague term that cannot be clearly defined. As a result, it provides no consistency or predictability for the BLM or operators regulating and developing project operations. This makes implementation by the BLM difficult and operator compliance impossible. BLM should eliminate this vague stipulation from Alternative E and stick to a measurable noise level (i.e. decibels) based on actual ambient noise for regulating project noise levels. Moreover, all studies need to be carefully peer reviewed to ensure proper noise protocols for collecting data are followed. Also, the phrase “specific new limitations appropriate to the type of project” is far too broad and consideration needs to be given to the economic and technical practicality of mitigation. Additionally, the criteria need to be specifically referenced in this provision. The text in Appendix B, Page B-5, paragraph 2, limiting noise to ambient levels (20-24 decibels), is not representative of many leks. The term "sunrise" provides for only a very brief period. Delete the 20- 24 decibel requirement and further define "sunrise" hours.

Response: Blickley et al’s research on noise and Greater Sage-Grouse was included in the Draft EIS as Blickley J.L, D. Blackwood, and G.L. Patricelli. 2012. Experimental evidence for the effects of chronic anthropogenic noise on abundance of Greater Sage-Grouse at leks. Conservation Biology Vol. 26. No 3. 461-471. Additional publications have been considered and included, such as Blickley, J. L., K. R. Word, A. H. Krakauer, J. L. Phillips, S. N. Sells, J. C. Wingfield, and G. L. Patricelli. 2012b. Experimental chronic noise exposure is related to elevated fecal corticosteroid metabolites in lekking male Greater Sage-Grouse (*Centrocercus urophasianus*). This literature has been added to the noise section in the Final EIS. BLM has reviewed this literature and made no changes to the text as the preferred Alternative supports actively working with proponents to reduce impacts to Greater Sage-Grouse from noise sources.

Leasable Minerals

Predators

Predator RDFs should not be industry responsibility

Comment ID: 2133
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: APPENDIX F PREDATOR MANAGEMENT F.2. REQUIRED DESIGN FEATURES RELATIVE TO SAGEGROUSE PREDATORS IN LAND MANAGEMENT DECISIONS 9th Bullet Point We do not believe it is the project proponent's obligation to inventory predator populations. This could become an extensive project with large geographical areas involved. As such, this requirement needs to be removed.

Comment ID: 2134
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: APPENDIX F PREDATOR MANAGEMENT F.2. REQUIRED DESIGN FEATURES RELATIVE TO SAGEGROUSE PREDATORS IN LAND MANAGEMENT DECISIONS 10th Bullet Point Solar pumps can be expensive to purchase and install depending upon the depth of the water well and the volume of water being removed. Therefore, it is important that economic considerations should be considered with this requirement.

Summary: Appendix F predator-related RDFs should consider Industry costs and other economic considerations, specifically, on Page F-2, bullet 9, it is not the project proponent's obligation to inventory predator populations and on Page F-2, bullet 10, solar pumps can be expensive to purchase and install depending upon the depth of the water well and the volume of water being removed.

Response: Because of site-specific circumstances and regulatory constraints, some conservation measures may not apply to all activities (e.g., a resource or conflict is not present on a given site) and/or may require slight variations. Proposed variations in conservation measures will be analyzed and may be applied in the site-specific permitting process. The determination of adequate application of the mitigation measures and conservation actions for specific projects will remain with the BLM's and Forest Service's Authorized Officers.

Leasable Minerals

Produced Water

Restrict disposal of produced water

Comment ID: 1714
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Avoid the surface disposal of produced water unless it can be proven to be beneficial to sagegrouse and includes measures to preclude the spread of West Nile virus.

Comment ID: 1711
Organization: Center for Biological Diversity

Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Avoid the surface disposal of produced water129 unless it can be proven to be beneficial to sagegrouse and includes measures to preclude the spread of West Nile virus.

Summary: Avoid the surface disposal of produced water unless it can be proven to be beneficial to sage-grouse and includes measures to preclude the spread of West Nile virus.

Response: The BLM and Forest Service understands the potential threat to Greater Sage-Grouse from the West Nile virus and has made reference to it in the Draft EIS under the Chapter 4 Impacts Analysis (Section 4.14). The development of artificial ponds can increase the likelihood of the creation of pools of standing water, which can serve as mosquito breeding habitat, increasing the ability for West Nile virus to spread into landscapes otherwise not at risk to the pathogen (Walker and Naugle 2011). To prevent the spread of the West Nile virus, the Draft LUP Amendments/Draft EIS specifically addresses the design of artificial water impoundments to prevent mosquito breeding habitat (Appendix B).

Leasable Minerals

Range of alternatives

Alternatives B and C must not be adopted or are illegal

Comment ID: 1743
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: Overall, many of the alternatives in the Sage-grouse DLUPA are overly restrictive and unnecessarily limiting to oil and gas development in Wyoming, and should be eliminated from further consideration. The BLM's adoption of Alternative B or Alternative C would have devastating economic impacts upon the region, the State of Wyoming, and even the nation. Oil and gas development, even on existing leases, would be significantly hampered by the BLM's management actions under Alternative B or Alternative C. Although ConocoPhillips understands the importance of having a wide range of alternatives to satisfy the requirements of NEPA, the BLM must not adopt Alternative B or Alternative C. Under FLPMA, BLM is required to foster and develop mineral development, not stifle and prohibit such development. Alternative B and Alternative C do not comply with the BLM's multiple use mandate and must be eliminated. The overall minerals management under Alternative B and Alternative C is inappropriate because they limit oil and gas development. The adoption of Alternative B or Alternative C would curtail domestic production compared to both the baseline scenario and any of the other alternatives analyzed by the BLM. The loss of such an enormous energy supply is contrary to the best interests of the nation, and inconsistent with the Energy Policy Act of 2005. The removal of vast areas of lands from future oil and gas development and potential restrictions on existing leases under Alternative B or C would also restrict regional earnings, jobs, and tax revenue. According to the information presented in the Sage-Grouse DLUPA, the adoption of Alternative B or Alternative C would reduce regional earnings significantly and reduce local jobs over the current management. Further, the BLM has not analyzed or disclosed the potential impacts the restrictions on future leasing may have upon operations on existing leases. As the BLM acknowledges, a significant portion of the Planning Area is currently leased for oil and gas development. Sage-Grouse DLUPA, § 3.8.1. Some leases, however, are isolated, making them virtually impossible and not economically feasible to develop in their current state. The BLM must recognize, study, and report the economic impact that its decision to close significant portions of the Planning Area to leasing, or to make significant portions of the Planning Area available only with major constraints, will have upon future exploration and development in the area. It is not enough for the BLM to simply assert that existing lease

rights will be protected; the BLM must analyze further how existing lease rights will be impacted by future limitations on leasing and development and what protection it will afford existing leases in the above-described scenario.

Comment ID: 1735
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is particularly concerned about the onerous restrictions imposed on oil and gas development under Alternative B and Alternative C and strongly urges the BLM not to adopt either alternative.

Comment ID: 1282
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The BLM‘s adoption of Alternative B or Alternative C would have devastating economic impacts upon the region, State of Wyoming, and even the nation. Oil and gas development, even on existing leases, would be significantly hampered by the BLM‘s management actions under Alternative B or Alternative C. Although EOG understands the importance of having a wide range of alternatives to satisfy the requirements of NEPA, the BLM must not adopt Alternative B or Alternative C. In particular, Alternatives B and C are not reasonable alternatives because they virtually eliminate oil and gas development from the public lands contrary to the BLM‘s multiple use mandate. Under FLPMA, BLM is required to foster and develop mineral development, not stifle and prohibit such development. Alternative B and Alternative C do not comply with the BLM‘s multiple use mandate and must be eliminated.

Comment ID: 1140
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Oil and gas development, even on existing leases, would be significantly hampered by the BLM’s management actions under Alternative B or Alternative C. Although Anschutz understands the importance of having a wide range of alternatives to satisfy the requirements of NEPA, the BLM must not adopt Alternative B or Alternative C.

Comment ID: 722
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: From a National Environmental Policy Act of 1969 ("NEPA") perspective, Devon understands the need to analyze a range of alternatives but suggests the BLM was not required to analyze either Alternative B or Alternative C in detail given the inherently unreasonable nature of these alternatives. Given the drastic limitations Alternative B and Alternative C would have upon oil and gas development, neither of those alternatives is reasonable and they must not be selected. Devon urges the BLM not to adopt Alternative B or Alternative C because of the drastic adverse impacts they would have upon oil and gas development and, thus, on the economy of the Planning Area. Similarly, the BLM is not required to pursue alternatives that are not reasonable because they are not technically or economically feasible. For example, overly stringent restrictions or conditions of approval ("COAs"), such as requiring directional drilling In all Instances regardless of technical or economic considerations, may render development uneconomic and need not be analyzed. The restrictions included in both Alternatives B and C are not reasonable and, thus, neither is an appropriate alternative.

Comment ID: 1245
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Given the drastic limitations Alternative B and Alternative C would have upon oil and gas development, neither of their alternatives are reasonable and they must not be selected. EOG urges the BLM not to adopt either Alternative B or Alternative C because of the drastic adverse impacts they would have upon oil and gas development and, thus, on the economy of the Planning Area.

Comment ID: 1753
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM's proposal under Alternative B and Alternative C to close the vast majority of sage-grouse habitat to all fluid mineral leasing and development. Sage-Grouse DLUPA, pg. 2-63, Action No. 60. The BLM has not justified such closures of the federal estate nor has it complied with the withdrawal requirements of FLPMA. ConocoPhillips also believes the BLM has failed to adequately analyze the potential impact such a closure would have on existing operations. The BLM must recognize, study, and report the economic impact of its decision to close such a significant portion of the Planning Area to oil and gas leasing.

Comment ID: 1416
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Solid Leasable Minerals (other than Coal and Oil Shale), Page 2-86, Item #78. Alternatives B and C suggest that; "Priority habitat would be closed to non-energy leasable mineral leasing. This would include not permitting any new leases to expand an existing mine (Map 2-25)." It is unacceptable to close leasing completely as suggested by Alternatives B and C. These options are not consistent with the BLM's multiple use policy. Further, the assumption that closing leasing adjacent to currently operating facilities would reduce disturbance is incorrect, in fact it would result in increased disturbance across the range due to new infrastructure requirements. Lastly, the socioeconomic analysis provided in Appendix N does not include the socioeconomics associated with mining. Wyoming's economy is largely dependent on mining, and if Alternatives B or C are going to be considered further, as related to Solid Leasable Minerals, then a full socioeconomic analysis for mining must be completed. In that socioeconomic analysis, it would need to include impacts to international economies because much of the Solid Leasable Minerals are exported from Wyoming. As an example, approximately 50% of the natural soda ash produced in Wyoming is exported, which is then utilized to make products such as glass and detergents that are used worldwide. As an alternative, and to be consistent with the EO, we recommend that Solid Leasable Minerals be managed in accordance with the DDCT process inside core/priority habitat.

Comment ID: 1479
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is strenuously opposed to the BLM's proposal under Alternative B and Alternative C to close the vast majority of GRSG habitat to all fluid mineral leasing and development. Sage-Grouse DLUPA, pg. 2- 63, Action No. 60. The BLM has not justified such significant closures of the federal estate nor has it complied with the withdrawal requirements of FLPMA. EOG also believes the BLM has failed to adequately analyze the potential impact such a closure would have on existing operations. The BLM must

recognize, study, and report the economic impact of its decision to close such a significant portion of the Planning Area to oil and gas leasing.

Comment ID: 2053
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, the seasonal use prohibitions and restrictions proposed under Alternatives B and C are far too vague, and do not provide any useful information in terms of when the restrictions would apply and where (See Table 2-1 at 2-145 to 2-163), which is necessary to determine the potential impacts to operators or the intended benefits to sage-grouse and sagebrush habitat.

Comment ID: 1833
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: As evidenced in our discussion above, employment and tax revenue from oil and gas development is one of Wyoming's primary sources of employment and tax revenue. We, therefore, strongly oppose Alternatives A and B as they place unreasonable and unjustified restrictions on oil and gas development.

Comment ID: 2139
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Given the drastic limitations Alternative B and Alternative C would have upon oil and gas development, neither of their alternatives are reasonable and they must not be selected. Encana urges the BLM not to adopt either Alternative B or Alternative C because of the drastic adverse impacts they would have upon oil and gas development and, thus, on the economy of the Planning Area.

Comment ID: 2192
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is strenuously opposed to the BLM's proposal under Alternative B and Alternative C to close the vast majority of sage-grouse habitat to all fluid mineral leasing and development. The BLM has not justified such significant closures of the federal estate nor has it complied with the withdrawal requirements of FLPMA. Encana also believes the BLM has failed to adequately analyze the potential impact such a closure would have on existing operations. The BLM must recognize, study, and report the economic impact of its decision to close such a significant portion of the Planning Area to oil and gas leasing.

Comment ID: 2948
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Proposed alternatives B thru E will each remove massive tracts of land from multiple uses as established under FLPMA, remove substantial areas from mineral entry as established by the 1872 Mining Law and remove substantial areas from energy development as established by Energy Policy Act of 2005. Subordinating the requirements of these laws to sage grouse protection, a species that is only a candidate species not formally protected by law, and without substantial scientific evidence, is arbitrary, unreasonable

and inappropriate and is not likely to withstand legal scrutiny. Indeed, it would take an act of Congress, not an EIS, to override these laws. Removal of land from mineral entry assumes sage grouse preservation is the highest and best use of the land but this action is not supported under the Endangered Species Act or FLPMA. Instead of continuing down this path, the BLM should replace the proposed alternatives with new alternatives that respect each of the aforementioned laws while minimizing impacts to sage grouse.

Comment ID: 2218
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is strenuously opposed to the BLM's proposed limitation on surface disturbing operations, fluid minerals under Alternatives B, and C, and to a lesser extent, E. As already discussed, the BLM cannot impose such limitations on Encana's existing oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without NSO stipulations and, in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold.

Comment ID: 3046
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-63, action 60, alt C: This action essentially eliminates all oil and gas activity in the analyzed area aside from a couple areas in the southeast and east. This will result in large economic impacts to the State of Wyoming and should be reconsidered.

Comment ID: 3106
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 5 2- 195 Minerals and Energy Alt C This action essentially eliminates all oil and gas activity in the analyzed area aside from a couple areas in the SE and E. It seems as though there was no thought to the economic impact that this would result in the State of Wyoming.

Summary: The BLM‘s adoption of Alternative B or Alternative C would have devastating economic impacts upon the region, the State of Wyoming, and even the nation. Leasable mineral extraction, including oil and gas development, coal, oil shale, and other solid leasable minerals, even on existing leases, would be significantly hampered by the BLM‘s management actions under Alternative B or Alternative C. Although it is important to have a wide range of alternatives to satisfy the requirements of NEPA, the BLM must not adopt Alternatives B or C. In particular, Alternatives B and C are not reasonable because they virtually eliminate oil and gas development from public lands contrary to the BLM‘s multiple use mandate. Under FLPMA, BLM is required to foster and develop mineral development, not stifle and prohibit such development. In addition, the seasonal use prohibitions and restrictions proposed under Alternatives B and C are far too vague, and do not provide any useful information in terms of when the restrictions would apply, and where; which is necessary to determine the potential impacts to operators or the intended benefits to sage-grouse and sagebrush habitat.

Response: The BLM and the Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with NEPA. The CEQ regulations (40 CFR 1502.1) require that the BLM and the Forest Service consider reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and the Forest Service fully considered the management opportunities presented in the Analysis of the

Management Situation (AMS) and the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. As a result, five alternatives were analyzed in detail in the Draft LUP Amendments/Draft EIS that best addressed the issues and concerns identified by the affected public. Both the Forest Service's and BLM's planning processes allow for analysis and consideration of a range of alternatives in the Draft LUP Amendment/Draft EIS that identified and incorporated appropriate regulatory mechanisms to conserve, enhance, and restore Greater Sage-Grouse habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was achieved. The plan includes alternatives that provide a greater and lesser degree of restrictions in various use programs, but would not eliminate or invalidate any valid existing development rights.

Leasable Minerals

Range of alternatives

BLM cannot "close" oil and gas because it is a withdrawal

Comment ID: 567
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: FLPMA also requires the Secretary of the Interior to comply with specified procedural requirements before making a management decision that totally eliminates a principal or major use of the BLM public lands for a period of two or more years on a tract of land more than 100,000 acres in size. 43 U.S.C. § 1712(e). Oil and gas development is defined as a principal or major use of the public lands. 43 C.F .R. § 1702(1). Under Alternatives B and C, the BLM would make over 100,000 acres of oil and gas leasing unavailable for a period of two years or more, yet BLM has not complied with the clear and unequivocal requirements of FLPMA. BLM must notify Congress of its intent to close significant areas to future oil and gas development prior to finalizing the Sage-Grouse DLUPA. While the COT report says that "there is an urgent need to 'stop the bleeding' of continued population declines" it fails to cite hunting, which is the most well documented source of sage-grouse mortality with 207,433 sage-grouse harvested between 2001 and 2007. Moreover, peer review of the COT report was inadequate. A number of the relevant peer review regulations and guidance stress the importance of independence and the need to avoid conflicts of interest. In addition to conflicts of interest and reliance upon questionable data to assess threats, more than one reviewer cited real uncertainties regarding management and potential impacts on sage-grouse populations. In fact, "...the majority of the reviewers found that the report fell short of meeting its stated goals in several important areas, and they identified opportunities to better achieve those goals and improve its utility for decision making ....", Reviewers also identified an astonishing lack of reference to at least 15 relevant scientific papers. Given these significant flaws, we advise the BLM to reconsider its reliance on the COT report in the DLUPA To do otherwise would be inconsistent with the ESA, the Data Quality Act ("DQA") and current Presidential and Interior Department memoranda and orders.

Comment ID: 1261
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The BLM cannot escape the withdrawal requirements imposed by FLPMA by suggesting lands are not ―closed "to development, but merely ―administratively unavailable" to leasing for several reasons. First, the BLM's Land Use Planning Handbook does not recognize or authorize the BLM to make lands ―administratively unavailable " or ―removed." Rather, the Handbook only recognized closed or open with varying levels of constraint. Finally, regardless of whether the BLM terms the closure as ―unavailable,‖ eliminating the land from oil and gas leasing for the life of the plan still meets the definition of a withdrawal because they make large areas of the public lands unavailable for a significant period of

time. Such a formal closure constitutes a withdrawal. 43 U.S.C. § 1702(j). As such, the BLM must comply with the withdrawal requirements set forth in FLPMA. Because the BLM‘s decisions under Alternative B and Alternative C constitute a withdrawal, the Secretary is required to comply with certain procedural requirements because it is closing large portions of the Planning Area to oil and gas leasing. FLPMA also requires the Secretary of the Interior to comply with specified procedural requirements before making a management decision that totally eliminates a principal or major use of the public lands for a period of two or more years on a tract of land more than 100,000 acres in size.

Comment ID: 564
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Under Alternatives B and C, the BLM proposes to make large areas of land unavailable to oil and gas leasing. Closing an area to fluid mineral leasing constitutes a withdrawal under FLPMA. Under Alternative B, the BLM proposes to close almost 6,809,580 acres and render them unavailable for oil and gas leasing and under Alternative C, over 16,876,220 acres. Sage-Grouse DLUPA, pg. 2-195. Because closing areas to oil and gas leasing constitutes a withdrawal, the DOl will be required to comply with the procedural provisions of section 204 of FLPMA. 43 U.S.C. § 1714. The BLM cannot escape the withdrawal requirements imposed by FLPMA by suggesting lands are not "closed" to development, but merely "administratively unavailable" to leasing for several reasons. First, the BLM's Land Use Planning Handbook does not recognize or authorize the BLM to make lands "administratively unavailable" or "removed." Rather, the Handbook only recognized closed or open with varying levels of constraint. BLM Land Use Planning Handbook H-1601, Appd. C.I1.H., pgs. 23-24 (Rel. 1-169303/11/05). There is simply no distinction between areas "removed" from leasing and those that are closed. Finally, regardless of whether the BLM terms the closure as "unavailable," eliminating the land from oil and gas leasing for the life of the plan still meets the definition of a withdrawal because they make large areas of the public lands unavailable for a significant period of time. BLM is making a conscious, deliberate choice not to allow leasing in these areas. It is not merely deferring a few parcels from a particular lease sale. Such a formal closure constitutes a withdrawal. 43 U.S.C. § 1702(j).

Comment ID: 195
Organization: The 7L Livestock Company
Name: Doug Cooper

Comment: Map 2-8 shows this withdrawal as being closed to oil and gas leasing. There does not appear to be any explanation as to how this closure benefits sage grouse. I am concerned that this closure will adversely affect development of private minerals that are adjacent to the closed area. The plan should also make clear that the BLM can only prohibit surface occupancy on federal land and not on private surface/private minerals.

Comment ID: 565
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Section 204 of FLPMA requires the Secretary of the Interior to comply with certain procedural mandates prior to closing an area of 5,000 acres or more to mineral development. 43 U.S.C. § 1714. Because Alternatives B and C propose to close areas of 5,000 acres or more to mineral development, they must comply with section 204 of FLPMA. Among the other requirements imposed on the DOl is the requirement for the Secretary of the Interior, as compared to the Director of the BLM or a State Director, to make all withdrawals of federal lands. 43 U.S.C. § 1714(a). The Secretary--or a designee in the Secretary's office appointed by the President and confirmed by the Senate-is authorized to make withdrawals under FLPMA.

The Secretary is also required to provide notice of the proposed withdrawal in the Federal Register and conduct hearings regarding the withdrawal. 43 U.S.C. § 1714(b)(1), (h). Finally, the Secretary is required to notify both houses of Congress of the proposed withdrawal. See 43 C.F.R. § 1610.6. The notice must include information: (1) regarding the proposed use of the land; (2) an inventory and evaluation of the current natural resource uses and value of the land and adjacent public and private land which may be affected; (3) an identification of present users and how they will be affected; (4) an analysis of the manner in which the existing and potential uses are incompatible with or in conflict with the proposed uses; (5) an analysis of the manner in which such lands will be used in relation to the specific requirements for the proposed uses; (6) a statement as to whether suitable alternative sites are available; (7) a statement of the consultation which has been or will be had with other federal, regional, state, and local government bodies; (8) a statement regarding the potential effects of the withdrawal on the state, local, and regional economy; (9) a statement of the length of time needed for the withdrawal; (l0) the time and place of the hearings regarding the withdrawal; (II) the place where the records of the withdrawal can be examined; and (12) a report prepared by a qualified mining engineer, engineering geologist, or geologist, which shall include information on mineral deposits, mineral production, existing mining claims, and an evaluation of future mineral potential. 43 U.S.C. § 1 714(c)(2). To date, the DOl has not complied with the requirements set forth in section 204 of FLPMA. Prior to finalizing the Sage-Grouse Land Use Plan Amendment, the BLM must comply with these provisions and inform the public how it will be impacted.

Comment ID: 730
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM cannot escape the withdrawal requirements imposed by FLPMA by suggesting lands are not "closed" to development, but merely "administratively unavailable" to leasing for several reasons. First, the BLM's Land Use Planning Handbook does not recognize or authorize the BLM to make lands "administratively unavailable" or "removed." Finally, regardless of whether the BLM terms the closure as "unavailable," eliminating the land from oil and gas leasing for the life of the plan still meets the definition of a withdrawal because they make large areas of the public lands unavailable for a significant period of time. BLM is making a conscious, deliberate choice not to allow leasing in these areas. It is not merely deferring a few parcels from a particular lease sale. Such a formal closure constitutes a withdrawal. 43 U.S.C. § 1702(j). As such, the BLM must comply with the withdrawal requirements set forth in FLPMA. Because the BLM's decisions under Alternative B and Alternative C constitute a withdrawal, the Secretary is required to comply with certain procedural requirements because it is closing large portions of the Planning Area to oil and gas leasing. To date, the DOl has not complied with the requirements set forth in section 204 of FLPMA. Prior to approving the Sage- Grouse DLUPA, the BLM must comply with these provisions and inform the public how it will be impacted. Under Alternatives B and C, the BLM would make over 100,000 acres of oil and gas leasing unavailable for a period of two years or more, yet BLM has not complied with the clear and unequivocal requirements of FLPMA. BLM must notify Congress of its intent to close significant areas to future oil and gas development prior to finalizing the Sage-Grouse DLUPA.

Comment ID: 2351
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: Pursuant to FLMPA Section 204, only Congress or the Secretary of the Interior can legally enact a mineral withdrawal. Land Use Plans or RMPs cannot legally effect a mineral withdrawal. Restrictions on access to particular regions and minerals year-round through seasonal habitat restrictions, no surface occupancy stipulations or unjustified buffers is also a de-facto mineral withdrawal inconsistent with FLMPA Section 204.

Comment ID: 2430
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Burdensome regulations on particular habitat result in a defacto and impermissible withdrawal of BLM lands. Pursuant to FLMPA Section 204, only Congress or the Secretary of the Interior can legally enact a mineral withdrawal. Land Use Plans or RMPs cannot legally effect a mineral withdrawal. Restrictions on access to particular regions and minerals year-round through seasonal habitat restrictions, no surface occupancy stipulations or unjustified buffers is also a defacto mineral withdrawal inconsistent with FLMPA Section 204.

Comment ID: 2154
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Under Alternatives B and C, the BLM proposes to make large areas of land unavailable to oil and gas leasing. Closing an area to fluid mineral leasing constitutes a withdrawal under FLPMA. Because closing areas to oil and gas leasing constitutes a withdrawal, the DOI will be required to comply with the procedural provisions of section 204 of FLPMA. The BLM cannot escape the withdrawal requirements imposed by FLPMA by suggesting lands are not “closed” to development, but merely “administratively unavailable” to leasing for several reasons. First, the BLM’s Land Use Planning Handbook does not recognize or authorize the BLM to make lands “administratively unavailable” or “removed.” Rather, the Handbook only recognized closed or open with varying levels of constraint. Finally, regardless of whether the BLM terms the closure as “unavailable,” eliminating the land from oil and gas leasing for the life of the plan still meets the definition of a withdrawal because they make large areas of the public lands unavailable for a significant period of time. To date, the DOI has not complied with the requirements set forth in section 204 of FLPMA. Prior to approving the Sage- Grouse DLUPA, the BLM must comply with these provisions and inform the public how it will be impacted. BLM must notify Congress of its intent to close significant areas to future oil and gas development prior to finalizing the Sage-Grouse DLUPA.

Comment ID: 2960
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Alternative E, the Preferred Alternative, withdraws large tracts of land from mineral entry and also proposes additional land to be considered for withdrawal from mineral entry (areas highlighted in green on Map 2-23 "Alternative E Areas Withdrawn from Mineral Entry"). FLPMA does not allow BLM to use the planning process to withdraw lands from mineral entry, only Congress and the Secretary of the Interior may do so under very specific procedures, none of which has been followed here. The LUP also does not provide a description of the process or criteria that it believes will be used as the basis to remove said lands from mineral entry. Therefore, it is impossible for the public to comment on this significant and draconian measure of most of the LUP alternatives. Before proceeding with this alternative, the BLM must provide the public with the process and criteria for removing these lands from mineral entry so the public can provide comments as provided for by NEP A. Simply stating that these lands will be considered for removal from mineral entry" ... based on risk to the sage-grouse and its habitat in core habitat areas from conflicting locatable mineral potential and development" is wholly inadequate. NEPA requires a "hard look" and removing up to 3.44 million acres of land from locatable mineral entry based on the above quote does not constitute a hard look. Removing such large tracts of land from mineral entry and other uses under the auspices of a LUP conflicts with the multiple use mandate established by FLPMA, and the purposes of the Mining Law and the Mining and Minerals Policy Act. FLPMA specifically states that none of its land use planning provisions " ... shall in any way amend the Mining Law of 1872 or impair the rights of any locators

or claims under that Act. including. but not limited to. rights of ingress and egress" (43 U.S.C. § 1732(b). BLM must balance protection of wildlife with other land uses, including mining, and removal of millions of acres from mineral entry fails to strike a balance.

Summary: Closing an area to fluid mineral leasing constitutes a withdrawal under FLPMA. Because closing areas to oil and gas leasing constitutes a withdrawal, the DOI will be required to comply with the procedural provisions of section 204 of FLPMA. 43 U.S.C. § 1714. The BLM cannot escape the withdrawal requirements imposed by FLPMA by suggesting lands are not "closed" to development, but merely "administratively unavailable" to leasing for several reasons. First, the BLM's Land Use Planning Handbook does not recognize or authorize the BLM to make lands "administratively unavailable" or "removed." Rather, the handbook only recognized closed or open with varying levels of constraint. Alternative E, the Preferred Alternative, withdraws large tracts of land from mineral entry and also proposes additional land to be considered for withdrawal from mineral entry. FLPMA does not allow BLM to use the planning process to withdraw lands from mineral entry, only Congress and the Secretary of the Interior may do so under very specific procedures, none of which has been followed here. The LUP also does not provide a description of the process or criteria that it believes will be used as the basis to remove said lands from mineral entry. Therefore, it is impossible for the public to comment on this significant and draconian measure of most of the LUP alternatives. Before proceeding with this alternative, the BLM must provide the public with the process and criteria for removing these lands from mineral entry so the public can provide comments as provided for by NEPA. Simply stating that these lands will be considered for removal from mineral entry " ... based on risk to the sage-grouse and its habitat in core habitat areas from conflicting locatable mineral potential and development" is wholly inadequate. NEPA requires a "hard look" and removing up to 3.44 million acres of land from locatable mineral entry based on the above quote does not constitute a hard look.

Response: A withdrawal is not required in order to close lands to fluid mineral leasing and other discretionary uses. A withdrawal is only required to close lands to location and entry under the 1872 Mining Law. The BLM is aware of their requirement to notify the US Congress of any decision for mineral withdrawal on an aggregate of 5,000 acres or more, or removing one or more of the principle uses on 100,000 acres or more, as required by Sections 202 and 204 of FLPMA. In the event that BLM makes decisions that trigger such notification and reporting requirements, it will notify the Congress as required by law.

Leasable Minerals

Range of alternatives

BLM should adopt an alternative from the NTT report

Comment ID: 284
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The NTT report takes a much stricter approach to future mineral leasing. It recommends two alternatives: closing all priority habitat (Core Areas) to future leasing, or closing all priority habitat to future leasing unless it could be shown that proposed development would result in a net gain in sagegrouse populations for that Core Area. It is particularly important to begin now with the no-leasing approach to Core Areas, so that existing leases can begin to expire without renewal. Over the life of the RMP, a ‘no future leasing’ policy would reduce the acreage leased toward zero as existing leases expire unless they are held by production.

Summary: The NTT report takes a much stricter approach to future mineral leasing. It recommends two alternatives: closing all priority habitat (core areas) to future leasing, or closing all priority habitat to future leasing unless it could be shown that proposed development would result in a net gain in sagegrouse populations for that core area. It is particularly important to begin now with the no-leasing approach to core areas, so that existing leases can begin to expire without renewal. Over the life of the RMP, a 'no future leasing' policy would reduce the acreage leased toward zero as existing leases expire unless they are held by production.

Response: The NTT report was not the sole source of management decisions for the range of alternatives. A National Technical Team (NTT) was formed as an independent, science-based team to ensure that the best information about how to manage the Greater Sage-Grouse is reviewed, evaluated, and provided to the BLM and the Forest Service in the planning process. The group produced a report in December 2011 that identified science-based management considerations to promote sustainable Greater Sage-Grouse populations. The NTT is staying involved as the BLM and the Forest Service work through the strategy to make sure that relevant science is considered, reasonably interpreted, and accurately presented; and that uncertainties and risks are acknowledged and documented. In addition to the NTT report, the BLM and Forest Service used the COT report based upon the best scientific and commercial data available at the time that identifies key areas for Greater Sage-Grouse conservation, key threats in those areas, and the extent to which they need to be reduced for the species to be conserved, and the Summary of Science, Activities, Programs, and Policies That Influence the Rangewide Conservation of Greater Sage-grouse (*Centrocercus urophasianus*) (referred to as the BER) as additional sources of baseline information and management objectives. The range of alternatives is based upon analysis of public scoping comments as well as information provided in the NTT report, the BER, the COT report, Forest Service Interim Conservation Recommendations for Greater Sage-Grouse and Greater Sage-Grouse Habitat (2012), and state management plans. Input from the BLM and Forest Service interdisciplinary teams and cooperating agencies has also been incorporated. The BLM and Forest Service also incorporated information from scientific literature not included in the above recommendations (e.g., science regarding noise, tall structures, and roads). The alternatives represent different degrees of and approaches to balancing Greater Sage-Grouse species and habitat conservation among other resources and resource uses, competing human interests, land uses, and the conservation of natural and cultural resource values, while sustaining and enhancing ecological integrity across the landscape, including plant, wildlife, and fish habitat.

Leasable Minerals

Range of alternatives

BLM should adopt the DDCT tool

Comment ID: 767
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is opposed to the proposed restriction on road construction within four miles of an active sage-grouse lek under Alternative C. Not allowing new road construction within four miles of an active lek Will significantly hamper oil and gas development. Devon is opposed to the limitations on upgrading existing roads within sage-grouse core areas or habitat under all of the alternatives. Sage-Grouse DLUPA, pg. 2-99, Action No. 89. Such restrictions are inconsistent with Executive Order 2011-005 and BLM Wyoming Instruction Memorandum 2012-019. Rather than imposing strict prohibitions on road upgrading or reconstruction, Devon urges the BLM to utilize the DDCT policy as authorized under Executive Order 2011-005 and Wyoming Instruction Memorandum 2012-019. Given variable topography and habitat conditions, It Is more appropriate to allow the upgrading of existing roads on a case-by-case basis.

Comment ID: 619
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is opposed to the limitations on upgrading existing roads within sage-grouse core areas or habitat under all of the alternatives. Sage-Grouse DLUPA, pg. 2-99, Action No. 89. Such restrictions are inconsistent with Executive Order 2011-005 and BLM Wyoming Instruction Memorandum 2012- 019. Rather than imposing strict prohibitions on road upgrading or reconstruction, Samson urges the BLM to utilize the DDCT policy as authorized under Executive Order 2011-005 and Wyoming Instruction Memorandum 2012-019. Given variable topography and habitat conditions, it is more appropriate to allow the upgrading of existing roads on a case-by-case basis.

Comment ID: 449
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: It is unclear from the discussion in Appendix I how the BLMs interpretation and implementation of the DDCT mesh with EO 2011-5. For example, considering potential effects up to an 11-mile radius, and consideration of “large” or “small” projects is inconsistent with EO 2011-5. Yates urges BLM to explicitly adopt the DDCT strategy established in EO 2011-5 to eliminate confusion and establish consistency.

Comment ID: 1415
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Minerals Management, Page 2-62, Item #56. To be consistent with the EO, we recommend that minerals be managed in accordance with the DDCT process inside core/priority habitat.

Summary: To be consistent with Executive Order 2011-005 and Wyoming Instruction Memorandum 2012-019, minerals should be managed in accordance with the DDCT process inside core/priority habitat. It is unclear from the discussion in Appendix I how the BLM’s interpretation and implementation of the DDCT mesh with EO 2011-5. For example, considering potential effects up to an 11-mile radius, and consideration of “large” or “small” projects is inconsistent with EO 2011-5. BLM should adopt the DDCT strategy established in EO 2011-5 to eliminate confusion and establish consistency. Not allowing new road construction within four miles of an active lek as under Alternative C would significantly hamper oil and gas development. Rather than imposing strict prohibitions on road upgrading or reconstruction, BLM should adopt the DDCT tool. Given variable topography and habitat conditions, it is more appropriate to allow the upgrading of existing roads on a case-by-case basis.

Response: The BLM and Forest Service developed Alternative E based on the Wyoming Executive Order (WY EO 2011-5) Core Area Strategy, BLM WY IM 2010-012, BLM WY IM 2012-019, BLM WO IM 2012-044, the National Technical Team report, best available science, and input from the USFWS, State of Wyoming, cooperating agencies, and the public to create a management approach to both protect sage-grouse and allow for multiple use of public lands. For clarification, BLM WY IM 2012-019 defines a "large" project as including, but not limited to oil and gas field developments, wind energy farm/field development projects, large interstate transmission power lines and vegetation treatments that eliminate functional habitat for sage-grouse. The IM further clarifies that in all cases, the distances are only a suggested distance for evaluation and project specific distances for evaluation can be modified based on available data and information.

Leasable Minerals

Range of alternatives

BLM should apply the minimum standard to protect sage-grouse

Comment ID: 729
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Section 363 of the Energy Policy Act of 2005 requires the Secretary of the Interior and the Secretary of Agriculture to enter into a Memorandum of Understanding ("MOU") regarding oil and gas leasing and to ensure that lease stipulations are applied consistently, coordinated between agencies, and "only as restrictive as necessary to protect the resources for which the stipulations are applied." Based on Devon's review of the proposed alternatives in the Sage-Grouse DLUPA, the BLM did not follow the guidance in this MOU or the express direction in the Energy Policy Act of 2005 particularly with respect to Alternative B and Alternative C. The BLM must consider the Energy Policy Act MOU when selecting the agency's preferred alternative or adopting the Sage-Grouse DLUPA.

Comment ID: 562
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: BLM should ensure that stipulations developed for future oil and gas leasing are the least restrictive as necessary to adequately protect other resource values as amended by the Energy Policy Act of 2005. Section 363 of the Energy Policy Act of 2005 requires the Secretary of the Interior and the Secretary of Agriculture to enter into a Memorandum of Understanding ("MOU") regarding oil and gas leasing and to ensure that lease stipulations are applied consistently, coordinated between agencies, and "only as restrictive as necessary to protect the resources for which the stipulations are applied." Based on Samson's review of the proposed alternatives in the Sage-Grouse DLUPA, the BLM did not follow the guidance in this MOU or the express direction in the Energy Policy Act of 2005 particularly with respect to Alternative B and Alternative C. The BLM must consider the Energy Policy Act MOU when selecting the agency's preferred alternative or adopting the Sage-Grouse DLUPA.

Comment ID: 2143
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: When revising the Sage-Grouse DLUPA, the BLM should ensure that stipulations developed for future oil and gas leasing are the least restrictive as necessary to adequately protect other resource value as amended by the Energy Policy Act of 2005. Section 363 of the Energy Policy Act of 2005 requires the Secretary of the Interior and the Secretary of Agriculture to enter into a Memorandum of Understanding ("MOU") regarding oil and gas leasing and to ensure that lease stipulations are applied consistently, coordinated between agencies, and "only as restrictive as necessary to protect the resources for which the stipulations are applied." Based on Encana's review of the proposed alternatives in the Sage-Grouse DLUPA, the BLM did not follow the guidance in this MOU or the express direction in the Energy Policy Act of 2005 particularly with respect to Alternative B and Alternative C.

Summary: BLM should ensure that stipulations developed for future oil and gas leasing are the least restrictive as necessary to adequately protect other resource values as amended by the Energy Policy Act of 2005. Section 363 of the Energy Policy Act of 2005 requires the Secretary of the Interior and the Secretary of Agriculture to enter into a Memorandum of Understanding ("MOU") regarding oil and gas

leasing and to ensure that lease stipulations are applied consistently, coordinated between agencies, and "only as restrictive as necessary to protect the resources for which the stipulations are applied." The BLM did not follow the guidance in this MOU or the express direction in the Energy Policy Act of 2005 particularly with respect to Alternative B and Alternative C. The BLM must consider the Energy Policy Act MOU when selecting the agency's Preferred Alternative or adopting the Sage-Grouse Draft LUP Amendments.

Response: The BLM and the Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with NEPA. The CEQ regulations (40 CFR 1502.1) require that the BLM and the Forest Service consider reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. The range of alternatives in the Draft LUP Amendment/Draft EIS represented a full spectrum of options including an alternative designed to minimize impacts to other resources and resource uses (Alternative D). Additionally, the resulting action alternatives offer a range of possible management approaches for responding to planning issues and concerns identified through public scoping, and to maintain or increase Greater Sage-Grouse abundance and distribution in the planning area. While the goal is the same across alternatives, each alternative contains a discrete set of objectives and management actions and constitutes a separate LUP Amendment with the potential for different long-range outcomes and conditions.

Leasable Minerals

Range of alternatives

Do not renew expired mineral leases

Comment ID: 1614
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: The NTT report takes a much stricter approach to future mineral leasing. It recommends two alternatives: closing all priority habitat (Core Areas) to future leasing, or closing all priority habitat to future leasing unless it could be shown that proposed development would result in a net gain in sagegrouse populations for that Core Area. It is particularly important to begin now with the no-leasing approach to Core Areas, so that existing leases can begin to expire without renewal. Over the life of the RMP, a ‘no future leasing’ policy would reduce the acreage leased toward zero as existing leases expire unless they are held by production.

Comment ID: 1706
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Upon expiration or termination of existing leases, do not re-lease the area.

Summary: Upon expiration or termination of existing leases, do not re-issue new leases. The NTT report takes a much stricter approach to future mineral leasing. It recommends two alternatives: closing all priority habitat (core areas) to future leasing, or closing all priority habitat to future leasing unless it could be shown that proposed development would result in a net gain in sage-grouse populations for that core area. It is particularly important to begin now with the no-leasing approach to core areas, so that existing leases can begin to expire without renewal. Over the life of the LUP, a ‘no future leasing’ policy would reduce the acreage leased toward zero as existing leases expire unless they are held by production.

Response: Depending upon the commodity, leases can expire, be relinquished, or be cancelled. If there is a proposal for future leasing of the same lands, they would be subject to the final decision on the LUP management actions and alternatives including this and any other applicable Record of Decision.

Leasable Minerals

Range of alternatives

Exceptions, modifications, and waivers should be case-by-case

Comment ID: 1160
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM's proposed limitation on exceptions, waivers, and modifications to lease stipulations under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-62, Action No. 58. Anschutz does not believe it is appropriate for the BLM to limit potential management options with strict limitations on exceptions, waivers, and modifications within the DLUPA. . Rather, as discussed earlier in these comments, land use plans are intended to provide broad objectives and flexibility to support future management actions. For that reason, Anschutz supports the BLM's proposal to continue to consider exceptions, waivers, and modifications on a case-by-case basis under Alternative D and Alternative E.

Comment ID: 1752
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM's proposed limitation on exceptions, waivers, and modifications to lease stipulations under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2- 62, Action No. 58. ConocoPhillips does not believe it is appropriate for the BLM to limit potential management options with strict limitations on exceptions, waivers, and modifications within the DLUPA. Rather, as discussed earlier in these comments, land use plans are intended to provide broad objectives and flexibility to support future management actions. For that reason, ConocoPhillips supports the BLM's proposal to continue to consider exceptions, waivers, and modifications on a case-by-case basis under Alternative D and Alternative E. Sage-Grouse DLUPA, pg. 2-62, Action No. 58. ConocoPhillips believes the BLM should retain as much flexibility as possible to make site-specific decisions based on changing conditions and new information. ConocoPhillips particularly encourages the BLM to ensure it has sufficient flexibility to grant exceptions, modifications, and waivers to lease stipulations on a broad-based and programmatic method when appropriate.

Comment ID: 602
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is opposed to the BLM's proposed limitation on exceptions, waivers, and modifications to lease stipulations under Alternative B and Alternative C. Samson supports the BLM's proposal to continue to consider exceptions, waivers, and modifications on a case-by-case basis under Alternative D and Alternative E. Samson believes the BLM should retain as much flexibility as possible to make site-specific decisions based on changing conditions and new information. Samson particularly encourages the BLM to ensure it has sufficient flexibility to grant exceptions, modifications, and waivers to lease stipulations on a broad-based and programmatic method when appropriate. Many oil and gas operators in Wyoming are currently working with the SIGT to implement and develop comprehensive mitigation

strategies that would allow operators to pursue year-round development within sage-grouse habitat while meeting the state's conservation goals. The BLM should ensure that nothing in the Sage-Grouse DLUPA prohibits the BLM from considering and implementing these innovative conservation strategies.

Comment ID: 1477
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is opposed to the BLM‘s proposed limitation on exceptions, waivers, and modifications to lease stipulations under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-62, Action No. 58. EOG does not believe it is appropriate for the BLM to limit potential management options with strict limitations on exceptions, waivers, and modifications within the DLUPA. Rather, as discussed earlier in these comments, land use plans are intended to provide broad objective and flexibility to support future management actions. For that reason, EOG supports the BLM‘s proposal to continue to consider exceptions, waivers, and modifications on a case-by-case basis under Alternative D and Alternative E. Sage-Grouse DLUPA, pg. 2-62, Action No. 58. EOG believes the BLM should retain as much flexibility as possible to make site-specific decisions based on changing conditions and new information. EOG particularly encourages the BLM to ensure it has sufficient flexibility to grant exceptions, modifications, and waivers to lease stipulations on a broad-based and programmatic method when appropriate. Many oil and gas operators in Wyoming are currently working with the SGIT to implement and develop comprehensive mitigation strategies that would allow operators to pursue year-round development within GRSG habitat. The BLM should ensure that nothing in the Sage-Grouse DLUPA prohibits the BLM from considering and implementing these innovative conservation strategies.

Comment ID: 755
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is opposed to the BLM's proposed limitation on exceptions, waivers, and modifications to lease stipulations under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-62, Action No. 58. Devon does not believe it is appropriate for the BLM to limit potential management options with strict limitations on exceptions, waivers, and modifications within the DLUPA. Rather, as discussed earlier in these comments, land use plans are intended to provide broad objectives and flexibility to support future management actions. For that reason, Devon supports the BLM's proposal to continue to consider exceptions, waivers, and modifications on a case-by-case basis under Alternative D and Alternative E.

Comment ID: 2191
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is opposed to the BLM’s proposed limitation on exceptions, waivers, and modifications to lease stipulations under Alternative B and Alternative C. Encana does not believe it is appropriate for the BLM to limit potential management options with strict limitations on exceptions, waivers, and modifications within the DLUPA. For that reason, Encana supports the BLM’s proposal to continue to consider exceptions, waivers, and modifications on a case-by-case basis under Alternative D and Alternative E.

Summary: BLM should continue to consider exceptions, waivers, and modifications on a case-by-case basis as under Alternatives D and E. Many oil and gas operators in Wyoming are currently working with the SGIT to implement and develop comprehensive mitigation strategies that would allow operators to pursue year-round development within sage-grouse habitat while meeting the state's conservation goals. The BLM

should ensure that nothing in the Sage-Grouse Draft LUP Amendments prohibits the BLM from considering and implementing these innovative conservation strategies. Proposed limitations on exceptions, waivers, and modifications to lease stipulations under Alternative B and Alternative C should not be considered.

Response: Exceptions, modifications, and waivers are considered on a case-by-case basis under Alternatives D and E.

Leasable Minerals

Range of alternatives

Exceptions, waivers, and modifications should not be granted

Comment ID: 1361
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 58 provides "exceptions, waivers and modifications" to various requirements but the DEIS is completely silent regarding the impacts of these waivers. In data obtained from the Pinedale field office, we have seen that approximately 96% of the waiver requests are granted.

Summary: Action 58 provides "exceptions, waivers and modifications" to various requirements but the Draft EIS is completely silent regarding the impacts of these waivers. In data obtained from the Pinedale field office, approximately 96% of the waiver requests are granted.

Response: Not granting exceptions, modifications, and waivers is considered under Alternative B within priority habitat and under Alternative C within priority and general habitat.

Leasable Minerals

Range of alternatives

Mine Safety Act consistency

Comment ID: 2713
Organization: Solvay Chemicals, Inc.
Name: Tim Brown

Comment: All surface and underground mining operations must adhere to very specific safety practices as mandated by the Mine Safety Act of 1977. References in the draft plan are made to the State of Wyoming Executive Order (EO) No. 2011-5 but no reference is made to the Specific Stipulations on Page 12. Consistency with the EO regarding mining and miner safety must be addressed and maintained. Stipulation 2d in the EO states: "Surface disturbance and surface occupancy stipulations will be waived within the Core Area when implementing underground mining practices that are necessary to protect the health, welfare, and safety of miners, mine employees, contractors and the general public. The mining practices include but are not limited to bore holes or shafts necessary to: 1) provide adequate oxygen to an underground mine; 2) supply inert gases or other substances to prevent, treat, or suppress combustion or mine fires; 3) inject mine roof stabilization substances; and 4) remove methane from mining areas. Any surface disturbance or surface occupancy necessary to access the sites to implement these mining practices will also be exempt from any stipulation." In order to provide proper ventilation, boreholes and shafts must be placed over the workings of an underground mine, these locations are dictated by the location of the underground ore body or seam. These surface manifestations can and do currently exist in the Greater Sage Grouse Core Area.

Solvay Chemicals believes that the language in Stipulation 2d must be included in any alternative or any combination of alternatives that may be adopted.

Summary: All surface and underground mining operations must adhere to very specific safety practices as mandated by the Mine Safety Act of 1977. References in the draft plan are made to the State of Wyoming Executive Order (EO) No. 2011-5 but no reference is made to the Specific Stipulations on Page 12. Consistency with the EO regarding mining and miner safety must be addressed and maintained. Stipulation 2d in the EO states: "Surface disturbance and surface occupancy stipulations will be waived within the core area when implementing underground mining practices that are necessary to protect the health, welfare, and safety of miners, mine employees, contractors and the general public. The mining practices include but are not limited to bore holes or shafts necessary to: 1) provide adequate oxygen to an underground mine; 2) supply inert gases or other substances to prevent, treat, or suppress combustion or mine fires; 3) inject mine roof stabilization substances; and 4) remove methane from mining areas. Any surface disturbance or surface occupancy necessary to access the sites to implement these mining practices will also be exempt from any stipulation." In order to provide proper ventilation, boreholes and shafts must be placed over the workings of an underground mine, these locations are dictated by the location of the underground ore body or seam. These surface manifestations can and do currently exist in the Greater Sage-Grouse core area. The language in Stipulation 2d must be included in any alternative or any combination of alternatives that may be adopted.

Response: The Wyoming Greater Sage-Grouse LUP Amendments must be consistent with all federal laws and regulations (see 43 CFR 1610), including the Mine Safety Act. The Draft EIS sets consistency with all applicable law and regulations as one of the planning criteria (Draft EIS at 1-15.).

Leasable Minerals

Range of alternatives

Need to show areas open to oil and gas leasing

Comment ID: 739
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM's adoption of Alternative B or Alternative C would have devastating economic impacts upon the region, State of Wyoming, and even the nation. Oil and gas development, even on existing leases, would be significantly hampered by the BLM's management actions under Alternative B or Alternative C. Alternative B and Alternative C do not comply with the BLM's multiple use mandate and must be eliminated. The removal of vast areas of lands from future oil and gas development and potential restrictions on existing leases under Alternative B or C would also significantly restrict regional earnings, jobs, and tax revenue. Further, the BLM has not analyzed or disclosed the potential impacts the restrictions on future leasing may have upon operations on existing leases. The BLM must recognize, study, and report the economic impact of its decision to close significant portions of the Planning Area to leasing, or to make significant portions of the Planning Area only available with major constraints will have upon future exploration and development in the area. It is not enough for the BLM to simply assert that existing lease rights will be protected; the BLM must analyze further how existing lease rights will be impacted by future limitations on leasing and development and what protection it will afford existing leases in the above-described scenario. Contrary to the requirements of BLM's Land Use Planning Handbook H-1601, the BLM has not properly identified lands within the Planning Area that are open to oil and gas leasing with moderate constraints and those that are available only with major constraints.

Comment ID: 587

Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Contrary to the requirements of BLM's Land Use Planning Handbook H-1601, the BLM has not properly identified lands within the Planning Area that are open to oil and gas leasing with moderate constraints and those that are available only with major constraints. BLM Land Use Planning Handbook BLM Greater Sage-Grouse EIS Page 16 of44 H-1601, Appd. C.I1.H., pgs. 23 - 24 (Rel. 1-1693 03/11/05). The BLM should supplement the information contained in the Sage-Grouse DLUPA with this information as soon as possible.

Summary: Contrary to the requirements of BLM's Land Use Planning Handbook H-1601, the BLM has not properly identified lands within the planning area that are open to oil and gas leasing with moderate constraints and those that are available only with major constraints.

Response: Acreages by alternative of leasing restrictions with moderate (i.e. CSU) and major (i.e. NSO) constraints are detailed in Table 2-2 of the Draft EIS.

Leasable Minerals

Range of alternatives

Oil shale leasing not discussed specifically

Comment ID: 315
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM has failed to distinguish oil shale leasing from any of these other types of mineral leasing or location, which likewise have significant negative impacts on sage grouse habitats, habitat use, and population dynamics. BLM’s failure to consider impacts of oil shale leasing and development, and its failure to develop alternatives that protect sage grouse from oil shale leasing and the development that is reasonably foreseeable to follow, are both serious violations of NEPA that invalidate this Draft EIS.

Summary: BLM has failed to distinguish oil shale leasing from other types of mineral leasing or location, which will likewise have significant negative impacts on sage-grouse habitats, habitat use, and population dynamics. BLM’s failure to consider impacts from oil shale leasing and development, and its failure to develop alternatives that protect sage-grouse from oil shale leasing and the development that is reasonably foreseeable to follow, are both serious violations of NEPA that invalidate this Draft EIS.

Response: Alternatives that include stipulations for protection of sage-grouse habitat from oil shale resources were considered but eliminated from detailed analysis (see Section 2.2.2 of the Draft EIS). The lack of specific information regarding the technological requirements and environmental consequences that might be associated with the development of oil shale resources on the public lands also means that, with respect to this sage-grouse planning effort, it would be premature for the BLM to consider specific protective stipulations. The Oil Shale Tar Sands Programmatic EIS considered Greater Sage- Grouse habitat management in this planning area.

Leasable Minerals

Range of alternatives

Ongoing MLPs should be considered and acknowledged

Comment ID: 1799

Organization: The Wilderness Society
Name: Nada Culver

Comment: The Greater Little Mountain RMP is formally under consideration as part of the Rock Springs RMP revision. MLPs have also been proposed in the other RMPs being amended by this process, including Greater Adobe Town MLP (Rock Springs and Rawlins RMPs), Bates Hole MLP (Casper RMP) and Miller Mountain MLP (Pinedale RMP). 2 [http://www.blm.gov/wy/st/en/programs/energy/Oil_and_Gas/Leasing/reform.html] These MLPs can and should be incorporated into the final plans that will be approved prior to finalizing this sagegrouse EIS. BLM can then acknowledge the management approaches in those MLPs as part of analyzing and adopting conservation measures for management of sage-grouse habitat. We recommend that the BLM use the MLPs under consideration, as well as some of those proposed that overlap with important sage-grouse habitat, as a way to fulfill the purposes of this planning effort, and incorporate them into the analysis of alternatives.

Summary: The Greater Little Mountain RMP is formally under consideration as part of the Rock Springs RMP revision. MLPs have also been proposed in the other RMPs being amended by this process, including Greater Adobe Town MLP (Rock Springs and Rawlins RMPs), Bates Hole MLP (Casper RMP) and Miller Mountain MLP (Pinedale RMP). These MLPs can and should be incorporated into the final plans that will be approved prior to finalizing the Proposed LUP Amendments/Final EIS. BLM can then acknowledge the management approaches in those MLPs as part of analyzing and adopting conservation measures for management of sage-grouse habitat. BLM should use the MLPs under consideration, as well as some of those proposed that overlap with important sage-grouse habitat, as a way to fulfill the purposes of this planning effort, and incorporate them into the analysis of alternatives.

Response: The Draft LUP Amendments/Draft EIS contains only planning actions and does not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. Specific actions that may affect the area, such as MLPs, would conduct independent NEPA analyses for actions that could include site-specific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions would be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28).

Leasable Minerals

Range of alternatives

Oppose all alternatives

Comment ID: 2349
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA appreciates the difficult balancing act BLM must achieve when dealing with competing resources. However, BLM must recognize that the need for mineral development to reduce the Nation's reliance on foreign sources of the minerals, to maintain our way of life and defend the country, may in fact be greater than the need to conserve millions of acres of sage-grouse habitat. As such, BLM must demonstrate its compliance with the mandate under the Mining and Minerals Policy Act (30 U.S.C. §21(a)), and FLPMA (43 U.S.C. §1701(a)(12)) to recognize the Nation's need for domestic minerals.

Comment ID: 2317
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana does not support any of the Alternatives as drafted. The BLM's preferred management proposal would unreasonably restrict access and impose unnecessary and burdensome operational restrictions on oil and gas development. The BLM should find a more reasonable and balanced approach that promotes oil and gas development, respects valid existing lease rights, provides adequate flexibility for future site-specific planning decisions, and recognizes the limitations of the agency's authority and expertise.

Summary: The commenter does not support any of the Alternatives as drafted. The BLM's preferred management proposal would unreasonably restrict access and impose unnecessary and burdensome operational restrictions on oil and gas development. The BLM should find a more reasonable and balanced approach that promotes oil and gas development, respects valid existing lease rights, provides adequate flexibility for future site-specific planning decisions, and recognizes the limitations of the agency's authority and expertise. BLM must recognize that the need for mineral development to reduce the nation's reliance on foreign sources of the minerals, to maintain a way of life and defend the country, may in fact be greater than the need to conserve millions of acres of sage-grouse habitat. As such, BLM must demonstrate its compliance with the mandate under the Mining and Minerals Policy Act and FLPMA to recognize the Nation's need for domestic minerals.

Response: The BLM's FLPMA (Section 103(c)) defines "multiple-use" as the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people. Accordingly, the BLM is responsible for the complicated task of striking a balance among the many competing uses to which public lands can be put. The BLM's multiple-use mandate does not require that all uses be allowed on all areas of the public lands. The purpose of the mandate is to require the BLM to evaluate and choose an appropriate balance of resource uses which involves tradeoffs between competing uses. The FLPMA also directs the United States Department of the Interior, Bureau of Land Management to develop and periodically revise or amend its Resource Management Plans (RMPs), which guide management of BLM-administered lands, and provides an arena for making decisions regarding how public lands would be managed and used. Consistent with the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528–531) (MUSYA), the Forest Service manages National Forest System land to sustain the multiple-use of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land. Resources are managed through a combination of approaches and concepts for the benefit of human communities and natural resources. Land management plans guide sustainable, integrated resource management of the resources within the plan area in the context of the broader landscape, giving due consideration to the relative values of the various resources in particular areas. The Forest Service is required by statute to have a national planning rule: the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, requires the Secretary of Agriculture to issue regulations under the principles of the Multiple-Use Sustained-Yield Act of 1960 for the development and revision of land management plans. The Wyoming Greater Sage-Grouse LUP Amendments is a targeted amendment specifically addressing goals, objectives, and conservation measures to conserve Greater Sage- Grouse and to respond to the potential of it being listed (see Draft EIS Section 1.3, Purpose of and Need for the Land Use Plan Amendments). Both the Forest Service's and BLM's planning processes allow for analysis and consideration of a range of alternatives in the Draft LUP Amendments/Draft EIS that identified and incorporated appropriate regulatory mechanisms to conserve, enhance, and restore Greater Sage-Grouse habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was recommended. The plan includes alternatives that provide a greater and lesser degree of restrictions in various use programs, but would not eliminate or invalidate any valid existing development rights. Additionally, the BLM and the Forest Service developed the Wyoming Greater Sage-Grouse Draft LUP Amendments/Draft EIS with involvement from cooperating agencies to ensure that a balanced multiple-use management strategy to address the protection of Greater Sage-Grouse while allowing for utilization of renewable and nonrenewable resources on the public lands.

Leasable Minerals

Range of alternatives

Oppose timing restrictions or specific dates of closures

Comment ID: 777
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is also concerned that the BLM's proposed management action to apply seasonal closures would pose significant safety concerns to existing facilities. To the extent the BLM applies the limitation on even routine maintenance in this action, it is very possible minor issues necessitating repairs will not be timely corrected, which could contribute to significant or even catastrophic spills and other hazards. Devon encourages the BLM not to adopt this radical alternative. Further, seasonal closures may prohibit routine maintenance operations. As the BLM is aware, many types of routine oil and gas operations and maintenance activities occur year-round on active, producing oil and gas welts. BLM must recognize the routine nature of these activities, many of which do not even require BLM approval prior to the operations.

Comment ID: 630
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Under Alternative E, Samson objects to the BLM's proposal to expand seasonal limitation period by up to 14 days within sage-grouse core areas. Sage-Grouse DLUPA, pg. 2-146, Action No. 131. This limitation is inconsistent with the Wyoming Core Policy as expressed in Executive Order 2011-005. The Governor of Wyoming in conjunction with the Wyoming Game and Fish Department developed the Core Area Policy based upon the best scientific information available. As the BLM is aware, the Core Area Policy was specifically endorsed by the United States Fish and Wildlife Service as an appropriate mechanism to protect sage-grouse and sage-grouse habitat. It is inappropriate for the BLM to attempt to modify or alter the mitigation measures set forth in the Core Area Policy.

Comment ID: 775
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Under Alternative E, Devon objects to the BLM's proposal to expand seasonal limitation period within sage-grouse core areas by up to 14 days. Sage-Grouse DLUPA, pg. 2-146, Action No. 131. This limitation is inconsistent with the Wyoming Core Area Policy as expressed in Executive Order 2011-005. As the BLM is aware, the Core Area Policy was specifically endorsed by the United States Fish and Wildlife Service as an appropriate mechanism to protect sage-grouse and sage-grouse habitat. lt is inappropriate for the BLM to attempt to modify or alter the mitigation measures set forth in the Core Area Policy. If the BLM seeks to begin the seasonal limitation period before March 1, the BLM must at least correspondingly end the seasonal limitation period earlier by as many days.

Comment ID: 631
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is strenuously opposed to the management action under Alternative C that would impose seasonal restrictions on all exploratory development and other activities within priority habitat during the lekking, nesting, and early brood rearing seasons. Sage-Grouse DLUPA, pg. 2-151, Action No. 132, 133.

As the BLM is aware, current seasonal stipulations in most RMPs prohibit construction and drilling activities in specific crucial winter ranges, but do not prohibit routine production operations necessary to safely maintain facilities or other routine operations. It would be inappropriate for the BLM to preclude all production operations in crucial winter range areas. Such a decision would essentially preclude year-round production operations and would lead to a significant decrease in domestic energy production.

Comment ID: 632
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is also concerned that the BLM's proposed management action to apply seasonal closures would propose significant safety concerns to existing facilities. To the extent the BLM applies the limitation on even routine maintenance in this action, it is very possible minor issues necessitating repairs will not be timely corrected, which could contribute to significant or even catastrophic spills and other hazards. Samson encourages the BLM not to adopt this radical alternative. Further, seasonal closures may prohibit routine maintenance operations. As the BLM is aware, many types of routine oil and gas operations and maintenance activities occur year-round on active, producing oil and gas wells. BLM must recognize the routine nature of these activities, many of which do not even require BLM approval prior to the operations. See 43 C.F.R. § 3162.3-2 (subsequent well operations). The Sage-Grouse DLUPA does not indicate whether or if it intends to impose timing limitations on these routine activities in apparent violation of the BLM's regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval. Second closures will also prevent year-round production operations. Even the very threat of such a radical and unjustified restriction on production operations would seriously hamper future oil and gas development in the Planning Area because oil and gas operators would be unwilling to invest the millions of dollars necessary to drill an oil and gas well if they would be unable to produce the wells throughout the year. The BLM would effectively eliminate all oil and gas development in areas where production would be limited. Further, the BLM has not analyzed or considered the damage that could be done to oil and gas wells if they are shut-in on an annual basis. The BLM has also not analyzed the very real threat that federal minerals would be effectively drained by offsetting wells on State of Wyoming and private lands if federal wells are annually shut-in. The BLM must prepare this analysis in order to disclose the significant adverse impacts that would be associated with the closure of oil and gas development on a seasonal basis, including the potential loss of federal reserves and royalties. It also appears the BLM failed to consider the significant detrimental impact that a seasonal prohibition on oil and gas operations could have upon the local economy. By precluding production during several months of the year, the BLM would force operators to significantly reduce their workforces on an annual basis. The management action would create a seasonal boom and bust cycle with routine maintenance workers and pumpers being laid off annually. The inconsistent nature of the work would almost certainly reduce the number of local employees operators are able to hire, which would restrict or eliminate the long-term beneficial impacts of the oil and gas development to the local economy. The BLM's current socio-economic analysis does not account for this cycle. The BLM must eliminate this proposed management action under Alternative C. To the extent the BLM intends to apply these restrictions to existing leases, the BLM may be violating Samson's existing lease rights or engaging in a taking of Samson's property rights.

Comment ID: 1601
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix D, Management Action #127, Alternative E, TLS, Greater Sage-Grouse breeding, nesting and early brood-rearing habitat in designated core areas, pgs. E-10 – E-11 EOG is extremely opposed to the BLM‘s prohibition on surface disturbing or disruptive activities between March 1 and June

30 to protect GRSG breeding, nesting, and early brood-rearing habitat inside core areas. The BLM has extended the timing restriction from March 15 to March 1 in direct contradiction of Wyoming Executive Order 2011-005. The timing restriction is also inconsistent with BLM Instruction Memorandum WY-2012-019 (Feb. 10, 2012). The BLM should not impose timing restrictions from March 1 to March 15. The Wyoming Sage-Grouse Conservation Strategy developed by the State of Wyoming was specifically endorsed by the United States Fish and Wildlife Service as adequate to protect GRSG. The BLM should not modify or alter the timing restrictions set forth in that policy. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum. EOG is also concerned that the BLM‘s proposed management action to apply seasonal closures would result in significant safety concerns to existing facilities. To the extent the BLM applies the limitation on even routine maintenance in this action, it is very possible minor issues necessitating repairs will not be timely corrected, which could contribute to significant or even catastrophic spills and other hazards. Further, seasonal closures may prohibit routine maintenance operations. As the BLM is aware, many types of routine oil and gas operations and maintenance activities occur year-round on active, producing oil and gas wells. BLM must recognize the routine nature of these activities, many of which do not even require BLM approval prior to the operations. The Sage-Grouse DLUPA does not indicate whether it intends to impose timing limitations on these routine activities in apparent violation of the BLM‘s regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval.

Comment ID: 774
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is extremely opposed to the BLM's prohibition on surface disturbing or disruptive activities between March 1 and June 30 to protect sage-grouse breeding, nesting, and early broodrearing habitat inside core areas. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. The BLM has extended the timing restriction from March 15 to March 1 in direct contradiction of Wyoming Executive Order 2011-005. The timing restriction is also inconsistent with BLM Instruction Memorandum WY-2012-019 (Feb. 10, 2012). The BLM should not impose timing restrictions from March 1 to March 15. The Wyoming Sage-Grouse Conservation Strategy developed by the State of Wyoming was specifically endorsed by the United States Fish and Wildlife Service as adequate to protect sage-grouse. The BLM should not modify or alter the timing restrictions set forth in that policy. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum.

Comment ID: 1604
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix E, Management Action #130, Alternative D, TLS, Greater Sage-Grouse winter concentration areas supporting connectivity populations, pgs. E-15 – E-16 EOG is extremely opposed to the BLM‘s prohibition on surface disturbing or disruptive activities between November 15 and March 14 within winter concentration areas. The timing restriction is also inconsistent with BLM Instruction Memorandum WY-2012-019 (Feb. 10, 2012). The Wyoming Sage- Grouse Conservation Strategy developed by the State of Wyoming was specifically endorsed by the United States Fish and Wildlife Service as adequate to protect GRSG. The BLM should not modify or alter the timing restrictions set forth in that policy. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum. EOG is also concerned that the BLM‘s proposed management action to apply seasonal closures would result in significant safety concerns to existing facilities. Further, seasonal closures may prohibit routine maintenance operations. As the BLM is aware, many types of routine oil and gas operations and maintenance activities occur year-round on active, producing oil and gas wells.

BLM must recognize the routine nature of these activities, many of which do not even require BLM approval prior to the operations. The Sage-Grouse DLUPA does not indicate whether it intends to impose timing limitations on these routine activities in apparent violation of the BLM‘s regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval.

Comment ID: 776
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is strenuously opposed to the management action under Alternative C that would impose seasonal restrictions on all exploratory development and other activities within priority habitat during the lekking, nesting, and early brood rearing seasons. Sage-Grouse DLUPA, pg. 2-151, Action No. 132, 133. As the BLM is aware, current seasonal stipulations in most RMPs prohibit construction and drilling activities in specific crucial winter ranges, but do not prohibit routine production operations necessary to safely maintain facilities or other routine operations. It would be inappropriate for the BLM to preclude all production operations in crucial winter range areas. Such a decision would essentially preclude year-round production operations and would lead to a significant decrease in domestic energy production.

Comment ID: 820
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is extremely opposed to the BLM's prohibition on surface disturbing or disruptive activities between March 1 and June 30 to protect sage-grouse breeding, nesting, and early brood-rearing habitat inside core areas. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum.

Comment ID: 1190
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM’s seasonal restrictions on exploratory drilling under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. First, the BLM has not defined what constitutes exploratory drilling. What criterion has the BLM utilized to determine whether or not the proposed well is exploratory or not? The BLM must provide more information regarding this proposed management action in order for Anschutz to understand how it may impact its operations. Further, the proposed timing limitations are likely inconsistent with existing lease rights.

Comment ID: 1193
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM’s prohibition on surface disturbing or disruptive activities between March 1 and June 30 to protect sage-grouse breeding, nesting, and early brood-rearing habitat inside core areas. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. The BLM has extended the timing restriction from March 15 to March 1 in direct contradiction of Wyoming Executive Order 2011-005. The timing restriction is also inconsistent with BLM Instruction Memorandum WY-2012-019 (Feb. 10, 2012). The BLM should not impose timing restrictions from March 1 to March 15. The Wyoming Sage-Grouse Conservation Strategy developed by the State of Wyoming was specifically endorsed by the United States Fish and Wildlife Service as adequate to protect sage-grouse. The BLM should not modify or alter the

timing restrictions set forth in that policy. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum.

Comment ID: 1539
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is opposed to the BLM‘s seasonal restrictions on exploratory drilling under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. First, the BLM has not defined what constitutes exploratory drilling. What criterion will the BLM utilize to determine whether or not a proposed well is exploratory or not? The BLM must provide more information regarding this proposed management action in order for EOG to understand how it may impact its operations.

Comment ID: 1198
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is strenuously opposed to the management action under Alternative C that would impose seasonal restrictions on all exploratory development and other activities within priority habitat during the lekking, nesting, and early brood rearing seasons. Sage-Grouse DLUPA, pg. 2-151, Action No. 132, 133. As the BLM is aware, current seasonal stipulations in most RMPs prohibit construction and drilling activities in specific crucial winter ranges, but do not prohibit routine production operations necessary to safely maintain facilities or other routine operations. It would be inappropriate for the BLM to preclude all production operations in crucial winter range areas. Such a decision would essentially preclude year-round production operations and would lead to a significant decrease in domestic energy production.

Comment ID: 1770
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM’s prohibition on surface disturbing or disruptive activities between March 1 and June 30 to protect sage-grouse breeding, nesting, and early brood-rearing habitat inside core areas. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. The BLM has extended the timing restriction from March 15 to March 1 in direct contradiction of Wyoming Executive Order 2011-005. The timing restriction is also inconsistent with BLM Instruction Memorandum WY-2012- 019 (Feb. 10, 2012). The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum.

Comment ID: 1540
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is extremely opposed to the BLM‘s prohibition on surface disturbing or disruptive activities between March 1 and June 30 to protect GRSG breeding, nesting, and early brood-rearing habitat inside core areas. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. The BLM has extended the timing restriction from March 15 to March 1 in direct contradiction of Wyoming Executive Order 2011-005. The timing restriction is also inconsistent with BLM Instruction Memorandum WY-2012-019 (Feb. 10, 2012). The BLM should not impose timing restrictions from March 1 to March 15. The Wyoming Sage- Grouse Conservation Strategy developed by the State of Wyoming was specifically endorsed by the United States Fish and Wildlife Service as adequate to protect GRSG. The BLM should not modify or alter the timing

restrictions set forth in that policy. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum.

Comment ID: 1772
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is strenuously opposed to the management action under Alternative C that would impose seasonal restrictions on all exploratory development and other activities within priority habitat during the lekking, nesting, and early brood rearing seasons. Sage-Grouse DLUPA, pg. 2-151, Action No. 132, 133. As the BLM is aware, current seasonal stipulations in most RMPs prohibit construction and drilling activities in specific crucial winter ranges, but do not prohibit routine production operations necessary to safely maintain facilities or other routine operations. It would be inappropriate for the BLM to preclude all production operations in crucial winter range areas. ConocoPhillips is also concerned that the BLM's proposed management action to apply seasonal closures would propose significant safety concerns to existing facilities. Further, seasonal closures may prohibit routine maintenance operations. BLM must recognize the routine nature of these activities, many of which do not even require BLM approval prior to the operations. The Sage-Grouse DLUPA does not indicate whether or if it intends to impose timing limitations on these routine activities in apparent violation of the BLM's regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval. Second closures will also prevent year-round production operations. Further, the BLM has not analyzed or considered the damage that could be done to oil and gas wells if they are shut-in on an annual basis. The BLM has also not analyzed the very real threat that federal minerals would be effectively drained by offsetting wells on State of Wyoming and private lands if federal wells are annually shut-in. The BLM must prepare this analysis in order to disclose the significant adverse impacts that would be associated with the closure of oil and gas development on a seasonal basis, including the potential loss of federal reserves and royalties. It also appears the BLM failed to consider the significant detrimental impact seasonal prohibition on oil and gas operations could have upon the local economy. By precluding production during several months of the year, the BLM would force operators to significantly reduce their workforces on an annual basis. The BLM must eliminate this proposed management action under Alternative C.

Comment ID: 778
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The Sage-Grouse DLUPA does not indicate whether it intends to impose timing limitations on these routine activities in apparent violation of the BLM's regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval. Further, the BLM has not analyzed or considered the damage that could be done to oil and gas wells if they are shut-in on an annual basis. The BLM has also not analyzed the very real threat that federal minerals would be effectively drained by offsetting wells on State of Wyoming and private lands if federal wells are annually shutin.

Comment ID: 1769
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM's seasonal restrictions on exploratory drilling under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. First, the BLM has not defined what constitutes exploratory drilling. What criterion has the BLM utilized to determine whether or

not the proposed well is exploratory or not? The BLM must provide more information regarding this proposed management action in order for ConocoPhillips to understand how it may impact its operations. Further, the proposed timing limitations are likely inconsistent with existing lease rights.

Comment ID: 1893
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 134, Page 2-162 "Sage-grouse winter concentration areas: COMMENT: As the first part of this provision currently reads, it would prohibit activity throughout core areas that contain winter habitat for 7 months out of the year (March 15-June 30; December 1-March 14). This is unreasonable and needs to be changed to reflect that activities in winter concentration areas (not throughout core) are prohibited from December 1-March 14. Further, "disruptive activities" needs to be defined as not including routine maintenance and operator site visits. With regard to the part of this provision that reads, "Protection of additional areas of winter concentration that are not located within the current core area boundaries would be implemented where winter concentration areas are identified as supporting populations of sage-grouse that attend leks within core habitat." We recommend additional clarification be added to this section, like that contained in the EO which states additional winter concentration areas located outside core are "necessary for supporting biologically significant numbers of sage-grouse nesting in Core Population Areas." We also recommend language be included requiring winter concentration areas be verified with scientifically-based field assessments on a site-specific basis. Lastly, with regard to the language "Appropriate seasonal timing restrictions and habitat protections measures", clarification needs to be added outlining what appropriate seasonal timing restrictions are and who will consider, evaluate and determine the timing restrictions and habitat protection measures.

Comment ID: 1201
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is also concerned that the BLM's proposed management action to apply seasonal closures would propose significant safety concerns to existing facilities. To the extent the BLM applies the limitation on even routine maintenance in this action, it is very possible minor issues necessitating repairs will not be timely corrected, which could contribute to significant or even catastrophic spills and other hazards. Anschutz encourages the BLM not to adopt this radical alternative. Further, seasonal closures may prohibit routine maintenance operations. As the BLM is aware, many types of routine oil and gas operations and maintenance activities occur year-round on active, producing oil and gas wells. BLM must recognize the routine nature of these activities, many of which do not even require BLM approval prior to the operations. The Sage-Grouse DLUPA does not indicate whether or if it intends to impose timing limitations on these routine activities in apparent violation of the BLM's regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval. Second, closures will also prevent year-round production operations. Even the very threat of such a radical and unjustified restriction on production operations would seriously hamper future oil and gas development in the Planning Area because oil and gas operators would be unwilling to invest the millions of dollars necessary to drill an oil and gas well if they would be unable to produce the wells throughout the year. Further, the BLM has not analyzed or considered the damage that could be done to oil and gas wells if they are shut-in on an annual basis. The BLM has also not analyzed the very real threat that federal minerals would be effectively drained by offsetting wells on State of Wyoming and private lands if federal wells are annually shut-in. The BLM must prepare this analysis in order to disclose the significant adverse impacts that would be associated with the closure of oil and gas development on a seasonal basis, including the potential loss of federal reserves and royalties. It also appears the BLM failed

to consider the significant detrimental impact seasonal prohibition on oil and gas operations could have upon the local economy. The BLM must eliminate this proposed management action under Alternative C.

Comment ID: 629
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM's prohibition on surface disturbing or disruptive activities between March I and June 30 inside core areas must be revised. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. The BLM has extended the timing restriction from March 15 to March 1 in direct contradiction of Wyoming Executive Order 2011-005. The timing restriction is also inconsistent with BLM Instruction Memorandum WY- 2012-019 (Feb. 10, 2012). The BLM should not impose timing restrictions from March 1 to March 15. The Wyoming Sage-Grouse Conservation Strategy developed by the State of Wyoming was specifically endorsed by the United States Fish and Wildlife Service as adequate to protect sage-grouse. The BLM should not modify or alter the timing restrictions set forth in that policy. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum.

Comment ID: 1603
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix E, Management Action #130, Alternative D, TLS, Greater Sage-Grouse winter concentration areas inside designated core areas, pgs. E-14 – E-15 EOG is extremely opposed to the BLM‘s prohibition on surface disturbing or disruptive activities between November 15 and March 14 within winter concentration areas. The timing restriction is also inconsistent with BLM Instruction Memorandum WY-2012-019 (Feb. 10, 2012). The Wyoming Sage- Grouse Conservation Strategy developed by the State of Wyoming was specifically endorsed by the United States Fish and Wildlife Service as adequate to protect GRSG. The BLM should not modify or alter the timing restrictions set forth in that policy. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum. EOG is also concerned that the BLM‘s proposed management action to apply seasonal closures would result in significant safety concerns to existing facilities Further, seasonal closures may prohibit routine maintenance operations. As the BLM is aware, many types of routine oil and gas operations and maintenance activities occur year-round on active, producing oil and gas wells. BLM must recognize the routine nature of these activities, many of which do not even require BLM approval prior to the operations The Sage-Grouse DLUPA does not indicate whether it intends to impose timing limitations on these routine activities in apparent violation of the BLM‘s regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval.

Comment ID: 1602
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Appendix D, Management Action #128, Alternative E, TLS, Greater Sage-Grouse breeding, nesting and early brood-rearing habitat inside connectivity areas, pg. E-12 EOG is extremely opposed to the BLM‘s prohibition on surface disturbing or disruptive activities between March 1 and June 30 to protect GRSG breeding, nesting, and early brood-rearing habitat within four miles of a lek within connectivity areas. The BLM has extended the timing restriction from March 15 to March 1 in direct contradiction of Wyoming Executive Order 2011-005. The timing restriction is also inconsistent with BLM Instruction Memorandum WY-2012-019 (Feb. 10, 2012). The BLM should not impose timing restrictions from March 1 to March 15. The Wyoming Sage-Grouse Conservation Strategy developed by the State of Wyoming was

specifically endorsed by the United States Fish and Wildlife Service as adequate to protect GRSG. The BLM should not modify or alter the timing restrictions set forth in that policy. The BLM must revise the timing restrictions to be consistent with the existing Executive Order and BLM Instruction Memorandum. EOG also strongly opposes BLM‘s proposal to prohibit surface disturbance or disruptive activities within four miles of active leks. Given the variable topography of the planning area and ongoing land uses, there is substantial acreage within four miles of active leks that is not GRSG habitat. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM‘s blanket application of the four mile buffer contradicts the direction of the Greater Sage- Grouse Conservation Objectives Team Report published by the U.S. Fish and Wildlife Service.

Comment ID: 1542
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is strenuously opposed to the management action under Alternative C that would impose seasonal restrictions on all exploratory development and other activities within priority habitat during the lekking, nesting, and early brood rearing seasons. Sage-Grouse DLUPA, pg. 2-151, Action No. 132, 133. EOG is also concerned that the BLM‘s proposed management action to apply seasonal closures would result in significant safety concerns to existing facilities. EOG encourages the BLM not to adopt this radical alternative. Further, seasonal closures may prohibit routine maintenance operations. BLM must recognize the routine nature of these activities, many of which do not even require BLM approval prior to the operations. The Sage-Grouse DLUPA does not indicate whether it intends to impose timing limitations on these routine activities in apparent violation of the BLM‘s regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval. Seasonal closures will also prevent yearround production operations. Even the very threat of such a radical and unjustified restriction on production operations would seriously hamper future oil and gas development in the Planning Area because oil and gas operators would be unwilling to invest the millions of dollars necessary to drill an oil and gas well if they would be unable to produce the wells throughout the year. It also appears the BLM failed to consider the significant detrimental impact seasonal prohibition on oil and gas operations could have upon the local economy. By precluding production during several months of the year, the BLM would force operators to significantly reduce their workforces on an annual basis. The BLM must eliminate this proposed management action under Alternative C.

Comment ID: 1771
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: Under Alternative E, ConocoPhillips objects to the BLM’s proposal to expand seasonal limitation period by up to 14 days within sage-grouse core areas. Sage-Grouse DLUPA, pg. 2-146, Action No. 131. This limitation is inconsistent with the Wyoming Core Policy as expressed in Executive Order 2011-005. The Governor of Wyoming in conjunction with the Wyoming Game and Fish Department developed the Core Area Policy based upon the best scientific information available. As the BLM is aware, the Core Area Policy was specifically endorsed by the United States Fish and Wildlife Service as an appropriate mechanism to protect sage-grouse and sage-grouse habitat. It is inappropriate for the BLM to attempt to modify or alter the mitigation measures set forth in the Core Area Policy.

Comment ID: 2354
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: The lengthy seasonal timing and widespread distance limitations on priority/core habitat, occupied leks, sage-grouse nesting/early brood-rearing habitat, winter habitat, and winter concentration areas under all the alternatives would “further limit the ability of mineral operators to access operations during restricted seasons” (Ch. 4 at 4-109). AEMA contends these restrictions and limitations are illegal. The General Mining Law (30 U.S.C. 21, et.seq.) ensures pre-discovery access, use, and occupancy rights to enter lands open to location for mineral exploration and development. Prohibiting or restricting mineral exploration and development on lands co-located with sage-grouse habitat is contrary to the rights granted by § 22 of the General Mining Law; and therefore Alternatives B, C, E, and to a lesser extent Alternative D, must be revised. Loss of access to explore for and develop mineral deposits as a result of the various restrictions and prohibitions violates the rights guaranteed by the General Mining Law and in particular 30 U.S.C. § 22. Those restrictions and prohibitions must be removed from the various alternatives.

Comment ID: 2259
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is opposed to the BLM’s seasonal restrictions on exploratory drilling under Alternative B and Alternative C. First, the BLM has not defined what constitutes exploratory drilling. What criterion the BLM utilized to determine whether or not the proposed well is exploratory or not? The BLM must provide more information regarding this proposed management action in order for Encana to understand how it may impact its operations. Further, the proposed timing limitations are likely inconsistent with existing lease rights. As discussed above, the BLM cannot use the development of a land use plan to impose COAs or other limitations that are inconsistent with existing lease rights.

Comment ID: 2407
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Inappropriate reliance on "seasonal" restrictions. Alternatives in the DEIS restrict or prohibit geophysical and mining activities during Regional Winter Habitat, Regional Nesting Habitat and Regional Summer Habitat. The scientific rationale supporting these seasonal periods and the accompanying restrictions applicable to each period is absent from the Draft EIS. In some instances, BLM apparently used the movements of only a very few collared sage-grouse to determine landscape level habitat designations. All-encompassing regulations should not be based upon the movement of a limited number of collared sage-grouse that may not be representative. Moreover, it is unclear how BLM will use these landscape maps in the future, particularly if new scientific data emerges or if the sage-grouse is listed. BLM must account for project-level analyses and should not amend seasonal maps or how they are used with BLM management actions without going through a notice and comment process. In Alternative C, Chapter 2 page 2-65, seasonal restrictions would completely preclude geophysical exploration activities in breeding, nesting, brood rearing, and winter habitats during sage-grouse seasonal use of habitat. This would eliminate exploration drilling year round for some operations. Alternative B & C restricts nearly all mineral development and disruptive activities on seasonal timing areas and distance limitations for priority, nesting, brood rearing, winter habitats and winter concentrations areas. This is unjustified and unacceptable within BLM's multiple use mandates. In Alternative A, Chapter 2 page 2-163 for the Newcastle Field Office states "Surface disturbing and disruptive activities would be avoided in sage-grouse winter habitat from November 15 through March 14." If winter habitat restrictions and nesting habitat restrictions were implemented, this would only allow mining activities to take place from July 2nd to November 13th, thus reducing mining activities to a 4.5 month season on BLM land. While preferred Alternative E restricts activities for winter concentration areas, Alternative E properly acknowledges that exceptions and modifications can be made on a case-by-case basis for "activities in unsuitable habitat." However, "unsuitable habitat" is never defined. Such a concept should not just include existing anthropogenic

structures but should also account for the type of habitat present and any effects from wildfire or invasive species. Topographic features and current activities should be considered as natural buffers that may reduce the need for overly burdensome restrictions.

Comment ID: 2277
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is strenuously opposed to the management action under Alternative C that would impose seasonal restrictions on all exploratory development and other activities within priority habitat during the lekking, nesting, and early brood rearing seasons. Encana is also concerned that the BLM's proposed management action to apply seasonal closures would propose significant safety concerns to existing facilities. To the extent the BLM applies the limitation on even routine maintenance in this action, it is very possible minor issues necessitating repairs will not be timely corrected, which could contribute to significant or even catastrophic spills and other hazards. Encana encourages the BLM not to adopt this radical alternative. The Sage-Grouse DLUPA does not indicate whether or if it intends to impose timing limitations on these routine activities in apparent violation of the BLM's regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval. Second closures will also prevent year-round production operations. Further, the BLM has not analyzed or considered the damage that could be done to oil and gas wells if they are shut-in on an annual basis. The BLM has also not analyzed the very real threat that federal minerals would be effectively drained by offsetting wells on State of Wyoming and private lands if federal wells are annually shut-in. The BLM must prepare this analysis in order to disclose the significant adverse impacts that would be associated with the closure of oil and gas development on a seasonal basis, including the potential loss of federal reserves and royalties. It also appears the BLM failed to consider the significant detrimental impact seasonal prohibition on oil and gas operations could have upon the local economy. By precluding production during several months of the year, the BLM would force operators to significantly reduce their workforces on an annual basis. The BLM's current socioeconomic analysis does not account for this cycle. The BLM must eliminate this proposed management action under Alternative C.

Summary: Alternatives in the Draft LUP Amendments restrict or prohibit mineral development activities during regional winter habitat, regional nesting habitat, and regional summer habitat. The scientific rationale supporting these seasonal periods and the accompanying restrictions applicable to each period is absent from the Draft EIS. In some instances, BLM apparently used the movements of only a very few collared sage-grouse to determine landscape level habitat designations. All-encompassing regulations should not be based upon the movement of a limited number of collared sage-grouse that may not be representative. While Preferred Alternative E restricts activities for winter concentration areas, Alternative E properly acknowledges that exceptions and modifications can be made on a case-by-case basis for "activities in unsuitable habitat." However, "unsuitable habitat" is never defined. Such a concept should not just include existing anthropogenic structures but should also account for the type of habitat present and any effects from wildfire or invasive species. Topographic features and current activities should be considered as natural buffers that may reduce the need for overly burdensome restrictions. Specific seasonal and timing restrictions that may need to be modified or removed include: • Action 131: The BLM should not extend timing restrictions from March 15 to March 1. This is in direct contradiction to Wyoming Executive Order 2011-005. The timing restriction is also inconsistent with BLM Instruction Memorandum WY- 2012-019. The Wyoming Sage-Grouse Conservation Strategy developed by the State of Wyoming was specifically endorsed by the USFWS as adequate to protect Greater Sage-Grouse. The BLM should not modify or alter the timing restrictions set forth in that policy. Also, the BLM has not defined what constitutes exploratory drilling. What criterion has the BLM utilized to determine whether or not the proposed well is exploratory or not? • Actions 132 and 133: The BLM should not impose seasonal restrictions on all exploratory development and other activities within priority habitat during the lekking,

nesting, and early brood rearing seasons as under Alternative C. As the BLM is aware, current seasonal stipulations in most RMPs prohibit construction and drilling activities in specific crucial winter ranges, but do not prohibit routine production operations necessary to safely maintain facilities or other routine operations. It would be inappropriate for the BLM to preclude all production operations in crucial winter range areas. Seasonal closures would also propose significant safety concerns to existing facilities. To the extent the BLM applies the limitation on routine maintenance; it is very possible minor issues necessitating repairs will not be corrected in a timely manner, which could contribute to significant or even catastrophic spills and other hazards. The Draft LUP Amendments do not indicate whether or if it intends to impose timing limitations on these routine activities in apparent violation of the BLM's regulations. Further, the BLM has not indicated whether it intends to impose timing limitations on other routine subsequent operations, including those that require prior approval. Closures will also prevent year-round production operations. Even the very threat of such a radical and unjustified restriction on production operations would seriously hamper future oil and gas development in the planning area because oil and gas operators would be unwilling to invest the millions of dollars necessary to drill an oil and gas well if they would be unable to produce the wells throughout the year. The BLM would effectively eliminate all oil and gas development in areas where production would be limited. Further, the BLM has not analyzed or considered the damage that could be done to oil and gas wells if they are shut-in on an annual basis. The BLM has also not analyzed the very real threat that federal minerals would be effectively drained by offsetting wells on State of Wyoming and private lands if federal wells are annually shut-in. The BLM must prepare this analysis in order to disclose the significant adverse impacts that would be associated with the closure of oil and gas development on a seasonal basis, including the potential loss of federal reserves and royalties. It also appears the BLM failed to consider the significant detrimental impact that a seasonal prohibition on oil and gas operations could have upon the local economy. By precluding production during several months of the year, the BLM would force operators to significantly reduce their workforces on an annual basis. The management action would create a seasonal boom and bust cycle with routine maintenance workers and pumpers being laid off annually. The inconsistent nature of the work would almost certainly reduce the number of local employees operators are able to hire, which would restrict or eliminate the long-term beneficial impacts of the oil and gas development to the local economy. The BLM's current socio-economic analysis does not account for this cycle. • Action 134: Alternative A action for the Newcastle Field Office states "Surface disturbing and disruptive activities would be avoided in sage-grouse winter habitat from November 15 through March 14." If winter habitat restrictions and nesting habitat restrictions were implemented, this would only allow mining activities to take place from July 2nd to November 13th, thus reducing mining activities to a 4.5 month season on BLM land. • Action 134: As the first part of this provision currently reads, it would prohibit activity throughout core areas that contain winter habitat for 7 months out of the year (March 15-June 30; December 1- March 14). This is unreasonable and needs to be changed to reflect that activities in winter concentration areas (not throughout core) are prohibited from December 1-March 14. Further, “disruptive activities” needs to be defined as not including routine maintenance and operator site visits. With regard to the part of this provision that reads, “Protection of additional areas of winter concentration that are not located within the current core area boundaries would be implemented where winter concentration areas are identified as supporting populations of sage-grouse that attend leks within core habitat.” Additional clarification needs to be added, like that contained in the EO which states additional winter concentration areas located outside core are “necessary for supporting biologically significant numbers of sage-grouse nesting in core population areas.” Also include language requiring that winter concentration areas be verified with scientifically-based field assessments on a site-specific basis. Lastly, with regard to the language “Appropriate seasonal timing restrictions and habitat protections measures,” clarification needs to be added outlining what appropriate seasonal timing restrictions are and who will consider, evaluate, and determine the timing restrictions and habitat protection measures. These comments also apply to actions 127 and 128 of Appendix D and Action 130 of Appendix E.

Response: The BLM and the Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with NEPA. The CEQ regulations (40 CFR 1502.1) require that the BLM and the Forest Service consider reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Action 131: The issue of allowing waivers, exceptions, and modification was analyzed in the Draft EIS under a reasonable range of alternatives. Exploration is defined in the Glossary. Actions 132 and 133: Surface disturbing activities and disruptive activities are defined in the Glossary. Drainage of federal minerals needs to be addressed in the EIS. Add to each alternative in 4.8: "Drainage of federal minerals on areas closed to leasing or on leases that are shut in on an annual basis due to TLS may occur due to development on adjacent private or state lands." Economic impacts associated with seasonal restrictions are addressed qualitatively in Section 4.11.5 of the Proposed LUP Amendments/Final EIS. Action 134: The issue of allowing waivers, exceptions, and modification was analyzed in the Draft EIS under a reasonable range of alternatives. Under Alternative B and C, waivers, exceptions, and modifications would not be considered in sage-grouse habitat. Under the other alternatives, waivers, exceptions and modifications would be considered in order to provide flexibility when managing mineral development. Sage-grouse would be a primary consideration when determining and approving acceptable waivers, exceptions, and modifications. The final decision for this action will be included in the Record of Decision after completion of the public involvement process.

Leasable Minerals

Range of alternatives

Opposition to leasable mineral development

Comment ID: 218
Organization:
Name: jean public

Comment: I OPPOSE ALLOWING ANY DRILLING ON NATIONAL LANDS BY PROFITEERS.

Comment ID: 2771
Organization:
Name: Delia MCBRIDE

Comment: The AMERICANS that truly own this land want the cattle, oil and gas companies OFF our land. Keep the oil and gas companies OFF MY LAND.

Comment ID: 2777
Organization:
Name: Irene Fortune

Comment: Writing as someone who lives in the thick of oil/gas development in Colorado, I am asking for more stringent criteria before even more development is allowed. There is already a glut of gas and yet development proceeds at a breakneck pace - just to keep prices below green energy development. Each energy mode should pay for all its costs, including habitat replacement and restoration and air and water quality impacts.

Summary: Keep oil and gas operations off public lands or require more stringent measures to prevent ecological damage. Energy and minerals operations should pay for all their own costs, including habitat replacement and restoration.

Response: The BLM and the Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with NEPA. The CEQ regulations (40 CFR 1502.1) require that the BLM and the Forest Service consider reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.

Leasable Minerals

Range of alternatives

PACs should not be required

Comment ID: 1921
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page 2-176, Summary of impacts to Greater Sage-Grouse from Oil and Gas Development "The action alternatives include the following conservation measures identified in the COT Report specific to Energy Development: 1. Avoid energy development in PACs (Doherty et al. 2010)…2. If avoidance is not possible within PACs due to pre-existing valid rights, adjacent development or split estate issues, development should occur in non-habitat areas, including all appurtenant structures, with an adequate buffer that is sufficient to preclude impacts to sage-grouse habitat from noise and other human activities." PACs are not defined in this document. The COT Report defines PACs as Priority Areas for Conservation. BLM needs to clarify the justification and authorization of PACs within the BLM management protocols, as well as how the identification of these PACs comport with BLM and Wyoming's core area strategy that has already been adopted. We again remind BLM that with regard to valid existing rights, BLM is limited to negotiating the lease terms with existing owners if BLM wishes to impose newly developed restrictions. Further, operators can't always choose where development will occur (i.e. non-habitat areas) as development location is dependent upon geologic conditions.

Summary: Page 2-176, Summary of Impacts to Greater Sage-Grouse from Oil and Gas Development: PACs are not defined in this document. The COT report defines PACs as Priority Areas for Conservation. BLM needs to clarify the justification and authorization of PACs within the BLM management protocols, as well as how the identification of these PACs comport with BLM and Wyoming's core area strategy that has already been adopted.

Response: The Final EIS clarifies that the core areas are geographically identical to the USFWS's PACs identified in the COT report.

Leasable Minerals

Range of alternatives

Prohibit unitization if impacts will exceed cap

Comment ID: 2032
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: The preferred alternative (Alternative E) is close to meeting WWF's needs in this appendix. However, the following changes need to occur: Action #122 and 123 says, the "BLM may require the lessee or operator to enter into a unit agreement or drilling easement to facilitate the equitable development of this and surrounding leases." WWF believes requiring a unit will allow for development when the lease may not have been developed without the unit. This requirement could also allow disturbance in a 640 acre area

that already has 5% disturbance. We don't want the BLM to allow for additional disturbance. Provide the BLM and the FS with discretion to not sell a fluid mineral lease if the 5% disturbance has been met and if other mineral leases (fluid or solid) exist in the 640 acre area.

Summary: Requiring unitization will allow for development when the lease may not have been developed without the unit. This requirement could also allow disturbance in a 640-acre area that already has 5% disturbance. BLM should not allow for this additional disturbance. The plan should provide the BLM and Forest Service with the discretion to not sell a fluid mineral lease if the 5% disturbance has been met and if other mineral leases (fluid or solid) exist in the 640-acre area.

Response: Under the Proposed LUP Amendments, activities on BLM- and Forest Service-managed lands within core habitat would be required to comport with the 5% disturbance cap regardless of unitization.

Leasable Minerals

Range of alternatives

Rawlins lease stipulations/restrictions not in harmony with EO

Comment ID: 1158
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: As an initial matter, the BLM must utilize the ongoing land use planning exercise for the Sage-Grouse DLUPA to modify the existing Rawlins Resource Management Plan with respect to sage-grouse management. Despite the BLM's clear indication it would comply with the Wyoming Core Area Strategy as set forth in Instruction Memorandum WY-2010-012, WY-2010-013, Washington Office IM No. 2012-043 and Instruction Memorandum 2012-019, the Rawlins Field Office has consistently failed to comply with the terms and conditions of the Executive Order. Rather, the Rawlins Field Office has taken the position that it can apply timing restrictions anywhere sage brush plants are located under the terms of the Rawlins Resource Management Plan. The BLM should utilize this opportunity to ensure that the Rawlins Resource Management Plan is modified to strictly comply with the terms and conditions of the Wyoming Executive Order.

Comment ID: 599
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: As an initial matter, the BLM must utilize the ongoing land use planning exercise for the Sage-Grouse DLUPA to modify the existing Rawlins Resource Management Plan with respect to sage-grouse management. Despite the BLM's clear indication it would comply with the Wyoming Core Area Strategy as set forth in Instruction Memorandum WY-2010-012, WY-2010-013, Washington Office IM No. 2012-043 and Instruction Memorandum 2012-019, the Rawlins Field Office has consistently failed to comply with the terms and conditions of the Executive Order. Rather, the Rawlins Field Office has taken the position that it can apply timing restrictions anywhere it determines sage-grouse brood rearing and nesting habitat are located under the terms of the Rawlins Resource Management Plan. The BLM should utilize this opportunity to ensure that the Rawlins Resource Management Plan is modified to strictly comply with the terms and conditions of the Wyoming Executive Order.

Summary: Rawlins Field Office has consistently failed to comply with the terms and conditions of the Executive Order. The Rawlins Field Office has taken the position that it can apply timing restrictions anywhere sagebrush plants are located under the terms of the Rawlins Resource Management Plan. The

BLM should utilize this plan amendment to ensure that the Rawlins Resource Management Plan is modified to strictly comply with the terms and conditions of the Wyoming Executive Order.

Response: One of the purposes of the Wyoming Greater Sage-Grouse LUP Amendments is to incorporate appropriate sage-grouse conservation measures into the nine plans in Wyoming not already undergoing plan revisions (Section 1.3 of the Draft EIS). This includes the Rawlins RMP and Proposed LUP Amendments that is derived from the Wyoming Core Area Strategy.

Leasable Minerals

Range of alternatives

Reclamation bond language needs to be more specific

Comment ID: 2028
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Fluid Minerals Leased Estate – Chapter 2, page 2-77, action # 69: WWF does not agree with Alternative E as it is much too vague and on the topic of reclamation bonds, more descriptive language such as in alternative A is recommended. WWF believes more description will provide certainty to all stakeholders including the proponents and will reduce inadequate bond amounts.

Summary: Alternative E is much too vague and on the topic of reclamation bonds, more descriptive language such as in alternative A is recommended. More description will provide certainty to all stakeholders, including the proponents, and will reduce inadequate bond amounts.

Response: Appendix C, Section C.2.4, states "Reclamation plans should incorporate the standards set forth in Wyoming BLM Reclamation Policy as described in IM WY-2009-022 and in the corresponding Forest Service Manual/Handbook. In the future, this will be supported with more detailed guidance such as new reclamation bond standards, a statewide monitoring and reporting strategy, and sample templates for both reclamation and non-native and invasive species management plans. Specific reclamation information and other technical guidance will be forthcoming and posted on the Wyoming Reclamation web site (http://www.blm.gov/wy.st/en/programs/reclamation.html)."

Leasable Minerals

Range of alternatives

Restrictions should not be greater than under EO 2011-5

Comment ID: 402
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: several of the management decisions and stipulations provided under EO 2011-5 are less restrictive than those proposed under Alternatives B, C and E. Consequently, GSG habitat management decisions and stipulations that reach beyond what is required under EO 2011-5 violate BLMs “least restrictive stipulation” policy. As such, stipulations under Alternative B, C and E that are more restrictive than EO 2011-5 should not be considered in the Final LUPA and EIS/ROD. Upon development of the Preferred Alternative in the Final EIS and ROD, Yates urges BLM to adhere to its own policy and use the least restrictive stipulation possible to accomplish resource objectives and uses in the project area; EO 2011-5 may not always be the least restrictive option but it is a good standard to adhere to.

Comment ID: 412
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: By adhering to the permitting process provided for in EO 2011-5 (i.e. the DDCT process), it is possible to allow fluid mineral leasing and subsequent approval of oil and gas operations in areas currently precluded from leasing under Alternatives D and E (e.g. within 4- miles of a GSG lek, Winter Concentration Areas, an area < 640 contiguous acres) and under Alternatives B and C (i.e. GSG priority and general habitat areas). Ongoing oil and gas operations within CHA boundaries in Wyoming (subject to GSG permitting process and stipulations provided for in EO 2011-5) illustrate that making these areas administratively unavailable to oil and gas leasing is not necessary and overly restrictive. Yates suggests BLM take a more refined approach to restricting oil and gas leasing within GSG Core Areas and adopt the project/permit approval approach provided under EO 2011-5 rather than making such large areas administratively unavailable to leasing without considering actual suitability of GSG habitat and other site specific circumstances. Additionally, this proposed stipulation unnecessarily restricts BLMs flexibility for lease approval and possible future development of lease sizes <640 contiguous acres.

Comment ID: 1606
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG supports Alternative E if it is modified to comply with Executive Order 2011-005. As currently drafted the BLM‘s preferred management proposal would unreasonably restrict access and impose unnecessary and burdensome operational restrictions on oil and gas development. The BLM should find a more reasonable and balanced approach that promotes oil and gas development, respects valid existing lease rights, provides adequate flexibility for future site-specific planning decisions, and recognizes the limitations of the agency‘s authority and expertise.

Comment ID: 413
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: A minimum lease size of 640 contiguous acres of federal mineral estate within GSG core habitat areas is inconsistent with EO 2011-5 and has not been justified by BLM. EO 2011-5 and Alternative E both limit surface disturbance to 1/640 acres. However, this does not require that all lease sizes be > 640 acres. The 5% surface disturbance cap and well density stipulations provided under EO 2011-5 and Alternative E were developed and can be applied to broad areas comprised of multiple leaseholds. Additionally, establishing the proposed minimum lease size may prohibit BLM from leasing desirable acreage with oil and gas development potential (e.g. when a small portion of the surrounding area is determined unleasable due to various resource protections). As such, Yates urges BLM to eliminate the 640 acre minimum lease size as currently proposed under Alternative E.

Comment ID: 600
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM should recognize provisions of Wyoming Executive Order 2011-005 that excludes existing land uses, including oil and gas development within existing federal exploratory units. See Executive Order 2011-005, pg. 2, paragraph 2. A significant component of Wyoming Executive Order 2011-005 is a continuation of existing operations. Samson believes it is inappropriate for the BLM to depart

so significantly from the strategy set forth in the Executive Order. Samson encourages the BLM to reinstate this provision in the final land use plan.

Comment ID: 1475
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is opposed to the BLM‘s decision not to recognize provisions of Executive Order 2011-005 that excludes existing land uses, including oil and gas development within existing federal exploratory units. See Executive Order 2011-005, pg. 2, paragraph 2. A significant component of Executive Order 2011-005 is a continuation of existing operations. EOG believes it is inappropriate for the BLM to depart so significantly from the strategy set forth in the Executive Order. EOG encourages the BLM to reinstate this provision in the final land use plan.

Comment ID: 1751
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM’s decision not to recognize provisions of Executive Order 2011- 005 that exclude existing land uses, including oil and gas development within existing federal exploratory units. See Executive Order 2011-005, pg. 2, paragraph 2. A significant component of Executive Order 2011-005 is a continuation of existing operations. ConocoPhillips believes it is inappropriate for the BLM to depart so significantly from the strategy set forth in the Executive Order. ConocoPhillips encourages the BLM to reinstate this provision in the final land use plan.

Comment ID: 411
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: fluid mineral leasing restrictions proposed under Alternatives D and E that utilize leasing stipulations are inconsistent with EO 2011-5. Additionally, closing priority and general GSG habitat as proposed under Alternatives B and C is inconsistent with the approach taken in EO 2011-5. These fluid mineral leasing management decisions are overly restrictive and are not necessary to protect GSG habitat from potential adverse impacts associated with oil and gas operations.

Comment ID: 415
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Prohibiting all new surface occupancy on federal leases within GSG priority habitats, including winter concentration areas, is excessive and inconsistent with EO 2011-5. EO 2011-5 applies a NSO stipulation within GSG core habitat areas, but this stipulation is limited to within 0.6 miles of the perimeter of occupied GSG leks; other activities may be authorized. Additionally, the EO specifically allows for seasonal activity outside the 0.6-mile lek buffer in priority GSG habitat and winter concentration areas, or year-round in unsuitable habitat. As such, Yates requests BLM modify this stipulation under Alternatives B and C to establish consistency with EO 2011-5.

Comment ID: 2190
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is opposed to the BLM's decision not to recognize provisions of Executive Order 2011-005 that excludes existing land uses, including oil and gas development within existing federal exploratory units. A significant component of Executive Order 2011-005 is a continuation of existing operations. Encana believes it is inappropriate for the BLM to depart so significantly from the strategy set forth in the Executive Order. Encana encourages the BLM to reinstate this provision in the final land use plan.

Comment ID: 3001
Organization: Wyoming Mining Association
Name: Marion Loomis

Comment: Inconsistencies exist between Wyoming Executive Order 2011-05 and Alternative E (Preferred Alternative in DE IS). As an example, the Wyoming Executive Order seasonal restrictions are March 15 through June 30 and Alternative E season restrictions are March 1 through June 30. Other inconsistencies exist in noise stipulations and other portions of the LUPA, as pointed out in comments from WMA member companies. Guidance from the National Technical Team (NTT) is not consistent with the guidelines provided in the Wyoming Executive Order 2011-05, the Wyoming Game and Fish Department (WGFD) and general SOP's for land conservation and habitat enhancement in the west. WMA does not support the wholesale incorporation of management from the NTT. The NTT narrowly describes and endorses one-size-fits-all conservation measures for sage-grouse which in some cases can be blatantly deleterious to other species as well as being less effective than appropriate site-specific mitigation measures. Moreover, inconsistencies between BLM and Forest Service strategies may lead to confusion and lessthan- successful results. Many of these inconsistencies can be seen in the comparisons in Appendix K, and are further enumerated in comments from WMA member companies. WMA requests that BLM and Forest Service review the management strategies and coordinate and standardize between Federal and State Agencies.

Comment ID: 2973
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: The Plan should remain consistent with the Wyoming Sage Grouse Executive Order, recognizing that it serves as an adequate regulatory mechanism that ensures the conservation of greater sage-grouse in Wyoming. We ask that BLM and USFS (collectively, the Agencies) ensure full consistency with the Wyoming Greater Sage-Grouse Core Area Protection Executive Order (EO). The EO has been recognized by the Fish and Wildlife Service as a "sound framework for a policy by which to conserve greater sagegrouse in Wyoming." Further, the EO was developed in partnership with key stakeholders, including the Agencies, and represents an agreement made by all parties to implement and abide by the core area strategy, including any subsequent EO supplements. Actions that require core area protections outside of core areas, or actions that add additional protective stipulations inside of core areas are inconsistent with the EO and are therefore contrary to the fundamental agreements included in the EO that the stakeholders, again, including the Agencies, reached.

Comment ID: 2592
Organization: QEP Energy Company
Name: Mike Smith

Comment: QEP generally supports the Wyoming Governor's Executive Order 2011-05 (EO), but has some concerns with the preferred Alternative E in the DLUPA/EIS. While the majority of the preferred Alternative E is consistent with the EO, QEP is discouraged that there are some unworkable inconsistencies. The preferred Alternative E goes beyond the EO by implementing required design features (RDFs), requiring minimum lease sizes, site-specific surface reclamation plans, and increased monitoring and reporting requirements. Our company understands the importance of addressing GRSG protection, and we

are aware that the U.S. Fish and Wildlife Service (USFWS) must make a listing decision for the GRSG by September 2015. Like the Bureau of Land Management (BLM), QEP seeks to ensure the GRSG is not listed as threatened or endangered at that time. QEP is aware that the USFWS has advised the BLM and U.S. Forest Service (USFS) to implement amendments to current Resource Management Plans (RMP) and Land Use Plans (LUP) to enhance regulatory mechanisms for GRSG protection. However, several alternatives in this DLUPA/ElS are unnecessarily restrictive and not backed by sound scientific justifications. QEP strongly objects to Alternatives B and C and has comments regarding several requirements in Alternatives D and E that are inconsistent with the EO.

Summary: Several of the management decisions and stipulations provided under EO 2011-5 are less restrictive than those proposed under Alternatives B, C, and E. Consequently, sage-grouse habitat management decisions and stipulations that reach beyond what is required under EO 2011-5 violate BLMs "least restrictive stipulation" policy. Such stipulations should not be considered in the Proposed LUP Amendments. Inconsistencies exist between Wyoming Executive Order 2011-05 and Alternative E (Preferred Alternative) in the Draft EIS. For example, the Wyoming Executive Order seasonal restrictions are March 15 through June 30 and Alternative E season restrictions are March 1 through June 30. Other inconsistencies exist in noise stipulations and other portions of the Draft EIS. BLM should recognize provisions of Executive Order 2011-005 such that existing land uses are not excluded, including oil and gas development within existing federal exploratory units. See Executive Order 2011-005, pg. 2, paragraph 2. A significant component of Executive Order 2011-005 is a continuation of existing operations. We believe it is inappropriate for the BLM to depart so significantly from the strategy set forth in the Executive Order. BLM should reinstate this provision in the final land use plan. The Proposed LUP Amendments should remain consistent with the Wyoming Sage Grouse Executive Order, recognizing that it serves as an adequate regulatory mechanism that ensures the conservation of Greater Sage-Grouse in Wyoming. The BLM and Forest Service should ensure full consistency with the Wyoming Greater Sage-Grouse Core Area Protection Executive Order (EO). The EO has been recognized by the USFWS as a "sound framework for a policy by which to conserve Greater Sage-Grouse in Wyoming." Further, the EO was developed in partnership with key stakeholders, including the agencies, and represents an agreement made by all parties to implement and abide by the core area strategy, including any subsequent EO supplements. Actions that require core area protections outside of core areas, or actions that add additional protective stipulations inside of core areas are inconsistent with the EO and are therefore contrary to the fundamental agreements included in the EO that the stakeholders, and the agencies reached. While the majority of the Preferred Alternative E is consistent with the EO, there are some unworkable inconsistencies. The Preferred Alternative E goes beyond the EO by implementing required design features (RDFs), requiring minimum lease sizes, site-specific surface reclamation plans, and increased monitoring and reporting requirements. As currently drafted the BLM's preferred management proposal would unreasonably restrict access and impose unnecessary and burdensome operational restrictions on oil and gas development. The BLM should find a more reasonable and balanced approach that promotes oil and gas development, respects valid existing lease rights, provides adequate flexibility for future site-specific planning decisions, and recognizes the limitations of the agency's authority and expertise. Prohibiting all new surface occupancy on federal leases within priority habitat under Alternatives B and C, including winter concentration areas, is excessive and inconsistent with EO 2011-5. The EO applies a NSO stipulation within core habitat areas, but this stipulation is limited to within 0.6 miles of the perimeter of occupied leks. Additionally, the EO specifically allows for seasonal activity outside the 0.6-mile lek buffer in priority habitat and winter concentration areas, or year-round in unsuitable habitat. BLM should modify this stipulation under Alternatives B and C to establish consistency with EO 2011-5. A minimum lease size of 640 contiguous acres of federal mineral estate within core habitat areas is inconsistent with EO 2011-5 and has not been justified by BLM. EO 2011-5 and Alternative E both limit surface disturbance to 1 per 640 acres. However, this does not require that all lease sizes be greater than 640 acres. The 5% surface disturbance cap and well density stipulations provided under EO 2011-5 and Alternative E were developed and can be applied to broad areas comprised of multiple leaseholds. Additionally, establishing the proposed minimum lease size may prohibit BLM from

leasing desirable acreage with oil and gas development potential (e.g. when a small portion of the surrounding area is determined unleasable due to various resource protections). BLM should eliminate the 640 acre minimum lease size as currently proposed under Alternative E. By adhering to the permitting process provided for in EO 2011-5 (i.e. the DDCT process), it is possible to allow fluid mineral leasing and subsequent approval of oil and gas operations in areas currently precluded from leasing under Alternatives D and E (e.g. within 4 miles of a lek, winter concentration areas, and area less than 640 contiguous acres) and under Alternatives B and C (i.e. priority and general habitat areas). Making these areas administratively unavailable to oil and gas leasing is not necessary and overly restrictive. Guidance from the National Technical Team (NTT) is not consistent with the guidelines provided in the Wyoming Executive Order 2011-05, WGFD, and general SOP's for land conservation and habitat enhancement in the west. The NTT narrowly describes and endorses one-size-fits-all conservation measures for sage-grouse which in some cases can be blatantly deleterious to other species as well as being less effective than appropriate site-specific mitigation measures. Moreover, inconsistencies between BLM and Forest Service strategies may lead to confusion and less-than-successful results. Many of these inconsistencies can be seen in the comparisons in Appendix K. BLM and the Forest Service should review the management strategies and coordinate and standardize between federal and state agencies

Response: The BLM and Forest Service developed Alternative E based on the Wyoming Executive Order (WY EO 2011-5) Core Area Strategy, BLM WY IM 2010-012, BLM WY IM 2012-019, BLM WO IM 2012-044, the National Technical Team report, best available science, and input from the USFWS, State of Wyoming, cooperating agencies, and the public to create a management approach to both protect sage-grouse and allow for multiple use of public lands. The BLM and Forest Service have developed a reasonable range of alternatives for the Draft LUP Amendments/Draft EIS. The BLM and Forest Service complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for this Draft EIS, including seeking public input and analyzing reasonable alternatives. The 4-mile buffer for Greater Sage-Grouse habitat protection is supported by science and was derived from research performed by several noted sage-grouse scientists including Holloran 2005, Walker et al. 2007, Tack 2009, Johnson et al. 2011. For example, from the NTT report:, “Impacts as measured by the number of males attending leks are most severe near the lek, remain discernible out to >4 miles (Holloran 2005, Walker et al. 2007, Tack 2009, Johnson et al. 2011), and often result in lek extirpations (Holloran 2005, Walker et al. 2007). Negative effects of well surface occupancy were apparent out to 3.1 miles, the largest radius investigated, in 2 of 7 study areas in Wyoming (Harju et al. 2010). Curvilinear relationships show that lek counts decreased with distance to the nearest active drilling rig, producing well, or main haul road and that development within 3 to 4 miles of leks decrease counts of displaying males (Holloran 2005). All well-supported models in Walker et al. (2007) indicate a strong negative effect, estimated as proportion of development within either 0.5 miles or 2 miles, on lek persistence. A model with development at 4 miles had less support, but the regression coefficient indicated that negative impacts within 4 miles were still apparent. Two additional studies reported negative impacts apparent out to 8 miles on large lek occurrence (>25 males; Tack 2009) and out to 11.7 miles on lek trends (Johnson et al. 2011), the largest scales evaluated.” BLM and Forest Service are required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. Inconsistencies between BLM and Forest Service strategies are being reviewed by the management for standardization between agencies.

Leasable Minerals

Range of alternatives

Revisions/opposition to alternatives

Comment ID: 1534
Organization: EOG Resources, Inc.

Name: Carlos Jallo

Comment: EOG is strenuously opposed to the BLM‘s proposal to prohibit or limit new surface occupancy even on existing leases under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-138 – 2-141, Action Nos. 129, 134. The BLM does not have the authority to deny all development rights once it has issued a federal oil and gas lease. Once the BLM has issued a federal oil and gas lease without NSO stipulations and, in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. Further, the BLM cannot deprive EOG of its valid and existing lease rights either directly or indirectly. The BLM must reconsider this management action.

Comment ID: 1530
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: As discussed above, EOG remains opposed to the three percent surface disturbance cap required under Alternative B. Sage-Grouse DLUPA, pgs. 2-133 – 2-134, Action No. 126. The BLM has failed to justify this restrictive surface disturbance cap or explain how the cap will be applied in conjunction with other LUP restrictions. The three percent cap also creates flawed incentives that may undermine collaborative efforts to promote healthy sage grouse populations. Given the variable topography of the Planning Area, there is substantial acreage within the mapped GRSG habitat that is not GRSG habitat. The three percent cap within GRSG habitat ignores the unique local topography. Furthermore, the cap actually encourages operators to monopolize existing cap space rather than working to identify the best development plan. EOG is very concerned and opposed to the BLM‘s proposal to limit surface disturbance to three percent under Alternative B. Sage-Grouse DLUPA, pg. 2- 21. EOG also questions the scientific support for the three percent surface disturbance caps. EOG incorporates herein the comments developed by the American Petroleum Institute (―API‖) and Dr. Rob Ramey and his criticism regarding the BLM‘s NTT Report. EOG is also extremely concerned about the BLM‘s ability to implement the disturbance cap proposal under Alternative B. The BLM should provide far more detailed information regarding how the BLM will determine the amount of surface disturbance within a particular portion of land and how the BLM will create a tracking system that will remain current and accurate given recent constraints and limitations of the BLM‘s budget. It seems to be unlikely the BLM will be able to appropriately manage any type of a surface disturbance cap across the numerous lands within the Planning Area. The BLM should describe in detail how existing personnel in many different offices will be able to develop and utilize such a complex tracking system. EOG also believes that the BLM needs to provide far more detail regarding how it will manage competing uses of the public lands if and when the potential surface use caps are near the thresholds. The BLM will need to develop a comprehensive matrix or another set of criteria it can utilize to determine which uses of the public lands will be allowed to proceed and the uses that will be denied once the cap is reached. Without clear, comprehensive and standardized criteria the BLM could be accused of making arbitrary and capricious decisions regarding which uses will be allowed to proceed. In order to proceed fairly, the BLM must develop clear and understandable methods for evaluating uses of the federal lands.

Comment ID: 1529
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is opposed to the limitations on upgrading existing roads within GRSG core areas or habitat under all of the alternatives. Sage-Grouse DLUPA, pg. 2-99, Action No. 89. Such restrictions are inconsistent with Executive Order 2011-005 and BLM Wyoming Instruction Memorandum 2012-019. Rather than imposing strict prohibitions on road upgrading or reconstruction, EOG urges the BLM to utilize the DDCT policy as authorized under Executive Order 2011-005 and Wyoming Instruction Memorandum

2012-019. Given variable topography and habitat conditions, it is more appropriate to allow the upgrading of existing roads on a case-by-case basis.

Comment ID: 1528
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is opposed to the proposed restriction on road construction within four miles of an active GRSG lek under Alternative C. Sage-Grouse DLUPA, pg. 2-96, Action No. 88. The BLM has not sufficiently justified this onerous restriction nor analyzed in detail the impact it would have upon oil and gas development across the Planning Area. Not allowing new road construction within four miles of an active lek will significantly hamper oil and gas development. The BLM must be willing to work with oil and gas lessees and operators to design access routes for proposed oil and gas development projects.

Comment ID: 1182
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the proposed restriction on road construction within four miles of an active sage-grouse lek under Alternative C. Sage-Grouse DLUPA, pg. 2-96, Action No. 88. The BLM has not sufficiently justified this onerous restriction nor analyzed in detail the impact it would have upon oil and gas development across the Planning Area. Not allowing new road construction within four miles of an active lek will significantly hamper oil and gas development.

Comment ID: 1535
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG also strongly opposes BLM‘s proposal to prohibit surface occupancy or disturbance within four miles of a lek under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-139, Action No. 129. Given the variable topography of the Planning Area and ongoing land uses, there is substantial acreage within four miles of leks that is not GRSG habitat. The four mile buffer also does not address the variations in habitat quality or habitat use. The BLM should eliminate this proposed restriction or, at the very least, develop a mechanism that recognizes unique site-specific conditions and that provides certainty to operators that year-round development can occur.

Comment ID: 1183
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the limitations on upgrading existing roads within sage-grouse core areas or habitat under all of the alternatives. Sage-Grouse DLUPA, pg. 2-99, Action No. 89. Such restrictions are inconsistent with Executive Order 2011-005 and BLM Wyoming Instruction Memorandum 2012- 019. Rather than imposing strict prohibitions on road upgrading or reconstruction, Anschutz urges the BLM to utilize the DDCT policy as authorized under Executive Order 2011-005 and Wyoming Instruction Memorandum 2012-019. Given variable topography and habitat conditions, it is more appropriate to allow the upgrading of existing roads on a case-by-case basis.

Comment ID: 1152
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM's proposed management action limiting motorized travel to existing roads and trails in sage-grouse priority core under all of the action alternatives. Anschutz always attempts to minimize potential impacts to the environment during these activities, but limiting an oil and gas operator's ability to utilize off-highway vehicles during site selection and staking activities will have significant impacts on oil and gas development. Or allow well siting, surveying, and seismic exploration to occur through the use of Categorical Exclusions. Doing so will allow Anschutz and other oil and gas operators to continue responsible development of oil and gas resources within the Planning Area.

Comment ID: 1522
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is significantly opposed to the proposal to require full reclamation bond for all oil and gas operations under Alternative B and Alternative C. Given the release of Instruction Memorandum 2013-151 in July of 2013, the BLM absolutely must eliminate this proposal from the Sage-Grouse DLUPA.

Comment ID: 1520
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is strenuously opposed to the BLM's management objective that would require unitization under Alternative B and Alternative C. Sage-Grouse DLUPA, pgs. 2-76 – 2-77, Action No. 67.

Comment ID: 1519
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is concerned about BLM's proposal to require Master Development Plans ("MDP") on all but wildcat exploring wells under Alternatives B and C. Sage-Grouse DLUPA, pg. 2-76, Action No. 66. First, the BLM has not defined a wildcat well or exploratory well. How will operators know when it will apply? Second, the BLM should allow infill development within existing fields without a MDP. Often only one or two wells are needed within existing fields to continue production levels, a full MDP would not be an appropriate use of the BLM or operator's resources. EOG believes the BLM should only encourage the use of MDPs as set forth under Alternative E. Sage-Grouse DLUPA, pg. 2-76, Action No. 66.

Comment ID: 1188
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM's proposal to prohibit or limit new surface occupancy even on existing leases under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-138 – 2-141, Action Nos. 129, 134. Further, the BLM cannot deprive Anschutz of its valid and existing lease rights either directly or indirectly. When it enacted FLPMA, Congress made it clear that nothing therein, or in the land use plans developed thereunder, was intended to terminate, modify, or alter any valid or existing property rights. See 43 U.S.C. § 1701. The BLM must reconsider this management action.

Comment ID: 1510
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG strongly opposes BLM‘s proposal to prohibit surface occupancy or disturbance within four miles of active leks under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-76, Action No. 65. Given the variable topography of the planning area and ongoing land uses, there is substantial acreage within four miles of active leks that is not GRSG habitat. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM‘s blanket application of the four mile buffer contradicts the direction of the Greater Sage-Grouse Conservation Objectives Team Report published by the U.S. Fish and Wildlife Service. ―Addressing energy development and any subsequent successful restoration activities in sagebrush ecosystems will require consideration of local ecological conditions, which cannot be prescribed on a range-wide level.‖ Greater Sage- Grouse Conservation Objectives Final Report, February 2013, pg. 50. The BLM should eliminate this proposed timing restriction or, at the very least, develop a mechanism that recognizes unique sitespecific conditions and that provides certainty to operators that year-round development can occur.

Comment ID: 1525
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is opposed to BLM‘s proposal that would explore options to amend, cancel, or buy-out leases, or include as COAs the relinquishment of leases within the Planning Area under Alternative C. Sage- Grouse DLUPA, pg. 2-80, Action No. 73. The BLM simply does not have the authority to require operators to relinquish leases or to cancel existing leases. As the BLM is aware, an oil and gas lease is a contract between the federal government and a lessee, and the lessee has certain rights thereunder. Should the BLM deny or unreasonably delay EOG‘s ability to develop its leases or otherwise cancel leases, the BLM‘s proposal may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution.

Comment ID: 1473
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG believes BLM has not sufficiently analyzed the significant extent these limitations on future rights-of-way ("ROW") will have upon oil and gas operations. In particular, EOG is concerned about the management of the priority and even general habitat under Alternative B or Alternative C as ROW exclusion and avoidance areas. Sage-Grouse DLUPA, pgs. 2-18 – 2-20, Action Nos. 30 and 31. The BLM has not justified this substantial increase in the number of acres subject to ROW exclusion and avoidance areas. EOG is particularly concerned that the ROW exclusion and avoidance areas will be utilized to significantly hamper or decrease oil and gas operations. The BLM must be willing to work with oil and gas lessees and operators to design access routes for proposed oil and gas development projects. Future limitations on road construction could impact EOG‘s valid and existing lease rights or its rights as the operator of a federal exploratory unit within the Planning Area. While the issuance of an oil and gas lease does not guarantee access to the leasehold, a federal lessee is entitled to use such part of the surface as may be necessary to produce the leased substance. EOG encourages the BLM to reduce the area subject to ROW avoidance or exclusion limitations as they may adversely impact oil and gas development in the area.

Comment ID: 1165
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM’s proposed limitation on surface disturbing operations, fluid minerals under Alternatives B, and C, and to a lesser extent, E. Under these alternatives, the BLM proposes to limit surface disturbing operations to a significant extent in order to add the new limitations set forth in Appendix E as COAs. The BLM does not have the authority to impose new limits and COAs on existing

leases under existing IBLA case law. The BLM must ensure that it is not limiting oil and gas development on existing leases.

Comment ID: 633
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson does not support the BLM's proposal to protect additional areas of winter concentration that are not located within current core area boundaries. Sage-Grouse DLUPA, pgs. 2-162 - 2-163, Action No. 134. BLM has not justified this new restriction or demonstrated why it is necessary.

Comment ID: 1567
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is concerned about the BLM‘s decision to significantly increase the number of acres subject to NSO restrictions under Alternative E. The BLM indicates there would be a 400% increase in areas subject to NSO but has not clearly identified or explained its rationale for this decision. Sage-Grouse DLUPA, pg. 4-111. The BLM should provide far more information regarding the significant increase in areas subject to NSO restrictions.

Comment ID: 1167
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz strongly opposes BLM’s proposal to prohibit surface occupancy or disturbance within four miles of active leks under Alternative B and Alternative C. The BLM should eliminate this proposed timing restriction or, at the very least, develop a mechanism that recognizes unique site-specific conditions and that provides certainty to operators that year-round development can occur.

Comment ID: 1217
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is concerned about the BLM’s decision to significantly increase the number of acres subject to NSO restrictions under Alternative E. The BLM indicates there would be a 400% increase in areas subject to NSO but has not clearly identified or explained its rationale for this decision. Sage-Grouse DLUPA, pg. 4-111. The BLM should provide far more information regarding the significant increase in areas subject to NSO restrictions.

Comment ID: 1178
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to BLM’s proposal that would explore options to amend, cancel, or buy-out leases, or include as COAs the relinquishment of leases within the Planning Area under Alternative C. Sage-Grouse DLUPA, pg. 2-80, Action No. 73. The BLM simply does not have the authority to require operators to relinquish leases or to cancel existing leases.

Comment ID: 1186
Organization: Anschutz Exploration Corp

Name: Brant Gimmeson

Comment: Anschutz remains opposed to the three percent surface disturbance cap required under Alternative B. Sage-Grouse DLUPA, pgs. 2-133 – 2-134, Action No. 126. The BLM has failed to justify this restrictive surface disturbance cap or explain how the cap will be applied in conjunction with other LUP restrictions. The three percent cap within sage-grouse habitat ignores the unique local topography. Furthermore, the cap actually encourages operators to monopolize existing cap space rather than working to identify the best development plan. Anschutz is very concerned and opposed to the BLM's proposal to limit surface disturbance to three percent under Alternative B. Sage-Grouse DLUPA, pg. 2-21. Anschutz also questions the scientific support for the three percent surface disturbance caps. Anschutz incorporates herein the comments developed by the American Petroleum Institute ("API") and Dr. Rob Ramey and his criticism regarding the BLM's NTT Report. Anschutz is also extremely concerned about the BLM's ability to implement the disturbance cap proposal under Alternative B. The BLM should provide far more detailed information regarding how the BLM will determine the amount of surface disturbance within a particular portion of land and how the BLM will create a tracking system that will remain current and accurate given recent constraints and limitations of the BLM's budget. It seems to be unlikely the BLM will be able to appropriately manage any type of a surface disturbance cap across the numerous lands within the Planning Area. The BLM should describe in detail how existing personnel in many different offices will be able to develop and utilize such a complex tracking system.

Comment ID: 1468
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is opposed to the BLM's proposed management action limiting motorized travel to existing roads and trails in GRSG priority core under all of the action alternatives. Sage-Grouse DLUPA, pg. 2- 17, Action No. 18. EOG and other oil and gas operators routinely are required to travel off existing roads and trails when evaluating and selecting potential new locations for oil and gas development. EOG therefore requests the BLM develop a specific exception to this management action for the limited purpose of oil and gas exploration, site location, and staking and permitting activities. Doing so will allow EOG and other oil and gas operators to continue responsible development of oil and gas resources within the Planning Area.

Comment ID: 595
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is opposed to the BLM's proposed management action limiting motorized travel to existing roads and trails in sage-grouse priority core under all of the action alternatives. Sage-Grouse DLUPA, pg. 2-17, Action No. 18. Samson and other oil and gas operators routinely are required to travel off existing roads and trails when evaluating and selecting potential new locations for oil and gas development. In the past, this type of use has been considered casual use and has not required BLM approval or been subject to timing limitations. Samson always attempts to minimize potential impacts to the environment during these activities, but limiting an oil and gas operator's ability to utilize off-highway vehicles during site selection and staking activities will have significant impacts on oil and gas development. Samson therefore requests the BLM develop a specific exception to this management action for the limited purpose of oil and gas exploration, site location, and staking and permitting activities. Doing so will allow Samson and other oil and gas operators to continue responsible development of oil and gas resources within the Planning Area.

Comment ID: 1474
Organization: EOG Resources, Inc.

Name: Carlos Jallo

Comment: EOG objects to the BLM‘s decision to require operators and other users to remove, bury, or modify existing power lines within priority GRSG habitat under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-30, Action No. 35. Requiring operators to modify existing power lines could require significant additional surface disturbance within GRSG priority habitat which may cause adverse impacts to the species. Further, to the extent BLM does not have continuing jurisdiction over said power lines it does not have the authority to require modifications or burying these lines. Finally, BLM should consider the adverse air quality impacts potentially associated with this management action.

Comment ID: 664
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM's decision to significantly increase the number of acres subject to NSO restrictions under Alternative E should be justified. The BLM indicates there would be a 400% increase in areas subject to NSO but has not clearly identified or explained its rationale for this decision. Sage-Grouse DLUPA, pg. 4-111.

Comment ID: 1171
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is concerned about BLM’s proposal to require Master Development Plans (“MDP”) on all but wildcat exploring wells under Alternatives B and C. First, the BLM has not defined a wildcat well or exploratory well. How will operators know when it will apply? Second, the BLM should allow infill development within existing fields without a MDP. Often only one or two wells are needed within existing fields to continue production levels, in which case a full MDP would not be an appropriate use of the BLM or operator’s resources. Anschutz believes the BLM should only encourage the use of MDPs as set forth under Alternative E.

Comment ID: 1173
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM’s management objective that would require unitization under Alternative B and Alternative C. Sage-Grouse DLUPA, pgs. 2-76 – 2-77, Action No. 67. First, as set forth above, the BLM cannot impose new requirements on Anschutz’s existing leases. Requiring operators to join federal units is a radical mitigation measure because it requires those lessees not designated as the unit operator of the federal exploratory unit to surrender control over all development operations to another party. Second, requiring unitization for the protection of resources other than oil and gas is not appropriate or practical. Finally, requiring unitization is simply not practical given the presence of private and State of Wyoming leases within the Planning Area. Large portions of the Planning Area with significant potential for oil and gas resources contain significant private lands and minerals. See Sage-Grouse DLUPA, pgs. 3-100 – 3-143. The BLM does not have the authority to require non-federal lease owners to enter federal unit agreements. For all of the foregoing reasons, the BLM should modify Action No. 67 in the Sage-Grouse DLUPA.

Comment ID: 598
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson objects to the BLM's decision to require operators and other users to remove, bury, or modify existing power lines within priority sage-grouse habitat under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-30, Action No. 35. Requiring operators to modify existing power lines could require significant additional surface disturbance within sage-grouse priority habitat which may cause adverse impacts to the species. Further, to the extent BLM does not have continuing jurisdiction over said power lines it does not have the authority to require modifications or burying these lines. Finally, BLM should consider the adverse air quality impacts potentially associated with this management action. In many cases, oil and gas operators install power lines in order to reduce potential air emissions from compressors and other facilities. Requiring these lines to be buried may make it uneconomic to use electrical power which could lead to more air quality impacts from compressors.

Comment ID: 1161
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the BLM’s proposal under Alternative B and Alternative C to close the vast majority of sage-grouse habitat to all fluid mineral leasing and development. The BLM has not justified such closures of the federal estate nor has it complied with the withdrawal requirements of FLPMA. Anschutz also believes the BLM has failed to adequately analyze the potential impact such a closure would have on existing operations. This closure will have impacts on future oil and gas operations, particularly where operators are not able to secure a sufficient acreage block to develop the area. The BLM must recognize, study, and report the economic impact of its decision to close such a significant portion of the Planning Area to oil and gas leasing.

Comment ID: 611
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM's proposal to require Master Development Plans ("MDP") on all but wildcat exploring wells under Alternatives B and C is of concern. Sage-Grouse DLUPA, pg. 2-76, Action No. 66. First, the BLM has not defined a wildcat well or exploratory well. How will operators know when it will apply? Second, the BLM should allow infill development within existing fields without a MDP. Often only one or two wells are needed within existing fields to continue production levels, a full MDP would not be an appropriate use of the BLM or operator's resources. Samson believes the BLM should only encourage the use of MDPs as set forth under Alternative E. Sage-Grouse DLUPA, pg. 2-76, Action No. 66.

Comment ID: 763
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is strenuously opposed to the BLM's management objective that would require unitization under Alternative B and Alternative C. Second, requiring unitization for the protection of resources other than oil and gas is not appropriate or practical. Requiring unitization for other resource protection is not consistent with the purposes of federal unitization. Finally, requiring unitization is simply not practical given the presence of private and State of Wyoming leases within the Planning Area. Large portions of the Planning Area with significant potential for oil and gas resources contain significant private lands and minerals.

Comment ID: 769
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is very concerned and opposed to the BLM's proposal to limit surface disturbance to three percent under Alternative B. Sage-Grouse DLUPA, pg. 2-21. Devon also questions the scientific support for the three percent surface disturbance caps. The BLM should provide far more detailed Information regarding how the BLM will determine the amount of surface disturbance within a particular portion of land and how the BLM will create a tracking system that will remain current and accurate given recent constraints and limitations of the BLM's budget. It seems to be unlikely the BLM will be able to appropriately manage any type of a surface disturbance cap across the numerous lands within the Planning Area. The BLM should describe in detail how existing personnel In many different offices will be able to develop and utilize such a complex tracking system.

Comment ID: 765
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is opposed to BLM's proposal that would explore options to amend, cancel, or buy-out leases, or include as COAs the relinquishment of leases within the Planning Area under Alternative C. Should the BLM deny or unreasonably delay Devon's ability to develop its leases or otherwise cancel leases, the BLM's proposal may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution.

Comment ID: 1763
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to BLM’s proposal that would explore options to amend, cancel, or buyout leases, or include as COAs the relinquishment of leases within the Planning Area under Alternative C. Sage-Grouse DLUPA, pg. 2-80, Action No. 73. The BLM simply does not have the authority to require operators to relinquish leases or to cancel existing leases. To the extent ConocoPhillips’ leases are already producing, they cannot be administratively cancelled by the BLM, and can only be cancelled through a judicial proceeding.

Comment ID: 768
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon remains opposed to the three percent surface disturbance cap required under Alternative B and Alternative C. Sage-Grouse DLUPA, pgs. 2-133 – 2-134, Action No. 126. The BLM has failed to justify this restrictive surface disturbance cap or explain how the cap will be applied in conjunction with other restrictions. Devon also does not believe the BLM has adequately justified the use of the three percent cap based on existing scientific literature. 22 [Review of Data quality Issues in A report on National Greater Sage-Grouse Conservation Measures Produced by the BLM Sage-Grouse National Technical Team (NTT) Dated December 21, 2011. Dr. Rob Ramey, III, wildlife International Inc. (Attachment B). Given the lack of scientific support for the three percent cap, it would be arbitrary and capricious for the BLM to select this alternative.

Comment ID: 745
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is opposed to the BLM's proposed management action limiting motorized travel to existing roads and trails in sage-grouse priority core under all of the action alternatives. Devon therefore requests the BLM develop a specific exception to this management action for the limited purpose of oil and

gas exploration, site location, and staking and permitting activities. Doing so will allow Devon and other oil and gas operators to continue responsible development of oil and gas resources within the Planning Area. Devon believes BLM has not sufficiently analyzed the significant extent these limitations on future rights-of-way ("ROW") will have upon oil and gas operations. In particular, Devon is concerned about the management of the priority and even general habitat under Alternative B or Alternative C as ROW exclusion and avoidance areas. The BLM has not justified this substantial increase in the number of acres subject to ROW exclusion and avoidance areas. Devon is particularly concerned that the ROW exclusion and avoidance areas will be utilized to significantly hamper or decrease oil and gas operations. Devon encourages the BLM to reduce the area subject to ROW avoidance or exclusion limitations as they may adversely impact oil and gas development in the area. Devon objects to the BLM's decision to require operators and other users to remove, bury, or modify existing power lines within priority sage-grouse habitat under Alternative B and Alternative C. Sage- Grouse DLUPA, pg. 2-30, Action No. 35. Requiring operators to modify existing power lines could require significant additional surface disturbance within sage-grouse priority habitat which may cause adverse impacts to the species. Further, to the extent BLM does not have continuing jurisdiction over said power lines it does not have the authority to require modifications or burying these lines. Finally, BLM should consider the adverse air quality impacts potentially associated with this management action. In many cases, oil and gas operators install power lines in order to reduce potential air emissions from compressors and other facilities. Requiring these lines to be buried may make it uneconomic to use electrical power which could lead to more air quality impacts from compressors.

Comment ID: 1757
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM’s proposed limitation on surface disturbing operations, fluid minerals under Alternatives B, and C, and to a lesser extent, E. Under these alternatives, the BLM proposes to limit surface disturbing operations to a significant extent in order to add the new limitations set forth in Appendix E as COAs. Sage-Grouse, DLUPA, pgs. 2-72 – 2-75, Action No. 63. As already discussed, the BLM cannot impose such limitations on ConocoPhillips’ existing oil and gas lease rights.

Comment ID: 1869
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 66, Page 2-76: “Master Development Plans would be considered and encouraged for projects involving multiple proposed disturbances within core habitat area.” Such a provision is poorly reasoned and is particularly inappropriate for use in these areas. While master development plans (MDP) may be acceptable and beneficial in areas where development drilling takes place for longer periods of time, there are cases where periodic drilling or drilling within existing Federal Units occur on a well-by-well basis and not continuously. Currently, the operator of a federal unit is required to submit a Plan of Development and a Review of Operations on a yearly basis. With the variability in the pace in which drilling can occur, Master Development Plans need to be very carefully considered before being encouraged.

Comment ID: 1758
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips strongly opposes BLM’s proposal to prohibit surface occupancy or disturbance within four miles of active leks under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-76, Action No. 65. Given the variable topography of the planning area and ongoing land uses, there is

substantial acreage within four miles of active leks that is not sage-grouse habitat. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM's blanket application of the four mile buffer contradicts the direction of the Greater Sage-Grouse Conservation Objectives Team Report published by the U.S. Fish and Wildlife Service. The BLM should eliminate this proposed timing restriction or, at the very least, develop a mechanism that recognizes unique site-specific conditions and that provides certainty to operators that year-round development can occur.

Comment ID: 1749
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips believes BLM has not sufficiently analyzed the significant impacts these limitations on future rights-of-way ("ROW") will have upon oil and gas operations. In particular, ConocoPhillips is concerned about the management of the priority and even general habitat under Alternative B or Alternative C as ROW exclusion and avoidance areas. Sage-Grouse DLUPA, pgs. 2-18 – 2-20, Action Nos. 30 and 31. The BLM has not justified this substantial increase in the number of acres subject to ROW exclusion and avoidance areas. ConocoPhillips encourages the BLM to reduce the area subject to ROW avoidance or exclusion limitations as they may adversely impact oil and gas development in the area.

Comment ID: 1760
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is concerned about BLM's proposal to require Master Development Plans ("MDP") on all but wildcat exploring wells under Alternatives B and C. Sage-Grouse DLUPA, pg. 2-76, Action No. 66. First, the BLM has not defined a wildcat well or exploratory well. How will operators know when it will apply? Second, the BLM should allow infill development within existing fields without a MDP. Often only one or two wells are needed within existing fields to continue production levels, in which case a full MDP would not be an appropriate use of the BLM or operator's resources. ConocoPhillips believes the BLM should only encourage the use of MDPs as set forth under Alternative E. Sage- Grouse DLUPA, pg. 2-76, Action No. 66.

Comment ID: 1761
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM's management objective that would require unitization under Alternative B and Alternative C. Sage-Grouse DLUPA, pgs. 2-76 – 2-77, Action No. 67. First, as set forth above, the BLM cannot impose new requirements on ConocoPhillips' existing leases. Second, requiring unitization for the protection of resources other than oil and gas is not appropriate or practical. Finally, requiring unitization is simply not practical given the presence of private and State of Wyoming leases within the Planning Area. For all of the foregoing reasons, the BLM should modify Action No. 67 in the Sage-Grouse DLUPA.

Comment ID: 756
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is strenuously opposed to the BLM's proposal under Alternative B and Alternative C to close the vast majority of sage-grouse habitat to all fluid mineral leasing and development. SageGrouse

DLUPA, pg. 2-63, Action No. 60. The BLM has not justified such significant closures of the federal estate nor has it complied with the withdrawal requirements of FLPMA. Devon also believes the BLM has failed to adequately analyze the potential impact such a closure would have on existing operations. This closure will have significant impacts on future oil and gas operations, particularly where operators are not able to secure a sufficient acreage block to develop the area.

Comment ID: 613
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is strenuously opposed to the BLM's management objective that would require unitization under Alternative B and Alternative C. Sage-Grouse DLUPA, pgs. 2-76 – 2-77, Action No. 67. First, as set forth above, the BLM cannot impose new requirements on Samson's existing leases. Requiring operators to join federal units is a radical mitigation measure because it requires those lessees not designated as the unit operator of the federal exploratory unit to surrender control over all development operations to another party. The BLM should not impose such a significant mitigation measure on existing or new leases. Second, requiring unitization for the protection of resources other than oil and gas is not appropriate or practical. The BLM Draft Handbook on Unitization recognizes that a central reason for unitization is the promotion of exploration in unproven areas. Requiring unitization for other resource protection is not consistent with the purposes of federal unitization. Finally, requiring unitization is simply not practical given the presence of private and State of Wyoming leases within the Planning Area. Large portions of the Planning Area with significant potential for oil and gas resources contain significant private lands and minerals. The BLM does not have the authority to require non-federal lease owners to enter federal unit agreements. For all of the foregoing reasons, the BLM should modify Action No. 67 in the Sage-Grouse DLUPA.

Comment ID: 764
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is significantly opposed to the proposal to require full reclamation bond for all oil and gas operations under Alternative B and Alternative C. Additionally, the proposed management objective is not consistent with the BLM's recently released Instruction Memorandum regarding bonds. Instruction Memorandum 2013-151 (Jul. 3, 2013).

Comment ID: 1762
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is significantly opposed to the proposal to require full reclamation bonds for all oil and gas operations under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-77, Action No. 69. First, such a requirement is not consistent with the BLM regulations regarding the amount of bonds. Additionally, the proposed management objective is not consistent with the BLM’s recently released Instruction Memorandum regarding bonds. Given the release of Instruction Memorandum 2013-151 in July of 2013, the BLM absolutely must eliminate this proposal from the Sage-Grouse DLUPA.

Comment ID: 417
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Table 2-1, Action #88, pg. 96: This transportation stipulation proposed under Alternative C is excessive, overly protective and inconsistent with EO 2011-5. Research has shown that a 4-mile buffer is not necessary to mitigate impacts of new roads on GSG. With strategic planning and design, new roads can be located and constructed in a manner that significantly minimizes their impact on GSG habitat and behavior. As such, Yates requests BLM modify the 4-mile protective buffer placed around GSG leks for new road construction such that it is consistent with EO 2011-5 (i.e. Alternative E.). Yates also requests BLM eliminate the prohibition on new road construction in GSG priority and general habitat to establish consistency with EO 2011-5.

Comment ID: 771
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is strenuously opposed to the BLM's proposal to prohibit or limit new surface occupancy even on existing leases under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-138 – 2- 141, Action Nos. 129, 134. The BLM does not have the authority to deny all development rights once it has issued a federal oil and gas lease.

Comment ID: 607
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is strenuously opposed to the BLM's proposed limitation on surface disturbing operations, fluid minerals under Alternatives B, and C, and, to a lesser extent, E. Under these alternatives, the BLM proposes to limit surface disturbing operations to a significant extent in order to add the new limitations set forth in Appendix E as COAs. Sage-Grouse, DLUPA, pgs. 2-72 - 2-75, Action No. 63. As already discussed, the BLM cannot impose such limitations on Samson's existing oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without NSO stipulations and, in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold.

Comment ID: 614
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The proposal to require full reclamation bond for all oil and gas operations under Alternative B and Alternative C is not consistent with BLM policy and should be removed. Sage-Grouse DLUPA, pg. 2-77, Action No. 69. First, such a requirement is not consistent with the BLM regulations regarding the amount of bonds. Under the BLM's existing regulations, the agency is only to increase bond amounts when an operator has a history of previous violations, a notice from the Office of Natural Resources Revenue that there are uncollected royalties due, or where there is a significant reason to believe the operator will default. 43 C.F.R. § 3104.5(b). Additionally, the proposed management objective is not consistent with the BLM's recently released Instruction Memorandum regarding bonds. Instruction Memorandum 2013-151 (JuI. 3, 2013). The new Instruction Memorandum not only states that it is inappropriate to automatically raise bonds without conducting specific reviews, it also acknowledges that if an operator conducts all operations in a prudent and timely manner and has a history of compliance, there is no reason to increase their bonds. Instruction Memorandum 2013-151, pg. 2. The BLM should not attempt to override national policies and regulations through a regional RMP. Given the release of Instruction Memorandum 2013-151 in July of 2013, the BLM absolutely must eliminate this proposal from the Sage-Grouse DLUPA.

Comment ID: 773

Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is opposed to the BLM's seasonal restrictions on exploratory drilling under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-145, Action No. 131 . First, the BLM has not defined what constitutes exploratory drilling. Further, the proposed timing limitations are likely inconsistent with existing lease rights.

Comment ID: 1781
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is concerned about the BLM's decision to significantly increase the number of acres subject to NSO restrictions under Alternative E. The BLM indicates there would be a 400% increase in areas subject to NSO but has not clearly identified or explained its rationale for this decision. Sage-Grouse DLUPA, pg. 4-111. The BLM should provide far more information regarding the significant increase in areas subject to NSO restrictions.

Comment ID: 1748
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM's proposed management action limiting motorized travel to existing roads and trails in sage-grouse priority core under all of the action alternatives. Sage-Grouse DLUPA, pg. 2-17, Action No. 18. ConocoPhillips and other oil and gas operators routinely are required to travel off existing roads and trails when evaluating and selecting potential new locations for oil and gas development. In the past, this type of use has been considered casual use and has not required BLM approval or been subject to timing limitations. ConocoPhillips therefore requests the BLM develop a specific exception to this management action for the limited purpose of oil and gas exploration, site location, and staking and permitting activities. Doing so will allow ConocoPhillips and other oil and gas operators to continue responsible development of oil and gas resources within the Planning Area.

Comment ID: 608
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson strongly opposes BLM's proposal to prohibit surface occupancy or disturbance within four miles of active leks under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-76, Action No. 65. Given the variable topography of the planning area and ongoing land uses, there is often substantial acreage within four miles of active leks that is not Sage-Grouse habitat. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM's blanket application of the four mile buffer contradicts the direction of the Greater Sage-Grouse Conservation Objectives Team Report published by the U.S. Fish and Wildlife Service. "Addressing energy development and any subsequent successful restoration activities in sagebrush ecosystems will require consideration of local ecological conditions, which cannot be prescribed on a range-wide level." Greater Sage-Grouse Conservation Objectives Final Report, February 2013, pg. 50. The BLM should eliminate this proposed timing restriction or, at the very least, develop a mechanism that recognizes unique site-specific conditions and that provides certainty to operators that year-round development can occur.

Comment ID: 1768
Organization: ConocoPhillips Company

Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the BLM's proposal to prohibit or limit new surface occupancy even on existing leases under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-138 – 2-141, Action Nos. 129, 134. The BLM does not have the authority to deny all development rights once it has issued a federal oil and gas lease. Once the BLM has issued a federal oil and gas lease without NSO stipulations then, in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. ConocoPhillips appreciates the BLM is trying to authorize some level of development on leases if they are fully encompassed by priority habitat but such minimum protections are wholly insufficient and do not appropriately honor ConocoPhillips' existing lease rights under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 139, Action No. 129. Finally, should the BLM deny or unreasonably delay ConocoPhillips' ability to develop its leases, the BLM's proposal under Alternative B and Alternative C may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution.

Comment ID: 1767
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips remains opposed to the three percent surface disturbance cap required under Alternative B. Sage-Grouse DLUPA, pgs. 2-133 – 2-134, Action No. 126. The BLM has failed to justify this restrictive surface disturbance cap or explain how the cap will be applied in conjunction with other LUP restrictions. The three percent cap also creates flawed incentives that may undermine collaborative efforts to promote healthy sage grouse populations. Given the variable topography of the Planning Area, there is substantial acreage within the mapped sage-grouse habitat that is not sage-grouse habitat. ConocoPhillips is very concerned and opposed to the BLM's proposal to limit surface disturbance to three percent under Alternative B. Sage-Grouse DLUPA, pg. 2-21. ConocoPhillips also questions the scientific support for the three percent surface disturbance caps. ConocoPhillips incorporates herein the comments developed by the American Petroleum Institute ("API") and Dr. Rob Ramey and his criticism regarding the BLM's NTT Report. ConocoPhillips is also extremely concerned about the BLM's ability to implement the disturbance cap proposal under Alternative B. The BLM should provide far more detailed information regarding how the BLM will determine the amount of surface disturbance within a particular portion of land and how the BLM will create a tracking system that will remain current and accurate given recent constraints and limitations of the BLM's budget. It seems to be unlikely the BLM will be able to appropriately manage any type of a surface disturbance cap across the numerous lands within the Planning Area. The BLM should describe in detail how existing personnel in many different offices will be able to develop and utilize such a complex tracking system.

Comment ID: 1766
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the limitations on upgrading existing roads within sage-grouse core areas or habitat under all of the alternatives. Sage-Grouse DLUPA, pg. 2-99, Action No. 89. Such restrictions are inconsistent with Executive Order 2011-005 and BLM Wyoming Instruction Memorandum 2012-019. Rather than imposing strict prohibitions on road upgrading or reconstruction, ConocoPhillips urges the BLM to utilize the DDCT policy as authorized under Executive Order 2011-005 and Wyoming Instruction Memorandum 2012-019. Given variable topography and habitat conditions, it is more appropriate to allow the upgrading of existing roads on a case-by-case basis.

Comment ID: 1765

Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the proposed restriction on road construction within four miles of an active sage-grouse lek under Alternative C. Sage-Grouse DLUPA, pg. 2-96, Action No. 88. The BLM has not sufficiently justified this onerous restriction nor analyzed in detail the impact it would have upon oil and gas development across the Planning Area. Not allowing new road construction within four miles of an active lek will significantly hamper oil and gas development.

Comment ID: 725
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM must ensure that oil and gas development is not unreasonable limited in the revision to the Sage-Grouse DLUPA. The FLPMA requires the BLM to foster and develop mineral activities, not stifle and prohibit such development.

Comment ID: 1863
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 10, Page 2-15: We remind BLM that COAs that go beyond the terms of the lease must be negotiated with the lessee because the agencies have no authority to require measures that exceed existing lease terms. Further, please see our comments below with regard to Appendix B, Required Design Features for Fluid Minerals.

Comment ID: 819
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is very concerned regarding the proposed stipulation associated with Management Action No.122 under Alternative E. Sage-Grouse DLUPA, E-2 and throughout Appendix E. The draft stipulation suggests that not only that a lessee may be denied use of its entire leased premises if certain conditions are met, but also that the BLM may have the right to impose drilling easements on oil and gas operations. The BLM must modify this condition and propose stipulation to avoid a potential violation of the Mineral Leasing Act. Finally, Devon believes it is disingenuous for the BLM to identify the stipulation associated with Management Action No. 122, and throughout Appendix E, as a controlled surface use stipulation when the BLM expressly notes that it may deny all surface use under the terms and conditions of the proposed stipulation. The BLM should more accurately identify this lease stipulation as a NSO restriction and clearly identify the designation on all maps included within the Sage-Grouse DLUPA.

Comment ID: 628
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM's seasonal restriction on exploratory drilling under Alternative B and Alternative C is of concern. Sage-Grouse DLUPA, pg. 2-145, Action No. 131. First, the BLM has not defined what constitutes exploratory drilling. What criterion the BLM utilized to determine whether or not the proposed well is exploratory or not? The BLM must provide more information regarding this proposed management action in order for Samson to understand how it may impact its operations. Further, the proposed timing limitations are likely inconsistent with existing lease rights. As discussed above, the BLM cannot use the

development of a land use plan to impose COAs or other limitations that are inconsistent with existing lease rights.

Comment ID: 615
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM's proposal to explore options to amend, cancel, or buy-out leases, or include as COAs the relinquishment of leases within the Planning Area under Alternative C, is simply not feasible. SageGrouse DLUPA, pg. 2-80, Action No. 73. The BLM simply does not have the authority to require operators to relinquish leases or to cancel existing leases. As the BLM is aware, an oil and gas lease is a contract between the federal government and a lessee, and the lessee has certain rights thereunder.

Comment ID: 1750
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips objects to the BLM's decision to require operators and other users to remove, bury, or modify existing power lines within priority sage-grouse habitat under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-30, Action No. 35. Requiring operators to modify existing power lines could require significant additional surface disturbance within sage-grouse priority habitat which may cause adverse impacts to the species. Further, to the extent BLM does not have continuing jurisdiction over said power lines it does not have the authority to require modifications or burying these lines. Finally, BLM should consider the adverse air quality impacts potentially associated with this management action. In many cases, oil and gas operators install power lines in order to reduce potential air emissions from compressors and other facilities. Requiring these lines to be buried may make it uneconomic to use electrical power which could lead to more air quality impacts from compressors.

Comment ID: 626
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson also strongly opposes BLM's proposal to prohibit surface occupancy or disturbance within four miles of a lek under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-139, Action No. 129. Given the variable topography of the Planning Area and ongoing land uses, there is substantial acreage within four miles of leks that is not GRSG habitat. Additionally, the methodology (i.e. lek centric) under which the priority and connectivity habitat areas were developed, virtually assures that non-habitat areas are present. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM's blanket application of the four mile buffer contradicts the direction of the Greater Sage-Grouse Conservation Objectives Team Report published by the U.S. Fish and Wildlife Service. "Addressing energy development and any subsequent successful restoration activities in sagebrush ecosystems will require consideration of local ecological conditions, which cannot be prescribed on a range-wide level." Greater Sage-Grouse Conservation Objectives Final Report, February 2013, pg. 50. The overly broad application of the four (4) mile buffer restrictions will effectively eliminate year-round development and its associated benefits, which include reduced truck traffic, fewer emissions, and condensed development activity. The BLM should eliminate this proposed restriction or, at the very least, develop a mechanism that recognizes unique site-specific conditions and that provides certainty to operators that year-round development can occur.

Comment ID: 762
Organization: Devon Energy Corporation

Name: Randy Bolles

Comment: Devon is concerned about BLM's proposal to require Master Development Plans ("MDP") on all but wildcat exploring wells under Alternatives B and C. Sage-Grouse DLUPA, pg. 2-76, Action No. 66. First, the BLM has not defined a wildcat well or exploratory well. How will operators know when it will apply? Second, the BLM should allow infill development within existing fields without a MOP. Often only one or two wells are needed within existing fields to continue production levels, a full MOP would not be an appropriate use of the BLM or operator's resources. Devon believes the BLM should only encourage the use of MDPs as set forth under Alternative E. Sage-Grouse DLUPA, pg. 2- 76, Action No. 66.

Comment ID: 759
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM does not have the authority to impose new limits and COAs on existing leases under existing IBLA case law. The BLM often cites a relatively recent decision from the IBLA for the proposition that the agency can impose COAs on existing leases. Yates Petroleum Corp.,176 IBLA 144 (2008). The Yates decision does not stand for the proposition that BLM can Impose COAs whenever it deems necessary or in broad programmatic documents such as the Sage-Grouse DLUPA. Rather, in Yates, the IBLA merely affirmed the imposition of an additional COA based on site-specific information including recent and directly applicable scientific research. Yates, 176 IBLA at 157; William P. Maycock, 177 IBLA 1, 16-17 (2009). The Yates decision does not authorize the BLM to Ignore relevant lease terms or the BLM regulations at 43 C.F.R. § 3101.1-2.

Comment ID: 1920
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Table 2-5, Threats to Greater Sage-Grouse and Associated Management Actions Page 2-173, Alternative E We support BLM’s recognition of valid existing lease rights and that the agency cannot deprive operators of their rights to develop pre-existing leases in accordance with the terms under which they are issued. We object to a requirement that operators must share well pads. Each operator has differing environmental health and safety requirements. Additionally, more than one operator on a well pad would result in needless duplication of facilities (tanks, on site compression, etc.) as well as added space to maintain sufficient and safe distances between them, which would actually significantly increase the amount of disturbance.

Comment ID: 760
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon strongly opposes BLM's proposal to prohibit surface occupancy or disturbance within four miles of active leks under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-76, Action No.65. Given the variable topography of the planning area and ongoing land uses, there Is substantial acreage within four miles of active leks that is not sage-grouse habitat. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM's blanket application of the four mile buffer contradicts the direction of the Greater Sage- Grouse Conservation Objectives Team Report published by the U.S. Fish and Wildlife Service. "Addressing energy development and any subsequent successful restoration activities in sagebrush ecosystems will require consideration of local ecological conditions, which cannot be prescribed on a range-wide level." Greater Sage-Grouse Conservation Objectives Final Report, February 2013, pg. 50. The BLM should eliminate this proposed timing restriction

or, at the very least, develop a mechanism that recognizes unique site-specific conditions and that provides certainty to operators that year-round development can occur.

Comment ID: 623
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM's proposal to prohibit or limit new surface occupancy even on existing leases under Alternative B and Alternative C is not justified or reasonable. Sage-Grouse DLUPA, pg. 2-138 - 2-141, Action Nos. 129, 134. The BLM does not have the authority to deny all development rights once it has issued a federal oil and gas lease. Once the BLM has issued a federal oil and gas lease without NSO stipulations and, in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold.

Comment ID: 620
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson remains opposed to the three percent surface disturbance cap required under Alternative B. Sage-Grouse DLUPA, pgs. 2-133 - 2-134, Action No. 126. The BLM has failed to justify this restrictive surface disturbance cap or explain how the cap will be applied in conjunction with other LUP restrictions. The three percent cap also creates flawed incentives that may undermine collaborative efforts to promote healthy Sage-Grouse populations. Given the variable topography of the Planning Area, there is substantial acreage within the mapped sage-grouse habitat that is not sage-grouse habitat. Additionally, the methodology (i.e. lek centric) under which the priority habitats were developed, virtually assures that non-habitat areas are present. As such, the three percent cap within sage-grouse habitat ignores the unique local topography. Furthermore, the cap actually encourages operators to monopolize existing cap space rather than working to identify the best development plan. Samson is significantly concerned about the implementation of a disturbance cap.

Comment ID: 621
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is very concerned and opposed to the BLM's proposal to limit surface disturbance to three percent under Alternative B. Sage-Grouse DLUPA, pg. 2-21. Samson also questions the scientific support for the three percent surface disturbance caps. Samson incorporates herein the comments developed by the American Petroleum Institute ("API") and Dr. Rob Ramey and his criticism regarding the BLM's NTT Report. The analysis of the NTT Report by Dr. Ramey questions the BLM's scientific basis for the surface disturbance cap. Samson is also extremely concerned about the BLM's ability to implement the disturbance cap proposal under Alternative B. The BLM should provide far more detailed information regarding how the BLM will determine the amount of surface disturbance within a particular portion of land and how the BLM will create a tracking system that will remain current and accurate given recent constraints and limitations of the BLM's budget. It seems to be unlikely the BLM will be able to appropriately manage any type of a surface disturbance cap across the numerous lands within the Planning Area. The BLM should describe in detail how existing personnel in many different offices will be able to develop and utilize such a complex tracking system. The BLM will need to develop a comprehensive matrix or another set of criterion it can utilize to determine which uses of the public lands will be allowed to proceed and the uses that will be denied once the cap is reached. Without clear, comprehensive and standardized criterion the BLM could be accused of making arbitrary and capricious decisions regarding

which uses will be allowed to proceed. In order to proceed fairly, the BLM must develop clear and understandable methods for evaluating uses of the federal lands.

Comment ID: 627
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Under all alternatives, the BLM proposed to limit surface disturbing operations to either three percent or five percent within a particular area. Sage-Grouse, DLUPA, pg. 2-138 -2-139, Action No. As already discussed, the BLM cannot impose such limitations on Samson's existing oil and gas lease rights. Once the BLM has issued a federal oil and gas lease without NSO stipulations, and in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold.

Comment ID: 617
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The proposed restriction on road construction within four miles of an active sage-grouse lek under Alternative C is not justified. Sage-Grouse DLUPA, pg. 2-96, Action No. 88. The BLM has not sufficiently justified this onerous restriction nor analyzed in detail the impact it would have upon oil and gas development across the Planning Area. Not allowing new road construction within four miles of an active lek will significantly hamper oil and gas development.

Comment ID: 2219
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana strongly opposes BLM’s proposal to prohibit surface occupancy or disturbance within four miles of active leks under Alternative B and Alternative C. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM’s blanket application of the four mile buffer contradicts the direction of the Greater Sage-Grouse Conservation Objectives Team Report published by the U.S. Fish and Wildlife Service. The BLM should eliminate this proposed timing restriction or, at the very least, develop a mechanism that recognizes unique site-specific conditions and that provides certainty to operators that year-round development can occur.

Comment ID: 3095
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 5 2- 194 Livestock grazing It appears that BLM is pitting O&G and Livestock operators against each other through exclusion of resource extraction for additional forage resources.

Comment ID: 3090
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 5 2- 174 Limited Lease size Sharing of well pads may not always be managable between operators and would be more of a once in a while occurrence due to different operations, safety critical distances for equipment, etc.

Comment ID: 2240
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is opposed to the limitations on upgrading existing roads within sage-grouse core areas or habitat under all of the alternatives. Sage-Grouse DLUPA, pg. 2-99, Action No. 89. Such restrictions are inconsistent with Executive Order 2011-005 and BLM Wyoming Instruction Memorandum 2012- 019. Rather than imposing strict prohibitions on road upgrading or reconstruction, Encana urges the BLM to utilize the DDCT policy as authorized under Executive Order 2011-005 and Wyoming Instruction Memorandum 2012-019. Given variable topography and habitat conditions, it is more appropriate to allow the upgrading of existing roads on a case-by-case basis.

Comment ID: 2226
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is strenuously opposed to the BLM's management objective that would require unitization under Alternative B and Alternative C. First, as set forth above, the BLM cannot impose new requirements on Encana's existing leases. Requiring operators to join federal units is a radical mitigation measure because it requires those lessees not designated as the unit operator of the federal exploratory unit to surrender control over all development operations to another party. The BLM should not impose such a significant mitigation measure on existing or new leases. Second, requiring unitization for the protection of resources other than oil and gas is not appropriate or practical.

Comment ID: 2252
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is strenuously opposed to the BLM's proposal to prohibit or limit new surface occupancy even on existing leases under Alternative B and Alternative C. Encana also strongly opposes BLM's proposal to prohibit surface occupancy or disturbance within four miles of a lek under Alternative B and Alternative C. The four mile buffer also does not address the variations in habitat quality or habitat use. Furthermore, the BLM's blanket application of the four mile buffer contradicts the direction of the Greater Sage-Grouse Conservation Objectives Team Report published by the U.S. Fish and Wildlife Service.The overly broad application of the four (4) mile buffer restrictions will effectively eliminate year-round development and its associated benefits, which include reduced truck traffic, fewer emissions, and condensed development activity. The BLM should eliminate this proposed restriction or, at the very least, develop a mechanism that recognizes unique site-specific conditions and that provides certainty to operators that year-round development can occur.

Comment ID: 2222
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is concerned about BLM's proposal to require Master Development Plans (MDP) on all but wildcat exploring wells under Alternatives B and C. Sage-Grouse DLUPA, pg. 2-76, Action No. 66. First, the BLM has not defined a wildcat well or exploratory well. How will operators know when it will apply? Second, the BLM should allow infill development within existing fields without a MDP. Often only one or two wells are needed within existing fields to continue production levels, a full MDP would not be an appropriate use of the BLM or operator's resources. Encana believes the BLM should only encourage the use of MDPs as set forth under Alternative E. Sage-Grouse DLUPA, pg. 2- 76, Action No. 66.

Comment ID: 2710
Organization: Solvay Chemicals, Inc.
Name: Tim Brown

Comment: Based upon conservation measures developed by the NTT (National Technical Team), this alternative imposes a surface disturbance cap of 3% per 640 acres within sage-grouse priority habitat (core area). If this 3% cap has already been met, reclamation or removal of surface disturbance features must be addressed before a project can be permitted. Solvay Chemicals believes this is overly restrictive and is in conflict with the multiple use mandate.

Comment ID: 2256
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is strenuously opposed to the BLM's proposed limitation on surface disturbing operations, fluid minerals under Alternative B and Alternative C. As already discussed, the BLM cannot impose such limitations on Encana's existing oil and gas lease rights. The BLM does not have the authority to impose such strict surface disturbing restrictions on existing leases under existing IBLA case law. Encana appreciates the BLM is trying to authorize some level of development on leases if they are fully encompassed by priority habitat but such minimum protections are wholly insufficient and do not appropriately honor Encana's existing lease rights under Alternative B and Alternative C. The BLM must not adopt an alternative that unconstitutionally takes Encana's property and contract rights.

Comment ID: 2241
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: For the same reason, Encana remains opposed to the three percent surface disturbance cap required under Alternative B. Sage-Grouse DLUPA, pgs. 2-133 – 2-134, Action No. 126. The BLM has failed to justify this restrictive surface disturbance cap or explain how the cap will be applied in conjunction with other LUP restrictions. The three percent cap also creates flawed incentives that may undermine collaborative efforts to promote healthy sage grouse populations. Given the variable topography of the Planning Area, there is substantial acreage within the mapped sage-grouse habitat that is not sage-grouse habitat. The three percent cap within sagegrouse habitat ignores the unique local topography. Furthermore, the cap actually encourages operators to monopolize existing cap space rather than working to identify the best development plan. Encana is very concerned and opposed to the BLM's proposal to limit surface disturbance to three percent under Alternative B. Sage-Grouse DLUPA, pg. 2-21. Encana also questions the scientific support for the three percent surface disturbance caps.Encana is also extremely concerned about the BLM's ability to implement the disturbance cap proposal under Alternative B. The BLM should provide far more detailed information regarding how the BLM will determine the amount of surface disturbance within a particular portion of land and how the BLM will create a tracking system that will remain current and accurate given recent constraints and limitations of the BLM's budget. The BLM should describe in detail how existing personnel in many different offices will be able to develop and utilize such a complex tracking system. Encana also believes that the BLM needs to provide far more detail regarding how it will manage competing uses of the public lands if and when the potential surface use caps are near the thresholds. The BLM will need to develop a comprehensive matrix or another set of criterion it can utilize to determine which uses of the public lands will be allowed to proceed and the uses that will be denied once the cap is reached. Without clear, comprehensive and standardized criterion the BLM could be accused of making arbitrary and capricious decisions regarding which uses will be allowed to proceed. In order to proceed fairly, the BLM must develop clear and understandable methods for evaluating uses of the federal lands.

Comment ID: 2239
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is opposed to the proposed restriction on road construction within four miles of an active sage-grouse lek under Alternative C. Sage-Grouse DLUPA, pg. 2-96, Action No. 88. The BLM has not sufficiently justified this onerous restriction nor analyzed in detail the impact it would have upon oil and gas development across the Planning Area. Not allowing new road construction within four miles of an active lek will significantly hamper oil and gas development.

Comment ID: 2290
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is concerned about the BLM's decision to significantly increase the number of acres subject to NSO restrictions under Alternative E. The BLM indicates there would be a 400% increase in areas subject to NSO but has not clearly identified or explained its rationale for this decision. Sage-Grouse DLUPA, pg. 4-111. The BLM should provide far more information regarding the significant increase in areas subject to NSO restrictions.

Comment ID: 2189
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana objects to the BLM's decision to require operators and other users to remove, bury, or modify existing power lines within priority sage-grouse habitat under Alternative B and Alternative C. Requiring operators to modify existing power lines could require significant additional surface disturbance within sage-grouse priority habitat which may cause adverse impacts to the species. Further, to the extent BLM does not have continuing jurisdiction over said power lines it does not have the authority to require modifications or burying these lines. Finally, BLM should consider the adverse air quality impacts potentially associated with this management action. In many cases, oil and gas operators install power lines in order to reduce potential air emissions from compressors and other facilities. Requiring these lines to be buried may make it uneconomic to use electrical power which could lead to more air quality impacts from compressors.

Comment ID: 2188
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana believes BLM has not sufficiently analyzed the significant extent these limitations on future rights-of-way (ROW) will have upon oil and gas operations. In particular, Encana is concerned about the management of the priority and even general habitat under Alternative B or Alternative C as ROW exclusion and avoidance areas. Sage-Grouse DLUPA, pgs. 2-18 2-20, Action Nos. 30 and 31. The BLM has not justified this substantial increase in the number of acres subject to ROW exclusion and avoidance areas. Encana is particularly concerned that the ROW exclusion and avoidance areas will be utilized to significantly hamper or decrease oil and gas operations. Encana encourages the BLM to reduce the area subject to ROW avoidance or exclusion limitations as they may adversely impact oil and gas development in the area.

Comment ID: 2187
Organization: Encana Oil and Gas

Name: Paul Ulrich

Comment: Encana is opposed to the BLM's proposed management action limiting motorized travel to existing roads and trails in sage-grouse priority core under all of the action alternatives. Encana therefore requests the BLM develop a specific exception to this management action for the limited purpose of oil and gas exploration, site location, and staking and permitting activities. Doing so will allow Encana and other oil and gas operators to continue responsible development of oil and gas resources within the Planning Area.

Comment ID: 2318
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, it is unclear whether the proposal to limit disturbance within core habitat to three disturbances per 640 acres is supported by science or is arbitrary. BLM must provide a citation in support of this restriction, or it must be removed from consideration.

Comment ID: 2237
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is opposed to BLM's proposal that would explore options to amend, cancel, or buy-out leases, or include as COAs the relinquishment of leases within the Planning Area under Alternative C. The BLM simply does not have the authority to require operators to relinquish leases or to cancel existing leases. Should the BLM deny or unreasonably delay Encana's ability to develop its leases or otherwise cancel leases, the BLM's proposal may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution. The BLM must not adopt an alternative that unconstitutionally takes Encana's property and contract rights. To the extent Encana's leases are already producing, they cannot be administratively cancelled by the BLM, and can only be cancelled through a judicial proceeding.

Summary: Throughout section 2.3.3 the BLM refers to BLM's Regional Mitigation Manual, section 1794. To date, the BLM has not released BLM Manual 1794 in a final format. Instead, the BLM has merely released a preliminary draft section of the manual for public review and comment. It is wholly inappropriate for the BLM to rely upon this draft manual in the Draft LUP Amendments until it has been finally promulgated. MS 1794 significantly impacts private property interests. BLM must, therefore, comply with FLPMA by undertaking rulemaking before attempting to implement regional mitigation. MS 1794 goes well beyond merely restating duties already contained in existing BLM regulations and cannot be considered an "interpretive rule." It is instead, a "legislative rule" and must undergo notice and comment pursuant to the Administrative Procedure Act (APA). Rulemaking also ensures that the regulatory costs are addressed by a cost-benefit analysis, Ex. Order 12,12,866, 3 C.F.R. Parts 638, 639, The Unfunded Mandates Reform Act of 1995, and Paperwork Reduction Act as well as disparate impacts on small businesses, Small Business Regulatory Enforcement Fairness Act and impacts on minority communities. BLM evades these important regulatory checks by implementing new authority without rulemaking. In effect, the BLM grants to itself a sweeping right to impose upon landowners significant obligations to comply with mitigation measures for projects with which landowners have absolutely no relation and apparently, without just compensation. This is a regulatory taking that violates the U.S. and Wyoming Constitutions. There is no question that expanding mitigation to a regional scale will increase regulatory costs and burdens on small businesses. BLM fails to address any of these adverse impacts. When conditioning approval of a permit upon mitigating impacts of a proposed development, the BLM must comply with the unconstitutional conditions doctrine. First, the BLM cannot rely on attenuated relationships and gimmickry to claim a nexus between a proposed project and the environmental effects to be mitigated. Secondly, the BLM must make

"individualized determinations" that the on-the-ground efforts are related in "both nature and extent to the impact of the proposed development." Combined, these two steps ensure that the BLM will not overstep its power over public land projects. MS 1794 misstates the law. MS 1794 only requires BLM to claim a "reasonable relationship" between a project and the benefit to be produced by mitigation, rather than only applying regional mitigation when there is an essential nexus between the project and its impacts plus a separate determination that the nature and extent of the mitigation required are roughly proportionate to the impacts. A "reasonable relationship," is an ubiquitous legal term that the US Supreme Court explicitly rejected because it would be easily confused with rational basis. Instead the court held that any condition must be roughly proportionate to the nature and extent of development impacts.

Response: The Regional Mitigation Framework was developed to follow the BLM's Regional Mitigation Manual MS-1794, Forest Service Handbook FSH 1909.15, and CEQ 40 CFR 1508.20. Per IM 2013-142 the interim policy is effective and is to be implemented. A final policy is being developed, and that Draft Manual and its implementing IM (IM 2013-142) specifically provides that it is to be followed pending finalization. BLM manuals and handbooks can be developed and implemented without a rule-making. The Regional Mitigation manual is not a legislative rule requiring notice-and-comment rulemaking under the APA and is within BLM's broad authority to regulate the public lands. Action 10: There are no site specific decisions being made in the EIS. COAs are an implementation action. As specific actions come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions will be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site- specific actions. Consistent with Washington Office Instruction Memorandum No. 2004-110 Change 1, Fluid Mineral Leasing and Related Planning and National Environmental Policy Act (NEPA) Processes and Best Management Practices, more extensive/ expansive/ restrictive mitigation, including adaptive management, could be developed during the site-specific NEPA analysis that would be required to address any specific exploration or development actions that are proposed. Action 18: Management Action #18 in Chapter 2 of the Draft LUP Amendments/Draft EIS limits motorized travel to existing roads, primitive roads, and trails at a minimum, until such time as travel management planning is complete and routes are either designated or closed within sage-grouse priority/core habitats. Because all existing routes would be available for travel, this action would not prevent the use of existing, historic routes (i.e., any existing route would be available for travel for oil and gas operators or any other public land user). Off-road travel is currently only allowed in designated OHV "Open" areas. Management Action #87 under Alternative E represents current management; therefore, Alternative E is continuing management that is currently in place and is not proposing a change to current management. Actions 30 and 31: The BLM and Forest Service acknowledge that impacts on development activities would occur as a result of designating and managing ROW exclusion and avoidance areas. The BLM and Forest Service have determined that managing specific areas as ROW exclusion and avoidance areas is necessary to effectively conserve sage-grouse habitat. Chapter 4 of the Draft LUP Amendments/Draft EIS analyzes the impacts on all resource values and uses from managing areas as ROW exclusion and avoidance areas. The BLM and Forest Service also analyzed a reasonable range of alternatives specifically concerning ROW exclusion and avoidance areas. The BLM and Forest Service will review the analysis and consider comments from the public and other agencies on this issue in order to make a final decision in the Record of Decision. Action 35: The BLM and Forest Service realize that it may not be possible to co-locate some power lines within existing ROWs, which is why some alternatives use the language "where technically feasible." Given the use of this language, the BLM and Forest Service think specific text changes within the management actions are not necessary. Chapter 4 of the Draft LUP Amendments/Draft EIS analyzes the impacts on all resource values and uses from collocating power lines. Action 60: As noted in the response above, the BLM and Forest Service have analyzed a reasonable range of alternatives. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and the Forest Service fully considered the planning issues and

criteria developed during the scoping process to determine a reasonable range of alternatives. Action 63: As noted in the response above, the BLM and Forest Service have analyzed a reasonable range of alternatives. BLM agrees that it cannot impose an NSO on an existing lease. Action 65: As noted in the response above, the BLM and Forest Service have analyzed a reasonable range of alternatives. Additionally, the 4-mile buffer for Greater Sage-Grouse habitat protection is supported and was derived from research performed by several noted sage-grouse scientists including Holloran 2005, Walker et al. 2007, Tack 2009, Johnson et al. 2011. For example, from the NTT report: "Impacts as measured by the number of males attending leks are most severe near the lek, remain discernible out to >4 miles (Holloran 2005, Walker et al. 2007, Tack 2009, Johnson et al. 2011), and often result in lek extirpations (Holloran 2005, Walker et al. 2007). Negative effects of well surface occupancy were apparent out to 3.1 miles, the largest radius investigated, in 2 of 7 study areas in Wyoming (Harju et al. 2010). Curvilinear relationships show that lek counts decreased with distance to the nearest active drilling rig, producing well, or main haul road and that development within 3 to 4 miles of leks decrease counts of displaying males (Holloran 2005). All well-supported models in Walker et al. (2007) indicate a strong negative effect, estimated as proportion of development within either 0.5 miles or 2 miles, on lek persistence. A model with development at 4 miles had less support, but the regression coefficient indicated that negative impacts within 4 miles were still apparent. Two additional studies reported negative impacts apparent out to 8 miles on large lek occurrence (>25 males; Tack 2009) and out to 11.7 miles on lek trends (Johnson et al. 2011), the 1 largest scales evaluated." Action 66: Exploration and wildcat well are defined in the Glossary. The alternatives propose varying applications of Master Development Plans. BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. Action 67: When an oil and gas lease is issued, it constitutes a valid existing right; the BLM cannot unilaterally change the terms and conditions of the lease. Action 67 states; "Within sage-grouse priority habitat, unitization would be required when deemed necessary for proper development and operation of an area (with strong oversight and monitoring) to minimize adverse impacts to sage-grouse according to the Federal Lease Form, 3100-11, Sections 4 and 6." "Would be required when deemed necessary" means that some future determination must be made to actually implement the unitization, and that determination would require an additional NEPA process to analyze the impacts of the requirement and allow for public involvement and comment. Until that future analysis and decision, it is impossible to know what impact this requirement will have. Also, since this requirement would be "for proper development and operation of an area," it will not diminish or abrogate any valid existing rights of current or future lessees. Unitization is a management tool. This requirement does not impose it in a specific context, but merely identifies it as an appropriate tool that may in particular circumstances be deemed the appropriate tool to efficiently manage oil and gas development as well as provide protections for the Greater Sage-Grouse. A determination of whether its use in specific parts of the planning area is practical cannot be made at this time as that would require a specific proposal to analyze. However, two of the major threats to the Greater Sage- Grouse are habitat fragmentation and loss, and non-renewable energy development. COT report, p. 9-10. As unitization can help to limit the footprint of development and limit disturbance during the Greater Sage-Grouse's breeding season, unitization may be an appropriate management tool to help protect the Greater Sage-Grouse from the deleterious impacts of habitat loss and fragmentation and non-renewable energy development within the planning area. The alternatives propose varying requirements for unitization. BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. Also see Appendix E, MAs 122 & 123. Action 69: Appendix C, Section C.2.4, states "Reclamation plans should incorporate the standards set forth in Wyoming BLM Reclamation Policy as described in IM WY-2009-022 and in the corresponding Forest Service Manual/Handbook In the future, this will be supported with more detailed guidance such as new reclamation bond standards, a statewide monitoring and reporting strategy, and sample templates for both reclamation and non-native and invasive species management plans. Specific reclamation information and other technical guidance will be forthcoming and posted on the Wyoming Reclamation web site (http://www.blm.gov/wy.st/en/programs/reclamation.html)." The alternatives propose varying

requirements for bonding. BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. Action 73: Alternative C proposes that Agencies would explore options to amend, cancel, or buy out leases in ACECs and sage-grouse priority and general habitat. BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. Action 88: The alternatives propose varying avoidance distances for new road construction. The rights of valid leaseholders in discussed in section 4.8.2 (page 4-103).BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. Action 89: The alternatives propose varying dates for seasonal restrictions. Alternative C does not put any restrictions on road upgrades. BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. Action 122 and throughout Appendix E: The terms Controlled Surface Use and No Surface Occupancy are defined in the Glossary. All activities on BLM- and Forest Service-managed lands would be required to comport with the 5% disturbance cap regardless of unitization. Valid existing rights are discussed in sections 1.7.1, Issues Addressed, and in several locations throughout Chapter 4. As stated in Section 4.8.2, Assumptions, "Leaseholders have the right to explore, develop, and produce mineral resources from any valid, existing lease, even if the area containing the lease were proposed to be closed to future leasing." In the Detailed Comparison of Alternatives (Section 2.6), the BLM further clarifies this by stating that "Many sage-grouse seasonal habitats within and outside of core habitat areas are encumbered by valid existing rights, such as mineral leases or existing rights-of-way. Fluid mineral leases often will include less stringent lease stipulations than the timing, distance, and density requirements identified for consideration in this plan." When an oil and gas lease is issued, it constitutes a valid existing right; the BLM cannot unilaterally change the terms and conditions of the lease. Existing leases would not be affected by new closures and/or areas administratively unavailable for lease, and restrictions could not be added to existing leases. Surface use and timing restrictions resulting from this RMPA cannot be applied to existing leases. Action 126: As noted in the response above, the BLM and Forest Service have analyzed a reasonable range of alternatives. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and the Forest Service fully considered the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. In determining the disturbance cap level for each alternative, the BLM utilized the recommendations and input specific to each alternative. While the caps would set a particular level of disturbance, the implementation of the disturbance caps would occur after the LUP Amendments is approved in the Record of Decision. The BLM inventoried the habitat with the best available info at the time of the Draft EIS, but would also do additional in-depth analysis and inventory within management zones at the implementation stage. Actions 129 and 134: As noted in the response above, the BLM and Forest Service have analyzed a reasonable range of alternatives. See also the response above for Action 65. Action 131: The alternatives propose varying dates for seasonal restrictions. Alternative D follows the date in Wyoming Executive Order. BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. Action 134: The alternatives propose varying degrees of protection of sage-grouse winter habitat. BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. Table 2-5, Page 2-174: When an oil and gas lease is issued, it constitutes a valid existing right; the BLM cannot unilaterally change the terms and conditions of the lease. The table on 2-173 states: "By leasing a minimum of 640 acres, the BLM and Forest Service could commit to only one surface disturbance per square mile rather than multiple disturbances. This may require sharing of well pads to meet valid existing rights." This action applies to Unleased Fluid Minerals. "May require" means that some future determination must be made to actually implement the unitization, and that determination would require an additional NEPA process to analyze the impacts of the requirement and allow for public involvement and comment. Until that future analysis and

decision, it is impossible to know what impact this requirement will have. Also, since this requirement would be "to meet valid existing rights," it will not diminish or abrogate any valid existing rights of current or future lessees. Sharing of well pads is a management tool. This requirement does not impose it in a specific context, but merely identifies it as an appropriate tool that may in particular circumstances be deemed the appropriate tool to efficiently manage oil and gas development as well as provide protections for the Greater Sage-Grouse. A determination of whether its use in specific parts of the planning area is practical cannot be made at this time as that would require a specific proposal to analyze. Table 2-5, Page 2-194: As noted in the response above, the BLM and Forest Service have analyzed a reasonable range of alternatives designed to protect Greater Sage-Grouse. The Wyoming LUP Amendments is a targeted amendment specifically addressing goals, objectives, and conservation measures to conserve Greater Sage-Grouse and to respond to the potential of its being listed (see Section 1.3, Purpose and Need). Both the Forest Service's and BLM's planning processes allow for analysis and consideration of a range of alternatives in the Draft LUP Amendments/Draft EIS that identified and incorporated appropriate regulatory mechanisms to conserve, enhance, and restore Greater Sage-Grouse habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was recommended. The plan includes alternatives that provide a greater and lesser degree of restrictions in various use programs.

Leasable Minerals

Range of alternatives

RFD is not a prescriptive limit on development and is outdated and too low

Comment ID: 636
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The unconstrained RFD Scenario for oil and gas development within the Casper Field Office is outdated and too low. This is particularly important due to the possibility the planning amendment may result in significant changes to the availability of lands for oil and gas leasing. Samson is aware of a proposal by several oil and gas operators to develop up to 5,000 wells within the Converse County portion of the Casper Field Office. This one project alone exceeds the current RFD Scenario. Absent an updated RFD scenario, BLM cannot provide an accurate analysis regarding the impacts that would result by removing previously available lands from oil and gas leasing. As noted earlier, however, the RFD Scenario is not a limit and should not be a constraint on future oil and gas development.

Comment ID: 1279
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: As part of its planning criteria, the BLM also acknowledges that it will utilize the reasonably foreseeable development scenarios ("RFD Scenario") developed for each of the relevant LUPs within the Planning Area. Sage-Grouse DLUPA, pg. 1-19. When discussing the RFD Scenario, the BLM must be aware, and carefully describe to the public, that the RFD Scenario is not a limit or threshold on future development. The BLM's description of the RFD Scenario in the Sage-Grouse DLUPA will only exacerbate this confusion and may lead to additional litigation. The BLM must carefully explain to the public that the RFD Scenario is not a cap or limitation on future development in the Sage-Grouse DLUPA. In order to prevent future litigation and appeals, the BLM must include language in the ROD and the Sage-Grouse DLUPA describing the purpose of the RFD Scenario and the fact that the RFD Scenario is not a planning decision or limitation on future oil and gas development. Instruction Memorandum 2004-089, Policy for Reasonably Foreseeable Development (RFD) Scenario for Oil and Gas (Jan. 16, 2004). It is particularly

important for the BLM to accurately describe that the RFD Scenario is not a limit on future oil and gas development within the Planning Area because it appears the RFD Scenario for the Planning Area is much too low. The BLM currently anticipates that as many as 12,355 wells could be drilled in the Planning Area during the next 20 years. Sage-Grouse DLUPA, pg. 2-190. EOG believes the BLM has significantly underestimated the oil and gas potential within the Planning Area, particularly given the number of wells proposed in existing EISs such as the Moxa Arch Infill EIS, Hiawatha EIS, NPL EIS, LaBarge Platform EIS, Continental Divide Creston EIS, and the new EIS for development in Converse County.

Comment ID: 581
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: As part of its planning criteria, the BLM also acknowledges that it will utilize the reasonably foreseeable development scenarios ("RFD Scenario") developed for each of the relevant LUPs within the Planning Area. Sage-Grouse DLUPA, pg. 1-19. When discussing the RFD Scenario, the BLM must be aware, and carefully describe to the public, that the RFD Scenario is not a limit or threshold on future development. Rather, the RFD Scenario is a tool utilized by the BLM to estimate the potential impacts of oil and gas development. In order to prevent future litigation and appeals, the BLM must include language in the ROD and the Sage-Grouse DLUPA describing the purpose of the RFD Scenario and the fact that the RFD Scenario is not a planning decision or limitation on future oil and gas development. It is particularly important for the BLM to accurately describe that the RFD Scenario is not a limit on future oil and gas development within the Planning Area because it appears the RFD Scenario for the Planning Area is much too low. The BLM currently anticipates that as many as 12,355 wells could be drilled in the Planning Area during the next 20 years. Sage-Grouse DLUPA, pg. 2- 190. Samson believes the BLM has significantly underestimated the oil and gas potential within the Planning Area, particularly given the number of wells proposed in existing EISs such as the Moxa Arch infill EIS, Hiawatha EIS, NPL EIS, LaBarge Platform EIS, Continental Divide Creston EIS, Moneta Divide EIS and the new EIS for development in Converse County.

Comment ID: 2165
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: When discussing the RFD Scenario, the BLM must be aware, and carefully describe to the public, that the RFD Scenario is not a limit or threshold on future development. Rather, the RFD Scenario is a tool utilized by the BLM to estimate the potential impacts of oil and gas development. The BLM's description of the RFD Scenario in the Sage-Grouse DLUPA will only exacerbate this confusion and may lead to additional litigation. The BLM must carefully explain to the public that the RFD Scenario is not a cap or limitation on future development in the Sage-Grouse DLUPA. In the most recent published decision from the IBLA regarding the RFD Scenario, the IBLA unequivocally determined that the RFD Scenario is not, and cannot be used as, a limitation on future oil and gas development. In order to prevent future litigation and appeals, the BLM must include language in the ROD and the Sage-Grouse DLUPA describing the purpose of the RFD Scenario and the fact that the RFD Scenario is not a planning decision or limitation on future oil and gas development. It is particularly important for the BLM to accurately describe that the RFD Scenario is not a limit on future oil and gas development within the Planning Area because it appears the RFD Scenario for the Planning Area is much too low. The BLM currently anticipates that as many as 12,355 wells could be drilled in the Planning Area during the next 20 years. Sage- Grouse DLUPA, pg. 2-190. Encana believes the BLM has significantly underestimated the oil and gas potential within the Planning Area, particularly given the number of wells proposed in existing EISs such as the Moxa Arch Infill EIS, Hiawatha EIS, NPL EIS, LaBarge Platform EIS, Continental Divide Creston EIS, and the new EIS for development in Converse County.

Summary: When discussing the RFD Scenario, the BLM must be aware, and carefully describe to the public, that the RFD Scenario is not a limit or threshold on future development. Rather, the RFD Scenario is a tool utilized by the BLM to estimate the potential impacts of oil and gas development. In order to prevent future litigation and appeals, the BLM must include language describing the purpose of the RFD Scenario and the fact that the RFD Scenario is not a planning decision or limitation on future oil and gas development. It is particularly important for the BLM to accurately describe that the RFD Scenario is not a limit on future oil and gas development within the Planning Area because it appears the RFD Scenario for the Planning Area is much too low. The BLM currently anticipates that as many as 12,355 wells could be drilled in the planning area during the next 20 years. BLM has significantly underestimated the oil and gas potential within the planning area, particularly given the number of wells proposed in existing EISs such as the Moxa Arch infill EIS, Hiawatha EIS, NPL EIS, LaBarge Platform EIS, Continental Divide Creston EIS, Moneta Divide EIS and a development in Converse County to develop up to 5,000 wells within the Casper Field Office. This one project alone exceeds the current RFD Scenario. Absent an updated RFD scenario, BLM cannot provide an accurate analysis regarding the impacts that would result by removing previously available lands from oil and gas leasing.

Response: The RFD was based on best available information and professional judgment. Many variable circumstances could increase or decrease the level of drilling activity and associated surface disturbance acreage throughout the expected life of the LUP. If the projections in the RFD prove to be inaccurate, then BLM will evaluate the LUP when the well numbers or surface disturbances in the RFD are approached to determine if a plan amendment or revision is warranted.

Leasable Minerals

Range of alternatives

Solid mineral leasing NSO options

Comment ID: 2030
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Solid Leasable Minerals - Chapter 2, page 2-80 and 81, action #75 and 76: The preferred alternative (alt. E) subscribes to alternative D, which is alternative A with some additional language. WWF recommends two additions to this action. These additions are imperative because if the land managers want to control disturbance they must control leasing. o Provide the BLM and the FS with discretion to sell a solid mineral lease under a no surface occupancy stipulation. o Provide the BLM and the FS with discretion to not sell a solid mineral lease if the 5% disturbance has been met and if other mineral leases (fluid or solid) exist in the 640 acre area. A condition of every federal lease through the BLM is to fulfill the monetary interest reasonably expected by the lessor. Thus, for a coal lease, the lessee is required to abide by "diligent development" expectations. Therefore, if other leases exist (either solid or liquid) in a 640 acres and/or 5% of the acreage is disturbed or nearing disturbance, no additional leasing should be allowed.

Summary: Actions 75 and 76: The preferred alternative subscribes to Alternative D, which is Alternative A with some additional language. Two additions should be added to these actions to control disturbance and leasing. • Provide the BLM and the Forest Service with discretion to sell a solid mineral lease under a NSO stipulation. • Provide the BLM and the Forest Service with discretion to not sell a solid mineral lease if the 5% disturbance has been met and if other mineral leases (fluid or solid) exist in the 640 acre area. A condition of every federal lease through the BLM is to fulfill the monetary interest reasonably expected by the lessor. Thus, for a coal lease, the lessee is required to abide by "diligent development" expectations. Therefore, if other leases exist (either solid or liquid) in a 640-acres or 5% of the acreage is disturbed or nearing disturbance, no additional leasing should be allowed.

Response: The determination to offer solid minerals for lease is always at the discretion of the BLM Authorized Officer (AO). Forest Service officials consent to allowing leasing to occur on lands under their jurisdiction, but do not lease minerals. The BLM considers the potential impacts associated with leasing and eventual mining through its NEPA analysis. For a surface mining operation, the NEPA analysis would e required to disclose when potential sage-grouse habitat would be removed by surface mining operations and discuss the impacts of this action. These impacts would drive the AO's decision whether or not to lease, but it would not be practicable to lease solid mineral resources for surface mining with an NSO requirement. When considering coal lease applications, it would not be practicable to include a requirement for no surface occupancy to a surface mining operation, that is why the application of unsuitability criteria # 15 becomes important. It is assumed that the majority of surface coal mining operations will extract resources from the entire area. It is not reasonable to assume you can conduct surface mining operations when the authorizing lease contains an NSO stipulation. NEPA requires agencies to consider a range of "reasonable" alternatives when conducting analyses. If the area for which a lease is applied is for is located in high priority sagegrouse habitat and after consultation with the state it is determine mining would have a deleterious impact to sage-grouse, it may be decided, prior to the investing of monetary resources involved with offering and selling a federal coal lease, that it is in the public interest not to lease to operators proposing to mine by surface methods.

Leasable Minerals

Range of alternatives

Support for Alternative B

Comment ID: 378
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We support the provision to close Core Areas to fluid minerals development to future oil and gas leasing as under Alternative B. It is manifestly obvious that the threat of development (and habitat and population impacts for sage grouse) is much higher where the fluid mineral potential is moderate or higher, which occurs in areas already heavily leased, which makes Conditions of Approval on existing leases essential. The Preferred Alternative applies inadequate 0.6-mile NSO stipulations to existing leases, leaving already leased sage grouse habitats – the areas at most immediate risk for oil and gas development – exposed to the threats posed by energy production. The “mitigation hierarchy” strategy in the Preferred Alternative (DEIS at 2-135) is so infused with agency discretion and lack of measurable standards that its certainty of application and sciencebased effectiveness can never be demonstrated. The idea of “net unmitigated loss” relies on the idea that known loss of habitat effectiveness can somehow be compensated somewhere else, through mitigation efforts.

Summary: Alternative B should be implemented because of the provision to close core areas to future oil and gas leasing. The threat of development (and habitat and population impacts for sage-grouse) is much higher where the fluid mineral potential is moderate or high. This occurs in areas already heavily leased, which makes COAs on existing leases essential. The Preferred Alternative applies inadequate 0.6-mile NSO stipulations to existing leases, leaving already leased sage-grouse habitats – the areas at most immediate risk for oil and gas development – exposed to the threats posed by energy production. The “mitigation hierarchy” strategy in the Preferred Alternative is so infused with agency discretion and lack of measurable standards that its certainty of application and science-based effectiveness can never be demonstrated. The idea of “net unmitigated loss” relies on the idea that known loss of habitat effectiveness can somehow be compensated somewhere else through mitigation efforts.

Response: Your support of Alternative B has been noted. The BLM and the Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with NEPA. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and the Forest Service fully considered the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. As a result, five alternatives were analyzed in detail in the Draft LUP Amendments/Draft EIS that best addressed the issues and concerns identified by the affected public. The BLM and Forest Service will consider the entire range of alternatives and make a final decision in the Record of Decision when the land use planning process is completed.

Leasable Minerals

Range of alternatives

Support for Alternative E

Comment ID: 757
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon encourages the BLM to adopt Alternative E with respect to fluid mineral leasing.

Comment ID: 816
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: With the modifications discussed herein and those incorporated by reference, Devon supports Alternative E because it most closely honors Wyoming Executive Order 2011-005 (June 2, 2011) and a more balanced approach to sage-grouse protection and multiple use of the public land. Devon is particularly concerned about the onerous restrictions imposed on oil and gas development under Alternative B and Alternative C and strongly urges the BLM not to adopt either alternative.

Comment ID: 1132
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: With some modifications, Anschutz supports Alternative E because it most closely honors Wyoming Executive Order 2011-005 (June 2, 2011) and a more balanced approach to sage-grouse protection and multiple use of the public land. Anschutz is particularly concerned about the onerous restrictions imposed on oil and gas development under Alternative B and Alternative C and strongly urges the BLM not to adopt either alternative.

Comment ID: 721
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: With modifications, Devon supports Alternative E because it most closely honors Wyoming Executive Order 2011-005 (June 2, 2011) and takes a more balanced approach to sage-grouse protection and multiple use of public lands. Devon opposes Alternative B and Alternative C because they place far too many onerous and unreasonable restrictions on future oil and gas development.

Comment ID: 1785

Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips encourages the BLM to adopt Alternative E with modifications. Such an alternative represents a more reasonable and balanced approach that promotes oil and gas development, respects existing lease rights, provides adequate flexibility for future site-specific planning decisions, and recognizes the limitations of the agency's authority and expertise.

Comment ID: 1734
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: With some modifications, ConocoPhillips supports Alternative E because it most closely honors Wyoming Executive Order 2011-005 (June 2, 2011) and a more balanced approach to sage-grouse protection and multiple use of the public land.

Comment ID: 1485
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG supports the BLM's decision to allow oil and gas leasing under Alternative E. EOG believes oil and gas leasing and development can take place while still protecting GRSG habitat and populations. EOG encourages the BLM to adopt Alternative E with respect to fluid mineral leasing.

Comment ID: 1755
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips supports the BLM's decision to allow oil and gas leasing under Alternative E. ConocoPhillips believes oil and gas leasing and development can take place while still protecting sagegrouse habitat and populations. ConocoPhillips encourages the BLM to adopt Alternative E with respect to fluid mineral leasing.

Comment ID: 545
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: With some modifications, Samson supports Alternative E because it honors Wyoming Executive Order 2011-005 (June 2, 2011) and a more balanced approach to sage-grouse protection and multiple usc of the public land. Samson is particularly concerned about the onerous restrictions imposed on oil and gas development under Alternative B and Alternative C and strongly urges the BLM not to adopt either alternative. As the BLM is aware, portions of the Planning Area have significant potential for oil and gas development. Sage-Grouse DLUPA. § 3.8.1. The BLM should not unreasonably restrict access to this important source of domestic energy. Samson opposes Alternative B and Alternative C because they place far too many onerous and unreasonable restrictions on future oil and gas development. Alternative B closes 6,809,508 acres to oil and gas leasing, and Alternative C closes a staggering 16,878,220 acres to oil and gas leasing. Sage-Grouse DLUPA. pg. 2-195. Additionally, the BLM proposes far too many onerous restrictions on future oil and gas development under Alternative B and Alternative C in particular.

Comment ID: 1832
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance

Name: Esther Wagner

Comment: We generally support Alternative E, with our recommended changes, as it most closely mirrors the EO which provides a more balanced approach to sage-grouse protection and multiple use of the public land.

Comment ID: 1163
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz supports the BLM's decision to allow oil and gas leasing under Alternative E. Anschutz believes oil and gas leasing and development can take place while still protecting sage-grouse habitat and populations. Anschutz encourages the BLM to adopt Alternative E with respect to fluid mineral leasing.

Comment ID: 2195
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana supports the BLM's decision to allow oil and gas leasing under Alternative E. Encana believes oil and gas leasing and development can take place while still protecting sagegrouse habitat and populations. Encana encourages the BLM to adopt Alternative E with respect to fluid mineral leasing.

Comment ID: 2172
Organization: The Nature Conservancy
Name: Graham McGaffin

Comment: The Conservancy is supportive of BLM and USFS developing mitigation plans that are compatible with the Wyoming Executive Order. As a result, the Conservancy supports mitigating disturbance in excess of 5% within sage-grouse core habitat, as proposed under the preferred alternative for existing roads, realignments and potential new construction solely where disturbance cannot be capped due to unavoidable impacts such as preexisting rights.

Summary: The BLM should adopt Alternative E with respect to fluid mineral leasing. Fluid mineral leasing and development can take place while still protecting sage-grouse habitat and populations. Alternative E represents a more reasonable and balanced approach that promotes oil and gas development, respects existing lease rights, provides adequate flexibility for future site-specific planning decisions, and recognizes the limitations of the agency's authority and expertise. The BLM is right to develop mitigation plans that are compatible with the Wyoming Executive Order, mitigating disturbance in excess of 5% within sage-grouse core habitat, as proposed under the Preferred Alternative for existing roads, realignments and potential new construction solely where disturbance cannot be capped due to unavoidable impacts such as preexisting rights.

Response: Your support of Alternative E has been noted. The BLM and the Forest Service considered a reasonable range of alternatives during the Greater Sage-Grouse planning process in full compliance with NEPA. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and the Forest Service fully considered the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. As a result, five alternatives were analyzed in detail in the Draft LUP Amendment/Draft EIS that best addressed the issues and concerns identified by the affected public. The BLM and Forest Service will consider the entire

range of alternatives and make a final decision in the Record of Decision when the land use planning process is completed.

Leasable Minerals

Range of alternatives

Unhappy with checkerboard leasing alternatives

Comment ID: 1482
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is very concerned about the BLM‘s proposed management for oil and gas leasing within the checkerboard portion of Wyoming under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2- 63, Action No. 60. As the BLM is aware, the vast majority of the so-called checkerboard lands within Wyoming have high potential for oil and gas development. Allowing these areas only to be leased after a plan amendment unreasonably restricts the BLM‘s management options within these areas. Further, the delays associated with securing a plan amendment prior to leasing will make it virtually impossible for the BLM to lease these lands in a timely manner. Given the checkerboard ownership, there is a significant risk federal lands could be drained by development on off-setting private acres. The BLM should reconsider the leasing limitations under Alternative B and Alternative C.

Comment ID: 1162
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is concerned about the BLM’s proposed management for oil and gas leasing within the checkerboard portion of Wyoming under Alternative B and Alternative C. Further, the delays associated with securing a plan amendment prior to leasing will make it virtually impossible for the BLM to lease these lands in a timely manner. Given the checkerboard ownership, there is a significant risk federal lands could be drained by development on off-setting private acres. The BLM should reconsider the leasing limitations under Alternative B and Alternative C.

Comment ID: 1754
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is concerned about the BLM’s proposed management for oil and gas leasing within the checkerboard portion of Wyoming under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2-63, Action No. 60. As the BLM is aware, the vast majority of the so-called checkerboard lands within Wyoming have high potential for oil and gas development. Allowing these areas only to be leased after a plan amendment unreasonably restricts the BLM’s management options within these areas. Further, the delays associated with securing a plan amendment prior to leasing will make it virtually impossible for the BLM to lease these lands in a timely manner. Given the checkerboard ownership, there is a significant risk federal lands could be drained by development on off-setting private acres. The BLM should reconsider the leasing limitations under Alternative B and Alternative C.

Comment ID: 604
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is very concerned about the BLM's proposed management for oil and gas leasing within the checkerboard portion of Wyoming under Alternative B and Alternative C. Sage-Grouse DLUPA, pg. 2- 63, Action No. 60. As the BLM is aware, the vast majority of the so-called checkerboard lands within Wyoming have high potential for oil and gas development. Allowing these areas only to be leased after a plan amendment unreasonably restricts the BLM's management options within these areas. Further, the delays associated with securing a plan amendment prior to leasing will make it virtually impossible for the BLM to lease these lands in a timely manner. Given the checkerboard ownership, there is a significant risk federal lands could be drained by development on off-setting private acres. The BLM should reconsider the leasing limitations under Alternative B and Alternative C.

Comment ID: 2891
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: On page 2-96, Action 88 … And on page 2-99, Action 89: These proposed management actions do not consider the checkerboard land pattern and the difficulties and hardships this may place on landowners traversing mixed private/public land ownership. In the checkerboard, crossing public lands is almost always required to access private lands. By restricting road development and maintenance on public lands in core habitat, BLM is restricting road development and maintenance on private lands. This appears to be an unreasonable restriction on private property rights. BLM needs to provide for flexibility to address the unique issues that arise with the checkerboard land ownership pattern.

Comment ID: 2193
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is very concerned about the BLM’s proposed management for oil and gas leasing within the checkerboard portion of Wyoming under Alternative B and Alternative C. Allowing these areas only to be leased after a plan amendment unreasonably restricts the BLM’s management options within these areas. Further, the delays associated with securing a plan amendment prior to leasing will make it virtually impossible for the BLM to lease these lands in a timely manner. Given the checkerboard ownership, there is a significant risk federal lands could be drained by development on off-setting private acres. The BLM should reconsider the leasing limitations under Alternative B and Alternative C.

Summary: BLM’s proposed management for oil and gas leasing within the checkerboard portion of Wyoming under Alternatives B and C is cause for concern. Allowing these areas only to be leased after a plan amendment unreasonably restricts the BLM’s management options within these areas. Further, the delays associated with securing a plan amendment prior to leasing will make it virtually impossible for the BLM to lease these lands in a timely manner. Given the checkerboard ownership, there is a significant risk federal lands could be drained by development on off-setting private acres. The BLM should reconsider the leasing limitations under Alternatives B and C. Actions 88 and 89: These proposed management actions do not consider the checkerboard land pattern and the difficulties and hardships this may place on landowners traversing mixed private/public land ownership. In the checkerboard, crossing public lands is almost always required to access private lands. By restricting road development and maintenance on public lands in core habitat, BLM is restricting road development and maintenance on private lands. This appears to be an unreasonable restriction on private property rights. BLM needs to provide for flexibility to address the unique issues that arise with the checkerboard land ownership pattern.

Response: Impacts on Greater Sage-Grouse from all resource activities were adequately considered in Chapter 4 of the Draft EIS. The Draft EIS discusses the linkage of public and private lands and the potential for increased disturbance on private lands, particularly in "checkerboard" areas. The alternatives propose

varying avoidance distances for new road construction and allowances for road upgrades. BLM is required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science. BLM and Forest Service will consider the entire range of alternatives and make a final decision in the Record of Decision when the land use planning process is completed.

Leasable Minerals

Reclamation

Lessees not responsible to reclaim roads not part of their project

Comment ID: 2729
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: B-2 Text: Where existing leases or right-of-ways (ROWs) have had some level of development (road, fence, well, etc.) and are no longer in use, reclaim the site by removing these features and restoring the habitat. Comment: It appears that BLM would suggest new lessees are responsible for reclaiming roads, fences, or wells that were not part of their project. BLM must state that reclaiming these features should be taken only on a voluntary basis by project proponents. Moreover, On split estate lands where the surface is owned by private landowners, BLM must defer decisions with regard to such things as what remains on the land (e.g. size of ponds) to those private landowners.

Summary: Page B-2: BLM is suggesting new lessees are responsible for reclaiming roads, fences, or wells that were not part of their project. BLM must state that reclaiming these features should be taken only on a voluntary basis by project proponents. Moreover, on split estate lands where the surface is owned by private landowners, BLM must defer decisions with regard to such things as what remains on the land (e.g. size of ponds) to those private landowners.

Response: The agencies are not implying that new lessees will be responsible for reclamation not part of the new lease. The agencies do not have the authority to require reclamation outside of the new lease area. Additionally, reclamation on land where the agencies do not control the surface is between the surface owner and the mineral lessee.

Leasable Minerals

Reclamation

Reclamation of mined-out areas should be considered

Comment ID: 2435
Organization: Bridger Coal Company
Name: Norman E. Hargis

Comment: The role of reclamation of lands within or adjacent to core or significant habitat must be considered as coal mining operations add new reserves to replace mined-out areas in order to maintain operation of existing infrastructure and long-standing supply agreements with the customers of the coal. Where a history of high quality reclamation of sagebrush habitat has been well established and documented, this must be considered in decisions relative to new coal leases and lease modifications.

Summary: The role of reclamation of lands within or adjacent to core habitat must be considered as coal mining operations add new reserves to replace mined-out areas in order to maintain operation of existing

infrastructure and long-standing supply agreements with the customers of the coal. Where a history of high quality reclamation of sagebrush habitat has been well established and documented, this must be considered in decisions relative to new coal leases and lease modifications.

Response: The applicable authority governing reclamation of coal mining activities is the Office of Surface Mining. Individual States can assume primacy (with OSM oversight) over the regulation of surface coal mining and reclamation activities. In 1987 the State of Wyoming established this jurisdictional role by entering into a cooperative agreement with the Secretary of the Interior to regulate coal mining operations, including ensuring the lands are properly reclaimed. Mining and reclamation requirements were established in the Surface Mining Control and Reclamation Act of 1977 (SMCRA, 30 U.S.C. 1201). SMCRA requires identification of pre-mining land uses, collection of a wide range of detailed baseline studies, implementation of extensive reclamation and/or mitigation and monitoring during and after mining. In most cases, the permittee is required to return the lands to pre-mine uses. It is reasonable to assume the State of Wyoming in its permitting role will require high quality reclamation of sagebrush habitat consistent to pre-mining levels.

Leasable Minerals

Reclamation

Reclamation plan needs to incorporate agency coordination

Comment ID: 1409
Organization: Cloud Peak Energy Resources
Name: Bob Green

Comment: Need for Interagency Collaboration on Reclamation Requirements The discussions in Appendix C, Section C.2.6., are highly prescriptive as to reclamation requirements and criteria, but the document does not address the need for interagency collaboration where applicable leasing processes precede applicable Federal-State permitting processes. These discussions need to outline that for those leases requiring subsequent permitting that the final reclamation requirements will be determined based on BLM/USFS collaboration with the permitting agencies to avoid the potential for any lease stipulation conflicts with permit requirements.

Comment ID: 1436
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Appendix C, Reclamation Plan, page C-1. The appendix states, "Reclamation plans will be developed on a project specific basis," and "Reclamation plans should provide objectives and approved procedures to facilitate monitoring and compliance evaluations." We recommend that the BLM also accept the use of other agency approved reclamation plans that serve the same purpose. For example, the Wyoming Department of Environmental Quality, Land Quality Division already requires approved reclamation plans and those plans should be adequate in lieu of separate plans.

Summary: The discussions in Appendix C, Section C.2.6., are highly prescriptive as to reclamation requirements and criteria, but the document does not address the need for interagency collaboration where applicable leasing processes precede applicable federal-state permitting processes. These discussions need to outline that for those leases requiring subsequent permitting that the final reclamation requirements will be determined based on BLM/Forest Service collaboration with the permitting agencies to avoid the potential for any lease stipulation conflicts with permit requirements. Also, BLM should use other agency approved reclamation plans that serve the same purpose. For example, the Wyoming Department of

Environmental Quality, Land Quality Division already requires approved reclamation plans and those plans should be adequate.

Response: Section C.2.5, Reclamation Best Management Practices for Sage-Grouse Habitat, states "The land management agencies will encourage cooperative agreements between the agencies, proponent project proponents, and interested proponents so as to ensure the success of habitat reclamation." Section C.2.4, Reclamation Plan Requirements/Minimum Standards, states "Reclamation plans should incorporate the standards set forth in Wyoming BLM Reclamation Policy as described in IM WY-2009-022..." BLM's Wyoming Reclamation Policy (most recently re-released under WY IM 2012- 032) acknowledges the existence of other statutes and laws regulating reclamation from development activities (e.g. Surface Mining Control and Reclamation Act of 1977) and states "where these Reclamation Requirements differ from other applicable federal laws, rules, and regulations, those requirements supersede this policy. State and/or local statutes or regulations may also apply."

Leasable Minerals

Reclamation

Reclamation should be conducted with operator cooperation

Comment ID: 2437
Organization: Bridger Coal Company
Name: Norman E. Hargis

Comment: Specific practices to implement federal and state standards for reclamation of mined lands to suitable sage grouse habitat should also be worked out between the mining operation and local BLM staff and State Regulatory Authority staff. In this way, mine plans and reclamation practices will be tailored to the local sage grouse population and habitat needs. Surface and underground coal mines, such as Bridger Coal Company, regulated under the Surface Mining Control and Reclamation Act of 1977 and the Wyoming State Regulatory Authority, granted primacy under the federal act, have long been required through their mine permits to meet reclamation standards that would return mined lands back to habitat that is suitable for sage grouse when that is part of the land use. Annual monitoring of the sage grouse population has also been required via lek attendance counts.

Summary: Specific practices to implement federal and state standards for reclamation of mined lands to suitable sage-grouse habitat should also be worked out between the mining operation and local BLM staff and State Regulatory Authority staff. In this way, mine plans and reclamation practices will be tailored to the local sage-grouse population and habitat needs. Surface and underground coal mines regulated under the Surface Mining Control and Reclamation Act of 1977 and the Wyoming State Regulatory Authority, granted primacy under the federal act, have long been required through their mine permits to meet reclamation standards that would return mined lands back to habitat that is suitable for sage-grouse when that is part of the land use. Annual monitoring of the sage-grouse population has also been required via lek attendance counts.

Response: We agree, reclamation of coal mining activities is the responsibility of the State of Wyoming, with input from the BLM where we are surface landowners. BLM does not have any regulatory authority to approve reclamation plans involving federally leased coal, but we agree with your assessment that the State of Wyoming will require mining activities to be reclaimed to habitats suitable for sagegrouse where that was the original use.

Leasable Minerals

Reclamation

Reclamation standards should only apply to core habitat

Comment ID: 3007
Organization: Wyoming Mining Association
Name: Marion Loomis

Comment: Appendix C, Section C.2.4 (Reclamation Plan Requirements/Minimum Standards) incorporates by reference IM WY-2009-022 and the corresponding Forest Service Manual/Handbook and indicates "In the future, this will be supported with more detailed guidance such as new reclamation bond standards, a statewide monitoring and reporting strategy, and sample templates for both reclamation and non-native and invasive species management plans." This discussion should include a statement that this future guidance will be applicable only to core area reclamation, similar to the scope of the current Appendix C, and will be subject to public review and comment processes separate from the actions addressed by this DEIS. In addition, it is strongly recommended that if these new strategies are considered, they should be coordinated and integrated into existing programs within the state. For example, there is currently an effective reclamation bonding program, and a very extensive and well-practiced monitoring and reporting system for all mining interests through the Land Quality Division of the Department of Environmental Quality. Duplication of this effort is not needed.

Summary: Appendix C, Section C.2.4, incorporates by reference IM WY-2009-022 and the corresponding Forest Service Manual/Handbook and indicates "In the future, this will be supported with more detailed guidance such as new reclamation bond standards, a statewide monitoring and reporting strategy, and sample templates for both reclamation and non-native and invasive species management plans." This discussion should include a statement that this future guidance will be applicable only to core area reclamation, similar to the scope of the current Appendix C, and will be subject to public review and comment processes separate from the actions addressed by this Draft EIS. In addition, it is strongly recommended that if these new strategies are considered, they should be coordinated and integrated into existing programs within the state. For example, there is currently an effective reclamation bonding program, and a very extensive and well-practiced monitoring and reporting system for all mining interests through the Land Quality Division of the Department of Environmental Quality. Duplication of this effort is not needed.

Response: The agencies require reclamation for all minerals activities, regardless of the location. Reclamation is not limited to core or connectivity habitat, however, as stated in Management Action 99, "reclamation in core and connectivity areas will be consistent with the Wyoming reclamation Policy and Appendix C." If more detailed guidance for reclamation is added to the agency Manuals and Handbooks (FSH), the agencies will follow appropriate procedures to involve and/or inform the public of these changes.

Leasable Minerals

Required Design Features

Opposition or changes to RDFs

Comment ID: 444
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Taking the approach that the application of RDFs will be evaluated on a “site-specific basis” and will only apply when “reasonable” makes sense and is appropriate. In addition to eliminating or modifying RDFs to establish consistency with EO 2011-5, Yates requests BLM adopt limitations to the application of RDFs similar to the Lander Proposed RMP/EIS to establish consistency across BLM Field Offices.

Comment ID: 593
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: In Table 2.1 the BLM explains that certain site-specific mitigation measures may be imposed under all alternatives. Sage-Grouse DLUPA, pg. 2-15, Action No. 10. Samson is opposed to the imposition of the RDFs contained in Appendix B in a planning level document. The BLM must clarify the extent to which the so-called RDFs will be applied to operations on existing leases. The BLM must recognize that oil and gas leases are existing rights that cannot be modified. Any attempts to modify existing rights could violate the terms of Samson's contracts with the BLM and the BLM's own policies.

Comment ID: 744
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM must revise the mandatory language in Table 2.1 to be consistent with the statements in Appendix 6 recognizing that RDFs are not mandatory and may not be appropriate in all circumstances. Moreover, the BLM must clarify the extent to which the so-called RDFs will be applied to operations on existing leases. The RDFs must also be consistent with existing lease terms.

Comment ID: 1221
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is opposed to the RDFs affecting fluid minerals in Appendix B. It would be impossible for an oil and gas operator to technologically or economically utilize all of the proposed RDFs prescribed in this section. The BLM should make these suggested, not required, design features or, at a minimum, provide for exceptions. Anschutz is also very concerned that the RDFs will be imposed on both existing and new oil and gas development projects and leases within the Planning Area. The BLM needs to specifically modify Appendix B to indicate that it does not and cannot impact existing leases.The BLM has not adequately explained how the proposed RDFs contained in Appendix B will be applied to existing leases. Anschutz does appreciate, however, the BLM’s recognition that all RDFs may not be appropriate for every circumstance.

Comment ID: 724
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon is very concerned the BLM’s development of Required Design Features ("RDF") will be imposed on all future projects under most of the action alternatives. Imposing site-specific COAs in a land use plan is fundamentally in contrast to federal court precedent and BLM policies. Devon appreciates that BLM has recognized that not all RDFs are appropriate in every circumstance, as discussed in more detail later. The BLM should reconsider identifying RDFs in a land use plan.

Comment ID: 1151

Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: In Table 2.1 the BLM explains that certain site-specific mitigation measures may be imposed under all alternatives. Sage-Grouse DLUPA, pg. 2-15, Action No. 10. Anschutz is opposed to the imposition of the RDFs contained in Appendix B in a planning level document. The BLM must clarify the extent to which the so-called RDFs will be applied to operations on existing leases. The BLM must recognize that oil and gas leases are existing rights that cannot be modified. The RDFs must also be consistent with existing lease terms.

Comment ID: 683
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Appendix B - Required Design Features It would be impossible for an oil and gas operator to technologically or economically utilize all of the proposed RDFs prescribed in this section. The BLM should make these suggested, not required, design features or, at a minimum, provide for exceptions. Samson is also very concerned that the RDFs will be imposed on both existing and new oil and gas development projects and leases within the Planning Area. The BLM needs to specifically modify Appendix B to indicate that it does not and cannot impact existing leases. The BLM has not adequately explained how the proposed RDFs contained in Appendix B will be applied to existing leases. Samson does appreciate, however, the BLM's recognition that all RDFs may not be appropriate for every circumstance. Sage-Grouse DLUPA, Appd. B, pg. B-1. The BLM should not unreasonably constrain future development actions through the use of RDFs. As already noted in these comments, LUPs are not ordinarily used to make site specific decisions or impose specific COAs.

Comment ID: 445
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: The Lander Proposed RMP/EIS, Appendix H, includes a number of RDFs under the category “Mineral Development” that contain language such as “if feasible”, “where feasible”, and “unless technically unfeasible”, which acknowledges consideration that not all measures will have blanket applicability in all cases and that feasibility is a valid concern. The Draft LUPA and EIS does not include such language, but mandates measures with no consideration of whether the practice is feasible based on project-specific factors. Yates requests BLM include feasibility as a factor in applying RDFs

Comment ID: 1138
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Nonetheless, in the Sage-Grouse DLUPA, the BLM proposes several site-specific COAs contained in Appendix B that will be applied to all site-specific projects. The BLM should recognize the contradiction in its decision making and remove any attempts to make site-specific decisions in the Sage-Grouse DLUPA. This error should be corrected.

Comment ID: 1574
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is opposed to the RDFs affecting fluid minerals in Appendix B. It would be impossible for an oil and gas operator to technologically or economically utilize all of the proposed RDFs prescribed in this section. The BLM should make these suggested, not required, design features or, at a minimum, provide for exceptions. EOG is also very concerned that the RDFs will be imposed on both existing and new oil and gas development projects and leases within the Planning Area. The BLM needs to specifically modify Appendix B to indicate that it does not and cannot impact existing leases. The BLM has not adequately explained how the proposed RDFs contained in Appendix B will be applied to existing leases. The BLM must expressly recognize that oil and gas leases are existing rights that cannot be modified.EOG does appreciate, however, the BLM‘s recognition that all RDFs may not be appropriate for every circumstance. Sage-Grouse DLUPA, Appd. B, pg. B-1. EOG believes it is very important for the BLM to maintain as much flexibility as possible with regard to future permitting actions. The BLM should not unreasonably constrain future development actions through the use of RDFs

Comment ID: 443
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Appendix B establishes several requirements (i.e. RDFs) for protection of GSG habitat that will apply to all oil and gas operations throughout the Plan Area and/or within priority GSG habitats to “ensure regulatory certainty and the conservation of GSG.” Most of these RDFs are inconsistent with EO 2011- 5 and are in addition to the GSG stipulations discussed above. Some RDFs are more problematic than others. RDFs that apply outside of GSG Core Population Areas are particularly concerning and unwarranted as incentives to enable development should be established in these areas rather that proposing additional restrictions. This includes mandatory BMPs that apply within “general GSG habitat” proposed on pg’s B8-B9. As previously discussed, the GSG management strategy in EO 2011- 5 is a sound strategy to conserve GSG that has been endorsed by the USFWS and applied by BLM Wyoming. As such, application of the RDFs proposed in Appendix B that are inconsistent with EO 2011-5 is unwarranted and has not been justified by BLM. Yates requests BLM eliminate and/or modify RDFs proposed in Appendix B to establish consistency with EO 2011-5.

Comment ID: 1784
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is opposed to the RDFs affecting fluid minerals in Appendix B. It would be impossible for an oil and gas operator to technologically or economically utilize all of the proposed RDFs prescribed in this section. The BLM should make these suggested, not required, design features or, at a minimum, provide for exceptions. ConocoPhillips is also very concerned that the RDFs will be imposed on both existing and new oil and gas development projects and leases within the Planning Area. The BLM needs to specifically modify Appendix B to indicate that it does not and cannot impact existing leases. The BLM has not adequately explained how the proposed RDFs contained in Appendix B will be applied to existing leases. The BLM must expressly recognize that oil and gas leases are existing rights that cannot be modified. ConocoPhillips does appreciate, however, the BLM’s recognition that all RDFs may not be appropriate for every circumstance. Sage-Grouse DLUPA, Appd. B, pg. B-1. ConocoPhillips believes it is very important for the BLM to maintain as much flexibility as possible with regard to future permitting actions. The BLM should not unreasonably constrain future development actions through the use of RDFs. As already noted in these comments, LUPs are not ordinarily used to make site specific decisions or impose specific COAs.

Comment ID: 1459
Organization: EOG Resources, Inc.

Name: Carlos Jallo

Comment: In Table 2.1 the BLM explains that certain site-specific mitigation measures may be imposed under all alternatives. Sage-Grouse DLUPA, pg. 2-15, Action No. 10. EOG is opposed to the imposition of the RDFs contained in Appendix B in a planning level document. The BLM must clarify the extent to which the so-called RDFs will be applied to operations on existing leases. The BLM must recognize that oil and gas leases are existing rights that cannot be modified. The RDFs must also be consistent with existing lease terms. As a federal lessee, EOG has a legal right to occupy the surface to explore for, produce, and develop oil and gas resources on its leases.

Comment ID: 576
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: many of the RDF and Best Management Practices ("BMP") recommended by the NTT fail to recognize valid existing rights and/or fail to reflect the complexity of oil and gas exploration and development as evidenced by its attempt to impose a one-size-fits-all management approach that disregards topography, local conditions, and practicality. We recommend that the agencies revisit its design features and mitigation, which are based in the NTT report, to ensure they are technically feasible and appropriate and that they maintain the level of flexibility required when their use may be properly considered on a site-specific basis. Moreover, in accordance with current law and regulation, it is inappropriate for the DLUPA to establish these overly site-specific requirements at a programmatic level as proposed regardless of their source

Comment ID: 442
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: The mandatory application of RDFs as currently proposed under the Draft LUPA and EIS does not provide BLM or operators with this flexibility. For some proposed projects it will not be necessary and/or feasible to apply some of the RDFs. As such, the RDFs currently proposed under Alternative B will create unjustified operational burdens and restrictions. Yates urges BLM modify Appendix B such that all management practices retained are treated and applied as optional BMPs that an operator may choose to apply on a case-by-case basis as deemed warranted and feasible.

Comment ID: 1747
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: In Table 2.1 the BLM explains that certain site-specific mitigation measures may be imposed under all alternatives. Sage-Grouse DLUPA, pg. 2-15, Action No. 10. ConocoPhillips is opposed to the imposition of the RDFs contained in Appendix B in a planning level document. The BLM must clarify the extent to which the so-called RDFs will be applied to operations on existing leases. The BLM must recognize that oil and gas leases are existing rights that cannot be modified. The RDFs must also be consistent with existing lease terms. As a federal lessee, ConocoPhillips has a legal right to occupy the surface to explore for, produce, and develop oil and gas resources on its leases.

Comment ID: 441
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: In addition to Yates' comments on Appendix B, Required Design Features, that follow, Yates supports and endorses the Petroleum Association of Wyoming's (PAW) comments on Appendix B and specific comments on each RDF. The overarching concept of RDFs as well as the application of several of the specific RDFs are unreasonable as proposed and should be eliminated or modified as suggested (see PAW comments on Appendix B).

Comment ID: 2594
Organization: QEP Energy Company
Name: Mike Smith

Comment: The use of RDFs in core habitat and non-core habitat areas is needlessly restrictive, scientifically unfounded, and inconsistent with the EO. Furthermore, requiring RDFs as mandatory Conditions of Approval (COAs) on already existing leases could potentially violate the terms of these leases and would require negotiations with current leaseholders. More importantly, there is no documentation available to show that any of the RDFs have been proven effective over time. Through the NEP A process, operators are already required to implement site-specific best management practices (BMPs). While some RDFs may be proven effective in certain instances, the blanket requirement fails to recognize valid existing rights and may require RDFs in situations that are not technically feasible, economic, or appropriate given the topography, local conditions, and practicality. The use of RDFs in non-core habitat is especially troublesome. The EO's intent is to encourage oil and gas development in non-core habitat and the EO repeatedly stresses the importance of respecting and recognizing existing land uses. QEP suggests that the BLM make the RDFs "preferred" or "suggested" management practices in core habitat areas rather than required and continue to encourage BMPs in non-core habitat areas.

Comment ID: 2296
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is opposed to the RDFs affecting fluid minerals in Appendix B. It would be impossible for an oil and gas operator to technologically or economically utilize all of the proposed RDFs prescribed in this section. The BLM should make these suggested, not required, design features or, at a minimum, provide for exceptions. Encana is also very concerned that the RDFs will be imposed on both existing and new oil and gas development projects and leases within the Planning Area. The BLM needs to specifically modify Appendix B to indicate that it does not and cannot impact existing leases. The BLM has not adequately explained how the proposed RDFs contained in Appendix B will be applied to existing leases. The BLM must expressly recognize that oil and gas leases are existing rights that cannot be modified. The Sage-Grouse DLUPA also cannot defeat or materially restrain Encana's valid and existing rights to develop its leases through COAs, or other means. Encana believes it is very important for the BLM to maintain as much flexibility as possible with regard to future permitting actions. The BLM should not unreasonably constrain future development actions through the use of RDFs. As already noted in these comments, LUPs are not ordinarily used to make site specific decisions or impose specific COAs.

Comment ID: 2186
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is opposed to the imposition of the RDFs contained in Appendix B in a planning level document. The BLM must clarify the extent to which the so-called RDFs will be applied to operations on existing leases. The BLM must recognize that oil and gas leases are existing rights that cannot be modified. The RDFs must also be consistent with existing lease terms. As a federal lessee, Encana has a legal right to occupy the surface to explore for, produce, and develop oil and gas resources on its leases. The Sage-Grouse

DLUPA also cannot defeat or materially restrain Encana's valid and existing rights to develop its leases through COAs, or other means.

Summary: The RDFs proposed in Appendix B should not be considered in a planning level document. It would be impossible for an oil and gas operator to technologically or economically utilize all of the proposed RDFs. The BLM should make RDFs suggested, not required, design features or, at a minimum, provide for exceptions. Most of the RDFs are inconsistent with EO 2011-5. BLM should eliminate or modify RDFs to establish consistency with EO 2011-5 and adopt limitations to the application of RDFs similar to the Lander Proposed RMP/EIS to establish consistency across BLM Field Offices. The BLM must clarify the extent to which the so-called RDFs will be applied to operations on existing leases. Use language such as "if feasible," "where feasible," and "unless technically unfeasible," which acknowledges consideration that not all measures will have blanket applicability in all cases and that feasibility is a valid concern. The BLM must recognize that oil and gas leases are existing rights that cannot be modified. The RDFs must also be consistent with existing lease terms. BLM should take the approach that the application of RDFs will be evaluated on a "site-specific basis" and will only apply when "reasonable." The BLM needs to specifically modify Appendix B to indicate that it does not and cannot impact existing leases.

Response: The BLM and the Forest Service complied with NEPA by including a discussion of measures that may mitigate adverse environmental impacts of the alternatives in the Draft LUP Amendments/Draft EIS. See 40 CFR 1502.14(f), 1502.16(h). The BLM and the Forest Service must include mitigation measures in an EIS pursuant to NEPA; yet the BLM and the Forest Service have full discretion in selecting which mitigation measures are most appropriate, including which forms of mitigation are inappropriate. Additionally, site-specific concerns and more detailed environmental descriptions will be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. RDFs included in the Draft EIS are based on best management practices included in the NTT report and are based on the best available science at the time of publication. RDFs are BMPs; BLM describes BMPs as "state-of-the- art mitigation measures". The aim of BMPs is to protect wildlife, air quality, landscapes, and other natural resources. BMPs tend to be general principles for resource protection and are not in themselves regulatory in nature. BLM's policy is that all "Field Offices consider BMPs in NEPA documents to mitigate anticipated impacts to surface and subsurface resources. BMPs are not "one size fits all." In accordance with Appendix B, the actual practices and mitigation measures best for a particular site are evaluated through the NEPA process and vary to accommodate unique, site-specific conditions and local resource conditions.

Leasable Minerals

Valid Existing Rights

Alternatives infringe on valid existing rights

Comment ID: 1511
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Finally, should the BLM deny or unreasonably delay EOG's ability to develop its leases, the BLM's proposal under Alternatives B and C in particular, but also Alternative E, may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution. The BLM must not adopt an alternative that unconstitutionally takes EOG's property and contract rights.

Comment ID: 414
Organization: Yates Petroleum

Name: Shay Westbrook

Comment: Retroactively applying GSG stipulations to existing leases as permit COAs would be an unauthorized and illegal violation of the lessee's valid existing rights if/when such COAs limit the lessee's ability to fully exercise existing lease rights (e.g. oil and gas production). As such, Yates requests BLM refrain from using permit COAs to retroactively enforce GSG stipulations on existing leases that are inconsistent with existing lease stipulations. It is necessary that BLM fully support valid existing lease rights.

Comment ID: 1508
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is strenuously opposed to the BLM's proposed limitation on surface disturbing operations, fluid minerals under Alternatives B, and C, and to a lesser extent, E. Once the BLM has issued a federal oil and gas lease without NSO stipulations and, in the absence of a nondiscretionary statutory prohibition against development, the BLM cannot completely deny development on the leasehold. Further, the BLM cannot deprive EOG of its valid and existing lease rights either directly or indirectly. When it enacted FLPMA, Congress made it clear that nothing therein, or in the LUPs developed thereunder, was intended to terminate, modify, or alter any valid or existing property rights.

Comment ID: 582
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson is concerned the BLM failed to include recognition of valid existing rights among the planning criteria to be addressed. Sage-Grouse DLUPA, pgs. 1-15 - 1-16. As explained earlier in these comments, BLM cannot modify or limit valid existing rights through the land use planning process. The BLM should have specifically included the protection of valid existing rights among the planning criteria identified in section 1.8.

Comment ID: 1759
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: Finally, should the BLM deny or unreasonably delay ConocoPhillips' ability to develop its leases, the BLM's proposal under Alternatives B and C in particular, but also Alternative E, may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution. The Federal Court of Claims has recognized that a temporary taking occurs when the BLM prohibits oil and gas development on a lease for a substantial period of time.

Comment ID: 738
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM's description of the RFD Scenario in the SageGrouse DLUPA will only exacerbate this confusion and may lead to additional litigation. The BLM must carefully explain to the public that the RFD Scenario is not a cap or limitation on future development in the Sage-Grouse DLUPA. It is particularly important for the BLM to accurately describe that the RFD Scenario is not a limit on future oil and gas development within the Planning Area because it appears the RFD Scenario for the Planning Area is much too low. The BLM currently anticipates that as many as 12,355 wells could be drilled in the Planning Area

during the next 20 years. Sage-Grouse DLUPA, pg. 2-190. Devon believes the BLM has significantly underestimated the oil and gas potential within the Planning Area, particularly given the number of welts proposed in existing EISs such as the Moxa Arch lnfill EIS, Hiawatha EIS, NPL EIS, LaBarge Platform EIS, Continental Divide Creston EIS, and the new EIS for development in Converse County. Devon is extremely concerned the BLM failed to include recognition of valid existing rights among the planning criteria to be addressed. Sage- Grouse DLUPA, pgs. 1-15 • 1-16. As explained earlier in these comments, BLM cannot modify or limit valid existing rights through the land use planning process. The BLM should have specifically included the protection of valid existing rights among the planning criteria identified in section 1.8.

Comment ID: 1780
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips applauds the BLM's recognition that oil and gas leaseholders have the right to explore, develop and produce mineral resources from any valid existing lease. Sage-Grouse DLUPA, pg. 4-103. ConocoPhillips also supports the BLM's statement that valid existing mineral leases cannot be amended by the Sage-Grouse DLUPA. Sage-Grouse DLUPA, pg. 4-103. ConocoPhillips also appreciates BLM's acknowledgement that surface use restrictions, timing limitations, and controlled surface use stipulations cannot be retroactively applied to valid existing leases or valid existing use authorizations. Sage-Grouse DLUPA, pg. 4-103. ConocoPhillips believes the BLM has significantly underestimated the potential impact the restrictions proposed under Alternative B and Alternative C would have on future oil and gas development. The BLM seems to suggest the many RDFs and other limitations on surface disturbing activities would only delay mineral development. In fact, the imposition of RDFs coupled with additional timing restrictions, surface occupancy restrictions and other mitigation measures would make it uneconomic for most oil and gas operators to develop oil and gas resources within sage-grouse habitat. It is inappropriate for the BLM to simply suggest that development may be delayed.

Comment ID: 401
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Yates urges the BLM to clearly state in the Final EIS and ROD that restrictions proposed in the Preferred Alternative will not apply to lands already under oil and gas lease and will not infringe upon valid existing lease rights. Moreover, it must be made clear that the BLM has no authority to impose restrictions through Conditions of Approval (COA) on applications for permit to drill (APD) if they would abrogate the valid existing lease rights. Once a lease has been issued, stipulations may not be legally modified absent voluntary agreement by the lessee. Therefore, in accordance with 43 CFR 3101 and federal case law, we recommend that BLM clearly disclose its limited authority to add conditions of approval to a drilling permit (i.e. conditions must remain consistent with the terms of the issued lease).

Comment ID: 1742
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips is extremely concerned that the BLM failed to include recognition of valid existing rights among the planning criteria to be addressed. Sage-Grouse DLUPA, pgs. 1-15 – 1-16. As explained earlier in these comments, BLM cannot modify or limit valid existing rights through the land use planning process. The BLM should have specifically included the protection of valid existing rights among the planning criteria identified in section 1.8.

Comment ID: 743
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon understands and supports the BLM's decision to find greater protection for the Greater Sage- Grouse through the Sage-Grouse DLUPA. Devon believes, however, that the BLM should have included the protection of valid existing rights as one of its management objectives common to all alternatives.

Comment ID: 1452
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG understands and supports the BLM‘s decision to find greater protection for the GRSG through the Sage-Grouse DLUPA. EOG believes, however, that the BLM should have included the protection of valid existing rights as one of its management objectives common to all alternatives. As set forth in detail earlier in these comments, the authority conferred by FLMPA is made expressly subject to valid existing rights. The BLM has a duty and responsibility to recognize these rights whenever it undertakes a new planning process. The Sage-Grouse DLUPA cannot defeat or materially restrain EOG‘s valid and existing rights to develop its leases through COAs, or other means. The BLM recently recognized the nature of existing oil and gas lease rights in the Pinedale RMP issued by the BLM in November of 2008. "Existing oil and gas or other mineral lease rights will be honored. When an oil and gas lease is issued, it constitutes a valid existing right; BLM cannot unilaterally change the terms and conditions of the lease . . . . Surface use and timing restrictions from this RMP cannot be applied to existing leases." Pinedale RMP, pg. 2- 19.Similar language exists in the December 2008 Rawlins RMP. Rawlins RMP, pg. 20. EOG encourages the BLM to include similar language in the Sage-Grouse DLUPA.

Comment ID: 568
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Samson recognizes that the BLM is attempting to develop appropriate and long-term mitigation measures in order to prevent a potential listing of the Greater Sage-Grouse. Although Samson fully supports the BLM's purpose, the BLM should include within its overall purpose the need to protect valid and existing rights including lease rights.

Comment ID: 761
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Finally, should the BLM deny or unreasonably delay Devon's ability to develop its leases, the BLM's proposal under Alternatives B and C in particular, but also Alternative E, may constitute a taking in Violation of the Fifth Amendment to the U.S. Constitution. Additionally, any alternative that would substantially modify Devon's lease rights could subject the BLM to rescission and restitution claims.

Comment ID: 1830
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: We support BLM’s recognition of valid existing lease rights. According to the FLPMA, the Mineral Leasing Act (MLA) and BLM's Planning 1600 Handbook, BLM does not have the authority to

impose new stipulations on leases after they have been issued. Nor does BLM have authority to impose mitigation measures, such as Conditions of Approval (COA), that exceed the terms and conditions of previously issued leases. It must be made clear that BLM has no authority to impose these new restrictions through COAs on applications for permit to drill (APD) if they would abrogate the valid existing lease rights.

Comment ID: 561
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: BLM should state clearly that an oil and gas lease is a contract between the federal government and the lessee, and that the lessee has certain rights thereunder. Although the BLM may revise the existing LUPs for the Planning Area, the BLM-and the public-should be reminded that the BLM cannot unilaterally alter or modify the terms of existing leases.

Comment ID: 560
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM does not adequately or sufficiently protect valid existing rights in the Sage-Grouse DLUPA. The BLM's Land Use Planning Handbook specifically recognizes that existing rights must be honored. BLM Land Use Planning Handbook H-1601-1, III.A.3, pg. 19 (Rel. 1-1693 3/11/05). The BLM must comply with its planning handbook and recognize existing rights. Any attempts to modify existing rights could violate the terms of Samson's contracts with the BLM and the BLM's own policies.

Comment ID: 1464
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The Sage-Grouse DLUPA also cannot defeat or materially restrain EOG‘s valid and existing rights to develop its leases through COAs, or other means. Further, the Secretary of the Interior and the federal courts have interpreted the phrase "valid existing rights" to mean that BLM cannot impose stipulations or COAs that make development on existing leases either uneconomic or unprofitable.

Comment ID: 400
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: As the lease is issued “granting the exclusive right to drill for, mine, extract, remove and dispose” these minerals, preventing offset drainage and protection of correlative rights is a fundamental right established in the lease. Infringement upon this valid existing lease right raises concerns with offset drainage and protection of correlative rights if offsetting acreage is in a better position to drain the subject lease due to lease restrictions. This is a strong possibility if the stipulations described above are implemented. The BLM must not adopt lease restrictions that infringe upon this right.

Comment ID: 1147
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz believes, however, that the BLM should have included the protection of valid existing rights as one of its management objectives common to all alternatives.

Comment ID: 1248
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The BLM does not adequately or sufficiently protect valid existing rights in the Sage-Grouse DLUPA. Further, the BLM cannot deprive EOG of its valid and existing lease rights either directly or indirectly. When it enacted FLPMA, Congress made it clear that nothing therein, or in the LUPs developed thereunder, was intended to terminate, modify, or alter any valid or existing property rights. Similarly, the BLM cannot impose COAs or other restrictions to interfere with EOG's existing lease rights. In the amended Sage-Grouse DLUPA , the BLM should also state clearly that an oil and gas lease is a contract between the federal government and the lessee, and that the lessee has certain rights thereunder. The BLM recently recognized the nature of existing oil and gas lease rights in the Pinedale, Wyoming RMP issued by the BLM in November 2008. ―Existing oil and gas or other mineral lease rights will be honored. When an oil and gas lease is issued, it constitutes a valid existing right; BLM cannot unilaterally change the terms and conditions of the lease . . . Surface use and timing restrictions from this RMP cannot be applied to existing leases.‖ Pinedale RMP, pg. 2- 19. Similar language exists in the December 2008 Rawlins, Wyoming RMP. Rawlins RMP, pg. 20. EOG encourages the BLM to include similar language in the amended Sage-Grouse DLUPA.

Comment ID: 1746
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips understands and supports the BLM's decision to find greater protection for the Greater Sage-Grouse through the Sage-Grouse DLUPA. ConocoPhillips believes, however, that the BLM should have included the protection of valid existing rights as one of its management objectives common to all alternatives. As set forth in detail earlier in these comments, the authority conferred by FLMPA is made expressly subject to valid existing rights. The BLM has a duty and responsibility to recognize these rights whenever it undertakes a new planning process.

Comment ID: 2540
Organization: Peabody Energy Corporation
Name: Philip C. Dinsmoor

Comment: For most of the Alternatives addressed in Section 4.8 (Minerals and Energy) there are specific discussions recognizing valid existing rights. That is not the case for the discussions in Subsection 4.8.7 (Alternative E). While the assumptions listed in Subsection 4.1.3 imply that implementation actions would comply with valid existing rights, Subsection 4.8.7 needs to specifically state that all valid existing rights will be recognized and respected, relative to potential implementation of any new restrictions or stipulations related to the Nine-Plan Amendments.

Comment ID: 1134
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: The BLM does not adequately or sufficiently protect valid existing rights in the Sage-Grouse DLUPA. Further, the BLM cannot deprive Anschutz of its valid and existing lease rights, either directly or indirectly. The BLM must acknowledge that when it revises the Sage-Grouse DLUPA it is not working from a blank slate. Rather, many of the decisions made by the BLM in its existing RMP will, necessarily, impact and limit its options in the current RMP amendment. The BLM must carefully review and understand the limited nature of some of its options during this revision process. Similarly, the BLM cannot

impose COAs or other restrictions to interfere with Anschutz's existing lease rights. In the Sage-Grouse DLUPA and accompanying environmental impact statement ("EIS"), the BLM should state clearly that an oil and gas lease is a contract between the federal government and the lessee, and that the lessee has certain rights thereunder. The BLM recently recognized the nature of existing oil and gas lease rights in the Pinedale, Wyoming RMP issued by the BLM in November 2008. "Existing oil and gas or other mineral lease rights will be honored. When an oil and gas lease is issued, it constitutes a valid existing right; BLM cannot unilaterally change the terms and conditions of the lease . . . Surface use and timing restrictions from this RMP cannot be applied to existing leases." Pinedale RMP, pg. 2-19. Similar language exists in the December 2008 Rawlins, Wyoming RMP. Rawlins RMP, pg. 20. Anschutz encourages the BLM to include similar language in the Sage-Grouse DLUPA.

Comment ID: 1135
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Although Anschutz fully supports the BLM's purpose, the BLM should include within its overall purpose the need to protect valid and existing rights including lease rights.

Comment ID: 1537
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is strenuously opposed to the BLM's proposed limitation on surface disturbing operations, fluid minerals under Alternative B and Alternative C. The BLM does not have the authority to impose such strict surface disturbing restrictions on existing leases under existing IBLA case law. EOG appreciates the BLM is trying to authorize some level of development on leases if they are fully encompassed by priority habitat but such minimum protections are wholly insufficient and do not appropriately honor EOG's existing lease rights under Alternative B and Alternative C. Finally, should the BLM deny or unreasonably delay EOG's ability to develop its leases, the BLM's proposal under Alternative B and Alternative C may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution. The BLM must not adopt an alternative that unconstitutionally takes EOG's property and contract rights.

Comment ID: 610
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Finally, should the BLM deny or unreasonably delay Samson's ability to develop its leases, the BLM's proposal under Alternatives B and C in particular, but also Alternative E, may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution. The BLM must not adopt an alternative that unconstitutionally takes Samson's property and contract rights.

Comment ID: 1864
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Action Number 17, Page 2-17: While we appreciate that the agencies will work with proponents holding valid existing leases, we remind BLM/FS that where valid existing lease rights exist, changes must be voluntary and COAs that go beyond the terms of the lease must be negotiated with the lessee because the agencies have no authority to require measures that exceed existing lease terms.

Comment ID: 728

Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM does not adequately or sufficiently protect valid existing rights in the Sage-Grouse DLUPA. Further, the BLM cannot deprive Devon of its valid and existing tease rights either directly or indirectly. As explained throughout these comments, the BLM cannot limit, restrain, or unreasonably interfere with existing tights. The Sage-Grouse DLUPA, when revised, cannot defeat or materially restrain Devon's valid and existing rights to develop its leases through COAs or other means. Similarly, the BLM cannot impose COAs or other restrictions to interfere with Devon's existing lease rights. In the Sage-Grouse DLUPA and accompanying environmental impact statement ("EIS"), the BLM should state clearly that an oil and gas lease is a contract between the federal government and the lessee, and that the lessee has certain rights thereunder. The BLM recently recognized the nature of existing oil and gas lease rights in the Pinedale, Wyoming RMP issued by the BLM in November 2008. Devon encourages the BLM to include similar language in the Sage-Grouse DLUPA.

Comment ID: 592
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Section 2.5.4 - Management Objectives Common to All Action Alternatives Samson believes, however, that the BLM should have included the protection of valid existing rights as one of its management objectives common to all alternatives. The BLM recently recognized the nature of existing oil and gas lease rights in the Pinedale RMP issued by the BLM in November of 2008. "Existing oil and gas or other mineral lease rights will be honored. When an oil and gas lease is issued, it constitutes a valid existing right; BLM cannot unilaterally change the terms and conditions of the lease . . .. Surface use and timing restrictions from this RMP cannot be applied to existing leases." Pinedale RMP, pg. 2-19. Similar language exists in the December 2008 Rawlins RMP. Rawlins RMP, pg. 20. Samson encourages the BLM to include similar language in the Sage-Grouse DLUPA.

Comment ID: 1281
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG is extremely concerned the BLM failed to include recognition of valid existing rights among the planning criteria to be addressed. Sage-Grouse DLUPA, pgs. 1-15 – 1-16. As explained earlier in these comments, BLM cannot modify or limit valid existing rights through the land use planning process. The BLM should have specifically included the protection of valid existing rights among the planning criteria identified in section 1.8.

Comment ID: 1139
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz is extremely concerned the BLM failed to include recognition of valid existing rights among the planning criteria to be addressed. The BLM should have specifically included the protection of valid existing rights among the planning criteria identified in section 1.8.

Comment ID: 1738
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: Although ConocoPhillips fully supports the BLM's purpose, the BLM should include within its overall purpose the need to protect valid and existing rights including lease rights.

Comment ID: 1737
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: The BLM does not adequately or sufficiently protect valid existing rights in the Sage-Grouse DLUPA. The BLM's Land Use Planning Handbook specifically recognizes that existing rights must be honored. BLM Land Use Planning Handbook H-1601-1, III.A.3, pg. 19 (Rel. 1-1693 3/11/05). The BLM must comply with its planning handbook and recognize existing rights. The BLM must acknowledge that when it revises the Sage-Grouse DLUPA it is not working from a blank slate. Rather, many of the decisions made by the BLM in its existing RMP will, necessarily, impact and limit its options in the current RMP amendment. The BLM must carefully review and understand the limited nature of some of its options during this revision process. As explained throughout these comments, the BLM cannot limit, restrain, or unreasonably interfere with existing rights. Similarly, the BLM cannot impose COAs or other restrictions to interfere with ConocoPhillips' existing lease rights. In the Sage-Grouse DLUPA and accompanying environmental impact statement ("EIS"), the BLM should state clearly that an oil and gas lease is a contract between the federal government and the lessee, and that the lessee has certain rights thereunder. The BLM recently recognized the nature of existing oil and gas lease rights in the Pinedale, Wyoming RMP issued by the BLM in November 2008. "Existing oil and gas or other mineral lease rights will be honored. When an oil and gas lease is issued, it constitutes a valid existing right; BLM cannot unilaterally change the terms and conditions of the lease . . . Surface use and timing restrictions from this RMP cannot be applied to existing leases." Pinedale RMP, pg. 2-19. Similar language exists in the December 2008 Rawlins, Wyoming RMP. Rawlins RMP, pg. 20. ConocoPhillips encourages the BLM to include similar language in the Sage-Grouse DLUPA.

Comment ID: 1267
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG recognizes that the BLM is attempting to develop appropriate and long-term mitigation measures in order to prevent a potential listing of the Greater Sage-Grouse. Although EOG fully supports the BLM's purpose, the BLM should include within its overall purpose the need to protect valid and existing rights including lease rights. As described in detail throughout these comments, the BLM cannot limit, modify, or alter EOG's existing lease rights.

Comment ID: 2002
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: 4.14 SPECIAL STATUS SPECIES, Page 4-242 We support BLM's recognition of valid existing lease rights. According to FLPMA, the MLA and BLM's Planning 1600 Handbook, BLM does not have the authority to impose new stipulations on leases after they have been issued. Nor does BLM have authority to impose mitigation measures, such as COAs, that exceed the terms and conditions of previously issued leases. It must be made clear that BLM has no authority to impose these new restrictions through COAs on APDs if they would abrogate the valid existing lease rights.

Comment ID: 594
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The RDFs must also be consistent with existing lease terms. As a federal lessee, Samson has a legal right to occupy the surface to explore for, produce, and develop oil and gas resources on its leases. See Pennaco Energy v. United States Dept. of the Interior, 377 F.3d 1147, 1160 (1Oth Cir. 2004); 43 C.F.R. § 3101.1-2. Courts have recognized that once the BLM has issued an oil and gas lease conveying the right to access and develop the leasehold, the BLM cannot later impose unreasonable mitigation measures that take away those rights. The BLM should also recall that oil and gas lessees have not just the right, but the obligation, to develop their lease. The Sage-Grouse DLUPA also cannot defeat or materially restrain Samson's valid and existing rights to develop its leases through COAs, or other means. The BLM often cites a relatively recent decision from the IBLA for the proposition that the agency can impose COAs on existing leases. Yates Petroleum Corp., 176 IBLA 144 (2008). The Yates decision does not stand for the proposition that BLM can impose COAs whenever it deems necessary or in broad programmatic documents such as the Sage-Grouse DLUPA. Rather, in Yates, the IBLA merely affirmed the imposition of an additional COA based on site-specific information including recent and directly applicable scientific research.

Comment ID: 731
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Although Devon fully supports the BLM's purpose, the BLM should include within its overall purpose the need to protect valid and existing rights including lease rights.

Comment ID: 1170
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Finally, should the BLM deny or unreasonably delay Anschutz’s ability to develop its leases, the BLM’s proposal under Alternatives B and C in particular, but also Alternative E, may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution. The BLM must not adopt an alternative that unconstitutionally takes Anschutz’s property and contract rights.

Comment ID: 399
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: US DOI BLM oil and gas leases generally grant the exclusive right to extract all of the oil and gas in the lands described. Under GSG habitat management decisions and stipulations proposed under Alternatives B, C and E, this is impossible. Such restrictions and stipulations in the Draft LUPA and EIS are not contemplated in the lease and are thus inconsistent with lease rights granted. These stipulations are an illegal infringement upon Yates, and other operators, valid existing lease rights in the Plan Area.

Comment ID: 2142
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The BLM does not adequately or sufficiently protect valid existing rights in the Sage-Grouse DLUPA. The BLM must acknowledge that when it revises the Sage-Grouse DLUPA it is not working from a blank slate. Rather, many of the decisions made by the BLM in its existing DLUPA will, necessarily, impact and limit its options in the current RMP amendment. The BLM must carefully review and understand the limited nature of some of its options during this revision process. As explained throughout these comments, the BLM cannot limit, restrain, or unreasonably interfere with existing rights. The Sage-

Grouse DLUPA, when revised, cannot defeat or materially restrain Encana's valid and existing rights to develop its leases through COAs or other means. The BLM often cites a relatively recent decision from the IBLA for the proposition that the agency can impose COAs on existing leases. The Yates decision does not stand for the proposition that BLM can impose COAs whenever it deems necessary or in broad programmatic documents such as the Buffalo RMP. Rather, in Yates, the IBLA merely affirmed the imposition of an additional COA based on site-specific information including recent and directly applicable scientific research. In the Sage-Grouse DLUPA and accompanying environmental impact statement (EIS), the BLM should state clearly that an oil and gas lease is a contract between the federal government and the lessee, and that the lessee has certain rights thereunder. The BLM recently recognized the nature of existing oil and gas lease rights in the Pinedale, Wyoming RMP issued by the BLM in November 2008. Encana encourages the BLM to include similar language in the Sage-Grouse DLUPA.

Comment ID: 2155
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Although Encana fully supports the BLM's purpose, the BLM should include within its overall purpose the need to protect valid and existing rights including lease rights.

Comment ID: 2185
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana understands and supports the BLM's decision to find greater protection for the Greater Sage- Grouse through the Sage-Grouse DLUPA. Encana believes, however, that the BLM should have included the protection of valid existing rights as one of its management objectives common to all alternatives. The Sage-Grouse DLUPA cannot defeat or materially restrain Encana's valid and existing rights to develop its leases through COAs, or other means.

Comment ID: 2166
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana is extremely concerned the BLM failed to include recognition of valid existing rights among the planning criteria to be addressed. Sage-Grouse DLUPA, pgs. 1-15 – 1-16. As explained earlier in these comments, BLM cannot modify or limit valid existing rights through the land use planning process. The BLM should have specifically included the protection of valid existing rights among the planning criteria identified in section 1.8.

Comment ID: 2221
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Finally, should the BLM deny or unreasonably delay Encana's ability to develop its leases, the BLM's proposal under Alternatives B and C in particular, but also Alternative E, may constitute a taking in violation of the Fifth Amendment to the U.S. Constitution. The BLM must not adopt an alternative that unconstitutionally takes Encana's property and contract rights.

Comment ID: 2631
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-103 Text: A valid, existing mineral lease is a legally issued lease secured by a leaseholder before the effective date of the record of decision (ROD) for the RMPs/LRMPs being amended by this plan. Comment: This language should be amended to read: A valid, existing mineral lease is a legally issued lease secured by a leaseholder pursuant to the terms and obligations of the RMP under which the lease was issued. DELETE "before the effective date of the record of decision (ROD) for the RMPs/LRMPs being amended by this plan." This assumption does not take into account the valid existing rights that were created after the ROD was signed but before the amendment to the plan. Leases issued under the RMP are valid existing rights and cannot be altered pursuant to this action without constituting a taking under both state and federal law.

Comment ID: 2598
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 1-15, Planning Criteria: QEP asks the BLM to reiterate that existing project-specific authorizations (e.g., PAPA ROD) would not be modified in order to conform with any new LUP requirements mandated in new decisions required by this LUP planning process.

Comment ID: 3025
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Section 1.8, page 1-15, numbered list: An additional criterion is desired that indicates existing projectspecific authorizations (e.g., PAPA ROD) would not be modified to conform to any new LUP requirements mandated in new decisions required by this LUP planning process.

Summary: The BLM does not adequately or sufficiently protect valid existing rights in the Sage-Grouse Draft LUP Amendments. When it enacted FLPMA, Congress made it clear that nothing therein, or in the LUPs developed thereunder, was intended to terminate, modify, or alter any valid or existing property rights. The BLM's Land Use Planning Handbook specifically recognizes that existing rights must be honored. BLM Land Use Planning Handbook H-1601-1, III.A.3, pg. 19. The BLM must comply with its planning handbook and recognize existing rights. BLM should state clearly that an oil and gas lease is a contract between the federal government and the lessee, and that the lessee has certain rights thereunder. BLM should have included the protection of valid existing rights as one of its management objectives common to all alternatives. Although the BLM may revise the existing LUPs for the planning area, the BLM and the public should be reminded that the BLM cannot unilaterally alter or modify the terms of existing leases. Where valid existing lease rights exist, changes must be voluntary and COAs that go beyond the terms of the lease must be negotiated with the lessee because the agencies have no authority to require measures that exceed existing lease terms. The BLM does not have the authority to require operators to relinquish leases or to cancel existing leases. Should the BLM deny or unreasonably delay the ability to develop leases, this would constitute a taking in violation of the Fifth Amendment to the US Constitution. The BLM recently recognized the nature of existing oil and gas lease rights in the Pinedale RMP issued by the BLM in November of 2008. "Existing oil and gas or other mineral lease rights will be honored. When an oil and gas lease is issued, it constitutes a valid existing right; BLM cannot unilaterally change the terms and conditions of the lease . . .. Surface use and timing restrictions from this RMP cannot be applied to existing leases." Similar language exists in the December 2008 Rawlins RMP and should be included in the Sage-Grouse Draft LUP Amendments. Federal lessees have a legal right to occupy the surface to explore for, produce, and develop oil and gas resources on their leases. See Pennaco Energy v. United States Dept. of the Interior, 377 F.3d 1147, 1160; 43 C.F.R. § 3101.1-2. Courts have recognized that once the BLM has issued an oil and gas lease conveying the right to access and develop the leasehold, the BLM cannot later impose unreasonable mitigation measures that take away those rights. The BLM should also recall that oil

and gas lessees have not just the right, but the obligation, to develop their lease. The BLM often cites a relatively recent decision from the IBLA for the proposition that the agency can impose COAs on existing leases. Yates Petroleum Corp., 176 IBLA 144. The Yates decision does not stand for the proposition that BLM can impose COAs whenever it deems necessary or in broad programmatic documents such as the Greater Sage-Grouse Draft LUP Amendments. Rather, in Yates, the IBLA merely affirmed the imposition of an additional COA based on site-specific information including recent and directly applicable scientific research. Specific changes to the document regarding this issue include: Page 2-17, Action 17: Where valid existing lease rights exist, changes must be voluntary and COAs that go beyond the terms of the lease must be negotiated with the lessee because the agencies have no authority to require measures that exceed existing lease terms. In Chapter 1, BLM needs to reiterate that existing project-specific authorizations would not be modified in order to conform with any new LUP requirements. Page 4-103: "A valid, existing mineral lease is a legally issued lease secured by a leaseholder before the effective date of the record of decision (ROD) for the RMPs/LRMPs being amended by this plan." This language should be amended to read "A valid, existing mineral lease is a legally issued lease secured by a leaseholder pursuant to the terms and obligations of the RMP under which the lease was issued." DELETE "before the effective date of the record of decision (ROD) for the RMPs/LRMPs being amended by this plan." This assumption does not take into account the valid existing rights that were created after the ROD was signed but before the amendment to the plan. Leases issued under the RMP are valid existing rights and cannot be altered pursuant to this action without constituting a taking under both state and federal law. Section 4.8: There are specific discussions recognizing valid existing rights in all of the subsections of 4.8 except subsection 4.8.7 (Alternative E). While the assumptions listed in Subsection 4.1.3 imply that implementation actions would comply with valid existing rights, Subsection 4.8.7 needs to specifically state that all valid existing rights will be recognized and respected, relative to potential implementation of any new restrictions or stipulations related to the LUP Amendments.

Response: Valid existing rights are discussed in sections 1.7.1, Issues Addressed, and in several locations throughout Chapter 4. As stated in Section 4.8.2, Assumptions, "Leaseholders have the right to explore, develop, and produce mineral resources from any valid, existing lease, even if the area containing the lease were proposed to be closed to future leasing." In the Detailed Comparison of Alternatives (Section 2.6), the BLM further clarifies this by stating that "Many sage-grouse seasonal habitats within and outside of core habitat areas are encumbered by valid existing rights, such as mineral leases or existing rights-of-way. Fluid mineral leases often will include less stringent lease stipulations than the timing, distance, and density requirements identified for consideration in this plan." When an oil and gas lease is issued, it constitutes a valid existing right; the BLM cannot unilaterally change the terms and conditions of the lease. Existing leases would not be affected by new closures and/or areas administratively unavailable for lease, and restrictions could not be added to existing leases. Surface use and timing restrictions resulting from this RMPA cannot be applied to existing leases. Surface disturbance that is the result of the exercise of valid existing rights will not be precluded because of the cap or density restriction, but will be counted by the BLM toward the cap and the density restriction when BLM is considering whether to authorize new discretionary surface development. Other aspects of the plan, such as RDFs and buffer distances, will be applied to existing rights to the extent they do not interfere with those rights. The BLM will also seek to engage with authorized users of the public lands so that the exercise of valid existing rights occurs while providing for the maximum conservation of the species. Existing leases would not be terminated until the lease expires. However, based on site- or project-specific environmental analysis, conditions of approval (COA) could be applied at the APD and Sundry Notice stage and at subsequent development stages to mitigate potential impacts from oil and gas operations within existing lease areas, providing the leaseholder's right to develop the lease remains intact. Appendix B of the Wyoming Greater Sage-Grouse Draft LUP Amendments/Draft EIS contains required design features (RDFs) that could be applied as COA at the APD and Sundry Notice stages for existing leases. The RDFs are designed to protect Greater Sage-Grouse habitat. The use and application of specific RDFs would be made during the environmental analysis process for individual proposals on a case-by-case basis.

Livestock Grazing

Add terms to the Glossary

Comment ID: 1494
Organization: Larson Livestock, Inc.
Name: Carl Larson

Comment: Terminology used in your SGLUPA & EIS documents – The Governor of the state of Wyoming issued Executive Order 2011-5, which replaced executive order 2010-4, and will be effective until August 18, 2015. This Executive Order is titled, "GREATER SAGE-GROUSE CORE AREA PROTECTION" and is the driving force for the amendments to the Forest Service and BLM Land Use Plans plus the EIS being developed. We have seen where the BLM has used terminology from the Executive Order which may be construed in different ways to adversely affect legitimate uses of the federal lands from that which was intended. Some examples of these are as follows: • "Surface disturbance" • "Surface occupancy" • "Disruptive activities" In the Carter Lease Allotment Permit Renewal EA, the above terms were used and created a lot of confusion. It was apparent that these terms could be construed to mean something other than what was intended. For example, "Surface Occupancy" could be construed to apply to livestock grazing on the lands in the allotment, as they were occupying the surface. We talked about defining these terms but later decided to leave these terms out of the EA and refer to specifics such as not placing a sheep camp on or near a Sage-Grouse lek site during the breeding season or in heavy sage brush sites, depicted on a map, during the winter. If these terms are to be used in the SGLUPA & EIS documents, they need to be very specifically defined. (The definitions for surface disturbance and surface occupancy in the Glossary are probably satisfactory but could use the qualifier such as, "this term does not apply to livestock grazing"). The definition for "Disruptive Activity" in the Glossary is not satisfactory. Some of our "Interested Publics" could make a case that this would prevent any livestock grazing within a certain area. The Executive Order specifically exempts livestock grazing and activities that were in existence prior to August 1, 2008, as explained below. On page 4-397, you state, "Managing the density of disturbance on the landscape inside sage-grouse core and connectivity habitat would increase impacts to livestock grazing within the planning area long-term, compared to Alternative B. A limit of one disruptive activity locations per 640 acres within the project impact analysis area could occur…". What does this say? These terms appear in the Executive Order in relationship to the oil & gas and mining industries, for the most part. In addition, according to the Executive Order in item number 1, on page 2, it states, "Existing land uses within Core Population Areas should be recognized and respected by state agencies. It is assumed that activities existing in Core Population Areas prior to August 1, 2008 will not be managed under Core Population Area stipulations. Examples of existing activities include oil and gas, mining, agriculture, processing facilities, housing and other uses that were in place prior to the development of the Core Population Areas (prior to August 1, 2008)." Under Item Number 9 is stated, "Existing rights should be recognized and respected." We also direct you attention to Attachment C of the Executive Order – "Exempt ("de minimus") Activities". "Existing Land Uses and Landowner Activities in Greater Sage-Grouse Core Population Areas That Do Not Require State Agency Review for Consistency with Executive Order No. 2011-02" For example, Attachment C of the Executive Order lists several items, items 1 through 13 that are exempt activities. Some of these are: 1. Existing animal husbandry practices (including branding, docking, herding, trailing, etc.) 2. Existing farming practices (excluding conversion of sagebrush/grassland to agricultural lands) 3. Existing grazing operations that utilize recognized rangeland management practices (allotment management plans, NRCS grazing plans, prescribed grazing plans, etc.) 4. Construction of agricultural reservoirs and habitat improvements… Accordingly, we request a disclaimer be required in the SGLUPA & EIS documents that these terms do not apply to on-going multiple use activities such as livestock grazing, that the Governor's Executive Order exempts from the restrictions in the Executive Order or activities existing prior to August 1, 2008. What is apparent in the Draft Land Use Plan Amendments and EIS, is that the BLM and the FS are greatly expanding the land use restrictions from those envisioned in the "Greater

Sage-Grouse Core Area Protection" concept of Wyoming Governor Matthew H. Mead's Executive Order No. 2011-5 We oppose this effort of expanding the land use restrictions, as proposed by the BLM and the FS.

Summary: The BLM has used terminology from the Executive Order which may be construed in different ways to adversely affect legitimate uses of the federal lands from that which was intended. Some examples of these terms are: surface disturbance, surface occupancy, disruptive activities. If these terms are to be used in the Draft EIS, they need to be very specifically defined. The definitions for surface disturbance and surface occupancy in the Glossary are probably satisfactory but could use the qualifier such as, "this term does not apply to livestock grazing". The definition for "disruptive activity" in the Glossary is not satisfactory. Some of our "interested publics" could make a case that this would prevent any livestock grazing within a certain area. Accordingly, we request a disclaimer be required in the Proposed LUP Amendments/Final EIS documents that these terms do not apply to on-going multiple use activities such as livestock grazing, that the Governor's Executive Order exempts from the restrictions in the Executive Order or activities existing prior to August 1, 2008.

Response: The BLM and Forest Service spent considerable time and effort developing these definitions. Even if certain activities are exempted from state scrutiny by the Executive Order, the federal agencies still have a responsibility to reveal and analyze impacts to sage-grouse. The definitions are lengthy and detailed, and are sufficient for the purpose of the LUP Amendments.

Livestock Grazing

Correct inaccurate statements in the Draft EIS

Comment ID: 1976
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. G-115, - With respect to the narrative under "causal factors" for the Rock Springs Allotment, we comment that "land ownership" is NOT a causal factor for not meeting a BLM "health" Standard. We comment that this item be removed from this document.

Comment ID: 992
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Throughout the Draft LUP Amendment and DEIS livestock grazing is listed as a threat to sagebrush habitat (i.e., p. 1-14). Proper livestock grazing is not a threat to GSG or its habitats. I request the BLM and USFS remove any reference or insinuation that livestock grazing is a threat and replace it with a proper notation that improper grazing management may pose a threat. I am concerned that some of the information presented in the Draft LUP Amendment and DEIS about individual grazing leases is incorrect. Because of the sensitivity of this information and the impact it can have on public land ranchers I request that the BLM and USFS review its list of allotments failing to meet standards and guidelines for accuracy and make appropriate corrections. In addition, where appropriate, Wyoming's strategy should include reference to EO 2013-3.

Comment ID: 1950
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2-49, under Alternative A – the narrative conveys some language as representing no change to the current situation. The narrative under Alternative A, the no-action/current situation, conveys that water developments and other range improvements are considered for approval by the BLM ONLY, (my emphasis), if wildlife habitat and resource conditions are maintained or improved and no significant or irreversible effects would occur in sensitive areas, (we presume this means grouse sensitive areas ?). We have reviewed the latest Rawlins, Rock Springs, Pinedale and Kemmerer LUP's and we can not find in these LUP's the same restrictions on range improvements conveyed in this draft under Alternative A, pg. 2-49. Please convey in the Final the actual language that represents the "no change" to the current management found in these current BLM LUP's on this subject. The language under Alternative A with respect to range improvements may technically be an appropriate proposal for Alternative E, the Preferred Alternative. But we do not feel it represents the "no-action" situation in current LUP's.

Comment ID: 1949
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Under Alternative E, pg. 2-44, we have a comment on the narrative at the bottom of column E. It says, " Plans should establish policy for addressing ongoing drought and post-drought recovery. Our comment is: (Land Use) Plans don't set policy – Policy determines what is in a LUP. The narrative is just backwards.

Comment ID: 2889
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Section 3.7 on Livestock Grazing contains a number of statements supporting the beneficial aspects of livestock grazing over the plan area. These statements however seem to get lost in other sections of the document which lead to a confusing mix of statements. We support and believe livestock grazing is an important and beneficial use of the areas addressed in the document.

Comment ID: 2820
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page x of the Executive Summary: the document discusses livestock grazing as a threat to sagegrouse, yet the Governor's Executive Order specifically addresses livestock grazing as a de minimis activity on sage-grouse. Given the role the EO has played and the close coordination between the State and USFWS on this item, it would appear that the Agencies are ignoring the recognition by FWS of grazing impacts to sage-grouse. We recommend that this section of the draft LUPA and EIS be amended to accurately reflect current actions.

Summary: Issue #1: The Executive Summary discusses livestock grazing as a threat to sage-grouse; yet the Governor's Executive Order specifically addresses livestock grazing as a de minimis activity on sagegrouse. Given the role the EO has played and the close coordination between the state and USFWS on this item, it would appear that the agencies are ignoring the recognition by the USFWS of grazing impacts to sage-grouse. We recommend that this section of the Draft EIS be amended to accurately reflect current actions. Issue #2: Pg. G-115: With respect to the narrative under "causal factors" for the Rock Springs Allotment, we comment that "land ownership" is not a causal factor for not meeting a BLM land health standards, and should be removed from this document. Issue #3: Pg. 2-44, Alternative E: It states "Plans should establish policy for addressing ongoing drought and post-drought recovery. Comment: Plans don't set policy. Policy determines what is in a Land Use Plan. The narrative is incorrectly stated. Issue #4:

Throughout the Draft EIS, livestock grazing is listed as a threat to sagebrush habitat (i.e., Pg. 1-14). Proper livestock grazing is not a threat to Greater Sage-Grouse or its habitats. The BLM and Forest Service should remove any reference or insinuation that livestock grazing is a threat and replace it with a proper notation that improper grazing management may pose a threat. Issue #5: Pg. 2-49: Alternative A conveys that water developments and other range improvements are considered for approval by the BLM, only if wildlife habitat and resource conditions are maintained or improved and no significant or irreversible effects would occur in sensitive areas. We have reviewed the latest Rawlins, Rock Springs, Pinedale and Kemmerer RMPs and cannot find the same restrictions on range improvements conveyed in this draft under Alternative A. Please convey in the Final EIS the actual language that represents the "no change" to the current management found in these current BLM RMPs on this subject.

Response: Issue #1: Livestock grazing activities were identified by the USFWS as a threat to Greater Sage-Grouse in the March 2010 listing decision. This is reflected in the Purpose and Need statement included in Section 1.3 of the Draft EIS where it states "These plan amendments will focus on areas affected by threats to sage-grouse habitat identified by the USFWS in the March 2010 listing decision." The statements included in the Draft LUP Amendments/Draft EIS regarding the threats to sage-grouse are accurate. Issue #2: Land ownership patterns within the allotment allow for land use activities that result in the allotment not meeting the Standards for Rangeland Health. The data and information presented in Appendix G is accurate. Issue #3: The Proposed LUP Amendments/Final EIS has been modified for accuracy. Issue #4: Livestock grazing activities were identified by the USFWS as a threat to Greater Sage- Grouse in the March 2010 listing decision. This is reflected in the Purpose and Need statement included in Section 1.3 of the Draft EIS where it states "These plan amendments will focus on areas affected by threats to sage-grouse habitat identified by the USFWS in the March 2010 listing decision." The statements included in the Draft LUP Amendments/Draft EIS regarding the threats to sage-grouse are accurate. Issue #5: The specific action cited in the comment pertains to the Rock Springs Field Office and is included in the Green River RMP. The statement included in the Draft LUP Amendments/Draft EIS is accurate.

Livestock Grazing

Questions of clarification

Comment ID: 970
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: Another concern exist in the "Split-Estate" lands. Although the BLM has verbally stated to us that they will not manage "livestock grazing" on the deeded surface lands, the BLM continually discusses total management of the "federal mineral estate" throughout this large document. I do not believe that we can trust the Federal Agencies verbal statements. When push comes to shove, we ranchers who graze our livestock on BLM permits or Forest Service allotments, will have our AUM's severely reduced for the benefit of the Greater Sage-grouse. The BLM will claim management of the surface estate that lies above the federal mineral estate in favor of the sage-grouse. Written clarity of this issue is needed in the EIS.

Comment ID: 1948
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2-44, item 52 – Where are the narratives for BLM Districts other than Casper with respect to "trailing/crossing" ?

Comment ID: 1478
Organization:

Name: Denise Langley

Comment: Will the Forest Service (FS) follow the Wyoming Land Health Standards and bring up all their poor condition land caused by prairie dog encroachment to at least a fair rating?

Comment ID: 1951
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2-55, item 54 – The narratives under item 54 speak only to Casper and Pinedale BLM offices. Where are the narratives that propose trailing/crossing proposals/alternatives for Rawlins, Rock Springs, and Kemmerer BLM offices ? We support the narrative under Alternative E for item 55, pg. 2-55.

Comment ID: 1993
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Chapter 4, Environmental Consequences: the section on livestock grazing includes an "assumption" that livestock grazing is not a surface disturbing activity. This section proceeds to discuss "disruptive activity" restrictions on oil and gas development. It still leaves unanswered our question posed above regarding whether livestock grazing could be determined to be a disruptive activity.

Comment ID: 1956
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 4-99, 4.7.7 – In the last sentence of paragraph 3 under Alternative E heading, please direct us to the "Post drought management impacts" this sentence says is in Alternative A. We've looked at Alternative A and we can find no references to "post drought" management.

Comment ID: 1958
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 4-353 – In the first paragraph, the narrative conveys an intent to distribute livestock to "areas more resistant" to grazing ?? Please convey what types of areas does this narrative consider to be "more resistant to grazing" and provide published literature from the range science community to support this opinion if it can be produced. In the second paragraph this page 4-353, please convey what do you mean with respect to "more stipulations" being added on water developments in Alternative E. We comment that LUP narratives should not attempt to convey a non-specific "general authority" to their employees.

Comment ID: 960
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: To further our argument on the possibility that "livestock grazing" may be considered a "surface disturbing activity", let us go to pg 2 -191, in table 2 -7. Comparative Summary of Impacts, Cultural Resources, Alternative E "As with Alternative A, surface disturbance from oil and gas development, livestock grazing, recreational and travel management could potentially damage undiscovered or undocumented cultural sites" In this case, "Cultural Resources", "livestock grazing" is considered a "Surface Disturbing Activity". We know from experience that in the development of the the current

Newcastle Resource Management Plan that the Newcastle Field Office was intent on having "livestock grazing" listed as a "surface disturbing activity" on both the federal surface and the "split-estate" surface within the vicinity of nesting Raptors. It was only through the efforts of the ranchers in Niobrara and Weston County that "livestock grazing" was removed as a surface disturbance from the RMP. The same efforts are now being attempted in this document, these efforts are being cleverly disguised within the language of this document. Vegetation conditions, soil impacts, rangeland health are all ploys to have "livestock grazing" removed from within a two mile radius of active sage-grouse leks. If this were to happen here on the 4W Ranch, the adverse economic impact would be devastating, the historic 4W Ranch would go bankrupt. [Emphasis Added]

Comment ID: 1292
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Nowhere does the DRMPA/DEIS discuss changing the seasonality of grazing on BLM lands within the planning area, which prevents the reader from understanding how spring or spring-fall grazing regimes could affect sage-grouse. In general, the DLUPA/DEIS has not taken a hard look at the details that hide the devil of declining sage-grouse populations in the project area.

Comment ID: 958
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: pg 2 - 209 Wildlife and Fisheries, Alternative E "Overall, impacts to wildlife and fish habitat from Alternative E would be very similar to Alternative A." [From Alternative A "Continued livestock grazing practices could reach Wyoming Standards for Rangeland Health or the Forest Service equivalent."] Back to Alternative E "Management for livestock grazing could allow for achievement of Wyoming Standards for Rangeland Health or the Forest Service equivalent, and provide improved habitat for wildlife and fisheries." As the 4W Ranch interprets this language, it becomes very clear that if an agency would declare that the Rangeland Health does not meet Wyoming BLM or Forest Service standards in a particular allotment, then livestock grazing in that allotment must be reduced or ceased until health standards are achieved, especially if the allotment is in a sage-grouse core area.

Comment ID: 1357
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 49 is hard to understand as AOIs have nothing to do with evaluating progress towards achieving the land health standards.

Comment ID: 1731
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-97 – Livestock Grazing – last paragraph, last sentence – No new structural range improvements would occur under this alternative, which would decrease surface disturbing activities in the short-term, but could impact long-term livestock and resource management goals as operators would be prohibited from making future range improvements. Comment: Where did this sentence come from or relate to, as there is no similar action described in Chapter 2 under this alternative (D).

Comment ID: 1007

Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Management Action 49 (p. 2-39 - 2-42) requires clarification. It states, " ... Annual Operating Instructions would be used to evaluate progress toward achieving land health standards in sagegrouse core habitat areas ... "This statement should be removed because Annual Operating Instructions are not used to evaluate land health standards. They are used to help direct agreed upon management of the grazing operation for that year. In addition, similar to my comment above, if grazing is identified as the reason for not meeting GSG conservation objectives, then EO-20 13-3 will be implemented.

Comment ID: 1732
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-97 – Livestock Grazing – seventh paragraph – Treated areas would not be rested from grazing under this Alternative, thus short-term limitations in livestock management options would need to be implemented as necessary. Temporary reductions of livestock grazing would not be realized compared to Alternative A. However, vegetation community and production recovery in treated areas may not be enhanced, thus potentially decreasing the post-treatment grazing capacity of treated lands in the long-term. Comment: Where did this sentence come from, since it was not described in management actions in Chapter 2 under this alternative, nor does it comply with current Wyoming policy regarding vegetation treatments.

Comment ID: 2849
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 53 in Table 2-1 addresses range development practices. In Alternative A in the Newcastle RMP the proposed action for Alternative A and E would be to remove fences that are documented to impact all wildlife. However, we question how that would help sage-grouse since some of these fences would be used to manage both wildlife and livestock which could benefit sage-grouse habitat, yet would be removed if it impacted antelope. We do not feel that is an appropriate action and should not be included in the the two alternatives.

Comment ID: 2472
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-335: Black Tailed Prairie Dog The last sentence of the first paragraph needs to be rewritten as it appears the USFS is suggesting that overgrazing by livestock is occurring on the TBNG, and that livestock can be heavily concentrated in areas prime for prairie dog expansion. We question why the statement comparing livestock grazing to rangeland disruption is in the paragraph at all.

Comment ID: 2847
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 49 in Table 2-1 leaves the reader somewhat confused as to what the document wants to address. Under Alternative A the various BLM RMPs talk of changes in types of livestock, changes in season of use, and amounts of use depending upon which BLM district you read. We believe that some clarification is needed for the reader to adequately understand what the Agencies wish public comment upon. We recommend the Agencies adopt the process outlined in the Rawlins RMP under Alternative A as

a process for making changes for the adopted alternative. Item 50 in Table 2-1 appears to discuss the relinquishment or retirement of grazing permits. The two terms have different meanings and the developers of the two alternatives apparently tries to use them interchangeably. Page 181 of Chapter 4 discusses the challenges associated with both concepts and points out that relinquishment then allows the Agencies to offer those permits to other livestock producers. This seems to have not been recognized by the developers of these alternatives. Item 51 in Table 2-1 discusses under Alternatives B and C permanent retirement of grazing allotments. We strongly object to this action. The process can be "rigged" in favor of anti-grazing advocates merely through the current process of appealing actions and driving up costs for the livestock permittee or leasee.

Comment ID: 2498
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-353 4.16.7 Alternative E: In the first paragraph " .. .500 feet to.6 miles of water sources ... " does not make sense. And if we distribute livestock over a larger area how is the area more resistant to grazing? Please explain the term "resistant grazing". Can you please share the science that indicates trailing livestock in "sensitive areas" or during a specific "time period" is needed in a "trailing plan"?

Comment ID: 2465
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-94 Rangeland Management Categories- Suitable Rangeland Acres: Is there a reason why the history of planning documents is listed here? The first sentence is questionable when read with the second sentence. It would appear that only the last sentence is needed.

Comment ID: 2913
Organization: Frank Ranches, Inc.
Name: Gary Frank

Comment: Why would the BLM consider cutting AUM's on livestock grazing when there aren't any studies that livestock grazing is detrimental to sage grouse? Livestock create biodiversity by providing an opportunity for more insects (which the sage grouse feed on) and they keep grasses from getting old and unpalatable while supplying the opportunity for sought after new shoots along with available forbs. A herbaceous height analysis by the University of Nevada, Reno, says that data correlates nesting success more with forb presence than with grass height once there is a certain amount of cover and height of sage brush. I agree with that because the sage grouse need this for cover from ravens and other predators. Protection for hens and chicks are paramount and will secure survival of the grouse. The BLM is attempting to turn Connelly's recommendations for herbaceous height into minimum requirements for sage grouse which is dead wrong!

Comment ID: 2449
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-101 Vegetation Management: Actions 93 Alternative C- How can "no similar action" be used here? The alternative proposes to prohibit any livestock grazing in sage-grouse priority habitat.

Comment ID: 2447
Organization: Campbell County Conservation District

Name: Timothy J. Morrison

Comment: Page 2-45 Range Development Projects, Action 53 does not make sense in Alternative C as the previous actions (action 44) prohibited (emphasis added) livestock grazing thereby eliminating any range development projects. Page 2-54 Livestock Trailing: Same consideration as above.

Comment ID: 2491
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-228 4.12.7 Alternative E: In the first sentence what is meant by the term "Balancing grazing"? Are we discussing all types of grazing or livestock grazing?

Comment ID: 2826
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Page 13 of Chapter 1 discusses continuation and elimination of livestock grazing practices. There does not appear to be any identification of what those practices are that the Agencies may seek to eliminate. Since many of the grazing practices are adopted over time as a practice dictated by economics, elimination of one, some or many may result in a significant impact to the operation. At the very least, those practices should be identified so agricultural producers would be able to comment on their possible elimination.

Comment ID: 3147
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 4.11.5 4- 196 1st, 3rd, 7th bullet, Who will pay for reclaiming travel routes, fencing, and water developments? The BLM? Please provide explanation within document.

Comment ID: 2822
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Chapter 1 page 9 of the document contains a table (Table 1-2) which is identified as coming from the USFWS. In that table it identifies grazing as a threat to sage-grouse in the Powder River Basin, Wyoming Basin, Laramie and North Park in Colorado. However, as we've mentioned previously Wyoming's Sage-Grouse Implementation Team (SGIT) of which USFWS, BLM and USFS is a participant helped develop an amendment to the Governor's EO (2013-3) which again determined that grazing has a de minimis impact on sage-grouse. With the apparent conflict between these two documents the reader is left questioning who is correct.

Comment ID: 2505
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-438 4.21.5 Alternative C: The all or nothing mentality of the fourth paragraph assuming the loss of five million to six million acres of grazing land, and assuming it all to benefit wildlife for the rest of time may be deceiving.

Comment ID: 2842
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Also under this item it discusses the need to utilize permanent conservation easements to as a preservation measure in Alternatives B and E. We question how conservation easements on federal lands will work and since the document clearly states that it does not apply to private lands we conclude that the statement only applies to the federal surface. Conversely, is the document suggesting that the Agencies will be purchasing conservation easements on private lands which appears to be the case under Item 41? We look forward to the explanation of how these easements will be utilized because the explanation is not available in Table 2-1. Item 41 in Table 2-1 indicates that in the Casper RMP conservation easements be identified under all alternatives. Again we question how those easements will be implemented. Item 42 in Table 2-1 under Livestock Grazing Management discusses grazing practices in regard to sage-grouse. We strongly reject the proposed action under Alternative B which would automatically reduce grazing to 20-30% forage allocation for livestock in allotments not meeting standards. This could in many instances cause significant economic harm to the operation and in some cases bankrupt the operation. Furthermore, we question the science behind the flat assumption which is the basis for the action in Alternative B.

Comment ID: 2845
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 47 in Table 2-1 is somewhat ambiguous as to what it is wanting to address. The only possible explanation occurs under Alternative C. We feel the document should be made clearer as to what the items seek to address. Item 48 in Table 2-1 addresses permit renewals. Again Alternative A is the governing alternative and additions are added to Alternatives D and E. We strongly reject the action envisioned under Alternative B and C.

Summary: Issue #1: Chapter 4, Environmental Consequences: The section on livestock grazing includes an “assumption” that livestock grazing is not a surface disturbing activity. This section proceeds to discuss “disruptive activity” restrictions on oil and gas development. It still leaves unanswered our question posed above regarding whether livestock grazing could be determined to be a disruptive activity. Issue #2: Although the BLM has verbally stated to us that they will not manage “livestock grazing” on the deeded surface lands, the BLM continually discusses total management of the “federal mineral estate” throughout this large document. I do not believe that we can trust the federal agencies verbal statements. When push comes to shove, we ranchers who graze our livestock on BLM permits or Forest Service allotments will have our AUMs severely reduced for the benefit of the Greater Sage- Grouse. The BLM will claim management of the surface estate that lies above the federal mineral estate in favor of the sage-grouse. Written clarity of this issue is needed in the EIS. Issue #3: Management Action 49 requires clarification. It states, " … Annual Operating Instructions would be used to evaluate progress toward achieving land health standards in sage-grouse core habitat areas … " This statement should be removed because Annual Operating Instructions are not used to evaluate land health standards. They are used to help direct agreed upon management of the grazing operation for that year. In addition, similar to my comment above, if grazing is identified as the reason for not meeting sage-grouse conservation objectives, then EO-20 13-3 will be implemented. Issue #4: Nowhere does the Draft EIS discuss changing the seasonality of grazing on BLM lands within the planning area, which prevents the reader from understanding how spring or spring-fall grazing regimes could affect sage-grouse. In general, the Draft EIS has not taken a hard look at the details of declining sage-grouse populations in the project area. Issue #5: Pg. 2-44, Action 52 – Where are the narratives for BLM Districts other than Casper with respect to trailing/crossing? Issue #6: Pg. 2-55, Action 54 – The narratives under item 54 speak only to Casper and Pinedale BLM offices. Where are the narratives that propose trailing/crossing proposals/alternatives for Rawlins, Rock Springs, and Kemmerer

BLM offices? Issue #7: Pg. 2-209 Wildlife and Fisheries, Alternative E – "Overall, impacts to wildlife and fish habitat from Alternative E would be very similar to Alternative A." [From Alternative A "Continued livestock grazing practices could reach Wyoming Standards for Rangeland Health or the Forest Service equivalent."] Back to Alternative E "Management for livestock grazing could allow for achievement of Wyoming Standards for Rangeland Health or the Forest Service equivalent, and provide improved habitat for wildlife and fisheries." It becomes very clear that if an agency would declare that the rangeland health does not meet Wyoming BLM or Forest Service standards in a particular allotment, then livestock grazing in that allotment must be reduced or ceased until health standards are achieved, especially if the allotment is in a sage-grouse core area. Issue #8: Pg. 4-99, 4.7.7 – In the last sentence of paragraph 3 under Alternative E heading, please direct us to the "Post-drought management impacts" this sentence says is in Alternative A. We've looked at Alternative A and we can find no references to "post-drought" management. Issue #9: Why would the BLM consider cutting AUM's on livestock grazing when there aren't any studies showing livestock grazing is detrimental to sage-grouse? Livestock create biodiversity by providing an opportunity for more insects (which the sage-grouse feed on) and they keep grasses from getting old and unpalatable while supplying the opportunity for sought after new shoots along with available forbs. A herbaceous height analysis by the University of Nevada, Reno, says that data correlates nesting success more with forb presence than with grass height once there is a certain amount of cover and height of sage brush. I agree with that because the sage-grouse need this for cover from ravens and other predators. Protection for hens and chicks are paramount and will secure survival of the grouse. The BLM is attempting to turn Connelly's recommendations for herbaceous height into minimum requirements for sage-grouse, which is incorrect. Issue #10: Page 2-45 Range Development Projects, Action 53 does not make sense in Alternative C as the previous actions (action 44) prohibited (emphasis added) livestock grazing thereby eliminating any range development projects. Page 2-54 "Livestock Trailing" has the same issue. Issue #11: Page 2-101 Vegetation Management, Action 93 Alternative C: How can "no similar action" be used here? The alternative proposes to prohibit any livestock grazing in sage-grouse priority habitat. Issue #12: The Draft EIS discusses the need to utilize permanent conservation easements to as a preservation measure in Alternatives B and E. We question how conservation easements on federal lands will work and since the document clearly states that it does not apply to private lands, we conclude that the statement only applies to the federal surface. Conversely, is the document suggesting that the agencies will be purchasing conservation easements on private lands, which appears to be the case under Item 41? We look forward to the explanation of how these easements will be utilized because the explanation is not available in Table 2-1. Action 41 in Table 2-1 indicates that in the Casper RMP conservation easements will be identified under all alternatives. Again we question how those easements will be implemented. Issue #13: Action 42 in Table 2-1 under Livestock Grazing Management discusses grazing practices in regard to sage-grouse. We strongly reject the proposed action under Alternative B that would automatically reduce grazing to 20-30% forage allocation for livestock in allotments not meeting standards. This could in many instances cause significant economic harm to the operation and in some cases bankrupt the operation. Furthermore, we question the science behind the flat assumption which is the basis for the action in Alternative B. Issue #14: Action 47 in Table 2-1 is somewhat ambiguous as to what is being addressed. The only possible explanation occurs under Alternative C. We feel the document should be made more clear as to what the items seek to address. Issue #15: Action 49 in Table 2-1 leaves the reader somewhat confused as to what is being addressed. Under Alternative A the various BLM RMPs talk of changes in types of livestock, changes in season of use, and amounts of use depending upon which BLM district you read. We believe that some clarification is needed for the reader to adequately understand what the agencies wish public comment upon. We recommend the agencies adopt the process outlined in the Rawlins RMP under Alternative A as a process for making changes for the adopted alternative. Issue #16: Action 50 in Table 2-1 appears to discuss the relinquishment or retirement of grazing permits. The two terms have different meanings and the developers of the two alternatives apparently try to use them interchangeably. Page 181 of Chapter 4 discusses the challenges associated with both concepts and points out that relinquishment then allows the agencies to offer those permits to other livestock producers. This seems to have not been recognized by the developers of these alternatives. Issue #17: Action 51 in Table 2-1 under Alternatives B and C discusses

permanent retirement of grazing allotments. We strongly object to this action. The process can be "rigged" in favor of antigrazing advocates merely through the current process of appealing actions and driving up costs for the livestock permittee or leasee. Issue #18: Action 53 in Table 2-1 addresses range development practices. In Alternative A in the Newcastle RMP, the proposed action for Alternative A and E would be to remove fences that are documented to impact all wildlife. However, we question how that would help sage-grouse since some of these fences would be used to manage both wildlife and livestock which could benefit sagegrouse habitat, yet would be removed if it impacted antelope. We do not feel that is an appropriate action and should not be included in the two alternatives. Issue #19: Page 1-9 of the Draft EIS contains a table (Table 1-2) which is identified as coming from the USFWS. In that table it identifies grazing as a threat to sage-grouse in the Powder River Basin, Wyoming Basin, Laramie and North Park in Colorado. However, as we've mentioned previously, Wyoming's Sage-Grouse Implementation Team (SGIT) of which USFWS, BLM and Forest Service are participants, helped develop an amendment to the Governor's EO (2013-3) which again determined that grazing has a de minimis impact on sage-grouse. With the apparent conflict between these two documents the reader is left questioning who is correct. Issue #20: Page 1-13 of the Draft EIS discusses continuation and elimination of livestock grazing practices. There does not appear to be any identification of what those practices are that the agencies may seek to eliminate. Since many of the grazing practices are adopted over time as a practice dictated by economics, elimination of one, some, or many may result in a significant impact to the operation. At the very least, those practices should be identified so agricultural producers would be able to comment on their possible elimination. Issue #21: Action 49 in Table 2-1 is difficult to understand, as AOIs have nothing to do with evaluating progress towards achieving the land health standards. Issue #22: To further our argument on the possibility that "livestock grazing" may be considered a "surface disturbing activity", refer to Pg. 2 -191, in Table 2 -7 Comparative Summary of Impacts, Cultural Resources, Alternative E. "As with Alternative A, surface disturbance from oil and gas development, livestock grazing, recreational and travel management could potentially damage undiscovered or undocumented cultural sites" In this case, "livestock grazing" is considered a "surface disturbing activity". Please clarify this inconsistency. Issue #23: Page 3-94 Rangeland Management Categories- Suitable Rangeland Acres: Is there a reason why the history of planning documents is listed here? The first sentence is questionable when read with the second sentence. It would appear that only the last sentence is needed. Issue #24: Page 4-97, seventh paragraph: Treated areas would not be rested from grazing under this Alternative, thus short-term limitations in livestock management options would need to be implemented as necessary. Temporary reductions of livestock grazing would not be realized compared to Alternative A. However, vegetation community and production recovery in treated areas may not be enhanced, thus potentially decreasing the post-treatment grazing capacity of treated lands in the long-term. Comment: Where did this sentence come from, since it was not described in management actions in Chapter 2 under this alternative, nor does it comply with current Wyoming policy regarding vegetation treatments? Issue #25: Page 4-97, last paragraph, last sentence: No new structural range improvements would occur under this alternative, which would decrease surface disturbing activities in the short-term, but could impact long-term livestock and resource management goals as operators would be prohibited from making future range improvements. Comment: Where did this sentence come from or relate to, as there is no similar action described in Chapter 2 under Alternative D. Issue #26: Pg. 4-353, first paragraph: The narrative conveys an intent to distribute livestock to "areas more resistant" to grazing. Please convey what types of areas does this narrative consider to be "more resistant to grazing" and provide published literature from the range science community to support this opinion if it can be produced. Issue #27: Pg. 4-353, last paragraph: Please convey what do the agencies mean with respect to "more stipulations" being added on water developments under Alternative E. We comment that LUP narratives should not attempt to convey a non-specific "general authority" to their employees.

Response: Issue #1: It is human presence that constitutes disruptive activities, not the physical presence of livestock. Allowing livestock grazing in an allotment is not a disruptive activity. Human activities such as herding or trailing of livestock could be considered disruptive, depending on the season and the area where they are conducted. Issue #2: It is not necessary to restate existing law and case law in the LUP

Amendments. The BLM and Forest Service discuss management of the federal mineral estate on some private lands where the mineral estate is legally federally owned. There is no similar case of private lands where grazing privileges are not privately controlled. Split estate applies only to mineral and surface ownership, not to grazing privileges or any other private land use. Neither the BLM nor the Forest Service has the authority to control livestock grazing practices on private lands that overlie federal mineral estate. Issue #3: It is correct that AOIs do not evaluate desired conditions of land health standards. However, AOIs provide annual use information and are used in conjunction with Forest Service and BLM monitoring policies and protocols to determine if rangelands are meeting desired conditions or land health standards based on current livestock use. The text for Management Action #49 for the BLM has been revised in the Final EIS. The new BLM text is: "The BLM monitoring policies would be used to evaluate progress toward achieving land health standards within sage-grouse core and connectivity habitat areas and, where not achieved, to determine if existing grazing management practices or levels of grazing use on public lands are significant factors in failing to meet, maintain or make progress towards achieving the standards and conform with the guidelines, which through this process will identify appropriate actions to address non-achievement and non-conformance. Allotments within SFAs, followed by those within PHMAs, and focusing on those containing riparian areas, including wet meadows, will be prioritized for field checks to help ensure compliance with the terms and conditions of the grazing permits. Field checks could include monitoring for actual use, utilization, and use supervision. The BLM will prioritize (1) the review of grazing permits/leases, in particular to determine if modification is necessary prior to renewal, and (2) the processing of grazing permits/leases in SFAs followed by PHMAs outside of the SFAs. In setting workload priorities, precedence will be given to existing permits/leases in these areas not meeting Land Health Standards, with focus on those containing riparian areas, including wet meadows. The BLM may use other criteria for prioritization to respond to urgent natural resource concerns (e.g., fire) and legal obligations." The new Forest Service text is "GRSG-LG-GL-001-Guideline - Grazing guidelines in Table 2-6 should be applied in each of the seasonal habitats as displayed. If values in Table 2-6 cannot be achieved based upon a site-specific analysis using Ecological Site Descriptions, long-term ecological site capability analysis, or other similar analysis, adjust grazing management to move towards desired habitat conditions in Table 2-5 consistent with the ecological site capability. Do not use drought and degraded habitat condition to adjust values. Grazing guidelines in Table 2-6 would not apply to isolated parcels of National Forest System lands that have less than 200 acres of greater sage-grouse habitat. Table 2-6 guidelines include a requirement to manage for upland perennial grass height of 7 inches in areas managed for breeding and nesting habitat within 5.3 miles of occupied leks when grazing occurs between March 15 to June 30. A perennial grass height of 4 inches will be managed for when grazing occurs between July 1 and November 30 in areas managed for brood rearing and summer." Issue #4: It's not feasible to contemplate specific seasons of use for each of the more than 1,500 allotments managed by BLM and the Forest Service in the planning area. The impacts of varying seasons of use will be considered on a site-specific basis . Issue #5: Management Action 52 under Alternative A in the Draft LUP Amendments/Draft EIS does not include actions for the BLM field offices, other than the Casper Field Office, because similar actions are not included in the existing RMPs for the other five BLM field offices. Issue #6: Management Action 54 under Alternative A in the Draft LUP Amendments/Draft EIS only includes actions for the Casper, Kemmerer, and Pinedale Field Offices because similar actions are not included in the existing RMPs for the other three BLM field offices. Issue #7: If a particular allotment does not meet rangeland health standards due in part to livestock grazing, depending on the alternative, a number of measures could be implemented. Reduced grazing is only one such measure. The decision of which measures should be implemented would be determined by the agency authorized officer on a case by case basis in coordination with cooperating agencies, grazing permittees, and interested publics. Issue #8: Post-drought management is not specifically mentioned in Alternative A in Chapter 2 of the Draft LUP Amendments/Draft EIS. Rather, Alternative A includes actions to address ongoing drought conditions. Therefore, the sentence on Page 4-99 specified in the comment was revised in the Proposed LUP Amendments/Final EIS to reflect this. Issue #9: Livestock grazing activities were identified as a threat to Greater Sage-Grouse by the USFWS. Therefore, the Draft LUP Amendments/Draft EIS includes measures to manage livestock grazing in a manner that reduces the threat

to sage-grouse habitat. Issue #10: The text for Action 53 has been changed in the Final EIS to clarify that range improvement projects would be avoided in sage-grouse general habitat. Action 44 prohibits livestock grazing in priority habitats but not in general habitats. A similar clarification has been made in action 54. Issue #11: The inclusion of "no similar action" in management action #93 under Alternative C means that vegetation resources would not be managed to achieve a specific vegetative condition. Issue #12: Action 41 is indicating that, when selling or trading Federal lands, the agencies would identify those lands being sold or traded off that would be benefitted by having a conservation easement established. Issue #13: Reducing grazing levels has been determined to be an effective management tool in reducing the impacts of livestock grazing activities on sage-grouse habitat. Therefore, this was included as a management action under Alternative B to create a reasonable range of alternatives, as required by NEPA. All of the alternatives and management actions therein are only proposed actions at this stage in the planning process. The final decision on which actions will be included in the Approved LUP Amendments will be made in the record of decision after the completion of the land use planning process. Issue #14: Management action #47 includes proposed management only under Alternative C. The other four alternatives would not require any similar type of management. For example, "no similar action" under Alternative E means the action included under Alternative C would not be implemented if Alternative E is selected, and no other similar action would be implemented. Issue #15: Management action #49 in Chapter 2 of the Draft LUP Amendments/Draft EIS addresses how the BLM and Forest Service would adjust grazing practices based on whether allotments meet land health standards or desired conditions. Currently, this is handled differently among the six BLM field offices and three Forest Service planning units. Alternatives B, D and E propose a more consistent approach to this issue across the planning area. Action 49 Alternative E has been revised to clarify the relationship between Alternatives A and E. Issue #16: The Proposed LUP Amendments/Final EIS has been updated to reflect these changes. Issue #17: It is reasonable to consider an alternative that contemplates this action. The final decision on the LUP Amendments will be made in the Record of Decision. Issue #18: Management action #53 in Chapter 2 of the Draft LUP Amendments/Draft EIS under Alternative A as it applies to the Newcastle Field Office addresses removing or modifying fences that cause wildlife conflicts. This does not apply only to sage-grouse but to all wildlife. Management action #53 under Alternative E does not specifically propose to remove existing fences. Issue #19: Grazing was identified as a threat to sage-grouse by the USFWS in the 2010 finding. Because of that, BLM and the Forest Service must consider the impacts of livestock grazing on sagegrouse and their habitats. Issue #20: The discussion on Page 1-13 of the Draft LUP Amendments/Draft EIS specified in the comment addresses the planning issues that were identified through the land use planning process. Chapter 2 contains all the details regarding proposed management actions and which activities are allowed, restricted, or prohibited. The elimination of all grazing activities in sage-grouse priority habitat is proposed under Alternative C of the Draft LUP Amendments/Draft EIS. Issue #21: Management Action #49 has been revised in the Final EIS to remove the reference to Annual Operating Instructions. The new BLM text is: "The BLM monitoring policies would be used to evaluate progress toward achieving land health standards within sage-grouse core and connectivity habitat areas and, where not achieved, to determine if existing grazing management practices or levels of grazing use on public lands are significant factors in failing to meet, maintain, or make progress towards achieving the standards and conform with the guidelines, which through this process will identify appropriate actions to address non-achievement and non-conformance. Allotments within SFAs, followed by those within PHMAs, and focusing on those containing riparian areas, including wet meadows, will be prioritized for field checks to help ensure compliance with the terms and conditions of the grazing permits. Field checks could include monitoring for actual use, utilization, and use supervision. The BLM will prioritize (1) the review of grazing permits/leases, in particular to determine if modification is necessary prior to renewal, and (2) the processing of grazing permits/leases in SFAs followed by PHMAs outside of the SFAs. In setting workload priorities, precedence will be given to existing permits/leases in these areas not meeting Land Health Standards, with focus on those containing riparian areas, including wet meadows. The BLM may use other criteria for prioritization to respond to urgent natural resource concerns (e.g., fire) and legal obligations." The new Forest Service text is "GRSG-LG-GL-001-Guideline - Grazing guidelines in Table 2-6 should be applied in each of the seasonal habitats

as displayed. If values in Table 2-6 cannot be achieved based upon a site-specific analysis using Ecological Site Descriptions, long-term ecological site capability analysis, or other similar analysis, adjust grazing management to move towards desired habitat conditions in Table 2-5 consistent with the ecological site capability. Do not use drought and degraded habitat condition to adjust values. Grazing guidelines in Table 2-6 would not apply to isolated parcels of National Forest System lands that have less than 200 acres of greater sage-grouse habitat." Issue #22: While the act of livestock grazing on rangelands is not considered a surface disturbing activity, other activities related to livestock grazing management involve surface disturbing activities, such as the construction of range improvements. Issue #23: The paragraph specified in the comment is accurate and appropriate, as stated in the Draft LUP Amendments/Draft EIS. All sentences are included in the paragraph to provide the public with the history of grazing management and associated acres within the TBNG. Issue #24: The management action regarding resting treated areas from livestock grazing is included as management action #97 in Chapter 2 of the Draft LUP Amendments/Draft EIS. Under Alternative D, this management action states the following: "Treated areas would not be rested from grazing." Issue #25: Structural range improvements would not be prohibited under Alternative D. Therefore, the Chapter 4 paragraph specified in the comment was revised in the Proposed LUP Amendments/Final EIS to reflect the management action in Chapter 2. Issue #26: The analysis conveys that riparian areas are more sensitive, and therefore less resistant, to livestock grazing than some upland areas. Therefore, increasing the distance from riparian areas that salt and mineral supplements can be placed would help to move livestock away from these sensitive areas and into areas that are more resistant to livestock grazing. Issue #27: The text "more stipulations" included on Page 4-353 of the Draft LUP Amendments/Draft EIS refers to the additional restrictions and requirements placed on water developments under Alternative E. These restrictions and requirements are included in Table 2-1 in Chapter 2 of the Draft LUP Amendments/Draft EIS.

Livestock Grazing

Best available information-baseline data

Baseline data for livestock grazing is inadequate to meet NEPA requirements.

Comment ID: 328
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We are unable to locate any baseline information regarding the mileage of riparian corridors (critical to sage grouse brood-rearing) that are in Properly Functioning Condition. Federal agencies must manage livestock grazing at ecologically sustainable levels, and when this does not occur, it is indicative of a need for strong remedial action. Rangeland health standards must be met across all sage grouse habitats, and the most immediate method of achieving his is through the reduction of stocking levels for livestock. There appear to be deficiencies in BLM's riparian and wetland surveys across the planning area, and the DEIS does not present summary statistics for acreage of sage grouse habitat that is not meeting Properly Functioning Condition criteria. Please address this deficiency in baseline information, as riparian areas are crucial to sage grouse as brood-rearing habitats, and present this information in full in the FEIS.

Comment ID: 325
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Assessments (or rangeland health projects) conducted since 2004 are not mentioned in the EIS, a NEPA 'hard look' issue. In the Kemmerer Field Office, 50% of allotments have been documented as meeting rangeland health standards, with the majority of nonattainment attributable to livestock grazing. DEIS at 3-78. Data regarding nonattainment of rangeland health standards in the Pinedale, Rawlins and

Newcastle Field Offices is not possible to derive from the DEIS, since only nonattainment from livestock grazing is listed. DEIS at 3-79, 3-80, 3-81. This is a NEPA baseline information and 'hard look' deficiency. For the Rock Springs Field Office, no data at all are provided (DEIS at 3-83), which is a failure to even attempt to comply with NEPA baseline information and 'hard look' requirements. There is no attempt at this analysis for Forest Service units in the EIS either. DEIS at 3-84 through 96.

Comment ID: 463
Organization:
Name:

Comment: In summary, the final EIS must include the following: 1. Complete data on livestock grazing within the entire planning area, including a listing of all BLM/FS allotments, acreage, Active (permitted) AUMs, and actual AUM use for the past 5 years. 2. Clear charts and maps that disclose acreage and AUM allocations for livestock grazing in all three categories of sage grouse habitat.

Summary: Assessments (or rangeland health projects) conducted since 2004 are not mentioned in the EIS, a NEPA 'hard look' issue. In the Kemmerer Field Office, 50% of allotments have been documented as meeting rangeland health standards, with the majority of nonattainment attributable to livestock grazing. Data regarding nonattainment of rangeland health standards in the Pinedale, Rawlins and Newcastle Field Offices is not possible to derive from the Draft EIS, since only nonattainment from livestock grazing is listed. This is a NEPA baseline information and 'hard look' deficiency. For the Rock Springs Field Office, no data at all are provided, which is a failure to even attempt to comply with NEPA baseline information and 'hard look' requirements. There is no attempt at this analysis for Forest Service units in the EIS either. There appear to be deficiencies in BLM's riparian and wetland surveys across the planning area, and the Draft EIS does not present summary statistics for acreage of sage-grouse habitat that is not meeting Properly Functioning Condition criteria. Please address this deficiency in baseline information, as riparian areas are crucial to sage-grouse as brood-rearing habitats, and present this information in full in the FEIS. The Final EIS must include the following: 1. Complete data on livestock grazing within the entire planning area, including a listing of all BLM/Forest Service allotments, acreage, Active (permitted) AUMs, and actual AUM use for the past 5 years. 2. Clear charts and maps that disclose acreage and AUM allocations for livestock grazing in all three categories of sage-grouse habitat.

Response: Appendix G in the Draft LUP Amendments/Draft EIS lists the livestock grazing allotments for the BLM and Forest Service and the conditions of each allotment. For BLM, the allotments were evaluated using Land Health Standards in Manual 4180; for Forest Service, the allotments were evaluated using vegetation trends. Appendix G reflects evaluations and determinations that were made over the past decade, including those made as late as 2012. The data included in this appendix is consistent with NEPA requirements and is sufficient in that it presents the baseline data and information necessary to make informed decisions regarding sage-grouse management. PFC is an assessment of physical stability, not habitat quality, and would not add to our understanding of the adequacy of the riparian habitats for sage-grouse use.

Livestock Grazing

Best available information-baseline data

BLM has a duty to critically evaluate the FWS findings on a site-specific level

Comment ID: 2096
Organization: Public Lands Council and National Cattlemen's Beef Association
Name: Dustin Van Liew

Comment: BLM fails to take a hard look at Alternative A and make a rational connection between the existing environmental baseline and its conclusion that modifying or adding regulatory mechanisms to the existing LUPs/RMPs are necessary to conserve sage-grouse and avoid a listing. It appears that BLM arbitrarily rejected the no action alternative with respect to livestock grazing merely because it would not result in sage-grouse specific standards and guidelines and, as a result, unlawfully chose to not take a hard look at whether existing standards and guidelines are adequate to protect sagegrouse from a listing. Furthermore, what little analysis BLM conducted of the effectiveness of current rangeland health standards and guidelines in evaluating Alternative A suggests that the current framework adequately conserves sage-grouse habitat and populations. Neither BLM, nor the FWS, has undertaken the requisite analyses and, as a result, BLM has arbitrarily developed alternatives, and preordained an outcome, that would institutionalize a single-species focus to range management at the expense of other species and forage production for livestock. BLM has not established a factual foundation that such regulatory changes and additions are necessary to avoid an ESA listing.

Comment ID: 2085
Organization: Public Lands Council and National Cattlemen's Beef Association
Name: Dustin Van Liew

Comment: BLM does not provide a rational basis for imposing grazing restrictions. In the 9-Plan EIS, BLM describes the purpose and need as follows: "Changes in management of sage-grouse habitats are necessary to avoid the continued decline of populations that are anticipated across the species' range. These plan amendments will focus on areas affected by threats to sage-grouse habitat identified by the USFWS in the March 2010 listing decision." 9-Plan EIS at 1-3. Put most simply in the federal register notice of intent, the core purpose of the LUPAs and RMPAs is to "avoid a potential listing under the Endangered Species Act." 76 FR 77009. The FWS listing decision contains broad, generalized statements and findings pertaining to the entire range of the sage-grouse. For the purposes of developing more localized, State-based LUPAs/RMPAs, BLM has a duty to critically evaluate the FWS findings on a site-specific level to determine whether particular regulatory mechanisms actually need to be amended and/or added to BLM's existing LUPAs/RMPs on a case-bycase basis. Unfortunately, it does not appear that BLM undertook the necessary evaluations in developing the purpose and need statement and developing alternatives.

Summary: The BLM does not provide a rational basis for imposing grazing restrictions. The USFWS listing decision contains broad, generalized statements and findings pertaining to the entire range of the sage-grouse. For the purposes of developing more localized, state-based LUP Amendments, BLM has a duty to critically evaluate the USFWS findings on a site-specific level to determine whether particular regulatory mechanisms actually need to be amended and/or added to BLM's existing LUPs on a case-by-case basis. Unfortunately, it does not appear that BLM undertook the necessary evaluations in developing the purpose and need statement and developing alternatives. BLM fails to take a hard look at Alternative A and make a rational connection between the existing environmental baseline and its conclusion that modifying or adding regulatory mechanisms to the existing LUPs/RMPs are necessary to conserve sage-grouse and avoid a listing. It appears that BLM arbitrarily rejected the no action alternative with respect to livestock grazing merely because it would not result in sage-grouse specific standards and guidelines and, as a result, unlawfully chose to not take a hard look at whether existing standards and guidelines are adequate to protect sagegrouse from a listing. Neither BLM, nor the USFWS, has undertaken the requisite analyses and, as a result, BLM has arbitrarily developed alternatives, and preordained an outcome that would institutionalize a single-species focus to range management at the expense of other species and forage production for livestock. BLM has not established a factual foundation that such regulatory changes and additions are necessary to avoid an ESA listing.

Response: Because the USFWS 2010 listing decision identified livestock grazing as a threat to sage-grouse, the BLM and Forest Service analyzed a reasonable range of alternatives for livestock grazing management

in the Draft LUP Amendments/Draft EIS. The alternatives include a range of management decisions and restrictions. Within the range of alternatives are management actions that address the need to consider site-specific differences among livestock grazing allotments. Based on the analysis and public comments, the BLM and Forest Service will make a final determination on all management decisions in the Record of Decision.

Livestock Grazing

Best available information-baseline data

Ch. 3 baseline data should be updated

Comment ID: 1369
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Page 3-213 states that "livestock water development projects could result in surface disturbance, but could also alleviate pressure from grazing in riparian areas" but the document fails to provide any scientific support for this myth that upland water developments reduce impacts in riparian areas.

Comment ID: 1975
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. G-1, Grazing Allotment Data – The WSGB is most disappointed with the quantity and quality of the “data” provided in this Appendix. It is our comment that the information in this Appendix can hardly be called “data”. For instance, under the “Causal Factors” column, the narratives are minimal, often redundant, and convey very little useful information with respect to the Standards assessments for these allotments. We realize space is limiting, but we comment that this part of the Draft can and should be made to be more informative than at present. We comment that it is curious that only three allotments across all of the BLM Field Offices in this document are shown to have failed Standards due to “excess horses”. We comment that this Table G- 1 should be revised to show the actual number of allotments that now contain excess horses which by BLM definition, would create resource conflicts and concerns.

Comment ID: 1820
Organization:
Name: Marybeth Devlin

Comment: The Draft LUPA / EIS omits vital information on the grazing allotments: • How many acres each allotment encompasses, • How many permitted animal unit months (AUMs) each allotment has, • How many AUMs are in active use, and • How many AUMs have been reported via Form 4130-5 (actual use). Please include these essential data so that an informed review can result. The actual-use-reported data should be for each of the last five-years in order to show trends.

Comment ID: 928
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 3-418, 2nd Paragraph: Livestock grazing does not require surface disturbance. Please reword.

Comment ID: 1388

Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Page 3-74-83 Text: Ciscussion in Section 3.7.1 Comment: With respect to an EIS, NEPA regulations require that the document describe the area(s) to be affected in such a way as to understand the effects of the alternatives. 40 C.F.R. §1502.15. To do so, BLM must set forth the baseline conditions of the project area. Half Moon Bay Fishermans' Marketing Ass'n v. Carlucci, 857 F.2d 505, 510 (9th Cir.1988). "Without establishing the baseline conditions, there is no way to determine what effect the proposed action will have on the environment and, consequently, no way to comply with NEPA. W. Watersheds Project v. Bureau of Land Mgmt., 552 F. Supp. 2d 1113, 1126-27 (D. Nev. 2008). In Section 3.7.1. BLM does not quantify the number of acres of core GRSG habitat in the grazing allotments. Nor does BLM qualitatively describe the grazing allotments with regards to core GRSG habitat. Thus, it is impossible for cooperators, stakeholders, and the public to know how the proposed action will impact grazing inside core habitat and the full spectrum of effects (environmental, social, economic) that each alternative may yield. The analysis provided by U.S. Forest Service in Section 3.7.2 more adequately describes the baseline conditions of grazing allotments within GRSG habitat (general, core, connectivity, and winter) that should be provided for BLM lands.

Comment ID: 510
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: DEIS 3-82 "However, in recent years, actual use has been less than 200,000 AUMs." The time period cited in the DEIS refers to a nine-year drought when permittees like RSGA took voluntary nonuse. The DEIS should refer to this severe drought rather than imply livestock use is on the decline or that there is no demand for grazing permits.

Comment ID: 2876
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: We suggest that the Draft LUPA/EIS be revised to include much more detail and background on the stringent standards and regulatory mechanisms that BLM already applies to ensure the long-term health and productivity of lands under grazing leases, thereby contributing to sagebrush habitat health and conservation. Some information is available on the BLM website at http://www.blm.gov/wo/st/en/prog/grazing.html. Otherwise, a reading of the current Draft LUPA/EIS leaves the inaccurate impression that most grazing activities on public lands go largely unregulated, which is not the case. Ranchers and grazers work with BLM range management specialists to ensure that BLM lands are well-managed under a federal framework that provides for corrective actions should range health standards not be met.

Comment ID: 2466
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-94 Rangeland Management Categories - Capable Rangeland Acres: The acreages do not seem to correlate (e.g. 552,490 and 572,520 as well as the dates).

Comment ID: 2392
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The final document must include all data on livestock grazing within the entire planning area, including a listing of all BLM/FS allotments, acreage, Active (permitted) AUMs, and actual AUM use for the past 5 years.

Comment ID: 2464
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-94 Grazing Distribution - The fourth paragraph details the information already contained in Table 3-28. The statement "only found on ... (402,890 acres) making the TBNG one of the higher densities of sage-grouse habitat ..... " seems to be superfluous. The statement could be written better?

Comment ID: 2377
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The DEIS fails to quantify the relative impacts of wild horses vs. livestock in GRSG habitat areas The EIS in Chapter 4.5 states that, under most alternatives, reduction in wild horse Allowable Management Levels (AMLS) could occur if GRSG objectives are not achieved. Alternative F includes a mandatory 25% reduction in wild horse AMLs in GRSG habitat areas. However, the data presented in the document do not support the contention that wild horses are a threat to sage grouse in this planning region. In fact, wild horses have not been identified as a major threat to sage grouse in any of the assessments done by the BLM or other agencies. From the above, we see that the DEIS is completely inadequate in describing the Affected Environment in terms of impacts to sage grouse. In sections on livestock grazing by field office, sometimes total acreage for allotments is disclosed; sometimes it is not. Without the missing data, it is impossible to compare the footprint of livestock use with the footprint of wild horse use in the planning area. Further, without analysis of these activities within GRSG habitat areas, it is impossible to estimate approximate numbers of wild horses vs. livestock in GRSG habitat and therefore assess the relative impacts. What we can determine from the scant data provided is that the BLM allocates 47 times more forage to privately-owned livestock vs. federally-protected wild horses in the planning area. Based on this staggering disparity in resource allocation, the BLM cannot possibly suggest that wild horse grazing is a threat to sage grouse in this planning area. Thus the alternatives that will set wild horses up for prioritized removals and/or lowering of Allowable Management Levels (AMLs) are completely unjustified, particularly as compared to alternatives, including the Preferred Alternative, that maintain the status quo, while making voluntary any adjustments to livestock grazing levels for the purpose of sage grouse conservation. Therefore, the final DEIS should include the above chart—filled in with complete data – to clearly delineates the acreage and AUMs for livestock grazing vs. the acreage and AUMs for wild horses (based on percent of HMA in GRSG habitat and the AMLs in those HMAs. [See Original Email Attachment for Chart]

Comment ID: 2982
Organization:
Name: Margaret

Comment: I Demand an analysis of all grazing allotments in the EIS process. Many have no data available which evaluate the condition of the land. You must protect the sage grouse by restricting land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats. Please institute the right and fair plan - charge appropriately - restrict gazing access and protect our environment.

Comment ID: 2375
Organization: American Wild Horse Preservation Campaign (AWHPC)

Name: Suzanne Roy

Comment: The DEIS does not clearly disclose the number of acres of grazing allotments in Greater Sage Grouse (GRSG) habitat (Core/Priority, General, Connectivity habitat zones.) In other BLM EIS documents for sage grouse plans in other starts, clear charts were included disclosing the acreage and forage allocations (Animal Unit Months, or "AUMs) of livestock grazing allotments in each category of sage grouse habitat. No such information is provided here. Instead, buried in Chapter 4, Environmental Consequences is information indicating that: • 574 grazing allotments are located entirely within sage grouse priority habitat • 1,125 allotments lie partially within sage grouse habitat. • 186 out of 574 allotments within core habitat not meeting the standards due to livestock grazing. (This information is buried in Chapter 4, section 7.) This information is inadequate. The Final EIS should include the following: • Complete description of Total Acres and AUM allocations for all grazing allotments in the planning area. • A chart that clearly delineates the number of grazing allotments in each category of GRSG habitat, the acreage that lies within GRSG habitat for each allotment, the percent of each allotment that lies within each category of GRSG habitat and the AUM allocations for each allotment that impacts GRSG habitat. • A complete description of the number of allotments that lie within or partially within sage grouse habitat that are not meeting current rangeland health standards.

Comment ID: 2892
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: Table G-5, Rawlins Field Office Allotments, must be revised to incorporate the best available information and data. As mentioned above, in February 20] 4, BLM RFO sent a letter to TOTCO, recognizing us for environmental stewardship and range management initiatives. Citing TOTCO's significant investments in range and water improvements on the Overland Trail Ranch, the BLM RFO said the Pine Grove/Bolten, Sage Creek and Sixmile Hill allottments meet all six Rangeland Health Standards, based on a 2013 field assessment. The Ranch also was recognized for "extensive cooperation" with BLM and other agencies over the years. The Lone Tree and Sixmile Hill allotments are correctly listed in Appendix G as meeting land health standards. However, on page G-96, the Pine Grove/Bolten allotment is incorrectly listed as not meeting land health standards, and on page G-98, the Sage Creek allotment also is incorrectly listed as not meeting land health standards. This chart must be revised accordingly, and any analysis based on this faulty data must be corrected in the Final LUPA/EIS. Appendix G also would be more useful if a summary table were provided for the entire Planning Area and for each field office to disclose the number of allotments in each field office, and the percentage of allotments that do or do not meet the land health standards within that office. For example, in the Rawlins Field Office, it appears by our count that of the 661 total allotments, 65% or 427 of the allotments do indeed meet the land health standards, and meeting land health standards inherently means meeting wildlife and habitat standards. Thus, if approximately two-thirds of the allotments in the RFO already meet the BLM's Range Health Standards, further restricting range improvements or closing grazing on public lands does not seem to be a meaningful or adequate regulatory mechanism for sage-grouse habitat. A more appropriate management action might instead be for BLM to set a goal for its range specialists to work with allotment users to achieve a rate of 95% of allotments meeting Range Health Standards.

Summary: Issue #1: The Draft EIS does not clearly disclose the number of acres of grazing allotments in Greater Sage-Grouse habitat. The Final EIS should include the following information: (1) Complete description of total acres and AUM allocations for all grazing allotments in the planning area; (2) A chart that clearly delineates the number of grazing allotments in each category of sage-grouse habitat, the acreage that lies within sage-grouse habitat for each allotment, the percent of each allotment that lies within each category of sage-grouse habitat, and the AUM allocations for each allotment that impacts sage-grouse habitat; (3) A complete description of the number of allotments that lie within or partially within sage-

grouse habitat that are not meeting current rangeland health standards. Issue #2: Page 3-94, Rangeland Management Categories - Capable Rangeland Acres: The acreages do not seem to correlate (e.g., 552,490 and 572,520 as well as the dates). Issue #3: On page G-96, the Pine Grove/Bolten allotment is incorrectly listed as not meeting land health standards, and on page G-98, the Sage Creek allotment also is incorrectly listed as not meeting land health standards. This chart must be revised accordingly, and any analysis based on this faulty data must be corrected in the Proposed LUP Amendments/Final EIS. Issue #4: Page 3-418, 2nd Paragraph: Livestock grazing does not require surface disturbance. Please reword.

Response: Issue #1: Livestock grazing allotments overlap most of the sage-grouse habitat within the planning area. Chapter 3 (Section 3.7) of the Draft EIS discloses the number of grazing allotments, and the corresponding number of total acres and AUMs, for each BLM field office and Forest Service planning unit within the planning area. Chapter 3 also includes detailed information about the grazing allotments within the planning area, including management categories and rangeland condition. Maps 3-2 through 3-10 in the Draft EIS show the location of all grazing allotments within the planning area. Appendix G contains an exhaustive list of all grazing allotments within the planning area and shows whether each allotment has been assessed, whether each assessed allotment is meeting the Standards for Rangeland Health, and the causal factor for not meeting the standards. These baseline data provide an appropriate description of the affected environment that is needed to analyze impacts on livestock grazing and other resources (including sage-grouse habitat) and make informed decisions regarding management of all resources within the planning area. Issue #2: As stated on Page 3-95, the total acres of the TBNG were reduced from 572,520 to 552,490 acres as a result of a series of small land exchanges since 1985. Issue #3: It was determined on 9/30/2004 that the Pine Grove/Bolten and Sage Creek allotments did not meet the Standards for Rangeland Health due to water quality issues that are unrelated to livestock grazing. The information presented in Appendix G is correct, pending future land health assessments. Issue #4: The statement on Page 3-418 is accurate. Because livestock range improvements (e.g., water developments, fences, etc.) needed for livestock grazing can result in surface disturbance.

Livestock Grazing

Best available information-baseline data

Draft EIS must disclose existing grazing management decisions and baseline data

Comment ID: 1291
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Nowhere does the DLUPA/DEIS provide a thorough disclosure of existing management of livestock grazing operations, as required by NEPA, and nowhere are the current conditions or even the most current monitoring event on the allotments discussed.

Summary: The Draft EIS must provide a thorough disclosure of existing management of livestock grazing operations, as required by NEPA. The Draft EIS should also provide current conditions and current monitoring results on an allotment basis.

Response: Chapter 3 (Section 3.7) of the Draft EIS discloses the number of grazing allotments, and the corresponding number of total acres and AUMs, for each BLM field office and Forest Service planning unit within the planning area. Chapter 3 also includes detailed information about the grazing allotments within the planning area, including management categories and rangeland condition. Maps 3-2 through 3-10 in the Draft EIS show the location of all grazing allotments within the planning area. Appendix G contains an exhaustive list of all grazing allotments within the planning area and shows whether each allotment has been assessed, whether each assessed allotment is meeting the Standards for Rangeland

Health, and the causal factor for not meeting the standards. These baseline data provide an appropriate description of the affected environment that is needed to analyze impacts on livestock grazing and other resources (including sage-grouse habitat) and make informed decisions regarding management of all resources within the planning area.

Livestock Grazing

Best available information-baseline data

ESDs should be used in place of PFC assessments

Comment ID: 1333
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

Comment ID: 1332
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

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

Response: The use of PFC assessments has been an effective tool by which the BLM is able to assess stream/riparian functionality. Although some level of professional judgment by BLM resource specialists is used during PFC assessments, the process follows a standardized methodology so that it is consistently applied. In addition, PFC is the minimum requirement for stream/riparian function. The overall goal is to manage areas to exceed PFC, with PFC representing the minimum level of functioning condition.

Livestock Grazing

Best available information-baseline data

Rangeland health assessments are subjective

Comment ID: 956
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: Implied throughout this Draft EIS, on the subject of "Livestock Grazing," that if necessary there could be reductions of AUM's in grazing allotments to satisfy the "vegetation requirements" for the Greater Sage Grouse. Quote from Alternative E, pg 2 - 192; "Grazing management would be adjusted on all allotments not meeting the Wyoming Standards for Healthy Rangelands on BLM-administered lands, and to those not meeting LRMP standards and guidelines on Forest Service-administered lands, for reasons attributable to grazing. These management restrictions could reduce AUM utilization and increase the cost of livestock operations." The catch phase is "not meeting the Wyoming Standards for Healthy Rangelands." Rangeland Health or Healthy Rangelands are in the eyes of the beholder and can be construed to fit the objective of an individual or group who wants a specific use of the range.

Summary: Assessing whether specific allotments meet the Standards for Rangeland Health is a subjective process that can be construed to fit the objective of an individual or group who wants a specific use of the range. Therefore, use of these standards to determine whether changes to livestock grazing practices are needed is not appropriate.

Response: A BLM interdisciplinary team conducts the assessments and makes determinations based on the results of the assessments. Although the assessments follow a standardized process, there is some level of professional judgment that is exercised by the interdisciplinary team, which is a necessary component of the process. However, this team is trained to conduct such assessments in an objective manner.

Livestock Grazing

Impact Analysis

Disclose impacts from livestock grazing in the Draft EIS

Comment ID: 821
Organization:
Name: Laurinda Reinhart

Comment: I'm not against sustainably managed livestock grazing, but to exclude their impacts from the draft LUP makes the draft useless.

Comment ID: 865
Organization:
Name: Elizabeth Solmson

Comment: Actual studies need to be undertaken to determine the effects that livestock grazing has on the grouse population.

Comment ID: 2887
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Another concern is the difference between the draft LUPA and EIS's consideration of impacts of grazing on sage-grouse versus the Governor's Executive Order 2013-3. There seems to be a disconnect between the Agencies members on the Wyoming SGIT which helped develop and refine the EO and the document authors. If the Agencies are not going to rely upon information from the EO and SGIT, then they need to convey that information to the Governor and the rest of the SGIT. Statements about grazing on page 489 and page 491 of the document directly contradict the actions of Wyoming to conserve sage-grouse, leading one to wonder why the State has spent as much time and effort on this process.

Comment ID: 2376
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The DEIS fails to adequately disclose and analyze the impacts to GRSG caused by livestock grazing. The DEIS states in this section (Chapter 4, Section 14): The primary threats to this portion of the population are energy development and transfer, including both renewable and non-renewable resources, long-term drought, and brush eradication programs. Residential development has also been identified as a threat. The DEIS does not disclose or analyze the threats to sage grouse caused by widespread and extensive livestock grazing in the area: • There are over 1,500 allotments for the region with over 1.2 million animal unit months (AUMs) of livestock forage distributed throughout the six field offices. (Chapter 3, Section 7) This statement does not specify whether the 1.2 million AUMs are the actual forage allocations, or reported use by ranchers, and if the latter, what time period. • There are 574 grazing allotments are located entirely within GRSG priority habitat, and 1,125 allotments that lie partially within GRSG habitat. ((Chapter 4, Section 7). No AUM allocations are given for allotments within sage grouse habitat, so no conclusions can be drawn, or analysis made, regarding extent of livestock impacts within GRSG habitat. • 186 out of 574 allotments within core habitat not meeting the standards due to livestock grazing. • The DEIS wrongly excludes livestock grazing from classification as a surface disturbance, despite the vast landscape in Wyoming impacted by livestock grazing activities. The DEIS provides no justification or documentation for this exclusion. • The DEIS is silent on the extensive and well-documented impacts of livestock grazing on GRSG, focusing instead on other activities, such as oil and gas and residential development that impact the species. In the words of The Wildlife News, this is “analogous to noting that people are dying from lung cancer (proximate cause of death), but neglecting to make the connection between smoking cigarettes (ultimate cause) and these deaths.” Indeed, in the words of our colleagues at the Western Watersheds Project, the BLM continues to “turn a blind eye to the widespread degradation cows and sheep are causing in sage-grouse habitat.” • The final EIS must include an accurate assessment of the widespread degradation of GRSG habitat caused by livestock grazing and the negative impacts of the activity on the animals themselves. As one example, we include the recent scientific study (Attachment 1) documenting that the presence of cattle increases corticosteroid levels in GRSG, which is an indicator of stress.

Comment ID: 459
Organization:
Name:

Comment: Nor does it properly disclose or analyze the impacts that widespread livestock grazing in the planning area is having on the sage grouse. In fact, the BLM Wyoming wrongly excludes livestock grazing from classification as a surface disturbing activity, despite the vast landscape decimation caused by this unsustainable practice.

Summary: The Draft EIS fails to adequately disclose and analyze the impacts to Greater Sage-Grouse caused by livestock grazing. The Draft EIS does not disclose or analyze the threats to sage-grouse caused by widespread and extensive livestock grazing. Actual studies need to be undertaken to determine the effects that livestock grazing has on the sagegrouse population. The Draft EIS wrongly excludes livestock

grazing from classification as a surface disturbance, despite the vast landscape in Wyoming impacted by livestock grazing activities. The Draft EIS provides no justification or documentation for this exclusion.

Response: The Draft EIS provides a detailed analysis of impacts on sage-grouse populations and habitat from implementing the livestock grazing decisions included in Chapter 2. This analysis is included in Section 4.14 of Chapter 4 of the EIS. The analysis uses the best available data and information pertaining to impacts from livestock grazing on sage-grouse populations and habitat.

Livestock Grazing

Impact Analysis

Draft EIS fails to implement Forest Service viability requirements

Comment ID: 1317
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The proposed alternative fails to implement Forest Service specific requirements such as viability and those found in the various regulations, manuals and handbooks for the management of listed and Sensitive Species as well as livestock grazing in relation to these.

Summary: The Preferred Alternative fails to implement Forest Service specific requirements such as viability and those found in the various regulations, manuals and handbooks for the management of listed and sensitive species, as well as livestock grazing in relation to these species.

Response: The BLM and the Forest Service considered a reasonable range of alternatives during the greater sage-grouse planning process in full compliance with NEPA. The CEQ regulations (40 CFR 1502.1) require that the BLM and the Forest Service consider reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. While there are many possible alternatives or actions to manage public lands and Greater Sage-Grouse in the planning area, the BLM and the Forest Service fully considered the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. As a result, five alternatives were analyzed in detail in the Draft LUP Amendments/Draft EIS that best addressed the issues and concerns identified by the affected public. The plan includes alternatives that provide a greater and lesser degree of restrictions in various use programs, but would not eliminate or invalidate any valid existing development rights. As part of the analysis process, the Forest Service developed a viability strategy that is aimed at ensuring that habitats on National Forest lands provide for viable (persistent) populations of sagegrouse for those life history periods when they utilize those habitats. A biological evaluation is prepared for all proposed actions, including Forest Plans (consistent with FSM 2672) that assesses each alternative, including management actions, and provides a synthesis of effects on the species by management actions. The selected alternative must ensure that actions do not result in a loss of viability or trend the species towards federal listing. Further, conservation actions in the Forest Plan Amendments are tiered to guidance in in other sage-grouse conservation planning documents. For example, the Conservation Objectives Team report identifies Priority Areas for Conservation (PACs) that are considered important for sage-grouse populations, and offers initial guidance to protect these areas.

Livestock Grazing

Impact Analysis

Draft EIS incorrectly treats impacts to sage-grouse from livestock grazing the same as those from wild horses

Comment ID: 471
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The DEIS also treats livestock grazing impacts as the same as wild horse impacts in direct contradiction to USFWS conclusions. Infra at 3-4. DEIS 2-183 ("Greater Sage-Grouse habitat considerations within livestock grazing allotments and wild horse management areas would be similar across all action alternatives."). Research and USFWS recommendations contradict these assumptions.

Comment ID: 465
Organization:
Name:

Comment: In summary, the final EIS must include the following: 3.Accurate and detailed analysis on the impacts of livestock grazing on sage grouse. 4. Clear delineation of wild horses from livestock both legally and biologically/environmentally.

Summary: The Draft EIS treats livestock grazing impacts the same as wild horse impacts in direct contradiction to USFWS conclusions. Infra at 3-4. Draft EIS 2-183 ("Greater Sage-Grouse habitat considerations within livestock grazing allotments and wild horse management areas would be similar across all action alternatives."). Research and USFWS recommendations contradict these assumptions. The Final EIS must include the following: Accurate and detailed analysis on the impacts of livestock grazing on sage-grouse. Clear delineation of wild horses from livestock both legally and biologically/environmentally.

Response: The Draft EIS analyzes livestock grazing impacts separately from wild horse impacts (see Sections 4.7 and 4.19 in Chapter 4 of the Draft EIS), and includes impacts from implementing management actions associated with livestock grazing in various sections of Chapter 4. The statement on Page 2- 183 addresses the fact that sage-grouse habitat needs will be considered in grazing allotments and wild horse herd management areas across all action alternatives. This should not be misconstrued to indicate that livestock grazing impacts and wild horse impacts are the same. The Draft EIS includes a detailed analysis of the impacts of livestock grazing on sage-grouse (see Section 4.7 in Chapter 4 of the Draft EIS).

Livestock Grazing

Impact Analysis

Draft EIS should consider the effects of allowing for full permitted use

Comment ID: 1297
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS admits that the permitted livestock grazing use in the planning area is not an accurate reflection of the actual grazing use but the preferred alternative does not address the fact that were livestock use to increase to the fully permitted levels, conditions for sage-grouse would certainly be worse. Rather than provide conservation measures for sage-grouse, the DLUPA/DEIS would effectively indemnify

the higher numbers until some unknown future time in which sitespecific planning is conducted (though WWP notes how rarely site-specific processes adjust grazing use to lower permitted numbers even when actual use is a tiny fraction of the authorization). Surely, the agencies could have taken a hard look at the actual use statements, average billed use or annual authorizations and made meaningful recommendations pertaining to why livestock use at the higher levels is not viable, not appropriate, not realistic, etc. Lacking this discussion, the DLUPA/DEIS lacks a hard look at the baseline conditions or the preferred alternative.

Summary: The Draft EIS admits that the permitted livestock grazing use in the planning area is not an accurate reflection of the actual grazing use but the Preferred Alternative does not address the fact that were livestock use to increase to the fully permitted levels, conditions for sage-grouse would certainly be worse. The agencies should take a hard look at the actual use statements, average billed use or annual authorizations and make meaningful recommendations pertaining to why livestock use at the higher levels is not viable, not appropriate, not realistic, etc. Lacking this discussion, the Draft EIS lacks a hard look at the baseline conditions or the Preferred Alternative.

Response: Specific analysis of each grazing permit and the recent use made of that permit or lease is beyond the scope of this EIS. It is impossible to say what conditions might be if actual grazing use had been different in any year or any span of years. The grazing permit or lease conveys the ability to use up to the permitted amount of AUMs annually, unless documented conditions on the allotment indicate otherwise.

Livestock Grazing

Impact Analysis

Impacts analysis language should be revised

Comment ID: 1727
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-95 – Livestock Grazing – fourth paragraph – Grazing and trailing restrictions within lekking, nesting, brood-rearing, and winter habitats during times of the year when these habitats are utilized by sage-grouse would be placed on the livestock operators under this alternative. This would make it more difficult for livestock operators to move their cattle, which could also affect the number of AUMs they are able to utilize. These restrictions would not be realized under any of the other alternatives. Comment: This paragraph is poorly worded and difficult to understand. The end of the first sentence "would be placed on the livestock operators under this alternative" does not make any sense at all. Since livestock grazing within sage-grouse priority habitat is eliminated in this alternative, it would appear that this action is for occupied (non-priority) sage-grouse habitat, although that is not stated, which would affect perhaps another one-third of the analysis area. Since lekking, nesting, and broodrearing happen consecutively and in a lot of sagebrush country this may be in contiguous habitats to each other, it could lead to the elimination of livestock grazing over a much larger portion of the State of Wyoming, which is a rather clever way to disguise this impact in such a poorly worded manner without actually stating it.

Comment ID: 1295
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS present an insufficient analysis of the impacts of livestock on soils and soil processes, which the DLUPA/DEIS does admit determine to a large extent the structure and function of ecosystems. It doesn't overlay grazing allotments with sensitive soil maps, and it doesn't assess whether

the regional S&Gs are sufficient to capture the soil impacts of livestock that precludes sagebrush recruitment. This is woefully inadequate and defies the requirements of NEPA.

Comment ID: 1296
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Similarly, the DLUPA/DEIS does not analyze the contributions of livestock grazing to the air quality in the planning area. There is no analysis of how livestock grazing contributes to airborne dust and the impacts of increased particulate matter on snowpack, etc. There is no analysis by county of public lands livestock grazing potential contributions to air quality, something that is an important effect of the land uses authorized by the current DLUPA/DEIS.

Comment ID: 1247
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The economic and social value of public lands livestock grazing often receives disproportionate weight in LUP/RMPs. The importance of public lands grazing to the economy is often grossly overestimated. In the Final LUPA, the comparison of social and economic values of the proposed alternatives should demonstrate a clear understanding and consideration of the conflicts between continued grazing and other uses of the public lands.

Comment ID: 1728
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-95 – Livestock Grazing – fifth paragraph – Prohibiting new water developments under this alternative would decrease surface disturbing activities associated with development, thus maintaining current available forage for livestock in the short-term. However, enhancements to riparian vegetation and water quality, which would provide forage and water sources for livestock, would not be realized over the long-term. Water developments are used and needed for livestock, so limiting their development and resulting surface disturbance would help to improve the ecological health of the landscape and thereby improve vegetative/forage conditions. However, this would also limit the ability to provide water for livestock and wildlife and distribute livestock across allotments. Comment: Again, poorly written and misleading statements. The first sentence describes how prohibiting new water developments would decrease surface disturbance (true) and therefore maintain current available forage for livestock. The amount of forage lost through disturbance in water developments is probably one-tenth of one percent, it is miniscule, and not even worthy of mention here as an impact. The second sentence, which states that "enhancements to riparian vegetation and water quality"…"would not be realized over the long-term", which sounds like Rangeland Health Standards #2 (Riparian/wetland health) and #5 (Water Quality) would not be met over the long-term. This is not acceptable nor is it legal with BLM policy.

Comment ID: 1729
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-96, Livestock Grazing – last paragraph – Impacts resulting from fire and fuels management would be similar to Alternative B, except realized over more acres and with a greater emphasis on ensuring long-term persistence of sagebrush. Lands would be managed to be in similarity to potential natural community, enabling a long-term balance of herbaceous and woody vegetation, thereby providing

a stable forage source for livestock. Post fire recovery efforts would exclude livestock grazing until burned areas are fully recovered. This would displace livestock grazing in the short-term, but provide enhanced forage availability for livestock grazing in the long-term. Comment: This paragraph is mostly not true, with the only true statement being that more acres would be burned. This is because with no cattle grazing, fine fuels will build up, resulting in higher frequency, size and intensity of wildfires, which will not be as easy to control because fire breaks caused by removal of forage due to grazing won't exist, and wildlife populations will not remove as much forage as livestock. So comparing this analysis to Alternative B, where in some cases forage allocation to livestock was reduced 20-30 percent, isn't even close to accurate. This will create more of a fire effected community rather than a potential natural community, and a long-term balance of herbaceous and woody vegetation will be more difficult if not impossible to maintain with higher fuel loads and increased fire impacts. Excluding livestock grazing until burned areas are fully recovered was not listed as a management action in Chapter 2, and therefore is not valid for discussion here.

Comment ID: 1730
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-97 – Livestock Grazing – next to last paragraph – Impacts from livestock grazing management would be the same as those described under Alternative A, except additional requirements (e.g., authorizing retirement of up to 15% within the individual planning unit for grazing allotments, incorporating sage-grouse habitat objectives and management objectives in core habitats) may be placed on livestock operators when renewing grazing permits compared to Alternative A. Postdrought management impacts would be similar to Alternative A. Comment: Adding the requirement about retirement of grazing would be new and different from Alternative A, however, incorporating sage-grouse habitat objectives and management objectives for any occupied habitat may currently occur under Alternative A, so is not different here in Alternative D.

Comment ID: 2725
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-499 Text: The short-term uses that would result in the greatest impact on long-term productivity include mineral and energy development, dispersed recreation, livestock grazing, and infrastructure development. Comment: This statement is entirely unsupported since livestock grazing is a de minimus activity. Improper livestock grazing may have a substantial impact and the BLM must qualify this assertion.

Comment ID: 945
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-366, Paragraph 2. This is an assumption not a management action. Suggest changing to "Livestock grazing and range improvements may involve localized surface disturbance .... and riparian areas could lead to short term soil compaction ... "

Comment ID: 1733
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-99 – Livestock Grazing – fourth paragraph – Impacts from livestock grazing management would be the same as those described under Alternative A, however, additional

requirements…….. Comment: Same as above in 4-97 – next to last paragraph – made for Alternative D and now in Alternative E. Adding management objectives for sage-grouse to permit renewals and/or management plans may be done (and already is being done) under Alternative A, so is not different in this alternative.

Comment ID: 1249
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Under the Taylor Grazing Act, the BLM must prevent injury to public lands. The Act's goal of stabilizing the livestock industry is "secondary" to the goals of safeguarding the rangeland and providing for its orderly use. A thorough economic calculation must consider the value lost from negative environmental impacts to: water quality and quantity, wildlife habitat quality and quantity, and native vegetation. The costs of further exotic species and weed expansions, diminished recreational opportunities, potential species loss, intrinsic land value, and beauty must also be calculated.

Comment ID: 957
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: pg 2 - 201 Special Status Species and Sage-grouse: Alternative E "Overall, impacts to special status species habitat from Alternative E would be similar to Alternative A although there would be greater protection for sage-grouse core habitat." "Management for livestock grazing could allow achievement of Wyoming Standards for Rangeland Health or the Forest Service equivalent, and provide improved habitat for special status species, especially those that inhabit riparian and wetland areas." What is the meaning of "livestock grazing could allow achievement of Wyoming Standards?" "Lek buffers larger than Alternative A and other restrictions would protect lands, especially sagebrush habitat, from surface disturbing activities, habitat loss and fragmentation." Although this wording does not come out and directly say that livestock grazing is or may be a "surface disturbing" event, the implication is there. The above wording must be considered hostile to livestock grazing in sage-grouse habitat. [Emphasis Added]

Comment ID: 1316
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: When analyzing the cumulative impacts of other agency actions on GRSG habitat in context of livestock grazing, the analysis fails to consider that there is enormous flexibility in how any of the protective provisions will be implemented, if at all. Thus, the cumulative effects analysis must consider a situation in which none of the discretionary/waivable measures would be applied, causing the impacts of grazing and grazing development to occur in a high-disturbance environment.

Comment ID: 1368
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Page 4-211 provides a number of erroneous assumptions such as that "on undisturbed rangelands natural erosion rates are minimal". The BLM's own research clearly refutes this assumption. We had mentioned previously the famous study by Lusby published by the BLM which clearly shows the livestock grazing significantly increases runoff and erosion compared to ungrazed areas. This, of course, undercuts the BLM's false assumption that livestock grazing is not a factor in surface disturbance. An additional

assumption that "water erosion is the primary mechanism for loss of soil productivity" is also unsupported by the literature. Wind erosion is a significant mechanism of soil loss.

Comment ID: 1726
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-94 – Livestock Grazing – last paragraph – Under Alternative C, livestock grazing would be entirely prohibited within sage-grouse priority habitat. A total of 574 grazing allotments are located entirely within sag-grouse priority habitat, and 1,125 allotments are located partially within sagegrouse priority habitat. These allotments/partial allotments represent 560,180 permitted AUMs (approximately 30% of the total permitted AUMs), which would become unavailable for use by livestock as a result of the closure to livestock grazing within sage-grouse priority habitat. Comment: This paragraph is so poorly written and lacking in depth it is ridiculous, but here are a number of items to correct or address. The 560,180 AUMs located in allotments/partial allotments within sage-grouse priority habitat probably includes all AUMs from the partial allotments within sage-grouse priority habitat, so this is not an accurate number, and with the size and scale of this document the public deserves better accuracy than this. Taking out of livestock use whatever the accurate number of AUMs is would still be a large number, and would result in higher demand and greater grazing pressure on adjacent (non-priority) grazing lands, reduce flexibility of grazing operations to deal with drought, high numbers of wildlife or wild horses, insect infestations, and other factors that can annually influence livestock management. In the Rawlins area this would indirectly affect over 3.8 million acres of intermingled private land, which would likely be more heavily grazed to compensate for the loss of public land grazing, or be sold to other land uses, either way most likely result in a loss of the partners on the land currently that cooperate with state and federal agencies to improve management of all wildlife, not just sage-grouse. There would likely be a great increase in fencing private lands, and in fencing off allotments that are partially within sagegrouse priority habitat to graze public lands outside of this habitat. The only statement in this document about increased fencing occurred in the

Summary: of Impacts to Greater Sage-Grouse, 2- 183, where it stated that “Under Alternative C, the potential for increased fencing in order to prevent trespass exists”. This is such an understatement, given the amount of private and state lands affected in just the Rawlins area, let alone the whole State of Wyoming, that it is another example of the poor effect given to this document by the BLM.

Comment ID: 1725
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-92 – Livestock Grazing – next to last paragraph – Under this alternative, additional water development would only be authorized when priority sage-grouse habitat would be conserved, enhanced, or restored to sage-grouse, thus fewer impacts to livestock grazing could be realized, if there are fewer range improvements permitted. Water developments are used and needed for livestock, so limiting their development would help to improve the ecological health of the landscape and thereby improve vegetative/forage conditions, but would also limit the ability to provide water for livestock and distribute livestock across allotments. Comment: Both of the sentences in the paragraph above have portions that do not make sense. In the first sentence, the portion “thus fewer impacts to livestock grazing could be realized” is poorly worded and should be re-written to more clearly state the impact. In the second sentence, the portion “so limiting their development would help to improve the ecological health of the landscape and thereby improve vegetative/forage conditions” is totally false and should be re-written. First of all, in many cases new water sources are constructed to reduce use and impacts around existing water sources, which are also often riparian habitat, which would not be improved by not creating additional water sources. This

would result in not improving the ecological health of the landscape, nor would it improve vegetative/forage conditions. As stated above, there are many examples of these practices and their benefits demonstrated across Wyoming over the last 20 years. Second, development of new upland water sources in areas without water currently will not improve the vegetative/forage condition in these areas, in most cases it is already in good condition. If water is developed without any type of management plan, the habitat around these new developments may be degraded. However, management of livestock should provide for some level of growing season deferment from grazing to maintain plant vigor and species composition, so that habitat is not degraded around new water sources. In addition, livestock grazing may balance out wildlife browsing on shrubs in crucial winter ranges to help maintain healthy, diverse habitat conditions, and in dry years livestock developed water sources may provide water for wildlife and wild horses that would not otherwise be available and reduce concentrations of these animals and reduce overuse and other negative effects on the landscape and vegetative/forage condition.

Comment ID: 1722
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: For alternative C, which would eliminate livestock grazing within SG core, it states under livestock trailing that there may be restrictions in all four seasonal habitats when they are being used, but under impacts it doesn't say much. Although it doesn't say in "occupied - non core" habitat, since there is no grazing in core, we think it means for areas outside core and could be used to severely reduce or eliminate grazing in occupied habitat outside of core, even though it never says so. This seems very deceitful to say the least.

Comment ID: 1172
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

Comment ID: 1312
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DRMPA/DEIS does not adequately address the significant cumulative stress of climate change and incorporate recent science suggesting that a reduction in ungulate grazing would improve ecological resilience in the face of temperature and precipitation changes. See Beschta et al 2012. The DLUPA/DEIS does not discuss the impacts of livestock grazing on the climate resilience or the contributions of GHGs in the planning area. The impacts of climate change on a healthy resilient system are far less than on a system where resource extraction, such as livestock grazing is the predominant use. The levels of livestock grazing utilization that takes place on BLM lands places an unnatural stress upon the vegetative communities which did not even evolve with this non-native invasive species, cattle. There is much research regarding the impacts of drought under various levels of herbivory, the majority of which shows significant impacts to vegetation from the level of utilization generally authorized or allowed by the BLM. The impacts of drought are quite similar to that predicted from global warming and thus the research regarding herbivory effects and drought are quite analogous and useful for the analysis of the impacts of climate change.

Comment ID: 1223
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: First and foremost, BLM's DLUPA/DEIS has failed to recognize the serious and detrimental impact of livestock grazing on Greater sage-grouse habitat in the planning area. A good example of the level of recognition that is necessary can be found in the BLM's HiLine DRMP, released in Montana in June 2013. This document recognizes the impact of livestock grazing on naturalness, stating: Livestock grazing has the potential to impact naturalness, the undeveloped character, and to create conflict with recreation users. Manipulation of vegetation, alteration of soils, and the presence of fecal matter would create unnatural conditions and would impact opportunities for solitude, particularly in areas where livestock congregate. Range facilities, such as fences, water troughs, and tanks have the potential to degrade wilderness characteristics by creating new developments, disturbing visual resources, and influencing wildlife migration, reproduction, and mortality (e.g., sagegrouse/ fence collisions).23 The DLUPA/DEIS fails to recognize the basic realities that livestock grazing is ecologically deleterious, economically inefficient, and socially unnecessary. Instead, the preferred alternative maintains the status quo grazing management throughout the project area without a "hard look" at the reality of grazing impacts, including impacts to vegetation communities, soil resources, and wildlife habitats. Because livestock grazing occurs throughout all GRSG habitat in the planning area, management of this land use is critical to managing sage-grouse habitats and populations

Comment ID: 2882
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: The cultural resources analysis along with other analyses in the document appear to have widely strayed from the EIS's mission to "address management of sage-grouse habitat" and to incorporate "adequate regulatory mechanisms." The purpose of the EIS is not to evaluate and disclose how grazing might impact cultural resources. However, see this example from page 4-58 to 4-59: Management actions associated with livestock grazing would have both direct and indirect impacts on cultural resources. Implementing healthy rangeland standards and achieving proper functioning condition (PFC) and rangeland health objectives would contribute to improved range conditions, and soil and vegetation stability, thereby protecting cultural resources. However, range improvements that disturb the ground surface could result in impacts on cultural resources. Subsurface prehistoric discoveries that are a result of reservoir, water well, or fence construction would occasionally occur in culturally sensitive sediments. Data recovery excavations could mitigate the impacts of these discoveries. Livestock grazing could directly impact cultural artifacts and features on or just below the surface by breaking or scattering these artifacts. Alternatively, cattle trails and other heavily trampled and exposed areas could unearth otherwise undetected cultural resources and allow them to be identified and recorded. What does any of this have to do with sage-grouse habitat or sage-grouse? It appears that BLM is seeking to use a rationale of sage-grouse protection to try to inhibit grazing to "protect cultural resources" instead. This is out of scope of the Wyoming Sage-Grouse Draft LUPA/EIS and should be rewritten or eliminated, as should all other similar types of analysis within the document.

Comment ID: 2113
Organization: Public Lands Council and National Cattlemen's Beef Association
Name: Dustin Van Liew

Comment: To their credit, BLM recognized that "improvements in range condition generally are anticipated to continue based on vegetation treatment and range improvement projects." 9-Plan EIS at 3-75. However, BLM fails to recognize that habitat loss and disruption may also occur, albeit less rapidly, under Alternative E, to the extent the proposed standards and guidelines, and limitations on range treatments and water and

structural developments, incrementally reduce available forage and ranching viability. Because FWS found habitat loss, habitat fragmentation and disruption to be among the largest factors negatively impacting sage-grouse, it is imperative that BLM consider the potential negative consequences of amending standards and guidelines applicable to livestock grazing and range management in a manner that would reduce grazing levels and/or forage production and availability.

Comment ID: 2880
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: In addition, BLM may not make broad statements asserting disturbance related to ranching and agricultural operations and range improvements without including best available information and data to support those assertions. The Draft LUPA/EIS references imposing "Restrictions on the construction of range improvements for the protection of sage-grouse habitats" (p. 4-87); however, there is no description or explanation of why banning or restricting fences and wells would protect sage-grouse habitats, nor any scientific proof listed that these improvements cause material levels of impacts to sage-grouse habitat. If the Draft LUPA/EIS is to assert that range improvements which are necessary for successful grazing operations directly or indirectly cause material levels of disturbance in sage-grouse habitat, then scientific justification should be provided. Rotational grazing, reseeding, and other land and vegetation management activities are commonly used by ranchers to minimize impacts of grazing and range improvements already.

Comment ID: 2617
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-87 Text: Livestock grazing is not considered a surface-disturbing activity. Comment: This language should be amended to read: “Livestock grazing, herding, trailing, docking, branding, and other husbandry practices, are de minimus activities under EO 2011-5 and are is not considered a surface-disturbing activities.” The Coalition agrees that livestock grazing is not a surface-disturbing activity. See WY IB-2007-029. The BLM, however, must clarify that only when an activity physically removes suitable habitat for immediate GRSG use, will that activity be considered a surface-disturbing activity. As drafted, the BLM attempts to define certain activities as de facto surface-disturbing activities when the activity, standing alone, is not the important element of the definition. Instead, it is the physical removal of suitable habitat. Thus, operating heavy machinery for example, for whatever purpose, is not a surface-disturbing activity unless it removes suitable habitat. Furthermore, the Coalition reminds the BLM that livestock grazing, herding, trailing, and other husbandry practices have a de minimus impact on GRSG habitat according to Wyoming EO 2011-5.

Comment ID: 2934
Organization: Protect Mustangs
Name: Anne Novak

Comment: The impact of widespread livestock grazing is not disclosed with regards to the impact on sage grouse. Livestock grazing is a surface disturbing activity and the current methods are unsustainable. This must be classified as a surface disturbance activity. We request the EIS include: 1. Complete data on livestock grazing within the entire planning area, including a listing of all BLM/FS allotments, acreage, Active (permitted) AUMs, and actual AUM use for the past 5 years as well as photos and video documenting the use. 2. Clear charts and maps that disclose acreage and AUM allocations for livestock grazing in all three categories of sage grouse habitat. 3. Accurate and detailed analysis on the impacts of livestock grazing on sage grouse. 8. Complete analysis of the effects of livestock grazing, as proposed in the DEIS, on global warming.

Comment ID: 2797
Organization:
Name: marla bosworth

Comment: 3. Demand an analysis of all grazing allotments in the EIS process. Many have no data available which evaluate the condition of the land. Many others that have had an assessment conclude that the land is not in acceptable condition because of livestock grazing.

Comment ID: 3144
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 4.7.6 4- 98 Paragraph 2 first sentence Many parts of the East Anticline are under voluntary lease suspension, which is a five- year term.

Comment ID: 2894
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: We do not agree with this assumption under 4.14.2, page 242, as it relates to sage-grouse: The more acreage of habitat protected, the greater the benefit to the targeted species. Working in partnership with PCW, our years of sage-grouse data collection show that sage-grouse need and use a wide variety of vegetation and habitat types to support their various life activities including agricultural fields, riparian areas, ditches and roadsides. They do not depend solely on sagebrush for their entire lifecycles, and sage-grouse have been co-existing and thriving alongside with grazing practices and range improvements for decades. Ranchers contribute to the conservation of sage grouse by wisely managing a variety of landscapes and vegetation, including sagebrush ecosystems. There is no need to "protect" habitat - i.e. prevent any activities from happening on it - in order to benefit the targeted species, in this case, the greater sage-grouse.

Summary: Issue #1: The Draft EIS must provide a comprehensive analysis of the impacts on livestock grazing on vegetation, soil resources, sage-grouse and other wildlife habitat, air quality, and global warming. Issue #2: Page 2-201 Special status species and sage-grouse, Alternative E: What is the meaning of “livestock grazing could allow achievement of Wyoming Standards?" Issue #3: The comparison of social and economic values of the proposed alternatives should demonstrate a clear understanding and consideration of the conflicts between continued grazing and other uses of the public lands. Issue #4: The BLM must consider the potential negative consequences of amending standards and guidelines applicable to livestock grazing and range management in a manner that would reduce grazing levels and/or forage production and availability. Issue #5: The Draft LUP Amendments/Draft EIS includes restrictions on the construction of range improvements. However, the document does not include a description or explanation of why restricting fences and wells would protect sage-grouse habitats, nor any scientific proof that these improvements cause adverse impacts to sage-grouse habitat. Scientific justification should be provided. Issue #6: The following assumption (from Section 4.14.2, page 242) is not accurate: "The more acreage of habitat protected, the greater the benefit to the targeted species." Sage-grouse need and use a variety of habitats, not only sagebrush habitat. Issue #7: Page 4-87: The following assumption “Livestock grazing is not considered a surfacedisturbing activity” should be amended to read: Comment: “Livestock grazing, herding, trailing, docking, branding, and other husbandry practices, are de minimis activities under EO 2011-5 and are not considered surface-disturbing activities.” The BLM must clarify that only when an activity physically removes suitable habitat for immediate sage-grouse use, will that activity be considered a surface-disturbing activity. As drafted, the BLM attempts to define certain activities as de facto surface disturbing activities when the activity, standing alone, is not the important element of the definition. Issue #8: The BLM must consider the impacts of proposed livestock grazing activities on important cultural and

historic resources, and the Draft EIS must provide specific tolerance parameters, monitoring, and other requirements to ensure the protection of cultural and historic resources. Issue #9: Page 4-211 includes the two following erroneous assumptions: (1) "On undisturbed rangelands, natural erosion rates are minimal" and (2) "Water erosion is the primary mechanism for loss of soil productivity." The study by Lusby published by the BLM shows that livestock grazing significantly increases runoff and erosion compared to ungrazed areas, which conflicts with BLM's false assumption that livestock grazing is not a factor is surface disturbance. The second assumption listed above is not supported by literature. Wind erosion is a significant mechanism of soil loss. Issue #10: The economic analysis in the Draft EIS must consider the value lost from negative environmental impacts to water resources, wildlife habitat, and native vegetation. The costs of invasive plant proliferation, diminished recreational opportunities, potential species loss, and intrinsic land value must also be calculated. Issue #11: Page 4-95, fourth paragraph: The first sentence does not make sense. Because livestock grazing is prohibited within sage-grouse priority habitat under this alternative, it appears this action applies to general habitat, which could lead to the elimination of livestock grazing over a larger portion of the planning area. Issue #12: Page 4-92, next to last paragraph: The first sentence should be re-written to more clearly describe the impact. The second sentence is not accurate and should be re-written. Issue #13: Page 4-95, fifth paragraph: The amount of forage lost from the construction of water developments is miniscule and is not worthy of mentioning in the analysis. The second sentence is not acceptable and is not consistent with BLM policy. Issue #14: Page 4-96, last paragraph: Most of this paragraph is not accurate. Because livestock grazing would be prohibited, fine fuel loads would increase and result in increased wildland fire frequency, size, and intensity. Comparing this to Alternative B is not accurate as the impacts would be substantially different. Excluding livestock grazing until burned areas are fully recovered was not included in Chapter 2 and therefore is not valid for discussion on this page. Issue #15: Page 4-94, last paragraph: The figure of 560,180 AUMs referenced in this paragraph likely includes all the AUMs from the allotments that partially intersect sage-grouse priority habitat, and therefore the figure is not accurate. Issue #16: Page 4-97, next to last paragraph: Adding the requirement about retirement of grazing would be new and different from Alternative A; however, incorporating sage-grouse habitat objectives for occupied habitat may currently occur under Alternative A; therefore, it's not different here in Alternative D. Issue #17: Page 4-499: The following statement is not supported by literature and conflicts with the assumption that livestock grazing is a de minimis activity: "The short-term uses that would result in the greatest impact on long-term productivity include mineral and energy development, dispersed recreation, livestock grazing, and infrastructure development. Issue #18: When analyzing the cumulative impacts of other agency actions on sage-grouse habitat in the context of livestock grazing, the analysis fails to consider that there is enormous flexibility in how any of the protective provisions will be implemented. Therefore, the cumulative effects analysis must consider a situation in which none of the discretionary/waivable measures would be applied, causing the impacts of grazing and grazing development to occur in a high-disturbance environment. Issue #19: The Draft EIS does not adequately address the significant cumulative stress of climate change and incorporate recent science that suggests a reduction in ungulate grazing would improve ecological resilience in the face of climate changes. The impacts of climate change on a healthy ecosystem are far less than on an ecosystem where livestock grazing is the predominate use. Issue #20: 4.7.6 4- 98 Paragraph 2 first sentence: Many parts of the East Anticline are under voluntary lease suspension, which is a five- year term. Issue #21: The cultural resources analysis appears to have widely strayed from the EIS's mission to "address management of sage-grouse habitat" and to incorporate "adequate regulatory mechanisms." The purpose of the EIS is not to evaluate and disclose how grazing might impact cultural resources. It appears that BLM is seeking to use a rationale of sage-grouse protection to try to inhibit grazing to "protect cultural resources" instead. This is out of scope of the Wyoming Sage-Grouse Draft LUP Amendments/Draft EIS and should be rewritten or eliminated, as should all other similar types of analysis within the document. Issue #22: Page 4-366, Paragraph 2. This is an assumption not a management action. Suggest changing to "Livestock grazing and range improvements may involve localized surface disturbance …. And riparian areas could lead to short term soil compaction …"

Response: Issue #1: The Draft EIS provides a comprehensive analysis of the impacts on all resource values and uses within the planning area, including livestock grazing, vegetation, soil resources, sage-grouse and other wildlife, and air quality. This analysis is included in Chapter 4 of the Draft LUP Amendments/Draft EIS. The discussion of the impacts on climate/global warming was expanded in the Proposed LUP Amendments/Final EIS. Issue #2: The statement from the Draft LUP Amendments/Draft EIS specified in the comment is part of a sentence that states "Management for livestock grazing could allow for achievement of Wyoming Standards for Rangeland Health or the Forest Service equivalent, and provide improved habitat for special status species, especially those that inhabit riparian and wetland areas." Please note this sentence was included in Table 2-7, Comparative Summary of Impacts, which provides a very brief, summarized description of the impacts. The sentence explains that implementation of the management actions for livestock grazing would help to achieve rangeland health standards by managing livestock grazing activities in an appropriate and sustainable manner. Issue #3: The analysis of socioeconomic impacts provides a comprehensive analysis of the economic and social impacts that could occur as a result of implementing the management actions in Chapter 2 of the Draft LUP Amendments/Draft EIS. This analysis does not necessarily highlight the conflicts that occur among resource uses. However, those conflicts can be gleaned from the analysis by reviewing the analysis across the entire range of alternatives. Issue #4: The management actions included in Chapter 2 of the Draft LUP Amendments/Draft EIS do not amend the Wyoming Standards for Rangeland Health and Guidelines for Livestock Grazing. Some management actions result in reduced grazing levels, which are analyzed in detail in Chapter 4 of the Draft LUP Amendments/Draft EIS. Issue #5: The restrictions on the construction of range improvements that are included in Chapter 2 of the Draft LUP Amendments/Draft EIS are based on BLM/Forest Service professional judgment and consultation with other agencies. The potential impacts on sage-grouse habitat resulting from livestock grazing activities are included in Chapter 4 of the Draft LUP Amendments/Draft EIS. Issue #6: The assumption specified in the comment is accurate and appropriate. Although sagegrouse use a variety of habitats, increased protections of that habitat will indeed benefit sage-grouse populations. Issue #7: The assumption is accurate and is more appropriate than the language suggested in the comment, as it is more broadly written. The definition of "surface disturbing activities" is included in the glossary of the Draft LUP Amendments/Draft EIS which provides full clarification of this term. Issue #8: The Draft EIS provides a comprehensive analysis of the impacts on cultural resources from implementing the management actions included in Chapter 2 of the Draft LUP Amendments/Draft EIS, including actions associated with livestock grazing activities. This analysis is included in Chapter 4 (Section 4.3) of the Draft LUP Amendments/Draft EIS. Management actions and requirements necessary to ensure the protection of cultural resources are included in the existing RMPs and LRMPs that are part of the Wyoming Greater Sage-Grouse LUP Amendments planning effort. Issue #9: The assumption is accurate and is more appropriate than the language suggested in the comment, as it is more broadly written. The definition of "surface disturbing activities" is included in the glossary of the Draft LUP Amendments/Draft EIS which provides full clarification of this term. Draft LUP Amendments/Draft EIS assumptions specified in the comment are accurate and appropriate. Although livestock grazing activities can increase the rate of soil erosion, the assumption that undisturbed rangelands experience minimal soil erosion is accurate. Although wind causes soil erosion, the primary mechanism for loss of soil productivity is water erosion. These assumptions are based on professional judgment and consultation with other agencies. (Issue 9 is a duplicate of Issue 7 and should use a duplicate response.) Issue #10: The types of economic impacts specified in the comment are very difficult to estimate with any significant level of accuracy, and are not necessary to disclose in a land use plan-level analysis. The economic impacts associated with changes to recreational opportunities are included in Chapter 4 (Section 4.11) of the Draft LUP Amendments/Draft EIS. Issue #11: The first sentence of paragraph 4 on Page 4-95 is accurate and appropriate. The conclusion reached in the comment is correct because livestock grazing is prohibited in priority habitat under Alternative C, the management actions included in Chapter 2 of the Draft LUP Amendments/Draft EIS would apply to areas outside of sage-grouse priority habitat. The BLM agrees that such actions would affect livestock grazing and could result in reductions in the availability of forage for livestock use. Issue #12: The paragraph has been revised for clarity in the Proposed LUP Amendments/Final EIS. Issue #13: Although the amount of

forage that is removed or degraded as a result of water developments is relatively small, it's important to mention it in order to convey the differences among the alternatives. Other portions of the paragraph identified in the comment were revised in the Proposed LUP Amendments/Final EIS to more clearly describe the impacts. Issue #14: The type of impact specified in the comment is not captured in the analysis of impacts on livestock grazing, but rather in the analysis of impacts on fire and fuels management, which is in Section 4.20 of the Draft LUP Amendments/Draft EIS. Regarding the issue of excluding livestock grazing in burned areas, the management action under Alternative C states "Within sage-grouse priority and general habitat, livestock grazing should be excluded from burned areas until woody and herbaceous plants achieve sage-grouse habitat objectives." Therefore, the analysis, as stated, is accurate and appropriate. Issue #15: The figure of 560,180 AUMs specified in the comment does not include all of the AUMs from the allotments that only partially intersect sage-grouse priority habitat. The AUM figure includes all of the AUMs from the allotments that are entirely within sage-grouse priority habitat, and only a partial number of AUMs from the allotments that partially intersect priority habitat. The partial number of AUMs from these allotments is commensurate with the percentage of the allotment that intersects priority habitat. Issue #16: The management action regarding incorporating sage-grouse habitat objectives under Alternative D is different than the current management under Alternative A. Although incorporating these objectives could occur under Alternative A, the BLM and Forest Service would not be required to consider them as they would be under Alternative D. Issue #17: Even if certain activities are exempted from state scrutiny by the Executive Order, the federal agencies still have a responsibility to reveal and analyze impacts to sage-grouse. The uses listed are the most common that occur on the public land, and can be assumed most likely to cause short term impacts. Issue #18: Analyzing the cumulative effects in the manner suggested in the comment would be speculative and involve hypothetical management scenarios, and therefore is not appropriate to include in the LUP Amendments/EIS. Additional NEPA documentation will be prepared at the projectlevel, which will address the implementation of the sage-grouse conservation measures. Issue #19: The type and level of analysis suggested in the comment is not appropriate for a planninglevel NEPA analysis. The analysis was revised in the Proposed LUP Amendments/Final EIS to expand the discussion of how the activities and projects considered in the cumulative impacts analysis would affect climate change/global warming. However, an analysis of how climate change would affect the resources within the planning area is not within the scope of this EIS analysis. Issue #20: The voluntary oil and gas lease suspension in the East Anticline area commenced with the signing of the Anticline ROD in 2009 and is nearing its end. Issue #21: The analysis of environmental consequences included in Chapter 4 of the Draft LUP Amendments/Draft EIS analyzes all the management actions presented in Chapter 2. An analysis of how livestock grazing could potentially affect cultural resources is included in the Draft EIS because several livestock grazing management actions are included in Chapter 2. Livestock grazing activities has the potential to adversely affect sage-grouse habitat, and therefore management actions addressing the threat of livestock grazing are included in the Chapter 2 alternatives. Issue #22: The paragraph specified in the comment is accurate and appropriate. Allowing for livestock grazing and the development of range improvements at various levels and with a range of restrictions is imbedded into the management actions across a reasonable range of alternatives. Therefore, the analysis acknowledges this and provides an assessment of the potential impacts that could result from implementing the management actions.

Livestock Grazing

Impact Analysis

It's unclear whether livestock grazing is considered a surface disturbing activity

Comment ID: 2884
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 342 of Chapter 4 under Section 4.16.3 the document again states that livestock grazing is a surface-disturbing action. When we compare this to the statement made on page 87 of the same chapter we get contradictory signals. On page 349 of Chapter 4 under Section 4.16.5 Alternative C the document discusses the restrictions on livestock management based on the sage-grouse uses. The uses outlined appear to pretty much ensure a year around prohibition. The document should list the time frames where restrictions would be in place, or conversely, when no restrictions would be in place for more accurate analysis of the actions. On page 366 in Chapter 4 livestock grazing is again identified as a surface-disturbance.

Comment ID: 2863
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Beginning on page 190 of Chapter 2 section 2.7; Table 2-7. Comparative Summary of Impacts under the section dealing with cultural resources states in all of the alternatives that, "Surface disturbance from oil and gas development, livestock grazing, recreation and travel management . . ." (emphasis added) supports the concern that the Agencies consider livestock grazing a surface-disturbing activity in spite of the statement in Chapter 4. These statements serve to confuse livestock producers as to where the Agencies feel grazing falls. Should grazing indeed be considered a surface-disturbing activity, then most livestock producers will find themselves having to mitigate and do other expensive activities which are ill suited to grazing. Furthermore we feel the document should be reissued with clear statements as to whether statements such as in Table 2-7 are the governing thoughts of the Agencies or statements made in Chapter 4 to the opposite govern. Table 2-7 on page 200 under Alternative D dealing with special status species also identifies grazing as a surface-disturbing activity. Again the contradictions are disturbing and preclude an accurate analysis of impacts and alternatives. This same statement is repeated under the wildlife and fisheries section of Alternative D on page 209.

Comment ID: 2886
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: One of the biggest concerns the draft LUPA and EIS does not answer, but which must be answered deals with whether livestock grazing will be considered a surface-disturbing activity. By placing grazing into a surface-disturbing category an entirely different management regime emerges,with considerations for density disturbance calculations and reclamation actions would be required. Since most grazing operators have never considered themselves as being in that type of category the management changes would be significant. The economic analysis would be entirely wrong for impacts on grazing; depending on whether the grazing was treated as a surface-disturbance or not. Having statements on both sides adds confusion both for grazing and management. Allowing grazing to be classified as both will lead to arbitrary and capricious decisions.

Comment ID: 2877
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 122 of Chapter 4, the document talks about surface disturbing activities and lists livestock management as one of those. We seek clarification as to what this really means. Is it referencing all management activities, some or just a couple? Again this contributes to the confusion for the livestock industry as to whether the Agencies are going to consider them surface-disturbing activities or not. Making statements on both sides of the issue can lead to arbitrary and capricious decisions. On page 221 of Chapter

4 under the discussion of Alternative C, the document discusses surfacedisturbing activities associated with livestock grazing; implying that grazing is such an activity.

Summary: In various places in Chapter 4, livestock grazing activities are referred to as surface-disturbing activities. However, in other areas of the Draft EIS, it is implied that livestock grazing is not considered a surface disturbing activity. Please clarify this discrepancy/inconsistency.

Response: The act of livestock grazing on rangelands across the planning area is not considered a surface disturbing activity. However, the construction of livestock range improvements can result in surface disturbances, and is analyzed as such in Chapter 4 of the Draft LUP Amendments/Draft EIS. The statements made in Chapter 4 regarding this issue are accurate and do not require revisions.

Livestock Grazing

Impact Analysis

Livestock grazing should not be identified as a threat to sage-grouse

Comment ID: 2063
Organization: Wyoming Wool Growers Association
Name: Amy W. Hendrickson

Comment: We are dismayed that livestock grazing is listed as a threat when it is well established that proper livestock grazing management is not a threat to sage grouse or its habitats. All livestock grazing across the state does not need to be indicted if a situation occurs where improperly managed livestock grazing appears to have a negative impact. We would suggest that it would be more accurate to indicate that improper livestock grazing management may pose a risk and indicate that if such situations develop, they will be addressed as they occur. We concur with the WSGA in their comments supporting voluntary cooperative grazing management strategies (Action Number 45). We further agree with their concern that too often such cooperative grazing management strategies are driven by the federal agency management demands rather than as a method for determining economically sustainable strategies for the permittee/lessee.

Comment ID: 2866
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 163 under the section dealing with recreation we note a statement that says that many of the activities are benign uses. We feel that the same could be said for livestock grazing, yet do not find such a statement anywhere in the description on grazing.

Summary: Livestock grazing should not be listed as a threat to sage-grouse in the Draft EIS when it is well established that proper livestock grazing management is not a threat to sage-grouse or its habitats. We would suggest that it would be more accurate to indicate that improper livestock grazing management may pose a risk and indicate that if such situations develop, they will be addressed as they occur.

Response: The Draft LUP Amendments/Draft EIS indicates that livestock grazing practices present a threat to sage-grouse, which is based on the USFWS 2010 listing decision that clearly states livestock grazing is considered to be a threat to sage-grouse populations and habitat.

Livestock Grazing

Impact Analysis

Provide information to support that livestock grazing is not a surface-disturbing activity

Comment ID: 1367
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Page 4-87 states that one of the assumptions in the analyses is that "livestock grazing is not considered a surface disturbing activity" but no information is provided to support that conclusion.

Summary: Page 4-87 states that one of the assumptions in the analyses is that "livestock grazing is not considered a surface disturbing activity" but no information is provided to support that conclusion.

Response: As described in the Glossary of the Draft LUP Amendments/Draft EIS, surface disturbance indicates physical removal of habitat or complete removal of vegetation that provides the habitat, such as through the use of heavy equipment. Livestock grazing does not fit this definition. However, surface disturbances can result from the construction of range improvements used for livestock grazing.

Livestock Grazing

Monitoring

Agencies should develop monitoring methods in coordination with the operators

Comment ID: 2829
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 6 of Chapter 2 the document discusses standardizing monitoring methods and approaches across the two Agencies. Monitoring to measure activities and practices is important, however utilizing monitoring techniques which are not suited for the landscape in an area can be detrimental and lead to the wrong conclusions. We suggest that the Agencies develop these joint monitoring techniques closely with livestock producers to ensure proper selection of appropriate techniques. On page 7 of Chapter 2 the document discusses the use of Adaptive Management. We reiterate our previous comments about identification of the model or models which will be utilized. Page 8 discusses the triggers that will be used for this process. These triggers should be developed with livestock producers where livestock is a consideration so that appropriate information about grazing practices can be identified. Also on that same page it discusses the development of an adaptive management working group. We believe that someone familiar with livestock be included on that working group. Section 2.3.3 on page 8 talks about mitigation and the process the Agencies want to use. While mitigation seems to apply to items like surface disturbance we have difficulty in understanding from the document whether Agencies consider grazing as a surface disturbing activity. We note numerous places in the document where the Agencies appear to consider grazing as such a surface disturbing activity while noting in Chapter 4 page 87 under the Assumption Section 4.7.2 that "Livestock grazing is not considered a surface-disturbing activity." Yet earlier in Chapter 4 on page 61 the document states that, "Removing lands from uses that cause surface disturbance, such as retiring livestock allotments. . ."(emphasis added) suggest the opposite. Livestock's response to discussions such as mitigation will certainly be colored by whether the Agencies consider grazing a surface disturbance which may need mitigation. Without this clarification it is impossible to adequately comment

Summary: The BLM and Forest Service should work with livestock producers when developing monitoring methods and adaptive management plans. Livestock producers should also be included in the adaptive management working group.

Response: The BLM and Forest Service intend to work with livestock producers when developing monitoring methods and adaptive management plans. As stated in the Final EIS, Appendix D, "when organizing the adaptive management working group, the BLM and Forest Service will invite participation from USFWS, local governments, and applicable state fish and game agencies." At this point, we intend to limit participation to government agency representatives rather than include individual citizens or resource use advocacy groups, such as livestock producers.

Livestock Grazing

Monitoring

Livestock grazing monitoring has been inadequate

Comment ID: 2831
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Beginning on page 12 of Chapter 2 the Agencies discuss management objectives common to all action alternatives. We have concerns with item number 7 under section 2.5.4 which states that the Agencies will do baseline monitoring for sage-grouse habitat. However, based on information provided in Appendix G, it appears the Agencies have difficulty doing adequate monitoring on grazing. We note that some monitoring was done as far back as 1998 and very few allotments have been monitored twice over a significant period of time. We question if the Agencies have the necessary ability to accomplish this item, but will instead provide opportunity for law suits against the Agencies. A realistic process should be adopted to avoid these pitfalls.

Summary: Beginning on page 12 of Chapter 2 the agencies discuss management objectives common to all action alternatives. We have concerns with Action 7 under section 2.5.4 which states that the agencies will do baseline monitoring for sage-grouse habitat. However, based on information provided in Appendix G, it appears the agencies have difficulty doing adequate monitoring on grazing. We note that some monitoring was done as far back as 1998 and very few allotments have been monitored twice over a significant period of time. We question if the agencies have the necessary ability to accomplish this item, but will instead provide opportunity for law suits against the agencies. A realistic process should be adopted to avoid these pitfalls.

Response: The BLM and Forest Service assume they will have the ability to accomplish monitoring specified in the Draft LUP Amendments/Draft EIS. The following assumption was included in Section 4.1.3 of the Draft LUP Amendments/Draft EIS: "Sufficient funding and personnel will be available to implement the RMP and LRMP amendments." In addition, significant monitoring and land health assessments have been conducted on livestock grazing allotments over the past decade. The resultant data is included in Appendix G of the Draft LUP Amendments/Draft EIS. Appendix G provides information on whether allotments meet the Standards for Rangeland Health or the ecological seral stage and vegetation structure condition on NFS administered lands. It is not an exhaustive listing of all monitoring that has occurred in all allotments.

Livestock Grazing

Range of alternatives

Actions under Alternatives B and C are unreasonable

Comment ID: 1723
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 2-12 - Section 2.5.4 – Management Objectives Common to All Action Alternatives, Part 1 – In cooperation with State of Wyoming and its agencies, local governments, private landowners, local sage-grouse working groups, partners and stakeholders, develop site-specific conservation strategies to maintain or enhance sage-grouse habitats and habitat connectivity. Comment: Part 1 above should only be common to alternatives A, B, D and E, and not to alternative C. By eliminating livestock grazing from public lands within sage-grouse core habitat, private landowners will either be put out of business and sell out to other types of development, or fence out their private and state lands to be able to graze them, and are not likely to want to continue as partners (as they currently are) to work together to improve management and habitat for sagegrouse. To emphasize how important this is, in the Rawlins area there is over 7.6 million acres of core (priority) habitat, of which 54% is private and state lands, so it is essential to have the support of private landowners and state land lessees in pro-actively managing for sage-grouse. Alternative C does not accomplish this.

Comment ID: 996
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Ranching and agricultural production have contributed to the stability of the western United States for more than 100 years. Selection of Alternatives B or C will alter the custom and culture of Wyoming and the western United States forever. The BLM and USFS predict Alternative C will create negative economic impacts to livestock grazing by $147 million and a 43% reduction in jobs per year through 2020. Unlike other industries, livestock production is not a boom and bust industry. If the BLM and USFS select Alternatives B and C, Wyoming's agricultural industry is threatened. As significant as the economic impacts may be, the permanent detrimental impact to open space, wildlife habitat and tourism should be considered by the BLM and USFS. The practical effect of eliminating public lands grazing will be the subdivision of private lands for development, as ranch lands are generally worth more for development than livestock production. Western states, including Wyoming, have few mechanisms to control private land subdivision. Further, GSG rely upon private land habitat for late brood rearing habitat, wintering habitat, and in many parts of the state, nesting and brood rearing habitat. The loss of federal land forces inordinate pressure on private lands, and ultimately leads to loss of those lands as habitat altogether.

Comment ID: 201
Organization: The 7L Livestock Company
Name: Doug Cooper

Comment: I am very concerned that the Alternative B is not a workable proposal to reduce grazing by 20-30%, especially on Section 15 BLM lands. BLM lands outside of grazing districts are very different from lands within a federal grazing district. Section 15 lands are the remnants left from the original public domain after homesteaders selected the most productive land to become private land. Reducing the forage allocation on federal land is not practical where intermingled public, private, and state lands exist together. Section 15 leases are billed based on the theoretical AUMs and not on actual use. For the BLM to reduce the forage allocation on small tracts of federal land, it would require the BLM to take over management of the adjacent

private and state land. In many instances, the actual use by livestock is much less than the amount billed. It is quite common for ranchers to respond to current conditions on rangeland very quickly and make reductions in grazing well before the BLM mandates cuts in grazing. Reductions in forage allocation would have little effect in benefiting the sage grouse because they represent only a small portion of the area grazed. Any draconian action by the BLM to reduce the total amount of grazing may result in the private and state lands being severed from the BLM land. The reason that allotments may not meet standards may be related to drought and wildlife grazing more than livestock use. I was surprised to learn in Appendix G that our allotment had failed to meet the standards based on a 2008 inspection. After meeting with Joe Meyer of the Casper Office of the BLM, it was his stated position that the draft EIS was in fact in error and that no determination was ever made that our grazing lease had failed to meet standards. Single point in time inspections should not be valid for use in determining whether standards are met, especially if it results in reduced forage allocations. I also would point out that many conditions are changing faster than the BLM has knowledge such as the expansion of the Pine Ridge Elk herd. This elk herd now grazes in significant numbers much of the head of Salt Creek and well into the Sand hills. Where there are widely scattered federal tracts of land means that even if a real problems exists on one portion of the allotment, the entire allotment may have the livestock forage allocation reduced. Punishing ranchers for range conditions that may not be caused by livestock is also counterproductive to sage grouse recovery. The rancher who is on the range every day should be made a partner to recovery efforts. Driving ranchers out of business will result in private land being converted to development or other uses that may not be compatible with sage grouse. Reducing the forage allocation would harm the public schools on Section 15 leases because the public schools receive one half the income from grazing. Any reduction in the amount of grazing would cause a direct reduction in income to the public schools. Alternative C has many of the same potential problems as Alternative B. Removing livestock from grazing federal lands will not benefit the grouse significantly. As cattle are removed from public land, this will remove the need for water that was produced on adjacent private land for livestock. Thousands of wells and water sources would be affected that are essential to wildlife. In many cases, if Alternative C is adopted, the federal land will be fenced off from private and state lands. Having miles of new fence constructed will not be very beneficial for sage grouse. The BLM will also lose access to federal land where physical access was provided across private land as part of the grazing lease. Use of Alternative C would also harm the public schools because one half of the grazing fees on Section 15 lands go to the public schools. Without livestock grazing on federal land, there would be no income from grazing for the public schools. It would be better if the federal government encouraged livestock grazing and provided real incentives for private landowners to conserve sage grouse on private land.

Comment ID: 1414
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Livestock Grazing Management, Page 2-34, Item #44. Alternative C states "Livestock grazing would be prohibited within sage-grouse priority habitat." It is our opinion that prohibiting livestock grazing unanimously in sage-grouse priority habitat would be detrimental because livestock grazing can be a useful tool for managing good range health. In fact, it is our opinion that winter and early spring sheep grazing in southwest Wyoming has been effective in controlling cheatgrass and other invasives.

Comment ID: 995
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Under Alternative C, the BLM analyzes the closure of GSG priority (core area) habitat to livestock grazing, even where rangeland health standards have been achieved (Management Action 44, p.

2- 34 - 2-35). This management prescription would apply to approximately 5 million acres of public land managed by the BLM and the USFS. Alternative B, although not as egregious, layers additional and unreasonable management constraints on livestock producers. These management actions are not consistent with the BLM and USFS's multiple-use and sustained yield mandates and should be dismissed from further consideration.

Comment ID: 2830
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Let us begin by stating that we strongly object to the adoption of either B or C. Among other concerns, we feel that both alternatives focus entirely on one very narrow use out of all the multiple uses allowed on federal lands which violates federal statutes. Secondly we feel that Alternative B begins to bring out the concerns of impacts that potential determination of grazing as a surface disturbance. We request that the clear statement made in Chapter 4 page 87 be adhered to throughout the document. Section 2.4.3 dealing with Alternative C also clearly demonstrates the developers anti-grazing opinions by suggesting that livestock grazing be removed from priority habitat. We do not feel that Alternative C provides a viable alternative and should have been eliminated from consideration, because Alternative B would have provided essentially the same analysis.

Comment ID: 2893
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: On page 4-94, regarding Alternative C, it says the following: Under Alternative C, livestock grazing would be entirely prohibited within sage-grouse priority habitat. A total of 574 grazing allotments are located entirely within sage-grouse priority habitat, and 1,125 allotments are located partially within sage-grouse priority habitat. These allotments/partial allotments represent 560,180 permitted AUMs (approximately 30% of the total permitted AUMs), which would become unavailable for use by livestock as a result of the closure to livestock grazing within sage-grouse priority habitat. As stated previously, we reject Alternative C as it is impossible to close grazing in the checkerboard without undue impacts on the adjoining private landowners. In addition, how does BLM reasonably justify prohibiting livestock grazing in up to 1,699 sage-grouse priority habitat allotments if only 186 allotments - roughly 10% - do not meet land health standards? It would be helpful to disclose how many total grazing allotments exist in the Planning Area to put the 1,125 number into the proper context as well.

Comment ID: 2495
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-349 4.16.5 Alternative C: In the third paragraph can you please explain what impacts would be caused by livestock grazing in sage-grouse priority habitat? The first sentence mixes the term "restrictive ", and the term "prohibiting" in the same sentence. We again comment that the prohibition on livestock grazing in the TBNG in sage-grouse priority areas is wrong; they would not be priority habitat without livestock grazing. The avoidance of all sage- grouse use areas by livestock is impossible, and how is that to be analyzed? The whole third paragraph could be used in other areas of the document (such as the Alternative C Soils section).

Comment ID: 2861
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: In Table 2-5 under sage-grouse threats from agricultural we would be interested in learning how "agriculture" is a threat to sage-grouse. We would be curious what aspects of agriculture the Agencies feel threaten sage-grouse. We do not feel conversion from rangeland to cropping lands is occurring, nor has any appreciable amount occurred for several years. Never-the-less Alternatives B and C advocate for a total ban on livestock grazing, even though the Wyoming Governor's EO 2013-3 identifies grazing as a de minimis activity for impacts on sage-grouse. Alternative B seems to reinforce the perception that the National Technical Team was specifically designed to incorporate anti-grazing philosophies in the outcome. Alternative C is easily identified as an anti-grazing alternative given the special interests of those who apparently developed the alternative. Alternative E maintains an option of retirement of grazing privileges. Since Wyoming rangelands evolved with grazing, removing grazing as an option appears to be trying to establish an artificial and unnatural condition. We would once again reiterate the historical perspective that sage-grouse numbers and higher grazing rates occurred in the past, yet as grazing levels decline apparently so did sage-grouse numbers. This correlation should not be ignored. Table 2-5 on page 183 also contains a summary of impacts from grazing on sage-grouse. The discussion contains a statement that Alternative C which closes sage-grouse priority habitat to grazing would avoid "adverse issues". We believe this statement is not accurate and would ask for supporting science. Furthermore, EO 2013-3 clearly states grazing is a de minimis impact on sagegrouse which contradicts the statement in that section. We would urge the final document remove that statement and other speculative statements.

Comment ID: 2869
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: Alternative C fails to recognize the checkerboard land ownership pattern that underlies much of what is defined as sage-grouse core and priority habitat. It is impractical and impossible for BLM to close grazing on public land in priority habitat in the checkerboard without simultaneously impairing the rights of the private property grazer, due to the interspersed land pattern. We also object to the measure to avoid "all new structural range improvements" in priority and especially general habitats (p. 2-45), without providing science-based justification for such a restriction. Alternative C is not a reasonable alternative. It is so restrictive that it fails to meet BLM's statutory obligation and purpose and need of this plan amendment to manage public lands for multiple use. Alternative C is the no-resource development alternative that would, if selected, require BLM to manage for a single resource - sage-grouse. While FLPMA does not require BLM to manage for every resource everywhere, it does require BLM to strike a balance in the management of public lands and does not allow the BLM to manage a significant percentage of its lands within the Planning Area to the benefit of a single species. Alternative C should be dropped from further consideration.

Comment ID: 2444
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-34 Livestock Grazing Management, Action 44: We disagree with the statement "prohibiting livestock grazing in sage-grouse priority habitat". The environmental and socioeconomic effect of such a decision would be catastrophic. We suggest "restricting livestock grazing in compliance with law and regulation in sage-grouse priority habitat."

Comment ID: 2843
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: We strongly reject the proposed action under Alternative C which again is clearly an anti-grazing alternative developed without adequate science. Total removal of livestock within priority habitat would have significant economic and environmental impacts and in many cases would result in significant harm to sage-grouse. Therefore we feel Alternative C violates the purpose behind the revision of the LUP as well as federal statutes.

Comment ID: 2486
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-94 4.7.5 Alternative C: There is no sound reason, even for analysis, to absolutely close livestock grazing in priority greater sage-grouse habitat in the TBNG. The valid existing rights and privileges of permittees would be thrown into a legal quagmire, and the forever fallout (irretrievable and irreplaceable commitment of natural resources) from a "closure to livestock grazing in priority sage-grouse habitat" is not discussed in Alternative C.

Comment ID: 2888
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Alternatives B and C also clearly focus on efforts to remove livestock as a multiple use in the plan area which we believe violates several statues, as well as the intent of the multiple use concept of land management.

Summary: Alternatives B and C include decisions to reduce livestock grazing within the planning area and remove livestock completely from specific areas, which is inconsistent with BLM’s multiple use mandate, violates federal statutes, and would alter the custom and culture of Wyoming. Total removal of livestock within sage-grouse priority habitat areas would have significant economic and environmental impacts and could result in harm to sage-grouse, and therefore should be eliminated from further consideration. Reducing the forage allocation on federal land is not practical where intermingled public, private, and state lands exist together. For the BLM to reduce the forage allocation on small tracts of federal land, it would require the BLM to take over management of the adjacent private and state land.

Response: Alternatives B and C are within the reasonable range of alternatives developed by the BLM and Forest Service for the Draft LUP Amendments/Draft EIS, and therefore respond to the purpose and need for the planning effort. Developing a reasonable range of alternatives is a NEPA requirement. In determining the alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of implementing an alternative. Therefore, Alternatives B and C must be analyzed in detail and considered in order to comply with NEPA and the BLM and Forest Service land use planning process. Eliminating livestock grazing within specific areas to protect sage-grouse habitat is not inconsistent with BLM's multiple use mandate and does not violate federal statutes. The BLM and Forest Service agree that removal of livestock grazing within specific areas would have economic implications, which are clearly disclosed in the Section 4.11 of this EIS.

Livestock Grazing

Range of alternatives

Allotments in sage-grouse priority habitats must meet Rangeland Health Standards

Comment ID: 932
Organization:

Name: Sasha Shapiro

Comment: Add to the Environmental Impact Statement (EIS), in all alternatives, the option to eliminate welfare livestock grazing leases. I also ask that you 3. Demand an analysis of all grazing allotments in the EIS process. Many have no data available which evaluate the condition of the land. Many others that have had an assessment conclude that the land is not in acceptable condition because of livestock grazing. Require in the Preferred Alternative that land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats.

Comment ID: 335
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In addition to these standards, for sage grouse Priority and General Habitats there should be a decision procedure and actions described below, depending on habitat conditions. 1. Assess which lands meet the Connelly el al. (2000) guidelines both in riparian areas and upland areas in Table 3. Include the conservation community and grazers in this assessment. 2. For those not meeting these guidelines, determine that the allotment does not meet rangeland health standards. To meet these standards, the sagebrush community must meet or exceed the height and percent canopy cover percents for sagebrush, native grasses, and forbs in Table 3 (Connelly et al. 2000). 3. Change grazing use as necessary so that upland and riparian areas have a positive 2 or better Grazing Response: Index (GRI) score for allotments not meeting standards. 4. For allotments that meet standards, insure grazing practices produce a "0" or plus net GRI score. 5. In sage grouse nesting areas, do not allow grazing until after the 20th of June (Braun 2006). 6. During permit renewal, inventory the amount of forage produced in the allotment, assess the allotment ecological conditions, and document past grazing use. As a part of permit renewal, conduct a range capacity analysis to assess the stocking rate for the allotment. Stocking levels for allotments that meet standards should lead to less than 25% utilization (Braun 2006) and for allotments not meeting standards, less than 15% utilization. 7. For allotments not meeting the rangeland health standards, prohibit grazing during a severe or worse droughts as defined by the national drought monitor. 8. For allotments that meet the standards, reduce grazing use prior to a drought to utilization levels less than 10-15% utilization for forage expected during the drought. 9. In sage grouse habitats, produce an annual end-of-season report for each allotment. This report should note the planned grazing use for the season, note the grazing use that occurred, report the results of any monitoring, document precipitation/drought information, describe any projects completed, and note successes or problems encountered. These should include conservation community and grazer information and be posted on the web.

Comment ID: 1819
Organization:
Name: Marybeth Devlin

Comment: Appendix G first identifies the grazing allotments administered by BLM (in alphabetical order) and then those administered by FS (in numerical order). BLM and FS use different methods of reporting range-conditions. BLM indicates whether or not each allotment was or was not meeting standards when most-recently evaluated. Causal factors were briefly cited. FS, in contrast, reports the "seral stage structure" of the forage at most-recent review. Conspicuous in both were the dates of the most recent evaluations of range-health. Most were conducted years ago. In many cases, range-standards were not being met as far back as 2002, but evidently no follow-up has been done to determine current conditions. It is impossible to complete a valid LUPA / EIS in the absence of current data on rangelandconditions..

Comment ID: 1460
Organization: Jackson Hole Conservation Alliance

Name: Siva Sundaresan

Comment: The impact of livestock grazing on sage grouse populations is unclear (Connelly et al 2000). However, the grazing practices can have a strong effect on sage grouse habitat by altering grass height and grass and forb cover. This in turn affects sage grouse nesting (Wakkinen 1990, Gregg 1991, Gregg et al. 1994, Delong et al. 1995, Sveum et al. 1998, Connelly et al 2000). Research has shown that early spring grazing may reduce vegetative cover necessary to conceal nests and broods from avian and mammalian predators, contributing to decreased survival (Gregg et al. 1994; DeLong et al. 1995; Sveum et al. 1998), and residual herbaceous cover during brooding as an essential component of nest success (Holloran et al. 2005). Grazing of tall grasses to <18 cm would decrease their value for nest concealment (Holloran et al. 2005). Thus, indirectly grazing by livestock or wild herbivores that significantly reduces the herbaceous understory in breeding habitat may have negative impacts on sage grouse populations. In order to manage livestock grazing in ways that are compatible with maintaining or enhancing sage grouse habitat we ask that all grazing allotments in sage grouse priority habitat have updated allotment management plans that include explicit sage grouse objectives such as reduction in livestock forage utilization to 20% - 30% for grazing allotments not meeting standards and maintaining appropriate residual grass and forb vegetation for sage grouse nesting cover. Second, we ask that monitoring protocols in allotment grazing management plans include explicit data collection to evaluate sage grouse habitat. In some cases, this may require going beyond what is required in the Range Health Standards, as those do not always capture elements critical to sage grouse habitat such as residual grass and forb cover. In addition, when allotments do not meet Range Health Standards sage grouse habitat is impacted. It is necessary to identify and restore rangeland and ecological condition of allotments not meeting standards. Several field offices have already identified grazing allotments that do not meet standards for Healthy Rangelands due to cattle grazing. We recommend using this list as a starting point to inform and prioritize restoration and improvements to livestock grazing allotments to benefit sage grouse.

Comment ID: 911
Organization:
Name: cindy sheptow

Comment: Demand an analysis of all grazing allotments in the EIS process. Many have no data available which evaluate the condition of the land. Many others that have had an assessment conclude that the land is not in acceptable condition because of livestock grazing.

Comment ID: 1299
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: As further evidence of the deferred and indefinite nature of the agency management, the DLUPA/DEIS lists management actions to be implemented after being incorporated in allotment management plans or permit renewals and/or Forest Service Annual Operating Instructions. The DLUPA/DEIS does not include a schedule for each allotment's evaluation, nor does the DLUPA/DEIS discuss the frequency with which these assessments do not get done and grazing permits get renewed under the various Appropriations Act riders that are provided regularly by Congress. To demonstrate the likelihood and timeliness of any proposed actions to protect sage-grouse, the BLM should have included a spreadsheet of the permit expirations and allotment management plan revisions scheduled for all allotments in the planning area. WWP refers to the BLM's own Rangeland Inventory, Monitoring, and Evaluation Reports (RIME; available online) that show that in many years, very few allotments get any attention. For example, in 2012, the RIME report shows 3,641,054 acres in fair and poor condition (0-49% of potential). These areas would at best be converted to low growing grazing tolerant species which do not provide sage grouse cover needs. This SVIM data, reported in the RIME reports are available at the SWA and allotment

levels but the BLM ignored this data. 60% of Wyoming's BLM allotments are in the I (Improve) Category. The majority of allotments didn't have AMPs or the functional equivalent of AMPs, and only 31 allotments statewide were even assessed for compliance with standards in 2012.

Comment ID: 353
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM rangeland health measurements are often lumped into categories that make it impossible to determine how many allotments and how many acres are meeting rangeland health standards due at least in part to livestock grazing, and how many are not. This makes it impossible for BLM or the reader to determine exactly how pervasive livestock grazing problems really are. Please provide separate metrics to clarify the acreage of sage grouse Priority and General Habitat by alternative that are meeting or not meeting land health standards, splitting acres by where livestock grazing is known to be contributing and where it is not.

Comment ID: 333
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: All allotments in Priority Habitats must be managed to meet or exceed Rangeland Health standards, and following natural fires, livestock should be excluded for at least a 2-year (and preferably a 3-year) period. According to BLM, "Resting treated areas from livestock grazing for two years or longer after prescribed burns would allow treated areas to revegetate, soils to stabilize, and vegetation to mature to the point of withstanding livestock grazing pressure." DEIS at 4-267. Failure to provide this rest interferes with seed generation and plant growth. DEIS at 4- 316.

Comment ID: 3036
Organization: Wyoming Outdoor Council
Name: Ilana Williams

Comment: Identifying, prioritizing, and requiring restoration of the rangeland and ecological condition of allotments not meeting standards in the Record of Decision for the 9-Plan DEIS would have a positive net impact on habitat across the range of sage-grouse in Wyoming. The 9-Plan DEIS, Chapter 3.7, "Livestock Grazing," identifies each of the BLM field offices included in the plan, with the exception of the Rock Springs Field Office, having allotments that do not meet standards from the BLM Wyoming Standards for Healthy Rangelands due to cattle grazing. The report from the Rock Springs FO did not report the status of their grazing allotments. We recommend using this list as a starting point to inform and prioritize restoration and improvements to livestock grazing allotments to benefit sagegrouse. The primary impacts from livestock grazing come from indirect negative affects attributed to sagebrush treatment to improve forage for livestock (Beck and Mitchell 2000). However, as discussed above in the Triggers section, alteration in grazing management should be considered in pastures or allotments not meeting standards, and should be required management actions under the new ROD. The BLM Wyoming Standards for Healthy Rangelands requires that grazing be managed such that "[g]razing management practices and range improvements will be designed to maintain or promote the physical and biological conditions necessary to sustain native animal populations and plant communities" (p. 12). Land health assessments will help identify areas where livestock use has caused degradation to sage-grouse habitat and where restoration, conservation, or enhancement of habitat will have the most benefit.

Comment ID: 2158
Organization: The Cloud Foundation

Name: Ginger Kathrens

Comment: Most of the historic cause of Sage Grouse decline can be attributed directly or indirectly to livestock grazing. In this regard, we request that a complete assessment of grazing allotments be completed and, in areas where that assessment shows that Land Health Standards are not met due to livestock presence, we request that the livestock be removed. We note that many allotments in which rangeland health assessments have taken place report unhealthy rangeland due to livestock grazing. Once livestock are removed, any fencing that exists to contain them should then be removed including the barbed and woven wire which causes death to the low flying grouse that currently collide with the fences on a regular basis. Eliminating livestock grazing would also allow for the removal of the posts where raptors perch and hunt adult and juvenile grouse. Riparian conditions due to historic livestock use would gradually improve, areas that are critical to sage grouse during brood rearing. We request that the option to eliminate livestock grazing in key Sage Grouse habitats be included of every alternative.

Summary: All allotments in priority habitats must be managed to meet or exceed Rangeland Health Standards. BLM rangeland health measurements are often combined into categories that make it impossible to determine the number of allotments and acres that are meeting Rangeland Health Standards. The plan should provide separate metrics to clarify the acreage of sage-grouse priority and general habitats that are meeting Standards for Rangeland Health.

Response: The BLM evaluates livestock grazing allotments using Land Health Standards in Manual 4180; and the Forest Service evaluates livestock grazing allotments using vegetation trends. Appendix G in the Draft LUP Amendments/Draft EIS presents the results of these allotment evaluations. All livestock grazing allotments, regardless of location, are managed to achieve specific standards. If allotments do not meet the standards, and the causal factor is at least in part due to livestock grazing, adjustments to grazing practices are implemented.

Livestock Grazing

Range of alternatives

Alternative D does not achieve a balance between resource use and protecting resource values

Comment ID: 2871
Organization: The Overland Trail Cattle Company
Name: Garry L. Miller

Comment: Alternative D is described as being based on scoping comments and participation by Cooperating Agencies. BLM claims that this alternative emphasizes balancing resources and resource use among competing human interests, land uses, and the conservation of sage-grouse habitat. We are not convinced, as this alternative does not adequately demonstrate or include evidence that a balance is actually achieved. It also fails to recognize the checkerboard land ownership pattern including the private land that underlies much of what is defined as sage-grouse core and priority habitat. We also object to the requirement that modifications must be made to existing range improvementswithout any corresponding discussion of who would bear that cost and under what scientific basisand that new structural range improvements would be "prohibited," as outlined on page 4-97: No new structural range improvements would occur under this alternative, which would decrease surface disturbing activities in the short-term, but could impact long-term livestock and resource management goals as operators would be prohibited from making future range improvements. Prohibiting range improvements for allotment users is wholly inconsistent with any notion of balance, and is not supported by scientific literature.

Summary: BLM claims that this alternative emphasizes balancing resources and resource use among competing human interests, land uses, and the conservation of sage-grouse habitat. We are not convinced this alternative achieves this goal. It also fails to recognize the checkerboard land ownership pattern including the private land that underlies much of what is defined as sage-grouse core and priority habitat. We also object to the requirement that modifications must be made to existing range improvementswithout any corresponding discussion of who would bear that cost and under what scientific basis, and that new structural range improvements would be prohibited. Prohibiting range improvements for allotment users is wholly inconsistent with any notion of balance, and is not supported by scientific literature.

Response: Alternative D provides opportunities to use and develop the planning area while providing protection of Greater Sage-Grouse habitat based on scoping comments and input from cooperating agencies involved in the alternatives development process. Alternative D allows for the greatest level of resource use of all the alternatives while still providing needed conservation measures for sagegrouse and meeting the purpose and need for the planning effort. All alternatives recognize the checkerboard land ownership pattern. This is reflected in the management decisions and related maps and acreage values. Regarding range improvements, some level of restriction on the construction of range improvements is needed to conserve sage-grouse habitat.

Livestock Grazing

Range of alternatives

Appendix B fails to provide any mandatory terms and conditions specifically related to livestock impacts on sagegrouse habitat

Comment ID: 1348
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 10 applies Appendix B. as mandatory terms and conditions but Appendix B. failes to provide any mandatory terms and conditions specifically related livestock impacts on sage grouse habitat.

Summary: Action 10 requires the implementation of Appendix B as mandatory terms and conditions, but Appendix B fails to provide any mandatory terms and conditions specifically related livestock impacts on sage-grouse habitat.

Response: Required changes to grazing practices and revisions to Allotment Management Plans are specifically addressed in management actions #46, 48, and 49 in Chapter 2 of this EIS. Such actions would help to ensure compliance with the Standards for Rangeland Health. Given this, changes to Appendix B are not necessary.

Livestock Grazing

Range of alternatives

BLM does not have authority to retire grazing permits

Comment ID: 1947
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 2-43, under item 50 which first starts at the very bottom of pg. 2-42, we comment that the BLM policy on “relinquishment” should be placed in the Appendix. We presume this section is referring to BLM IM-2013-184. In Alternative B, pg. 2-43, we comment that there is no legal authority for a

permittee, to retire his/her BLM grazing permit/lease. At present, there is also no legal authority for the BLM to retire a grazing permit/lease so long as those lands are classified as "chiefly valuable for Grazing. See opinion M-37008 from the Department of Interior Solicitor. In the 3rd paragraph, the narrative does not represent the current legal authority of the BLM. It conveys that BLM would retire grazing Preference on a case by case basis, which it can not do. It is mis-leading to the public to convey an alternative that BLM couldn't choose even if it wanted to do so. We comment that the Final must convey to the public what is or is not a proposal that is currently authorized by federal law. The last paragraph under Alternative B pg. 2-43 is also not consistent with the current legal authority of the BLM on the subject of retirement of grazing preference. It should be removed. The narrative in the last paragraph under Alternative B conveys that the BLM actually has an authority it does not have. Neither the Federal Land Policy and Management Act, FLPMA, or the BLM Planning Handbook permit the BLM to, a) retire grazing permits and b) allow the BLM to include a "retirement" proposal in a draft document even if it had the authority, (which it does not have). Under Alternative D, pg., 2-43, the use of the word " Retirement" in the first sentence is not correct. We comment that a replacement of the word "Retirement" in the first sentence with the word "Relinquishment" would then cause this sentence to be consistent with BLM policy at IM-2013-184.

Comment ID: 1957
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 4-352, 4.16.7, Alternative E – In the third paragraph under this title, we comment that the BLM has no current legal authority to equate "relinquishment" with "retirement" in a LUP Alternative. We also comment that the authority for "relinquishment" lies with the owner of the Preference, the permittee, not the BLM. The draft narrative conveys that time period for a grazing preference relinquishment, (we presume again an equate to retirement), would be "no time limit". BLM has some authority under the FLPMA to re-adjust the allocation of forage during the life of a LUP. If we are correct in our interpretation that BLM in this Draft is equating "relinquishment" with "retirement", we comment that BLM has no current legal authority to consider that a retirement of livestock AUM's has any time limit, let alone "no time limit". BLM Regulations at 43 CFR, Part 4100 require that relinquished livestock AUM's from Section 3 BLM lands must be made available to other qualified applicants. It is also our understanding that Decisions in a LUP last only for the period of the LUP. A "no time limit" proposal is inappropriate for any subject in a LUP.

Summary: Pg. 4-352, Alternative E: The BLM has no current legal authority to equate "relinquishment" with "retirement" in a LUP Alternative. In addition, the authority for "relinquishment" lies with the owner of the preference, the permittee, not the BLM. In addition, the BLM has no current legal authority to consider that a retirement of livestock AUMs has any time limit, let alone "no time limit". BLM Regulations at 43 CFR, Part 4100 require that relinquished livestock AUMs from Section 3 BLM lands must be made available to other qualified applicants. Regarding Alternative B on page 2-43, there is no legal authority for a permittee, to retire his/her BLM grazing permit/lease. At present, there is also no legal authority for the BLM to retire a grazing permit/lease so long as those lands are classified as "chiefly valuable for grazing. See opinion M- 37008 from the Department of Interior Solicitor. The current language in the Draft EIS conveys the BLM would retire grazing preference on a case by case basis, which it cannot do. It is misleading to the public to convey an alternative that BLM couldn't choose. A replacement of the word "retirement" in the first sentence with the word "relinquishment" would then cause this sentence to be consistent with BLM policy at IM-2013-184.

Response: The authority is provided by BLM's grazing regulations at 43 CFR 4100.0-8, providing for land use plans to determine areas available for livestock grazing, establish allowable resource uses, and program constraints.

Livestock Grazing

Range of alternatives

BLM must protect grazing preference rights

Comment ID: 965
Organization: 4W Ranch
Name: Robert Harshbarger

Comment: The 4W Ranch does have recognized “Preference Rights” for grazing permits on both the BLM and Forest Service managed lands within the ranch boundaries. It is governments Constitutional Duty to protect these recognized valid rights. We also have vested and adjudicated rights that shall not be infringed upon. [Emphasis Added]

Summary: Livestock operators have recognized “preference rights” for grazing permits on both the BLM and Forest Service managed lands within the boundaries of individual ranches. It is the government's constitutional duty to protect these recognized valid rights.

Response: Per BLM's grazing regulations at 43 CFR 4100.0-5, grazing preference means "a superior or priority position against others for the purpose of receiving a grazing permit or lease". It does not mean that the holder of the grazing preference is guaranteed a grazing permit in perpetuity. Livestock operators do not have "preference rights" for grazing permit on National Forest System lands. As described further in 36 CFR 222.3(b) "Grazing permits and livestock use permits convey no right, title, or interest held by the United States in any lands or resources."

Livestock Grazing

Range of alternatives

BLM should include changes in grazing management at the permit renewal stage for allotments that don't meet standards

Comment ID: 2153
Organization: Sierra Club, Wyoming Chapter
Name: Connie Wilbert

Comment: Finally, the draft plan and current management have a serious problem in the way grazing allotments are renewed. Many of the allotments that BLM manages in Wyoming include sage grouse habitat. BLM has determined many of those allotments do not meet Rangeland Health Standards. Many more BLM allotments with sage grouse habitat have not been assessed to determine if they meet these standards. As shown below, in many Wyoming BLM allotments with sage grouse habitat, BLM renewed grazing permits for most allotments without any management changes whatsoever, under the 2000 Congressional Appropriations Rider. Data regarding the appropriation rider renewals was provided by the BLM in response to a FOIA request filed by Public Employees for Environmental Responsibility. These data reflect conditions through 2012. To provide an adequate baseline for making decisions, BLM needs to determine which lands meet agency standards and which do not. By renewing grazing permits unchanged and not incorporating required standards and stipulations for sage grouse, BLM has avoided taking any action to address sage grouse habitat deterioration resulting from livestock grazing practices on most allotments. BLM's own determination shows that many (perhaps most) of these allotments both include occupied habitat for sage grouse and also fail to meet Rangeland Health Standards. Renewing permits for allotments that are known to not meet sage grouse habitat needs is a serious regulatory failure. The final

plan must include a comprehensive solution to the lack of consideration for greater sage grouse in grazing management and grazing lease renewal practices.

Summary: Many of the allotments that BLM manages in Wyoming include sage-grouse habitat, and the BLM has determined that many of those allotments do not meet Rangeland Health Standards. Many more BLM allotments with sage-grouse habitat have not been assessed to determine if they meet these standards. In many Wyoming BLM allotments with sage-grouse habitat, BLM renewed grazing permits for most allotments without any management changes under the 2000 Congressional Appropriations Rider. By renewing grazing permits unchanged and not incorporating required standards and stipulations for sage-grouse, BLM has avoided taking any action to address sagegrouse habitat deterioration resulting from livestock grazing practices on most allotments. Renewing permits for allotments that are known to not meet sage-grouse habitat needs is a serious regulatory failure. The final plan must include a comprehensive solution to the lack of consideration for Greater Sage-Grouse in grazing management and grazing lease renewal practices.

Response: The permit renewal stage is generally the time when changes to livestock grazing management are incorporated into grazing permits. The issue raised in the comment is specifically addressed by Management Action #48 under Alternative E. This action states "Within PHMA, as appropriate, site specific sage-grouse habitat objectives and management considerations would be incorporated into all BLM and Forest Service grazing allotments…" The agencies will also prioritize review of grazing permits and leases within priority habitat.

Livestock Grazing

Range of alternatives

Conduct proper permit renewals

Comment ID: 1331
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: As with other ecological sites, the practice of renewing permits through the Appropriations Rider further delays fixing riparian problems. The preferred alternative says that changes to livestock grazing that are needed to meet vegetation objectives would be accomplished by altering terms and conditions in the permit renewal process but permits have uniformly been renewed via the rider, which bypasses review and keeps terms and conditions constant. In order to provide effective protection for sage-grouse and sage-grouse habitats, the LUPA must require BLM to conduct proper permit renewals through the NEPA process without further delay or extension or exemption.

Summary: The Preferred Alternative says that changes to livestock grazing that are needed to meet vegetation objectives would be accomplished by altering terms and conditions in the permit renewal process but permits have uniformly been renewed via the Appropriations Rider, which bypasses review and keeps terms and conditions constant. In order to provide effective protection for sage-grouse and sage-grouse habitats, the LUP Amendments must require BLM to conduct proper permit renewals through the NEPA process without further delay or extension or exemption.

Response: Changes to terms and conditions of grazing permits would be accomplished through proper NEPA analysis and coordination, as required by BLM grazing regulations and policy. It is not necessary for the LUP Amendments to reiterate regulations and policy. For the Forest Service, Part 1 of the Term Grazing Permit states, "This permit can also be cancelled, in whole or part, or otherwise modified, at any time during the term to conform with needed changes brought about by law, regulation, Executive Order,

allotment management plans, land management planning,.....or lands the lands described otherwise being unavailable for grazing." In addition Part 2(b) of the Term Grazing Permit states that "The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest Officer in charge to be needed for resource protection." The environmental analysis performed for this plan amendment is intended to be sufficient to add any needed protection to livestock grazing permits on National Forest System lands. The agencies will also prioritize review of grazing permits and leases within priority habitat.

Livestock Grazing

Range of alternatives

Develop a grassland restoration program to address the effects of grazing

Comment ID: 112
Organization:
Name: Teresa Seamster

Comment: Overall, the land under BLM management has been so overgrazed that a regional grassland restoration program should be instituted and funded largely by increased grazing fees.

Summary: Overall, the land under BLM management has been so overgrazed that a regional grassland restoration program should be instituted and funded largely by increased grazing fees.

Response: The BLM assesses grazing allotments based on the Standards for Rangeland Health. Operators of allotments not meeting the standards are required to adjust grazing practices in order to improve rangeland conditions and comply with the standards. This is a continuous, ongoing, monitoring and management adjustment system that ensure the stability and health of rangelands within the planning area. Given this adaptive management practice, a regional grassland restoration program is not necessary. However, the BLM and Forest Service may identify specific areas in which reclamation efforts are needed.

Livestock Grazing

Range of alternatives

Discourage the concentration of cattle in riparian areas

Comment ID: 341
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Placing salt blocks in upland areas is not an effective means of drawing cattle use away from riparian areas. Bryant (1982:784) found that salt placement and alternate water sources did not influence cattle preference for riparian habitats, and came to the following conclusion: "These cattle used the salt when convenient but did not alter behavior patterns to obtain it." Thus, the BLM should not rely on the placement of salt blocks as a means to draw livestock away from riparian habitats.

Comment ID: 339
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The BLM's grazing policies and practices should discourage the concentration of cattle in the riparian zone to protect sage grouse brood-rearing habitats.

Summary: The BLM's grazing policies and practices should discourage the concentration of cattle in the riparian zone to protect sage-grouse brood-rearing habitats. Placing salt blocks in upland areas is not an effective means of drawing cattle use away from riparian areas. Bryant (1982:784) found that salt placement and alternate water sources did not influence cattle preference for riparian habitats.

Response: Various grazing practices are used to distribute livestock across the rangelands within the planning area, which include herding of livestock, the placement of salt and mineral supplements, development of other water sources, exclosures, fences, etc. In addition, stubble-height requirements are included in the range of alternatives in Chapter 2 of the Draft LUP Amendments/Draft EIS, which would require that livestock are effectively distributed across allotment and do not concentrate in riparian areas for an unreasonable amount of time.

Livestock Grazing

Range of alternatives

Eliminate livestock grazing in sage-grouse priority habitats

Comment ID: 343
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Thus, livestock grazing plays a key role in the spread of cheatgrass, both pre-fire in the sagebrush understory, and post-fire leading to conversion to annual grasslands. Yeo (2005) demonstrated that cessation of livestock grazing leads to recovery of grass cover in sagebrush ecosystems, and restoration of rangeland health, which supports the management actions in Alternative C.

Comment ID: 332
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We recommend cessation of livestock grazing in sage grouse Priority Habitats as in Alternative C. Cessation of livestock grazing has been shown to lead to recovery of grass cover in sagebrush ecosystems, and restoration of rangeland health (Yeo 2005).

Comment ID: 857
Organization:
Name: Barbara Reed

Comment: Add to the Environmental Impact Statement (EIS), in all alternatives, the option to eliminate welfare livestock grazing leases. Provide a legitimate analysis of all grazing allotments in the EIS process. Require in the Preferred Alternative that land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats

Comment ID: 973
Organization:
Name: BEVERLY GRAY

Comment: how many heads of privately owned stock are grazing on the Greater Sage Grouse protected land, and shouldn't they be removed first?

Comment ID: 1059

Organization:
Name: Kat Hankinson

Comment: Please eliminate welfare livestock grazing leases. An analysis of all grazing allotments in the EIS process is overdue. Many have no data available which evaluate the condition of the land. In the Preferred Alternative, please ensure that any land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats.

Comment ID: 909
Organization:
Name: cindy sheptow

Comment: Add to the Environmental Impact Statement (EIS), in all alternatives, the option to eliminate welfare livestock grazing leases. Here is what respected rangeland expert and author George Wuerthner had to say in an essay in The Wildlife News. [3]Indeed, when considering all the mortality factors and limitations that are driving sage grouse towards extinction, livestock production is easily the dominant factor. . .When you look closely at many different environmental issues in the West, one can generally trace it back to livestock production.[2] (http://www.thewildlifenews.com/2012/10/01/sage-grouse-proximate-and-ultimat e-causes/)

Comment ID: 2813
Organization:
Name: Sandra Sell-Lee

Comment: In order to protect the Sage Grouse, please carefully watch and monitor the whole system that is operating, because a shift in any one part of the system, has consequences (often unintended) for the entire rest of the system. Therefore, please do the following: -review the science. -eliminate welfare livestock grazing leases. -ensure that the public lands are in good and acceptable conditions. Please ask for an analysis of all grazing allotments in the EIS process. Other such assessments have concluded that the land is not in acceptable condition because of livestock grazing.

Comment ID: 2929
Organization:
Name: Karen Hethcote

Comment: I urge you to add to the DEIS, in each of the proposed alternatives, the option to eliminate private livestock grazing leases. The DEIS must also include an assessment of grazing allotments. The DEIS must include a detailed analysis of the impact of livestock grazing on sage grouse. Though there are significant differences in range impact between livestock and wild horses, these are not presently considered in the document and should be. I support the designation of Alternative C as the Preferred Alternative. This would eliminate livestock grazing in sage grouse habitat.

Comment ID: 2811
Organization:
Name: Ann Evans

Comment: I would strongly support adding to the Environmental Impact Statement (EIS), in all alternatives, the option to eliminate welfare livestock grazing leases. I would also like to see an analysis of all grazing allotments in the EIS process. Many have no data available which evaluate the condition of the land. Many others that have had an assessment conclude that the land is not in acceptable condition because of livestock

grazing. I support the Alternative is that land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats.

Comment ID: 2773
Organization:
Name: Sasha Shapiro

Comment: Add to the Environmental Impact Statement (EIS), in all alternatives, the option to eliminate welfare livestock grazing leases. Demand an analysis of all grazing allotments in the EIS process. Many have no data available which evaluate the condition of the land. Many others that have had an assessment conclude that the land is not in acceptable condition because of livestock grazing. Require in the Preferred Alternative that land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats.

Summary: Livestock grazing in sage-grouse priority habitats should be eliminated. Cessation of livestock grazing has been shown to lead to recovery of grass cover in sagebrush ecosystems, and restoration of rangeland health (Yeo 2005). Livestock grazing plays a key role in the spread of cheatgrass, leading to conversion to annual grasslands. Without an assessment of all grazing allotments, it's not possible to determine past impacts on sensitive resources from livestock grazing.

Response: Reductions in livestock grazing were analyzed under a reasonable range of alternatives. Under Alternative C, livestock grazing would be prohibited in sage-grouse priority habitat. Under Alternative B, a light grazing management strategy would be employed on allotments within sage-grouse priority habitat that do not meet Standards for Rangeland Health. The final decision on the management actions and alternatives will be included in the Record of Decision after completion of the public involvement and planning processes.

Livestock Grazing

Range of alternatives

Eliminate livestock grazing on public lands

Comment ID: 1065
Organization:
Name: Julianne Gould

Comment: Keep only the wild animals that belong on this land. Ranchers will just have to graze their livestock on their own land.

Comment ID: 217
Organization:
Name: jean public

Comment: ELMINATE ALL LIVESTOCK GRAZING.

Comment ID: 93
Organization:
Name: Sally Hernandez

Comment: Wild Horses, Burro's and other Wild Animals are not the cause of loss of habitat for the endangered sage grouse. It is time and necessary for the elimination of livestock grazing on public lands. It

is the Wild Horse and Burro roundups that cause the herds to race across the land in an effort to escape the helicopters and other BLM employees that chase them into pens. It is time to stop destroying the animals that live in harmony on the land and with each other. Say NO to livestock grazing on public lands and leave the other animals in peace!

Comment ID: 827
Organization:
Name: Maria Aragon

Comment: Get those damned cows off of our public lands. The sage grouse and our wild horses and every other wild thing, plus the land itself would be much better off if the BLM wasn't catering to the cattle/beef industry.

Comment ID: 2784
Organization:
Name: Barbara Robinson

Comment: It seems to me there should be room for both the horses and the grouse, remove the cattle from public lands the tax payers support!

Comment ID: 3015
Organization:
Name: Stanley Jones-Umberger

Comment: Remove all cattle from public lands.

Comment ID: 2772
Organization:
Name: Delia MCBRIDE

Comment: Leave the wild to the wild. Let the cattle companies graze there cows and calves on their own land.

Comment ID: 2394
Organization:
Name: Michelle McKinnon

Comment: As a United States citizen, I demand that these ranchers' contract to graze in public land (shared with the mustangs) be canceled, nil and void until they either learn to share said land or purchase their own grazing land for their animals.

Comment ID: 2785
Organization:
Name: ALEANDRO ANDERSON

Comment: Get rid of the private cattle and sheep if you want to protect sage grouse (who have successfully coexisted with wild horses for centuries).

Comment ID: 2809
Organization:
Name: Elaine Balgemann

Comment: ALL LIVESTOCK NEEDS TO BE REMOVED AND ALL LEASES "VOIDED".

Comment ID: 2795
Organization:
Name: marla bosworth

Comment: Please: 1. Add to the Environmental Impact Statement (EIS), in all alternatives, the option to eliminate welfare livestock grazing leases.

Comment ID: 3016
Organization:
Name: Rick Huyett

Comment: Kick the cows off of our land.

Summary: Livestock grazing on public lands should be eliminated in order to protect sage-grouse habitat and other natural resources. Livestock grazing should only occur on private land.

Response: Elimination of livestock grazing on all BLM lands is beyond the scope of this planning effort. In Alternative C, the BLM and Forest Service did consider an alternative that would eliminate livestock grazing in priority habitat.

Livestock Grazing

Range of alternatives

Implement specific measures to ensure livestock grazing is managed in a manner that conserves sage-grouse habitat

Comment ID: 1823
Organization:
Name: Marybeth Devlin

Comment: How to Save the Sage-Grouse, Protect the Mustangs, and Partner with Permit-Holders • Implement Holistic Management • Leave the wild horses on the range at genetically-viable levels • Reinstate herd areas (HAs) for wild-horse repopulation These actions will serve all constituencies -- Sage-Grouse, wild horses (and their advocates) as well as livestock (and the permit-holders). Holistic Management has been shown to preserve sagebrush habitat, increase the effectiveness of an area's rainfall, and promote spring-and-stream vitality. This superior grazing-regime may even allow for more livestock, which will gain more weight due to being grazed alongside wild equids, which will finally be managed at genetically-viable levels.

Comment ID: 334
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: We encourage BLM proposal to implement the following measures for grazing; these standards should be supplemented with measurable benchmarks to ensure strong rangeland health. Incorporate sage grouse habitat objectives and management considerations into all BLM grazing allotments through AMPs or permit renewals. Work cooperatively on integrated ranch planning so operations with deeded/State/BLM and/or USFS allotments can be planned as single units. Prioritize completion of land health assessments and processing grazing permits in Priority Habitat. Focus this process on allotments that have the best opportunities for conserving, enhancing, or restoring habitat for sage grouse. Utilize ESDs to conduct land

health assessments to determine if standards of range-land health are being met. Conduct land health assessments that include (at a minimum) indicators and measurements of structure/condition/composition of vegetation specific to achieving sage grouse habitat objectives. If local/state seasonal habitat objectives are not available, use sage grouse habitat recommendations from Connelly et al. (2000) and Hagen et al. (2007). Develop specific objectives to conserve, enhance, or restore greater sage grouse Priority Habitat based on BLM ESDs and assessments (including within wetlands and riparian areas). If an effective grazing system that meets sage grouse habitat requirements is not already in place, analyze at least one alternative that conserves, restores, or enhances sage grouse habitat in the NEPA document prepared for the permit renewal. Manage the Greater Sage grouse Core Habitat Areas as ACECs for vegetation composition and structure consistent with ecological site potential and within the reference state to achieve sage grouse seasonal habitat objectives. During drought periods, prioritize evaluating effects of the drought in greater sage grouse Core Habitat Areas relative to their needs for food and cover. Since there is a lag in vegetation recovery following drought, ensure that post-drought management allows for vegetation recovery that meets sage grouse needs. Manage wet meadows to maintain a component of perennial forbs with diverse species richness relative to site potential (e.g., reference state) to facilitate brood rearing. Also conserve or enhance these wet meadow complexes to maintain or increase amount of edge and cover within that edge to minimize elevated mortality during the late brood rearing period. Where riparian areas and wet meadows meet proper functioning condition strive to attain reference state vegetation relative to the ecological site description. Reduce hot season grazing on riparian and meadow complexes to promote recovery or maintenance of appropriate vegetation and water quality. Use fencing/herding techniques or seasonal use or livestock distribution changes to reduce pressure on riparian or wet meadow vegetation used by sage grouse in the summer. Avoid grazing and trailing within lekking, nesting, brood-rearing, and winter habitats during periods of the year when these habitats are used by sage grouse. Analyze springs, seeps, and associated water pipelines to determine if modifications are necessary to maintain the continuity of the predevelopment riparian area. Make modifications where necessary, considering impacts to other water uses when such considerations are neutral or beneficial to sage grouse.

Comment ID: 456
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: RSGA strongly recommends the following changes in the DEIS: (3) Revise the DEIS to call for specific revision of AMLs to reduce potential conflicts with sage grouse conservation;

Comment ID: 1821
Organization:
Name: Marybeth Devlin

Comment: Precisely-planned, time-controlled-grazing needs to be implemented in the Planning Area. By adopting Holistic Management, livestock-grazers and BLM staff can work in partnership, per a Coordinated Resource Management (CRM) process, to design grazing schedules that enable restoration of Sage-Grouse habitat. Most importantly for the permit-holders, Holistic Management offers the essential benefit of enhancing their economic viability. At the same time and of utmost importance to the tens of thousands of mustang-advocates, Holistic Management will empower BLM to fulfill its mandate to protect and conserve the genetic viability of, and proper forage-allocations to, America's wild horses. Certainly, this is a win-win-win strategy.

Comment ID: 2812
Organization:
Name: Cheryl Cat

Comment: Have you ever heard of crop rotation...sure you have. I believe if we apply this basic principle to our mustangs, burros and cattle, it would serve the situation well. Move the horses and cattle from area to area via old school methods (horse and rider with the assistance of cattle dogs). Yeah, it is slower and takes more effort but it is less stress for all involved. AND it is cheaper than current methods used. I am sure there are groups out there that would volunteer their services to assist in the process

Comment ID: 3108
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The need to adjust grazing policies is confirmed by the fact that approximately 1/3 of the allotments in priority habitat are not meeting standards (186 out of 574 total allotments). DEIS at 4-92. Livestock grazing provisions should be informed by the recommendation in the COT Report (at 45): Conservation Objective: Conduct grazing management for all ungulates in a manner consistent with local ecological conditions that maintains or restores healthy sagebrush shrub and native perennial grass and forb communities and conserves the essential habitat components for sage-grouse (e.g. shrub cover, nesting cover). Areas which do not currently meet this standard should be managed to restore these components. Adequate monitoring of grazing strategies and their results, with necessary changes in strategies, is essential to ensuring that desired ecological conditions and sagegrouse response are achieved. Achieving the above objective will require the development of long-term strategies that provide seasonal habitats for sage-grouse. Although grazing management should initially focus on retaining the above habitat conditions within PACs, sound grazing management should be applied across all sagebrush habitats. Grazing management strategies must consider the local ecological conditions, including soil types, precipitation zones, vegetation composition and drought conditions. The conservation objective and options (at 45-46) should guide strategies for restoring vegetation and ecosystem health on core area allotments. While the preferred alternative adopts permit monitoring stipulations established by regional RMPs that generally rely upon rangeland health standards, Alternative B is more appropriately responsive to sage-grouse conservation, and includes indicators and measures of vegetative attributes specific to the habitat needs.

Comment ID: 2398
Organization: WildEarth Guardians
Name: Erik Molvar

Comment: The Secretary of the Department of the Interior has interpreted recent appropriations riders to undermine the effectiveness of any conservation measures proposed in the Wyoming Greater Sage- Grouse RMP Amendment Draft EIS. According to the Secretary, the Grazing Rider “mandated” that grazing permits be renewed with the same terms and conditions as the expiring permits, and required the “Secretary of the Interior to defer compliance with all applicable laws, including FLPMA, at the time of renewal.” Accordingly, we are concerned that BLM’s livestock grazing conservation measures in the EIS will have a negligible effect on greater sage grouse populations and habitat, and certainly cannot provide the required certainty of effectiveness or certainty of implementation required to preclude a listing under the U.S. Fish and Wildlife Service’s PECE policy. To meet the PECE’s policy’s requirements for consideration of BLM’s unproven sage grouse conservation measures, BLM must implement the EIS conservation measures on all grazing permits within existing sage grouse habitat contemporaneously with BLM's adopting the Final EIS and amending all applicable land use plans. BLM cannot wait until the expiration, transfer or renewal of the grazing permits before it implements these conservation measures, because, at that time (according to the Secretary’s own interpretation of the Grazing Rider), BLM will lack the authority to modify the terms and conditions of these grazing permits to incorporate any sage grouse conservation measure identified in the EIS. Please clarify how BLM’s livestock grazing actions under all alternatives will be applied following the adoption of the final Plan Amendment, whether the adoption of the actions into grazing permits will be

discretionary or mandatory, and when exactly these conservation measures would be implemented vis a vis the adoption of the Plan Amendment Record of Decision.

Comment ID: 2399
Organization: WildEarth Guardians
Name: Erik Molvar

Comment: The Final EIS should include measurable standards for both grazing utilization and timing of grazing in sage grouse Core Areas (Priority Habitats) and General Habitats.

Summary: We encourage BLM proposal to implement the following measures for grazing; these standards should be supplemented with measurable benchmarks to ensure strong rangeland health: Incorporate sage-grouse habitat objectives and management considerations into all BLM grazing allotments through AMPs or permit renewals. Work cooperatively on integrated ranch planning so operations with deeded/state/BLM and/or Forest Service allotments can be planned as single units. Prioritize completion of land health assessments and processing grazing permits in Priority Habitat. Focus this process on allotments that have the best opportunities for conserving, enhancing, or restoring habitat for sage-grouse. Utilize ESDs to conduct land health assessments to determine if Standards of Rangeland Health are being met. Conduct land health assessments that include (at a minimum) indicators and measurements of structure/condition/composition of vegetation specific to achieving sage-grouse habitat objectives. If local/state seasonal habitat objectives are not available, use sage-grouse habitat recommendations from Connelly et al. (2000) and Hagen et al. (2007). Develop specific objectives to conserve, enhance, or restore Greater Sage-Grouse priority habitat based on BLM ESDs and assessments (including within wetlands and riparian areas). If an effective grazing system that meets sage-grouse habitat requirements is not already in place, analyze at least one alternative that conserves, restores, or enhances sage-grouse habitat in the NEPA document prepared for the permit renewal. Manage the Greater Sage-Grouse core habitat areas as ACECs for vegetation composition and structure consistent with ecological site potential and within the reference state to achieve sagegrouse seasonal habitat objectives. During drought periods, prioritize evaluating effects of the drought in Greater Sage-Grouse core habitat areas relative to their needs for food and cover. Since there is a lag in vegetation recovery following drought, ensure that post-drought management allows for vegetation recovery that meets sage-grouse needs. Manage wet meadows to maintain a component of perennial forbs with diverse species richness relative to site potential (e.g., reference state) to facilitate brood rearing. Also conserve or enhance these wet meadow complexes to maintain or increase amount of edge and cover within that edge to minimize elevated mortality during the late brood rearing period. Where riparian areas and wet meadows meet proper functioning condition strive to attain reference state vegetation relative to the ecological site description. Reduce hot season grazing on riparian and meadow complexes to promote recovery or maintenance of appropriate vegetation and water quality. Use fencing/herding techniques or seasonal use or livestock distribution changes to reduce pressure on riparian or wet meadow vegetation used by sage-grouse in the summer. Avoid grazing and trailing within lekking, nesting, brood-rearing, and winter habitats during periods of the year when these habitats are used by sage-grouse. Analyze springs, seeps, and associated water pipelines to determine if modifications are necessary to maintain the continuity of the predevelopment riparian area. Make modifications where necessary, considering impacts to other water uses when such considerations are neutral or beneficial to sagegrouse.

Response: Sage-grouse habitat needs are routinely considered in allotment management and grazing permit renewal. There are many priorities for completion of land health assessments; however, sage-grouse habitat needs are considered among the other priorities. For grazing allotments in sage-grouse core habitats, consideration of alternatives specifically designed to enhance sage-grouse habitats is required by WY-IM-2012-019. ACECs were considered under Alternatives B and C; however, the protection of habitat under the action alternatives will provide habitat viability for sage-grouse and other sagebrush species while continuing to allow for valid, existing rights of current leaseholders and other compatible uses of public

lands. Appendix H contains the Relevance and Importance Evaluations for the proposed ACECs. The final decision for these actions will be included in the Record of Decision after completion of the public involvement process. Management for drought years and riparian areas is determined on an allotment-specific basis depending on site conditions. The measures described in this comment are management actions included in Alternative B in the Draft EIS. Your support for Alternative B has been noted. The final decision for the proposed plan amendment will be included in the Record of Decision after completion of the public involvement process. The agencies will also prioritize review of grazing permits and leases within priority habitat and incorporate terms and conditions to meet habitat objectives.

Livestock Grazing

Range of alternatives

Include a provision to retire livestock grazing allotments on a willing-permittee basis

Comment ID: 966
Organization:
Name: Molly Schleicher

Comment: The option to eliminate and/or reduce some livestock grazing leases should be incorporated into the alternatives. From Appendix G- Grazing Allotment Data- it appears that in many of the cases in which land health standards are not met, the causal factors includes livestock grazing. 2. In addition, further analysis of all grazing allotments in the EIS process must be done. Many of the grazing allotments have no data available with which the condition of the land can be evaluated. And as stated above, many of the allotments which conclude that the land is not meeting land health standards, identify livestock grazing as a causal factor.

Comment ID: 337
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Furthermore, we recommend that BLM should include a provision to retire livestock grazing allotments on a willing-permittee basis when they come up for renewal under all alternatives, as is included under all alternatives in the BLM's South Dakota RMP Draft EIS.

Summary: The BLM should include a provision to retire livestock grazing allotments on a willing-permittee basis when they come up for renewal under all alternatives, as is included under all alternatives in the BLM's South Dakota RMP Draft EIS.

Response: Retirement of grazing privileges can be an effective management option when the current permittee is willing to retire grazing on all or part of an allotment. Forest Service regulations don't use "retirement." Action #50 in Chapter 2 of the Draft LUP Amendments/Draft EIS provides a reasonable range of alternatives regarding this specific action. The final land use decision will be included in the Record of Decision after all public input has been received by the BLM and Forest Service. Retirement or relinquishment of grazing privileges is an available option under BLM grazing regulations at 43 CFR 4100 and is specifically addressed in Management Action 50.

Livestock Grazing

Range of alternatives

Include minimum standards for vegetation stubble height in the alternatives

Comment ID: 357
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: No alternative considers the implementation of this scientifically established minimum 7-inch stubble height requirement; the most protective alternative would apply a 6-inch stubble height standard for riparian areas (but not necessarily nesting habitats). DEIS at 4-307. This failure is a NEPA range of alternatives violation.

Comment ID: 331
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Other studies are summarized elsewhere in these comments including Gregg et al. (1994), Connelly et al. (2000a), and Hagen et al. (2007), which recommend a minimum residual stubble height of 18 cm throughout the nesting and brood-rearing season. The RMP should include at least one alternative that targets a residual summer height of at least 18 cm throughout sage grouse nesting habitat during the nesting season.

Comment ID: 161
Organization:
Name:

Comment: Livestock grazing should be managed to leave behind sufficient grass at least 7 inches high--to provide adequate hiding cover in sage grouse nesting areas, and to prevent the degradation of springs and watercourse habitats needed by sage grouse to raise their chicks.

Summary: Gregg et al. (1994), Connelly et al. (2000a), and Hagen et al. (2007) recommend a minimum residual stubble height of 18 cm throughout the nesting and brood-rearing season. The LUP should include at least one alternative that targets a residual summer height of at least 18 cm throughout sage-grouse nesting habitat during the nesting season. No alternative considers the implementation of the scientifically established minimum 7-inch stubble height requirement. The most protective alternative would apply a 6-inch stubble height standard for riparian areas (but not necessarily nesting habitats). This failure is a NEPA range of alternatives violation.

Response: The range of alternatives in the Draft EIS incorporates the stubble height element in Management Action 49 under Alternative B and other management actions referencing sage-grouse conservation objectives. The science supporting specific height requirement is changing and can be expected to change over the life of the plan. In completing assessments of whether allotments meet the Standards for Rangeland Health, sage-grouse habitat is considered specifically in relation to Standard #4, which relates to wildlife habitats and specifically to habitats for threatened species, endangered species, species of special concern, or sensitive species.

Livestock Grazing

Range of alternatives

Language in the alternatives needs to be revised

Comment ID: 1986
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: WSGA has strong objection to the language under Alternative E regarding permit renewals. (Action Number 48). This language directly conflicts with the provisions of Wyoming Governor's Executive Order 2013-3 which has been accepted by the Wyoming BLM. In addition, specific to the Forest Service, we object to the use of Annual Operating Instructions as a vehicle for incorporating sagegrouse habitat objectives and management considerations. This objection arises from the fact that, under newly adopted FS regulations, AOIs are no longer appealable by the permittee. WSGA recommends that the language in this section for Alternative D be made applicable to Alternative E.

Comment ID: 45
Organization:
Name: Chan Atkins

Comment: THERE'S TOO MANY COWS ON ON OUR LAND!!

Comment ID: 1005
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Management Action 49 (p. 2-39 - 2-42) requires clarification. It states, " ... Annual Operating Instructions would be used to evaluate progress toward achieving land health standards in sagegrouse core habitat areas ... "This statement should be removed because Annual Operating Instructions are not used to evaluate land health standards. They are used to help direct agreed upon management of the grazing operation for that year. In addition, similar to my comment above, if grazing is identified as the reason for not meeting GSG conservation objectives, then EO-20 13-3 will be implemented.

Comment ID: 1664
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Ensure new or rehabilitated water developments are designed to use best management practices to limit and mitigate potential impacts from the West Nile virus.

Comment ID: 1666
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Institute 25% grazing utilization standard on existing allotments while meeting objectives for sagegrouse habitat conditions.

Comment ID: 1258

Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The DLUPA/DEIS fails to take a "hard look" at a range of alternatives for livestock grazing. In fact, the only alternatives that reduce or eliminate grazing in the planning area are Alt. C and they take an "all or nothing" approach. Alt. C would make core area GRSG habitat unavailable to grazing but the DLUPA/DEIS doesn't analyze how many AUM this is. But the EIS only provides unsupported and conclusory states as to effect with no quantified analysis.

Comment ID: 1724
Organization: Little Snake River Conservation District
Name: Larry Hicks

Comment: Page 4-92 – Livestock Grazing – 3rd Paragraph – Allotments managed by the BLM within sage-grouse priority habitat not meeting the Wyoming Standards for Rangeland Health due, in part, to existing livestock grazing, would require a 20-30% forage allocation reduction for livestock on these allotments under this alternative compared to Alternative A. Comment: This management action makes no sense at all, since most instances where rangeland health standards are not being met due to livestock grazing relate to Standard #2 – Riparian/wetland health, and reducing amount of forage use will not solve this management issue. The two most common actions to resolve this management issue are to either fence out with off-site water development, which is primarily used for point water sources, or to change the season of use to cool season in the spring or fall (which also usually results in a shorter duration of grazing use) which ends up eliminating all or most livestock use during the growing season for riparian plant species and occurs when livestock will use uplands more and not concentrate as much in riparian habitat. These approaches have been implemented widespread across Wyoming for the past 20 years or more and should be the focus of improving management, rather than the one-size fits all approach of reducing livestock use, which by itself, will not solve most resource problems.

Comment ID: 1323
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: If monitoring and habitat assessments and changes only occur as part and parcel of site-specific grazing decisions, the chance to "adapt" to changing conditions will be limited. In light of the agency's own acknowledgment/assumptions about climate change affecting the habitat availability for GRSG, it would have been a reasonable alternative to include some across-the-board adaptations (lowered livestock authorizations, for example) in this DLUPA/DEIS or to contextualize the grazing alternatives in this frame.

Comment ID: 1661
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat -- Identify existing grazing allotments where permanent retirement of the grazing privileges are feasible, and proceed with such retirements.

Comment ID: 2065
Organization: Wyoming Wool Growers Association
Name: Amy W. Hendrickson

Comment: We are concerned about, and object to, the language regarding permit renewals and the use of "Annual Operating Instructions" (AOI) and as a tool in assessing or evaluating range land health. AOIs are cooperatively agreed to each year as a strategy for an operation's grazing management and are not used to determine whether range land health standards are met. We strongly object to the use of AOIs in this capacity. Furthermore, under newly adopted FS regulations, AOIs are no longer appealable by the permittee. We urgently request that this language be removed from the document.

Comment ID: 1325
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Subject to the enactment of the Taylor Grazing Act (TGA), public lands are included in grazing districts only if they are characterized as chiefly valuable for livestock grazing. Section 7 of the TGA authorizes the Secretary to classify lands for any other uses than the production of native grasses and forage plants. 43 U.S.C. § 315f. Here, where livestock grazing is a marginal activity with limited economic benefit and significant ecological risk, the lands of the NDFO are chiefly valuable for sage-grouse conservation. The DRMPA/DEIS fails to consider an alternative where these lands would be reclassified.

Comment ID: 1663
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Authorize no new water developments for diversion from spring or seep sources.

Comment ID: 1199
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Section 7 of the TGA permits the Secretary to re-examine and reclassify lands within a grazing district that are "more valuable or suitable for any other use" than for grazing livestock. Id. at § 315(f). No discussion of this has been provided in the DEIS.

Comment ID: 3116
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The 9-Plan should also consider and implement the following Lander RMP FEIS provisions: • Alternative B would prohibit salt or mineral supplements within 0.5 mile of riparian-wetland habitats to prevent livestock congregation at water sources. • Alternative D (BLM's Preferred) requires watershed monitoring including wetlands to verify the effectiveness of watershed protections" FEIS at 84. • Alternative D Record #6067 (Alternative D): No new range improvement projects within ½ mile of water and riparian-wetland areas. This proactive management practice will avoid providing perching locations for raptors, while hens and their broods are foraging. • Alternative D Record #6073 (Alternative D) prohibits placement of salt and mineral supplements, such as low moisture block supplements, in inappropriate areas to further conservation objectives. FEIS at 176. Supplements must be placed and handled in a manner designed to conserve, enhance, or restore greater sage- grouse habitat. This will minimize soil and vegetative damage caused by congregating livestock, which would negatively impact grouse foraging and disrupt nesting. FEIS at 388.

Comment ID: 3117

Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The 9-Plan should adopt Miles City DRMP Alternative B, Action 5: "Surface disturbing and disruptive activities would not be allowed in riparian and wetland areas." Miles City DRMP Action 7 for Alternative B states that "new livestock water developments (troughs or tanks) would be located at least 0.25 miles from riparian and wetland areas, waterbodies, and streams. DEIS 2-24 and 2-25. This should be expanded in the 9-Plan to include no new range improvement projects within ½ mile of water and riparian-wetland areas, so as to avoid providing perching locations for raptors, while hens and their broods are foraging. We also support the Miles City DRMP Alternative B provision ((4-139) prohibiting permanent facilities, roads, and other surfacedisturbing and disruptive activities in riparian areas, except to benefit watershed health or desired riparian vegetation.

Comment ID: 2839
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 30 in Table 2-1 breaks out various actions based on the alternative. We would note that item 2 under Alternative D is the only place the document addresses inholdings. We are puzzled as to why inholdings were not addressed in any of the other alternatives including the preferred alternative. We believe that this oversight should be remedied and item 2 under Alternative D be included in all of the other alternatives.

Comment ID: 2485
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-87 4.7.2 Assumptions: Is there a need to mention USFS guidance? The second bullet needs to be modified if the word "close" is going to be used in Alternative C. The other bullets may have to be modified due to the use of the word "close". Closing any livestock grazing in the TBNG would be going against any applicable plan on the TBNG, the Forest Service has permitted every allotment and found them all to be meeting plan objectives for vegetative health.

Summary: Issue #1: Action 30 in Table 2-1: The document should address inholdings under all the alternatives. Inholding are currently only addressed under Alternative D. Issue #2: Action 48 in Table 2-1, Alternative E: This language directly conflicts with the provisions of Wyoming Governor's Executive Order 2013-3, which has been accepted by the Wyoming BLM. In addition, specific to the Forest Service, we object to the use of Annual Operating Instructions as a vehicle for incorporating sage-grouse habitat objectives and management considerations. This objection arises from the fact that, under newly adopted Forest Service regulations, AOIs are no longer appealable by the permittee. We recommend the language in Alternative D also apply to Alternative E, for this action. Issue #3: Section 7 of the Taylor Grazing Act permits the Secretary to re-examine and reclassify lands within a grazing district that are "more valuable or suitable for any other use" than for grazing livestock. Id. at § 315(f). No discussion of this has been provided in the Draft EIS. Issue #4: The Draft EIS should include the following management prescriptions— In sage-grouse general habitat: • Institute 25% grazing utilization standard on existing allotments while meeting objectives for sagegrouse habitat conditions. • Ensure new or rehabilitated water developments are designed to use best management practices to limit and mitigate potential impacts from the West Nile virus. • Authorize no new water developments for diversion from spring or seep sources. • Identify existing grazing allotments where permanent retirement of the grazing privileges are feasible, and proceed with such retirements. Issue #5: Subject to the enactment of the Taylor Grazing Act (TGA), public lands are included in grazing districts only if they are characterized as chiefly valuable for livestock grazing. Section 7 of the

TGA authorizes the Secretary to classify lands for any other uses than the production of native grasses and forage plants. 43 U.S.C. § 315f. The Draft EIS fails to consider an alternative where these lands would be reclassified. Issue #6: If monitoring and habitat assessments and changes only occur as part of site-specific grazing decisions, the chance to "adapt" to changing conditions will be limited. In light of the agency's own acknowledgment/assumptions about climate change affecting the habitat availability for Greater Sage-Grouse, it would have been a reasonable alternative to include some across-theboard adaptations (e.g., lowered livestock authorizations) in the Draft EIS. Issue #7: Page 4-87 4.7.2 Assumptions: Is there a need to mention Forest Service guidance? The second bullet needs to be modified if the word "close" is going to be used in Alternative C. The other bullets may have to be modified due to the use of the word "close." Closing any livestock grazing in the TBNG would be going against any applicable plan on the TBNG, the Forest Service has permitted every allotment and found them all to be meeting plan objectives for vegetative health. Issue #8: Page 4-92, third paragraph: Allotments managed by the BLM within sage-grouse priority habitat not meeting the Wyoming Standards for Rangeland Health due, in part, to existing livestock grazing, would require a 20-30% forage allocation reduction for livestock on these allotments under this alternative compared to Alternative A. - This management action (44) makes no sense at all, since most instances where rangeland health standards are not being met due to livestock grazing relate to Standard #2 (riparian/wetland health), and reducing forage use will not solve this management issue. The two most common actions to resolve this management issue are to either fence out with off-site water development, which is primarily used for point water sources, or to change the season of use to cool season in the spring or fall, which ultimately eliminates all or most livestock use during the growing season for riparian plant species and occurs when livestock will use uplands more and not concentrate as much in riparian habitat. These approaches have been implemented widespread across Wyoming for the past 20 years or more and should be the focus of improving management, rather than the one-size fits all approach of reducing livestock use. Issue #9: The Draft LUP Amendments/Draft EIS fails to take a "hard look" at a range of alternatives for livestock grazing. In fact, the only alternatives that reduce or eliminate grazing in the planning area are Alt. C and they take an "all or nothing" approach. Alt. C would make core area Greater Sage- Grouse habitat unavailable to grazing but the Draft LUP Amendments/Draft EIS doesn't analyze how many AUM this is. The EIS only provides unsupported and conclusory statements as to effect with no quantified analysis. Issue #10: Management Action 49 (p. 2-39 - 2-42) requires clarification. It states, " ... Annual Operating Instructions would be used to evaluate progress toward achieving land health standards in sage-grouse core habitat areas ..." This statement should be removed because Annual Operating Instructions are not used to evaluate land health standards. They are used to help direct agreed upon management of the grazing operation for that year. In addition, similar to my comment above, if grazing is identified as the reason for not meeting sage-grouse conservation objectives, then EO-20 13-3 will be implemented. Issue #11: The 9-Plan should also consider and implement the following Lander RMP Final EIS provisions: -Alternative B would prohibit salt or mineral supplements within 0.5 mile of riparian-wetland habitats to prevent livestock congregation at water sources. -Alternative D (BLM's Preferred) requires watershed monitoring including wetlands to verify the effectiveness of watershed protections" Final EIS at 84. -Alternative D Record #6067 (Alternative D): No new range improvement projects within ½ mile of water and riparian-wetland areas. This proactive management practice will avoid providing perching locations for raptors, while hens and their broods are foraging. -Alternative D Record #6073 (Alternative D) prohibits placement of salt and mineral supplements, such as low moisture block supplements, in inappropriate areas to further conservation objectives. Final EIS at 176. Supplements must be placed and handled in a manner designed to conserve, enhance, or restore greater sage- grouse habitat. This will minimize soil and vegetative damage caused by congregating livestock, which would negatively impact grouse foraging and disrupt nesting. Final EIS at 388. The 9-Plan should adopt Miles City Draft RMP Alternative B, Action 5: "Surface disturbing and disruptive activities would not be allowed in riparian and wetland areas." -Miles City Draft RMP Action 7 for Alternative B states that "new livestock water developments (troughs or tanks) would be located at least 0.25 miles from riparian and wetland areas, waterbodies, and streams. Draft EIS 2-24 and 2-25. This should be expanded in the 9-Plan to include no new range improvement projects within ½ mile of water and riparian-wetland areas, so as to avoid providing

perching locations for raptors, while hens and their broods are foraging. We also support the Miles City Draft RMP Alternative B provision ((4-139) prohibiting permanent facilities, roads, and other surface-disturbing and disruptive activities in riparian areas, except to benefit watershed health or desired riparian vegetation.

Response: Issue #1: BLM realty rights of way do not apply to non-federal inholdings. Issue #2: The actions included in Action 48, Table 2-1, Alternative E, do not conflict with the Wyoming Governor's Executive Order 2013-3. The Executive Order specifically provides for actions related to livestock grazing to achieve Greater Sage-Grouse conservation objectives. Management Action 48 provides that these actions would be taken "as appropriate," providing for compliance with the Executive Order. It is correct that AOIs simply implement the NEPA decision/Allotment Management Plan and are not appealable. What is appealable is an action (e.g., suspension or cancellation) taken due to a violation of the terms and conditions of the permit. Issue #3: The BLM did consider making sage-grouse priority habitat unavailable to livestock grazing under Alternative C. This would have substantially similar effects to the alternative suggested. Issue #4: The management prescriptions listed in the comment are included in the range of alternatives in the Draft EIS and were analyzed in Chapter 4 of the Draft EIS. The final decision on these specific management actions will be made in the Record of Decision after completion of the land use planning and public involvement processes. Issue #5: The comment is beyond the scope of this planning effort. In addition, the action proposed is not responsive to the purpose and need for the project. Issue #6: Actions that reduce grazing in sage-grouse habitat were considered under Alternatives B and C. Alternative B proposes a light grazing strategy for allotments within sage-grouse priority habitat that do not meet Standards for Rangeland Health. Alternative C proposes a prohibition on livestock grazing within sage-grouse priority habitat. Issue #7: The assumptions included in Section 4.7.2 of the Draft LUP Amendments/Draft EIS are appropriate and accurate. Prohibiting livestock grazing in sage-grouse priority habitats under Alternative C does not affect the accuracy of the assumptions. If Alternative C, or components therein, was selected as the Approved LUP Amendment, it would amend the Land and Resource Management Plan for the TBNG. Issue #8: It is reasonable to consider an alternative that reduces grazing use to 20-30% in allotments that do not meet the Standards for Rangeland Health due to livestock grazing. The management action is not intended to apply specifically to riparian areas. Drawbacks to this alternative are presented in the impact analysis. Issue #9: The Draft EIS analyzes a reasonable range of alternatives for livestock grazing management. Both Alternative B and C propose reductions in livestock grazing use. Alternative B proposes a light grazing management strategy for allotments within sage-grouse priority habitats that do not meet Standards for Rangeland Health. Alternative C proposes a prohibition of livestock grazing within sage-grouse priority habitat. The other alternatives propose various levels of restrictions on livestock grazing. All of these management actions/alternatives were analyzed in Chapter 4 of the Draft EIS. The number of AUMs that would be affected by the grazing prohibition included under Alternative C are disclosed in the impacts analysis (see Chapter 4, Section 4.7). Issue #10: Management Action #49 has been revised in the Final EIS to remove the reference to Annual Operating Instructions. The new BLM text is: "The BLM monitoring policies would be used to evaluate progress toward achieving land health standards within sage-grouse core and connectivity habitat areas and, where not achieved, to determine if existing grazing management practices or levels of grazing use on public lands are significant factors in failing to meet, maintain, or make progress towards achieving the standards and conform with the guidelines, which through this process will identify appropriate actions to address non-achievement and non-conformance. Allotments within SFAs, followed by those within PHMAs, and focusing on those containing riparian areas, including wet meadows, will be prioritized for field checks to help ensure compliance with the terms and conditions of the grazing permits. Field checks could include monitoring for actual use, utilization, and use supervision. The BLM will prioritize (1) the review of grazing permits/leases, in particular to determine if modification is necessary prior to renewal, and (2) the processing of grazing permits/leases in SFAs followed by PHMAs outside of the SFAs. In setting workload priorities, precedence will be given to existing permits/leases in these areas not meeting Land Health Standards, with focus on those containing riparian areas, including wet meadows. The BLM may use other criteria for prioritization to respond to urgent natural resource

concerns (e.g., fire) and legal obligations." The new Forest Service text is "GRSG-LG-GL-001-Guideline - Grazing guidelines in Table 2-6 should be applied in each of the seasonal habitats as displayed. If values in Table 2-6 cannot be achieved based upon a site-specific analysis using Ecological Site Descriptions, long-term ecological site capability analysis, or other similar analysis, adjust grazing management to move towards desired habitat conditions in Table 2-5 consistent with the ecological site capability. Do not use drought and degraded habitat condition to adjust values. Grazing guidelines in Table 2-6 would not apply to isolated parcels of National Forest System lands that have less than 200 acres of Greater Sage- Grouse habitat." Issue #11: Several measures/restrictions regarding livestock range improvements are included in management action #53 in Chapter 2 of the Draft LUP Amendments/Draft EIS. These restrictions combined with other actions/restrictions currently included in the existing land use plans will provide appropriate protections to riparian areas and sage-grouse habitat, while maintaining management flexibility for livestock grazing operations.

Livestock Grazing

Range of alternatives

Language under Alternative E should be revised

Comment ID: 1002
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: In Chapter 2, under the Livestock Grazing Management actions, Alternative E references Alternative A (i.e., Management Action 44). I encourage the BLM and to consider referencing EO 2011-5 and EO 2013-3 in addition to Alternative A. Alternative A requires the BLM and USFS to determine causal factors before making changes to grazing management. If it is the intent to adjust grazing management to address GSG or its habitat, then EO-20 13-3 should be implemented. It must be clear that making changes to achieve standards is part of the existing process; however, if changes are made due to GSG, the process outlined in EO 2013-3 is supported (see Management Action 3, p. 2- 15).

Comment ID: 1989
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Riparian Area Management: The discussion on riparian area management (Action Number 55) focuses on achieving a balance between grazing of riparian habitats and upland habitats. We support this balance. Under alternative D there is recognition that the range of grazing management strategies includes livestock, wildlife and wild horses. WSGA requests that this recognition be incorporated into Alternative E.

Comment ID: 2487
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-994.7.7 Alternative E: Third paragraph: The paragraph should include some mention of a cooperative way to develop the partnerships with permittees in the TBNG " ... site-specific sagegrouse habitat objectives and management objectives ... evaluating ... core habitat ... " to modify grazing allotments when up for renewal.

Comment ID: 2897
Organization: Eagle Ridge Ranch

Name: Hustace Scott

Comment: I prefer Alternative E, with the following comments. Under Grazing, there are no comments about the details of the grazing goal to improve Sage-grouse habitat. In Wyoming, a major limiting factor is the survival of the chicks in the first two weeks after hatch. This is the time period when the chicks need insects to be a major (80-90%) portion of their food. Increasing forb production is the proven best way to increase insect diversity, and thus food for the chicks. If an emphasis on forb production were in the plan, then grazing plans could be developed that would address a major limiting factor for Sage-grouse. The best way to increase forb production is to rotationally graze. As the 2003 Wyoming Sage-grouse Conservation Plan states, season long grazing should be avoided. I realize that the BLM has an institutional dislike of rotational grazing, but this EIS should address what is good for Sage-grouse.

Comment ID: 2844
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 45 in Table 2-1 discusses how the Agencies will work cooperatively with landowners to develop integrated operations where allotments can be planned as single units. We support efforts by the Agencies to work cooperatively with permittees as long as the landowner is not placed at a disadvantage by the Agencies. The difference in size of resources between the two entities is significant and most landowners cannot afford to challenge an federal agency should that agency decide to use "bullying" tactics under the guise of cooperation. Item 46 in Table 2-1 under Livestock Grazing Permit Monitoring discusses actions under the alternatives that will be employed by the Agencies. Alternative A is the directing action for all alternatives with B, C and D modifying these actions. Alternative E adopts the actions under Alternative A. We note that in the Newcastle RMP the BLM will make adjustments in livestock grazing use as a result of monitoring and consultation with grazing permittees. We request that this process be adopted for all of the BLM RMPs in the 9 plan as well as the Forest Service. This process would engender a much closer relationship between the grazing operators and the Agencies. As an aside, it is our understanding that BLM ground in some areas of the state are administered under Section 15 of the Taylor Grazing Act and as such livestock owners are identified as leasees.

Comment ID: 2223
Organization: Thunder Basin Grazing Association (TBGA)
Name: Frank G., Jr. Eathorne

Comment: The Association encourages full incorporation of the grazing adjustment supplement (WY EO 2013-3) into Appendix E. This supplement was developed in partnership with key stakeholders and affirms that proper grazing management can maintain or enhance Wyoming rangelands which support viable sage-grouse populations. The final alternative should incorporate the resulting framework for evaluating situations where conservation objectives are not being achieved to determine if improper grazing is part of the cause. In addition, the final alternative should clarify that not achieving healthy rangelands doesn’t necessarily create a threatened condition for sage-grouse.

Comment ID: 2215
Organization: Thunder Basin Grasslands Prairie Ecosystem Association
Name: Frank G., Jr. Eathorne

Comment: The Association encourages full incorporation of the grazing adjustment supplement (WY EO 2013-3) into Appendix E. This supplement was developed in partnership with key stakeholders and affirms that proper grazing management can maintain or enhance Wyoming rangelands which support viable sage-grouse populations. The final alternative should incorporate the resulting framework for evaluating

situations where conservation objectives are not being achieved to determine if improper grazing is part of the cause. In addition, the final alternative should clarify that not achieving healthy rangelands doesn't necessarily create a threatened condition for sage-grouse.

Summary: Issue #1: In Wyoming, a major limiting factor is the survival of the chicks in the first two weeks after hatch. This is the time period when the chicks need insects to be a major (80-90%) portion of their food. Increasing forb production is the proven best way to increase insect diversity, and thus food for the chicks. If an emphasis on forb production were in the plan, then grazing plans could be developed that would address a major limiting factor for sage-grouse. The best way to increase forb production is to rotationally graze. As the 2003 Wyoming Sage-grouse Conservation Plan states, season long grazing should be avoided. I realize that the BLM has an institutional dislike of rotational grazing, but this EIS should address what is good for sage-grouse. Issue #2: Action 46 in Table 2-1: Alternative A is the directing action for all alternatives with B, C and D modifying these actions. Alternative E adopts the actions under Alternative A. We note that in the Newcastle RMP, the BLM will make adjustments in livestock grazing use as a result of monitoring and consultation with grazing permittees. We request that this process be adopted for all of the BLM RMPs in the 9 plan as well as the Forest Service. This process would engender a much closer relationship between the grazing operators and the agencies. Issue #3: We encourage full incorporation of the grazing adjustment supplement (WY EO 2013-3) into Appendix E. This supplement was developed in partnership with key stakeholders and affirms that proper grazing management can maintain or enhance Wyoming rangelands which support viable sage-grouse populations. The final alternative should incorporate the resulting framework for evaluating situations where conservation objectives are not being achieved to determine if improper grazing is part of the cause. In addition, the final alternative should clarify that not achieving healthy rangelands doesn't necessarily create a threatened condition for sage-grouse. Issue #4: Action 44: A reference to EO 2011-5 and EO 2013-3 should be included in addition to the reference to Alternative A. Alternative A requires the BLM and Forest Service to determine causal factors before making changes to grazing management. If it is the intent to adjust grazing management to address sage-grouse or its habitat, then EO-20 13-3 should be implemented. It must be clear that making changes to achieve standards is part of the existing process; however, if changes are made due to sage-grouse, the process outlined in EO 2013-3 is supported. Issue #5: Under Alternative D there is recognition that the range of grazing management strategies includes livestock, wildlife and wild horses. WSGA requests that this recognition be incorporated into Alternative E.

Response: Issue #1: The range of grazing practices and restrictions on grazing activities analyzed in the Draft EIS will serve to help conserve sage-grouse habitat. Specifically, the sage-grouse conservation strategy included in Alternative E will conserve sage-grouse habitat and prevent listing of Greater Sage-Grouse under the Endangered Species Act while allowing for appropriate levels of resource use across the planning area. The BLM and Forest Service developed Alternative E based on the Wyoming Executive Order (WY EO 2011-5) Core Area Strategy, BLM WY IM 2010-012, BLM WY IM 2012-019, BLM WO IM 2012-044, National Technical Team report, and best available science; and based on input from the USFWS, State of Wyoming, cooperating agencies, and the public to create a management approach to both protect sage-grouse and allow for multiple use of public lands. The combination of surface disturbance restrictions, timing limitations, limits on density of development, and other management will meet the purpose and need of the planning effort and allow the continued existence of the Greater Sage-Grouse in Wyoming. Issue #2: Consultation, coordination, and cooperation with affected livestock grazing permittees, the state managing lands or resources in the area, and the interested public is codified in the grazing regulations at 43 CFR 4100 and is standard practice in all field offices. Issue #3: Appendix E regards fluid mineral stipulations. It is not appropriate to incorporate EO 2013- 3, which discusses livestock grazing, into this appendix. Issue #4: EO 2013-3 does not outline any specific process for incorporating changes in grazing management to address sage-grouse habitat or the Wyoming Standards for Rangeland Health. EO 2013-3 does provide for collaboration between the state and federal agencies, which would be conducted in accordance with the grazing regulations at 43 CFR 4100. Issue #5: We acknowledge the

suggested change to Alternative E. Based on public comment and the analysis contained in the Draft EIS, the BLM and Forest Service will make the final decision on the Approved LUP Amendments in the Record of Decision.

Livestock Grazing

Range of alternatives

Livestock trailing should not be restricted without careful consideration

Comment ID: 2070
Organization: Wyoming Wool Growers Association
Name: Amy W. Hendrickson

Comment: The discussion of livestock trailing is a major concern to the WWGA. The use of livestock trails is essential to sheep producers. Many of the livestock trails in use today have been in existence since before either the Taylor Grazing Act or the creation of BLM, - in some cases even before the creation of the WWGA. Any changes in their use could be economically detrimental to Wyoming's sheep industry. Closure of or limited use of livestock trails should be carefully considered and only implemented in rare circumstances, and only following extensive collaboration with the parties that use the trail. The impact that a closure would have on users must be given priority consideration. This must be incorporated into the plan amendments.

Summary: Many of the livestock trails in use today have been in existence since before either the Taylor Grazing Act or the creation of BLM. Any changes in their use could be economically detrimental to Wyoming's sheep industry. Closure of or limited use of livestock trails should be carefully considered and only implemented in rare circumstances, and only following extensive collaboration with the parties that use the trail. The impact that a closure would have on users must be given priority consideration and should be incorporated into the Draft EIS.

Response: All proposed decisions included in the Draft LUP Amendments/Draft EIS were carefully considered by the BLM and Forest Service. Similarly, the BLM and Forest Service will carefully consider any final decisions included in the Record of Decision and the implementation of those decisions. The BLM and Forest Service realize there are implications and potential adverse effects associated with all decisions included in the LUP Amendments. The goal is to minimize those impacts while providing for sage-grouse conservation and the needs of other resource values and uses.

Livestock Grazing

Range of alternatives

Manage livestock grazing consistent with Executive Order 2013-3

Comment ID: 2975
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: We encourage the full integration of Wyoming Executive Order 2013-3 (Greater Sage-Grouse Core Area - Grazing Adjustments) into Alternative E. This supplemental to the original EO, which is already incorporated into the Plan, affirms that proper grazing management practices "maintain or enhance Wyoming rangelands" and that such lands are "capable of sustaining viable Greater Sage-Grouse populations" and those plant species on which sage-grouse rely. In order to sustain this assessment, the EO requires the State to work collaboratively with the appropriate federal agencies to ensure an appropriate

framework is in place that will achieve designated greater sage-grouse conservation objectives within the framework. Moreover, there must be clarification in the final document that not achieving healthy rangeland standards and guidelines does not necessarily equate to a threatened condition for greater sagegrouse. While such an occurrence may be possible, there are examples- the proliferation of wild horses or air quality concerns- that are beyond the control of the permittee/lessee despite evidence of the permittee/lessee adopting and practicing such standards. We suggest the determination for any causal factors potentially posing a threat to greater sagegrouse related to livestock grazing be left to existing, established protocols emerging as a byproduct of the collaborative framework outlined in EO 2013-3.

Summary: We encourage the full integration of Wyoming Executive Order 2013-3 (Greater Sage-Grouse Core Area - Grazing Adjustments) into Alternative E. This supplemental to the original EO, which is already incorporated into the LUP Amendments, affirms that proper grazing management practices "maintain or enhance Wyoming rangelands" and that such lands are "capable of sustaining viable Greater Sage-Grouse populations" and those plant species on which sage-grouse rely. In order to sustain this assessment, the EO requires the state to work collaboratively with the appropriate federal agencies to ensure an appropriate framework is in place that will achieve designated Greater Sage-Grouse conservation objectives within the framework. Moreover, there must be clarification in the final document that not achieving healthy rangeland standards and guidelines does not necessarily equate to a threatened condition for greater sagegrouse. While such an occurrence may be possible, there are examples- the proliferation of wild horses or air quality concerns- that are beyond the control of the permittee/lessee despite evidence of the permittee/lessee adopting and practicing such standards. We suggest the determination for any causal factors potentially posing a threat to Greater Sage- Grouse related to livestock grazing be left to existing, established protocols emerging as a by-product of the collaborative framework outlined in EO 2013-3.

Response: Alternative E incorporates the guidance from BLM IM WY-2010-012, the Wyoming Governor’s Executive Order (WY EO 2011-05) and additional management based on the NTT recommendations. This alternative emphasizes management of sage-grouse seasonal habitats and maintaining habitat connectivity to support population objectives set by the WGFD. This guidance is consistent with guidelines provided in the Governor’s Sage-Grouse Implementation Team’s Core Population Area strategy and the Governor’s Executive Order (WY EO 2011-05). The combination of surface disturbance restrictions, timing limitations, limits on density of development, and other management included under Alternative E will meet the purpose and need of the LUP and allow the continued existence of Greater Sage-Grouse in Wyoming. Appendix G of the Draft LUP Amendments/Draft EIS shows all the livestock grazing allotments that are not meeting the Standards for Rangeland Health. The appendix also recognizes that in many cases livestock grazing is not the causal factor, which is specifically noted in the appendix.

Livestock Grazing

Range of alternatives

Manage livestock grazing while giving equal consideration to other resource values and uses

Comment ID: 746
Organization:
Name: Peri Newman

Comment: I like horses, grouses, and cows. However, I like and would like to see them all protected equally. Therefore, it would be awesome if you guys could make decisions to make that happen. Cows are fine within limit, and so is everything else on this planet. However, not every animal else has governmental protection. May I suggest you read Vonnegut's Galapagos?

Comment ID: 385

Organization:
Name: Janet Lynch

Comment: Livestock grazing is only one of many uses allowed on the public lands under BLM Wyoming's jurisdiction, and to comply with the 1976 FLPMA, the agency may not prioritize one use to the exclusion of all others. Yet in practice, that is exactly what BLM Wyoming is doing. Specifically, the BLM allocates 47 times more forage to privately-owned livestock than to federally-protected wild horses in this planning area. This practice and its resulting environmental degradation leads to the exclusion of all other enumerated multiple uses, including wildlife and endemic species conservation, recreational uses and more. This is both illegal and unacceptable.

Comment ID: 2850
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Alternative A also has an extensive list of criteria in the BTNF LRMP which totally ignores livestock needs in favor of wildlife needs. We feel this clearly shows a bias by the Forest for one multiple use over another and feel both uses need to be provided equal weight. The discussion of range improvements on the MBNF appears to stray into a number of other uses such as recreation, logging etc. We question the appropriateness of analyzing these activities under the title of range improvements. Alternative B appears to use the "benefit sage-grouse" yard stick to measure all range improvements in priority habitat. We feel this is not appropriate as a management strategy. Alternative C even goes further in requiring peer reviewed studies to determine whether an action is allowed. This will virtually guarantee "analysis paralysis" which has been inflicted upon agencies in the past which has contributed to unhealthy conditions. We strongly reject this action alternative.

Comment ID: 2853
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 95 in Table 2-1 discusses vegetation treatments focusing on controlled burns. Under Alternative C no vegetation treatments would be allowed if in priority or general sage-grouse habitat unless it solely benefited sage-grouse. Again we do not feel this is appropriate multiple use management and urge the Agencies to reject such proposals. Item 97 in Table 2-1 discusses management actions in vegetation treatment areas. Under Alternative A in the Green River RMP it discusses fencing of these areas. It seems that the document is on both sides of the fence, so to speak, with this requirement. In much of the document the Agencies seem to be advancing the idea that fences should be removed, yet in this particular situation, they are advocating for fences. We believe that fences should be utilized to advance the overall ease of management actions both for the Agencies as well as livestock. Alternative E requires that treated areas be rested from grazing for at least 2 years. Later in the document the Agencies indicate that they would consider resting areas until sage brush is reestablished. This process could take a significant amount of time which could impact the livestock operator significantly. We feel the Agencies should work with the livestock operator to develop a rest program that is beneficial to both parties. Alternative B discusses long term removal of livestock in response to a burn. This action should be taken in cooperation and consultation with permittees since a long term removal will have a significant impact on the operators management. We do not support a long term removal as a matter of course in these types of situations.

Summary: Livestock grazing is only one of many uses allowed on the public lands under BLM Wyoming's jurisdiction; and to comply with the 1976 FLPMA, the agency may not prioritize one use to the exclusion of all others. Yet in practice, that is exactly what BLM Wyoming is doing. Specifically, the BLM allocates 47 times more forage to privately-owned livestock than to federally-protected wild horses in this planning

area. This practice and its resulting environmental degradation leads to the exclusion of all other enumerated multiple uses, including wildlife and endemic species conservation, recreational uses and more. This is both illegal and unacceptable. Alternative A also has an extensive list of criteria in the BTNF LRMP that ignores livestock needs in favor of wildlife needs. This shows a bias by the Forest Service for one multiple use over another; both uses need to be provided equal weight.

Response: Forage for livestock use is allocated through the issuance of AUMs on an allotment basis. Livestock grazing is not prioritized to the exclusion of all other uses. To ensure healthy rangeland habitat and appropriate amounts of forage for all species, the BLM requires the implementation of specific grazing practices that lead to achieving the Wyoming Standards for Rangeland Health. Based on land health assessments or long-term vegetation monitoring, the BLM and Forest Service can adjust forage allocation levels for livestock grazing use and require changes to other grazing practices on an as needed basis. The agencies will also prioritize review of grazing permits and leases within priority habitat and incorporate terms and conditions to meet habitat objectives.

Livestock Grazing

Range of alternatives

Management actions for livestock grazing do not change management in a way that provides habitat for sage-grouse

Comment ID: 1359
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 53 states that in sage grouse habitat "existing range improvements would continue to be evaluated and modified when necessary" but nothing within any of the current RMPs require that existing range improvements be "evaluated and modified when necessary". While the current RMPs state such things as "existing fences would be eliminated or modified to reduce conflicts on a case-bycase basis" but because the RMP does not actually require this, it been implemented. Without a clear requirement and timeframe to achieve the requirement this cannot be seen as an effective regulatory mechanism. This same basic flaw applies to action 57.

Comment ID: 1355
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 47 is very telling in that only alternative C has the objective that lands be managed to their ESD potential, all other alternatives state "no similar action".

Comment ID: 1352
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 44 maintains the status quo for livestock grazing management. No changes, requirements or limitations are added to the direction that has been in place for least 15 years which has done little if anything to provide for sage grouse habitat. In addition, as we have discussed previously the appropriations rider has been abused for years by the BLM for nearly all permit renewals resulting in no changes to livestock management. Even worse, when the BLM actually completes standards and guidelines assessments it does not examine the condition of sage grouse habitat. For instance, in two recent standards and guidelines assessments on the Pinedale field office, the Boulder Landscape and the James Ryegrass,

determine that the areas in question, that Rangeland Health Standards are being met but in both cases there had been a near total conversion from mid-stature cool season bunchgrasses to short stature grazing tolerant species. The effects of this conversion on sage grouse habitat were entirely ignored.

Comment ID: 1360
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 55 provides that "grazing between riparian habitats and upland habitats would be balanced" but provides no actual requirements to meet sage grouse habitat needs.

Comment ID: 1353
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 45 proposes to "work cooperatively…. to develop voluntary grazing management strategies". Again this is not a regulatory mechanism to protect sage grouse.

Summary: The management actions for livestock grazing do not provide actual requirements to meet sagegrouse habitat needs. The Preferred Alternative essentially continues current management for livestock grazing that has been in place for least 15 years and has done little, if anything, to provide for sage-grouse habitat. In addition, when the BLM actually completes standards and guidelines assessments, it does not examine the condition of sage-grouse habitat.

Response: The issue raised in the comment is specifically addressed in Management Action #48 in Chapter 2 of the Draft LUP Amendments/Draft EIS. This action will ensure that sage-grouse habitat objectives and management considerations are incorporated into all BLM and Forest Service grazing allotments, which could result in changes to grazing management practices, if needed, to help conserve sage-grouse habitat. The desired conditions for sage-grouse seasonal habitat that are displayed in Seasonal Habitat Desired Condition tables in the Final EIS. In completing assessments of whether allotments meet the Standards for Rangeland Health, sage-grouse habitat is considered specifically in relation to Standard #4, which relates to wildlife habitats and specifically to habitats for threatened species, endangered species, species of special concern, or sensitive species. The agencies will also prioritize review of grazing permits and leases within priority habitat and incorporate terms and conditions to meet habitat objectives.

Livestock Grazing

Range of alternatives

Proposed grazing restrictions violate the Taylor Grazing Act

Comment ID: 2114
Organization: Public Lands Council and National Cattlemen’s Beef Association
Name: Dustin Van Liew

Comment: Adoption of the Proposed Amendments to Rangeland Management Standards and Guidelines and Limitations on Land Treatments, Water Developments, and Structural Developments and Improvements Would Violate the Taylor Grazing Act. Put simply, the TGA places limits on BLM’s discretion to devote grazing districts for purposes other than grazing and, in proposing sage-grouse specific management standards and guidelines, BLM is crossing the bounds of its discretion. The proposal is also inconsistent with Federal Land Management and Policy Act’s (FLPMA) focus on “multiple use” and “sustained yield” principles. The purpose of the TGA is to establish grazing as the primary, dominant use

on public rangelands, and FLPMA does not undermine that purpose. BLM's proposed amendments to the LUPs/RMPs, in effect, threaten to shift the primary use of lands within grazing districts from livestock grazing to sage-grouse conservation. To be clear, PLC and NCBA do not believe that livestock grazing and sage-grouse conservation are mutually exclusive. To the contrary, a robust grazing program actually ensures the health of sage-grouse habitat.

Comment ID: 2118
Organization: Public Lands Council and National Cattlemen's Beef Association
Name: Dustin Van Liew

Comment: Adoption of the Proposed Consideration of Permanent Grazing Permit Retirements Would Violate the Taylor Grazing Act. BLM may not permanently retire grazing permits that are subject to preference under the Taylor Grazing Act. See Office of the Solicitor, U.S. Dept. of Interior, Memorandum Regarding Retirement of Grazing Lands, M-37008 (May 13, 2003). Conversely, BLM "may suspend active use in whole or in part on a temporary basis" only when, for example, "use exceeds the livestock carrying capacity." 43 C.F.R. § 4110.3-2(b). However, a grazing preference may not be permanently retired absent un-designation of land as "chiefly valuable for grazing." This would allow the area to be closed to grazing even if there were no negative impacts to sage-grouse or if grazing provided long term benefits to sage-grouse habitat. It is difficult to see how this proposed action would be a conservation measure which will address a threat to sage-grouse or its habitat.

Summary: Adoption of the proposed consideration of permanent grazing permit retirements would violate the Taylor Grazing Act. BLM may not permanently retire grazing permits that are subject to preference under the Taylor Grazing Act. See Office of the Solicitor, U.S. Dept. of Interior, Memorandum Regarding Retirement of Grazing Lands, M-37008 (May 13, 2003). Conversely, BLM "may suspend active use in whole or in part on a temporary basis" only when, for example, "use exceeds the livestock carrying capacity." 43 C.F.R. § 4110.3-2(b). However, a grazing preference may not be permanently retired absent un-designation of land as "chiefly valuable for grazing." Adoption of the proposed amendments that limit grazing practices, land treatments, and range improvements would violate the Taylor Grazing Act. The Taylor Grazing Act places limits on BLM's discretion to devote grazing districts for purposes other than grazing, and in proposing sage-grouse specific management standards and guidelines, BLM is crossing the bounds of its discretion. The proposal is also inconsistent with FLPMA's focus on "multiple use" and "sustained yield" principles. BLM's proposed amendments to the LUPs, in effect, threaten to shift the primary use of lands within grazing districts from livestock grazing to sage-grouse conservation.

Response: The management actions included in the Draft LUP Amendments/Draft EIS are in compliance with all laws, statutes, and regulations.

Livestock Grazing

Range of alternatives

Reclassify lands within grazing districts

Comment ID: 338
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: In addition to enshrining the consideration of livestock permit retirement on a voluntary basis in the RMP amendment, The Taylor Grazing Act gives federal agencies the authority to re-examine and reclassify lands within a grazing district that are "more valuable or suitable for any other use" than for grazing livestock. 43 U.S.C. § 315(f). The BLM's sage grouse plan amendment process provides an ideal

vehicle for the Secretary to make a new determination that all existing sage-grouse habitat (or a subset of extant habitat – e.g., preliminary priority habitat or preliminary general habitat) is not "chiefly valuable for grazing," and thus modify existing grazing districts to excise these areas. Through this same process, the Secretary may separately determine that these same areas are "chiefly valuable" for sage grouse protection and conservation. This should be accomplished as part of the Wyoming RMP amendment process.

Summary: The Taylor Grazing Act gives federal agencies the authority to re-examine and reclassify lands within a grazing district that are "more valuable or suitable for any other use" than for grazing livestock. 43 U.S.C. § 315(f). The BLM's sage-grouse plan amendment process provides an ideal vehicle for the Secretary to make a new determination that all existing sage-grouse habitat (or a subset of extant habitat – e.g., preliminary priority habitat or preliminary general habitat) is not "chiefly valuable for grazing," and thus modify existing grazing districts to excise these areas. Through this same process, the Secretary may separately determine that these same areas are "chiefly valuable" for sage-grouse protection and conservation. This should be accomplished as part of the Wyoming RMP amendment process.

Response: The comment is beyond the scope of this planning effort. In addition, the action proposed is not responsive to the purpose and need for the project. Please see other comment responses regarding relinquishment of grazing permits.

Livestock Grazing

Range of alternatives

Reduce grazing on public lands.

Comment ID: 1806
Organization:
Name: Marla Jones

Comment: Also, I would like to see more bison ranching and less cattle ranching. Although they may look similar, their behaviors and therefore effects on the landscape are distinctly different. In the areas of the American west that originally fostered significant bison populations, I'd like to see that again rather than cattle.

Comment ID: 1194
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Just as reducing automobile emissions represents an incremental step in addressing climate change, so does reducing emissions and other impacts of livestock grazing. A recent study recommends removing or reducing livestock grazing across large areas of public lands in order to eliminate this long-term stressor and make the lands less susceptible to the effects of climate change. The DLUPA/DEIS is required to consider livestock grazing in this context.

Comment ID: 324
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Livestock grazing also leads to cheatgrass invasion, as overgrazing eliminates native bunchgrasses and degrades biological soil crusts, both of which represent the ecosystem's natural defenses against this invasive weed (Reisner et al. 2013, Attachment 18). The plan amendment must implement measures that will reverse this trend with ironclad certainty. In order to minimize the spread of cheatgrass,

livestock forage removal limits need to be set under the RMP amendment, allowing no more than 25% of the available forage to be consumed each year. Widespread devastation of rangeland (and more pertinently to this amendment, sage grouse habitat) and loss of habitat value can be wrought by this invasive weed. BLM must restore degraded habitats by managing for elimination of cheatgrass from the system.

Comment ID: 1808
Organization:
Name: Marla Jones

Comment: The mining, drilling etc. operations are another consideration of course but as far as land use for animal ranching I would like to see bison being ranched in areas that they lived previously, and if an area can't tolerate a grazing animal population high enough to be profitable, then certainly some wind turbines and solar panels could be set up in it to bring in a continuous guaranteed income from a nonpolluting and completely reliable and constant resource.

Comment ID: 1131
Organization:
Name: Susan Galentine

Comment: Decrease the numbers of cattle and sheep devastating the natural resources, leave the wild horses, sage grouse, and other wildlife native to the environment free to exist as mother nature meant them to exist...without cattle...without sheep.

Comment ID: 1818
Organization:
Name: Marybeth Devlin

Comment: Because livestock-grazing is the major cause of Sage-Grouse habitat-loss, it should be classified as a Sage-Grouse disruptive activity. Further, because livestock outnumber wild horses in the Planning Area by a ratio of 50 to 1, BLM needs to ... 1. Reduce or close livestock-grazing in core / priority Sage-Grouse habitat, and / or 2. Reform the grazing regime by requiring permittees to practice Holistic Management. Number 1 might not be necessary if Number 2 were chosen. But BLM-Wyoming's Preferred Alternative E would do neither. Core / priority Sage-Grouse habitat would remain open to livestockgrazing at current levels. Retirements of grazing privileges would be voluntary -- as "an option" when permittees are willing to relinquish allotments. The ill-managed livestock-grazing would continue in its destructive ways, which . I urge BLM-Wyoming to implement Holistic Management of livestock-grazing in the Planning Area.

Comment ID: 1228
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: A recent study published in the Journal of Applied Ecology concludes that livestock grazing contributes to the domination of some western landscapes by cheatgrass, an invasive grass that both destroys sage-grouse habitat and increases the frequency of wildfire.29 To mitigate the spread of cheatgrass, the study suggests maintaining and restoring bunchgrasses and soil crusts, two ecological features that are quickly degraded under the hooves of livestock. Such mitigation would require the decrease or elimination of livestock grazing in the affected areas.

Comment ID: 2782
Organization:

Name: Sandy Baker

Comment: How about a reduction in livestock grazing which much more heavily impacts the environment than the grazing of wild mustangs.

Comment ID: 2803
Organization:
Name: TOM ELLIS

Comment: The sage grouse is an important and beautiful species and must be protected. Wild horses are not as destructive as cattle, nor are they as plentiful. Please restrict grazing of cattle on public lands.

Comment ID: 2954
Organization:
Name: Kristine Jusko

Comment: I Would like you to add to the Environmental Impact Statement (EIS), in all alternatives, the option to eliminate welfare livestock grazing leases. 3 . I expect and demand an analysis of all grazing allotment in the EIS process. 6. I require that land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats.

Comment ID: 2779
Organization:
Name: Val West

Comment: You need to look at the over grazing by herds of cattle and sheep that are introduced to these areas. Maybe a healthy cut back in BLM grazing rights is in order. I think the number of permits for grazing to livestock is too high. Maybe less livestock or less permits are in order. Maybe fencing off certain areas where the grouse mate would keep the larger animals from disturbing them. Why do we need to spend millions of dollars to protect something that has a rightful place right where they are now. Try smaller measures to see what works instead of sterilizing the whole BLM lands just so the grouse can live and thrive is pure stupidity as well. I would start with backing off of the grazing permits and numbers of animals allowed to graze. The livestock owners will have to make other arrangements for their animals.

Comment ID: 2959
Organization:
Name: lynnequus@aol.com

Comment: The welfare livestock grazing leases need to be eliminated and the number of wild horses allowed to recover to a level enabling genetic viability. An analysis of all grazing allotments is needed because this has not yet been done. Any land disruption should be a minimum of 4 miles from any Sage Grouse Lek and the welfare livestock removed from any critical core habitats. Get the welfare livestock off of these lands.

Comment ID: 3014
Organization:
Name: Barbara Azari

Comment: A "BLIND EYE" TO LIVESTOCK GRAZING IS NOT ACCEPTABLE - REDUCE THOSE HERDS NOW!

Comment ID: 2484
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Chapter 4.7 Livestock Grazing, 4.7.1 Impact Indicators Page 4-87: Please consider restricting certain areas to livestock grazing (third bullet).

Comment ID: 2989
Organization:
Name: elizabeth fahy

Comment: Add to the Environmental Impact Statement (EIS), in all alternatives, the option to eliminate welfare livestock grazing leases. Demand an analysis of all grazing allotments in the EIS process. Many have no data available which evaluate the condition of the land. Many others that have had an assessment conclude that the land is not in acceptable condition because of livestock grazing. Require in the Preferred Alternative that land disruption be at least 4 miles from any Sage Grouse Lek (display and mating grounds) and that livestock be removed in any critical core Sage Grouse habitats.

Comment ID: 2371
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: Besides Alternative C, which would prohibit livestock grazing in core sage grouse habitat, none of the proposed alternatives would adequately protect sage grouse because they do not require reduction or elimination of livestock grazing in sage grouse habitat, despite the known detrimental impacts of this activity on sage grouse habitat. As stated above, BLM has wrongly excluded livestock grazing from classification as a surface disturbing activity under all alternatives. Under Alternative B, livestock grazing would continue in sage grouse habitat and would only be restricted (20-30% forage allocation) for allotments not meeting standards in priority/ sage grouse habitat. Under Alternatives D and E, the BLM's preferred alternative, no reductions in livestock grazing in GRSG habitat would be required. Instead under Alternative E, the BLM would work "cooperatively with permittees" and utilize "voluntary management strategies" to improve GRSG habitat. The same monitoring practices that BLM utilizes today – and which are widely criticized as inadequate – would be employed under Alternative E. Additionally, no effort would be made under Alternative E, the preferred alternative, to identify grazing retirement opportunities to benefit sage grouse.

Comment ID: 3110
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: Where existing leases might interfere with conservation objectives, BLM should work with operators and other stakeholders to target selected leases for retirement, relinquishment, exchange or termination. Leases covering lands with relatively low disturbance levels, located in areas with significant surface values, should be initially targeted. Once unleased, prioritized landscapes can be targeted for priority reclamation actions to restore ecosystem, habitat, agricultural, and other values. The DEIS/LUPA should fully take advantage of any unique opportunities based on shifting trends and market conditions for various commodities. BLM should not consider itself locked into existing leases or other instruments where innovative approaches might yield win-win solutions.

Comment ID: 2935
Organization:

Name: Kristina Shankel

Comment: First I would like to see added to the EIS, in all alternatives, the option to eliminate welfare livestock grazing leases. There are several respected reports/studies to show that the sheep and cattle grazed on these lands do the greatest damage to the grouse and other wildlife by destroying the habitat. An analysis of all grazing allotments needs to be part of the EIS process. This will provide factual information on the true condition of the lands. Finally, it should be required in the Preferred Alternative that land disruption be at least 4 miles from and Sage Grouse Lek and that livestock be removed from any critical core Sage Grouse habitats.

Comment ID: 2993
Organization:
Name: c oehlert

Comment: Livestock grazing should be reduced in all areas where the Sage Grouse is impacted. This should be mandatory not voluntary. Most Ranchers will not voluntarily give up there grazing rights. Grazing fees for the remaining permits should be raised to Market Rates. Livestock grazing should be reduced to ZERO over 3 or 4 years in ALL HMA's.

Comment ID: 2931
Organization:
Name: Shyla Tailor

Comment: Please add to the EIS the option to eliminate livestock grazing lease options. Please add a provision for the option to increase wild horse populations by reducing livestock grazing. An analysis of all grazing allotments must be made. Not just random sampling. And the results should be recognized and addressed. Please require in the Preferred Alternative that land disruption be at least 6 miles from the Sage Lek. Livestock must be removed from any critical core SAge Grouse habitats.

Comment ID: 2404
Organization:
Name: Maggie Frazier

Comment: OK-lets see about reducing the cattle & sheep grazing in the sage grouse areas. The wild horses & burros do more to re-seed grasses & eliminate the inflammable bushes. Cattle & sheep do NOT do that - the birds would certainly benefit from their removal.

Comment ID: 2915
Organization: WWP-Wyoming Office
Name: Jonathan B Ratner

Comment: one study that does assess livestock within a larger context of other impacts is a post doctoral thesis (found here: http://www.sagestep.org/pubs/pubs/055Reisner_2010.pdf) by Dr. Michael Reisner of Oregon State University. The Michael Reisner paper provides good information that supports reductions in cattle grazing and stresses the importance of microbiotic crusts to help prevent weed invasions of sage-steppe landscapes. Here are two paragraphs from the abstract of his paper (found here: http://www.sagestep.org/collaborative_projects/projects/reisner_defoliation. html)

Summary: Livestock grazing should be reduced on public lands in order to protect sage-grouse habitat and other natural resources. Livestock grazing leads to cheatgrass proliferation, which adversely affects sage-grouse habitat and other natural resources. The option to eliminate some grazing leases would help to this

end. Without an assessment of all grazing allotments, it's not possible to determine past impacts on sensitive resources from livestock grazing.

Response: Reductions in livestock grazing are considered under Alternatives B and C. Alternative B proposes a light grazing management strategy utilizing a 20-30% forage allocation for allotments within sagegrouse priority habitat not meeting standards due to livestock grazing. Alternative C prohibits all livestock grazing within sage-grouse priority habitat. These actions were analyzed in Chapter 4 of the Draft EIS, which will be considered when determining the final decisions in the Record of Decision. Grazing allotments are assessed by the BLM, and the resultant data is included in Appendix G of the Draft LUP Amendments/Draft EIS.

Livestock Grazing

Range of alternatives

Restricting use of roads could interfere with grazing administration

Comment ID: 2121
Organization: Public Lands Council and National Cattlemen's Beef Association
Name: Dustin Van Liew

Comment: Prohibiting the Construction of New Routes and Limiting Motorized Travel to "Existing" Roads, Primitive Roads, and Trails Would be Unwise and Has the Potential to Unlawfully Interfere With Historic Routes Needed for Grazing Administration. BLM's preferred alternative recommends a regulatory mechanism that would restrict all mechanical travel in sage-grouse habitat to existing roads and trails. 9-Plan EIS at 2-96 (Action 87). It does not clarify if there are any exemptions to this (i.e. emergencies, required livestock management, agency admin.). BLM should not amend the LUPs/RMPs to prohibit new road construction and limit travel to "existing roads, primitive roads and trails." PLC and NCBA request that BLM not adopt a road construction prohibition and "existing"- route travel management strategy.

Summary: The LUP Amendments should not include actions that prohibit the construction of new routes and limit motorized travel to existing roads and trails. This has the potential to unlawfully interfere with historic routes needed for grazing administration. BLM's Preferred Alternative recommends a regulatory mechanism that would restrict all mechanical travel in sage-grouse habitat to existing roads and trails. Draft EIS at 2-96 (Action 87). It does not clarify whether there are any exemptions to this decision.

Response: Management action #87 in Chapter 2 of the Draft LUP Amendments/Draft EIS limits motorized travel to existing roads, primitive roads, and trails, until such time as travel management planning is complete. Because all existing routes would be available for travel, this action would not prevent the use of existing, historic routes (i.e., any existing route would be available for travel for livestock operators or any other public land user). Off-road travel is currently only allowed in designated OHV "Open" areas. Management action #87 under Alternative E represents current management; therefore, Alternative E is continuing management that is currently in place and is not proposing a change to current management.

Livestock Grazing

Range of alternatives

Support Alternative D for livestock grazing

Comment ID: 188
Organization: Upper Green River Cattle Association
Name: Kent Price

Comment: We support Alt. D. Action Number 55, Riparian areas are important for early-brood rearing, but especially for late-brood rearing. Studies have shown that sage grouse habitat is enhanced if riparian areas receive moderate grazing. Moderate grazing promotes forb production, while maintaining the integrity of the riparian area. Alternatives C and B want to keep all riparian areas in their reference state, with at least six inches of residual stubble height present in Alt. C. This management will promote grasses at the expense of forbs, and forbs are what sage grouse are looking for when they hit riparian areas. This is clearly an attempt to limit livestock, not do what is best for sage grouse.

Comment ID: 187
Organization: Upper Green River Cattle Association
Name: Kent Price

Comment: Action Number 53, range improvements are important for grazing distribution and use, and improvements should be viewed as a positive for sage grouse. Often groups oppose range improvements just to oppose good grazing practices, regardless of the benefit to sage grouse. Alternative C appears to follow this trend, and Alt. B is more involved than is needed. We support Alt. D. Action Number 54, livestock trailing is essential to livestock operations, especially those that trail from BLM lands to Forest Service lands. There is no avoiding twice over grazing, but it usually involves a small area for a short period of time. Alternative C wants trailing avoided where sage grouse exist, which is all sage brush habitat in Sublette County. The real agenda is to remove livestock from the federal lands.

Comment ID: 185
Organization: Upper Green River Cattle Association
Name: Kent Price

Comment: Of the 4 alternatives, we prefer alternative D. Alternative C's prescriptions would devastate ranching in Sublette County, including my family's ranch, as it eliminates grazing in the Sage Grouse Core Area. Alternative B is also too prescriptive from a grazing perspective. Alternative E is better than B and C, but we prefer Alternative D. We support Alternative D's approach to Action Number 45, as it will result in the best cooperation from ranchers and ultimately be better for sage grouse.

Comment ID: 1844
Organization:
Name: Charles C. Price

Comment: Another thing that should be recognized is that this ecosystem that we are working with evolved with a large ungulate grazing animal, the bison, as an integral part of the system. Cattle are a good analog for the bison and fill the niche in the ecosystem now that the bison filled earlier. If we want to keep this ecosystem balanced then grazing must be an essential part of the system. Keeping cattle grazing as a part of the BLM and FS management plans is the best and most productive way to maintain a working ecosystem. I support Alternative D, Alternatives B&C allow grazing as a optional use that would be phased out, Alternative E is better that B&C but would is less likely to have a grazing management component that will satisfy the grazing requirement of a heavy ungulate necessary for the health of the ecosystem. The selection of Alternative D will help to ensure that good grazing remains a part of the ecosystem management. It will be better received by the ranchers and continue to support the history and culture of Wyoming.

Comment ID: 1849
Organization:
Name: Charles C. Price

Comment: Action Item 53 I support Alternative D. With the ADDITION that many range improvements for livestock are valuable improvements for sage grouse and other wild life. This is especially true for water sources in drought years.

Summary: Alternative D would ensure that livestock grazing remains a part of overall ecosystem management and would help to support the history and culture of Wyoming. Alternative D allows for uses and activities necessary for livestock grazing management, such as flexibility in constructing range improvements, livestock trailing, and coordination with livestock operators.

Response: Alternative D is within the reasonable range of alternatives included in the Draft EIS, and therefore responds to the purpose and need for the planning effort. Elements of Alternative D are included in the Proposed LUP Amendments. The Approved Plan will be based on the analysis in this Proposed LUP Amendments/Final EIS and following public protest and Governor's consistency review. The Final Approved LUP Amendments will be adopted in a Record of Decision. Based on public comments, new data and information, and changes in land use policy, the agency Proposed LUP Amendments could be revised.

Livestock Grazing

Range of alternatives

Support Alternative E for livestock grazing management

Comment ID: 184
Organization: Spring Creek Grazing Association
Name: Roy Liedtke

Comment: The SCGA supports Alternative E (the Preferred Alternative); primarily due to its support of continued livestock grazing on USFS land. The SCGA adntinisters grazing permits for the US Forest Service on the Spring Creek Unit of the Thunder Basin National Grasslands. This area is located north of Gillette, Wyand consists of 95,079 acres within the SCGA administrative boundary, of which 48,519 acres are US Forest Service owned. The grazing perntits total 13,800 Animal Unit Months. The grazing permits are vital to the existence of the local ranching families; many of whom have managed this land for generations. The continuation of these ranching families is critical for the protection of the sage grouse, as the ranching families are responsible for managing many acres of private land that also provides sage grouse habitat. If these ranchers lose US Forest Service permits, it would threaten their existence, in which case the additional urbanization of rural lands would accelerate, resulting in less and less sage grouse habitat. A large portion of the SCGA area is sage grouse "core habitat" and includes active sage grouse leks. We understand the need to respond to the U.S. Fish and Wildlife Service's "warranted, but precluded" listing deterntination of April 20 I 0 and we share the goal of avoiding a future Endangered Species Act listing of the sage-grouse. The need to maintain properly monitored and controlled livestock grazing is critical for many reasons; a few of which include: • Livestock grazing reduces the risk of wildfires, which are extremely destructive for sage grouse. • Proper grazing also helps keep grasses in a vegetative state, which is better than old decadent grass for sage grouse chick forage. The SCGA, in conjunction with the Forest Service, routinely does Conservation Practice projects which are designed to improve grazing and improve wildlife habitat. The following is a brief example of recent and upcoming projects: • Replaced a windmill with an electric pump - improved water source for livestock and wildlife and removed a potential raptor perch for sage grouse predators; • Install a pipeline to replace a degraded spring - improved a water source for livestock by moving the source out of a riparian area and onto an upland area. This will reduce the livestock effect in the riparian area. Draft EIS for Sage Grouse Nine Plan Spring Creek Grazing Association Comments March 17, 2014 Page 2 • Repair a stockpond overflow - the pond overflow was severely eroded and threatened the integrity of the structure. Rip rap was added to preserve the pond, improving livestock

watering and continuing to provide a wildlife water source. • Annual weed spraying to reduce noxious weeds and encourage the native grass, shrub and forb component. If livestock grazing permits are cancelled and the USFS land in our area is not grazed in the future, new improvement projects would cease and existing improvements would fall into disrepair. This would be detrimental to sage grouse and other wildlife. One common concern voiced by ranchers who have been living in this area for many years is the number of predators has increased greatly over the past several years, especially coyotes. This is why there are no longer any sheep ranchers in the area. These predators definitely prey on sage grouse, and the SCGA feels the EIS does not adequately recognize the impact of predators on the declining sage grouse populations. Again, having ranchers on the land is critical, as the ranchers help to control predators. In summary, the Spring Creek Grazing Association prefers Alternative E over the other alternatives offered in the EIS. The other alternatives do not look at the sage grouse concerns from a allencompassing view, which is necessary for continued survival of the species.

Comment ID: 182
Organization: Longreach Buffalo Company, LLC
Name: Roy Liedtke

Comment: Longreach supports Alternative E (the Preferred Alternative) due to its support of continued livestock grazing on USFS land. Longreach owns and operates a ranch at 679 Heald Road, Weston, WY (north of Gillette). Our ranch is approximately half deeded land that we own and half USFS. The deeded portion of our ranch (approximately 3,240 acres) is completely surrounded by USFS land, which is the Spring Creek Unit of the Thunder Basin National Grasslands. The USFS land that we graze is via a permit with the Spring Creek Grazing Association. Our entire ranch is within a sage grouse core area. We graze primarily bison, in addition to a smaller number of beef cows. In 2013 the only active sage grouse lek in the whole Spring Creek area was on USFS land in one of our bison pastures. All USFS monitoring conducted on our ranch has shown the range to be in good condition and not overgrazed. It is obvious that properly managed livestock grazing (either bison or beef) can benefit sage grouse habitat. It is critical that the USFS continue to issue grazing permits to local ranchers, as the ranchers are critical to maintaining sage grouse habitat. Habitat fragmentation and wildfire have been identified as major threats to the sage grouse; and ranchers, by their very existence, guard against these threats. Longreach also does many other things to benefit sage grouse; including: • Annual weed spraying to reduce noxious weeds and encourage the native grass, shrub and forb component; • Wildlife ramps in all stock water tanks; Draft EIS for Sage Grouse Nine Plan Longreach Buffalo Company, LLC Comments • Harvesting hay in a manner to allow birds to flush out of the field; March 17,2014 Page 2 • Not overgrazing the range and allowing grasses significant time to recover after grazing; • Utilizing an environmentally friendly bacterium based mosquito control in select areas. In summary, Longreach Buffalo Company, LLC prefers Alternative E over the other alternatives offered in the E1S. Well managed livestock grazing on federal land is good for sage grouse.

Comment ID: 165
Organization:
Name: Jean Harshbarger

Comment: In general, Alternative E appears to be the most reasonable and acceptable alternative. It presents the most opportunity for continued livestock use, stating that no areas would be closed to livestock grazing.

Summary: Alternative E appears to be the most reasonable and acceptable alternative. It presents the most opportunity for continued livestock use. Properly managed livestock grazing can benefit sage-grouse habitat. Habitat fragmentation and wildfire have been identified as major threats to sage-grouse habitat; and livestock operators, by their very existence, guard against these threats.

Response: The commentors support for Alternative E is noted and that BLM/Forest Serivce considered a range of alternatives with respect to livestock grazing.

Livestock Grazing

Range of alternatives

The EIS should clarify the terms and conditions that will be applied in core habitat

Comment ID: 854
Organization:
Name: Albert Sommers

Comment: Under Permit Renewals, issue 48, I am concerned about what types of management objectives and considerations will placed into the terms and conditions of permits and AMPs in the Core. Without permittees knowing what will be implemented on their allotments, there is no way for us to analyze the impacts of this EIS on our operations. While exact objectives might be site specific, this wording does not even define in broad terms what is being considered. Therefore, I cannot support this wording, because it is a "will be incorporated". Alternative D, at least leaves it as a "may incorporate", which gives more flexibility to the agencies. I still believe this EIS must disclose impacts to permittees, but these cannot be ascertained by wording which is so ambiguous.

Summary: Under Permit Renewals, issue 48, I am concerned about what types of management objectives and considerations will placed into the terms and conditions of permits and allotment management plans (AMP) in sage-grouse core habitat. Without permittees knowing what will be implemented on their allotments, there is no way to analyze the impacts of this action on livestock grazing operations. While exact objectives might be site-specific, this wording does not even define in broad terms what is being considered. Therefore, I cannot support this wording, because it is a "will be incorporated". Alternative D, at least leaves it as a "may incorporate", which gives more flexibility to the agencies.

Response: The ROD fro the LUP Amendments will decide what specific management actions will be applied to livestock management. A "separate" NEPA analysis may occur for individual or groups of allotments later, but these documents will have to incorporate plan direction decided by this analysis. Specific direction for livestock management is described in the draft planning language (e.g., Bedding sheep and locating camps within 0.6 miles from the perimeter of a lek during lekking (March 1 to April 30) should be avoided). The sage-grouse habitat objectives and management considerations that would be incorporated into all BLM and Forest Service grazing allotments through Allotment Management Plans (AMPs), permit renewals, Forest Service Annual Operating Instructions, and/or equivalent planning processes will be determined on a site-specific basis and disclosed under a separate planning/NEPA document. These site-specific NEPA documents and allotment plans would be completed in coordination with grazing permittees for the allotment. LUPs are high-level planning documents that generally do not include such site-specific management. Site specific design features would incorporate actions needed to meet rangeland health and desired vegetation standards already found in the LUPs.

Livestock Grazing

Range of alternatives

Use of fencing for livestock grazing within sage-grouse habitat should be discontinued

Comment ID: 329
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Given that fencing is a major cause of collision mortality for sage grouse, the use of fencing for rotational grazing should be discontinued, and allotments with fences within designated sage grouse habitat should have their fences removed.

Summary: Given that fencing is a major cause of collision mortality for sage-grouse, the use of fencing for rotational grazing should be discontinued, and allotments with fences within designated sage-grouse habitat should have their fences removed.

Response: The indirect impacts from ACEC designation are analyzed as direct impacts from conservation measures, such as withdrawals, to protect sage-grouse habitat. The action that creates the ACEC designation does not add more restrictions than those already discussed under other management actions, nor does an ACEC have the same level of restrictions as designated wilderness. However, it should be noted that notice level operations are not allowed in ACECs; all such activity in an ACEC requires a plan of operations.

Response: New stipulations can only be imposed in conformance with 43 CFR 2805.15(e).

Livestock Grazing

Range of alternatives

Vegetation treatments should be staggered

Comment ID: 1484
Organization:
Name: Denise Langley

Comment: BLM: States on page K-19 Vegetation Treatments: “Grazing would be deferred on treated areas for two full growing seasons unless vegetation objectives or vegetation recovery indicates a shorter or longer rest period is necessary.” Suggestion: Offset treatments so as not to: (a) close down all pasture use by a specific lessee, (b) close whole sections of several grazing allotments at the same time, and © cause forage loss to a specific lessee more than two years in a row. Stagger the treatments over a period of years and offer grass leases in other areas if possible to compensate and give lessees at least 6 months of notice before treatments. On the FS side nothing is written here yet—NEPA process ignored by FS?

Summary: The following is stated on page K-19: “Grazing would be deferred on treated areas for two full growing seasons unless vegetation objectives or vegetation recovery indicates a shorter or longer rest period is necessary.” Comment: Treatments should be offset so as not to: (a) close down all pasture use by a specific lessee, (b) close whole sections of several grazing allotments at the same time, and (c) cause forage loss to a specific lessee more than two years in a row. Stagger the treatments over a period of years and offer grass leases in other areas if possible to compensate and give lessees at least 6 months of notice before treatments.

Response: Vegetation treatments would be conducted in a way that best serves the purpose of the treatment while minimizing impacts to livestock grazing practices. However, given the need for some vegetation treatments over large areas, it may not be possible to achieve the three points (a, b, and c) discussed in the comment.

Livestock Grazing

Range of alternatives

Work cooperatively with landowners

Comment ID: 120

Organization:
Name: CTVA Action Committee

Comment: The EIS should include an analysis of the importance of this public-private partnership to the sage grouse. Please explore things the FS and BLM can do to strengthen this partnership by keeping ranches economically viable. When amending the RMPs, please protect Wyoming from any changes in land management. Instead, this region's land use traditions should be used as a model for sage grouse conservation and restoration elsewhere.

Comment ID: 2840
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 32 in Table 2-1 dealing with Right of Way (ROW) corridors under Alternative A which was adopted in whole by Alternative E discusses in the Kemmerer RMP that preferred utility corridors would be 2 miles wide and establishes criteria for various types of corridors. However, it would appear that these corridors are going to be developed entirely within the Agencies without coordination with the affect private landowners affected. Given the amount of federal lands in the area, the designation of a corridor by the agency will almost guarantee that the private land will also be included in the corridor. We request that prior to designation of a corridor the Agencies coordinate and consult with private landowners. We are unsure why range improvements will automatically be excluded from ROW under Alternative A since this could have a significant impact on possible range improvements while having little or no impact on the use of the corridor. We request that range improvements be allowed within the 2 mile wide ROW corridor unless it can be shown that the improvement would interfere with the purpose of the corridor in the Rawlins RMP. Item 40 in Table 2-1 discusses land tenure adjustments in the Casper RMP where under Alternative B the action would be to retain public ownership of priority habitat. We question the assumption that public ownership of priority habitats is better than private ownership. We would point to the millions of acres of public owned sage-grouse habitat that has burned in Nevada as an example. This comment also applies to the desire for the BLM to acquire private lands in the South Bighorns/Red Wall area.

Comment ID: 2132
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: APPENDIX F PREDATOR MANAGEMENT F.2. REQUIRED DESIGN FEATURES RELATIVE TO SAGEGROUSE PREDATORS IN LAND MANAGEMENT DECISIONS 7th Bullet Point It is important to recognize that in areas of split estate, private landowners have input about what roads are being closed. Even though the roads may not appear to be frequently used, the private landowners may use the roads for ranching purposes and/or personal use.

Comment ID: 2846
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Under Alternative E, in addition to the actions under Alternative A, the Agencies will incorporate grazing actions in core areas into AMPs and AOI. However, we would note that while the Agencies want to work cooperatively with landowners under Item 45 there doesn't appear to be the same desire to do so under Item 48. Permit renewals will have a significant impact on leasees or permittees so we strongly urge the Agencies to adopt the same cooperative process as they envision under Item 45.

Summary: The BLM and Forest Service should work collaboratively with landowners when implementing decisions that have the potential to affect the use of private land. For example, as discussed in the alternatives, the agencies will incorporate grazing actions in core areas into AMPs and AOI. However, we would note that while the agencies want to work cooperatively with landowners under Action 45 there doesn't appear to be the same desire to do so under Action 48. Permit renewals will have a significant impact on leassees or permittees and therefore we strongly urge the agencies to adopt the same cooperative process as they envision under Action 45. Action 32 in Table 2-1 indicates that preferred utility corridors would be 2 miles wide and establishes criteria for various types of corridors. However, it would appear that these corridors are going to be developed entirely without coordination with private landowners. Given the amount of federal lands in the area, the designation of a corridor by the agency will almost guarantee the private land will also be included in the corridor. We request that prior to designation of a corridor the agencies coordinate and consult with private landowners.

Response: The BLM and Forest Service will work cooperatively with permittees, lessees, and other landowners to develop and implement livestock grazing strategies on public lands. Such collaboration has already occurred to some degree with the general public and cooperating agencies (including county agencies) during the formal scoping process, public meetings, and lengthy the process to develop a reasonable range of alternatives for the Draft LUP Amendments/Draft EIS. Collaboration with landowners will continue to occur throughout the planning process and during the plan implementation phase.

Livestock Grazing

Residual Effects/Unavoidable Impacts

Irreversible and irretrievable commitment of resources

Comment ID: 2511
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Chapter 4.23 Irreversible and Irretrievable Commitment of Resources and 4.23 Unavoidable Adverse Impacts Page 4-497 through 499: The loss of tens of thousands of animal unit months in the planning area as possible outcome of the decision is not discussed in detail, rather it is generalized and that is, it seems, unacceptable as it effects the human environment. The eventual loss of well-meaning priority sage-grouse habitat due to the long term effect (rest) of no livestock grazing is also not discussed.

Summary: The loss of tens of thousands of animal unit months in the planning area as possible outcome of the decision is not discussed in detail, rather it is generalized and that is, it seems, unacceptable as it affects the human environment. The eventual loss of well-meaning priority sage-grouse habitat due to the long term effect (rest) of no livestock grazing is also not discussed.

Response: The loss of AUMs can only be quantified under Alternative C. The analysis of impacts to livestock grazing that is contained in Chapter 4 of the Draft LUP Amendments/Draft EIS clearly discloses the number of AUMs that would be removed from livestock grazing use due to the prohibition of livestock grazing in sage-grouse priority habitat under Alternative C. Current research does not support the premise that rest from livestock grazing would result in loss of sagebrush habitats. While perennial grass density and vigor might be increased, it is unlikely that sagebrush density would be reduced through rest from livestock grazing. The Forest Service intends to do an effects analysis on the Proposed LUP Amendments that affect livestock grazing by implementing new use standards in nesting habitat for Appendix K.

Locatable Minerals

Best available information-baseline data

Affected environment is inadequate for locatable minerals

Comment ID: 1873
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM failed to identify locatable minerals as a key issue in the Planning Area despite NWMA's comments provided during the scoping period, previously discussed. Mining is a key industry not only in the Planning Area but in the State of Wyoming, and contributes to a significant share of state and local revenue. The Mineral Occurrence and Potential Development Report (Casper Mineral Report) for the Casper Field Office issued in 2004 states "locatable and salable resources are likely to experience steady growth, which could mirror the growth rate of Wyoming's economy" (Casper Mineral Report at ES-1), and that Wyoming has been a leading producer of uranium in the United States (id. at 3-34). To that end, the potential for adverse impacts on future mineral production could be enormous, especially under Alternatives B, C, and E (discussed in detail infra Section V). The DLUPA/DEIS must be revised to include an adequate description of the affected environment, and then re-issued to allow for public comment

Comment ID: 1719
Organization: Kennecott Uranium Company
Name: Oscar Paulson

Comment: Chapter 3 discusses the affected environment and Section 3.8 discusses minerals and energy. The discussion regarding locatable minerals for the area administered by the Rawlins Field Office. This description fails to accurately describe all of the uranium activity in the Great Divide Basin. While located on private land in Section 15, Township 24 North, Range 93 West, the Great Divide basin hosts the Sweetwater Mill, one of the only three (3) remaining conventional uranium mills in the United States. This mill has an operating Nuclear Regulatory Commission (NRC) license. Associated with this mill are two (2) State of Wyoming mining leases and 1,583 unpatented lode mining claims and mill sites in the Great Divide Basin, some of which are in Sage Grouse core area. Also associated with this facility are four (4) state mining leases and 1,379 unpatented lode mining claims, most of which lie immediately North of the core area on Green Mountain. Some of the claims on Green Mountain may extend into sage grouse core area. This facility in the Great Divide Basin adjoins lands included in State of Wyoming Permit to Mine #481. In addition to the operating Nuclear Regulatory Commission (NRC) Source Material License (SUA-1350), numerous State Engineer permits for wells, some BLM rights of way, an NPDES discharge permit and other applicable permits are existing. Future operation of this Sweetwater Uranium Project will be directly impacted by the alternative selected in the LUPA and DEIS processes.. This facility and its associated land holdings are part of the affected environment. Any withdrawals or other actions that impact the ability of KUC to establish mining claims and operate within core areas may impact the ability of KUC to operate the mill or otherwise utilize it to the company's benefit. Given the proximity of the Sweetwater Mill to the core area, the fact that some claims associated with it in the Great Divide Basin are within the core area, KUC requests that the draft document be revised to reflect the presence of this facility.

Summary: BLM failed to identify locatable minerals as a key issue in the planning area. Mining is a key industry not only in the planning area but in the State of Wyoming, and contributes to a significant share of state and local revenue. The potential for adverse impacts on future mineral production could be enormous, especially under Alternatives B, C, and E. The number of locatable mining claims is discussed in other sections of the LUP Amendments, however, it is important within the "Affected Environment" section on locatable minerals that the LUP Amendments provide the number of locatable mining claims in the

potentially affected area. The Draft LUP Amendments/Draft EIS must be revised to include an adequate description of the affected environment, and then re-issued to allow for public comment. The Chapter 3 discussion regarding locatable minerals administered by the Rawlins Field Office fails to describe all of the uranium activity in the Great Divide Basin. Located on private land in Section 15, Township 24 North, Range 93 West, the Sweetwater Mill is one of the only three remaining conventional uranium mills in the United States. This mill has an operating Nuclear Regulatory Commission (NRC) license. Associated with this mill are two (2) State of Wyoming mining leases and 1,583 unpatented lode mining claims and mill sites in the Great Divide Basin, some of which are in sage-grouse core area. Also associated with this facility are four (4) state mining leases and 1,379 unpatented lode mining claims, most of which lie immediately north of the core area on Green Mountain. Some of the claims on Green Mountain may extend into sage-grouse core area. This facility in the Great Divide Basin adjoins lands included in State of Wyoming Permit to Mine #481. In addition to the operating Nuclear Regulatory Commission (NRC) Source Material License (SUA-1350), the operation includes numerous State Engineer permits for wells, some BLM rights-of-way, an NPDES discharge permit, and other applicable permits. Future operation of this Sweetwater Uranium Project will be directly impacted by the alternative selected in the Draft LUP Amendments/Draft EIS processes. This facility and its associated land holdings are part of the affected environment. The draft document should be revised to reflect the presence of this facility.

Response: The total number of active claims has been added to the appropriate field office information in Chapter 3. Before beginning the Draft LUP Amendments/Draft EIS and throughout the planning effort, the BLM and the Forest Service considered the availability of data from all sources, adequacy of existing data, data gaps, and the type of data necessary to support informed management decisions at the landuse plan level. The data needed to support broad-scale analysis of the planning area are substantially different than the data needed to support site-specific analysis of projects. The data and information is sufficient to support the broad scale analyses required for land use planning. Additionally, the BLM and the Forest Service consulted with, collected, and incorporated data from other agencies and sources, including but not limited to the USFWS and WGFD. The data gathered by the BLM and the Forest Service is of the appropriate scale and provided an adequate analysis that led to an adequate disclosure of the potential environmental consequences of the alternatives.

Locatable Minerals

Best available information-baseline data

Baseline data is outdated

Comment ID: 1429
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Affected Environment, page 3-108, and 3-132. Several references are made to outdated soda ash producers. For example, General Chemical Soda Ash Partners, Inc., Texasgulf (TG), Rhone-Poulenc (Stauffer).

Comment ID: 2966
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Pages 3-122 and 123 provide a status update of the Lost Creek ISR Project. However, the description is outdated. On August 2, 2013 the facility was placed into operation. All primary access roads, office, plant, holding ponds, power lines and other infrastructure required to begin production is in place. Lost Creek intends to submit a revision to the Plan of Operations to allow mining within the KM Horizon

which immediately underlies the HJ Horizon which is currently in production. The footprint of the KM horizon matches the HJ Horizon almost exactly so there will only be minor additional disturbance resulting from mining the KM Horizon. The number of locatable mining claims is discussed in other sections of the LUP, however, it is important within the "Affected Environment" section on locatable minerals that the LUP provide the number of locatable mining claims in the potentially affected area or at least provide a reference back to tables which convey the number of potentially impacted claims.

Comment ID: 2968
Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Table 3-46 provides a list of areas with potential for uranium development. The Great Divide Basin is described as having "limited future potential, no major deposits." While the size of the uranium deposits in the Great Divide Basin tend to be on the smaller side, I to 14 million pounds each, there are at least six known deposits (both within the basin and within the area affected by the LVP) which are likely economically viable and numerous smaller deposits which could become economic if the price of uranium were to climb. These deposits occur along oxidation/reduction chemical fronts that extend for at least hundreds of miles beyond known deposits and have the likely potential to contain additional uranium deposits. Discovery and development of these additional deposits is important to the energy security of the U.S. and to satisfy the requirements of the Energy Policy Act of 2005. Please revise the table so it accurately conveys the substantial existing uranium deposits in the basin as well as the potential for additional discovery. The mineral endowment of the Great Divide Basin has not been adequately presented in the LUP. BLM must re-evaluate the economic impact to the uranium industry based on knowledge of these deposits and then issue a new draft LUP/ElS for public comment.

Summary: The baseline data in Chapter 3 is outdated. Several references are made in Chapter 3 to outdated soda ash producers. For example, General Chemical Soda Ash Partners, Inc., Texasgulf (TG), and Rhone-Poulenc. These should be updated or removed. Pages 3-122 and 123 provide a status update of the Lost Creek ISR Project. On August 2, 2013 the facility was placed into operation. All primary access roads, office, plant, holding ponds, power lines and other infrastructure required to begin production are in place. Table 3-46 lists the Great Divide Basin as having "limited future potential, no major deposits." While the size of the uranium deposits in the Great Divide Basin tend to be on the smaller side, 1 to 14 million pounds each, there are at least six known deposits which are likely economically viable and numerous smaller deposits which could become economic if the price of uranium were to climb. These deposits occur along oxidation/reduction chemical fronts that extend for at least hundreds of miles beyond known deposits and have the likely potential to contain additional uranium deposits. Discovery and development of these additional deposits is important to the energy security of the US and to satisfy the requirements of the Energy Policy Act of 2005. Please revise the table so it accurately conveys the substantial existing uranium deposits in the basin as well as the potential for additional discovery.

Response: Chapter 3 has been updated to remove reference to specific mining operators. Lost Creek ISR Project [for the uranium yellowcake producer] information will be corrected. Great Divide Basin in Table 3- 46 has been updated to read "Moderate potential for future development, known mineable uranium deposits."

Locatable Minerals

Cumulative impact analysis

The cumulative impacts analysis is inadequate

Comment ID: 1885

Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA opposes any impact analysis that does not quantify the cumulative impacts the proposed management decisions will have on all uses of public lands, including locatable minerals exploration and development. Detailed discussion of the impacts to locatable mineral operations and development, as well as other land uses, must be thoroughly analyzed, developed, and discussed in a revised DLUPA/DEIS and the public given an opportunity to comment on the revised document.

Comment ID: 2365
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA Recommendation No. 5- Analyze, Disclose, and Provide Detailed Discussions of the Impacts to Mineral Development Under Each Alternative- BLM failed to identify or provide useful explanations of impacts to locatable minerals associated with each alternative as required by 40 CFR §§1502.16(a)(b),1508.7 (See Ch. 4). AEMA contends that the impact analysis, including the cumulative impacts related to mineral withdrawals, and surface use restrictions in sage-grouse habitat across the range were not adequately considered, analyzed and disclosed. A "cumulative impact" is defined as: "The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. . . .Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7.

Comment ID: 2366
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: This DLUPA/DEIS is part of multiple NEPA documents, including revisions for Nevada, Idaho, Montana, and Utah. AEMA maintains that the cumulative impact to locatable minerals from the combined land withdrawals, segregations, and de facto withdrawals currently in place, as well as the future land withdrawals proposed in dozens of RMP revisions will have an inadequately defined and significant adverse effect on the hardrock mining industry nationwide. The nationwide impacts must be thoroughly analyzed; otherwise BLM's analysis is significantly flawed and incomplete. AEMA further contends that the direct, indirect, and cumulative impact analysis is inadequate and lacks convincing data as well as rationale, as described above. BLM must resolve the above issues and reissue a draft of this LUPA to allow for public comment. BLM must also expand the analysis to look at the cumulative impacts nationwide on such important economic factors as increased unemployment, decreased domestic mineral and energy production, and increased reliance on foreign sources of minerals and energy.

Summary: The impact analysis does not quantify the cumulative impacts that proposed management decisions will have on all uses of public lands, including locatable minerals exploration and development. BLM must expand the analysis to look at the cumulative impacts nationwide on such important economic factors as increased unemployment, decreased domestic mineral and energy production, and increased reliance on foreign sources of minerals and energy. Detailed discussion of the impacts to locatable mineral operations and development must be thoroughly analyzed, developed, and discussed in a revised Draft LUP Amendments/Draft EIS and the public given an opportunity to comment on the revised document.

Response: The BLM and the Forest Service have complied fully with the requirements of 40 CFR 1508.7 and prepared a cumulative impact analysis to the extent possible based on the broad nature and scope of the proposed management options under consideration at the land use planning level.

Locatable Minerals

Impact Analysis

Impacts are understated

Comment ID: 998
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Alternatives B and C of the Draft LUP Amendment analyzes the closure of more than 5 million acres of priority GSG habitat to new or expanded non-energy mineral leasing and 3 million acres for locatable minerals. Such actions will have far-reaching impacts to the mineral industry. The Socioeconomic section of Chapter 4 does not analyze the impacts Alternatives B and C will have on the economy, custom or culture of the communities within the Planning Area. This is a significant omission that should be corrected.

Comment ID: 1417
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Locatable Mineral Activities, Pages 2-88 through 2-91 and Map 2-23 Areas Withdrawn from Mineral Entry. As stated under Alternative E, "The withdrawal of sage-grouse core habitat areas from mineral entry would be considered for recommendation, based on the risk to sage-grouse and its habitat from conflicting locatable mineral potential and development." There are potentially vast resources of locatable minerals that are unknown at this time across the DEIS area, as referenced on Map 2-23. If areas are to be withdrawn from mineral entry as indicated in this section, then a complete socioeconomic analysis should be completed and included in Appendix N; including the potential socioeconomic impacts associated with mineral withdrawal. It is important to note that locatable minerals may include but are not limited to gold, silver, lead, platinum, copper, uranium, chromite, beryllium, barium, zeolite-bearing minerals, diamonds, lithium, talc, mica, white marble, building stone, fluorspar, chemical grade limestone, gypsum, bentonite, pumice, and other rare earth minerals (reference DEIS pp. 3-99 and 3-133). As an alternative, disturbances associated with locatable minerals could be handled in accordance with the EO through the DDCT process in core/priority habitat.

Comment ID: 2719
Organization: Sweetwater County
Name: Mark Kot

Comment: Sweetwater County is home to two coal mines, four Trona mines and a uranium mine. The production from these mines creates an assessed valuation of approximately $672,000,000. This assessed valuation generates approximately $8,000,000 in ad valorem taxes on an annual basis. Considering these values, it is evident that mining is important to Sweetwater County, and that the BLM and USFS should ensure that mining is addressed in the Socio-economic Section of Chapter 4 of the Draft LUPA and EIS. In Sweetwater County's review of this Section, it found that mining appeared to be omitted. If this is true, the County encourages the BLM and USFS to correct this omission.

Comment ID: 2752
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Appendix N Comment: The BLM omits any discussion of mining in this section. We note that the BLM has also omitted any discussion of mining to the Chapter 4 analysis in this regard as well. Please clarify this omission as it reflects a severe lack in the analysis of socioeconomic impacts.

Comment ID: 2364
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM also fails to include any analysis of the socioeconomic impact its proposed wildland fire and fuels management will have on the communities in the Planning Area, despite the proposed management under Alternatives B, C, and E will subject residents, communities, and local government in the Planning Area to increased risk of catastrophic fire. In addition, Alternatives B, C, E, and to a lesser extent D propose restrictions and prohibitions that would debilitate mineral development that is co-located within special designation areas, and priority/core sage-grouse habitat. The impact analysis as described supra Section II(C) does not provide the detailed analysis required under NEPA, and thus is a fatal flaw that must be addressed before the final NEPA documents are released. The Final EIS must provide detailed analysis in order to withstand legal scrutiny, like in Neighbors of Cuddy Mtn, v. USFS, 137 F.3d 1372 (9th Cir. 1998) where the Court ruled that "general statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided.'' AEMA contends the impact analysis is fatally flawed and does not comply with NEPA, CEQ regulations, or the DQA. BLM must remedy the errors described above and re-issue the DLUPA and give the public another opportunity to comment.

Summary: Alternatives B and C of the Draft LUP Amendments analyze the closure of more than 5 million acres of priority Greater Sage-Grouse habitat to new or expanded non-energy mineral leasing and 3 million acres for locatable minerals. Such actions will have far-reaching impacts to the mineral industry. The socioeconomic section of Chapter 4 (as well as Appendix N) does not analyze the impacts that Alternatives B and C will have on the economy, custom, or culture of the communities within the planning area. This is a significant omission that should be corrected. A complete socioeconomic analysis should be completed and included. The impact analysis is fatally flawed and does not comply with NEPA, CEQ regulations, or the DQA.

Response: Impacts associated with non-energy mineral leasing is discussed qualitatively under each alternative. A specific economic value cannot be determined because the effects of the actions are highly dependent on the location of any proposed non-energy mineral exploration activity or lease relative to sage-grouse priority habitat areas.

Locatable Minerals

Impact Analysis

Missing analysis - ACEC impacts on locatable minerals

Comment ID: 1881
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Another example includes BLM's proposal under Alternative B: …Greater Sage-Grouse priority habitat areas would be designated as Greater Sage-Grouse conservation ACECs/SIA, 5,025,550 acres…This management would be focused on the protection of Greater Sage-Grouse habitat, which would also benefit special status species, especially those that use sagebrush and associated habitat…(Ch. 4 at 4-279). The above analysis provides no information on how the designation would relate to the habitat

recommendations proposed elsewhere in the Alternative, such as the 3% disturbance cap and one disturbance per 640 acres, withdrawal of all priority habitat, etc. Would the designation impose additional restrictions? How would the designation protect sage-grouse above and beyond the conservation measures proposed elsewhere? Based on the lack of detail provided in the impact analysis, it seems like the ACEC designation is redundant. BLM must provide more information and explain how management under the ACEC designation relates to the other conservation measures imposed elsewhere in the DLUPA/DEIS. The BLM fails to provide any detail or analysis that the disturbance caps and various surface use restrictions will have on locatable minerals and limits the analysis to the amount of land being proposed for withdrawal and fails to recognize the indirect impacts resulting from surface use restrictions including seasonal timing prohibitions, and ROW exclusions will have on locatable resources which will ultimately lead to de facto withdrawals.

Summary: The impacts analysis fails to discuss impacts from the Greater Sage-Grouse ACEC designation on locatable minerals. The BLM fails to provide any detail or analysis that the disturbance caps and various surface use restrictions from the ACEC designation will have on locatable minerals and limits the analysis to the amount of land being proposed for withdrawal. The analysis fails to recognize the indirect impacts resulting from surface use restrictions, including seasonal timing prohibitions and ROW exclusions, will have on locatable resources which will ultimately lead to de facto withdrawals.

Response: The indirect impacts from ACEC designation are analyzed as direct impacts from conservation measures, such as withdrawals, to protect sage-grouse habitat. The action that creates the ACEC designation does not add more restrictions than those already discussed under other management actions, nor does an ACEC have the same level of restrictions as designated wilderness.

Locatable Minerals

Impact Analysis

Missing analysis - mineral potential

Comment ID: 1883
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, BLM states in the impact analysis related to mineral resources: …The potential for mineral resources is a prediction of the likelihood of the occurrence of these resources. The occurrence of a mineral resource does not necessarily imply that the mineral can be economically exploited or is likely to be developed; mineral occurrence potential includes both exploitable and potentially exploitable occurrences. The potential for the occurrence of a mineral resource also does not imply that the quality and quantity of the resource are known…(Ch.4 at 4- 103). AEMA does not disagree with the above assumption. However, BLM fails to include any mineral potential or occurrence information with respect to locatable minerals in the impact analysis, which makes the impact analysis associated with locatable minerals completely useless.

Summary: BLM fails to include any mineral potential or occurrence information with respect to locatable minerals in the impact analysis, which makes the impact analysis associated with locatable minerals completely useless.

Response: A link to current mineral potential reports has been added to the general locatable mineral discussion in Chapter 3.

Locatable Minerals

Mitigation measures

Mitigation should not exceed Wyoming Core Area Policy

Comment ID: 540
Organization: Anadarko
Name: David Applegate

Comment: However, Anadarko does not support, and the agencies should not impose, development of unnecessary mitigation measures for the greater sage-grouse (*Centrocercus urophasianus*) that go beyond the requirements of the Wyoming Core Area Policy, are not based on the best scientific information available, and are impracticable and unworkable. Anadarko is specifically concerned by the agencies development of onerous stipulations which lack rigorous scientific justification and reliance upon gray literature and subjective interpretation of the "best" available science. Specifically, the National Technical Team ("NTT") report referenced throughout and incorporated thoroughly into the agencies preferred alternative is not representative of the best available science to be used in promulgating prescriptive land management decisions.

Summary: Mitigation measures for the Greater Sage-Grouse that go beyond the requirements of the Wyoming Core Area Policy are not based on the best scientific information available, and are impracticable and unworkable.

Response: A National Technical Team (NTT) was formed as an independent, science-based team made up of representatives from the BLM, USFWS, Natural Resources Conservation Service, US Geological Survey, and state wildlife agencies from Colorado, Nevada, Oregon, Idaho, and Utah, to ensure that the best information about how to manage the Greater Sage-Grouse is reviewed, evaluated, and provided to the BLM and the Forest Service in the planning process. The group produced a report in December 2011 that identified science-based management considerations to promote sustainable Greater Sage-Grouse populations. The NTT report (NTT 2011) used the best current scientific knowledge to guide the BLM planning efforts through management considerations to ameliorate threats, focused primarily on priority Greater Sage-Grouse habitats on public lands. In a letter to Secretary Salazar, dated January 15, 2013, more than 100 scientists endorsed the NTT report, stating that it, "represented comprehensive compilation of the scientific knowledge needed for conserving sage-grouse" and that it "offers the best scientifically supportable approach to reduce the need to list sage-grouse as a threatened or endangered species." The NTT is staying involved as the BLM and the Forest Service work through the strategy to make sure that relevant science is considered, reasonably interpreted, accurately presented, and that uncertainties and risks are acknowledged and documented. As a starting point for developing a range of alternatives, the BLM used the NTT report, the Conservation Objectives Team (COT) report, and the Wyoming Core Area Strategy, all of which were based upon the best scientific and commercial data available at the time. These reports were not the only source of information for developing a range of alternatives. The purpose of these reports was to identify key areas for Greater Sage-Grouse conservation, key threats in those areas, and the extent to which the threats need to be reduced for the species to be conserved. Further, the Summary of Science, Activities, Programs, and Policies that Influence the Rangewide Conservation of Greater Sage-Grouse (*Centrocercus urophasianus*) (referred to as the BER) provided additional sources of baseline information and management objectives.

Locatable Minerals

Range of alternatives

Compliance with General Mining Law

Comment ID: 2360
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA Recommendation No. 4: Demonstrate Compliance with the General Mining Law- The DLUPA/DEIS should discuss how the conservation measures proposed in the NTT Report, and included in the DLUPA/DEIS, as well as the proposed land withdrawals, validity exams, and surface use restrictions detailed in Alternatives B, C, E and to a lesser degree Alternative D are in compliance with rights under the General Mining Law to allow access to public lands for prospecting, mining and processing and uses reasonably incident thereto.

Summary: The Draft LUP Amendments/Draft EIS should discuss how the conservation measures proposed in the NTT report as included in the plan, including proposed land withdrawals, validity exams, and surface use restrictions detailed in Alternatives B, C, E and to a lesser degree Alternative D are in compliance with rights under the General Mining Law to allow access to public lands for prospecting, mining, processing, and uses reasonably incident thereto.

Response: All alternatives would comply with state and federal laws, regulations, policies, and standards, including FLPMA multiple-use mandates and the General Mining Law. As stated page 1-15 of the Draft EIS, the LUP Amendments will be in compliance with all other applicable laws, regulations and policies.

Locatable Minerals

Range of alternatives

Locatable mineral withdrawals are excessive

Comment ID: 1011
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: I am concerned with the permanent withdrawal of significant acreage of land from locatable mineral entry, especially when the State has mechanisms to protect GSG core area habitat from locatable mineral exploration and development. The Wyoming Department of Environmental Quality (DEQ) manages locatable mineral exploration, using two permitting mechanisms, consistent with EO 2011- 5. First, any mineral exploration in the state, regardless of the amount of surface disturbance, requires a mineral exploration permit from the DEQ Land Quality Division. Second, any cumulative surface disturbance over one acre in a project requires a storm water permit from the DEQ Water Quality Division. Both of these permitting processes use the DDCT to ensure GSG core habitat is protected. Additionally, closing lands to unauthorized off road vehicle use as contemplated under Management Action 18 (p. 2-17) would restrict operation of bulldozers and other excavation equipment. It does not appear that permanently withdrawing these lands from locatable mineral entry provides any additional protections to GSG habitat. If the BLM and USFS proceed with Management Action 79, under Alternative E, I request that the agencies work with the State develop risk based, site specific criteria, similar to oil and gas screening.

Comment ID: 1716
Organization: Kennecott Uranium Company

Name: Oscar Paulson

Comment: Action 79 – Alternative. E – The withdrawal of sage-grouse core habitat areas from mineral entry would be considered for recommendation, based on risk to sage-grouse and its habitat from conflicting locatable mineral potential and development (Map 2-23). While this action is not directly recommended in Alternative E, its inclusion creates the potential for withdrawal of the entire core area and a great deal of confusion and concern. KUC is completely opposed to Action 79 Table 2-1 remaining in Alternative E and to withdrawal of any sage grouse core areas from mineral entry for the following reasons: • Mineral entry (the establishment of mining claims) does not involve surface disturbance or surface occupancy. Any subsequent proposed action must meet the WY Department of Environmental Quality, and 43CFR 3809 requirements, as well as many others including the Wyoming Governor's Executive Order (WY EO 2011-05). • The Executive Order establishes core areas and provides stipulations regarding protection of Sage Grouse. The Executive Order does not prohibit mining or other activities, but establishes requirements to operate. The Executive Order is now being implemented via the Sage Grouse Implementation Team (SGIT) through regular meetings. This process enjoys the wide support of the stakeholders including the WY BLM State Office and all other applicable state and federal agencies (See Appendix A). There has not been any suggestion through the SGIT process that the core areas should be withdrawn for mineral entry. • The LUPA and DEIS do not adequately describe why Locatable Minerals are singled out for withdrawal, versus any other activity. • The DEIS does not adequately address the economic impacts of withdrawing the core areas from mineral entry. KUC strongly recommends that the language in Action 79 Alternative E be removed from the document and be fully addressed by a future document when and if the Wyoming Governor's Executive Order (WY EO 2011-05) and resulting conservation efforts are not sufficient.

Comment ID: 1176
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA is extremely concerned due to the significant impact the proposed revisions contained in the DLUPA/DEIS will have on the Land Use Plans within the Planning Area, and specifically the restrictions it will impose on surface-disturbing activities, and the limitation on mineral exploration and development in the future. BLM has failed to address any of these concerns or issues raised during the regional call for public comment (76 Fed. Reg. 77008, December 9, 2011). In addition BLM fails to identify hardrock minerals as a key planning issue within the sub-region or nationally (See National Greater Sage-Grouse Planning Strategy Land Use Plan Amendments and Environmental Impact Statements Scoping Summary Report, May 2012). AEMA does not support any of the action Alternatives as they are drafted. Specifically, Alternatives B, C, D and E which do not recognize rights provided to individuals under the Mining Law of 1872 (General Mining Law, 30 U.S.C. 21a et seq), and are not consistent with provisions under the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C 1701 et seq). In addition to being inconsistent with FLPMA and the General Mining Law, all of the action alternatives propose surface-disturbing restrictions that are not scientifically supported as required by the regulations that implement the National Environmental Policy Act (NEPA) at 40 C.F.R §1502.24

Comment ID: 2336
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: The widespread mineral withdrawals are completely inappropriate in light of the very limited extent of mineral activities in the state of Wyoming – let alone the Planning Area. BLM must provide convincing data to support the mineral withdrawals (Alternatives A and D-1,677,420 acres; Alternatives B, C, and E-5,002,170), surface use restrictions, and explain its rationale for inappropriately targeting mineral

development in the DLUPA/DEIS in light of the relatively small footprint associated with locatable minerals.

Comment ID: 2983
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: In addition, the WCCA requests that the draft statement referring to potential locatable mineral withdrawals within GSG Core Areas in Chapter 2 Management #79 Alternative E on page 2-88 be reconsidered. Rather than withdrawing Sage Grouse Core Areas from potential locatable mineral entry, the WCCA suggests that the Agencies, in close collaboration with the State of Wyoming, work together to ensure that mineral development, when necessary within Core Areas, occurs in accordance with collaboratively developed protocols resulting from the Plan.

Comment ID: 2425
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: Vast and inadequately justified proposed withdrawals. The preferred Alternative E proposes the most significant locatable mineral withdrawals among all the Alternatives without any explanation or justification as to why such a significant withdrawal is necessary or appropriate considering BLM's mandates. The proposed withdrawal under Alternative A for locatable minerals is 117,370 acres. The proposed withdrawal under Alternative E (and B and C) is 3,442,120 acres, or nearly 30 times as much proposed land that would be completely restricted from development. BLM never provides any substantive justification for requiring such a substantial increase in proposed withdrawals, nor can it possibly justify this under its requirements related to non-discretionary mineral development. See 43 U.S.C. § 1701(a)(1). There is simply no analysis of why the proposed withdrawal from mineral entry based on risk to GRSG and its habitat is necessary where the same objective can be achieved through avoidance, minimization of impacts, and mitigation of impacts within the designated areas. It is also unclear whether BLM considered the ACEC in Alternative C in its proposed withdrawal calculations. To the extent one ACEC (approximately 9,876,565 acres) proposed in Alternative C also includes a recommended withdrawal, BLM failed to fully present this alternative for comparison and cannot adopt it in any final amendments without proper analysis. BLM also wholly failed to adequately evaluate the direct and indirect costs from its proposed withdrawals. In a recent environmental impact statement for a smaller proposed withdrawal in northern Arizona, BLM found that a one-million acre withdrawal would result in significant impacts to employment and economic output in the mining sector and that these impacts would spread into important sectors of the local economy, including retail trade, health and social services, real estate, and professional services. BLM should perform a similar quantitative economic analysis for each proposed alternative that includes proposed withdrawals or ACEC and identify measures to mitigate these impacts.

Comment ID: 2357
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: Moreover, the restrictions on rights of way, roads, and other infrastructure may make economic development of some mineral deposits impossible. Maintaining lands available for mineral entry, not in direct conflict with sage-grouse, is a hollow gesture if the lands are inaccessible or surrounded by lands on which infrastructure cannot be located. These restrictions also are unlawful because they conflict with the rights granted by § 22 of the General Mining Law and 30 U.S.C. 612(b) (Surface Use Act), which guarantee the right to use and occupy federal lands open to mineral entry, with or without a mining claim, for

prospecting, mining and processing and all uses reasonably incident thereto, including but not limited to ancillary use rights, and rights of and associated with ingress and egress.

Comment ID: 3008
Organization: Wyoming Mining Association
Name: Marion Loomis

Comment: A fundamental requirement in any DEIS is a clear presentation and comparison of the available alternatives in a way that will allow the public to make informed comments. Many of the proposed alternatives rely on best management practice (BMP) conservation measures or stipulations that are unclear, undefined, or unsupported. Many of the management areas in this DEIS are not clearly defined and appear to be expanded over the Wyoming Executive Order 2011-05 core areas. Thus it is unclear what impacts the BLM/Forest Service are assigning to the management areas. BLM and Forest Service have thus failed in their mandate. The DEIS has failed to consider local economic impacts. Existing conditions and trends, as well as the impacts to conditions and trends associated with each alternative must be assessed along with the income and employment associated with all economic sectors, community infrastructure, state and local revenues and expenditures, and land use patterns. WMA believes that the DEIS fails to address the effects of increased restrictions on mineral development, including withdrawal from mineral entry, to the State and local economies. Mineral mining operations can only take place where the minerals are located and as such, expansion of the restrictions beyond those outlined in the Wyoming Executive Order 2011-05 must be clearly defined and all impacts must be assessed within the DEIS. Further, it is recommended that the document justify restrictions on those activities that would appear to have little or no impact in the field, including mineral entries. Mining operations are critical to the economy of the state of Wyoming. Mining directly accounts for and supports thousands of jobs and millions of dollars in payroll. Fees, royalties and taxes paid by the industry account for over a billion dollars annually to state and local governments. Issues such as expanded restrictions, overly restrictive seasonal prohibitions and unsupported BMPs and regulations could have a drastic effect on these operations and subsequently, on Wyoming's local and state economies. WMA believes BLM and Forest Service failed to conduct comprehensive analyses of economic impacts.

Comment ID: 2337
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM’s proposed prohibition against mineral development in sage-grouse habitat areas is disproportional to the amount of land used for mineral development; and the impacts associated with mineral exploration and development, especially considering that the projected long term, unclaimed surface disturbances (i.e., open pit mines that are stabilized at closure but remain as features on the landscape) are small in the context of the habitat area. BLM asserts that the sage-grouse populations within MZ II are at low risk for declines largely due to the various actions the State of Wyoming has taken such as the various EOs concerning sage-grouse by the Governor (See DLUPA/DEIS Ch.3 at 3-239, 240). As such, BLM must explain why compounding and/or discarding existing conservation strategies in favor of those presented in the NTT Report are necessary.

Summary: Alternatives B, C, D and E do not recognize rights provided to individuals under the Mining Law of 1872 and are not consistent with provisions under FLPMA. Proposing surface-disturbing restrictions that are not scientifically supported violates NEPA. The permanent withdrawal of significant acreage of land from locatable mineral entry is not needed to protect sage-grouse habitat. There is simply no analysis of why the proposed withdrawal from mineral entry is necessary where the same objective can be achieved through avoidance, minimization of impacts, and mitigation of impacts within the designated areas. The State of Wyoming has mechanisms to protect core area habitat from locatable mineral

exploration and development. The Wyoming Department of Environmental Quality (DEQ) manages locatable mineral exploration using two permitting mechanisms consistent with EO 2011-5. First, any mineral exploration in the state, regardless of the amount of surface disturbance, requires a mineral exploration permit from the DEQ Land Quality Division. Second, any cumulative surface disturbance over one acre in a project requires a storm water permit from the DEQ Water Quality Division. Both of these permitting processes use the DDCT to ensure core habitat is protected. Additionally, closing lands to unauthorized off road vehicle use as contemplated under Management Action 18 would restrict operation of bulldozers and other excavation equipment. It does not appear that permanently withdrawing these lands from locatable mineral entry provides any additional protections to sage-grouse habitat. If the BLM and Forest Service proceed with Management Action 79, under Alternative E, the agencies should work with the state develop risk based, site-specific criteria, similar to oil and gas screening. BLM asserts that the sage-grouse populations within MZ II are at low risk for declines largely due to the various actions the State of Wyoming has taken such as the various EOs concerning sage-grouse. As such, BLM must explain why compounding and/or discarding existing conservation strategies in favor of those presented in the NTT report are necessary. It is also unclear whether BLM considered the ACEC in Alternative C in its proposed withdrawal calculations. To the extent one ACEC (approximately 9,876,565 acres) proposed in Alternative C also includes a recommended withdrawal, BLM failed to fully present this alternative for comparison and cannot adopt it in any final amendments without proper analysis. BLM also wholly failed to adequately evaluate the direct and indirect costs from its proposed withdrawals. In a recent environmental impact statement for a smaller proposed withdrawal in northern Arizona, BLM found that a one-million acre withdrawal would result in significant impacts to employment and economic output in the mining sector and that these impacts would spread into important sectors of the local economy, including retail trade, health and social services, real estate, and professional services. BLM should perform a similar quantitative economic analysis for each proposed alternative that includes proposed withdrawals or ACEC and identify measures to mitigate these impacts.

Response: The Wyoming LUP Amendments is a targeted amendment specifically addressing goals, objectives, and conservation measures to conserve Greater Sage-Grouse and to respond to the potential of it being listed (see Draft EIS Section 1.3, Purpose and Need). Both the Forest Service's and BLM's planning processes allow for analysis and consideration of a range of alternatives in the Draft LUP Amendments/Draft EIS that identified and incorporated appropriate regulatory mechanisms to conserve, enhance, and restore sage-grouse habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was recommended. Impacts associated with withdrawal of portions of sage-grouse priority habitat from mineral entry for locatable mineral development based on risk to sage-grouse and its habitat are discussed qualitatively under each alternative. Specific economic values cannot be determined because the effects of this action depend on the location of economically developable mineral resources relative to priority areas. The BLM is aware of their requirement to notify the US Congress of any decision for mineral withdrawal on an aggregate of 5,000 acres or more, or removing one or more of the principle uses on 100,000 acres or more, as required by Sections 202 and 204 of FLPMA. When the BLM makes a decision on such actions, which will occur when the Record of Decision is finalized, the appropriate notifications related to the decision made at that time will be submitted to the US Congress, as necessary. The process for determining whether or not a nominated ACEC meets the relevance and importance criteria is detailed in Appendix H, Areas of Critical Environmental Concern, of the Draft LUP Amendments/Draft EIS. According to BLM Manual 1613, Areas of Critical Environmental Concern, an area must meet at least one relevance and one importance criterion to be considered as a potential ACEC and analyzed in resource management plan alternatives (see BLM Manual 1613.11, Identification Criteria). Through the evaluation process, the BLM determined that the nominated ACEC for Greater Sage-Grouse met relevance criteria for a fish and wildlife resource and a natural process or system. The nominated ACEC also met the importance criteria because it warrants national priority/FLPMA protection. BLM Manual 1613, Areas of Critical Environmental Concern, directs that, "All areas which meet the relevance and importance criteria must be identified as potential ACECs and fully considered for designation and

management in resource management planning." (see BLM Manual 1613.21, Identifying Potential ACEC's). Based on this direction, the BLM considered designation of the potential Greater Sage-Grouse ACEC under Alternatives B and C and identified special management attention for the area.

Locatable Minerals

Range of alternatives

Mining methods and existing infrastructure should be considered

Comment ID: 2436
Organization: Bridger Coal Company
Name: Norman E. Hargis

Comment: Mining methods, such as surface mining where that is the prudent method, should not be excluded from consideration where the infrastructure to support it already exists. Necessary extensions of existing infrastructure such as haul roads to access new coal leases should be considered, especially when needed to connect to existing infrastructure. These arrangements are best worked out between the mining operation and local BLM staff and State Regulatory Authority staff.

Summary: Mining methods, such as surface mining where that is the prudent method, should not be excluded from consideration where the infrastructure to support it already exists. Necessary extensions of existing infrastructure such as haul roads to access new coal leases should be considered, especially when needed to connect to existing infrastructure. These arrangements are best worked out between the mining operation and local BLM staff and State Regulatory Authority staff.

Response: The Wyoming LUP Amendments and EIS contains only planning actions and does not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM would conduct subsequent NEPA analyses that include sitespecific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions would be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions.

Locatable Minerals

Range of alternatives

Recommend withdrawal from mineral entry

Comment ID: 266
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: The NTT Report recommends withdrawal of Core Areas from mineral entry. We concur that this is necessary; it makes no sense to protect sage grouse from excessive levels of oil and gas development, only to allow their key habitats to be strip-mined.

Summary: The NTT Report recommends withdrawal of core areas from mineral entry. BLM should protect sagegrouse from mining in addition to protection from oil and gas development.

Response: The combination of management actions 75 through 81 are presented as a way to adequately protect sage-grouse habitat while maintain the multiple use mandates of the agencies. Withdrawal is

identified as a possible mitigation in action 79 based on risk to sage-grouse and its habitat from conflicting locatable mineral development.

Locatable Minerals

Range of alternatives

Underground mining safety policies must be added

Comment ID: 2348
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: All surface and underground mining operations must adhere to very specific safety practices as mandated by the Mine Safety Act of 1977. References in the draft plan are made to the State of Wyoming Executive Order (EO) No. 2011-5 but no reference is made to the Specific Stipulations on Page 12. Consistency with the EO regarding mining and miner safety must be addressed and maintained. Stipulation 2d in the EO states: "Surface disturbance and surface occupancy stipulations will be waived within the Core Area when implementing underground mining practices that are necessary to protect the health, welfare, and safety of miners, mine employees, contractors and the general public. The mining practices include but are not limited to bore holes or shafts necessary to: 1) provide adequate oxygen to an underground mine; 2) supply inert gases or other substances to prevent, treat, or suppress combustion or mine fires; 3) inject mine roof stabilization substances; and 4) remove methane from mining areas. Any surface disturbance or surface occupancy necessary to access the sites to implement these mining practices will also be exempt from any stipulation." In order to provide proper ventilation, boreholes and shafts must be placed over the workings of an underground mine, these locations are dictated by the location of the underground ore body or seam. These surface manifestations can and do currently exist in the Greater Sage Grouse Core Area. Western Fuels believes that this language must be included in any alternative or any combination of alternatives that may be adopted.

Summary: All surface and underground mining operations must adhere to very specific safety practices as mandated by the Mine Safety Act of 1977. Consistency with the EO regarding mining and miner safety must be addressed and maintained. Stipulation 2d in the EO states: "Surface disturbance and surface occupancy stipulations will be waived within the core area when implementing underground mining practices that are necessary to protect the health, welfare, and safety of miners, mine employees, contractors and the general public. The mining practices include but are not limited to bore holes or shafts necessary to: 1) provide adequate oxygen to an underground mine; 2) supply inert gases or other substances to prevent, treat, or suppress combustion or mine fires; 3) inject mine roof stabilization substances; and 4) remove methane from mining areas. Any surface disturbance or surface occupancy necessary to access the sites to implement these mining practices will also be exempt from any stipulation." In order to provide proper ventilation, boreholes and shafts must be placed over the workings of an underground mine. These locations are dictated by the location of the underground ore body or seam. These surface manifestations can and do currently exist in the Greater Sage-Grouse core area. This language must be included in any alternative or any combination of alternatives that may be adopted.

Response: All alternatives would require compliance with all state and federal laws, including the Mine Safety Act of 1977.

Locatable Minerals

Required Design Features

RDF requirements conflict with the General Mining Law

Comment ID: 10
Organization: Mackay School of Earth Sciences and Engineering
Name: Thom Seal

Comment: Thus we strongly support the "No Action" because the "alternative will have no effect on locatable mineral management." Language within the BLM proposed rules would leave this open to local District Ranger interpretation and is a deliberate intention of the BLM & USFS to override the intent of congress. In 30 U.S.C.A. § 612(b) Congress clearly states: "Rights under any mining claim hereafter located under the mining laws of the United States shall be subject, prior to issuance of patent therefore, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefore, to the right of the United States, its permittees, and licensees, to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land: Provided, however, That any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto… ".

Comment ID: 2358
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, BLM asserts that required design features would apply as mandatory stipulations or conditions of approval for locatable minerals (and all other BLM programs) in priority/core habitat (Ch. 2 at 2-15, 16) across all action alternatives. AEMA contends that BLM does not have the authority, outside of the regulations at 43 C.F.R §3809, to impose RDFs on operators exercising their rights under the General Mining Law. Therefore, BLM must remove or revise the above management actions to be in compliance with the General Mining Law.

Summary: BLM asserts that required design features would apply as mandatory stipulations or conditions of approval for locatable minerals in priority/core habitat across all action alternatives. BLM does not have the authority, outside of the regulations at 43 C.F.R §3809, to impose RDFs on operators exercising their rights under the General Mining Law. Therefore, BLM must remove or revise the above management actions to be in compliance with the General Mining Law.

Response: The BLM and Forest Service will only apply conservation measures to locatable mineral operations consistent with valid existing rights and applicable law, including the Mining Law of 1872 and FLPMA's requirement that BLM take necessary action to prevent unnecessary or undue degradation of the public lands, and the surface management regulations at 43 CFR subpart 3809. The BLM and the Forest Service complied with NEPA by including a discussion of measures that may mitigate adverse environmental impacts of the alternatives in the Draft LUP Amendments/Draft EIS. See 40 CFR 1502.14(f), 1502.16(h). Additionally, site-specific concerns and more detailed environmental descriptions will be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. RDFs included in the Draft EIS are based on best management practices included in the NTT report and are based on the best available science at the time of publication. RDFs are BMPs; BLM describes BMPs as "state-of-the-art mitigation measures." The aim of BMPs is to

protect wildlife, air quality, landscapes, and other natural resources. BMPs tend to be general principles for resource protection and are not in themselves regulatory in nature. BLM's policy is that all "Field Offices consider BMPs in NEPA documents to mitigate anticipated impacts to surface and subsurface resources." BMPs are not "one size fits all." The actual practices and mitigation measures best for a particular site are evaluated through the NEPA process and vary to accommodate unique, site-specific conditions and local resource conditions. Required design features that comply with the Surface Management regulations (43 CFR §3809) and LQD's guidelines will be incorporated into locatable mineral mining actions. The Bureau does not have the authority to make this a requirement when they (required design features) do not comply with these regulations.

Locatable Minerals

Valid Existing Rights

Alternatives violate valid mining rights

Comment ID: 15
Organization: Mackay School of Earth Sciences and Engineering
Name: Thom Seal

Comment: Many other counties in the GRSG depend on the development of natural resources for their economy. This includes the potential to affect the entire GRSG region where minerals are found. "Under all of the action alternatives, locatable mineral development would be expected to decrease due to restrictions and mitigation measures placed on development." Do not allow decreases in mineral production; with any alternative under which the BLM and Forest Service would recommend public land be withdrawn from mineral entry.

Comment ID: 1040
Organization: American Colloid Company
Name: Melody Smith

Comment: Additional withdrawals of excessive acreage from development of areas for which a right-to-mine exists without valid site-specific information supporting the benefit of that removal creates unnecessary operational and economic hardships. (An estimated additional 117,370 acres proposed for withdrawal under Alternatives A and D verses 3,442,120 acres for Alternatives B, C, and E.)

Comment ID: 2361
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM must evaluate the substantially adverse consequences of making it impossible to explore and develop pre-discovery unpatented mining claims, lands that are currently open to location on which there are no unpatented mining claims, and lands on which there are claims without a discovery that would be withdrawn from mineral entry and location of mining claims. BLM must recognize the rights granted in § 22 of the General Mining Law, and the § 22 VERs associated with access to and use and occupancy of pre-discovery claims and unclaimed lands open to mineral entry. BLM must also recognize rights granted under § 612, which provides the right "to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land." These rights cannot be extinguished by executive fiat.

Summary: Alternatives that remove or limit the valid existing rights of locatable mineral development would be considered a "taking" and should not be carried forward. The BLM and Forest Service should not allow any reduction in locatable mineral production due to withdrawals, as they create unnecessary

operational and economic hardships. BLM must recognize the rights granted in §22 of the General Mining Law, and the rights associated with access to and use and occupancy of pre-discovery claims and unclaimed lands open to mineral entry. BLM must also recognize rights granted under §612, which provides the right "to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land." These rights cannot be extinguished by executive fiat.

Response: As stated in the planning criteria in Chapter 1, the agencies will comply with all laws, regulations and policies. Additionally the commenter is correct that the amendment may not remove any valid existing rights. However, the agencies have the authority and the responsibility to direct the implementation of those rights in an environmentally responsible manner. Individual projects will be analyzed and mitigated case-by-case based on site specific environmental and economic information.

National Trails

Best available information-baseline data

Map 3-1 Rawlins trails inconsistency

Comment ID: 2573
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Map 3-1; Historic Sites and National Scenic Trails This map is inconsistent with the BLM Rawlins Field Office Resource Management Plan and its classification of trails depicted in Map 2-47; specifically, the Cherokee Trail is improperly shown as crossing the public and private land checkerboard south of Rawlins. This Map 3-1 must be corrected for the Final LUPA/EIS.

Summary: Map 3-1, Historic Sites and National Scenic Trails: This map is inconsistent with the BLM Rawlins Field Office Resource Management Plan and its classification of trails depicted in Map 2-47. Specifically, the Cherokee Trail is improperly shown as crossing the public and private land checkerboard south of Rawlins.

Response: The segment of the Cherokee Trail described in the comment is a segment currently being reviewed by the National Park Service for feasibility for inclusion in the trail system. This study was started by the National Park Service after completion of the Rawlins RMP. The segment will be removed from Map 3-1 until the National Park Service has completed their feasibility study and made their recommendation regarding the status of the segment.

Paleontological Resources

Impact Analysis

Oil and gas don't necessarily impact paleontological resources

Comment ID: 791
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon disagrees with BLM's assumption that fluid mineral leasing and development would necessarily cause impacts to paleontological resources. As discussed earlier, oil and gas development and the surveys required prior to such development will likely discover far more paleontological resources in Wyoming than would otherwise be discovered in the State. This is particularly true now that Congress has

passed additional protections for paleontological resources on public lands as part of the Omnibus Public Land Management Act of 2009.

Comment ID: 1568
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG disagrees with BLM‘s assumption that fluid mineral leasing and development would necessarily cause impacts to paleontological resources. As discussed earlier, oil and gas development and the surveys required prior to such development will likely discover far more paleontological resources in Wyoming than would otherwise be discovered in the State. This is particularly true now that Congress has passed additional protections for paleontological resources on public lands as part of the Omnibus Public Land Management Act of 2009.

Comment ID: 666
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Section 4.9 - Paleontology Samson disagrees with BLM's assumption that fluid mineral leasing and development would necessarily cause impacts to paleontological resources. As discussed earlier, oil and gas development and the surveys required prior to such development will likely discover far more paleontological resources in Wyoming than would otherwise be discovered in the State. This is particularly true now that Congress has passed additional protections for paleontological resources on public lands as part of the Omnibus Public Land Management Act of 2009.

Comment ID: 1782
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: ConocoPhillips disagrees with BLM’s assumption that fluid mineral leasing and development would necessarily cause impacts to paleontological resources. As discussed earlier, oil and gas development and the surveys required prior to such development will likely discover far more paleontological resources in Wyoming than would otherwise be discovered in the State. This is particularly true now that Congress has passed additional protections for paleontological resources on public lands as part of the Omnibus Public Land Management Act of 2009.

Comment ID: 1218
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Anschutz disagrees with BLM’s assumption that fluid mineral leasing and development would necessarily cause impacts to paleontological resources. As discussed earlier, oil and gas development and the surveys required prior to such development will likely discover far more paleontological resources in Wyoming than would otherwise be discovered in the State.

Comment ID: 2291
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana disagrees with BLM’s assumption that fluid mineral leasing and development would necessarily cause impacts to paleontological resources. As discussed earlier, oil and gas development and

the surveys required prior to such development will likely discover far more paleontological resources in Wyoming than would otherwise be discovered in the State.

Summary: The commenter disagrees with the assumption that fluid mineral leasing and development would necessarily cause impacts to paleontological resources. Oil and gas development and the surveys required prior to such development will likely discover far more paleontological resources in Wyoming than would otherwise be discovered in the state. This is particularly true now that Congress has passed additional protections for paleontological resources on public lands as part of the Omnibus Public Land Management Act of 2009.

Response: The BLM and Forest Service did not modify the LUP Amendments in response to this comment. It is true that oil and gas development can result in the discovery of unknown paleontological resources. However, it is also true that oil and gas development can result in inadvertent damage to and intentional removal of paleontological resources, thereby resulting in adverse impacts to those resources.

Recreation

Best available information-baseline data

Recreation values must be addressed in the plan

Comment ID: 115
Organization:
Name: CTVA Action Committee

Comment: Adequate recreational opportunity for all visitors is the supreme issue that must be addressed by this action. The relative importance of recreation on a national basis is demonstrated by the Bureau of Economic Analysis statistics for spending on recreation. In 1979 the index for recreation spending was 32,537 (year 2000 = 100,). In 2004, the index was 113,695 for an increase of 349%. No other sector has increased this dramatically. Clearly, the public wants and needs adequate recreational opportunity and this should be the over-arching theme of this evaluation and decision.

Summary: Adequate recreational opportunity for all visitors must be addressed. The relative importance of recreation on a national basis is demonstrated by the Bureau of Economic Analysis statistics for spending on recreation. In 1979 the index for recreation spending was 32,537. In 2004, the index was 113,695 for an increase of 349%. No other sector has increased this dramatically. Clearly, the public wants and needs adequate recreational opportunity and this should be the over-arching theme of this evaluation and decision.

Response: Section 4.11.4 provides quantitative analysis of economic effects related to recreation.

Recreation

Impact Analysis

Describing impacts to recreation from minerals restrictions is out of scope

Comment ID: 2910
Organization: TransWest Express LLC
Name: Garry L. Miller

Comment: Similarly, the recreation resources analysis seems to be out of scope for the purpose and need for the LUPA/EIS, such as this statement on page 4-122: Surface disturbing activities from ROWs, mineral and energy development, livestock management, and fuels and vegetation treatments could reduce the quality of recreation experiences in some parts of the planning area where roads, trails, dispersed camping

areas, and other such types of recreation occur near oil and gas leasing, mining activities, including coal and trona, non-energy solid mineral leasing, mineral materials exploration and sales, wind energy development, utility facility development, and transmission line development occurs. The purpose of this LUPA/ElS is not to evaluate and disclose how human infrastructure development such as transmission lines might impact recreation resources. Again, this is completely outside the scope of the Wyoming Sage-Grouse Draft LUPA/ElS; therefore, such analysis and proposed management actions must be deleted from the LUPA/ElS. The BLM may not use this LUPA/EIS to analyze potential impacts and propose management actions unrelated to the stated purpose and need of the LUPA/ElS, which is to address management of sagegrouse habitat. Piggybacking on this LUPA/ElS to address energy impacts to other resources is out of scope and a clear violation of the NEPA and of the BLM's land use planning regulations.

Summary: The recreation resources impacts analysis is out of scope for the purpose and need of the Draft LUP Amendments/Draft EIS. The purpose of this plan is not to evaluate and disclose how human infrastructure development such as transmission lines might impact recreation resources. Such analysis and proposed management actions must be deleted from the LUP Amendments/EIS. Addressing energy impacts to other resources is out of scope and a clear violation of NEPA and the BLM's land use planning regulations.

Response: The impacts analyzed in Chapter 4 are based on the management actions in Chapter 2, Table 2.1. BLM and Forest Service must analyze the impacts from the management actions for Greater Sage- Grouse in Chapter 2 to the resources described in Chapter 3 (Existing Environment). This is entirely within scope of the project and follows NEPA.

Recreation

Mitigation measures

Mitigation measures should be considered before restrictions

Comment ID: 1445
Organization: International Mountain Bicycling Association (IMBA)
Name: Jason Bertolacci

Comment: clarification that we would like to see in the Final EIS includes: • Are there any limitations or specific standards for trail maintenance (vegetation clearing, drainage work, and minor reroutes) or new trail construction in Priority/Core and or Connectivity Habitat Areas? • Are there any seasonal or other temporal limitations on non-motorized uses in Priority/Core and or Connectivity Habitat Areas? • Clarification that mountain bicycling is a non-motorized use and will be managed along with other non-motorized uses. In the case of the Greater Sage-Grouse mitigation measures such as seasonal and or time of day limitations can avoid disturbing occupied leks, sage-grouse nesting/early brood-rearing habitat, winter habitat, and winter concentration areas and seasonal restrictions on disruptive activities such as trail work. Careful attention to trail routes can avoid fragmentation of critical habitat and avoid leks. Trail construction techniques can be used as a framework for enticing/encouraging trail users to conform their behavior to the desired conditions. All of these measures should be considered prior to resorting to outright prohibitions.

Summary: Are there any limitations or specific standards for trail maintenance or new trail construction (e.g. vegetation clearing, drainage work, or minor reroutes) in core or connectivity areas? Clarify any seasonal or other temporal limitations on non-motorized uses in core or connectivity areas? Clarify that mountain bicycling is a non-motorized use and will be managed along with other non-motorized uses. Careful trail construction techniques can route trails to avoid fragmentation of critical habitat and avoid

leks and can be used as a framework for encouraging trail users to conform their behavior to the desired conditions. These techniques should be considered prior to resorting to outright prohibitions.

Response: There are three different issues brought up in this comment and they should be addressed separately. Issue #1: Are there any limitations or specific standards for trail maintenance, new trail construction. Response:: Specific trail construction and maintenance levels will be addressed in Travel Management Plans and not in this document.

Issue # 2: Requests clarification seasonal or temporary limitations on non-motorized uses. Response: Seasonal or temporary limitations on nonmotorized uses will be addressed and analyzed in Travel Management Plans after completion of this plan.

Issue #3: Request clarification regarding mountain bicycling and how other non-motorized uses will be managed. Response: Mountain bicycle use is categorized as nonmotorized/mechanical transport. BLM recognizes the changing demographics, increasing populations, emerging technologies, and issues unique to mountain bicycling. BLM policy recognizes mountain bicycling as an appropriate use of public lands under its jurisdiction. All trail use, regardless of trail mode, impacts natural resources. All motorized, mechanized, and nonmotorized roads and trails have been inventoried or in the process of being inventoried. The BLM will collaborate within the agency and with other agencies to coordinate appropriate resource management and diverse mountain bicycle opportunities. BLM will coordinate with community leaders, trail organizations, and the recreation industry to enhance recreational opportunities and visitor safety, and to provide opportunities for educating visitors on management issues in Travel Management Plans.

Recreation

Mitigation measures

Recreational groups should not be responsible for mitigation measures

Comment ID: 138
Organization:
Name: CTVA Action Committee

Comment: A contractor bidding work would have no idea of the amount of mitigation required by the permitting agency. We would like some more definition of ratios of mitigation to be in this document. Who would take responsibility for the mitigation and/or set a directive on how the mitigation should be done. For example, with our OHV group, we are not wildlife biologists. The responsibility should not be placed on groups such as ours.

Comment ID: 349
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Special Recreation Permits should be allowed only in cases where they have no negative impact of sage grouse populations and/or habitats. BLM would allow SRPs unless impacts could not be mitigated the Alternative E; this is only appropriate only if “mitigation” means reducing direct impacts to insignificance on-site.

Summary: Special Recreation Permits should be allowed in cases where they have no negative impact of sage grouse populations and/or habitats. Stating that SRPs would only be allowed if impacts could not be mitigated under Alternative E is only appropriate only if “mitigation” means reducing direct impacts to insignificance on-site. Provide more definition of ratios of mitigation, who should take responsibility for

the mitigation, and directives on how mitigation should be done. Groups such as an OHV group do not have the expertise to conduct the mitigation discussed in the Draft LUP Amendments/Draft EIS. Response The range of alternatives under action 82 considers a variety of management, including activities that have neutral or beneficial effects under Alternative C. Mitigation measures are issued by the BLM to the applicant/permittee to perform in the event that the use is approved. Proposed activities that cannot be controlled or changed (e.g., speed or timed events, seasonal events, noise, large numbers of participants, etc.) may be denied. It is the responsibility of the permittee to work with the BLM on these type of particulars for SRPs. The permittee is responsible for implementation and success of the mitigation. Impacts are activityspecific. Some activities create impacts more quickly or to a greater degree than others. Impacts even from the same activity can vary according to such factors as mode of transportation, characteristics of visitors, party size, and behavior.

Recreation

Mitigation measures

Some mitigation measures may not be appropriate for recreation

Comment ID: 2267
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: Mitigation is discussed throughout the EIS across all alternatives and for many of the actions (e.g., Actions 62, 63, 128). Regarding mitigation, as outlined in the alternatives, we would point out that the concept of “no-net loss” should extend beyond habitat acres and include a broader scope of values such as recreational opportunity. If, for example, a quality hunting or fishing area is impacted, the BLM may not be able to mitigate this impact by moving the opportunity somewhere else, depending on the distance and quality of the “mitigation site.” Some sportsmen may be unwilling to travel new distances to mitigation sites instead of going to their traditional favorite places, so we strongly encourage BLM to include recreational opportunity more extensively in their pre-impact analysis and mitigation planning.

Summary: The concept of “no-net loss” should extend beyond habitat acres and include a broader scope of values such as recreational opportunity. If, for example, a quality hunting or fishing area is impacted, the BLM may not be able to mitigate this impact by moving the opportunity somewhere else, depending on the distance and quality of the “mitigation site.” Some sportsmen may be unwilling to travel new distances to mitigation sites instead of going to their traditional favorite places. BLM should consider recreational opportunity more extensively in their pre-impact analysis and mitigation planning.

Response: The Greater Sage-Grouse LUP Amendments is specifically for the management of sage-grouse. The suggested revisions are outside the scope of the Greater Sage-Grouse LUP Amendments.

Recreation

Range of alternatives

Recreation management prescriptions to add

Comment ID: 1698
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Seasonally prohibit camping within 7.6 km of active leks.

Comment ID: 1702
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --No new trail construction within 6.4 km of active leks.

Comment ID: 1703
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Seasonally prohibit camping within 6.4 km of active leks.

Comment ID: 1699
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Allow no commercial or special use permitted activities in SGRAs unless there is a demonstrated beneficial affect for the grouse.

Summary: Management prescriptions inside sage-grouse core areas should include: Seasonally prohibit camping within 7.6 kilometers of active leks. Seasonally prohibit camping within 6.4 kilometers of active leks. Allow no commercial or special use permitted activities in core areas unless there is a demonstrated beneficial affect for sage-grouse. No new trail construction within 6.4 kilometers of active leks.

Response: BLM and Forest Service have drafted a range of alternatives for sage-grouse habitat management to support unfragmented, contiguous habitat, including management requested by the commenters. BLM and Forest Service will consider the entire range of alternatives and make a final decision in the Record of Decision when the land use planning process is completed.

Recreation

Range of alternatives

Recreation should be addressed in site-specific plans

Comment ID: 1789
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: The local Forest/District or Field Office level comprehensive review of the recreation activities that occur in the amendment areas is important. Throughout most of the planning area recreational activities are mostly dispersed and do not rely on developed facilities and use is year-round and consists of varied activities including hiking, mountain biking, OHV riding, camping, hunting, and scenic touring. Day use is high, and there are very few developed facilities. Areas of concentrated use occur at popular destinations. There could be many motorized special events, mostly in June, that could be adversely impacted by adverse local travel planning. BLM permitted events include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. These types of events and use patterns need to be understood and addressed at the site-specific level as opposed to being painted over by some generic, one-size-fits-all management direction.

Comment ID: 1792
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: The agency should allow SRPs and Forest Service Recreation Special Use Authorization (RSUA) in PPMAs and PGMAs that have neutral or beneficial effects on Grouse. BRC believes that an Alternative (Modified Alt. E) should be created that empowers local land managers the ability to grant special recreation permits. Depending on need and other factors, mitigation or restrictive measures could be placed on types, locations, and timing of activities to ensure consistency with the related management objectives. Group events could be subject to seasonal or timing prescriptions, which could limit the ability of some participants to attend. For example, some recreation events for which permits are issued on public land take place in June. In June, the grouse are on nests and brood rearing. If the proposed activity poses a threat, the event may be moved or timing changed in order to reduce impacts during this period. It is possible that organizers may decide not to hold their event if they cannot hold the event at a particular time. This would represent a reduction in opportunity for participants who would otherwise have been attending such events each year. Regardless, it is essential that these factors be evaluated and decisions ultimately made at a site-specific level, and not through some broad criteria that cover all public lands.

Summary: The local Forest/District or Field Office level comprehensive review of the recreation activities that occur in the amendment areas is important. Throughout most of the planning area recreational activities are mostly dispersed and do not rely on developed facilities, use is year-round and consists of varied activities including hiking, mountain biking, OHV riding, camping, hunting, and scenic touring. Day use is high, and there are very few developed facilities. Areas of concentrated use occur at popular destinations. There could be many motorized special events, mostly in June, that could be adversely impacted by adverse local travel planning. BLM permitted events include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. These types of events and use patterns need to be understood and addressed at the site-specific level as opposed to being painted over by some generic, one-size-fits-all management direction. The agency should allow recreation permits that have neutral or beneficial effects on grouse. BLM should create a modified Alternative E that empowers local land managers the ability to grant special recreation permits. Depending on need and other factors, mitigation or restrictive measures could be placed on types, locations, and timing of activities to ensure consistency with the related management objectives. Group events could be subject to seasonal or timing prescriptions, which could limit the ability of some participants to attend. For example, some recreation events for which permits are issued on public land take place in June. In June, the grouse are on nests and brood rearing. If the proposed activity poses a threat, the event may be moved or timing changed in order to reduce impacts during this period. It is possible that organizers may decide not to hold their event if they cannot hold the event at a particular time. This would represent a reduction in opportunity for participants who would otherwise have been attending such events each year. Regardless, it is essential that these factors be evaluated and decisions ultimately made at a site-specific level, and not through some broad criteria that cover all public lands.

Response: BLM and Forest Service have drafted a range of alternatives for sage-grouse habitat management to support unfragmented, contiguous habitat. BLM and Forest Service will consider the entire range of alternatives and make a final decision in the Record of Decision when the land use planning process is completed. All special recreation use permits are evaluated on a site-specific basis. As stated in Chapter 4, the majority of permitted activities on BLM managed lands in Wyoming consist of hunting and fishing outfitters and guides. Less than 5% of the SRPs are for competitive mountain bike races. Currently there are no SRPs for competitive/commercial OHV or motorcycle races in Wyoming. Rarely would competitive motorcycle or off-highway vehicle events be considered as events with neutral or beneficial effects on sage grouse.

Recreation

Range of alternatives

Recreational road use should be restricted

Comment ID: 206
Organization: The 7L Livestock Company
Name: Doug Cooper

Comment: Minimizing or removing roads is very difficult do to because of recreational users. The BLM has not taken an aggressive posture toward limiting recreational use of roads or the creation of new roads by recreationists, as well as the conversion of pipelines and fence lines to roads by the public.

Summary: Minimizing or removing roads is very difficult do to because of recreational users. The BLM should take an aggressive posture toward limiting recreational use of roads or the creation of new roads by recreationists, as well as the conversion of pipelines and fence lines to roads by the public.

Response: Management Action 87 states that motorized travel is limited to existing roads, primitive roads, and trails until such time as travel management planning is complete and routes are either designated or closed. New user created routes are prohibited and violators will be cited.

Recreation

Range of alternatives

Recreationists should not have the burden of proof of no impacts

Comment ID: 221
Organization: American Motorcyclist Association
Name: Wayne Allard

Comment: The AMA has concerns that the amendment and EIS may be putting into place guidelines that could drastically impact motorized recreation. However, the USFS Land Resource Management Plan's Preferred Alternative (E) for the Bridger-Teton National Forest, Medicine Bow National Forest, and the Thunder Basin National Forest states that the amendment will not allow recreational events requiring a permit in core habitats unless the negative impacts can be adequately mitigated. The USFS plan places the burden on the applicant. Instead, the AMA suggests adopting language that puts the burden on the land manager to prove that impacts to the habitat cannot be adequately mitigated through efforts already in place, If studies indicate that additional restrictions are necessary. Recreation could be limited during periods of increased Lek use (March I - May 15) and crepuscular hours. It would be unfair to blame motorized recreation for loss of habitat resulting in the decline of the Grouse - especially without quantifying how that habitat is lost and its precise effects. Such action would be especially unfair when other activities that have a clearly quantifiable effect on the population - such as hunting - are allowed to continue.

Summary: The Draft LUP Amendments/Draft EIS could drastically impact motorized recreation. Alternative E will not allow recreational events requiring a permit in core habitat unless the negative impacts can be adequately mitigated. This places the burden on the applicant. Instead, the plan should adopt language that puts the burden on land managers to prove that impacts to the habitat cannot be adequately mitigated through efforts already in place. Recreation could be limited during periods of increased lek use (March I - May 15) and crepuscular hours. It would be unfair to blame motorized recreation for loss of habitat resulting in the decline of the sage-grouse - especially without quantifying how that habitat is lost

and its precise effects. Such action would be especially unfair when other activities that have a clearly quantifiable effect on the population - such as hunting - are allowed to continue.

Response: Mitigation is undertaken by a permittee according to the approved project permit. The permittee is ultimately responsible for implementation and success of the mitigation. No one resource is at the source of the decline of sage-grouse, it is the combined loss of and fragmentation of sage-grouse habitat along with anthropomorphic development that is threatening the species.

Recreation

Range of alternatives

Restrictions affecting rockhounding are excessive

Comment ID: 716
Organization: Natrona County Rockhounds Club
Name:

Comment: The rockhounds club is primarily concerned with 'Locatable Mineral Restrictions' preferring Alternative A or D as only 117,370 acres are withdrawn. We are also concerned with 'Right-of-way Restrictions', preferring Alternative A as it is least restrictive. While we fall under "recreation" on the socioeconomic Impact Analysis we don't fall in the "Annual Average Jobs" or "labor Earnings" – Are we counted at all? We want to be able to get off-road and look for rocks. We don't believe this activity impacts sage-grouse. We find the March – June 30 dates to be half our rockhounding season, and excessive.

Summary: Rockhounding does not impact sage-grouse. Closures from March to June 30 is half the rockhounding season. These timing restrictions, together with locatable mineral restrictions and ROW restrictions are excessive.

Response: In general, rockhounding does not meet the definition of surface disturbing or disruptive activity (see Glossary). In those rare instances when rockhounding does raise to the level of disruptive activity it may be necessary to mitigate or restrict the activity to protect the sage-grouse. These determinations will be made case-by-case based on local conditions.

Saleable Minerals

Range of alternatives

Alternatives B and C saleable minerals decisions do not support multiple use

Comment ID: 1418
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Saleable Minerals, Page 2-91, Item #80. As stated under Alternatives B and C, "Sagegrouse priority habitat areas would be closed to mineral material exploration, sales, and free use permits subject to valid existing rights." Alternatives B and C do not support the BLM's policy of multiple use. As an alternative, and as suggested under Alternative E, disturbances associated with saleable minerals should be handled in accordance with the EO through the DDCT process in core/priority habitat.

Summary: Page 2-91, Action 80: As stated under Alternatives B and C, "Sage-grouse priority habitat areas would be closed to mineral material exploration, sales, and free use permits subject to valid existing rights." Alternatives B and C do not support the BLM's policy of multiple use. As an alternative, and as suggested

under Alternative E, disturbances associated with saleable minerals should be handled in accordance with the EO through the DDCT process in core/priority habitat.

Response: All of the alternatives support BLM's policy of multiple use. Closing specific areas to specific uses does not necessarily conflict with this policy. All resource uses do not have to be authorized in all areas in order to meet the policy of multiple use.

Socioeconomics and Environmental Justice

Inaccurate statements in the DEIS need to be corrected

Comment ID: 2707
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page N-11, paragraph 3: Commodity price forecasts can be substantially incorrect. It is therefore recommended that a range of potential values be included in the analysis.

Comment ID: 2677
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-129 Text: Economic benefits to the socioeconomic study area (defined in Chapter 3), in terms of labor earnings and employment, would accrue from BLM and USFS-influenced activities such as oil and gas development, wind energy development, livestock grazing, and recreation. Comment: This assumption is misleading and should be amended to read: "Individual economic benefits to the socioeconomic study area (defined in Chapter 3), in terms of labor earnings and employment, would accrue from BLM and USFS-influenced activities such as oil and gas development, wind energy development, livestock grazing, and recreation." The BLM may assume that individual benefits may accrue to, because of, and from these activities but it may not assume that these benefits will cumulatively outweigh the detrimental impact. The statement must be revised to narrow its scope.

Comment ID: 2648
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-201, paragraph 5: "The net economic impacts relative to Alternative A cannot be determined as the restriction standards are substantially different than those used in Alternative A." This sentence is confusing and should either be stricken or corrected.

Comment ID: 3206
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 2.1.4 N- 11 Paragraph 3 Commodity price forecasts can be substantially incorrect. It is therefore recommended that a range of potential values be included in the analyses.

Summary: Issue #1: Page N- 11, Paragraph 3: Commodity price forecasts can be substantially incorrect. It is therefore recommended that a range of potential values be included in the analyses. Issue #2: Page 4-129 Text: Economic benefits to the socioeconomic study area (defined in Chapter 3), in terms of labor earnings and employment, would accrue from BLM- and Forest Serviceinfluenced activities such as oil and gas development, wind energy development, livestock grazing, and recreation. Comment: This assumption

is misleading and should be amended to read: "Individual economic benefits to the socioeconomic study area (defined in Chapter 3), in terms of labor earnings and employment, would accrue from BLM- and Forest Service-influenced activities such as oil and gas development, wind energy development, livestock grazing, and recreation." The BLM may assume that individual benefits may accrue because of, and from these activities, but it may not assume that these benefits will cumulatively outweigh the detrimental impact. The statement must be revised to narrow its scope. Issue #3: Page 4-201, paragraph 5: "The net economic impacts relative to Alternative A cannot be determined as the restriction standards are substantially different than those used in Alternative A." This sentence is confusing and should either be stricken or corrected.

Response: Issue #1: The State of Wyoming CREG price forecasts are the commonly accepted standard for oil and gas economic analysis in Wyoming. Further, use of different price scenarios would not alter the proportional relationships between the economic results for the various alternatives. Issue #2: The following language will be added to this section in the Proposed LUP Amendments/Final EIS: "Uses of BLM- and Forest Service-administered land such as oil and gas development, wind energy development, livestock grazing, and recreation have a variety of economic and social costs (many of which are not priced in markets) that may affect resource users and communities." The phenomena reflected in all of the assumptions, not just the one identified in the comment, contribute to the net effects on the socioeconomic study area. Issue #3: The section in question has been revised for clarity.

Socioeconomics and Environmental Justice

The socioeconomic analysis area is too small

Comment ID: 2574
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-172 The following material summarizes key findings from the Socioeconomic Baseline Report (Appendix N). In most cases, this material discusses statistics for the socioeconomic study area as a whole or for counties within the study area. In some cases, statewide statistics serve as a proxy for study area conditions. In many cases, statistics for Wyoming and the nation are provided for comparative purposes. Comment: The BLM applies too narrow of a scope in its socioeconomic analysis. The BLM relies exclusively on the Socioeconomic Baseline Report (Appendix N) that deals with only a portion of Wyoming and does not include any analysis whatsoever of the other states and regions that are integrally tied to the GRSG planning scheme. BLM does not discuss Wyoming's contribution to the US economy through natural resource production and development. Nor does BLM discuss the impacts of the national demand for these resources on Wyoming, its towns and communities. The BLM may not conveniently ignore the interplay between other states, the nation, and several unmentioned Wyoming Counties to avoid a hard look at the full impacts of the project. Nat'l Wildlife Fed'n v. Andrus, 440 F. Supp. 1245, 1252 (D.D.C. 1977) (One of the purposes of NEPA is "to break the cycle of such incremental decision-making."). The decision maker must include data from the entire project area and analyze the full extent of the cumulative impacts to local, regional, and national economies in this instance.

Summary: The BLM applies too narrow of a scope in its socioeconomic analysis. The BLM relies exclusively on the Socioeconomic Baseline Report (Appendix N) that deals with only a portion of Wyoming and does not include any analysis of the other states and regions that are integrally tied to the sagegrouse protection measures included in the LUP Amendments. The LUP Amendments do not discuss Wyoming's contribution to the US economy through natural resource production and development. In addition, the plan does not discuss the impacts of the national demand for these resources on Wyoming, its towns and communities. The BLM may not conveniently ignore the interplay between other states, the nation, and several unmentioned Wyoming counties to avoid a hard look at the full impacts of the project. The decision

maker must include data from the entire project area and analyze the full extent of the cumulative impacts to local, regional, and national economies in this instance.

Response: The BLM and Forest Service acknowledge that there are social and economic linkages between the administered public lands in the planning area and areas outside of the socioeconomic study area. A socioeconomic study area must capture a majority of the socioeconomic activity associated with the lands under management. The socioeconomic study area for this Draft EIS does this. Capturing a significantly higher percentage of activity would require considerable expansion of the size of the study area, with diminishing returns in terms of analytical value and likely with considerable additional complexity in understanding the socioeconomic conditions of a much larger area. Expanding study areas can also dilute capability to characterize more localized rural impacts by including areas with more metropolitan characteristics. With respect to the interplay of the socioeconomic study area and other parts of Wyoming, as noted in Appendix N and shown in Chapter 4, economic impacts for the entire state were calculated for each resource use that could be quantified. Appendix N, Section 1.2.1, describes the modeling of economic impacts on Wyoming counties that were not included in the socioeconomic study area for each BLM field office or Forest Service planning unit, but were included in the state-wide analysis. Further, the analysis does address the impacts on Wyoming and its communities of national demands for resources on BLM- and Forest Service-administered lands. Prices for these resources are set in regional and national markets. These prices drive development of public land resources, with resulting socioeconomic effects on local communities and the state. Both the quantitative analysis (IMPLAN) and qualitative discussions of socioeconomic effects of the alternatives address those effects.

Socioeconomics and Environmental Justice

Impact Analysis

Assumptions regarding wind energy development should be revised

Comment ID: 2578
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Chapter4-11, Socioeconomics Page 4-152 includes a discussion of wind energy development and production, and it claims that "it is not clear how many of these projects will be approved, and how many will be built." Tills should be corrected in the Final LUPA/EIS since, as noted above, the CCSM Project site was approved for wind energy development in October 2012. Therefore there are actual economic estimates from that EIS that can and should be considered in this LUPA/EIS, in order to be using the best available data and information regarding wind development on federal land in Wyoming and economic benefits, We suggest that the BLM incorporate tax, jobs and economic impact data from the BLM Final EIS Section 4.8.2, Impacts to Socioeconomics from Alternative 1R, Applicant Proposed Alternative, and specifically, Section 4.8.2.5, Fiscal Effects. Otherwise, it appears that BLM is under-representing the significant positive economic impacts that wind energy development will have on local communities. For example, while the Draft LUPA/EIS claims that only up to $172 million would be collected in sales/use taxes from all wind energy development in the planning area (page 4-152), the CCSM Project Final EIS says the following, for this project alone: Alternative IR could yield between $216 million and $336 million in sales and use tax receipts. Of those sums, between $144 million and $244 million would be derived from the state's 4 percent levy; 69 percent of which accrues to the general fund. The remaining $44 million to $69 million, less a 1 percent administrative fee, would be distributed to local governments with a substantial portion returned to Carbon County and local municipal governments. Based on the population distribution within Carbon County, these revenues would provide a substantial source of revenues to the City of Rawlins and towns of Saratoga and Sinclair. Also, the Draft LUPAIEIS appears to have under-reported potential property tax revenues, claiming only $85 million would be paid in the high wind development scenario.

However, according to the CCSM Final EIS, page 4.8-23, property taxes or ad valorem taxes will contribute another huge slice of tax dollars to local communities: Local ad valorem taxes: projected capital development costs of Alternative lR could range between $4.2 and $6.2 billion, depending on pending decisions regarding WTG capacity. Initially, the CCSM project would have an assessed value in the range of $483 million and $690 million (11.5 percent of improved value) declining over time as depreciation reduces the value of equipment. That assessment would qualify the CCSM as the single largest property taxpayer in the county, by a considerable margin. Based on current tax rates, projected ad valorem taxes across all local tax entities would total between $29.7 million and $42.4 million the first year following project completion. Approximately 20 percent of that total would accrue to Carbon County, 7 percent to various special districts and the remainder to support public education, not just locally but across the state based on Wyoming's education funding mechanisms. The $5.8 to $8.3 million that would accrue to Carbon County would be a significant boost in revenues given the County's total current general fund revenues of $22.1 million for 2010. Estimated total annual payments across all local tax entities after 10 years would be between $21.7 million and $31 million and cumulative ad valorem tax payments over that period range from $257 million to $367 million. Most surprising, the Draft LUPAIEIS fails to disclose the significant rental revenues paid by wind developers that have installed turbines on federal land. As outlined in BLM Instruction Memorandum No. 2009-043, Wind Energy Development Policy, the BLM requires a rental fee that phases up over three years to $4,155 per year per megawatt of installed capacity on federal land. These revenues continue over the life of the project and accrue to the Federal Treasury, therefore to the American public. For the CCSM Project, we estimate that rental fees will total $117 million in payments over 20 years, paid directly to the Treasury. In addition to paying per-megawatt rental fees on turbines, wind developers also must pay rental fees for the project area. As outlined in BLM 1M 2009-043, "the rental fee for the total public land acreage of the grant will be $1,000 per year or $1 per acre per year, whichever is greater. This rental fee is based on comparable fees on non-Federal lands and is consistent with the limited use of the land." Therefore, the Draft LUPA/EIS socioeconomic analysis does not adequately calculate or disclose the enormous amount of revenue that will be lost to local Wyoming communities, to the U.S. Government and to the American people if wind energy development is severely curtailed, restricted or precluded, under the potential pretense that this must be done to conserve sage-grouse habitat and thereby avoid a listing of the species. Further, it appears that Alternative E unfairly reduces the economic opportunities for Wyoming that are associated with wind energy development, as compared to oil and gas development. Alternative E will reduce the economic benefits and labor earnings to Wyoming from wind energy development by 90%, as compared to Alternative A, according to tables 4-61 through 4-63. In contrast, according to Table 4-43, Alternative E only reduces the economic benefits to Wyoming by 8% for oil and gas development. Readers reviewing this data could infer that BLM has designed and selected Alternative E and its associated restrictions specifically to protect oil and gas interests, instead of working to ensure the Draft LUPA/ElS leads to a balance of impacts on industries and resources and is based on science-based measures to conserve sage-grouse habitat.

Summary: Page 4-152 includes a discussion of wind energy development and production, and it claims that "it is not clear how many of these projects will be approved, and how many will be built." This should be corrected in the Proposed LUP Amendments/Final EIS since the Chokecherry Sierra Madre Project site was approved for wind energy development in October 2012. Therefore there are actual economic estimates from that EIS that can and should be considered in the LUP Amendments/EIS. We suggest that the BLM incorporate tax, jobs, and economic impact data from the BLM Final EIS Section 4.8.2, Impacts to Socioeconomics from Alternative 1R, Applicant Proposed Alternative, and specifically, Section 4.8.2.5, Fiscal Effects. Otherwise, it appears that BLM is under-representing the significant positive economic impacts that wind energy development will have on local communities. Also, the Draft LUP Amendments/Draft EIS appears to have under-reported potential property tax revenues, claiming only $85 million would be paid in the high wind development scenario. However, according to the CCSM Final EIS, page 4.8-23, property taxes or ad valorem taxes will contribute substantially more than the figures disclosed in the Draft LUP Amendments/Draft EIS. Most surprising, the Draft LUP Amendments/Draft EIS fails to

disclose the significant rental revenues paid by wind developers that have installed turbines on federal land. As outlined in BLM Instruction Memorandum No. 2009-043, Wind Energy Development Policy, the BLM requires a rental fee that phases up over three years to $4,155 per year per megawatt of installed capacity on federal land. These revenues continue over the life of the project and accrue to the Federal Treasury, therefore to the American public. For the CCSM Project, we estimate that rental fees will total $117 million in payments over 20 years, paid directly to the Treasury. In addition to paying per-megawatt rental fees on turbines, wind developers also must pay rental fees for the project area. As outlined in BLM 1M 2009-043, "the rental fee for the total public land acreage of the grant will be $1,000 per year or $1 per acre per year, whichever is greater. This rental fee is based on comparable fees on non-federal lands and is consistent with the limited use of the land." Therefore, the Draft LUP Amendments/Draft EIS socioeconomic analysis does not adequately calculate or disclose the enormous amount of revenue that will be lost to local Wyoming communities, to the US Government and to the American people if wind energy development is severely curtailed, restricted or precluded, under the potential pretense that this must be done to conserve sage-grouse habitat and thereby avoid a listing of the species.

Response: Many factors besides BLM's 2012 approval of CCSM, including critical market factors, will determine whether CCSM is actually built and at what pace. Further, a broadly based analysis using industry data is appropriate for the planning-level Draft LUP Amendments/Draft EIS, rather than basing the analysis on one project in one part of the state. In terms of the $85 million in potential property tax revenue being an underestimate, the CCSM EIS indicates $29.7 million to $42.4 million in projected property taxes in the first year following the completion of the project and that these revenues would decline over time from depreciation after that. The range of first-year tax revenues represents a 2,000 MW or a 3,000 MW project. This works out to $14,850 to $14,133 of property tax revenue per MW. The Draft LUP Amendments/Draft EIS used an estimate of $14,808 of property tax revenue per MW for the first year following project completion, essentially the same as the figures used in the CCSM EIS. The comment correctly notes that rental fees were not presented in the Draft LUP Amendments/Draft EIS impact analysis. However, it is also important to note that these fees accrue to the Federal Treasury and thus do not have a direct impact on Wyoming state or local government or the state and local economies. The overall thrust of the comment is a claim that the Draft LUP Amendments/Draft EIS under-represents the potential for substantial economic and government revenue losses under some alternatives. Tables 4-61 through 4-63 of the Draft LUP Amendments/Draft EIS show that the reductions under several alternatives are very large both proportionately and absolutely. No one can say with certainty what the actual numerical values will turn out to be; however, the Draft LUP Amendments/Draft EIS clearly shows the potential for very large reductions in wind energy-based economic activity and government revenues under Alternatives B, C, and E, and to a lesser extent Alternative D, compared to Alternative A.

Socioeconomics and Environmental Justice

Impact Analysis

Assumptions used for analysis need to be revised

Comment ID: 2705
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page N-5, paragraph 5: It is understandable that a discount rate greater than the OMB-recommended 0.1 % was applied; however, using a rate of 3% simply because it is more typical historically is insufficient justification for this very large change. Additional reasoning for the 3% is needed or a range of values from 0.1 % to 3% may be provided to provide a greater understanding of the potential range of outputs.

Comment ID: 3203
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix N 1.2.3 N- 5 Paragraph 5 It is understandable that a discount rate greater than the OMB- recommended 0.1% was applied. However, using a rate of 3% simply because it is more typical historically is insufficient justification for this very large change. Additional reasoning for the 3% is needed or a range of values from 0.1% to 3% may be provided to provide a greater understanding of the potential range of outputs.

Comment ID: 2706
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page N-7, paragraph 4, lines 2-5: It is incorrect to declare that management decisions in this document would apply only to oil and gas leasing. Therefore, it must be noted that socioeconomic impacts could be substantially larger than those identified herein. Page N-7, footnote 4: See comment above, and it appears the correct action item referenced here is 63, not 57.

Comment ID: 3204
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Appendix N 2.1.1 N- 7 Paragraph 4, lines 2- 5 It is incorrect to declare that management decisions in this document would apply only to oil and gas leasing. Therefore, it must be noted that socio-economic impacts could be substantially larger than those identified herein.

Summary: Page N- 7, Paragraph 4, lines 2- 5: It is incorrect to declare that management decisions in this document would apply only to oil and gas leasing. Therefore, it must be noted that socio- economic impacts could be substantially larger than those identified herein. Page N- 5, Paragraph 5: It is understandable that a discount rate greater than the OMB- recommended 0.1% was applied. However, using a rate of 3% simply because it is more typical historically is insufficient justification for this very large change. Additional reasoning for the 3% is needed or a range of values from 0.1% to 3% may be provided to provide a greater understanding of the potential range of outputs.

Response: This section of Appendix N correctly states that the management actions essentially apply only to development of and production from new wells under new leases. A footnote includes a caveat on this statement. The referenced lines are located under the oil and gas economic analysis methodology section. The specific sentence is, "This is because the management decisions under consideration in the Resource Management Plan (RMP) and the Land and Resource Management Plan (LRMP) (hereafter, land use plans [LUP]) amendments essentially only apply to new oil/gas leasing and not to the existing leases." The BLM and Forest Service stand by the choice of a 3% interest rate as appropriate, given historic interest/discount rate considerations. Given the location of this sentence as part of the oil and gas economic analysis methodology discussion, this sentence is not indicating that management decisions in the document only apply to oil and gas leasing, but that management decisions will affect only new oil/gas leasing and not existing leases. The sentence is clarifying that for the oil/gas economic analysis that the analysis is considering management decisions applied to only new oil/gas leases. The remaining portion of this paragraph does indicate that the economic impact figures associated with the LUP Amendments would be a subset of overall economic impacts from all oil and gas wells (new and existing). The specificity to oil and gas leasing in these lines is warranted since the discussion if focused on the oil/gas economic impact analysis.

Socioeconomics and Environmental Justice

Impact Analysis

Restricting uses on public land will adversely affect the local economy

Comment ID: 649
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Severance tax, royalties, and bonuses provide billions of dollars to the State of Wyoming and provide a substantial portion of the state's economic stability. Sage-Grouse DLUPA, pgs. 3-177 - 3-178. Additionally, ad valorem taxes provide an important source of revenue that is used to fund education within the State of Wyoming. When considering final alternatives the BLM should ensure that its actions do not adversely impact the citizens and students within the State of Wyoming by removing this important source of revenue.

Comment ID: 1405
Organization: Basin Electric Power Cooperative
Name: Darlene Steffan

Comment: The alternatives identified by BLM are expected to further limit use, including uses such as ROW for electric distribution and transmission lines, on BLM-administered lands within the Planning Area. The increased restrictions are expected to increase costs for infrastructure that may utilize BLM lands. which would in turn impact electric utility customers through increased costs and time delays for new projects. As a not-for-profit, consumer-owned utility, Basin Electric is deeply concerned about maintaining affordable, reliable electricity for our members - especially those residents of rural communities that already spend more per capita on energy than other parts of the country. Distribution cooperatives would experience an even greater financial impact, as compliance with these new restrictions and requirements would account for a larger percentage of overall project cost.

Comment ID: 1549
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Oil and gas development provides strong, reliable jobs for the citizens in Wyoming. The BLM should take this into consideration when selecting an alternative in the Sage-Grouse DLUPA. The BLM should ensure that its actions do not adversely impact the socioeconomic stability within Wyoming. When considering final alternatives the BLM should ensure that its actions do not adversely impact the citizens and students within the State of Wyoming by removing this important source of revenue.

Comment ID: 583
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Overall, many of the alternatives in the Sage-grouse DLUPA are overly restrictive, unnecessarily limiting to oil and gas development in Wyoming, and should be eliminated from further consideration. Oil and gas development is one of the primary employment and tax revenue sources in Wyoming. Sage-Grouse DLUPA, pgs. 3-175 - 3-180. In these uncertain economic times, the BLM should take every action to promote and foster the employment and revenue opportunities in Wyoming, not limit economic development and job creation. The BLM's adoption of Alternative B or Alternative C would have devastating economic impacts upon the region, State of Wyoming, and even the nation.

Comment ID: 785
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM should take this into consideration when selecting an alternative in the Sage-Grouse DLUPA. The BLM should ensure that its actions do not adversely impact the socioeconomic stability within Wyoming.

Comment ID: 8
Organization: Mackay School of Earth Sciences and Engineering
Name: Thom Seal

Comment: Mining & ranching plays an important part of the United States' current economy. The ranching and mined resources are a far more valuable resource to the citizens of Colorado, Idaho, Montana, North and South Dakota, Nevada, Utah, and Wyoming than sage grouse use of the land. Often the land is sagebrush with minimal wildlife, unless a lot of water is present. Locking up the land for no use because of the sage grouse is a drain on the each state's economy with the potential to also retard the economy in United States. Mining provides good paying jobs and reclaims the land when completed.

Comment ID: 2558
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: APLIC is also concerned that decisions proposed in the LUP, if implemented, would have a negative impact on the utility customers in the state. Electric utilities expend significant financial resources to avoid sensitive environmental resources when siting transmission lines. When decisions are made in the middle of the project, forcing the lines to be rerouted, the cost of this rework is then passed on to ratepayers. Despite substantial costs incurred for siting lines and scheduling construction to avoid sagegrouse and their habitats, these efforts are typically not considered when analyzing project impacts and determining required mitigation, resulting in significant costs to customers for which there is not mitigation "credit". BLM should consider these ratepayer concerns in the socioeconomics section of the LUP.

Comment ID: 1208
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Oil and gas development provides strong, reliable jobs for the citizens in Wyoming. The BLM should take this into consideration when selecting an alternative in the Sage-Grouse DLUPA. The BLM should ensure that its actions do not adversely impact the socioeconomic stability within Wyoming. When considering final alternatives the BLM should ensure that its actions do not adversely impact the citizens and students within the State of Wyoming by removing this important source of revenue.

Comment ID: 1777
Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: Oil and gas development provides strong, reliable jobs for the citizens in Wyoming. The BLM should take this into consideration when selecting an alternative in the Sage-Grouse DLUPA. The BLM should ensure that its actions do not adversely impact the socioeconomic stability within Wyoming. ConocoPhillips also appreciates the BLM's acknowledgement that oil and gas development has led to the very low unemployment rate for the State of Wyoming. Sage-Grouse DLUPA, pg. 3-175. As discussed

earlier, the BLM should ensure that its actions do not adversely impact the significant source of revenue and jobs for the State of Wyoming.

Comment ID: 2362
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: The location of mineral resources is determined by geology; therefore, mineral deposits can only be developed where they are found. Consequently, the withdrawal of mineral areas within sage-grouse habitat, and ACECs would result in significant economic harm to the counties and residents within the Planning Area that contain locatable minerals, and to any company whose mineral deposit is located in a sage-grouse habitat area. BLM must take into account the disproportionately high adverse impact to low income populations in the Planning Area and throughout the State of Wyoming as a result of restrictions and prohibitions to locatable mineral development under Alternatives B, C, D, and E. These restrictions could result in a decrease in funding of education and assistance programs that are partly dependent on the revenues collected directly from mining operations and other revenue that is created from the indirect economic benefits associated with mining activities. These are important revenue sources to the counties where mineral production occurs and to the State General Fund.

Comment ID: 2281
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Oil and gas development provides strong, reliable jobs for the citizens in Wyoming. The BLM should take this into consideration when selecting an alternative in the Sage-Grouse DLUPA. The BLM should ensure that its actions do not adversely impact the socioeconomic stability within Wyoming.

Summary: Implementation of the management actions/decisions included in the alternatives would have an adverse impact on the Wyoming economy, which could affect industry, economic development, job creation, funding for social services, energy-related costs that are passed on to customers, ranching activities, etc. The BLM and Forest Service should ensure that their actions do not negatively affect the socioeconomic stability of Wyoming. In some cases, the actions/decisions are overly restrictive and unnecessarily limit energy development and other land uses.

Response: The BLM and the Forest Service have assessed the relative socioeconomic impacts of each alternative, including the effects of reduced resource uses under some alternatives, and will consider these impacts along with the many other impacts of each alternative.

Socioeconomics and Environmental Justice

Impact Analysis

Restricting uses on public land would benefit the local economy

Comment ID: 89
Organization:
Name: Greg Bodker

Comment: Please take all actions available to save critical breeding habitat for this bird. Birding, Eco tourism, and Eco photography have an economic benefit to those in the area where people want to visit. It is incumbent on the BLM to protect that land so people want to visit an area.

Comment ID: 68
Organization:
Name: Edward Newbold & Delia Scholes

Comment: by setting aside sufficient chunks of sagebrush habitat, enough to allow this bird to really survive and thrive, the BLM will probably ensure also the economic vibrancy of nearby communities. Businesses want to locate in places that respect their own natural beauty.

Summary: Eco-tourism has an economic benefit to the planning area. The BLM and Forest Service should protect the land and natural resources in order foster such tourism and the related economic benefits to the state. Protecting natural resources within the planning area will ensure economic vibrancy of communities within the planning area, as it would encourage businesses to locate in the area.

Response: The BLM and Forest Service have assessed the relative socioeconomic impacts of each alternative, including beneficial effects of tourism related to public lands, and will consider these impacts along with the many other impacts of each alternative.

Socioeconomics and Environmental Justice

Impact Analysis

Socioeconomics should be the primary consideration in making land use decisions

Comment ID: 479
Organization:
Name: Jean Harshbarger

Comment: Another area which has not been satisfactorily addressed is socia-economic and cultural impact. All federal actions must take these into consideration as the primary emphasis, with consideration of other factors such as wildlife secondary. The impact of thousands of acres being withdrawn from mineral exploration, wind energy development or livestock grazing would be extremely detrimental to the counties, state and population. This is unacceptable and illegal under several federal laws.

Summary: Another area which has not been satisfactorily addressed is socio-economic and cultural impact. All federal actions must take socioeconomics and cultural impacts into consideration as the primary emphasis. Other considerations, such as wildlife issues, should be a secondary emphasis.

Response: The BLM and Forest Service are obligated under NEPA to consider the full range of impacts of implementing the alternatives, including socioeconomics, cultural impacts, impacts to wildlife, and other impacts.

Socioeconomics and Environmental Justice

Impact Analysis

Socioeconomics should not be considered in the plan.

Comment ID: 208
Organization:
Name: jean public

Comment: 4-128 I DO NOT BELIEVE SOCIOECONOMICS SHOUDL BE CONSIDERED. THE STATE LAND AND RESIDENTS HAVE TO MAKE THEMSELVES SUCCESSFUL. THEY CANNOT RELY ON NATIONAL LAND TO DO THAT.

Summary: Socioeconomics should not be a consideration in the plan amendment. The state and local counties cannot rely on national land to be financially successful.

Response: The BLM and Forest Service are obligated under NEPA to assess the socioeconomic effects that would result from implementing the management actions included in Chapter 2 of the Draft LUP Amendments/Draft EIS.

Socioeconomics and Environmental Justice

Impact Analysis

The impacts analysis needs to be revised

Comment ID: 668
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: The BLM should explain why its economic analysis only predicts the impact between 2011 and 2020. Samson understands that BLM's land use planning efforts are normally 20-year efforts. Samson believes that if the BLM used a more appropriate time frame the negative impacts associated with Alternative B and Alternative C would be further exacerbated. The BLM should develop more updated information released with the final EIS associated with the sage-grouse resource management planning process.

Comment ID: 792
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: The BLM should explain why its economic analysis only predicts the impact between 2011 and 2020. Devon understands that BLM's land use planning efforts are normally 20-year efforts. Devon believes that if the BLM used a the twenty-year time frame normally used for planning efforts, the negative impacts associated With Alternative B and Alternative C would be further exacerbated. The BLM should develop more updated information released with the final EIS associated with the sage- grouse resource management planning process.

Comment ID: 1507
Organization: American Wind Energy Association (AWEA)
Name: John Anderson

Comment: NEPA implementing regulations state that “[w]hen an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.” More specifically, the incremental socioeconomic impacts of the proposed action and each alternative should be evaluated in the cumulative effects section of the EIS. Therefore, the final EIS should address the local, regional, and national socioeconomic effects related to wind energy on: 1) Employment; 2) Economic Development; and 3) Taxable Income. We are encouraged that BLM and Forest Service will address socioeconomic impacts of the alternatives using the National Renewable Energy Laboratory’s Jobs and Economic Development Impact model (JEDI) for renewable energy impacts.

Comment ID: 2556
Organization: Avian Power Line Interaction Committee (APLIC)
Name: Richard M. Loughery

Comment: APLIC is concerned that the BLM's socioeconomic analysis in the DEIS is inadequate. Based on the current demand for energy in the western United States, the benefits of transmission lines outweigh impacts associated with the construction, operation and maintenance of the proposed lines, particularly since efforts will be made to avoid, minimize, and mitigate impacts as appropriate. APLIC recommends that the BLM revise the socioeconomics section of the DEIS to include a discussion of the benefits of enhancing the reliability and redundancy of high-voltage transmission in the west.

Comment ID: 779
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: It also appears the BLM failed to consider the significant detrimental impact seasonal prohibition on oil and gas operations could have upon the local economy. By precluding production during several months of the year, the BLM would force operators to significantly reduce their workforces on an annual basis. The management action would create a seasonal boom and bust cycle with routine maintenance workers and pumpers being laid off annually. The inconsistent nature of the work would almost certainly reduce the number of local employees operators are able to hire, which would restrict or eliminate the long-term beneficial impacts of the oil and gas development to the local economy. The BLM's current socio-economic analysis does not account for this cycle.

Comment ID: 898
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: The DLUPA/DEIS does not discuss the fact that the economic effects of some of the proposed mitigation measures, including the burying of power lines when feasible, would have a significant impact to our members and the communities they serve. Tri-State is an electric power cooperative, meaning costs incurred in one portion of our service territory would be spread across all of our member systems. Members that are not in GrSG range will be required to pay for mitigation costs outside of their service territory. The cost of burying high voltage transmission lines is 4-10 times the cost of an overhead line. This is a significant cost that would need to be passed along to our members and the rate payers.

Comment ID: 897
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: The socioeconomic analysis favors many of the non-market valuation methods which are not a good measure of how natural resource use on public lands contributes to the regional economic indicators such as output/sales, labor income, and employment. The DLUPA/DEIS assesses the social and economic impacts of the entire planning area, but should work to identify the effects that would result from the proposed management restrictions on specific areas, including counties.

Comment ID: 896
Organization: Tri-State Generation and Transmission Association, Inc.
Name: Barbara A. Walz

Comment: The electric power delivery system is a critical component to the social infrastructure that contributes to the general public's welfare in the planning area and throughout the United States. The management restrictions proposed in the DLUPA/DEIS alternatives will have a direct social and economic impact to this critical infrastructure, yet the DLUPA/DEIS fails to discuss how these restrictions will affect electric utilities in the Social and Economic Impact Analysis Methodology (Appendix N). The costs associated with reduced routing options and ROW restrictions would be real, and would be attributable to increased project time lines, decreased construction windows, increased planning and coordination, and likely increased route lengths/material costs. Continuous, safe, reliable delivery of power to end-users is a critical function in our society and often there is no other economically feasible or reasonable alternative than to have transmission system infrastructure traversing Agency administered lands. The increased costs associated with the imposed restrictions are directly passed on to our members system electrical end users.

Comment ID: 522
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Similarly, the BLM ignores the regional and national implications of Wyoming's massive energy influence. BLM fails to analyze and disclose the nation's obvious reliance on Wyoming natural gas as well as an increasing interest in wind energy and interstate grazing operations.

Comment ID: 1937
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: CHAPTER 3 – AFFECTED ENVIRONMENT 3.11 SOCIOECONOMICS, Page 3-171 We support BLM's efforts to incorporate the socioeconomic impacts into the LUPA/DEIS, including the quantification of the economic benefits of key activities, such as oil and natural gas exploration and production; however, the effort only goes so far as to identify the current economic output, and does not make an endeavor to analyze the negative impacts of the potential management decisions in each of the alternatives, particularly alternatives B and C. The document does not shy away from addressing perceived impacts to the GRSG from a variety of activities, including minerals development, yet it fails to similarly portray the costs of implementation of GRSG management on those activities: negative impacts certainly go both ways. Moreover, the agencies have further underestimated the negative socioeconomic impacts that will result from the proposed management strategy in many alternatives because the socioeconomic analysis is biased in favor of non-market valuation methods. Due to this bias, the agencies have overestimated non-market valuations and underestimated the negative economic impact on local communities, Wyoming, and the nation. We question how members of the community, who rely so heavily on a broad number of the multiple uses of public lands, can completely understand the true impact of an alternative, and comment accordingly, when the document fails to identify and quantify the socioeconomic costs associated with GRSG management. It is vital for the analysis to clearly identify the implementation costs, including the impact on oil and gas leasing, exploration, permitting, and development within the planning area, for both current and future production zones (i.e. the document must account for not only current potential, but also future resource potential). Without these estimates, it is impossible to properly understand and assess the range of alternatives analyzed in the LUPA/DEIS.

Comment ID: 2545
Organization: Peabody Energy Corporation
Name: Philip C. Dinsmoor

Comment: Peabody believes BLM and Forest Service failed to conduct comprehensive analyses of economic impacts to coal mining. Extensive economic analyses seem to have been performed on most of

the resource uses in areas covered by the LUPA. There are discussions of wind resources, recreational resources, grazing, oil and gas, just to mention a few. A word search of Appendix N, suggests that coal mining has been ignored in the economic analysis of Appendix N. Coal mining is rarely mentioned, yet the contribution from coal mines located on lands and minerals covered in this LUPA and DEIS exceeds one-third of all coal production in Wyoming and certainly exceeds the total coal production from any other state in the Union. Despite this and the enormous contribution to federal, state and local economies, there is no apparent economic analysis of the impact the LUPA alternatives would have on this major resource use.

Comment ID: 1876
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM may have presented impacts (i.e. environmental consequences) by resource and alternative in the DLUPA/DEIS, however BLM completely fails to provide adequate detail of the potential direct, indirect and cumulative impacts associated with the proposed management actions under each alternative and across programs , including but not limited to, density disturbance caps, surface use restrictions and prohibitions. For example, BLM failed to include any detailed or meaningful analysis of the impacts to resources, especially the socioeconomic impacts of withdrawing millions of acres from locatable mineral development (See Chapter 4), which is discussed in detail infra Section V.

Comment ID: 2123
Organization: Public Lands Council and National Cattlemen's Beef Association
Name: Dustin Van Liew

Comment: While PLC and NCBA appreciates that the 9-Plan EIS discloses estimated economic and social impacts that would result from choosing Alternative E, PLC and NCBA are concerned that the impacts may be understated. Moreover, in evaluating the significance of the economic and social impacts, BLM appears to have ignored its duty to evaluate the significance of impacts based on "context and intensity" pursuant to 40 C.F.R. § 1508.27. BLM's proposed LUPAs/RMPAs threaten to reduce livestock production in affected sage-grouse areas, as well as economic development opportunities relating to energy development and infrastructure. These factors weigh heavily against taking all but the most absolutely necessary measures to prevent an ESA listing—highlighting the importance of BLM carefully reassessing the purpose and need. PLC and NCBA appreciate that an ESA listing could have far greater economic consequences than the LUPAs/RMPAs currently under consideration, but that does not relieve BLM from its responsibility to carefully consider and fully disclose the economic and social impacts of the proposed actions. PLC and NCBA request that BLM reevaluate and fully disclose the economic and social impacts of the proposed alternatives based on the context and intensity framework required by NEPA.

Comment ID: 2199
Organization: Thunder Basin Coal Company
Name: Steven J. Beil

Comment: A fundamental requirement in any DEIS is a clear presentation and comparison of the available alternatives in a way that will allow the public to make informed comments. Many of the proposed alternatives rely on best management practice (BMP) conservation measures or stipulations that are unclear, undefined, or unsupported. Many of the management areas in this DEIS are not clearly defined and appear to be expanded over the Wyoming Executive Order 2011-05 core areas. Thus it is unclear what impacts the BLM/USFS are assigning to the management areas. BLM and USFS have thus failed in their mandate. The DEIS has failed to consider local economic impacts. Existing conditions and trends, as well as the impacts to conditions and trends associated with each alternative must be assessed along with the income and employment associated with all economic sectors, community infrastructure, state and local revenues and

expenditures, and land use patterns. The DEIS fails to address the effects of increased restrictions on mineral development, including withdrawal from mineral entry, to the State and local economies. Mineral mining operations can only take place where the minerals are located and as such, expansion of the restrictions beyond those outlined in the Wyoming Executive Order 2011-05 must be clearly defined and all impacts must be assessed within the DEIS. Further, it is recommended that the document justify restrictions on those activities that would appear to have little or no impact in the field, including mineral entries. Mining operations are critical to the economy of the state of Wyoming. Mining directly accounts for and supports thousands of jobs and millions of dollars in payroll. Fees, royalties and taxes paid by the industry account for over a billion dollars annually to state and local governments. Issues such as expanded restrictions, overly restrictive seasonal prohibitions and unsupported BMPs and regulations could have a drastic effect on these operations and subsequently, on Wyoming's local and state economies. These impacts have not been quantified in the DEIS.

Comment ID: 2981
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: Over one-fifth (approximately $4.8 billion) of Wyoming's total assessed valuation is derived from the minerals and materials mined in this state; therefore, any chosen alternative in the final DEIS must consider potential adverse impacts to this segment of Wyoming's industrial economy. However, despite its potential implications, an appropriate analysis regarding mining is conspicuously absent from the DEIS in Chapter 4's socioeconomic analysis-at least to the same degree as oil and gas, wind energy, agriculture and recreation received. Such a superficial treatment is simply unacceptable and a more robust analysis regarding potential impacts to mining must be inserted into the final document.

Comment ID: 2647
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-134, Table 4-43, Total Economic Output: Again, with the large difference between Alternative A and Alternative E, this table indicates that there will be only a $2,525,538 difference in total economic output. This grossly underestimates the impacts that restrictions on oil and gas operations will have on the local communities, the state, and the nation.

Comment ID: 2669
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: 4-128 Comment: The BLM entirely omits any discussion of the impacts of mining in the project area. Nor are the effects of the alternatives on mining analyzed. Without analyzing and disclosing the impacts of mining and to mining, the EIS is severely flawed.

Comment ID: 2691
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-179 Comment: This section would be enhanced by the inclusion of a tabular summary of economic effects of the alternative, combining one or two of the economic indicators for the four major activities: oil and gas development and production, wind energy development and operation, grazing, and recreation. Given the differences in units/quantities, total labor earnings and total jobyears through 2020 would be one option. Another essential summary is a distribution/allocation of the economic effects among

the field offices, towns and counties. The effects are not uniformly distributed among the field offices, towns and counties, with a disproportionate share of the projected adverse economic effects occurring in the Rock Springs and Pinedale field offices. The BLM must amply demonstrate the impacts of each alternative.

Comment ID: 2433
Organization: Bridger Coal Company
Name: Norman E. Hargis

Comment: It is very important that Alternative E, the preferred alternative, account for local and statewide socio-economic impacts of sage grouse restrictions. In the case of coal mining, consideration needs to be given to existing operations and infrastructure and how long those operations have been in place and the need for new lands and coal reserves to be added as existing reserves are mined out.

Comment ID: 2432
Organization: Bentonite Performance Minerals
Name: Joel Severin

Comment: BLM failed to consider local economic impacts. BLM is required under 43 CFR § 1610.4-4 (g) to analyze the level of dependence of local communities on resources from public lands during land use planning. As such, the BLM Land Use Planning Handbook (H-1601-H) and Instruction Memorandum No. 2002-167 each specifically address the requirement for a social and economic analysis for land use planning. Factors required to be analyzed include: demographic, economic, social and fiscal conditions and land use patterns. In addition, existing conditions and trends, as well as the impacts to conditions and trends associated with each alternative must be assessed along with the income and employment associated with all economic sectors, community infrastructure, state and local revenues and expenditures, and land use patterns. BLM wholly fails to adequately analyze the effects increased restrictions on mineral development will have on the state and local economy. For example, in Chapter 4 of the Draft EIS, BLM summarizes the socio-economic effects on oil and gas development, wind energy, livestock grazing and recreation. But it completely evades any analysis of the Draft EIS on locatable mineral development. Instead, BLM simply states that "[w]ithdrawal of portions of sage-grouse core habitat from mineral entry for locatable mineral development may result in reductions in economic activity; however, this depends on the location of economically developable locatable mineral resources relative to core habitat areas." Draft EIS 4-181. Elsewhere, BLM claims that the economic impacts of withdrawal on locatable mineral development "cannot be determined because the effects of this action depend on the location of economically developable locatable mineral resources." Draft EIS at 4-187. Or with respect to mitigation, BLM simply states that "[m]itigation requirements for locatable mineral development may increase costs for operators." Draft EIS at 4-200. This is a clear failure by BLM to undertake the required regulatory-mandated analyses. Further, by failing to evaluate specific information on mitigation and reclamation, BLM could not have possibly met the requirement for the detailed social and economic analysis required for land use planning. BPM produces 1,500,000 tons of bentonite annually in Wyoming. 300,000 tons of the bentonite is used in drilling fluids for oil and gas exploration and production. In the process of producing bentonite, BPM employs 193 direct employees and spends $40,000,000 on local contractors, salaries and materials in Wyoming. Its operations also contribute in many indirect ways though salaries for BPM employees and contractors. A recent study conducted for BPM estimated that BPM operations induce an additional 147 jobs and $4.5 million in additional earnings for non- BPM employees. See attached Socioeconomic Study for BPM (Dec. 2012). Overly restrictive seasonal prohibitions and unsupported BMPs and regulations could have a drastic effect on these operations and Wyoming's state and local economy. As a result, BLM failed to conduct comprehensive analyses of local economic impacts.

Comment ID: 2970

Organization: Ur-Energy USA, Inc.
Name: John Cash

Comment: Ur-Energy believes that the socio-economic evaluation is inadequate to comply with NEPA requirements and the impacts of Alternatives B thru E are significantly greater than the BLM analysis purports. For example, the BLM analysis did not account for the loss of locatable minerals mining despite the fact that there is an operating uranium mine within the study area as well as a uranium mine and mill on standby. There are at least tens of thousands of acres of locatable mineral claims in the study area with known mineralization. Since the LUP Preferred Alternative E will potentially remove several million acres from mineral entry, it is critical that the BLM assess the economic impact of such an action. Failure to complete such an analysis and make it available for public review and comment invalidates the NEPA process. The socio economic analysis fails to discuss the substantial costs associated with validity exams and the prospects for expensive and lengthy litigation if lands are withdrawn from mineral entry. We urge the BLM to provide a NEPA and FLPMA compliant socio-economic analysis that includes all potential impacts; specifically, include an analysis of the impacts on existing and potential locatable mineral mines and claims that have not, to date, been included in the BLM's analysis. The data needed for this analysis is readily available from the U.S. Geological Survey and other sources. The socio-economic analysis as presented does not provide an accurate picture of the impact of alternatives B thru E, and any decision based on this analysis is flawed and does not comply with applicable law.

Comment ID: 2684
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-129 Text: Tax and royalty revenues derived from activities on BLM and USFS-administered lands would continue to have fiscal implications for communities within the socioeconomic study area, the state, and the Federal Government. Comment: BLM completely omits sales tax revenues that accrue to local governments. Analyzing and disclosing economic impacts by field offices leaves massive gaps with regards to the impacts on local economies such as counties, towns, and local governments. The BLM may not make a decision without properly analyzing the actual dollar amounts that each alternative will impact towns and counties. To the extent that the EIS does not include the analysis of these problems, it is severely flawed.

Comment ID: 2985
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: The socioeconomic analysis in the preferred alternative should expressly identify its intended application for use and reliance by Agency planners. Further, when a difference exists between an analysis done on a multi-regional scale like that in the Plan, and that done in accordance with an individual Resource Management Plan (RMP) or Forest Plan (FP), the management objectives in the individual RMP or FP must take precedence. Because the Agencies are required in their analysis to take into account the various stated goals and objectives of various stakeholders existing in the Planning Area, we believe the resulting analysis in the Preferred Alternative must therefore identify the potential for disparate impacts on stakeholders. Where such analysis is lacking on the part of Agencies-for example, as a result of data acquisition constraints or landscape-level analysis that does not warrant a more detailed examination- the Agencies should expressly state that in the final document and provide explanation for intended, appropriate reliance by present and future planners.

Comment ID: 2387
Organization: American Wild Horse Preservation Campaign (AWHPC)

Name: Suzanne Roy

Comment: The LUP Amendments/DEIS considers the economic impacts of livestock grazing on the economy, but omits an analysis of the costs of public lands livestock grazing to the public. The final document should include a full analysis of the costs to the American taxpayer incurred due to 1) below-market grazing rates that do not cover administrative costs; 2) indirect costs for environmental mitigation/restoration, etc.; 3) costs of the removal of wild horses on livestock grazing allotments within HMAs; 4) costs of the government's predator management program as they relate to public lands ranchers. Attachment 7, Congressional Research Service Report, addresses some of these costs and is incorporated herein by reference.

Comment ID: 2386
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The importance of social considerations was reaffirmed in the NAS report of 2013. (Attachment 5). The prevailing public preference for protecting wild horses in any sage grouse conservation plans can be seen by the more than 8500 public comments that have been submitted on this LUP Amendments/DEIS, along with recent polls that show 72% of Americans support protecting wild horses and burros on public lands, while just 29% want public lands used for livestock grazing. (Attachment 6). These social impacts must be analyzed when considering any alternatives that could result in a reduction of wild horse and burro population numbers.

Comment ID: 2363
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: BLM's assertion that there was only adequate data to conduct a quantitative analysis on oil and gas, wind energy, livestock grazing, and recreation (See Ch. 4 at 4-130, Appendix N at N-2), is utter nonsense, and demonstrates a complete lack of due diligence made by the BLM. BLM could have obtained the necessary information to conduct a trend analysis from Wyoming's Department of Revenue, or the published USGS mineral reports, which would have provided a reasonable alternative to the "lack of reliable forecasts." It seems clear that Alternatives B, C, E, and Alternative D to a lesser extent, will have an extremely adverse impact on the locatable mineral industry due to land withdrawals and surface use restrictions, which will in turn adversely affect the economic stability of the counties which rely on mining. BLM must include locatable minerals in the socioeconomic impact analysis, especially considering that BLM's own Mineral Report clearly establishes that bentonite production is expected to remain steady or increase based on demand trends (See Mineral Report Ch. 3). BLM has inappropriately minimized the value that mining has on not only the counties in the Planning Area but the state as whole. BLM must revise the socioeconomic impact analysis to include recent employment data, and the most severance tax information.

Comment ID: 2878
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 183 of Chapter 4 the discussion on non-market economic values does not appear to reflect the "say versus do" aspect of many of these types of analysis. This "say/do" aspect can result in significant variability, which is difficult to measure. Studies have shown that what people say they would be willing to pay for some benefit versus what they actually will pay have significant differences.

Comment ID: 2355

Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: The DLUPA/DEIS additionally failed to consider local economic impacts. The BLM is required under 43 CFR § 1610.4-4 (g) to analyze the level of dependence of local communities on resources from public lands during land use planning. The BLM Land Use Planning Handbook (H-1601-H) and Instruction Memorandum No. 2002-167 each specifically address the requirement for a social and economic analysis for land use planning. Factors required to be analyzed include: demographic, economic, social and fiscal conditions and land use patterns. In addition, existing conditions and trends, as well as the impacts to conditions and trends associated with each alternative must be assessed along with the income and employment associated with all economic sectors, community infrastructure, state and local revenues and expenditures, and land use patterns. The costs associated with land withdrawals, seasonal caps, sound abatement, ROW restrictions will decrease access, increase construction costs, increase planning and coordination costs, and may deter many industries from continuing operations in specific regions of Wyoming. This could result in significant reduction of employment and reduced natural resource tax revenues, drastically affecting Wyoming's state and local communities. Any modifications from Wyoming Executive Order 2011-05 should be accompanied by detailed county by county economic and social impact assessments as part of the DLUPA/DEIS.

Comment ID: 2367
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: In addition, AEMA contends that the socioeconomics analysis related to locatable minerals is completely inadequate, especially with respect to small entities, and does not comply with the CEQ regulations as cited in BLM's NEPA Handbook: The CEQ regulations require the BLM to obtain information if it is "relevant to reasonably foreseeable significant adverse impacts," if it is "essential to a reasoned choice among alternatives," and if "the overall cost of obtaining it is not exorbitant (40 CFR 1502.22)" (BLM Handbook H-1-1790, Page 54) The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) requires BLM to analyze adequately the impacts of its proposal on small entities. The EIS documents for the Planning Area do not consider the adverse impact on small businesses of requiring validity exams in withdrawn or segregated lands, and are devoid of any analysis or discussion of the impact of sweeping and cumulative land withdrawals in priority/core sage-grouse on small entities. This is a significant omission that must be addressed in the socioeconomic analysis in a revised DLUPA/DEIS, especially because the proposed land withdrawals are co-located in areas with moderate to high mineral potential.

Comment ID: 2368
Organization: American Exploration and Mining Association (AEMA)
Name: Laura Skaer

Comment: AEMA Recommendation No. 6: Include a Detailed Socioeconomic Analysis of the Impacts Related to Locatable Minerals – For each alternative, the EIS documents must re-evaluate the socioeconomic benefit or harm each alternative will have and disclose and quantify any adverse effects to job creation and local economies.

Summary: Issue #1: The socioeconomic impacts associated with implementing restrictions on locatable mineral development and coal mining must be disclosed in the analysis. The socioeconomic analysis focuses on impacts associated with leasable minerals, livestock grazing, and recreation, but ignores impacts associated with locatable mineral development and coal mining. Issue #2: The planning period for the socioeconomic analysis should be longer than the 2011-2020 timeframe. Issue #3: The socioeconomic

analysis does not consider the seasonal restrictions on oil and gas leasing and development. Issue #4: The socioeconomic analysis does not disclose the impacts to electric utilities that would occur from implementing the land use decisions in the alternatives. Issue #5: The socioeconomic analysis favors many of the non-market valuation methods which are not a good measure of how natural resource use on public lands contributes to the regional economic indicators such as output/sales, labor income, and employment. Issue #6: The Draft EIS does not disclose the economic effects of implementing some of the proposed mitigation measures, such as burying power lines when feasible. Issue #7: The incremental socioeconomic impacts of the Preferred Alternative and each alternative should be evaluated in the cumulative effects section of the EIS. Therefore, the Final EIS should address the local, regional, and national socioeconomic effects related to wind energy on employment, economic development, and taxable income. Issue #8: The Draft EIS does not provide adequate detail of the potential direct, indirect, and cumulative impacts associated with some of the proposed management actions, including but not limited to, density disturbance caps and surface use restrictions and prohibitions. Issue #9: The socioeconomic impacts appear to be underestimated, especially given the intensive restrictions on oil and gas leasing. Also, the analysis does not disclose the significance of the impacts, based on context and intensity, pursuant to 40 C.F.R. § 1508.27. Issue #10: The Draft EIS has failed to consider local economic impacts. Existing conditions and trends, as well as the impacts to conditions and trends associated with each alternative must be assessed along with the income and employment associated with all economic sectors, community infrastructure, state and local revenues and expenditures, and land use patterns. Issue #11: The BLM and Forest Service ignore the regional and national implications of Wyoming’s massive energy influence. The Draft EIS fails to analyze and disclose the nation’s reliance on Wyoming's natural gas as well as an increasing interest in wind energy and interstate grazing operations. Issue #12: Social impacts must be analyzed when considering any alternatives that could result in a reduction of wild horse and burro population numbers. Issue #13: The Final EIS should include a full analysis of the costs incurred due to 1) below-market livestock grazing rates that do not cover administrative costs; 2) indirect costs for environmental mitigation/restoration, etc.; 3) costs of the removal of wild horses on livestock grazing allotments within HMAs; 4) costs of the government’s predator management program as they relate to public lands ranchers. Issue #14: The Draft EIS completely omits sales tax revenues that accrue to local governments. Issue #15: The analysis would be enhanced by the inclusion of a tabular summary of economic effects by alternative. Issue #16: The discussion on non-market economic values does not appear to reflect the "say versus do" aspect of many of these types of analysis. This "say/do" aspect can result in significant variability, which is difficult to measure. Studies have shown that what people say they would be willing to pay for some benefit versus what they actually will pay has significant differences.

Response: Issue #1: Impacts associated with locatable mineral development are addressed qualitatively in Section 4.11.5 of the Draft LUP Amendments/Draft EIS. Decisions potentially affecting coal mining (e.g., finding all surface mining of coal unsuitable in sage-grouse priority habitat) are not expected to have actual economic impacts, based on known coal potential and existing coal leases across the planning area. Issue #2: The planning period for socioeconomic analysis was determined by the minimum common period for the available resource development projections. Issue #3: Seasonal restrictions are addressed qualitatively in Section 4.11.5 of the Draft LUP Amendments/Draft EIS. Issue #4: Impacts to utilities such as those from ROW avoidance areas, utility corridors, line burial requirements, etc., are addressed qualitatively in Section 4.11.5 of the Draft LUP Amendments/Draft EIS. Impacts from different levels of wind energy development in the alternatives are encompassed by the IMPLAN analysis, which calculates the economic output, employment, and other impacts across all sectors affected by the development and production of wind energy. To the extent that management alternatives require linear construction projects to avoid Greater Sage-Grouse habitat or require increased construction costs for projects crossing Greater Sage-Grouse habitat, some impacts could occur. A 2012 WECC study cites transmission line costs per mile, ranging from $927 thousand to $2,967 thousand depending on voltage and type of lines. This study provides cost multipliers for difficult terrains, reaching up to 2.25 in the case of forested lands. According to the Energy Information Administration (EIA 2013), transmission costs form typically around 11 percent of the cost of

energy bills, with the remaining being formed by power generation and distribution. Restrictions on federal lands which surround state and private lands could adversely impact the current use of those lands, including ability to lease for mineral or energy development. Issue #5: The socioeconomic analysis does not favor non-market valuation. The Draft EIS has lengthy treatments of market-based values and impacts: a) much of Section 4.11.5 of the Draft LUP Amendments/Draft EIS qualitatively describes market impacts that cannot be quantified; and b) quantifiable impacts to output/sales, labor income, and employment are treated at length in Section 4.11.4. The qualitative discussions of non-market values in Section 4.11.5 of the Draft LUP Amendments/Draft EIS are included to provide a full treatment of all types of economic impacts of the alternatives, consistent with the recommendations of BLM Instruction Memorandum No. 2013- 131, Guidance on Estimating Non-market Environmental Values. Issue #6: Section 4.11.5 of the Draft LUP Amendments/Draft EIS provides qualitative discussion of such impacts. These impacts can only be quantified at the implementation level when more is known about the specific levels of such activities. Issue #7: The discussion of cumulative impacts in Section 4.22.3 of the Draft LUP Amendments/Draft EIS is consistent with a planning-level analysis. With respect to wind energy specifically, Section 4.11.4, "Summaries of the Quantitative Economic Impact Analysis Results, and Section 4.11.6 of the Draft LUP Amendments/Draft EIS provide both quantified and qualitative analysis. Issue #8: The effects of density disturbance caps and surface use restrictions and prohibitions are incorporated into the RFD and thus their economic impacts are included in the IMPLAN analysis. Effects of additional management actions are addressed qualitatively in Section 4.11.5 of the Draft LUP Amendments/Draft EIS. Issue #9: The impacts of restrictions on oil and gas leasing are included in the RFD and in the IMPLAN analysis to the extent these management actions are quantifiable. Effects of additional management actions are addressed qualitatively in Section 4.11.5 of the Draft LUP Amendments/Draft EIS. This discussion addresses relevant aspects of 40 C.F.R. § 1508.27, consistent with the available information and level of analysis appropriate to this planning-level EIS. Issue #10: The Draft EIS quantifies impacts (to the extent possible) at the BLM field office and Forest Service planning unit level. The qualitative discussion of other impacts indicates the types of impacts that may be experienced locally. Analysis of impacts on specific local communities is not feasible or appropriate given the scale of this planning-level EIS. A county-by-county IMPLAN analysis is not feasible because discussion of economic impacts requires knowing where expenditures will be made. This input data is often not available at the county level, and there is typically loss of information regarding indirect and induced impacts that expand beyond the county boundary. Issue #11: The US Energy Information Administration (EIA) (2014) identified Wyoming as the top producing coal state in 2012 producing 401,442 thousand short tons, which is more than triple the amount of the second ranked coal producing state. EIA (2014) also identified that Wyoming ranked 5 in natural gas, ranked 8 in crude oil, and ranked 2 in overall total energy production in 2012. The BLM and Forest Service acknowledge that there are social and economic linkages between the administered public lands in the planning area and areas outside of the socioeconomic study. The focus of the socioeconomic analysis on the localized area is appropriate given that the socioeconomic study area must capture a majority of the socioeconomic activity associated with the lands under management. Expanding the analysis area to a national level would dilute capability to characterize more localized rural impacts. Issue #12: The analysis in this document is adequate. This is a sage-grouse document, not a wild horse document. Issue #13: These issues are not directly germane to the sage-grouse management actions and the selection of a preferred alternative. Issue #14: Sales and use taxes related to wind energy are estimated in Tables 4-61 and 4-62 of the Draft LUP Amendments/Draft EIS. Sales and use taxes related to other resource uses cannot be estimated reliably given the available information. It is noted that other tax revenue sources may be affected by BLM management actions. Issue #15: Section 4.11.4 of the Draft LUP Amendments/Draft EIS provides summaries by alternative for the analyses that could be quantified. The many and complex qualitative impacts do not lend themselves to a tabular summary. Issue #16: The studies underlying the estimate of consumer surplus value for recreation under Alternative A in Section 4.11.5 of the Draft LUP Amendments/Draft EIS are not based on the types of stated preference surveys (e.g., contingent valuation) that appear to be the concern raised in the comment. The studies are based on surveys that directly ask respondents for actual expenditures, rather than asking for willingness to pay under hypothetical scenarios

as used in stated preference surveys. This methodology (e.g., travel cost method) is less subject to any "say versus do" bias and is widely accepted in the economics field as appropriate and reliable. The Draft EIS briefly mentions values from stated preference surveys when discussing the potential non-market value of protecting habitat for Greater Sage-Grouse. This discussion is preceded by this caveat: "However, it is also true that, due to the hypothetical payment nature of 'stated preference' studies (e.g., contingent valuation surveys) of passive use values, there is likely to be some overestimation in the results of these studies – stated willingness to pay, per person or household (Loomis 2011)." This caveat and the limited use of passive use values estimates in this Draft EIS is consistent with the recommendations of BLM Instruction Memorandum No. 2013-131, Guidance on Estimating Nonmarket Environmental Values.

Socioeconomics and Environmental Justice

Range of alternatives

Alternatives B and C would create significant adverse effects on the local economy that the BLM and Forest Service should avoid.

Comment ID: 2001
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page 4-134: "Compared to Alternative A, if Alternative B were implemented, the economic indicators noted above would decrease by 10% to 11% based on the reductions in oil and gas development that are projected in the RFD." Page 4-141: "Compared to Alternative A, if Alternative B were implemented, the economic indicators noted above would decrease by 4% to 6% based on the reductions in oil and gas development – and thus resulting reductions in production – that are projected in the RFD." We find it difficult to believe that implementation of Alternative B, which is based on the conservation measures developed by the NTT in IM-2012-044, would only decrease production and the economic indicators related to oil and gas development by 4% to 6%. Conservation measures developed by the NTT are extremely restrictive and draconian by nature and would likely reduce oil and gas development, production and associated economic impacts by a much greater degree than what is estimated by BLM. We recommend that BLM reevaluate the actual impact the measures recommended by NTT, if implemented, would have on future oil and gas development, as well as associated and ancillary economic impacts, so the public can fully understand the estimated impacts of the proposed management alternatives in the LUPA/DEIS.

Comment ID: 1283
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: The removal of vast areas of lands from future oil and gas development and potential restrictions on existing leases under Alternatives B or C would also significantly restrict regional earnings, jobs, and tax revenue. The BLM must not adopt an alternative that would reduce economic development, decrease domestic energy supplies, result in a loss of jobs, and harm the local tax base.

Comment ID: 667
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: As already described, oil and gas development is a significant driver of the economy within the Planning Area. The BLM's analysis demonstrates that Alternative B and Alternative C would have significant adverse impacts to the local and regional economies. It is estimated that Alternative B and

Alternative C would reduce oil and gas economic output by $3,457,294,000 and $8,047,983,000 respectively. Sage-Grouse DLUPA, pg. 4-134. This is a significant loss of regional earnings and should be avoided by the BLM. Sage-Grouse DLUPA, pg. 4-135. The BLM's own analysis also indicates that Alternative B would result in a loss of approximately 7,000 jobs which is directly contrary to the statements by the Obama Administration indicating they would take any and all steps necessary to ensure that jobs are gained not lost during this difficult economic times. Sage-Grouse DLUPA, pg. 4- 135. Additionally, the analysis indicates that there will be significant job loss under both Alternative C and Alternative D. Sage-Grouse DLUPA, pg. 4-135. The BLM should ensure that its actions are improving not destroying the economy of Wyoming. The BLM's analysis also demonstrates that there would be significant loss to federal royalty and state taxes under Alternative B, Alternative C, and Alternative D. Sage-Grouse DLUPA, pg. 4-142. Given the dependence the State of Wyoming has on oil and gas revenues, the BLM must not adopt Alternative B or Alternative C as they would both have significant adverse impacts upon royalty earnings in the area. Sage-Grouse DLUPA, pg. 4-142. Under Alternative B and Alternative C there could be a reduction in royalties ranging from 4% to 22%. Sage-Grouse DLUPA, pg. 4-141.

Comment ID: 1219
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: Given the dependence the State of Wyoming has on oil and gas revenues, the BLM must not adopt Alternative B or Alternative C as they would both have significant adverse impacts upon royalty earnings in the area. The BLM should explain why its economic analysis only predicts the impact between 2011 and 2020. Anschutz understands that BLM’s land use planning efforts are normally 20- year efforts. Anschutz believes that if the BLM used a more appropriate time frame the negative impacts associated with Alternative B and Alternative C would be further exacerbated. The BLM should develop more updated information released with the final EIS associated with the sagegrouse resource management planning process.

Comment ID: 1141
Organization: Anschutz Exploration Corp
Name: Brant Gimmeson

Comment: The removal of vast areas of lands from future oil and gas development and potential restrictions on existing leases under Alternative B or C would also restrict regional earnings, jobs, and tax revenue. The BLM must not adopt an alternative that would reduce economic development, decrease domestic energy supplies, result in a loss of jobs, and harm the local tax base.

Comment ID: 1570
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: Given the dependence the State of Wyoming has on oil and gas revenues, the BLM must not adopt Alternative B or Alternative C as they would both have significant adverse impacts upon royalty earnings in the area. Sage-Grouse DLUPA, pg. 4-142. The BLM should explain why its economic analysis only predicts the impact between 2011 and 2020. EOG understands that BLM‘s land use planning efforts are normally 20-year efforts. EOG believes that if the BLM used a more appropriate time frame the negative impacts associated with Alternative B and Alternative C would be further exacerbated. The BLM should develop more updated information released with the final EIS associated with the GRSG resource management planning process.

Comment ID: 1783

Organization: ConocoPhillips Company
Name: Eileen Danni Dey

Comment: Given the dependence the State of Wyoming has on oil and gas revenues, the BLM must not adopt Alternative B or Alternative C as they would both have significant adverse impacts upon royalty earnings in the area. Sage-Grouse DLUPA, pg. 4-142. Under Alternative B and Alternative C there could be a reduction in royalties ranging from 4% to 22%. Sage-Grouse DLUPA, pg. 4-141. The BLM should explain why its economic analysis only predicts the impact between 2011 and 2020. ConocoPhillips understands that BLM's land use planning efforts are normally 20-year efforts. ConocoPhillips believes that if the BLM used a more appropriate time frame the negative impacts associated with Alternative B and Alternative C would be further exacerbated. The BLM should develop more updated information released with the final EIS associated with the sage-grouse resource management planning process.

Comment ID: 2288
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: The removal of vast areas of lands from future oil and gas development and potential restrictions on existing leases under Alternative B and Alternative D would also significantly restrict regional earnings, jobs, and tax revenue. Such alternatives are inappropriate and should be eliminated. The BLM must not adopt an alternative that would reduce economic development, decrease domestic energy supplies, and harm the local tax base.

Comment ID: 2292
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Given the dependence the State of Wyoming has on oil and gas revenues, the BLM must not adopt Alternative B or Alternative C as they would both have significant adverse impacts upon royalty earnings in the area. The BLM should explain why its economic analysis only predicts the impact between 2011 and 2020. Encana understands that BLM's land use planning efforts are normally 20-year efforts. Encana believes that if the BLM used a more appropriate time frame the negative impacts associated with Alternative B and Alternative C would be further exacerbated. The BLM should develop more updated information released with the final EIS associated with the sage-grouse resource management planning process.

Summary: Given the dependence the State of Wyoming has on oil and gas revenues, the BLM must not adopt Alternative B or Alternative C as they would both have significant adverse impacts upon royalty earnings in the area. The removal of vast areas of lands from future oil and gas development and potential restrictions on existing leases under Alternatives B or C would significantly restrict regional earnings, jobs, and tax revenue. The BLM must not adopt an alternative that would reduce economic development, decrease domestic energy supplies, result in a loss of jobs, and harm the local tax base.

Response: The BLM and Forest Service acknowledge the concerns with Alternatives B and C reflected in this comment. Economics, including jobs, earnings, royalties, and taxes for oil and gas are analyzed and compared for all alternatives, as indicated in 'Methods of Analysis' of the Final EIS in Chapter 4. Economic impact results, including percent differences from Alternative A are summarized in subsequent sections of the socioeconomics section of the Final EIS.

Socioeconomics and Environmental Justice

Reclamation

Reclamation bonding is unnecessary

Comment ID: 2649
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 4-262, paragraph 1: Reclamation bonding is unnecessary as we are already required to provide bonding by both the state and federal government. As stated on page 12 of the 2007 BLM Gold Book, "Bonding is required (43 CFR 3104 and 36 CFR 228 Subpart E) for oil and gas lease operations in order to ensure that the operator performs all obligations of the lease contract, including but not limited to: royalty obligations, plugging leasehold wells, surface reclamation, and cleanup of abandoned operations." QEP has already fulfilled bonding requirements for reclamation. Furthermore, the reclamation bonding requirement mentioned in the DLUPA/ElS goes against current regulation and must go through a formal rulemaking process.

Summary: Page 4-262, paragraph 1: Reclamation bonding is unnecessary as operators are already required to provide bonding by both the state and federal government. As stated on page 12 of the 2007 BLM Gold Book, "Bonding is required (43 CFR 3104 and 36 CFR 228 Subpart E) for oil and gas lease operations in order to ensure that the operator performs all obligations of the lease contract, including but not limited to: royalty obligations, plugging leasehold wells, surface reclamation, and cleanup of abandoned operations." QEP has already fulfilled bonding requirements for reclamation. Furthermore, the reclamation bonding requirement mentioned in the Draft LUP Amendments/Draft EIS is inconsistent with current regulation and must go through a formal rulemaking process.

Response: In accordance with 43 CFR §3104.1, the BLM does have the authority to increase bond amounts for full reclamation, regardless of operator compliance history, beyond the minimum amounts established. Bond obligations; where "the bond amounts shall be not less than the minimum amounts described in this subpart in order to ensure compliance with the act, including complete and timely plugging of the well(s), reclamation of the lease area(s), and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease(s) in accordance with, but not limited to, the standards and requirements set forth in §§3162.3 and 3162.5 of this title and orders issued by the authorized officer."

Soil

Appendices

Appendix B language should be edited

Comment ID: 2736
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-5 Text: Implement irrigation during interim or final reclamation for sites where establishment of seedlings has been shown or is expected to be difficult due to dry conditions. Use mulching, soil amendments, and/or erosion blankets to expedite reclamation and to protect soils. Comment: When used in conjunction, irrigation and mulching should be evaluated on a site-bysite basis to prevent unnecessary erosion.

Summary: On page B-5, when used in conjunction, irrigation and mulching should be evaluated on a site-by-site basis to prevent unnecessary erosion.

Response: BLM and Forest Service concur with the comment. As clearly explained in page B-1, application of required design features will be analyzed and applied based on site-specific conditions.

Soil

Appendices

Appendix C language should be edited

Comment ID: 1443
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Appendix C, Reclamation Plan, page C-15. The document makes a reference to soils with a pH greater than 7.8 become less suitable for reclamation. Much of Wyoming soils exhibit pH values greater than 7.8. High pH soils in Wyoming are the norm and should not be considered as anything out of the ordinary. Appropriate reclamation practices should be taken to mitigate these higher pH soil values, which could be included in the approved reclamation plans.

Comment ID: 2107
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: C.2.7 Monitoring, Page C-7 1. Standard Monitoring Requirements "c. Erosion control/soil stability: The reclaimed area should be evaluated for any signs of erosion problems annually (until the timeline determined by the ESD model has been satisfied) and when the site is subject to erosional events. Identified erosion features should be monitored using repeat photography. Absence of erosion features is a positive indication that the soil is stabilizing." The Wyoming Department of Environmental Quality (WDEQ) provides guidance concerning erosion and stabilization in accordance with their SWPPP requirements, and using the guidance that has already been established by WDEQ would be more suitable.

Comment ID: 678
Organization: Anadarko
Name: David Applegate

Comment: Soil sampling and laboratory analysis will be required to obtain some of this information. Anadarko suggests changing this requirement to allow proponents to conduct lab analysis only if the site indicates a need for detailed soil analysis.

Comment ID: 1444
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Appendix C, Reclamation Plan, page C-19. The appendix states "Mulch shall be applied at a rate that achieves 50 percent ground cover to provide protection from erosion…" Many of the requirements in the reclamation plan will require coordination and collaboration with the Land Quality Division or other agencies that approve reclamation plans. General statements such as mulch application rates should not be made, but rather specific site conditions and decades of research and trial and error that has gone into site specific reclamation plans should be utilized on a case by case basis where available.

Comment ID: 2112
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Suitable Soil Inventory, Page C-14, 3rd Bullet Point In order to determine some of the characteristics described under this provision, it will require soil sampling and laboratory analysis. We suggest adding a qualifier to it in order to require proponents to conduct lab analysis only if the site indicates a need for detailed soil analysis, including how it will be determined that the need exists.

Comment ID: 2111
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Form 7310-12, Determination of Erosion Condition Class, Page C-12 This form is not referenced at any point in Appendix C, so we are at a loss as to why it is included.

Summary: Issue 1: Language should be added on page C-15 that much of the soils in Wyoming exhibit pH values greater than 7.8. Appropriate reclamation practices should be taken to mitigate these higher pH soil values, which could be included in the approved reclamation plans. Issue 2: Language on page C-19 should be edited as general statements such as mulch application rates should not be made, but rather specific site conditions and decades of research and trial and error that have gone into site specific reclamation plans should be utilized on a case-by-case basis where available. Issue 3: On Page C-7, the WDEQ provides guidance concerning erosion and stabilization in accordance with their SWPPP requirements; using the guidance that has already been established by WDEQ would be more suitable. Issue 4: Form 7310-12, Determination of Erosion Condition Class, on page C-12 is not referenced at any point in Appendix C; clarify why it is included. Issue 5: The soil sampling and laboratory analysis requirement should be changed to allow proponents to conduct lab analysis only if the site indicates a need for detailed soil analysis.

Response: Issue 1: It is true that many Wyoming soils do exhibit pH values greater than 7.8, higher pH soils are addressed in the reclamation plan and Wyoming BLM reclamation policy. Issue 2: Ideally mulch application rates should be based on local soil conditions and a variety of soil characteristics but especially on surface horizon textures and slope. This is addressed in the Wyoming BLM reclamation policy. Issue 3: Wyoming DEQ guidance on erosion and stabilization is very helpful as are NRCS guidelines. The Wyoming BLM reclamation policy is also helpful. Issue 4: Form 7310-12, is included as another tool to assist in the determination of erosion class and provide site information for erosion potential and to assist in the development of reclamation plans. Issue 5: Detailed soil characteristics information and a soil sampling and analysis protocol helps to provide the best chance for successful reclamation over the long term.

Soil

Best available information-baseline data

Soil quality and productivity revisions

Comment ID: 2468
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Pages 3-194 and 195: We have trouble understanding how the soil quality is generally good yet the major resource concern is soil quality. There may need to be more explanation? The statement: "The

TBNG supports native grasses and shrubs grazed by cattle and sheep." Seems to be out of place or a different statement?

Summary: On pages 3-194 and 195, clarification is needed on how the soil quality is generally good yet the major resource concern is soil quality. Also, the statement: "The TBNG supports native grasses and shrubs grazed by cattle and sheep." seems erroneous.

Response: The soil quality on the TBNG is generally good and the major resource concern is maintenance of the current quality. The statement that the TBNG supports native grasses and shrubs grazed by sheep and cattle is not erroneous. A native plant is a term to describe plants endemic (indigenous) or naturalized to a given area in geologic time. This includes plants that have developed, occur naturally, or existed for many years in an area.

Soil

Impact Analysis

Alternative C language should be edited

Comment ID: 2490
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-2214.12.5 Alternative C: Strangely enough the impact of not having hoof action ever again in sage-grouse priority habitat due to the absolute prohibition of livestock grazing is not discussed in Alternative C.

Summary: Page 4-221 4.12.5 The impact of not having hoof action ever again in sage-grouse priority habitat due to the absolute prohibition of livestock grazing should be discussed.

Response: The impacts on sage-grouse habitat and all other resources from prohibiting livestock grazing within sage-grouse priority habitats under Alternative C are disclosed in Chapter 4 of the Draft LUP Amendments/Draft EIS. The analysis is comprehensive and is in compliance with all NEPA requirements.

Soil

Impact Analysis

Alternative E language should be edited

Comment ID: 2492
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-230 4.12.7 Alternative E: How do the BLM and Forest Service know that "Identifying areas that could be identified for vegetation restoration both inside and outside priority habitat could .... as a larger area could be restored.", that a "larger area" could be restored? How do we know if restoration of burned areas could be accomplished through the planning area? How do we "specifically" control erosion as mentioned in paragraph seven?

Summary: Page 4-230 4.12.7 Clarify how the BLM and Forest Service know that in "Identifying areas that could be identified for vegetation restoration both inside and outside priority habitat could .... as a larger area could be restored." that a "larger area" could be restored. Also clarify how to assess if restoration of

burned areas could be accomplished through the planning area, and how to "specifically" control erosion as mentioned in paragraph seven.

Response: The analysis in Chapter 4 has been clarified to more accurately depict the impacts.

Soil

Impact Analysis

Edits to Assumptions

Comment ID: 669
Organization: Samson Resources Company
Name: Heather N. Smith

Comment: Section 4.12 - Soils The BLM's falsely assumes that roads and pads necessarily lead to long-term erosion impacts. Samson believes that the WDEQ's extensive regulations requiring storm water control and management significantly reduce erosion associated with oil and gas activities across the Planning Area. Samson urges the BLM to reconsider this assumption.

Comment ID: 793
Organization: Devon Energy Corporation
Name: Randy Bolles

Comment: Devon disagrees with the BLM's assumption that roads and pads necessarily lead to long-term erosion impacts. As the BLM is aware, the WDEQ has extensive regulations requiring storm water control and management. Devon believes these regulations significantly reduce erosion associated with oil and gas activities across the Planning Area. Devon urges the BLM to reconsider this assumption.

Comment ID: 1571
Organization: EOG Resources, Inc.
Name: Carlos Jallo

Comment: EOG disagrees with the BLM‘s assumption that roads and pads necessarily lead to long-term erosion impacts. As the BLM is aware, the WDEQ has extensive regulations requiring storm water control and management. EOG believes these regulations significantly reduce erosion associated with oil and gas activities across the Planning Area. EOG urges the BLM to reconsider this assumption.

Comment ID: 2489
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-2114.12.2 Assumptions: It appears that the second bullet and third bullet are the same? Suggest rewording the bullet to suggest that wind is only secondary to the amounts of water erosion. The fifth bullet "storm intensity and duration" could be plural and add snowfall accumulations in upland areas. In the seventh bullet add "due to soil and subsoil compaction" after "impact." In the ninth bullet please consider adding after "erosion.", the phrase "and successful interim reclamation ."

Comment ID: 2867
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 183 under the section dealing with soils the document states that, "The introduction of livestock, which tend to congregate in one area more than the native bison historically did, . . ."which seems to indicate some scientific study was conducted to reach this conclusion. However, we could not see any reference to that study. The author of this particular statement should provide the study which lead to the conclusion. Otherwise it should not be included in the document or perhaps should be identified as an opinion. On page 190 of Chapter 3, under the section on soil salinity, it identifies one of the major causes as being overgrazing. Again, we would be interested in the studies that establish this connection since there wasn't any identifying references provided.

Comment ID: 2293
Organization: Encana Oil and Gas
Name: Paul Ulrich

Comment: Encana disagrees with the BLM's assumption that roads and pads necessarily lead to long-term erosion impacts. As the BLM is aware, the WDEQ has extensive regulations requiring storm water control and management. Encana believes these regulations significantly reduce erosion associated with oil and gas activities across the Planning Area. Encana urges the BLM to reconsider this assumption.

Summary: Issue 1: The assumption that roads and pads lead to long-term erosion impacts should be reconsidered, as the WDEQ's extensive regulations requiring storm water control and management significantly reduce erosion associated with oil and gas activities across the planning area. Issue 2: On page 4-211 4.12.2 clarify if the second and third bullets should be the same. Reword the bullet to suggest that wind is only secondary to the amounts of water erosion. The fifth bullet "storm intensity and duration" could be plural and add snowfall accumulations in upland areas. In the seventh bullet add "due to soil and subsoil compaction" after "impact." In the ninth bullet please consider adding after "erosion." the phrase "and successful interim reclamation." Issue 3: On page 183, a study and reference should be provided that substantiates the statement that, "The introduction of livestock, which tend to congregate in one area more than the native bison historically did, . . ." The author of this particular statement should provide the study which lead to the conclusion. Otherwise it should not be included in the document or perhaps should be identified as an opinion. Issue 4: On page 190, a study and reference should be provided that identifies one of the major causes as being overgrazing.

Response: Issue #1: Although mitigation measures help to alleviate impacts on soils, the construction and presence of roads and well pads contribute to soil erosion. The assumption is accurate and appropriate. Issue #2: The second and third bullets are not the same. The intent is to identify water erosion as the primary driver of soil erosion, but that wind can also result in soil erosion. The 5th bullet is accurately stated and changes are not necessary. The suggested change to the 7th bullet does not appear to be an appropriate change. Raindrop impact is not necessarily due to soil compaction. The 7th bullet is accurately stated and changes are not necessary. The suggested change to the 9th bullet does not appear to be an appropriate change. Soil compaction does not increase successful interim reclamation. The 9th bullet is accurately stated and changes are not necessary. Issue #3: The statement has been removed. Issue #4: The statement has been removed.

Soil

Impact Analysis

Impact analysis language should be revised

Comment ID: 2461
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-200 Table 2-7. Comparative Summary of Impacts - Soils: The first paragraph across all the Alternatives is misleading and is not reflective of the management actions below them. The lead paragraph should be re-written to reflect the verbiage following the statement.

Summary: On page 2-200 Table 2-7, the first paragraph across all the alternatives is misleading and is not reflective of the management actions below them. The lead paragraph should be re-written to reflect the verbiage following the statement.

Response: The first paragraph is not intended to directly relate to the second paragraph. The first paragraph explains that adverse impacts to soil would occur from actions that remove vegetation. The second paragraph explains that other actions would help to mitigate such impacts. The text is accurate and appropriate and changes are not necessary.

Soil

Impact Analysis

Impact indicator edits

Comment ID: 2488
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-211: 4.12.1 Impact Indicators: In the amount of land statement would it include the types of lands surfaces classified such as clay, loam, sand?

Summary: On page 4-211 clarify if the amount of land includes the types of lands surfaces classified such as clay, loam, sand.

Response: The impact indicator is accurately stated. One indicator of impacts to soil resources is the amount of land subject to surface disturbance, regardless of the soil type. Although the soil type would affect the rate of erosion, such specifics are not included/reflected in the impact indicator.

Travel Management

Appendices

Appendix F edits

Comment ID: 2750
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg F-1 Text: Remove roads, unimproved roads, and two-tracks in core sage-grouse habitats according to travel management plans and restore sagebrush habitat. Comment: Travel management decisions cannot be made as part of the LUPA.

Summary: Page F-1: “Remove roads, unimproved roads, and two-tracks in core sage-grouse habitats according to travel management plans and restore sagebrush habitat.” Travel management decisions should not be made as part of this plan.

Response: These decisions (remove roads, unimproved roads, and two-tracks in core sage-grouse habitats) will be made in the travel management plans during the route-by-route evaluation process.

Travel Management

Best available information-baseline data

Include pro-OHV studies and ID team members in planning

Comment ID: 125
Organization:
Name: CTVA Action Committee

Comment: The preparation of the document must work hard to avoid "confirmation bias. Confirmation bias is a tendency to favor information that confirms an individual's or group think preconceptions or hypotheses regardless of whether the information is true (http://en.wikipedia.org/wiki/Confirmation_bias). Only studies with negative motorized conclusions have been cited. The evaluation should have included a broad screening of issues, information, data, opinions, and needs so that it is not based on confirmation bias and meets NEPA procedural requirements. One important component required to avoid confirmation bias is the inclusion of OHV and other motorized recreationists on the inter-disciplinary team. OHV recreationists must be included on the inter-disciplinary team to help avoid confirmation bias.

Summary: Only studies with negative motorized conclusions have been cited. The evaluation should have included a broad screening of issues, information, data, opinions, and needs that meet NEPA procedural requirements. OHV recreationists must be included on the inter-disciplinary team to help avoid confirmation bias.

Response: The use of literature sources regarding the impacts of motorized vehicle use on natural resources were used when determining how OHV use could potentially impact sage-grouse habitat and other sensitive resources. There are no positive impacts of OHV use on natural resources. The BLM and Forest Service recreation resource specialists were included as part of the interdisciplinary team that was involved in developing the Draft LUP Amendments/Draft EIS.

Travel Management

Best available information-baseline data

Use data and analysis from 3-state OHV decision and National OHV Rule

Comment ID: 122
Organization:
Name: CTVA Action Committee

Comment: The 3-State OHV decision and National OHV rule require site-specific data and analysis to be used in any actions that could affect OHV recreation.

Summary: The 3-State OHV decision and National OHV rule require site-specific data and analysis to be used in any actions that could affect OHV recreation.

Response: Prior to initiation of a Travel Management Plan (TMP) all roads and trails within the travel management area (TMA) are 100% ground-truthed via an inventory. During the TMP process each individual road and trail (motorized and non-motorized) go through a route-by-route evaluation to determine purpose and need, condition, types of use, etc. prior to a proposed designation. In January 2001, BLM issued the National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands. This strategy is a comprehensive effort to address a significant issue for natural resource management. This document was a first step in developing a proactive approach to determine and implement better on-the-

ground motorized off-highway vehicle management solutions designed to conserve soil, wildlife, water quality, native vegetation, air quality, heritage resources, and other resources. The purpose and need of the Greater Sage-Grouse planning effort is limited to making land use planning decisions specific to the conservation of Greater Sage-Grouse habitats. During the travel management planning process that will occur under a separate NEPA analysis effort, the BLM may offer cooperating agency status to multiple government entities and agencies to assist in developing route designations.

Travel Management

Cooperating agency relationships

Work with cooperators for route management

Comment ID: 132
Organization:
Name: CTVA Action Committee

Comment: The amendments should recognize that local agency recreation planners and managers are the best suited to work with motorized stakeholders to establish a manageable, designated, user and nature friendly route network for motorized access. This includes access roadways away from paved highways; high clearance routes for pickups, jeeps and other 4WD vehicles; that can be shared under mixed-use by other OHV categories such as trail bikes, ATV/UTV and/or OSV in the winter. Just as important to the motorized community are rural 2 track routes, ATV width trails, and trail bike singletrack width routes.

Comment ID: 131
Organization:
Name: CTVA Action Committee

Comment: Regarding recreation, the plan amendments should direct local land managers to cooperate and coordinate with local governments and affected stakeholders to establish achievable goals for protection of the Grouse (lek /nest disturbance, wintering areas and sage habitat degradation) and to mitigate potential affects upon recreation through closure of existing, inventoried and managed routes.

Summary: Regarding recreation, the plan amendments should direct local land managers to cooperate and coordinate with local governments and affected stakeholders to establish achievable goals for protection of the sage-grouse and to mitigate potential affects on recreation through closure of existing, inventoried, and managed routes. The amendments should recognize that local agency recreation planners and managers are the best suited to work with motorized stakeholders to establish a manageable, designated, user and nature friendly route network for motorized access. This includes access roadways away from paved highways for high clearance routes for pickups, jeeps, and other 4WD vehicles that can be shared under mixed-use by other OHV categories such as trail bikes, ATV/UTV, and OSVs in the winter. Just as important to the motorized community are rural 2 track routes, ATV width trails, and trail bike single-track width routes.

Response: During the travel management planning process that will occur under a separate NEPA analysis effort, the BLM will offer cooperating agency status to multiple government entities and agencies to assist in developing route designations.

Travel Management

Impact Analysis

Non-motorized impacts should not be lumped in with motorized impacts

Comment ID: 133
Organization:
Name: CTVA Action Committee

Comment: Any plan amendment should include adequate site-specific analysis on anticipated impacts of motorized and non-motorized recreational activities, which often have little to no impact on wildlife. The impacts of motorized and mountain bike routes that are primarily used for recreation should not be "lumped in" with highways and other high-speed access roads.

Summary: Any plan amendment should include adequate site-specific analysis on anticipated impacts of motorized and non-motorized recreational activities, which often have little to no impact on wildlife. The impacts of motorized and mountain bike routes that are primarily used for recreation should not be "lumped in" with highways and other high-speed access roads.

Response: The analysis of environmental consequences in Chapter 4 of the Draft LUP Amendments/Draft EIS provides a detailed analysis of the management actions included in Chapter 2, including an analysis of the impacts of motorized travel and associated restrictions on all resource values and uses. The BLM and Forest Service agree the impacts are not inappropriately lumped together; the analysis provides the information needed to make informed decisions regarding resource management within the planning area. General evaluations of impacts should be made on site-specific or areaspecific basis due to the many interrelated factors affecting them. They do, however, offer the following generalizations regarding the impacts of various trail uses: backpacking causes more damage than hiking without a pack; hiking and backpacking cause greater changes to trails than walking; horses and packstock cause greater damage than hiking; trail biking causes more damage than hiking; and track-driven vehicles cause more damage than wheel driven vehicles.

Travel Management

Impact Analysis

The relative magnitude and comparative impacts of OHV must be considered

Comment ID: 126
Organization:
Name: CTVA Action Committee

Comment: An adequate sense of magnitude must be employed within the analysis and decision-making. For example, the total naturally occurring loss of soil from the Cibola National Forest is estimated to be on the order of 1,577 acre-feet per year (1,892,000 acres total forest area times a depth of 0.008 feet of soil loss per year). The loss associated with OHV use is on the order of 52 acre-feet (5,200 acres of roads and trails times a depth of 0.01 feet of soil loss per year). Therefore, the soil erosion associated with OHV recreation is relatively insignificant compared to the naturally occurring erosion rate and acceptable for multiple-use lands. Moreover, there are many mitigation measures that can be employed to reduce soil erosion on roads and trails while still allowing the public to enjoy them. Other examples that should be part of the evaluation include the naturally occurring mortality rate of sage grouse compared to the mortality rate associated with OHV recreation. The evaluation and disclosure to the public must include the analysis and a comparison of the magnitude of OHV impacts to naturally occurring impacts for all resource areas

used to assess impacts based on site-specific data. Lack of the comparison of impacts to naturally occurring levels combined with the lack of sitespecific data could allow inaccurate statements and opinions due to the lack of an adequate sense of magnitude.

Summary: An adequate sense of magnitude must be employed within the impacts analysis. For example, the total naturally occurring loss of soil from the Cibola National Forest is estimated to be on the order of 1,577 acre-feet per year (1,892,000 acres total forest area times a depth of 0.008 feet of soil loss per year). The loss associated with OHV use is on the order of 52 acre-feet (5,200 acres of roads and trails times a depth of 0.01 feet of soil loss per year). Therefore, the soil erosion associated with OHV recreation is relatively insignificant compared to the naturally occurring erosion rate and acceptable for multiple-use lands. Moreover, there are many mitigation measures that can be employed to reduce soil erosion on roads and trails while still allowing the public to enjoy them. The analysis must include a comparison of the magnitude of OHV impacts to naturally occurring impacts for all resource areas used to assess impacts based on site-specific data. Lack of the comparison of impacts to naturally occurring levels combined with the lack of site-specific data could allow inaccurate statements and opinions due to the lack of an adequate sense of magnitude.

Response: The BLM will ensure that OHV use follows the travel and transportation plan within each RMP, which would limit the amount of erosion. This would include but not be limited to seasonal use restrictions. Guidelines in 43 CFR 8342 ensure that undue environmental degradation would not occur. The soil loss from naturally occurring erosion is assumed to be the same across all alternatives. The analysis focuses on comparing the erosion loss, above naturally occurring erosion, between the alternatives presented.

Travel Management

Mitigation measures

Road mitigation measures need to be clarified

Comment ID: 416
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Yates is not opposed to the road location/construction stipulations proposed under Alternative E. However, this method of applying such stipulations based on use could be problematic and confusing as road use cannot always be clearly categorized.

Summary: Road location and construction stipulations proposed under Alternative E are confusing and problematic because road use cannot always be clearly categorized.

Response: Some roads and trails are more difficult to clearly categorize. A transportation route inventory may be used during the land use planning process to: 1) define current conditions and develop the management situation analysis, 2) quantify land use planning issues, 3) formulate land use plan alternatives, 4) describe an affected environment, 5) conduct an impact analysis, 6) implement and support land use plan decisions, and 7) monitor change in resource conditions.

Travel Management

Range of alternatives

Consider operating standards and local travel plans

Comment ID: 2722

Organization: Sweetwater County
Name: Mark Kot

Comment: Sweetwater County requests that the Draft LUPA and EIS, in its travel management alternatives, take into account the ongoing and extensive Transportation and Travel Planning coordination efforts that Sweetwater County the BLM High Desert District have been engaged in. Also, because of Sweetwater County extensive county road network and the need to maintain this network, Sweetwater County request that the BLM insert into its management preferred alternatives the need to coordinate with local governments and stakeholder prior to making decision that affect the transportation network of the County.

Comment ID: 2984
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: The ability for counties to maintain county roads in the Planning Area (including "core" areas) is vital to protect public health and safety. The Plan must note that critical necessity by exempting road maintenance-for example, grading, culvert replacement, and bridge repair-on existing rights-of-way from disruptive activities.

Comment ID: 2577
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 3-337 Transportation and Access Management discussion. Comment: BLM must state that it relies on Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development during the design for any roadways. The BLM must also incorporate local government and county Travel and Transportation Plans (see attached) in its analysis of the affected environment. The Coalition notes that the BLM has not accurately described the existing travel and transportation elements in Sublette, Sweetwater and Lincoln Counties, and although no transportation decisions may be made as part of this document, the BLM must fully analyze and disclose the affected environment.

Summary: BLM must state that it relies on Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development during the design for any roadways. The BLM must also incorporate local government and county Travel and Transportation Plans in its analysis of the affected environment. Insert into the Preferred Alternative the need to coordinate with local governments and stakeholder prior to making decisions that affect the transportation network of local entities. The ability for counties to maintain county roads in the planning area is vital to protect public health and safety. The plan must note that critical necessity by exempting road maintenance, for example grading, culvert replacement, and bridge repair on existing ROWs from disruptive activities.

Response: New stipulations can only be imposed in conformance with 43 CFR 2805.15(e).

Travel Management

Range of alternatives

Do not limit motorized travel

Comment ID: 116
Organization:
Name: CTVA Action Committee

Comment: Multiple uses of our public lands are marginalized every time a forest plan or resource management plan or travel management plan comes up for action. The motorized closure trend has created significant cumulative effects and has reached the point where it is causing severe public distress. Reasonable alternatives to motorized closures must be pursued. The continual loss of motorized recreational opportunities is our primary concern. Because of the significant cumulative effect of motorized closures at this point in time, we feel strongly that there can be "no net loss" of motorized recreational opportunities with the Sage Grouse Plan.

Comment ID: 1990
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Travel Management: WSGA requests that, under travel management (Action Numbers 86-91), a statement be added that no existing roads would be removed within the core habitat area where such roads were deemed necessary to foster appropriate grazing management or to access nonfederal lands.

Comment ID: 114
Organization:
Name: CTVA Action Committee

Comment: All of these multiple-use visitors use roads and motorized trails for their recreational purposes and the decision must take into account motorized designations serve many recreation activities, not just recreational trail riding. We have observed that 97% of the visitors to this area are there to enjoy motorized access and motorized recreation.

Comment ID: 1787
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: BRC believes that "trail" construction or reconstruction should be allowed to address environmental or recreational needs as they arise. BRC is concerned future unit level travel planning has the potential to greatly affect/impact all aspects of motorized/mechanized recreation, from traditional camping, hunting and fishing access to access for photography, bird watching, mountain biking, boating, cross country skiing and wilderness areas. Most of all, this proposal could have a serious negative impact on casual OHV use and permitted special events such as enduros, trials, hare-scrambles and dual sport rides. All forms and aspects of motorized recreation --off-highway/off road motorcycle, dual sport/adventure sport motorcycle, ATV, SBS, OSV, 4WD and even all street legal vehicles -- could be adversely yet unjustifiably impacted, should the agency craft a "one size fits all" decision.

Comment ID: 145
Organization:
Name: CTVA Action Committee

Comment: As members of the OHV community, we strongly support responsible OHV recreation on public lands. Modern OHV management tools are being used throughout the West to protect our natural resources. We believe those proven techniques have already been embraced by many federal and state land management agencies to allow for managed OHV recreation while protecting important species such as the Northern Spotted Owl, redlegged frog, and snowy plover. We believe those same management principles can be used to enhance the bistate sage grouse population in the Wyoming.

Comment ID: 139

Organization:
Name: CTVA Action Committee

Comment: These seasonal use and timing restrictions are problematic for public access to public lands. Doe the agencies anticipate creating special stipulations for OHV and public access?

Comment ID: 118
Organization:
Name: CTVA Action Committee

Comment: We often hear others say that the BLM and Forest Service are going to close our roads and trails regardless of what we say or do. Another common comment is “Why are motorized recreationists the only ones to lose in every action?” We are very concerned about the perception of a federal agencies with a stated commitment to equal program delivery. We urge the BLM and Forest Service to address this significant issue by developing a preferred alternative based on no impacts to motorized access and motorized recreation.

Comment ID: 136
Organization:
Name: CTVA Action Committee

Comment: The analysis should include the fact that the BLM, Forest Service, state, county, local and tribal land management agencies are moving towards a "limited to designated route" paradigm. This process should prioritize areas where such planning has not yet occurred. We strongly believe that the goals, objectives and new paradigm can be met without severely limiting or restricting responsible, managed motorized recreation uses within the planning area.

Comment ID: 13
Organization: Mackay School of Earth Sciences and Engineering
Name: Thom Seal

Comment: Do not limit motorized travel for ranchers to access their grazing allotment to inspect vegetation and salt their livestock, as well as for miners to access their claims, and for exploration of valuable mineral deposits. These roads are also important for off road recreation vehicles (ORV). Many of these roads lead to old pioneer grave sites. Also a lot of our people have their loved ones ashes buried in these remote sites only accessed by these roads and trails. This is part of the Custom and Culture of the western US. The roads for the most part existed before the creation of BLM/USFS and therefore fall under RS2477 and are under the Counties jurisdiction and control.

Comment ID: 2346
Organization: Western Fuels Association Inc.
Name: Beth Goodnough

Comment: Alternatives B & C within priority and general habitat would eliminate the ability for the upgrading of existing roads that would change road category, unless it was necessary for motorist safety or it eliminated the need to construct a new road. This stipulation could prevent Western Fuels and our affiliated coal suppliers from accessing and, therefore upgrading or maintaining existing facilities. Western Fuels suggests that the Agencies provide emergency access, and make provisions for access to valid existing ROWs. Also, new road construction would be prohibited within 4 miles of active sagegrouse lek, and avoided in priority or general habitat. As currently written, without exemptions, this language could prevent

our electric utility suppliers, mining operations and affiliated coal suppliers from upgrading or maintaining facilities if they were within 4 miles of a lek.

Comment ID: 2609
Organization: QEP Energy Company
Name: Mike Smith

Comment: Pages 2-96 - 2-97, Table 2-1, Action 88, Alternative E: No new large roads (primary, secondary, collector and local) within 1.9 miles of occupied leks or any roads within 0.6 mile of occupied leks would be allowed in core habitat areas. This will likely lead to an unanticipated number of new long resource (small) roads which could have a larger adverse effect due to increased road miles disturbed and traveled. It is suggested that the 1.9 mile restriction be dropped and that allowance for sitespecific analysis be included that will consider traffic and disturbance acreages such that one or both of these items are minimized in the long-term.

Comment ID: 3050
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2- 1 2- 96 through 2- 97 Action 88 Alt E No new large roads (primary, secondary, collector and local) within 1.9 miles of occupied leks or within 0.6 mile for all roads would be allowed in core. This will likely lead to an unanticipated number of new long resource (small) roads which could have a larger adverse affect due to increased road miles disturbed and traveled. It is suggested that the 1.9-- - mile restriction be dropped and that allowance for site- - - specific analyses be included that consider traffic and disturbance acreages such that one or both of these items are minimized in the long-- - term.

Comment ID: 3038
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-17, action 18: Travel management plans should incorporate areas that ARE available to recreate with increasing ORV use and public participation in development of the plans.

Summary: Issue #1: Do not limit motorized travel for ranchers to access their grazing allotment, for miners to access their claims and for exploration of valuable mineral deposits, or for off road recreation vehicle (ORV) use. Issue #2: Action 18: Travel management plans should incorporate areas that ARE available to recreate with increasing ORV use and public participation in development of the plans. Issue #3: Action 88, Alternative E: No new large roads (primary, secondary, collector and local) within 1.9 miles of occupied leks or any roads within 0.6 mile of occupied leks would be allowed in core habitat areas. This will likely lead to an unanticipated number of new long resource (small) roads which could have a larger adverse effect due to increased road miles disturbed and traveled. Drop the 1.9 mile restriction and allow for site-specific analysis that will consider traffic and disturbance acreages. Issue #4: Action 86-91: Add a statement that no existing roads would be removed within the core habitat area where such roads were deemed necessary to foster appropriate grazing management or to access non-federal lands. Roads and access are part of the western culture and many are RS-2477 claims. The cumulative loss of motorized closures is of concern. There should be “no net loss” of motorized recreational opportunities with the LUP Amendments. Consider creating special stipulations for OHV and public access. Agencies are moving towards a "limited to designated route" paradigm. The goals, objectives, and new paradigm can be met without severely limiting or restricting responsible, managed motorized recreation uses within the planning area. Issue #5: Trail construction or reconstruction should be allowed to address environmental or recreational needs as they arise. Future unit level travel planning has the potential to greatly impact all aspects of

motorized/mechanized recreation, from traditional camping, hunting and fishing access to access for photography, bird watching, mountain biking, boating, cross country skiing and wilderness areas. This plan could have a serious negative impact on casual OHV use and permitted special events such as enduros, trials, hare-scrambles, and dual sport rides. All forms and aspects of motorized recreation --off-highway/off road motorcycle, dual sport/adventure sport motorcycle, ATV, SBS, OSV, 4WD and even all street legal vehicles could be adversely yet unjustifiably impacted, should the agency craft a "one size fits all" decision. Issue #6: Alternatives B and C within priority and general habitat would eliminate the ability for the upgrading of existing roads that would change road category, unless it was necessary for motorist safety or it eliminated the need to construct a new road. Also, new road construction would be prohibited within 4 miles of active sage-grouse lek, and avoided in priority or general habitat. These stipulations could prevent operators from accessing and upgrading or maintaining existing facilities. The plan should allow emergency access and access to valid existing ROWs.

Response: Issue #1: The management actions in the Draft LUP Amendments/Draft EIS do not limit access to grazing allotments by livestock operators. Under all alternatives, motorized travel would continue to be allowed on all existing roads and trails until travel management planning is completed. Issue #2: Travel management plans would assess all routes within the planning area and determine whether those routes should be open, closed, or limited to motorized and non-motorized travel. Therefore, travel management plans do indeed identify areas that are available to motorized travel. Issue #3: Management action #88 does not preclude the construction of new roads within sagegrouse core habitat areas. The action states the following: "New primary and secondary (BLM route category) or Route Category level 4 and 5 (Forest Service) roads would be avoided within 1.9 miles of the perimeter of occupied sage-grouse leks within sage-grouse core habitat areas. Other new roads would be avoided within 0.6 miles of the perimeter of occupied sage-grouse leks within core habitat areas." It is possible that this action could result in an increased number of small (non primary and secondary) roads; however, such roads would also be restricted within 0.6 miles of occupied sagegrouse leks. Overall the action would reduce the number of primary and secondary roads within 1.9 miles of occupied sage-grouse leks and reduce the number of other roads within 0.6 miles of occupied sage-grouse leks, thereby providing needed protection to sage-grouse populations and habitat. Issue #4: The actions suggested in the comment have not been be added to the LUP Amendments, as the assessment of whether roads should be designated as closed, open, or limited will be conducted as part of the travel management planning process. Issue #5: The issues raised in the comment will be addressed as part of the travel management planning process. Therefore, the Draft LUP Amendments/Draft EIS includes continues to allow motorized travel on all existing roads and trails until travel management planning is completed. Issue #6: The Alternative B and C management actions identified in the comment would not prevent operators from accessing, upgrading, or maintaining existing facilities. All existing routes would be open for motorized travel under all of the alternatives. The actions identified in the comment would only prevent routes from being upgraded to a different route category, but would not prevent travel on such routes that might be needed to access existing facilities. Emergency access is always available, provided the user coordinates with the BLM and Forest Service to obtain approval for emergency access.

Travel Management

Range of alternatives

OHV area designation suggestions

Comment ID: 1791
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: The proposed OHV management prescriptions in the Draft LUPA's preferred alternative (Alt. E) has identified the need to eliminate cross-country travel (on non-open sand areas) in the project area where BLM lands are "open" to cross-country travel. Again, BRC in general supports this concept, but cautions the agency from any blanket statement that precludes the designation or retention of "Open" OHV areas where said use is appropriate.

Comment ID: 1794
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: OHV Management Guideline One: Limit Use to Existing and/or Designated Roads and Trails Overview: On Forest Service lands, no off-road driving is allowed; the BLM does allow some crosscountry travel in "Open" areas. Existing travel routes on BLM have not been completely evaluated through a travel management planning process and have not been completely "designated." The current OHV designation for much of the BLM managed land in the amendment area is "open" to unrestricted cross-country travel. The few route designation plans that have been undertaken on BLM managed lands in Wyoming has focused almost entirely on the road network and have not included existing trails (routes not commonly for use by full size vehicles) in their inventories. Because of the wide dispersal of these trails and low population density surrounding most Wyoming BLM managed lands-these trails often retain their primitive or semi-primitive character. This leads to these trails being omitted from inventories that rely heavily on satellite imagery instead of on the ground surveys. "Open" to cross-country travel is an important recreational opportunity and is appropriate at units such as the Poison Spider OHV Park, Dune Pond Cooperative Management Unit, and the Great Sand Dune Recreation Area. Prescription: Except where "Open" OHV use is appropriate (i.e. sand dunes, specific geographic locations, designated/destination OHV areas, etc.), prohibit cross-country travel as the agency's primary OHV management tool. Limit OHV use to existing road and trail use where travel plans have not yet been completed and restrict OHV use to designated roads and trails where travel plans have been completed. Casual driving and use of existing or designated trails should be considered a diffuse disturbance with no long-term effects.

Summary: Except where "Open" OHV use is appropriate (i.e. sand dunes, specific geographic locations, designated/destination OHV areas, etc.), prohibit cross-country travel as the agency's primary OHV management tool. Limit OHV use to existing road and trail use where travel plans have not yet been completed and restrict OHV use to designated roads and trails where travel plans have been completed. Casual driving and use of existing or designated trails should be considered a diffuse disturbance with no long-term effects.

Response: Casual driving as well as recreational trail riding in most areas, is the desired activity by the largest segment of the enthusiast population. All trail use, regardless of travel mode, impacts natural resources. Several factors influence impacts to resources, including wildlife, from casual or permitted activities.

Travel Management

Range of alternatives

OHV noise reduction

Comment ID: 1796
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: OHV Management Guideline Three – OHV Sound Restriction Overview: Although there are not studies specifically focused on the noise effects of OHV use on the Grouse, there are OHV noise studies related to the Northern Spotted Owl (specifically OHV events) and other wildlife. At least one project shows that noise levels could affect the breeding success of the owl. BRC believes that noise impacts to wildlife must be addressed when managing routes for OHV use. Land managers in states that do not have any statewide OHV sound laws should consider adopting sound laws for special management areas or units that have been designated as critical habitat. (40 CFR, Chapter 1, Section 201.158) Prescription: Consider adopting a defensible standard, such as the 2003 California State OHV Sound Law which states, "Sound emissions of competitive off-highway vehicles manufactured on or after January 1, 1998, shall be limited to not more than 96 dBA, and if manufactured prior to January 1, 1998, to not more than 101 dBA, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable. Sound emissions of all other off-highway vehicles shall be limited to not more than 96 dBA if manufactured on or after January 1, 1986, and not more than 101 dBA if manufactured prior to January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable."

Summary: Noise from OHVs can impact sage-grouse. Consider adopting a defensible standard for OHV Sound Restrictions, such as the 2003 California State OHV Sound Law which states, "Sound emissions of competitive off-highway vehicles manufactured on or after January 1, 1998, shall be limited to not more than 96 dBA, and if manufactured prior to January 1, 1998, to not more than 101 dBA, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable. Sound emissions of all other off-highway vehicles shall be limited to not more than 96 dBA if manufactured on or after January 1, 1986, and not more than 101 dBA if manufactured prior to January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J- 1287, as applicable."

Response: The BLM and Forest Service do not have the authority to implement noise restrictions on individual OHV vehicles. However, they can implement noise restrictions on the lands they manage. Therefore, management action 136 in Chapter 2 of the Draft LUP Amendments/Draft EIS provides a reasonable range of alternatives regarding noise restrictions within specific distances of sage-grouse leks.

Travel Management

Range of alternatives

OHV use must be restricted to protect sage-grouse

Comment ID: 1802
Organization: The Wilderness Society
Name: Nada Culver

Comment: This EIS must include an inventory of the existing route network, an analysis of impacts to sagegrouse from that network, and initial OHV closures to protect the most sensitive and important habitat. BLM should establish a preliminary travel plan in accordance with the agency's Land Use Planning Handbook that includes route density thresholds for priority areas, establishes a prioritization scheme for future travel planning to ensure important habitat undergoes travel planning in a timely manner, and puts in place criteria and standards for future route designations. There should be no new road construction in priority habitat until comprehensive travel planning is complete so BLM can adequately evaluate impacts, including cumulative impacts. BLM should adopt seasonal closures and lek buffer zones that are consistent with current scientific literature.

Comment ID: 3113

Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The RMP should avoid and discourage construction of new infrastructure. Audubon supports Alternative B as presented in the DEIS at 4-339. The plan needs to assure adequate budget and staffing to pursue inventories and closures, including rehabilitation to benefit wildlife habitat. The Lander FEIS properly notes that "simply closing an eroding road without alleviating soil compaction and reseeding can be successful in some cases and very unsuccessful in others, leading to more adverse impacts from INNS invasion." Lander RMP FEIS at 810. Across the planning area, reduced road densities will reduce fragmentation and improve habitat. Ensuring no net increase in road density might be a condition of approval for new road proposals. A combination of protection (avoidance of no new infrastructure), especially in relatively undeveloped areas, and rehabilitation will best achieve habitat goals. Avoidance of invasive nonnative species through additional disturbances that degrade habitat is another important infrastructure and road issue.

Summary: This EIS must include an inventory of the existing route network, an analysis of impacts to sagegrouse from that network, and initial OHV closures to protect the most sensitive and important habitat. BLM should establish a preliminary travel plan in accordance with the agency's Land Use Planning Handbook that includes route density thresholds for priority areas, establishes a prioritization scheme for future travel planning to ensure important habitat undergoes travel planning in a timely manner, and puts in place criteria and standards for future route designations. There should be no new road construction in priority habitat until comprehensive travel planning is complete so BLM can adequately evaluate impacts, including cumulative impacts. BLM should adopt seasonal closures and lek buffer zones that are consistent with current scientific literature. The LUP Amendments should avoid and discourage construction of new infrastructure. Across the planning area, reduced road densities will reduce fragmentation and improve habitat. Ensuring no net increase in road density should be a condition of approval for new road proposals. A combination of protection, especially in relatively undeveloped areas, and rehabilitation will best achieve habitat goals.

Response: The existing transportation system within the planning areas is shown on Map 3-20 in the Draft LUP Amendments/Draft EIS. The management actions that address travel and motorized vehicle use (management actions #86-92) address new route construction and route densities. The actions will provide appropriate protections to sage-grouse habitat until comprehensive travel management planning can be completed.

Travel Management

Range of alternatives

OHV-related sage-grouse conservation measures need to be added

Comment ID: 348
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: For Wyoming, BLM notes that "the lack of appropriate signage, a shortage of law enforcement personnel, the increase of OHV use throughout the planning area, and a general lack of understanding of land use ethics have increased inappropriate uses of OHVs on federal lands and represent management challenges for the BLM." DEIS at 3-339. With this in mind, we are concerned that conservation measures prescribed in the RMP Amendment will be undermined by noncompliance. The final RMP Amendment should include measures to address the above-noted deficiencies in education and enforcement regarding off-road vehicle use.

Comment ID: 1696
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Close existing trails and roads to achieve an open road and trail density not greater than 1 km/km².120

Comment ID: 1700
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --All travel must be on designated open roads and trails, subject to seasonal restrictions.

Comment ID: 1693
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --All travel must be on designated open roads and trails, subject to seasonal restrictions.

Comment ID: 1697
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --During travel management planning evaluate the closure of secondary and primary roads in the SGRA.

Comment ID: 1694
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --Seasonal restriction should include the periods of courtship, nesting and early brood raising, as well as times when the grouse are on wintering habitats.

Comment ID: 1695
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside SGCAs in sage-grouse habitat --No new trail construction within 7.6 km of active leks.

Comment ID: 1701
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Seasonal restriction should include the periods of courtship and nesting, as well as times when the grouse are on wintering habitats.

Summary: For Wyoming, BLM notes that "the lack of appropriate signage, a shortage of law enforcement personnel, the increase of OHV use throughout the planning area, and a general lack of understanding of land use ethics have increased inappropriate uses of OHVs on federal lands and represent management challenges for the BLM." Conservation measures will be undermined by noncompliance. The Proposed LUP Amendments should include measures to address deficiencies in education and enforcement regarding off-road vehicle use. Specific conservation measures to include in the Proposed LUP Amendments includes the following: All travel must be on designated open roads and trails, subject to seasonal restrictions. Seasonal restrictions should include the periods of courtship, nesting and early brood raising, as well as times when the grouse are on wintering habitats. No new trail construction within 7.6 kilometers of active leks. Close existing trails and roads to achieve an open road and trail density not greater than 1 km/km². During travel management planning evaluate the closure of secondary and primary roads in the SGRA.

Response: The issues raised in the comment will be specifically addressed in the travel management planning process that will be conducted after the completion of the Proposed LUP Amendments/Final EIS in a separate NEPA analysis.

Travel Management

Range of alternatives

Reduce restrictions on permitted recreation events

Comment ID: 1795
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: OHV Management Guideline Two – Limited Operating Period for OHV Permitted Events Overview: There are motorized special events in the planning area, some could occur in June. These might include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. Lekking occurs between March 1 and May 15. Prescription: Between March 1 and May 15, prohibit OHV events from using routes that pass through an active lek. Impose a time of day restriction (after 10 a.m.) for routes that pass within ¼ mile of an active lek. The proposed 1.9 to- 4 mile lek buffers referenced in Alt. E are unwarranted.

Summary: Between March 1 and May 15, prohibit OHV events from using routes that pass through an active lek. Impose a time of day restriction (after 10 a.m.) for routes that pass within ¼ mile of an active lek. The proposed 1.9 to 4 mile lek buffers referenced in Alternative E are unwarranted.

Response: The management action regarding OHV events that is specified in the comment is not included in the range of alternatives in Chapter 2 of the Wyoming Greater Sage-Grouse Draft LUP Amendments/Draft EIS. The 1.9-mile lek buffer only applies to the construction of new roads, which may be necessary to help conserve sage-grouse habitat.

Travel Management

Range of alternatives

Route minimization process should be conducted

Comment ID: 1337
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Page ix. states that the EIS will "consider vehicle use and roads within core habitat, as well as potential for reduced access to BLM and Forest Service lands from the new management for sage grouse" but the EIS completely fails to conduct a route minimization process in accordance with BLM regulations. We refer the BLM to the recent ruling in the Richfield RMP regarding this issue.

Summary: The EIS fails to conduct a route minimization process in accordance with BLM regulations, as per the recent ruling in the Richfield RMP.

Response: The issues raised in the comment will be specifically addressed in the travel management planning process that will be conducted after the completion of the Sage-grouse LUP Amendments in a separate NEPA analysis.

Travel Management

Range of alternatives

Transportation planning should not be part of LUP Amendments

Comment ID: 1786
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: BRC agrees with the preferred Alternative E rationale for the decision (Chapter 2, pages 3 & 4) to eliminate OHV area closures from this process. BRC agrees with the preferred Alternative E decision that identifies the appropriate planning level to evaluate closed OHV areas and routes is during field office land use plan revisions or amendments, not for this multi-state programmatic plan amendment effort. During the field office plan revisions/amendments process, travel and transportation planning (areas open, closed and limited to OHVs) would be one of the key decisions being made for the local planning effort, and appropriate inventories would be conducted or local level information would be available in order to make sitespecific decisions related to area closures. OHV decisions at the BLM field office/Forest Service district scale would take all resource conflicts and uses into consideration, not just sage-grouse. The massive scale of this programmatic EIS amendment is not conducive to providing detailed analysis concerning this decision.

Comment ID: 2838
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 19 in Table 2-1 indicates that regardless of alternative adopted the Agencies will complete within 5 years after the record of decision (ROD) an activity-level travel plan. We again ask if this is a reasonable time frame for the Agencies and what the potential implications could be should they not comply with this portion of the LUP.

Summary: The appropriate planning level to evaluate closed OHV areas and routes is during field office land use plan revisions or amendments, not for this multi-state programmatic plan amendment effort. During the field office plan revisions/amendments process, travel and transportation planning (areas open, closed and limited to OHVs) would be one of the key decisions being made for the local planning effort, and appropriate inventories would be conducted or local level information would be available in order to make site-specific decisions related to area closures. OHV decisions at the BLM field office/Forest Service district scale would take all resource conflicts and uses into consideration, not just sage-grouse. The massive scale of this programmatic EIS amendment is not conducive to providing detailed analysis concerning this decision. Action 19 in Table 2-1 indicates that regardless of alternative adopted, the agencies will complete

within 5 years after the record of decision (ROD) an activity-level travel plan. This is not a reasonable time frame.

Response: OHV area designations and route designations are not included in the planning process for the LUP Amendments, except for one action that addresses OHV Open areas, as cross-country OHV use has the potential to significantly affect sage-grouse habitat. A comprehensive travel and transportation management plan will be conducted within five years of the Record of Decision for the LUP Amendments.

Travel Management

Range of alternatives

Transportation plans must consider sage-grouse habitat fragmentation.

Comment ID: 1372
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Page 4-273 states that "completing activity level travel plans within 5 years of the record of decision would provide each BLM and Forest Service office the opportunity to address and analyze transportation routes that fragment greater sage grouse habitat". To provide Pinedale as an example, they have completed travel planning nowhere on the field office in the 5 years since the record of decision was signed. In only one subset of the field office, the Boulder landscape area, has the BLM even begun this process and the proposed action is to close no roads within the analysis area. In fact, sage grouse habitat fragmentation was not even considered within that process.

Summary: Page 4-273 states that "completing activity level travel plans within 5 years of the record of decision would provide each BLM and Forest Service office the opportunity to address and analyze transportation routes that fragment Greater Sage-Grouse habitat." This transportation planning is not taking place in the 5-year time frame and where it has begun, sage-grouse habitat fragmentation has not been considered.

Response: The BLM is currently conducting road and trail inventories in sage-grouse priority areas. This is a huge endeavor and as a result in the loss of staff, inventories are contracted out and the cost is exorbitant exceeding $125/per mile. Funding to assist in accomplishing these inventories was received in FY13 and 14 and only covers a percentage of lands in sage-grouse priority areas. TMAs in sage-grouse priority areas have been mapped and prioritized for inventories. Although it is anticipated that travel management plans would be initiated once an inventory is completed, it is almost impossible that all lands within sage-grouse priority and connecting areas will be completed within this five-year time period. If a TMP has been initiated in an area that isn't controversial, a plan can be accomplished under an Environmental Assessment. If the area has controversial issues, an EIS would need to be initiated. Either way, public involvement is required and the minimum period for completing plans is two years. Comprehensive travel and transportation management will occur within five years of the record of decision for the Wyoming Greater Sage-Grouse LUP Amendments planning effort. Sagegrouse habitat fragmentation will be considered during the travel management planning process.

Vegetation-Other

Adaptive Management

Adaptive management support

Comment ID: 2825

Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On the same page, the third bullet mentions that the Agencies will "develop vegetation management objectives . . ." but leaves it up in the air as to what those objectives will be. Since part of the NEPA process is to provide information to the public about possible actions, the document needs to expand on what the objectives will be for the Agencies. Also on the same page under the fourth bullet it states that LUP amendments will be based on the "principles of Adaptive Management." We would repeat our earlier comments regarding adherence to the Department of Interior's technical guide on adaptive management.

Comment ID: 2522
Organization: Converse County
Name: Richard C. Grant

Comment: Table K-3, p, K-18, MA 89: This action requires the agencies to manage vegetation for the site potential, which may not be attainable except under ideal climatic conditions. We recommend that incremental adaptive management be used in implementation of this action.

Summary: Issue 1: In Table K-3, p, K-18, MA 89, adaptive management should be required to implement this action. Issue 2: The document needs to expand on what vegetation management objectives will be developed for the agencies, and there must be adherence to the Department of Interior's technical guide on adaptive management.

Response: Issue 1: As referenced in In Table K-3, p, K-18, MA 89, vegetation management within sage-grouse core and general habitat would reflect ESDs or other methods that reference site potential. Adaptive management strategies would be used to achieve vegetative objectives. Issue 2: Vegetative management objectives are addressed in: Protocols for Treating Sagebrush to Benefit Sage-Grouse (WGFD 2011); Appendix C - Reclamation Plan; and Chapter 2 - Alternatives.

Vegetation-Other

Appendices

Appendix B language needs to be revised

Comment ID: 2737
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Page B-6 Text: Restore prior perennial grass/shrub plant communities infested with non-native invasive species to a species composition characterized by perennial grasses, forbs, and shrubs as outlined in Ecological Site Descriptions. Comment: This language should be amended to read: “Perennial grass/shrub plant communities infested with DELETE "non-native" invasive and noxious species should be restored according to established site-specific baseline criteria where non-native species may be used to stabilize and promote the long term rehabilitation of the area to its original condition.”

Summary: Page B-6 language should be amended to read: “Perennial grass/shrub plant communities infested with DELETE "non-native" invasive and noxious species should be restored according to established site-specific baseline criteria where non-native species may be used to stabilize and promote the long term rehabilitation of the area to its original condition.”

Response: The Proposed LUP Amendments/Final EIS has been updated to reflect these changes.

Vegetation-Other

Appendices

Appendix C language needs to be revised

Comment ID: 1439
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Appendix C, Reclamation Plan, page C-6 and C-7. The appendix states, "Native Forbs: The average percent composition and total diversity of forbs must be equal to or greater than pre-disturbance composition. Native Shrubs: The average frequency of the shrub component must be at least 80 percent of predisturbance composition within eight years. Native Grasses: Reclaimed sites must exhibit grass percent composition equal to the reference site. Non-Native/Noxious/Invasive Weeds: Sites must be free from all species…" Final reclamation performance standards should be compared to a nearby reference or extended reference area at the same time as the evaluation, and not compared to the pre-disturbance date, because the range conditions for vegetation change over time. Native reference areas fluctuate in vegetation composition over time, and the reclamation performance should be compared to the current native condition, not something many years ago. Additionally, although 8 years is commendable, it may or may not be consistent with a final bond release request date utilized in the mining industry. This timing is not consistent with state regulations for mining, eg. Land Quality Division rules. It is unrealistic to require that sites are "free from all" non-natives, this condition doesn't even exist in native areas. Unfortunately, native and reference areas almost always have a non-native and noxious component, hence, comparisons should be made to current reference areas. Please note that this particular item is not consistent with the EO, for example, the EO does not prescribe time limits on the reclamation, and the shrub component requirement is 70% rather than 80%. Due to the likely variability in site specific and industry specific reclamation plans, we advise the BLM to utilize Appendix C as a guideline or reference document, rather than as a compliance requirement.

Comment ID: 2104
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: C.2.5 Best Management Practices for Sage-Grouse Habitat Pre-Development Habitat Management, Page C-5 "Use native site seed collection and local seed sources to the maximum extent practicable to maintain genetic diversity of local plant populations. Consider the use of cultivars of native species in the absence of sources of native seeds." Native site seed collections are rarely available. This provision should state that when native site seed collection is not available, certified weed free seed sources may be used following the same germination recommendations as listed on page C-17 of this Appendix.

Comment ID: 2105
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Sage-grouse Habitat Requirements Vegetative Criteria, Page C-6 The term "ESD model" is used several times throughout Appendix C. Clarification needs to be added to the document as to what this is referring to, if one will be created for every site and who will be creating them.

Comment ID: 2106
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: C.2.6 Criteria for Determining Reclamation Success Final Reclamation Criteria, Page C-7 "Non-Native/Noxious/Invasive Weeds: …Aggressive action to eliminate highly competitive invasive species such as cheatgrass and other invasive brome grasses must be taken to prevent spread." Downy brome is a landscape scale issue across Wyoming lands. It would be impossible in many places to "eliminate" this species. As such the above sentence should be removed from this provision.

Comment ID: 1440
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Appendix C, Reclamation Plan, page C-7. The appendix states "Standards for success will be developed on performance based criteria and the ESD." Standards for success should be forward looking and not retroactive, as many areas have already been release from bond (at least in mining). Standards for success should consider other regulatory programs, such as the Wyoming Department of Environmental Quality's, Land Quality Divisions program for bond release.

Comment ID: 1441
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Appendix C, Reclamation Plan, page C-10. A qualitative monitoring sheet example is provided. These monitoring sheets should be provided as an example only and not required in the exact format. Project proponents should be allowed to develop their own monitoring sheets as applicable.

Comment ID: 1438
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Appendix C, Reclamation Plan, page C-6. Vegetative criteria are provided for Native Forbs, Native Shrubs, Native Grasses, and Non-Native and Invasive Species. The Reclamation and restoration goals should be commensurate with the EO, and not different because multiple and unique requirements are difficult to manage on a parcel by parcel basis. In fact, a reclamation professional (seed applicator) could be required to use distinct seed mixtures on a given reclamation site split by Federal or State sections. This could result in reduced reclamation or restoration success and slow reclamation/restoration efforts.

Comment ID: 679
Organization: Anadarko
Name: David Applegate

Comment: Appendix C; Page C-16; Invasive Plant Management Plan for Construction and Reclamation Activities: Recommendation: The last paragraph in this section adds additional language concerning reclamation success. Section C.2.6 already provides criteria for reclamation success. Anadarko suggests eliminating this language.

Comment ID: 2120
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Standard Seed Mixtures, Page C-18 "The use of a non-sterile plant species such as wheat as a cover crop is not recommended because of its ability to reseed itself." We disagree with this statement. Annual crops such a wheat do not readily reseed themselves in a native rangeland situation. There may be

some remnant plants show up for one to two years following seeding, however the possibility of them reseeding continually and spreading is non-existent.

Comment ID: 2126
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page C-19, Paragraph 6 “Any mulch used must be certified free from mold, fungi, or noxious or invasive weed seeds.” We suggest this be changed to read: “Any mulch used must be certified weed free.” There is no mechanism/authority set up to certify mulch from mold and/or fungi. There is only the possibility of certification that it will be weed free and even this does not exclude all weed seeds.

Comment ID: 3190
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Attachment A C- 19 Paragraph 6 No mold or fungi- free mulch certification process is known, nor is this biologically attainable. In addition, very few vendors certify seed or mulch that is free of invasive species. Counties do certify noxious weed- free mulch.

Comment ID: 3186
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.2.6 C- 6 Paragraph 8 This forb composition and diversity criterion (equal to or greater than) will be unattainable within a reasonable timeframe.

Comment ID: 3184
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: C.2.6 C- 6 Paragraph 5, lines 3- 4 It is recommended that field- wide Weed Management Plans be developed and referenced, thereby notably reducing the paperwork required for each site- specific action.

Comment ID: 2115
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: INVASIVE PLANT MANAGEMENT PLAN FOR CONSTRUCTION AND RECLAMATION ACTIVITIES, Page C-16 Section C.2.6 of Appendix C already provides criteria for reclamation success. This section adds additional language concerning reclamation success. We recommend either eliminating this language or including it within Section C.2.6.

Comment ID: 2681
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-6, paragraph 2, lines 1-2: Further explanation/definition of the subjective term "desirable" is needed. Assuming all non-weedy forbs are desirable a 75% criterion will be unattainable

within a reasonable timeframe (e.g., 5-8 years). It is therefore recommended that this frequency be reduced to 35-50%.

Comment ID: 2692
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-19, paragraph 6: No mold or fungi-free mulch certification process is known, nor is this biologically attainable. In addition, very few vendors certify seed or mulch that is free of invasive species. Counties do certify noxious weed-free mulch.

Comment ID: 2682
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-6, paragraph 2, lines 4-5: This forb diversity criterion (greater than or equal to) is unattainable within a reasonable timeframe. The availability of area-appropriate forb species seed varieties is extremely limited.

Comment ID: 2119
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Germination Test, Page C-17, Paragraph 4 Seeding on a Pure Live Seed (PLS) basis should always be used when calculating seeding rates. This will take into account the dormant seed. It would be beneficial to cite the following NRCS document regarding reading seed packaging labels and calculating seed mixtures: http://efotg.sc.egov.usda.gov/references/public/WY/pm6.pdf.

Comment ID: 2685
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-6, paragraph 5, lines 3-4: It is recommended that field-wide Weed Management Plans be developed and referenced, thereby notably reducing the paperwork required for each site-specific action.

Comment ID: 2687
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-6, paragraph 8: This forb composition and diversity criterion (equal to or greater than) will be unattainable within a reasonable timeframe.

Comment ID: 2689
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-17, paragraph 2, lines 5-7: No seed mixes are provided in the document.

Comment ID: 2690
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-17, paragraph 5, line 1: Delete the first sentence-germination tests will not determine siteproductivity. This material is appropriately described in later sections.

Comment ID: 2116
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: SEED, Page C-16, Paragraph 1 "On all areas to be reclaimed, seed mixtures are required to be weed free and site specific…" We recommend the word "certified" be inserted before "weed free", so the above statement would read "On all areas to be reclaimed, seed mixtures are required to be certified weed free…"

Comment ID: 2125
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Mulch, Page C-19, Paragraph 4 "Gravel or other inorganic material shall be applied approximately two inches thick and shall consist of pieces 0.75 inch to two inches in diameter. The mulch material shall provide no more than 90 percent ground cover in order to ensure adequate air drainage (NRCS 2005)." Gravel at a depth of 2 inches would be prohibitive to seedling growth and establishment and as such it would not promote reclamation.

Comment ID: 2117
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Describe Seeding Methods, Page C-17, Paragraph 3 If BLM is requiring certified seed, germination testing is already required and available on seed certifications. We are not sure how this is related to the productivity of a site as there are many factors aside from seed viability that influences the productivity of a site, such as soils, seeding practice, weather/precipitation, grazing etc.

Comment ID: 2124
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page C-18, 1st Bullet Point Any seed used for reclamation should be certified weed free and have the same standards required as commercially purchased seed.

Comment ID: 2683
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page C-6, paragraph 3, lines 1-2: This forb frequency requirement will also be difficult to achieve within a reasonable timeframe.

Summary: The following revisions are requested: Issue 1: On Page C-16 the last paragraph in this section adds additional language concerning reclamation success. Section C.2.6 already provides criteria for reclamation success, so this language should be eliminated. Issue 2: On Page C-6, reclamation and restoration goals should be commensurate with the EO, and not different because multiple and unique requirements are difficult to manage on a parcel by parcel basis. Issue 3: On Page C-6 and C-7, final reclamation performance standards should be compared to a nearby reference or extended reference area at

the same time as the evaluation, and not compared to the pre-disturbance date, because the range conditions for vegetation change over time. And, the timing of 8 years is not consistent with state regulations for mining, e.g.. Land Quality Division rules, and it is unrealistic to require that sites are free from all non-natives. Appendix C should be used as a reference document, rather than as a compliance requirement. Issue 4: On page C-7, standards for success should be forward looking and not retroactive. Standards for success should consider other regulatory programs, such as the Wyoming Department of Environmental Quality, Land Quality Division program for bond release. Issue 5: On page C-10, project proponents should be allowed to develop their own monitoring sheets as applicable. Issue 6: On page C-5, when native site seed collection is not available, certified weed free seed sources should be allowed following the same germination recommendations as listed on page C-17 of this appendix. Issue 7: Clarification is needed on the term “ESD model", if one will be created for every site and who will be creating them. Issue 8: On page C-7 the above sentence regarding downy brome should be removed from this provision. Issue 9: On page C-16, paragraph 1, the word “certified” should be inserted before “weed free”, so the statement would read “On all areas to be reclaimed, seed mixtures are required to be certified weed free…” Issue 10: On page C-17, paragraph 3, clarification is needed on how the requirement of certified seed is related to the productivity of a site as there are many factors aside from seed viability that influences the productivity of a site, such as soils, seeding practice, weather/precipitation, grazing, etc. Issue 11: On page C-17, paragraph 4, when calculating seeding rates, the Pure Live Seed (PLS) basis should be used. Also, cite the following NRCS document regarding reading seed packaging labels and calculating seed mixtures: http://efotg.sc.egov.usda.gov/references/public/WY/pm6.pdf Issue 12: On page C-18 the statement: "The use of a non-sterile plant species such as wheat as a cover crop is not recommended because of its ability to reseed itself.” should be edited as "annual crops such a wheat do not readily reseed themselves in a native rangeland situation." Issue 13: On page C-18, 1st bullet point, include language that any seed used for reclamation should be certified weed free and have the same standards required as commercially purchased seed. Issue 14: Edit page C-19, paragraph 4, as gravel at a depth of 2 inches would be prohibitive to seedling growth and would not promote reclamation. Issue 15: Edit page C-19, paragraph 6, to say “Any mulch used must be certified weed free.” as there is no mechanism/authority set up to certify mulch from mold and/or fungi, nor is this biologically attainable. Issue 16: On page C-6, paragraphs 2 and 3, provide definition of "desirable" and reduce frequency to 35-50%. Issue 17: On page C-6, paragraphs 2 and 8, the forb composition and diversity criterion is unattainable within a reasonable timeframe and the availability of area-appropriate forb species seed varieties is extremely limited. Issue 18: On page C-6, paragraph 5, lines 3-4, field-wide Weed Management Plans should be developed and referenced. Issue 19: On page C-17, paragraph 2, lines 5-7 provide seed mixes. Issue 20: On page C-17, paragraph 5, line 1, delete the first sentence as germination tests will not determine site productivity.

Response: Issue 1: Section C 2.6 doesn't specifically address the Invasive Plant Management Plan as described on Page C-16. Issue 2: Protections provided in this document are consistent with the Governor's Executive Order and Core Strategy. Issue 3: In the context of invasive species, the standards referenced on page C 6 and 7 for "being free from all species the Wyoming Noxious Weed List", is in adherence to state and federal laws. Other invasive species not on the Wyoming Noxious Weed list will be controlled as specified in a Weed Management Plan. Issue 3, 4, 5: The final decision for these actions will be included in the Record of Decision after completion of the public involvement process. Issue 6: On page C-5, exceptions are addressed. Issue 7: ESDs are described in Appendix C, page C-2. Issue 8: As described in Chapter 3, Affected Environment, downy brome is one of the invasive plants posing a threat to maintaining quality sage-grouse habitat in the planning area. Vegetation composition that comprises of downy brome would not meet management objectives common to all alternatives as stated in Chapter 2, Alternatives, page 2-12. Issue 9, 10, 11: The Proposed LUP Amendments/Final EIS has been updated to reflect these changes. Issue 12: The Proposed LUP Amendments/Final EIS have been updated to clarify the use of sterile plant species. Issue 13: ESDs that have been developed provide best desired characteristics for restoration of sagegrouse habitat. On specific areas that cannot meet ESD standards, adaptive management would be used to address the criteria necessary to maximize the site potential, based on localized conditions.

Issue 14, 15: The Proposed LUP Amendments/Final EIS has been updated to reflect these changes. Issue 16: The final decision for these actions will be included in the Record of Decision after completion of the public involvement process. Issue 17: Weed management plans would identify adaptive management strategies to maximize ESD vegetation composition in specific areas. Desired plant communities would be based on a variety of factors, but initially use ESD reference sites as the standard for vegetation composition. Issue 18: The decisions under consideration by the BLM and the Forest Service are programmatic in nature and would not result in on-the-ground planning decisions or actions, the scope of the management actions were considered at a broad, programmatic level. Because of the varied and diverse ecosystems contained in the planning area development of a field-wide weed management plan would not be practical within this document and is outside the scope of this effort. Weed management plans are more appropriately developed and analyzed as specific actions at the local level to implement the broad objectives and goals presented here. The BLM and the Forest Service will conduct subsequent NEPA analyses as local weed management plans are developed and, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. Issue 19: Site-specific seed mixes should be included in Weed Management Plans. Issue 20: The Proposed LUP Amendments/Final EIS has been updated to reflect these changes.

Vegetation-Other

Best available information-baseline data

Invasive species baseline information

Comment ID: 342
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: BLM provides essentially no baseline information on the spatial extent of cheatgrass infestation in the planning area, the only spatial data refers to lands “suitable” for cheatgrass to take over (See DEIS at 3-376). This totals 20 million acres across all land types in Wyoming, with almost 7 million acres on BLM land. Id. There is no information at all for cheatgrass or Japanese brome infestation rates on the Bridger-Teton National Forest (DEIS at 3-394), and no quantitative information on these species is provided for the Medicine Bow National Forest (DEIS at 3-397) or on the Thunder Basin National Grassland (DEIS at 3-402). There is no cumulative analysis on cheatgrass extent or prognosis across Management Zone I. DEIS at 4-489. These are NEPA baseline information, hard look, and cumulative impacts shortcomings. How are weed infestations distributed in Priority versus General Habitats? GIS-based maps are listed as currently unavailable (DEIS at 3-376) but are currently under development; BLM should incorporate such maps into its FEIS analysis. How will cheatgrass infestation change by alternative over the life of the plan amendment? There also is no baseline information on the spatial extent of non-native grasses such as crested wheatgrass, which also are deleterious to sage grouse. This information should be in included in the EIS to inform impact analyses under the various alternatives.

Comment ID: 1370
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The entire section on noxious weeds is predicated on the assumption that current methods and actions to control or eliminate noxious weeds and invasive species have been effective. The BLM's own data shows that this is clearly not the case. Invasive species are dramatically increasing throughout BLM and Forest Service lands, but no information is provided as to effectiveness of current methods in relation to the massive level of surface disturbance predicted by the DEIS.

Summary: No baseline information on the spatial extent of cheatgrass and other non-native grass infestation in the planning area has been provided, nor information for cheatgrass or Japanese brome infestation rates on the Bridger-Teton National Forest, and no quantitative information on these species is provided for the Medicine Bow National Forest or on the Thunder Basin National Grassland, and no cumulative analysis on cheatgrass extent or prognosis across Management Zone I. Weed infestations in priority and general habitats and GIS-based maps should be provided along with descriptions on how cheatgrass infestation would change by alternative over the life of the plan amendment. Information as to the effectiveness of current methods of invasive species control should also be provided.

Response: Complete and verified acreage data on invasive species is not available and is not required to make a reasoned choice among the alternatives. The Chapter 3 and the COT characterized the relative presence of invasive species and the associated threat.

Vegetation-Other

Best available information-baseline data

Vegetation baseline information

Comment ID: 2875
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: On page 370, Table 3-100 lists the vegetative communities. Some of the numbers seem unrealistic. For example in the Casper Field Office there is 1.1 plus million acres of agriculture/town and the Rawlins Field Office lists 1,006,350 acres. In the planning area 3,228,700 acres are classified as agriculture/town. These numbers seem fairly high to us.

Summary: The numbers of vegetative communities listed on page 370, Table 3-100 seem too high and should be re-examined.

Response: The acres in this table are based on GIS data derived from the habitat map for vegetation communities, Map 3-21.

Vegetation-Other

Forestry

Forest Management language should be edited

Comment ID: 2588
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-66 Text: Clearcut areas, which average between 10 and 25 acres, would be reforested with tree seedlings within 5 to 7 years after harvest. No new permanent roads would be approved for timber harvest unless the roads are also needed for other resource management activities. Temporary roads would be revegetated within 3 to 5 years after closure. Comment: This language should be amended to read: Clearcut areas, which average between 10 and 25 acres, DELETE "would be" reforested with tree seedlings within 5 to 7 years after harvest. DELETE "No new" Permanent roads would be approved for timber harvest, would be avoided unless the roads are also needed for other resource management activities. DELETE "Temporary roads would be revegetated within 3 to 5 years after closure." The BLM fails to recognize that clearcut areas provide benefits against fire, promote forest health, and promote watershed

health. Also the BLM implies, and we infer, that the BLM anticipates road closures. We reiterate our position that BLM may not close roads and direct the BLM to the transportation layers attached to these comments. Finally, it is unclear from which alternative the BLM draws these conclusions. Upon careful review, the actions discussed in quoted language do not appear in any alternative and thus the BLM may not discuss these actions or their impacts in chapter 4.

Comment ID: 2587
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-66 Text: The Healthy Forests Restoration Act (HFRA) will provide the direction for identifying and managing designated old-growth stands, both within forested stands and woodlands. Comment: As written, the BLM misstates the full purpose of the act which will skew the analysis with regards to GRSG habitat. Old-growth stands may conflict with and impair GRSG habitat and the DEIS does not evaluate to what extent, if at all, the HFRA will impact GRSG habitat. The BLM cannot misstate the HFRA to avoid the unavoidable consequences that will result by improperly evaluating the effects of old growth on GRSG habitat. The purposes of the Healthy Forests Restoration Act as follows: The purposes of this chapter are: (1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects; (2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes; (3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; (4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health; (5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and (6) to protect, restore, and enhance forest ecosystem components— (A) to promote the recovery of threatened and endangered species; (B) to improve biological diversity; and (C) to enhance productivity and carbon sequestration See 16 U.S.C. § 6501.

Summary: Issue 1: The BLM misstates the full purpose of the Healthy Forest Restoration Act and should evaluate to what extent, if at all, the HFRA will impact Greater Sage-Grouse habitat. Issue 2: The language on page 4-66 should be amended to read: Clearcut areas, which average between 10 and 25 acres, DELETE "would be" reforested with tree seedlings within 5 to 7 years after harvest. DELETE "No new" Permanent roads would be approved for timber harvest, would be avoided unless the roads are also needed for other resource management activities. DELETE "Temporary roads would be revegetated within 3 to 5 years after closure." and should be clarified from which alternative this conclusion is drawn. Issue 3: The BLM should recognize that clearcut areas provide benefits against fire, promote forest health, and promote watershed health. Issue 4: The BLM may not close roads and should refer to the transportation layers attached to these comments.

Response: Issue 1: That assumption has been removed. Issue 2: The suggested edits do not increase the clarity of the assumptions and in some cases do not make sense. The assumptions are appropriate as listed in the Draft EIS. Issue 2, 3, 4: The roads referenced here are temporary logging access roads, which are required to be revegetated under forestry management regulations and are part of the management of the LUP Amendments. The language being referenced are only assumptions for the analysis, not management actions, and provide a basis for the analysis.

Vegetation-Other

Impact Analysis

Assumptions revisions

Comment ID: 2494
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-342 4.16.2 Assumptions: Will current trends in plant succession and vegetation health continue notwithstanding climate variations? Why is an assumption made that we are finding more special plant species (persistency even with livestock grazing)? Would there not be an assumption that reclamation success would be ever increasing in the long term?

Summary: On page 4-342 4.16.2 further clarification is required on whether current trends in plant succession and vegetation health will continue notwithstanding climate variations, why the assumption is made that more special plant species are being found, and why it is not assumed that reclamation success would be ever increasing in the long term.

Response: It is not possible to predict the extent of climate change during the analysis period, or what impact it might have on plant communities; however, even in the absence of climate change, changes in plant community composition are slow to occur and generally not detectable in less than 10 year increments. It is reasonable to predict that as survey areas expand and available information increases, additional information about sensitive plant species would become available. It is also not possible to predict the rate of technology development in reclamation methods and their impact on reclamation success. The assumptions are appropriate as presented in the Draft EIS.

Vegetation-Other

Impact Analysis

Chapter 4 language needs revised

Comment ID: 1374
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: On page 4-342 we see that the assumption is that "current trends in plant succession and vegetation health would continue" but the BLM has provided virtually no information regarding these two criteria. Stunningly, the BLM states that "vegetation resources would primarily be impacted by different forms of surface disturbance and disruptive activities" listing livestock grazing as the last in the list of these activities yet livestock grazing is the primary impact to vegetation resources throughout the analysis area except in heavily developed oil and gas fields.

Comment ID: 1373
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: On page 4-328 the document states that vegetation will be managed using "ESD potential vegetation composition and structure" but this contradicts the table of specific actions.

Summary: Issue 1: On page 4-328 the document states that vegetation will be managed using "ESD potential vegetation composition and structure" but this contradicts the table of specific actions. Issue 2:

On page 4-342 no information is provided regarding the assumption that "current trends in plant succession and vegetation health would continue." Also, livestock grazing should not be listed last as a type of surface disturbance and disruptive activity that impacts vegetation resources.

Response: Issue 1: There doesn't appear to be any conflict between the analysis and the management. Issue 2: The statement is a basis for the analysis. The list of types of surface disturbance is just a list of examples, not a ranked list.

Vegetation-Other

Impact Analysis

Impact analysis revisions

Comment ID: 2493
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-342 4.16.1 Impact Indicators: Is there a reason why the acres of non-natives was not included in the indicators? Is there a reason why age of sagebrush communities is not included in the indicators?

Comment ID: 2509
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-494 4.22.3 Cumulative Impacts by Resource-Vegetation: The cumulative impacts on the human environment caused by the loss of grazing lands across the State of Wyoming is not discussed, and one cannot assume a long term beneficial impact on vegetation from applying rest from livestock grazing for the balance of time.

Summary: Issue 1: On page 4-342 4.16.1, clarify why the acres of non-natives and the age of sagebrush communities were not included in the indicators. Issue 2: On page 4-494 4.22.3, discuss cumulative impacts on the human environment caused by the loss of grazing lands, and clarify assumption of long term beneficial impacts on vegetation from application of livestock grazing.

Response: Issue 1: The parameters requested are adequately represented in the indicators for the condition of native vegetation communities and likelihood, amount or density of weeds and invasive grasses. Issue 2: The BLM thoroughly explained its consideration and analysis of cumulative effects in the Draft LUP Amendments/Draft EIS in Chapter 4. The Draft LUP Amendments/Draft EIS considered the present effects of past actions to the extent that they are relevant, present, and reasonably foreseeable (not highly speculative) federal and non-federal actions, taking into account the relationship between the proposed range of alternatives and the reasonably foreseeable actions.

Vegetation-Other

Invasive Non-native Plant Species

Additional herbicide/insecticide application requirements

Comment ID: 377
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Although the use of Plateau in heavily cheatgrass-infested areas might be allowed in cases where sage grouse are not using the treated habitats, aerial spraying of herbicides and insecticides over or within one mile of sage grouse habitats should not be allowed. Hand spraying might be accomplished by deliberately driving grouse off by teams on foot prior to treatment, and by treating from backpack units rather than aerial or truck/ATV application.

Summary: Aerial spraying of herbicides and insecticides over or within one mile of sage-grouse habitats should not be allowed. Hand spraying might be accomplished by deliberately driving grouse off by teams on foot prior to treatment, and by treating from backpack units rather than aerial or truck/ATV application.

Response: BLM operating procedures for herbicide application can be found in the Vegetation Treatment on BLM Lands in Thirteen Western States Final Environmental Impact Statement and Record of Decision (BLM 2007d).

Vegetation-Other

Invasive Non-native Plant Species

Additional invasive plant species need to be identified

Comment ID: 1932
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: DEIS Volume 1, Page 3-245 The DEIS provides information for a number of threatened, endangered, and candidate plant species, but does not contain information for the Fremont County Rock Cress. The Service recommends that the DEIS include information for this candidate species.

Comment ID: 2636
Organization: QEP Energy Company
Name: Mike Smith

Comment: Page 3-403, paragraph 3, line 7: Salt cedar is classified as noxious in WY.

Comment ID: 3136
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: 3.16.2 3- 403 Paragraph 3, line 7 Salt cedar is classified as noxious in WY.

Summary: The Draft EIS should contain information for the Fremont County Rock Cress. Additionally, salt cedar is classified as noxious in Wyoming.

Response: The Proposed LUP Amendments/Final EIS has been updated to reflect these changes.

Vegetation-Other

Invasive Non-native Plant Species

Additional Invasive species prevention methods

Comment ID: 1686
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Do not use prescribed fire as a tool in low elevation areas where the potential for cheatgrass invasion is above low.

Comment ID: 1225
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Livestock grazing is a well-known vector of invasive, non-native, or noxious species colonization on public lands. Livestock promote the spread and colonization of alien plants, which can increase fire frequencies.24 Disturbance is a reliable indicator of alien dominance in vegetation composition, and livestock grazing is a significant disturbance to arid ecosystems.25 Grazing across many states has led to the invasion of cheatgrass, a highly flammable noxious weed that accelerates the fire cycle to less than five years destroying the sagebrush upon which sagegrouse rely for food and cover. Approximately 36 percent of the Greater sage-grouse range is invaded by cheatgrass.26 Because sagebrush requires at least 15 years (and up to 50) to reoccupy burned sites, restoring invaded areas is a difficult and slow process. Preventing further spread into intact sagebrush should be prioritized.

Comment ID: 1690
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --In areas where sagebrush is prevalent or where cheatgrass is a concern, utilize mechanical methods rather than prescribed fire.

Comment ID: 1227
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

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

Comment ID: 2862
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Table 2-5 on page 183 discusses weed control. We would suggest the Agencies add that livestock grazing can be utilized to control some weed infestations and limit the impacts of others.

Summary: The following methods should be examined: Issue 1: The cause of cheatgrass infestations and the contribution of domestic livestock grazing to them as well as the effectiveness of current measures should be considered. Issue 2: Table 2-5 on page 183 should include livestock grazing as a method to be utilized to control some weed infestations and limit the impacts of others. Issue 3: Outside sage-grouse core areas in sage-grouse habitat, prescribed fire should not be used as a tool in low elevation areas where the potential for cheatgrass invasion is above low. In areas where sagebrush is prevalent or where cheatgrass is a concern, utilize mechanical methods rather than prescribed fire.

Response: Issue 1: Proper grazing management minimizes the spread of cheatgrass. Targeted livestock grazing can be used as an additional method to control cheatgrass in localized areas. Timing livestock grazing early in the spring or in the fall can be an effective supplemental tool to remove cheatgrass biomass. Repeated targeted grazing can potentially reduce the abundance of cheatgrass. (Cheatgrass Management Handbook, University of Wyoming and Colorado St. University, 2013). Issue 2: Livestock grazing as a method to control weed infestations is part of integrated vegetation management and is cited in Chapter 2, Table 2-1, Action Number 11. Issue 3: Prescribed fire is an effective tool to remove dead cheatgrass biomass; allowing selective pre-emergent herbicides to properly penetrate the soil surface.

Vegetation-Other

Invasive Non-native Plant Species

Additional OHV stipulations needed

Comment ID: 1797
Organization: Blue Ribbon Coalition (BRC)
Name: Don Amador

Comment: OHV Management Guideline Four – Invasive Species Overview: Cheatgrass and Medusahead wildrye have become the most problematic of the exotic annual grasses within the Sage-grouse Conservation Area" (Miller et al. 2011) OHVs can inadvertently spread invasive/noxious weeds including cheatgrass and medusahead. It is important that vehicles be weed-free before travelling off-highway. Thoroughly washing the OHVs will ensure that the seeds are removed and will help mitigate the spread of noxious weeds. It should be noted that no studies can claim that OHV use is the primary distributor of noxious weeds. Prescription: Adopt and promote an invasive species related prevention/education program based on the tenets at - http://playcleango.org/

Summary: OHVs should weed-free and thoroughly washed before traveling off-highway, and an invasive species related prevention/education program should be promoted.

Response: OHV washing to remove weed seeds and plant parts is addressed as a best management practice in Appendix B - Required Design Features. Invasive species information is provided at each BLM field office. Additionally, the BLM Wyoming web site also provides information and prevention guidance (http://www.blm.gov/wy/st/en/programs/weeds_pests.html).

Vegetation-Other

Invasive Non-native Plant Species

More control of invasive species is needed

Comment ID: 1852
Organization:
Name: Charles C. Price

Comment: Control of invasive plant species on BLM and FS lands has been minimal in the past. Since habitat is a primary responsibility of these agencies the control of invasive plant species such as cheat grass should receive much more effort and finance and direct control on the ground. Invasive plants pose a long term problem for the sage grouse population.

Comment ID: 2883
Organization: Wyoming Farm Bureau Federation

Name: Ken Hamilton

Comment: On page 272 of Chapter 4 and elsewhere in the document, there is a discussion of efforts to limit opportunity for invasive species. While this is an important aspect of any plan to deal with invasive species, the Agencies also need an aggressive plan to address those species which are already established, or are showing up in an area. There seems to be a limited amount of discussion about this aspect, which should be included in any LUP.

Comment ID: 2402
Organization:
Name: Elisa Enders

Comment: What really needs to be done is a comprehensive plan to protect the ecosystem that the grouse needs to survive. Cheatgrass is an example of one invasive plant that is affecting the sagebrush habitat. If the sagebrush is protected, then the grouse will be helped, as well as Sage Sparrow, Sage Thrasher, and other bird, insect, and plant species.

Comment ID: 2160
Organization: The Cloud Foundation
Name: Ginger Kathrens

Comment: Wild fires have damaged sage grouse habitat in Wyoming, allowing opportunistic invasive plant species, like cheat grass, to take over. All alternatives should include a plan to eliminate invasive plants in order to improve sage grouse habitat, prioritizing leks and brood rearing locations.

Summary: Preventing further cheatgrass spread into intact sagebrush should be prioritized, and control of invasive plant species should receive much more effort, finance, and direct control on the ground. All alternatives should include a plan to eliminate invasive plants, and should include an aggressive plan to address those species which are already established or are showing up in an area.

Response: A range of alternatives is presented in the LUP Amendments concerning invasive species management in Management Actions 9, 11, 107, 114, and 117. Accomplishment of cheatgrass and other invasive plant control would be dependent on future budget allocations from Congress and could not be predetermined in the LUP Amendments.

Vegetation-Other

Monitoring

Edits to ESD reference state and monitoring requirement

Comment ID: 1043
Organization: American Colloid Company
Name: Melody Smith

Comment: Options for use of existing, successful, long standing reclamation monitoring practices developed for mining operations to satisfy current State and BLM requirements should be considered an option rather than requiring use of global government standards such as Ecological Site Descriptions.

Comment ID: 186
Organization: Upper Green River Cattle Association
Name: Kent Price

Comment: Action Number 46, Alternative C requires all vegetative communities would be "consistent with the reference state of the appropriate ESD" This does not discuss that some of the rangeland is in a steady state that is not at the reference state, and may not go back to the reference state. ESDs have not been developed for all of the possible sites in any given area, let alone the reference state. The reference state might be beneficial for sage grouse nesting, but a lower state might provide more of what a grouse needs in early-brood rearing and late-brood rearing. Alternative C is unachievable and unwarranted. Action Number 47, Alternative C requires that land management agencies "ensure" plants are at their ESD potential to protect against invasive plants. Is potential, the reference state? Many events can push plant succession backwards, including fire, drought (even without livestock grazing), insects, sage die-offs of unknown origin, and native ungulates. We do need to be aware of exotics, like cheatgrass, but they have invaded Sublette County in areas with little livestock grazing, and on sites at their reference state. We need a thoughtful, inclusive approach to invasive species management. We support Alt. D. Action Number 48, 49, 50, 51, and 52, we support Alternative D.

Summary: Some rangeland is in a steady state that is not at the reference state, and may not go back to the reference state. ESDs have not been developed for all of the possible sites in any given area, let alone the reference state. And, many events can push plant succession backwards, including fire, drought (even without livestock grazing), insects, sage die-offs of unknown origin, and native ungulates. Additionally, options for use of existing, successful, long standing reclamation monitoring practices developed for mining operations to satisfy current state and BLM requirements should be considered an option rather than requiring use of global government standards such as ESDs.

Response: An ecological site description is a description of the vegetation that can be expected on a site based on soil, elevation, slope and other factors, not a "global government standard." It is reasonable to temper vegetation expectations to specific sites based on their individual potential. The development of ecological site descriptions and state and transition models is an ongoing science; the models are continually being refined to consider all the events listed and others that may contribute to creating the actual plant communities present on the ground at any specific location. The information gathered from the ecological site descriptions should be helpful in evaluating the success of reclamations methods currently being used in mining and other situations.

Vegetation-Other

Range of alternatives

Further clarification needed among alternatives

Comment ID: 2450
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-102,103 Vegetation Management: Actions 94 -Is one to interpret that the Alternative A reference to TBNG LRMP is carried onto each Alternative (B,C,D,E), and if so would that not change the intent of each management action listed? (As to what actions should be coupled with others) Page 2-105 Vegetation Management: Actions 96 - Same question regarding the reference to TBNG LRMP in Alternative A (Does the reference carryon to the other Alternatives).

Comment ID: 2451
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-107 Vegetation Reclamation : Action 99 -It would seem other wording would be used in Alternatives B, C, and D due to the other controlling management actions proposed. The Preferred Alternative (E) should make mention of seeding methodologies and timing to ensure the success of sagebrush restoration as part of the monitoring plan. Neither federal reclamation policies provide such information.

Comment ID: 2454
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-109 Vegetation Reclamation : Action 102 - For the TBNG the statements made in Alternative A and E make the most sense and hopefully are adopted by the decision maker.

Comment ID: 2462
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-203 Table 2-7. Comparative Summary of Impacts - Vegetation: While each Alternative describes acreages restricted or closed they do not indicate or explain the long or short term benefits to the greater sage-grouse, the number of acres of priority habitat or general habitat with undisturbed vegetation thereon saved from disturbance. Impacts to vegetation should be defined. Generalized statements such as: "These closures would reduce .... associated with mineral development and surface disturbing activities." The statement should be redressed in such that reclamation practices cannot be all thrown into one basket suggesting that the entire industry causes the problems of invasive species, vegetation removal and habitat fragmentation across the board .

Summary: Issue 1: On page 2-102,103, and 105, for management actions 94 and 96, clarification is needed as to whether the Alternative A reference to TBNG LRMP is carried onto each Alternative (B,C,D,E), and if it would change the intent of each management action listed. Issue 2: On page 2-107, Action 99, additional language or clarification should be added to Alternatives B, C, and D due to the other controlling management actions proposed, and Alternative E should include seeding methodologies and timing as part of the monitoring plan. Issue 3: On page 2-109, Action 102, the statements made in Alternatives A and E make the most sense for TBNG and should be adopted. Issue 4: On page 2-203 Table 2-7, the alternatives do not indicate or explain the long or short term benefits to the Greater Sage-Grouse, the number of acres of priority habitat or general habitat with undisturbed vegetation thereon saved from disturbance. Impacts to vegetation should be defined.

Response: Issue 1: Unless it is stated “In addition to Alternative A,” before the management action, management under Alternatives B, C, D, and E would amend the management under Alternative A. Issue 2, 3: The final decision for these actions will be included in the Record of Decision after completion of the public involvement process. Issue 4: It would be difficult to calculate the acres of undisturbed vegetation using current data due to the overlap of uses and resources, prompting the need for actual on the ground surveys to accurately account for undisturbed vegetation. “Impacts to vegetation” has been edited to more effectively describe the effects to vegetation from the management for Greater Sage-Grouse.

Vegetation-Other

Range of alternatives

Language in Alternative C needs to be revised

Comment ID: 2496

Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-350 4.16.5 Alternative C: The second sentence of the fifth paragraph does not make sense. The annual precipitation amount does not alone cause large fires, and eliminating a valid tool for management is risky.

Comment ID: 2453
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-108 Vegetation Reclamation: Action 100 - Alternative C statement once again suggests livestock grazing is not prohibited in sage-grouse priority habitat. We suggest all Management Actions in Alternative C be reviewed to clear up inconsistencies.

Comment ID: 3045
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-38, action 47, alt C: This is an unreasonable statement to achieve climax vegetation state in all areas. This also does not allow for multi-aged habitat, which increases diversity and in many occasions allows for preferred habitat for wildlife and other grazing species.

Comment ID: 2455
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-110 Vegetation Reclamation: Action 104 - Alternative C statement uses the statement "within sage-grouse priority and general habitat" as has with many other of the management actions. The text in Chapter 1 seems to disassociate general habitat from any ACEC designation and should be carried through in such a way in the alternatives management actions.

Comment ID: 2452
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 2-107 Vegetation Reclamation : Action 100 - Alternative C statement does not make sense. Suggest: Within sage-grouse priority habitat reclamation of long term disturbed areas would be reclaimed to enhance and expand the priority habitats.

Summary: The following needs to be revised: Issue 1: On page 2-107, language for Action 100 should be changed to “Within sage-grouse priority habitat reclamation of long term disturbed areas would be reclaimed to enhance and expand the priority habitats.” Issue 2: On page 2-108, language for Action 100 suggests livestock grazing is not prohibited in sagegrouse priority habitat; this should be revised. Issue 3: All Management Actions in Alternative C need to be reviewed to clear up inconsistencies. Issue 4: On page 2-110, language for Action 104 uses the statement "within sage-grouse priority and general habitat" while the text in Chapter 1 seems to disassociate general habitat from any ACEC designation and should be carried through in such a way in the alternatives management actions. Issue 5: On page 3-350 4.16.5, clarification is needed on the second sentence of the fifth paragraph, as annual precipitation amount does not alone cause large fires. Issue 6: In Table 2-1, page 2-38, MA 47, it is unreasonable to achieve climax vegetation state in all areas. Also, the management action should allow for multi-aged habitat.

Response: Issue 1: Considering Alternative C takes into account all sage-grouse habitat, limiting the language to just priority areas would not seem to be appropriate. Issue 2: Livestock grazing would be prohibited in priority habitat under Alternative C. Issue 3: Without specific descriptions of the perceived inconsistencies we are not able to respond to the comment. Issue 4: The action does not propose ACEC designation in general habitat. The action is specific to core habitat. Issue 5: The sentence has been revised for clarity and to better reflect both the management action and the effects to vegetation resources from that action. Issue 6: The action is correct as written and is provided for a reasonable range of alternatives.

Vegetation-Other

Range of alternatives

Language in Alternative D needs to be revised

Comment ID: 3051
Organization: Ultra, Shell, and QEP
Name: Kelly Bott

Comment: Table 2-1, page 2-100, action 91, alt D: Please define "natural reclamation."

Summary: The following language needs to be revised: In Table 2-1, page 2-100, action 91, define "natural reclamation".

Response: Natural reclamation refers to naturally occurring vegetation changes without human intervention or action.

Vegetation-Other

Range of alternatives

Language in Alternative E needs to be revised

Comment ID: 1419
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Alternatives, Vegetation Reclamation, Page 2-107, Items #99 and #100. As stated under Alternative E, “Reclamation of surface disturbances in sage-grouse core habitats would be consistent with the Wyoming Reclamation Policy (BLM 2009a)…A monitoring plan would be developed for each restoration or reclamation project and reporting progress and changes in resource conditions.” The DEIS does not provide adequate documentation to fully describe the requirements of a reclamation plan or monitoring and reporting plan, so it is difficult to fully comment on the requirement. However, as a recommendation we suggest that other agency approved reclamation plans be considered to meet the requirements of this item. For example, the Wyoming Department of Environmental Quality, Land Quality Division has existing requirements for reclamation plans for project proponent in the mining industry. These reclamation plans should be referenced as an appropriate mechanism to meet the BLM requirements suggested under this item.

Comment ID: 2034
Organization: Wyoming Wildlife Federation
Name: Joy Bannon

Comment: Vegetation Reclamation – Chapter 2, pages 108 and 109, action #’s 100 and 102: Non-native seed mixtures are allowed in Alternative E for these action numbers. Language regarding non-native seed

mixtures needs to be more restrictive. Incorporate watering cycles so that the native seeds are more likely to take hold and grow. The goal for WWF is to reclaim the landscape back to its original vegetative make-up so that all wildlife species can benefit. In these action numbers, the goal seems to be simply to restore the vegetation to meet Greater sage-grouse habitat objectives and although that may work for Greater sage-grouse, other wildlife will suffer if non-native vegetation is planted. o The BLM/Forest Service need to be cautious about the spread of invasive plants and non-native plants so as to maintain and meet management objectives for other wildlife species in the ecosystem.

Comment ID: 1014
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: The management prescriptions vary from the WGFDs vegetation treatment protocols. For any vegetation treatments conducted in core area the BLM and USFS should use WGFD protocols. I request that the BLM and USFS remove Alternative A protocols from Alternative E under MA 95 (pp. 2-103 - 2-104)

Comment ID: 2497
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-352 4.16.7 Alternative E: The first two sentences in the fourth paragraph seem they could be one, and how does one create levels of vegetation compaction?

Summary: Issue 1: The management prescriptions vary from the WGFD vegetation treatment protocols. For any vegetation treatments conducted in core areas, the BLM and Forest Service should use WGFD protocols, and thus Alternative A protocols should be removed from Alternative E under MA 95. Issue 2: The Draft EIS does not provide adequate documentation to fully describe the requirements of a reclamation plan or monitoring and reporting plan, so it is difficult to fully comment on the requirement. Other agency approved reclamation plans, such as the Wyoming Department of Environmental Quality Land Quality Division plan, should be considered to meet the requirements of this item. Issue 3: Language regarding non-native seed mixtures needs to be more restrictive, and include incorporation of watering cycles. Issue 4: On page 4-352 4.16.7, the first two sentences in the fourth paragraph should be combined and explain how levels of vegetation compaction are created.

Response: Issue 1: Although the WGFD does provide protocols for vegetation treatment, there are portions of the protocols that may not meet each agency's legal or policy-related obligations, which is why there are occasional deviations from that strategy. The referenced section specifically includes consideration of the WGFD protocols for vegetation treatment. The language is appropriate as presented in the Draft EIS. Issue 2: The BLM Wyoming Reclamation Plan is publically available at http://www.blm.gov/style/medialib/blm/wy/programs/reclamation.Par.60413.File.dat/wy2012- 032w-atch.pdf Additional information and details regarding reclamation plans is included in Appendix C. Issue 3: BLM and Forest Service specialists considered this issue at length. The language is appropriate as presented in the Draft EIS. Non-native seed use is described in the BLM Wyoming Reclamation Plan Issue 4: The Proposed LUP Amendments/Final EIS has been updated for clarity and content.

Vegetation-Other

Range of alternatives

Support for Alternative B

Comment ID: 2258
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 111, page 2-114): We recommend management actions outlined in Alternative B are most appropriate for Action 111.

Comment ID: 2257
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 110, page 2-114): We recommend management actions outlined in Alternative B are most appropriate for Action 110.

Comment ID: 2260
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 112, page 2-115): We recommend management actions outlined in Alternative B are most appropriate for Action 112.

Comment ID: 2261
Organization: Theodore Roosevelt Conservation Partnership and North American Grouse Partnership
Name: Edward B. Arnett

Comment: (Action 113, page 2-115): We recommend management actions outlined in Alternative B are most appropriate for Action 113.

Summary: Management actions outlined in Alternative B are most appropriate for Actions 110, 111, 112, and 113.

Response: The final decision for these actions will be included in the Record of Decision after completion of the public involvement process.

Vegetation-Other

Range of alternatives

Support for wildland seed collection

Comment ID: 179
Organization: Stevenson Intermountain Seed, Inc.
Name: Ronald M. Stevenson

Comment: The federal Government, through vast land ownership in the west and applicable legislation, has created a large need for native plant species seed for disturbed wildland land restoration. A significant number of important plant species seed used in wildland restoration is only available through wildland seed collections and the Federal Government is failing its responsibility to help provide favorable conditions to

provide the seed for the need it has created even though it could be accomplished with minimal effort and controversy. If this problem of "no wildland seed collecting on my district" attitude continues to exist, it will do great harm by greatly reducing the amount of needed seed that could and should be collected on U.S. Forest Service Land. This greatly increases seed prices because of shortages and the need to collect from less productive sites. This kind of attitude shows a lack of commitment to the USFS and BLM's goal to restore sage-grouse habitat and increase sage-grouse numbers and to use its renewable resources for the betterment of the American public.

Comment ID: 2744
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg C-5 Text: Use native site seed collection and local seed sources to the maximum extent practicable to maintain genetic diversity of local plant populations. Consider the use of cultivars of native species in the absence of sources of native seeds. Comment: The Coalition approves of this language.

Summary: A significant number of important plant species seed used in wildland restoration is only available through wildland seed collections. If wildland seed collection is not allowed to occur, it will do great harm by greatly reducing the amount of needed seed that could be collected on Forest Service Land, and increase seed prices because of shortages. Additionally, the text in Appendix C (page C-5) regarding the use native site seed collection and local seed sources to the maximum extent practicable to maintain genetic diversity of local plant populations is supported.

Response: Seed collection is allowed on BLM lands by acquiring a permit.

Vegetation-Other

Reclamation

Reclamation method requirements should be modified

Comment ID: 515
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Reclamation Deterred Elsewhere Well sites, pipelines, and roads are being sited away from sage brush habitat, with the result that the development sites are more difficult to reclaim. The sites are forced into the saline and shallow sites that are harder to reclaim and result in accelerated weeds and invasive species. Reclamation is also hindered by BLM policy that prohibit use of non-native seeds to establish in the poorer soils. Sterile non-native plants or a mix of native and non-native seeds will hold the soil until native plants can get established. The DEIS needs to address the impacts on reclamation which are significant and apply to all projects in the respective field offices.

Comment ID: 677
Organization: Anadarko
Name: David Applegate

Comment: Downy brome is a landscape scale issue across Wyoming lands. It would be impossible in many places to "eliminate" this species as required by this section. Anadarko suggests removal of this requirement.

Summary: Well sites, pipelines, and roads away from sage-grouse habitat located in saline and shallow sites are harder to reclaim and result in accelerated weeds and invasive species. Reclamation is also hindered by BLM policy that prohibit use of non-native seeds to establish in the poorer soils. Sterile non-native plants or a mix of native and non-native seeds could be used to hold the soil until native plants can get established. The requirement to eliminate down brome should also be removed, as it is a landscape scale issue across Wyoming lands and would be impossible to do so.

Response: The range of management alternatives and the protocols in Appendices A and C provide the variability for reclamation practices, including the use of non-native plants and seeds if they meet sage-grouse restoration objectives. Many of these statements are not accurate when compared to the LUP Amendments. The BLM Wyoming Reclamation Policy does allow for non-native seeding in some circumstances.

Vegetation-Other

Vegetation Treatments

Additional Vegetation Treatment Plan requirements

Comment ID: 1673
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --Any vegetation treatment plan must include pretreatment data on wildlife and habitat condition, establish non-grazing exclosures, and include long-term monitoring of treated areas.

Summary: Require pretreatment data on wildlife and habitat condition, establish non-grazing exclosures, and include long-term monitoring of treated areas in vegetation treatment plan.

Response: The requirements and protocol for monitoring is described in Appendix D and in the text of Management Actions 4, 6, 9, 46, 49, 99, 114, 125 in Chapter 2. The recommendations suggested in this comment would be considered during project-specific environmental analysis and decisionmaking.

Vegetation-Other

Vegetation Treatments

Management for persistent woodlands

Comment ID: 1689
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --In areas of PJ, avoid treating the areas of persistent woodlands. Persistent woodlands are an ecological condition, irrespective current observed “fire condition class”, where site conditions and disturbance regimes are inherently favorable for PJ, and where trees are a major component of the vegetation unless recently disturbed. These woodlands do not represent twentieth century conversion of formerly non-wooded vegetation types, but are places where trees have been an important stand component for several hundred years.117

Comment ID: 1680
Organization: Center for Biological Diversity

Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --In areas of PJ, avoid treating the areas of persistent woodlands. Persistent woodlands are an ecological condition, irrespective current observed “fire condition class”, where site conditions and disturbance regimes are inherently favorable for PJ, and where trees are a major component of the vegetation unless recently disturbed. These woodlands do not represent twentieth century conversion of formerly non-wooded vegetation types, but are places where trees have been an important stand component for several hundred years.

Summary: In areas of prairie juniper, both inside and outside sage-grouse core areas, avoid treating the areas of persistent woodlands.

Response: Management action 118 identifies treatment in areas of woodland encroachment. A persistent woodland would be classified as an encroachment and therefore would not be treated.

Vegetation-Other

Vegetation Treatments

Monitoring and treatment requirement edits

Comment ID: 1347
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Action 9 requires the BLM to "monitor and treat invasive species associated with existing range improvements" but fails to provide any information regarding the costs or personnel to accomplish this and how that relates to current and projected budgets. No requirement that would trigger this action has been provided.

Comment ID: 1691
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat --Apply appropriate seasonal restrictions for implementing management treatments consistent with the types of seasonal habitats present.

Comment ID: 1682
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --Apply appropriate seasonal restrictions for implementing management treatments consistent with the types of seasonal habitats present.

Comment ID: 1965
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. B-5, Vegetation Treatments/fire and Fuels Management – In general, we support the narratives under this section with the exception of the requirement on pg. B-6 to require power washing of "all" vehicles and equipment prior to entering veg treatment areas. If that restriction applies to all nonfederal owned vehicles/equipment, it will likely preclude the assistance of non-federal vehicles/equipment on fires and veg treatments.

Summary: Issue 1: The requirement to monitor and treat of invasive species associated with existing range improvements needs to include the trigger for this action, along with information regarding the costs or personnel to accomplish this and how that relates to current and projected budgets. Issue 2: Seasonal restrictions for implementing management treatments consistent with the types of seasonal habitats present should be applied. Issue 3: If the requirement on pg. B-6 to require power washing of "all" vehicles and equipment prior to entering vegetation treatment areas applies to all non-federal owned vehicles/equipment, it will likely preclude the assistance of non-federal vehicles/equipment on fires and veg treatments.

Response: Issue 1: The Forest Service currently monitors and treats invasive species associated with existing range improvements, so all action alternatives are the same as the No Action, and determining cost and personnel is irrelevant to the analysis. Issue 2: Seasonal restrictions would be applied to actions that are surface disturbing or disruptive according to Management Actions 131 through 134. Issue 3: If power washing of vehicles is required for vegetation treatment projects and if non-federal vehicles/equipment is needed and non-federal partners cannot power wash their vehicles, then the BLM or Forest Service would consider providing power washing services if possible.

Vegetation-Other

Vegetation Treatments

Prohibit all pesticide use for vegetation management

Comment ID: 219
Organization:
Name: jean public

Comment: I OPPOSE VEGETATIOIN ALLEGED "MGT". I WANT OUR LANDS LEFT NATURAL AND UNTOUCHED AND BELIEVE THESE LANDS SHOULD BE CONSIDERED WILDERNESS. BAR ALL PESTICIDE APPLICATION WHICH IS KILLIGN BATS AND BEES, SNAKES AND ALL SPECIES.

Summary: Prohibit all pesticide applications.

Response: The final decision for this resource area will be included in the Record of Decision after completion of the public involvement process.

Vegetation-Riparian

Monitoring

Support riparian habitat monitoring and management

Comment ID: 340
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Riparian areas should be the focus of monitoring efforts, as these areas can become ecologically impaired before upland habitats begin to show signs of damage. The federal agencies need properly functioning riparian areas to provide adequate brood-rearing habitat for sage grouse.

Comment ID: 327
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: While not necessarily associated with livestock grazing, in some areas, tamarisk and Russian olive are increasing in riparian areas (see, e.g., DEIS at 3-403); we are concerned that this will also degrade brood-rearing habitats through sage grouse avoidance of trees and creation of raptor perching and nesting habitat. What is the relationship between tamarisk and Russian olive invasion and livestock overgrazing in riparian habitats, and what does BLM propose to do to address the spread of these invasive trees?

Summary: Riparian areas should be the focus of monitoring efforts, as these areas can become ecologically impaired before upland habitats begin to show signs of damage. Properly functioning riparian areas are needed to provide adequate brood-rearing habitat for sage-grouse. Invasive species, such as tamarisk and Russian olive, may also degrade riparian habitat and must be addressed.

Response: The alternatives under Riparian Area Management provide protection for sage-grouse habitat within riparian zones for nesting and brood rearing in addition to vegetation management, monitoring, seasonal restrictions, and buffer distances for development found in the rest of the management actions in Chapter 2.

Vegetation-Riparian

Range of alternatives

Apply recommendations from Staff Report released by the Colorado Oil and Gas Conservation Commission, Lessons Learned in the Front Range Flood of 2013

Comment ID: 3118
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: High quality riparian habitats foster healthy wildlife species and habitat, including numerous migratory bird species. Threats from oil and gas development were recently illustrated by the September 2013 floods across Colorado’s front range. Because similar rainfall events are foreseeable in Wyoming, the plan should apply the recommendations from the new Staff Report released by the Colorado Oil and Gas Conservation Commission, Lessons Learned in the Front Range Flood of 2013.15 Specific recommendations are advanced at pages 28-32.

Summary: The plan should apply the oil and gas development recommendations from the new Staff Report released by the Colorado Oil and Gas Conservation Commission, as rainfall events similar to those that occurred in September 2013 floods across Colorado's front range are foreseeable in Wyoming.

Response: BLM and Forest Service used the best available science and information to prepare and analyze the LUP Amendments. Some science/information provided was published following the preparation or release of the LUP Amendments. The COGCC recommendations apply to wells within 500 feet of stream channels, which are in danger of being damaged by flooding. Some of them (e.g., establish new staging, refueling, and chemical storage areas outside of riparian zones and floodplains) are standard BMPs. Others could possibly be incorporated here or in site-specific documents. See the COGCC document beginning on

p.20:
http://cogcc.state.co.us/Announcements/Hot_Topics/Flood2013/FinalStaffReportLessonsLearned20140314.pdf.

Vegetation-Riparian

Range of alternatives

Edits to Item 55 in Table 2-1

Comment ID: 2851
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 55 in Table 2-1 begins the discussion regarding riparian area management. Under Alternative D the document contains information regarding actions in core sage-grouse areas, however the actions appear to expand into the management of non-riparian areas. Discussions on non-riparian areas should not be located within discussions about riparian management. Alternative B discusses management towards "reference state vegetation." We could not find further information regarding how the Agencies would implement this concept. Alternative C contains a requirement that a statewide standard of six inch stubble height be required in all riparian areas and meadows. We strongly reject this concept of one-size-fits-all management since in reality it isn't management, just a cookbook approach to a complex system. Alternative A under the Pinedale RMP discussion talks about livestock actions within riparian areas, but does not address wildlife or wild horses if present. Both can have impacts on riparian areas, but it appears that, at least, in the Pinedale RMP these two sources will not be considered. We believe any discussion should consider these two uses along side of livestock.

Summary: Specific Issues include: Issue 1: Under Alternative D, discussions on non-riparian areas should not be located within discussions about riparian management. Issue 2: Under Alternative B, no further information regarding how the agencies would implement "reference state vegetation" is provided. Issue 3: Under Alternative C, oppose requirement that a statewide standard of six inch stubble height be required in all riparian areas and meadows.

Response: Issue 1: It is appropriate to mention adjacent upland areas in conjunction to riparian habitat when discussing habitat management. Issue 2: Because riparian areas are widely variable, it is not possible to provide detailed methods for achieving reference vegetation at the scale of the LUP Amendments. The methods would be determined individually on a site specific basis. Issue 3: BLM and Forest Service are required to analyze a range of alternatives, and while not all of the management is agreeable to everyone, each alternative complies with NEPA, FLPMA, and is based on the best available science.

Vegetation-Riparian

Range of alternatives

Establish widths for riparian management zones

Comment ID: 253
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: 36 C.F.R § 219.8(a)(3). The plan must establish widths for riparian management zones, to which the management outlined in the quoted section above will apply. 36 C.F.R. § 219.8(a)(3)(ii). This

requirement has special significance with regard to sage grouse, which use riparian areas as broodrearing habitats.

Summary: The plan must establish widths for riparian management zones. This requirement has special significance with regard to sage-grouse, which use riparian areas as broodrearing habitats.

Response: The plan purposely does not establish widths to allow for variability in riparian areas. To limit a distance could reduce areas in some systems and overly expand areas in others. The alternatives under Riparian Area Management provide protection for sage-grouse habitat within riparian zones for nesting and brood rearing in addition to the rest of the seasonal restrictions and buffer distances for development found in the rest of the management actions in Chapter 2.

Vegetation-Riparian

Range of alternatives

Support Alternative B for riparian management

Comment ID: 3115
Organization: Audubon Rockies
Name: Mike Chiropolos

Comment: The ecological value of riparian-wetland communities is inversely proportional to their limited physical extent. These communities support the greatest diversity of plant and animal life of all habitat types. Riparian-wetland areas are a component of brood-rearing habitat for greater sagegrouse because they provide needed forbs and insects necessary for chick survival. Actions that improve riparian-wetlands improve habitats for special status wildlife species, especially increasing the quantity and quality of riparian-wetland vegetation and insects, are critical. BLM needs to select management actions that protect, develop, restore, and improve these areas. The measures in Alternative B (DEIS at 2-55 to 56) will best achieve conservation objectives.

Summary: The measures in Alternative B will best achieve riparian-wetland conservation objectives.

Response: The final decision for this resource area will be included in the Record of Decision after completion of the public involvement process.

Vegetation-Sagebrush

Invasive Non-native Plant Species

Manage to avoid invasive vegetation

Comment ID: 1688
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: ii. Management outside SGCAs in sage-grouse habitat -- Aggressively monitor and control invasive vegetation in sagebrush steppe ecosystems. Rapidly restore burned or disturbed habitat to minimize or prevent the incursion of invasive plants.

Comment ID: 1679
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --Aggressively monitor and control invasive vegetation in sagebrush steppe ecosystems. Rapidly restore burned or disturbed habitat to minimize or prevent the incursion of invasive plants.

Comment ID: 1681
Organization: Center for Biological Diversity
Name: Randi Spivak

Comment: Management Prescriptions: i. Management inside of SGCAs in sage-grouse habitat --In areas where sagebrush is prevalent or where cheatgrass is a concern, utilize mechanical methods rather than prescribed fire.

Comment ID: 2589
Organization:
Name: Elisa Enders

Comment: What really needs to be done is a comprehensive plan to protect the ecosystem that the grouse needs to survive. Cheatgrass is an example of one invasive plant that is affecting the sagebrush habitat. If the sagebrush is protected, then the grouse will be helped, as well as Sage Sparrow, Sage Thrasher, and other bird, insect, and plant species.

Summary: Aggressively monitor and control invasive vegetation, such as cheatgrass, in sagebrush steppe ecosystems and rapidly restore burned or disturbed habitat to minimize or prevent the incursion of invasive plants. In areas where sagebrush is prevalent or where cheatgrass is a concern, utilize mechanical methods rather than prescribed fire.

Response: Management for invasive, non-native plant species control and monitoring is within the management alternatives under Vegetation and Wildland Fire and Fuels Management.

Vegetation-Sagebrush

Range of alternatives

Conifer removal in sagebrush

Comment ID: 323
Organization: Wild Earth Guardians
Name: Erik Molvar

Comment: Juniper expansion into sagebrush habitat is a very minor issue in Wyoming. However, we recommend targeted conifer removal in potential sage grouse habitats while maintaining sagebrush-grass understory in as natural a state as possible.

Summary: Juniper expansion into sagebrush habitat is an issue in Wyoming. Consider targeted conifer removal in potential sage-grouse habitats while maintaining sagebrush-grass understory in as natural a state as possible.

Response: Although there is no specific management in Chapter 2 for conifer encroachment, if there was an issue with conifer encroachment within the planning area, vegetation treatment protocols and management within the plan would be used to treat the area if deemed necessary to protect, improve, or enhance sage-grouse habitat.

Vegetation-Sagebrush

Vegetation Treatments

Amend sagebrush vegetation treatment requirements

Comment ID: 420
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Table 2-1, Action #100, pg. 108: These management decisions proposed under Alternatives C and E place a high priority on sagebrush restoration. Yates requests BLM acknowledge and consider that due to uncontrollable factors such as drought, weather, soil conditions, erosion, grazing, etc., sagebrush restoration can be a difficult objective that may take years to achieve. Establishing restoration and reclamation standards based on sagebrush restoration may be unrealistic and unachievable.

Comment ID: 419
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Vegetation treatments, especially sagebrush treatments designed to benefit GSG, should not be considered a surface "disturbance" that would contribute toward the 5% surface disturbance threshold provided under EO 2011-5 and proposed under Alternative E. Although a vegetation treatment may technically disturb the surface and reduce sagebrush canopy cover in the short term, the objective is to improve GSG habitat and sagebrush canopy cover in the longer term. As a result, such a disturbance should not count against an operator's 5% surface disturbance cap. If it did, this would create disincentive to conduct vegetation treatments and negatively impact GSG habitat in the long term.

Comment ID: 418
Organization: Yates Petroleum
Name: Shay Westbrook

Comment: Table 2-1, Action #94, pg. 102: These stipulations do not account for circumstances in which sagebrush canopy cover is already < 15% in an area where vegetation treatments are occurring or should be conducted as part of reclamation efforts. They establish a canopy threshold based on a fixed percentage rather than pre-existing vegetative conditions. Additionally, sage brush grows very slowly and takes significant time (often years) to establish (or re-establish) during late stages of vegetative succession. As such, vegetation treatments aimed at increasing sage brush canopy cover in the long-term often will result in decreased sage brush canopy cover in the short-term as early succession plant species (grasses) establish first. These vegetation management stipulations proposed under Alternatives D and E do not allow such vegetation treatments and reclamation efforts to occur in GSG habitats. Yates requests BLM remove the 15% sagebrush canopy requirement and allow vegetation treatments that reduce the sagebrush canopy below this level. A minimum sagebrush canopy stipulation should be based on the pre-existing vegetative community in the area (what is the pre-existing sage brush canopy?). Such a stipulation should also focus on the end result (i.e. final vegetative succession stages) of a vegetation treatment rather than the beginning.

Summary: Remove the 15% sagebrush canopy requirement in Table 2-1 Action 94, and allow vegetation treatments that reduce the sagebrush canopy below this level. A minimum sagebrush canopy stipulation should be based on the pre-existing vegetative community in the area and focus on the end result. Establishing restoration and reclamation standards based on sagebrush restoration may be unrealistic and unachievable due to uncontrollable factors such as drought, weather, soil conditions, erosion, grazing, etc.

Additionally, vegetation treatments should not be considered a surface disturbance that would contribute toward the 5% surface proposed under Alternative E.

Response: The range of management alternatives and the protocols in Appendices A and C provide the variability to treat vegetation for the best end result. The 15% canopy requirement varies across the alternatives in Action 94 and only applies to northeast Wyoming. Not all vegetation treatments would be counted toward the 5% under Alternative E (MA 95).

Visual Resources

Best available information-baseline data

Map 3-22 has incorrect VRM information south of Rawlins

Comment ID: 2575
Organization: Power Company of Wyoming LLC
Name: Garry L. Miller

Comment: Map 3-22: BLM Visual Resource Management Classifications This map is inconsistent with the October 2012 ROD for the CCSM Project and Approved Visual Resource Management Plan Amendment. Figure 2-1 on page 2-2 within the ROD for the VRM Plan Amendment shows the public and private land checkerboard south of Rawlins as VRM Class IV throughout. Instead, Map 3-22 incorrectly shows these lands as VRM Class III throughout. This map must be corrected for the Final LUPA/EIS to properly show the updated VRM Class IV designations approved by BLM in 2012. Such blatant data errors such as this, Map 3-1, the potential wind energy development scenarios and other examples throughout these comments call into question the quality of BLM's analysis and highlight the need for BLM to take the time to carefully locate and utilize best available information and data in the Final LUPA/EIS.

Summary: Map 3-22: The BLM Visual Resource Management Classifications map is inconsistent with the October 2012 ROD for the CCSM Project and Approved Visual Resource Management Plan Amendment. Figure 2-1 on page 2-2 within the ROD for the VRM Plan Amendment shows the public and private land checkerboard south of Rawlins as VRM Class IV throughout. Instead, Map 3-22 incorrectly shows these lands as VRM Class III throughout. This map must be corrected for the Final LUP Amendments/Final EIS to properly show the updated VRM Class IV designations approved by BLM in 2012. Such blatant data errors call into question the quality of BLM's analysis.

Response: Information and maps published in the Draft EIS were based on information collected from the agencies in 2011 and early 2012. The VRM information for Rawlins was updated after the Draft EIS was in final editing and not reflected in Draft EIS. The VRM information has been changed to reflect the October 2012 Record of Decision.

Visual Resources

Best available information-baseline data

Visual resources does not tie into the larger Sage-grouse issue

Comment ID: 2476
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Chapter 3-Visual Resources TBNG Page 3-415 and 416: Is there a reason why the discussion does not tie into the greater sage-grouse, the subject of the EIS?

Summary: Page 3-415 and 416: The discussion regarding visual resources in the TBNG does not tie into the Greater Sage-Grouse issue.

Response: The Revised TBNG Plan utilizes the SMS which provides an overall framework for the orderly inventory, analysis, and management of scenery. It applies to all activities including, but not limited to, timber harvesting, road building, streams, range, wildlife improvements, sage-grouse viewing areas, special use developments, utility line construction, recreation developments, and fuels management.

Visual Resources

Impact Analysis

Stock ponds are compatible with VRM I and II

Comment ID: 2885
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Beginning on page 355 of Chapter 4 is a discussion on visual resources and later on page 357 describes that range improvements such as ponds would be visible from great distances. We believe that stock ponds add significantly to the landscape and question why they wouldn't be compatible with VRM classes I and II.

Summary: Beginning on page 355 of Chapter 4 is a discussion on visual resources and later on page 357 describes that range improvements such as ponds would be visible from great distances. Stock ponds add significantly to the landscape and should be compatible with VRM classes I and II.

Response: Stock ponds could meet the criteria for VRM Class II; however, VRM Class I requires no modification to the landscape.

Water

Overall language and content throughout document needs to be revised

Comment ID: 925
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Understandably, the information from the 9 LUPs varies considerably in level of detail. However the authors should consider providing approximately the same level of detail for each of the 9 LUPs, and consider whether discussion of .waters outside of occupied GSG habitat or outside federal lands or mineral ownership is relevant to this EIS.

Comment ID: 924
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 3-417, 2nd Paragraph, and global comment: The DEIS often confuses the term "beneficial uses" with "designated uses". "Designated uses" means those uses specified by DEQ for each water body or segment whether they are being attained, or not. "Beneficial uses", however, pertain to water rights and how the state's water is put to use; water rights are regulated by the Wyoming State Engineer. The EIS should use the term "designated uses" when discussing water quality.

Comment ID: 939
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Language in Sections 4.18.3 through 4.18.7 frequently concludes that actions "would (emphasis added) result in short-term and long-term soil erosion and sediment, salt and excess nutrient loading to water bodies". Elsewhere in these sections the word "could" is used. While the WDEQ agrees that increased surface disturbance would likely increase the potential of on-site arid near-site, short-term and/or long-term soil erosion, the potential of sediment, salt or excess nutrient loading to water bodies is also highly dependent on a number of other variables. Considering that the BLM and Forest Service analyze these factors when authorizing surface disturbing activities to ensure actions and alternatives do not result in exceedences of state water quality standards, the WDEQ. and suggests using the terms “could” or "would potentially.”

Summary: Issue 1: On page 3-417, in the 2nd paragraph and throughout the document, the Draft EIS often confuses the term "beneficial uses" with "designated uses.” "Designated uses" means those uses specified by DEQ for each water body or segment whether they are being attained, or not. "Beneficial uses," however, pertain to water rights and how the state's water is put to use; water rights are regulated by the Wyoming State Engineer. The Proposed LUP Amendments/Final EIS should use the term "designated uses" when discussing water quality. Issue 2: The BLM should provide approximately the same level of detail for each of the 9 LUPs, and consider whether discussion of waters outside of occupied Greater Sage-Grouse habitat or outside federal lands or mineral ownership is relevant to the Proposed LUP Amendments/Final EIS. Issue 3: Language in Sections 4.18.3 through 4.18.7 frequently concludes that actions "would (emphasis added) result in short-term and long-term soil erosion and sediment, salt and excess nutrient loading to water bodies." Elsewhere in these sections the word “could” is used. Although increased surface disturbance would likely increase the potential of on-site arid near-site, short-term and/or long-term soil erosion, the potential of sediment, salt or excess nutrient loading to water bodies is also highly dependent on a number of other variables. Considering that the BLM and Forest Service analyze these factors when authorizing surface disturbing activities to ensure actions and alternatives do not result in exceedences of state water quality standards, the terms “could” or “would potentially” should be used.

Response: Issue 1: The definition given is correct and the paragraph has been checked to determine appropriate terminology. Issue 2: The CEQ regulations require an environmental impact statement to "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues (40 CFR 1502.15)." Additionally, the Draft LUP Amendments/Draft EIS is a programmatic NEPA effort to conserve Greater Sage-Grouse and its habitat across a broad geographic area. The BLM and the Forest Service described the current conditions and trends in the affected environment broadly, across a range of conditions, appropriate to program-level land use planning actions. The BLM and the Forest Service complied with these regulations in describing the affected environment. The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decision. The affected environment provided in Chapter 3 and various appendices is sufficient to support, at the general land use planning-level of analysis, the environmental impact analysis resulting from management actions presented in the Proposed LUP Amendments/Final EIS. Programmatic documents are regional in scope and place emphasis on developing broad environmental policies, programs, or plans. Site-specific data is important during implementation level decisions, which may be tiered to the decisions made in this document. Data scales include broad-scale, mid-scale, fine-scale, and site-scale. For this planning document, it is appropriate to utilize data at the mid-scale (e.g., WAFWA Management Zones) and fine-

scale (e.g., sub-region data). For this document, the best available information was used as generated and provided by the organizations and agencies with authority and special expertise to provide that information on a planning scale. Issue 3: The agencies feel that the terminology is used appropriately and expresses the likelihood of the identified impacts.

Water

Best available information-baseline data

Additional groundwater information needed

Comment ID: 929
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 3-425, Last Paragraph: The USGS. Wyoming Groundwater Monitoring Network Groundwater Characterization of the Green River Basin report should be referenced here.

Comment ID: 1430
Organization: FMC Alkali Chemicals
Name: John Lucas

Comment: Affected Environment, page 3-434, Table 3-127 Groundwater Occurrences in the Rock Springs Field Office. Reference information suggests that the TDS ranges may differ somewhat from those in Table 3-127. Laney shales have been noted to have TDS concentrations as high as 17,000 mg/L, and the Tipton Shale as high as 2,000 mg/L.

Comment ID: 2480
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-442 Groundwater Supply and Use: Clinker outcrops are basically classified as an infiltration zone for groundwater recharge to the Wasatch Formation and the Wyodak-Anderson coal zone. Please see Water-Resources Investigation Report 02-4045 USGS-2002 (Report). Other recharge areas include places where the coal zone intercepts streams or the alluvial groundwater mound associated with the stream in the valley bottoms. The section should discuss the other hydrogeological components to the groundwater in the TBNG.

Summary: Issue 1: On page 3-442, clinker outcrops are basically classified as an infiltration zone for groundwater recharge to the Wasatch Formation and the Wyodak-Anderson coal zone. Other recharge areas include places where the coal zone intercepts streams or the alluvial groundwater mound associated with the stream in the valley bottoms. The section should discuss the other hydrogeological components to the groundwater in the TBNG. Issue 2: On page 3-434, in Table 3-127, the reference information suggests that the TDS ranges may differ somewhat from those in Table 3-127. Laney shales have been noted to have TDS concentrations as high as 17,000 mg/L, and the Tipton Shale as high as 2,000 mg/L.; this should be corrected. Issue 3: On page 3-425 in the last paragraph, the USGS Wyoming Groundwater Monitoring Network Groundwater Characterization of the Green River Basin report should be referenced here.

Response: Issue 1: This statement is correct, the document has been changed to include either by inclusion or reference, other recharge/discharge areas if present and other hydrogeologic conditions if appropriate. Issue 2: Table has been checked for consistency with referenced information. Issue 3: Wyoming Water Development Commission, Green River Basin Water Plan II, Groundwater Study, Level 1 (2007-2009)

http://waterplan.state.wy.us/plan/green/2010/finalrept/gw_toc.html Wyoming Water Development Commission, Green River Basin Water Plan II, Groundwater Study, Level 1 (2007-2009) http://waterplan.state.wy.us/plan/green/2010/finalrept/gw_toc.html 2010 WWDC Groundwater Study (at http://waterplan.state.wy.us/plan/green/2010/finalrept/gw_toc.html and http://www.wsgs.uwyo.edu/Research/Water-Resources/GGRB/).

Water

Best available information-baseline data

Baseline information revisions needed

Comment ID: 921
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Much of Section 3.18 "Watershed and Water Quality" is primarily a reiteration of those sections from the affected land use plans (LUPs). As a result, this section incorrectly cites similar information regarding Wyoming's water classes, uses, water quality standards, regulations and assessments. The EIS would be greatly strengthened if that background information was summarized at the beginning of Section 3.18.1 rather than repeat throughout the section. Since this EIS will update the nine (9) LUPs, the EIS should be updated with the most current information.

Comment ID: 926
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 3-418, 1st Paragraph: There are no Class 1 Waters in the Powder River Watershed in the Casper Field Office; The Class 1 reach of the Middle Fork of the Powder River lies within the area managed by the Buffalo Field Office. All watersheds that lie within the Casper Field Office even have Class 2 and 3 waters.

Comment ID: 2477
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-441: First paragraph, last sentence reference to "Powder River Basin on the west" should have "Little Powder River basin" in parenthesis after " ... Basin on the west". The third paragraph is a basic rewrite of the definition for Class 3B streams found in Wyoming Department of Environmental Quality (WDEQ)-Chapter 1 Water Quality Rules and Regulations (Wyoming Surface Water Quality Standards), a simple reference citation should suffice? The fifth paragraph should be updated consistent with the latest Wyoming Water Quality Assessment and Impaired Waters List (2012 Integrated 305(b) 303(d) Report. The 2012 Report identifies the Little Powder River impaired for primary contact recreation from fecal coliform from the WY/MT state line upstream to the confluence with Spring Creek. The next sentence is just wrong. Please refer to the 2012 Wyoming Integrated 305(b) and 303(d) Report. The causations of any of the impairments on the Belle Fourche River are presently unknown. The Belle Fourche River Watershed TMDLs for Ammonia, Chloride and Pathogens has now been approved by both the WDEQ and EPA. Is the last sentence referring to the WDEQ BURP assessments, if so then the correct identification should be made?

Summary: Issue 1: On page 3-441, in the last sentence in the first paragraph, the reference to "Powder River Basin on the west" should have “Little Powder River basin” in parenthesis after “… Basin on the

west." Also, the third paragraph is a basic rewrite of the definition for Class 3B streams found in Wyoming Department of Environmental Quality (WDEQ)-Chapter 1 Water Quality Rules and Regulations (Wyoming Surface Water Quality Standards), so a simple reference citation should suffice. Issue 2: Much of Section 3.18 "Watershed and Water Quality" is primarily a reiteration of those sections from the affected land use plans (LUPs). As a result, this section incorrectly cites similar information regarding Wyoming's water classes, uses, water quality standards, regulations and assessments. Summarize this background information at the beginning of Section 3.18.1 rather than repeat throughout the section. Issue 3: On page 3-418, 1st Paragraph, there are no Class 1 Waters in the Powder River Watershed in the Casper Field Office; The Class 1 reach of the Middle Fork of the Powder River lies within the area managed by the Buffalo Field Office. All watersheds that lie within the Casper Field Office even have Class 2 and 3 waters.

Response: Issue 1: Terminology for Powder River Basin and Little Powder River Basin has been checked for accuracy. The reference for WDEQ-WQD has been added. Issue 2: Appropriate corrections have been made. Issue 3: Appropriate corrections have been made.

Water

Best available information-baseline data

Watershed and stream quality and health revisions

Comment ID: 931
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: The second paragraph on Page, 3-434 states that many riparian zones in the Rock Springs Field Office have been over utilized by grazing animals. A reach of the Little Sandy River is on Wyoming's 303(d) List, and the BLM is part of a stakeholder group committed to complete a watershed based plan for the watershed. Since, this reach is within GSG core area, and healthy riparian areas are important habitat for GSG, this watershed planning effort should be discussed in this paragraph, especially in regard to GSG habitat.

Comment ID: 935
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 3-436, Table 3-128: For clarification, the Forest Service does not have the authority to determine if state water quality standards are met, that responsibility lies with WDEQ's Water Quality Division. Of the information in Table 3-128, only the data collected on Flat Creek was sufficient to make a use support determination. We recognize that there is a disclaimer stating Table 3-128 is not a comprehensive summary. However, since the WDEQ has collected large amounts of credible data in the BTNF indicating designated use support on hundreds of miles of streams, the LUP would benefit from its inclusion in the document.

Comment ID: 922
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: The discussion in Chapter 3 for the Rock Springs Field Office and the Forest Service cite the most current "Wyoming Water Quality Rules and Regulations, Chapter 1, Surface Water Quality Standards" http://soswy.state.wy.us/Rules/RULES/9176.pdf. However, the rest of the document incorrectly cites the 2001 Standards: WDEQ 2001b and WDEQ 2002. Additionally, the "Wyoming Surface Water

Classification List" (WDEQ 2001a available at http://deg.state.wy.us/wgd/watershed/surfacestandards/Downloads/Standards/Wyoming_Surface_Water_Classification_List_07262013.pdf) was updated in 2013 and should be correctly cited in the EIS.

Comment ID: 923
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: The "Wyoming Water Quality Assessment arid Impaired Waters List" is updated every two years. The EIS should cite the latest version: "Wyoming Water Quality Assessment and Impaired Waters List (2012 Integrated 30S(b) and 303(d) Report)" available at http://deq.state.wy.us/wgd/watershed/Downloads/30Sb/2012/WY2012IR.pdf. Information regarding water quality assessments, designated use support, and Total Maximum Daily Load (TMDL) development should be updated for the Kemmerer, Pinedale, Rawlins and Rock Springs Field Offices in Chapter 3.

Comment ID: 930
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-433 3rd Paragraph: this paragraph states that 12 streams are being gaged and sampled but later states that Jack Morrow and Pacific Creeks are the only ones being sampled. The language should be clarified. [Comment coder suspects this is a typo and should refer to page 3-433.]

Comment ID: 934
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: The second paragraph on Page 3-434 also states that phosphate is partially responsible for eutrophication and fishery impacts to the Flaming Gorge Reservoir. Please cite the source of this information.

Comment ID: 2479
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-442 Overall Watershed Stream Health: The discussion of small impoundments (reservoirs) on ephemeral drainages is repeating the discussion in Wetlands and Riparian Areas above. There are 2 watersheds in the TBNG, is the section discussing both and is it confined to within the administrative boundary of the TBNG? Should other sources of information be used? The section should discuss the health of the streams (chemical, physical and biological characteristics), not just the impoundments and coal bed methane produced water. Positive research in preventing West Nile Virus should be discussed?

Summary: Issue 1: On page 3-442, the discussion of small impoundments (reservoirs) on ephemeral drainages is repeating the discussion in Wetlands and Riparian Areas above. There are 2 watersheds in the TBNG, so this section should clarify if it is discussing both and if it is confined to within the administrative boundary of the TBNG. The section should discuss the health of the streams (chemical, physical and biological characteristics), not just the impoundments and coalbed methane produced water, positive research in preventing West Nile virus should be discussed, and other sources of information may be needed. Issue 2: The discussion in Chapter 3 cites the most current "Wyoming Water Quality Rules and Regulations, Chapter 1, Surface Water Quality Standards". However, the rest of the document incorrectly

cites the 2001 Standards: WDEQ 2001b and WDEQ 2002. Additionally, the "Wyoming Surface Water Classification List" was updated in 2013 and should be correctly cited in the Final EIS. Issue 3: Information regarding water quality assessments, designated use support, and Total Maximum Daily Load (TMDL) development should be updated for the Kemmerer, Pinedale, Rawlins and Rock Springs Field Offices in Chapter 3. Issue 4: On page 3-433 the 3rd paragraph states that 12 streams are being gaged and sampled but later states that Jack Morrow and Pacific Creeks are the only ones being sampled. The language should be clarified. Issue 5: The second paragraph on page 3-434 states that many riparian zones in the Rock Springs Field Office have been over utilized by grazing animals. A reach of the Little Sandy River is on Wyoming's 303(d) List, and the BLM is part of a stakeholder group committed to complete a watershed based plan for the watershed. Since, this reach is within Greater Sage-Grouse core area, and healthy riparian areas are important habitat for Greater Sage-Grouse, this watershed planning effort should be discussed in this paragraph, especially in regard to Greater Sage-Grouse habitat. Issue 6: The second paragraph on Page 3-434 states that phosphate is partially responsible for eutrophication and fishery impacts to the Flaming Gorge Reservoir; cite the source of this information. Issue 7: On page 3-436, Table 3-128, the Forest Service does not have the authority to determine if state water quality standards are met, that responsibility lies with WDEQ's Water Quality Division. Of the information in Table 3-128, only the data collected on Flat Creek was sufficient to make a use support determination. Although there is a disclaimer stating Table 3-128 is not a comprehensive summary, since the WDEQ has collected large amounts of credible data in the BTNF indicating designated use support on hundreds of miles of streams, the LUP Amendments should include it in the document. Issue 8: On page 3-441, the fifth paragraph should be updated as the 2012 Report identifies the Little Powder River impaired for primary contact recreation from fecal coliform from the Wyoming/Montana state line upstream to the confluence with Spring Creek. The next sentence is incorrect; please refer to the 2012 Wyoming Integrated 305(b) and 303(d) Report. The causations of any of the impairments on the Belle Fourche River are presently unknown. The Belle Fourche River Watershed TMDLs for Ammonia, Chloride and Pathogens has now been approved by both the WDEQ and EPA. If the last sentence is referring to the WDEQ BURP assessments, then the correct identification should be made.

Response: Issue 1: The text is appropriate as written. Information and discussion on West Nile virus is presented in Chapter 3 and Chapter 4. Issue 2, 3: The Proposed LUP Amendments/Final EIS has been updated for clarity and content. Issue 4: The referenced text is incorrect and has been modified accordingly. Monitoring for physical, chemical and baseline data is now conducted by the Wyoming Department of Environmental Quality not by the BLM. Beginning in 2004, a survey of the Rock Springs Field Office using the PFC method was conducted. PFC is a qualitative methodology that quickly provides an initial estimate of riparian and water quality condition based on riparian vegetation and stream morphology. The text on page 3-433, lines 9-15 was replaced with: "The intent of monitoring is to ensure that the BLM complies with the Wyoming DEQ Water Quality 11 Rules and Regulations, Chapter I (WDEQ 2013a) and Quality Criterion for Water (EPA 2012). Monitoring for physical, chemical and baseline data is conducted by the Wyoming Department of Environmental Quality. Beginning in 2004, a survey of the Rock Springs Field Office using the Proper Functioning Condition (PFC) method was conducted. Proper Functioning Condition [PFC] is a qualitative methodology that quickly provides an initial estimate of riparian and water quality condition based on riparian vegetation and stream morphology." Issue 5: Results of the TMDL project associated with Little Sandy and other streams within the Proposed LUP Amendments/Final EIS affected environment will be incorporated into on-the-ground actions. Issue 6: The Proposed LUP Amendments/Final EIS has been updated for clarity and content. Issue 7: The commenter is correct that the Forest Service does not have the authority to determine if state water quality standards are met. The information in Table 3-128 has been revised in the Proposed LUP Amendments/Final EIS to revise the determinations to be opinions. The Forest Service is simply sharing water quality results for areas on the Thunder Basin National Grasslands. It is not apparent why the reader thinks the data does not make sense. Exact locations of wetlands, ponds or reservoirs displayed on maps is not appropriate for the level of

analysis required by a plan amendment. Issue 8: The Proposed LUP Amendments/Final EIS has been updated for clarity and content

Water

Best available information-baseline data

Wetland and riparian revisions

Comment ID: 2478
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 3-442 Wetland and Riparian Areas: The second sentence does not make sense with the third sentence. The next sentence is a bold generalization and should be deleted or referenced as to the exact locations of wetlands and the location of the pond(s) or reservoir(s) in the watershed. Maybe a map could help?

Summary: On page 3-442, the second sentence does not make sense with the third sentence. The next sentence is a bold generalization and should be deleted or referenced as to the exact locations of wetlands and the location of the pond(s) or reservoir(s) in the watershed, and a map should be provided.

Response: Proper use of beneficial use vs. designated use has been checked and corrections made if necessary. The run-on sentence has been corrected. No map will be included.

Water

Cumulative impact analysis

Cumulative impacts language needs to be revised

Comment ID: 2510
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-495 4.22.3 Cumulative Impacts by Resource-Watershed and Water Quality: In the first paragraph "water quantity" should be also mentioned as it is discussed further in the second paragraph. Another water quantity impact would be drought in the planning area, and the lack of water storage possibilities. The last sentence in paragraph two does not make sense. How can only one activity make all the difference in water quality and quantity? Would there be an opportunity for discussing precipitation and recharge zones as they relate to climate in the planning area? In the fourth paragraph what is meant by the phrase "large range improvements"? If it is only prescribed fire then that terminology should be used. The balance of the sentence seems to be tied to a vegetative removal scheme and direct impacts caused by erosion and soil particle movement. Is there a chance the sentence can be re-written? The last three sentences seem to generalize impacts by the various activities listed in the second sentence of the fourth paragraph. We cannot agree with said wording. The writer is suggesting that grazing practices alter the natural vegetative community causing a myriad of negative impacts to the natural resource and that is problematic. Will there be a possibility of rewording?

Summary: Issue 1: On page 4-495, in the first paragraph "water quantity" should be also mentioned as it is discussed further in the second paragraph. Another water quantity impact would be drought in the planning area, and the lack of water storage possibilities. Also, clarify the last sentence in paragraph two, how only one activity can make all the difference in water quality and quantity, and if there would be an

opportunity for discussing precipitation and recharge zones as they relate to climate in the planning area. Issue 2: On page 4-495 in the fourth paragraph, clarify and re-write what is meant by the phrase "large range improvements." If it is only prescribed fire, then that terminology should be used. The balance of the sentence seems to be tied to a vegetative removal scheme and direct impacts caused by erosion and soil particle movement. The last three sentences seem to generalize impacts by the various activities listed in the second sentence of the fourth paragraph. The language is suggesting that grazing practices alter the natural vegetative community causing a myriad of negative impacts to the natural resource and that is problematic and should be reworded.

Response: Issue 1 and 2: This analysis has been revised in the Proposed LUP Amendments/Final EIS.

Water

Impact Analysis

Alternative C language needs to be revised

Comment ID: 2501
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-374 4.18.5 Alternative C: The second paragraph concerning prohibiting livestock grazing in the TBNG in sage-grouse priority habitat is suggesting the impacts to watersheds and water resources would decrease, we suggest the long term impact of rest will cause severe erosion and vegetation destruction. The use of the phrase "No surface disturbing activities associated with livestock grazing ... " runs opposite of the previous phrase where livestock grazing was not a disturbance.

Comment ID: 2503
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-377 4.18.5 Alternative C: Grazing exclusion for sage-grouse habitat objectives is problematic in burned areas and may never allow grazing for a very long time and may never improve watershed function.

Summary: Issue 1: On page 4-377, grazing exclusion for sage-grouse habitat objectives is problematic in burned areas and may never allow grazing for a very long time and may never improve watershed function; this should be noted. Issue 2: On page 4-374, the second paragraph concerning prohibiting livestock grazing in the TBNG in sage-grouse priority habitat is suggesting the impacts to watersheds and water resources would decrease; it should say that the long term impact of rest will cause severe erosion and vegetation destruction. The use of the phrase "No surface disturbing activities associated with livestock grazing ... " runs opposite of the previous phrase where livestock grazing was not a disturbance.

Response: The final decision for these actions will be included in the Record of Decision after completion of the public involvement process.

Water

Impact Analysis

Assumptions language should be revised

Comment ID: 942
Organization: Wyoming Department of Environmental Quality

Name: Todd Parfitt

Comment: Page 4-365, Paragraph 3. Suggest changing this assumption to "A reduction in surface occupancy ... water bodies, and better maintain …

Comment ID: 940
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-364, Section 4.18.3: The majority of the first five paragraphs and a number of other paragraphs of section 4.18.3 are basic assumptions regarding erosion and potential of water quality impacts that apply to the type of activity described, regardless of the alternatives, and are not specific to Alternative A. These should be moved to the Section 4.18.2 Assumptions section, with the exceptions listed below. Only the language specific to the actions in Alternative A should remain.

Comment ID: 937
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-364, Section 4.18.2 Assumptions: Suggest Adding; "BLM and Forest Service management actions or use authorizations must comply with all Federal and State water quality laws, rules and regulations to address water quality issues that originate on public lands" to the first bullet. Suggest adding: A bullet stating that all BLM actions must meet the Standards for Health Rangelands (BLM 1997a), specifically Standards #2 and #5.

Comment ID: 946
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-366, Paragraph 3. This paragraph should be moved to the Section 4.18.2 (Assumptions).

Comment ID: 943
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-365, Paragraph 4. This action is common to all and should be noted as such. The last sentence is an assumption and should be moved to Section 4.18.2 (Assumptions).

Comment ID: 2504
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-410 4.21.2 Assumptions: The tenth bullet should be used in other assumptions in Chapter 4 such as Watershed and Water Quality, Soils, and Vegetation.

Comment ID: 2500
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-364 4-18.2 Assumptions: The first bullet may be revised to not include all the base information that most readers will already know (laws however, are not rules and regulations). The last

sentence would suffice? If not it still needs a lot of editing. Regarding the second bullet, we question the accuracy of the language "more and bigger". Larger aggregate size is generally reserved to larger flows not just faster flows, and just because water flows fast doesn't mean it will pick up aggregate of any size. In the fourth bullet the statement about degradation of stream channel and land health can be quite rapid may be misleading. Normally there needs to be some other factor(s) that leads degradation and how rapid it develops. In the fifth bullet what aquifers are being referred to? It appears to be a coal bed methane development assumption?

Summary: Issue 1: On page 4-410, the tenth bullet should be used in other assumptions in Chapter 4 such as Watershed and Water Quality, Soils, and Vegetation. Issue 2: On page 4-364, the first bullet should be revised to not include all the base information that most readers will already know (laws however, are not rules and regulations), and the last sentence would suffice or it needs to be reworded. Also, the language in the second bullet, "more and bigger" should be revised. The fourth bullet the statement about degradation of stream channel and land health can be rapid may be misleading. Finally, clarify what aquifers are being referred to in the fifth bullet. Issue 3: On page 4-364, add: "BLM and Forest Service management actions or use authorizations must comply with all federal and state water quality laws, rules, and regulations to address water quality issues that originate on public lands" to the first bullet. Also add a bullet stating that all BLM actions must meet the Standards for Rangeland Health (BLM 1997a), specifically Standards #2 and #5. Issue 4: On page 4-364, the majority of the first five paragraphs and a number of other paragraphs of section 4.18.3 are basic assumptions regarding erosion and potential of water quality impacts that apply to the type of activity described, regardless of the alternatives, and are not specific to Alternative A. These should be moved to the Section 4.18.2 Assumptions section, with the exceptions listed below. Only the language specific to the actions in Alternative A should remain. Issue 5: On page 4-365, in paragraph 3 this assumption should be changed to "A reduction in surface occupancy … water bodies, and better maintain … Issue 6: On page 4-365, the action in paragraph 4 is common to all and should be noted as such. The last sentence is an assumption and should be moved to Section 4.18.2 (Assumptions). Issue 7: Paragraph 3 on page 4-366 should be moved to the Section 4.18.2 (Assumptions).

Response: Issue 1: Assumption was added to Watershed and Water Quality and Vegetation. Issue 2: The first bullet is an appropriate assumption for the analysis. Revisions have been made to clarify the other bullets. ["More and bigger" have been changed to read "Larger volumes of material of greater sizes can be carried the faster the water flows." Added "for example, during a single, large flood event" to bullet 4. Changed "aquifer" to "ground water."] Issue 3: This list is assumptions for analysis of impacts, these statements are not appropriate for this list. BLM/Forest Service include this information in Chapter 1 and Appendix L. The BTNF Forest Plan has a Standard that addresses this comment (Water Quality Standard). Issue 4: This analysis applies to Alternative A and it applies to the other alternatives. Although it is not specific to a management action, it applies to all activities listed in the text. Issue 5: The text has been changed. Issue 6 and 7: The way this is stated is correct.

Water

Impact Analysis

Impacts analysis needs to be revised

Comment ID: 944
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-365, Paragraph 6. Actions in Alternative A are existing management actions and are the baseline against which the other alternatives/actions are analyzed. They don't result in greater or lesser impacts except when compared the action alternatives impacts under Alternative A.

Comment ID: 941
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-364, Section 4.18.3 the fifth sentence in first paragraph in Section 4.18 should be reworded. "Soil disturbance can also alter timing and duration of runoff, reduces infiltration capacity, accelerate erosion, and potentially increase sedimentation and nutrient loading to stream channels, thereby degrading water quality, channel structure, and overall watershed health."

Comment ID: 947
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-366, Paragraph 4. Actions in Alternative A are existing management actions and are the baseline against which the other alternatives/actions are analyzed. They don't result in greater or lesser impacts except when compared to the action alternatives impacts under Alternative A. The last sentence appears to be specific to CBNG development and should be noted as such.

Comment ID: 936
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Section 4.18, Watershed and Water Quality: The document would benefit from the inclusion of an overall summary of the impacts of the alternatives. Although Table 2-7 in Chapter 2 provides a very brief summary of impacts based on affected acreage, the other management actions which are not applied on specific acreages are not addressed. A summary table in Section 4.18 would allow the reader to quickly compare the impacts of comparable actions between each alternative. The description and comparison of each action in Sections 4.18.3 through 4.18.7 would be strengthened if the actions were identified by number, allows the reader to quickly look up the specific language of the action in Table 2-l or refer to the impacts of that action elsewhere in Sections 4.18.3 through 4.18.7.

Comment ID: 949
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-367, Paragraph 2. "Improve" would be a better way to describe water quality, however it should be compared with the action alternatives.

Comment ID: 950
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-367, Paragraph 4. This should.be compared with the action alternatives based on acreage.

Comment ID: 951
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-370, Paragraph 1. Managing riparian areas and wet meadows for PFC or similar condition is a requirement. Suggest this be reworded to better explain .how the action compares with alternative A.

Comment ID: 952
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: As discussed previously, many of the actions in the various alternatives are poorly summarized and not referenced, making it difficult to compare impacts and provide constructive criticism. Similar comments can be applied to the remainder of Sections 4.18.3 through 4.18.7, however. As cooperators, the WDEQ is more than willing to work with the authors to strengthen the Watershed and Water Quality Sections when the FEIS is written.

Comment ID: 948
Organization: Wyoming Department of Environmental Quality
Name: Todd Parfitt

Comment: Page 4-366, Paragraph 5. Suggest changing to " ... throughout the planning area could allow for the most surface disturbance compared with the action alternatives ... "

Comment ID: 2499
Organization: Campbell County Conservation District
Name: Timothy J. Morrison

Comment: Page 4-364: 4.18.1 Impact Indicators: Is there a reason why climate is not an indicator for watersheds and water quality?

Summary: Issue 1: On page 4-364, provide reasoning why climate is not an indicator for watersheds and water quality. Issue 2: Many of the actions in the various alternatives are poorly summarized and not referenced, making it difficult to compare impacts and provide constructive criticism. Similar comments can be applied to the remainder of Sections 4.18.3 through 4.18.7, however. As cooperators, the WDEQ is more than willing to work with the authors to strengthen the Watershed and Water Quality Sections when the Final EIS is written. Issue 3: Include an overall summary of the impacts of the alternatives. Although Table 2-7 in Chapter 2 provides a very brief summary of impacts based on affected acreage, the other management actions which are not applied on specific acreages are not addressed. A summary table in Section 4.18 would allow the reader to quickly compare the impacts of comparable actions between each alternative. The description and comparison of each action in Sections 4.18.3 through 4.18.7 would be strengthened if the actions were identified by number, allows the reader to quickly look up the specific language of the action in Table 2-l or refer to the impacts of that action elsewhere in Sections 4.18.3 through 4.18.7. Issue 4: On page 4-364, the fifth sentence in first paragraph in Section 4.18 should be reworded to say: "Soil disturbance can also alter timing and duration of runoff, reduces infiltration capacity, accelerate erosion, and potentially increase sedimentation and nutrient loading to stream channels, thereby degrading water quality, channel structure, and overall watershed health." Issue 5: On pages 4-365 and 4-366, actions in Alternative A are existing management actions and are the baseline against which the other alternatives/actions are analyzed. They don't result in greater or lesser impacts except when compared the action alternatives impacts under Alternative A. Issue 6: On page 4-366 in paragraph 4, the last sentence appears to be specific to CBNG development and should be noted as such. Issue 7: On page 4-366 in paragraph 5, change to "… throughout the planning area could allow for the most surface disturbance compared with the action alternatives …" Issue 8: On page 4-367 in paragraph 2, "Improve" would be a better way to describe water quality; however, it should be compared with the action alternatives. Issue 9: On page 4-367 in paragraph 4, this should be compared with the action alternatives based on acreage. Issue 10: On page 4-370 in paragraph 1, managing riparian areas and wet meadows for PFC or similar condition is a requirement; this should be reworded to better explain how the action compares with Alternative A.

Response: Issue 1: Climate change is not appropriate as an indicator in this type of analysis. Issue 2: Because land use plan-level decisions are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning), the associated analyses are correspondingly high level. The analysis is appropriate for a planning-level document. Issue 3: The tables following Table 2.1 (Tables 2.2 to 2.7) are included to provide various forms of comparison between alternatives. Table 2.7 provides a summary comparison of impacts by resource area. Issue 4: The agencies feel that the analysis is appropriate. Issue 5: Alternative A is the baseline that all the other alternatives are compared to, it is also analyzed as though it could be picked and implemented in the future, the same as the other alternatives. Issue 6: The agencies feel that the analysis is appropriate. Issue 7: Other alternatives allow for exceptions, waivers, and modifications; this would not necessarily be "the most." Issue 8: Changed "increase" to "improve." Since this is the baseline analysis, it would not be appropriate to compare it to another alternative. Issue 9: Since this is the baseline analysis, it would not be appropriate to compare it to another alternative. Table 2.2 compares acres of management by alternative. Issue 10: The agencies feel that the analysis is appropriate.

Water

Impact Analysis

Impacts from grazing needed

Comment ID: 1240
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: Eroding soil and manure throughout watersheds end up in streams as increased sediment load, excessive nutrients, and pathogen contamination. Various grazing management strategies have not been found to reduce such watershed degradation.59 The Final LUPA/EIS needs to discuss the impacts of each of the alternatives on the soil and watershed conditions within the planning area and to provide appropriate mitigation measures under each alternative. A list of impaired waters and the sources of contamination within the watersheds of these public lands would be an appropriate place to begin taking a "hard look" at potential grazing effects from the public lands.

Comment ID: 1169
Organization: Western Watersheds Project
Name: Jonathan B. Ratner

Comment: The BLM is required to meet the water quality standards of every state in which it administers public lands. Livestock grazing in and near streams results in increased E. coli and fecal coliform bacteria. The Final EIS and RMP must explain how the plan complies with Wyoming surface water quality standards for E. coli and fecal coliform bacteria.

Summary: Issue 1: Grazing management strategies have not been found to reduce such watershed degradation; therefore, the Proposed LUP Amendments/Final EIS needs to discuss the impacts of each of the alternatives on the soil and watershed conditions within the planning area and to provide appropriate mitigation measures under each alternative. Issue 2: As livestock grazing in and near streams results in increased E. coli and fecal coliform bacteria, the Proposed LUP Amendments/Final EIS must explain how the plan complies with Wyoming surface water quality standards for E. coli and fecal coliform bacteria.

Response: Issue 1: The agencies feel that the analysis is appropriate. Issue 2: The requested information and analysis is not appropriate for a planning level document.

Water

Mitigation measures

Appendix B language needs to be revised

Comment ID: 2730
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg B-3 Text: Construct road crossings of ephemeral, intermittent, and perennial streams to minimize impacts to the riparian habitat, such as by crossing at right angles to ephemeral drainages and stream crossings. Comment: Any crossings of ephemeral drainages or streams will likely be subject to Section 404 of the Clean Water Act.

Comment ID: 2020
Organization: Petroleum Association of Wyoming, Public Lands Advocacy, Western Energy Alliance
Name: Esther Wagner

Comment: Page B-3, Paragraph 3 Any crossings of ephemeral drainages or streams will likely be subject to Section 404 of the Clean Water Act. As such, this requirement should be reworded as follows to include this section: "Construct road crossings at right angles to ephemeral drainages and stream crossings subject to the requirements of Section 404 of the Clean Water Act."

Summary: On page B-3, any crossings of ephemeral drainages or streams will likely be subject to Section 404 of the Clean Water Act. As such, this requirement should be reworded as follows to include this section: "Construct road crossings at right angles to ephemeral drainages and stream crossings subject to the requirements of Section 404 of the Clean Water Act."

Response: The Forest Service and BLM conforms to Section 404 of the Clean Water Act when fill is placed in relevant water bodies as a matter of course. There is no need for the additional language. For clarification, however, ephemeral drainages are not subject to Section 404 per the US Supreme Court's decision in the Rapanos case.

Water

Range of alternatives

Do not implement sage-grouse conservation measures that impact water quality

Comment ID: 220
Organization:
Name: jean public

Comment: wATER QUALITY IS NEGATIVELY AFFECTED BY THE NEGATIVE PROTECTONS ALLOWED FOR NATURE AND ITS BENEFITS.

Summary: Do not implement protections that benefit nature, as they negatively impact water quality.

Response: The final management decisions will be included in the Record of Decision after completion of the public involvement process.

Wild Horses

Best available information-baseline data

Include NAS wild horse reform recommendations

Comment ID: 469
Organization:
Name:

Comment: In summary, the final EIS must include the following: Incorporation of the June 2013 National Academy of Sciences (NAS) recommendations regarding the reform of the wild horse and burro management program into all alternatives related to wild horses. The BLM spent more than $1 million and waited almost three years for this review to be completed. Consequently the BLM must incorporate the recommendations of this thorough and scientifically sound report into its land use pans.

Summary: The Final EIS must include incorporation of the June 2013 National Academy of Sciences (NAS) recommendations regarding the reform of the wild horse management program into all alternatives related to wild horses. The BLM spent more than $1 million and waited almost three years for this review to be completed and must incorporate the recommendations into its land use plans.

Response: The Greater Sage-Grouse LUP Amendments are specifically for the management of sage-grouse, not wild horses. The suggested revisions are outside the scope of the Greater Sage-Grouse LUP Amendments.

Wild Horses

Best available information-baseline data

More baseline data is requested

Comment ID: 1066
Organization:
Name: Eileen Hennessy

Comment: The draft LUP Amendments fails to provide mandatory protections for wild horses and burros that are essential for their survival according as dictated by federal law and regulations which has charged BLM with the protection of these national treasures, who are to be managed as the PRINCIPAL users of their lawfully designated areas, not to elevate the interests of special interests, such as the livestock industry, who are authorized to graze our public lands at the agency’s discretion. Additionally, the negative impacts of the LUP Amendments on federally protected wild horses and burros are not seriously examined. but must be included in the final EIS. The DEIS fails to neither sufficiently examines the impacts of the LUP Amendments on wild equines nor the obvious negative impacts that rampant livestock grazing in the planning area has on struggling sage grouse which are quite clear despite the agency's glaring omission of classifying destructive livestock grazing as a surface disturbing activity, which it most certainly is. Not one of the alternatives given would provide the remaining wild horses and burros of Wyoming the appropriate protections necessary for their future survival and are more in line with ensuring the ultimate demise of wild horses and burros in Wyoming under the pretense of sage grouse "conservation", such as reductions of wild equine AMLs which would further threaten the genetic viability of these wild herds. The EIS fails to seriously analyze the extreme difference of range impacts of overpopulated destructive livestock as compared to beneficial wild equines. Instead of constantly implicating wild horses/burros for rangeland degradation without scientific evidence to back up such a claim, BLM must provide a detailed breakdown of range data, including GENUINE data that TRUTHFULLY examines the obvious difference of impacts

between destructive livestock vs. beneficial wild equines is needed, including data on usage of stream riparian areas. The BLM arbitrarily and wrongly attempts to categorize livestock AND wild horses together under the description of livestock. The agency must once and for all acknowledge the scientific FACT that wild horses are a NATIVE, reintroduced species that originated in North America whose ancestors roamed these lands for thousands of years and who now peacefully co-exist with sage grouse in the high desert sagebrush ecosystems on the Western range. The final EIS must provide all rangeland health assessments and procedure for conducting such assessments of the impacts for wild horses as well as livestock and BLM must have extensive knowledge of the differences in impacts on the range of wild horses vs. cattle. If the agency analyzed the obvious difference of impacts between wild horses and livestock on the range, it would become apparent that the evidence would not support wild horse reductions or removals but would implicate destructive cattle for the damage of forage and riparian areas and would clearly demand their removal or, at the very least, that they be reduced so that their numbers are evenly balanced with those of the wild horses in their own federally designated areas to rectify the wildly unfair allocation of resources the BLM has seen fit to bestow upon them which violates the Federal Land Policy and Management Act (FLPMA) and the Wild Free-Roaming Horses and Burros Act. The final EIS must also include a distinct comparative analysis of the difference in population numbers between livestock and wild horses/burros in the sage grouse planning area. There must be full data in the final EIS of all livestock grazing allocations within the whole sage grouse planning area (including within federally designated wild horse/burro habitat areas), along with a complete listing of all BLM and FS allotments, acreage, Active (permitted) AUMs as well as genuine AUM usage for the last five years. The final EIS must include orders prohibiting reductions of current AUMs of forage for protected wild horses and burros. The EIS alternatives must include AUMs for wild horses/burros to ensure selfsustaining genetically viable populations of wild equines. There must be allowance for increasing AUMs and AMLs for wild horses/burros when reliable scientific data concludes that the genetic viability of a current population is threatened. Data and clearly defined maps revealing acreage and AUM allocations in all three categories of sage grouse habitat where livestock grazing occurs must be provided in the final EIS as well as a listing of all Herd Area territory in the planning area and sage grouse habitat zone to allow for the restoration of zeroed out HAs as a feasible alternative. Factual data on the exact populations -- not guesstimates -- of wild horses and burros within each all HMAs/HAs and data on the difference in AUM allocation of wild horses/burros vs. livestock must be provided for the purpose of creating a plan for sage grouse, whose protection must not be at the expense of federally protected wild equines. Alternative C should be selected as the preferred alternative as it eliminates all AUMs, however, it should be ameliorated to include provisions to increase wild horse AMLs along with restoration of usurped HA lands as soon as livestock is removed and the effects on wild horses from resultant closure of any water sources must be seriously analyzed.

Comment ID: 2933
Organization: Protect Mustangs
Name: Anne Novak

Comment: With regards to BLM Wyoming's Greater Sage Grouse Proposed Land Use Plan (LUP), the Draft LUP is not compliant with federal laws and regulations and does not protect wild horses. The Draft Environmental Impact Statement (DEIS) does not provide analysis of the LUP Amendments on wild horses. The analyzed alternatives are wrong because they would reduce the number of wild horses on the land while give 47 more times forage to livestock grazing. Also the skewed DEIS ignores the difference between livestock impact and native wild horse impact on the range. We request the EIS include: 4. Clear delineation of wild horses from livestock both legally and biologically/environmentally. 5. Designation of Alternative C as the Preferred Alternative. This would eliminate livestock grazing in sage grouse habitat. Alternative C should be amended to allow for increases in wild horse AML and restoration of HA territory, where appropriate, once livestock grazing is removed. Alternative C should also require mitigations to any impacts on wild horses caused by removal of livestock grazing, including closure of water sources. 6. Cumulative impacts analysis of proposed alternatives in conjunction with BLM’s plans to zero out wild horses from the

Salt Wells Creek and Great Divide Basin HMAs, to reduce the Adobe Town HMA population by half, and to convert the wild-free roaming horse population in White Mountain to a sterilized herd. 7. Full analysis of the social and economic impacts of proposed actions, including the prevailing American social preference for wild horse protection and the full costs of the federal livestock grazing program, including tax subsidies.

Comment ID: 2393
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The final document must include the findings and recommendations of the NAS report. In addition, the BLM should ensure that none of the designated actions will hinder or prohibit implementation of the NAS recommendations for reform of the wild horse and burro management program. In addition, the final plan and LUP Amendments/EIS must the following: a. Clear and accurate delineation of the BLM's legal mandate to protect wild horses. b. Clear delineation of wild horses from livestock both legally and biologically/environmentally. c. Clearly defined charts and maps that delineate all HMAs and Herd Areas, data on number of horses estimated within each area, AUM allocations for wild horses COMPARED with livestock usage. d. Clear charts, map and explanation of the scale of livestock grazing in all categories of GRSG habitat, including acreage, Allotment names, percent of allotment within each category of habitat, and AUM allocations. e. All information describing and documenting the differences between wild horse and burro and livestock range impacts. f. All genetic reports and documentation of genetic viability status of all wild horse and burro herds within the planning area. g. Full analysis of the social and economic impacts of proposed actions, including the prevailing American social preference for wild horse protection and the full costs of the federal livestock grazing program, including tax subsidies. h. Cumulative impacts analysis of proposed alternatives in conjunction with BLM's plans to zero out wild horses from the Salt Wells Creek and Great Divide Basin HMAs, to reduce the Adobe Town HMA population by half, and to convert the wild-free roaming horse population in White Mountain to a sterilized herd.

Summary: The following data is requested: Issue 1: All rangeland health assessments and procedures for conducting such assessments of the impacts for wild horses as well as livestock. Issue 2: A listing of all HA territory in the planning area and sage-grouse habitat zone to allow for the restoration of zeroed out HAs as a feasible alternative. Issue 3: Data on the exact populations (not estimates) of wild horses within each of the HMAs/HAs. Issue 4: Data on the difference in AUM allocations of wild horses vs. livestock. Issue 5: Data on HA territory in the planning area and the mapped Greater Sage-Grouse habitat zone. Issue 6: Clear and accurate delineation of the BLM's legal mandate to protect wild horses.

Response: Issue 1: The requested change is outside of the scope of the Greater Sage-Grouse LUP Amendments. Issue 2: The requested change is outside of the scope of the Greater Sage-Grouse LUP Amendments. The Greater Sage-Grouse LUP Amendments need not nor should not identify new HMAs from HA s nor is it establishing allocations between livestock grazing and wild horses. Issue 3: Estimates are appropriate for the land-use plan level analysis. Populations are too variable over the course of the analysis to provide exact numbers. Issues 4-6: The requested change is outside of the scope of the Greater Sage-Grouse LUP Amendments.

Wild Horses

Best available information-baseline data

More collaboration with wild horse advocates is needed

Comment ID: 1814
Organization:

Name: Marybeth Devlin

Comment: A review of Chapter 5 of the Draft LUPA / EIS disclosed the absence of collaboration, consultation, cooperation, or coordination, with advocates for wild horses. There was not even a wild-horse specialist among the BLM staffers that helped prepare the document. Consequently, wild-horse interests were not defended. Recommendations: BLM-Wyoming's state office -- as well as each of its district and field offices that have wild-horse programs -- needs to establish an advisory committee of mustang-advocates and work with us to formulate policy. BLM should proactively cultivate a collaborative relationship with wild-horse advocates, consulting with us just as you do with other partners. Such consultation and coordination needs to be conducted, with modifications to the Final LUPA / EIS incorporated per the recommendations of the advisory committee.

Comment ID: 1816
Organization:
Name: Marybeth Devlin

Comment: On pdf-page 8 of the Executive Summary, it states that BLM will "[c]oordinate with livestock grazing permittees in the LUP amendment process …." Later, in Chapter 5, the Rock Springs Grazing Association is identified as a "cooperating agency." But RSGA is a trade association, not a government agency. In fact, all the other organizations listed as "cooperating agencies" are government entities or the offices of elected officials. Meanwhile, wild-horse advocates were snubbed.

Summary: A review of Chapter 5 of the Draft LUP Amendments/Draft EIS disclosed the absence of collaboration, consultation, cooperation, or coordination, with advocates for wild horses. BLMWyoming's State Office, as well as each of its district and field offices that have wild horse programs, need to establish an advisory committee of mustang-advocates and work with us to formulate policy. BLM should proactively cultivate a collaborative relationship with wild horse advocates, consulting with us just as you do with other partners. Such consultation and coordination needs to be conducted, with modifications to the Final LUP Amendments/Final EIS incorporated per the recommendations of the advisory committee. On pdf-page 8 of the Executive Summary, it states that BLM will "[c]oordinate with livestock grazing permittees in the LUP amendment process …." Later, in Chapter 5, the Rock Springs Grazing Association is identified as a "cooperating agency." But RSGA is a trade association, not a government agency. In fact, all the other organizations listed as "cooperating agencies" are government entities or the offices of elected officials. Meanwhile, wild-horse advocates were snubbed.

Response: The Greater Sage-Grouse LUP Amendments are specifically for the management of sage-grouse, not wild horses. Cooperating agency status can only be extended to government entities and agencies based on jurisdiction or expertise. BLM cannot offer cooperating agency status to non-government agencies. Changes to the Final EIS have been made to remove the statement from the Executive Summary and to remove Rock Springs Grazing Association from the cooperating agencies list in Chapter 5.

Wild Horses

Best available information-baseline data

Water source edits

Comment ID: 482
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The DEIS erroneously recommends developing water to improve wild horse distribution. DEIS 4-435 ("Water developments to improve herd distribution and manage forage utilization for wild horses could reduce pressure on areas where wildlife frequent and disperse wild horses elsewhere." RSGA's experience and that of ranchers in Nevada is that water development does not change distribution so much as it encourages population growth. Energy development on the Wyoming Checkerboard resulted in new water that led to significant increases in wild horse numbers and their relocation to the Checkerboard most of the year. Similarly in Fallini v. Hodel, the rancher developed water in the Nevada desert that greatly increased wild horse use and numbers. This suggestion finds no support in USFWS COT and should be deleted.

Comment ID: 532
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The USFWS also concludes that the concentration of excess numbers of wild horses near water sources, such as riparian and wetland areas, may interfere with PFC contrary to Standard #2 of the Wyoming Standards for Healthy Rangelands. Wild horses define their territory based on water sources, including riparian areas, and return to water at least twice a day. The repeated year-long use at a territorial water site and the trails to and from the water site will compact the soil and cause increased soil erosion. Water sources may even cease to exist after excessive trampling and wallowing.

Summary: Issue 1: The Draft EIS erroneously recommends developing water to improve wild horse distribution (Draft EIS 4-435). This suggestion finds no support in USFWS COT and should be deleted. Issue 2: The concentration of excess numbers of wild horses near water sources, such as riparian and wetland areas, may interfere with PFC contrary to Standard #2 of the Wyoming Standards for Rangeland Health. Issue 3: The effects on wild horses from resultant closure of any water sources must be seriously analyzed.

Response: Issue 1: The analysis in Chapter 4 is based on the management in Chapter 2. The referenced sentence is based on the management for wild horses found in Chapter 2, it cannot be deleted or the analysis would not make sense. Issue 1-3: BLM believes that the analysis in Chapter 4 is sound and appropriately addresses the impacts to wild horses from the management actions in Chapter 2.

Wild Horses

Cumulative impact analysis

Wild horse cumulative impacts with Consent Decree

Comment ID: 468
Organization:
Name:

Comment: In summary, the final EIS must include the following: Cumulative impacts analysis of proposed alternatives in conjunction with BLM's plans to zero out wild horses from the Salt Wells Creek and Great Divide Basin HMAs, to reduce the Adobe Town HMA population by half, and to convert the wild-free roaming horse population in White Mountain to a sterilized herd.

Summary: The Final EIS must include a cumulative impacts analysis of the proposed alternatives in conjunction with BLM's plans to zero out wild horses from the Salt Wells Creek and Great Divide Basin HMAs, to reduce the Adobe Town HMA population by half, and to convert the wild-free roaming horse population in White Mountain to a sterilized herd.

Response: The Greater Sage-Grouse LUP Amendments are specifically for the management of sage-grouse, not wild horses. The suggested revisions are outside the scope of the Greater Sage-Grouse LUP Amendments. Management actions regarding these HMAs will be addressed in the Rock Springs RMP/EIS.

Wild Horses

HMAs

HMA and HMA plan revisions

Comment ID: 550
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Wild horses, as just discussed, significantly and adversely effect GRSG habitat. To better understand the full range of impacts, the BLM must identify the range and concentration areas of wild horses within GRSG core habitat. Although the BLM provides rough estimates (if any) of wild horse numbers, these numbers do not demonstrate the location of the horses, their preferred range, and their cumulative effect on the health of the rangeland. BLM should provide a map that identifies HMA boundaries, GRSG core habitat delineations, and most importantly, those areas that are heavily affected by wild horse populations. It will also allow the public, cooperating agencies, and other interested stakeholders to fully review the effects of wild horses on the environment and the appropriate action to reduce their numbers.

Comment ID: 508
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: 2. Amend Wild Horse Plans DEIS 2-114 #110, 2-183 The DEIS states: “Within core habitat, the BLM/Forest Service would review and consider amending BLM Herd Management Area Plans (HMAPs) to incorporate sagegrouse habitat objectives and management considerations for all BLM herd management areas (HMAs).” With the exception of the Big Sandy Grazing EIS, it is unlikely that BLM ever wrote a wild horse management area plan in Wyoming. The DEIS cannot refer to such management plans without acknowledging that they do not currently exist. The management of each HMA is addressed in terms of AMLs. RSGA understands that historically BLM has not monitored wild horse impacts on rangeland resources. The direction should be revised as follows: “Within core habitat, the BLM/Forest Service would review and amend applicable land use plans consider amending BLM Herd Management Area Plans (HMAPs) to incorporate sage-grouse habitat objectives and management considerations for all BLM herd management areas (HMAs).”

Comment ID: 1813
Organization:
Name: Marybeth Devlin

Comment: HMAs should be designated "no surface occupancy" (NSO) areas -- fracking-free zones, drilling-free zones, mining-free zones -- to preserve aesthetic and recreational values and to avoid disturbing the equids' natural behavior. HMAs should also be declared "off-limits" to off-highway-vehicles (OHVs) -- to protect the peace-and-quiet of the range and the cleanliness of the ambient air. These restrictions will simultaneously protect Sage-Grouse habitat located in HMAs and HAs.

Comment ID: 2799
Organization:

Name: marla bosworth

Comment: 5. Why aren't the two herd management areas mentioned, LaBarge and Desert Wild, are “not managed for wild horses"?

Comment ID: 2810
Organization:
Name: Ann Evans

Comment: I am very opposed to the solution to create non-reproducting herds in White Mountain. In this area, BLM has allowed livestock grazing and massive mineral extraction. I also am opposed to zero out any additional areas I the Great Divide Basin and Salt Wells. I am also supportive of maintaining the herd at Adobe Town and do not favor any additional reductions in this herd area. In addition I support adding a provision in all alternatives the option to increase wild horse populations (AMLs).

Summary: Issue 1: On pages 2-114 #110 and 2-183, the Draft EIS cannot refer to such management plans without acknowledging that they do not currently exist. The management of each HMA is addressed in terms of AMLs. The direction should be revised as follows: “Within core habitat, the BLM/Forest Service would review and amend applicable land use plans and consider amending BLM HMAPs to incorporate sage-grouse habitat objectives and management considerations for all BLM HMAs.” Issue 2: BLM must provide the method for which it calculated the numbers for Adobe Town, Stewart Creek, and Lost Creek HMAs, and clarify why the LaBarge and Desert Wild areas are not managed for wild horses. Issue 3: BLM should provide a map that identifies HMA boundaries, Greater Sage-Grouse core habitat delineations, and those areas that are heavily affected by wild horse populations. Issue 4: HMAs should be designated NSO areas, including fracking-free zones, drilling-free zones, and mining-free zones, to preserve aesthetic and recreational values and to avoid disturbing the equids' natural behavior. Issue 5: HMAs should be declared "off-limits" to off-highway-vehicles (OHVs). Issue 6: Provide a cumulative impacts analysis of proposed alternatives in conjunction with BLM’s plans to zero out wild horses from the Salt Wells Creek and Great Divide Basin HMAs, to reduce the Adobe Town HMA population by half, and to convert the wild-free roaming horse population in White Mountain to a sterilized herd. Issue 7: Creation of non-reproducing herds in White Mountain should not be allowed. Issue 8: Zeroing out any additional areas in the Great Divide Basin and Salt Wells HMAs should not be allowed. Issue 9: The herd at Adobe Town HMA should be maintained and not reduced.

Response: Issue 1: The alternatives considered in the Draft EIS are reasonable alternatives that comply with all laws and policy and meet the multiple use mandate of FLPMA. Issue 2: The requested change is outside of the scope of the Greater Sage-Grouse LUP Amendments. Issue 3: Map 3-25 shows the HMA boundaries and has been updated in the Proposed LUP Amendments/Final EIS. Issue 4-9: The suggested changes to management are outside the scope of the Greater Sage-Grouse LUP Amendments. Management regarding the Consent Decree and specific management for wild horses (unrelated to sage-grouse habitat) will be addressed in the Rock Springs RMP/EIS. BLM feels the information provided about wild horses and the range of management alternatives appropriately address impacts to sage-grouse from the management actions for wild horses in the LUP Amendments.

Wild Horses

Impact Analysis

The impact analysis is inadequate

Comment ID: 1960
Organization: Wyoming State Grazing Board

Name: Dick Loper

Comment: Pg. 4-396, 4.19.7, Alternative E – The first sentence under this heading is another example of how this "horse" section is not focused on horses. It reads, " Restricting utility structures within sagegrouse core habitat would result in impacts to livestock grazing similar to Alternative A." On pg. 4-397, the last paragraph conveys, " Managing the density of disturbance on the landscape inside sage-grouse core and connectivity habitat would increase impacts to livestock grazing within the planning area long-term, compared to Alternative A". We again comment: How do these statements located under the Preferred Alternative, Horse section of this Draft have anything to do with horses ?? We comment that all references to livestock be removed from the Horse sections of this draft.

Comment ID: 464
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The DEIS does not adequately address the adverse impacts of wild horses on sage grouse habitat. DEIS 2-12, 2-14-15; 2-114; 2-182-83; 3-75, 3-443-449; 4-386, 4-396- 398. The DEIS makes only general conclusions of impact based on the assumption that maintaining wild horse numbers at current AMLs will protect sage grouse habitat and that wild horse impacts are the same as livestock grazing.

Comment ID: 747
Organization:
Name: Jane Beattie

Comment: There are seven Herd Management Areas in Wyoming and at least five Herd Areas designated for federally-protected wild horses. However,draft Amendments do not analyze impacts on wild horses and the effects of livestock grazin on sage grouse -- excluding livestock grazing from classification as a surface disturbing and unsustainable activity. BLM allocates 47 times more forage to privatelyowned livestock than to federally-protected wild horses in this planning area. -- more than 100,000 cows vs. 2,135 wild horses! Meanwhile, many of the sections regarding impacts of various alternatives to wild horses are apparently just cut and pasted from the livestock section.

Comment ID: 1959
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 4-386, 4.19, Wild Horses – Under "Assumptions", please explain why this narrative conveys "assumptions" that the BLM knows can not be sustained ? The entire narrative under this section on "wild Horses" is tainted by the knowledge of the public that the assumptions that drive the discussion of impacts to horses from grouse proposals in this document are unrealistic at best, and probable just wrong. We comment that much of the narrative under this section is not really about impacts to horses from grouse proposals, but is instead a number of opinion statements about livestock grazing impacts on horses. As examples, in the third paragraph, pg. 4-387, the statement " Use of forage by livestock and wildlife and surface disturbing activities associated with grazing can reduce the amount and availability of forage and water for wild horses …". Also, "There are 188 allotments not meeting the standards due to livestock". We comment: What do these types of statements have to do with potential impacts to horses from implementing (grouse we presume) management actions presented in Chapter 2 ??? We comment that this section should be re-written to focus entirely on the actual, realistic impacts to horses from the proposals related to the conservation of grouse to keep the grouse from being listed. The BLM itself documented during a presentation to the National Wild Horse and Burro Advisory Board in the spring of 2013, that there are

approximately 100,000 acres of core grouse habitat inside existing Herd Management areas, HMA's. Many of these HMA's are over AML and are likely having adverse impacts to grouse conservation objectives.

Comment ID: 834
Organization:
Name: David Hobart

Comment: I hope you will consider letting the horses have their space. I would like to add that there are some tourism dollars to be lost in losing the wild horses.

Comment ID: 914
Organization:
Name: Ingrid de Baintner

Comment: As a retired physician and former wildlife biologist I concur with the protection of the sage grouse. however, the real problem is excessive cattle /livestock grazing NOT wild horses. therefore wild horses have far. less impact on BLM land as opposed to livestock. it is well recognized that one of the prime incentives for getting rid of the Mustangs is fueled by competition for grazing land.

Comment ID: 1994
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: Wild Horses (4.19): The assumptions made in this subsection are clearly unrealistic given the current status of the horse management program. WSGA requests that BLM incorporate an alternative analysis based upon an assumption that the current inability to maintain adequate timely gathering, treatment and removal of wild horses, even in those areas where such action is mandated by a judicial consent decree, will continue. Analysis also needs to be incorporated on the potential impacts of sage grouse management prescriptions on the ability to gather wild horses in a timely and cost-effective manner.

Comment ID: 2370
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: Active HMAs affected by the LUP amendments include the Adobe Town, Lost Creek, Stewart Creek, Great Divide Basin, Salt Wells Creek, Little Colorado and White Mountain HMAs. All proposed alternatives could have significant adverse impacts on wild horses, either directly, or indirectly by setting the stage for future changes that would impact wild horses. These impacts are not adequately analyzed or disclosed in the DEIS. These impacts have not been adequately analyzed in the Draft Environmental Impact Statement (EIS). In addition, just one of the four alternatives presented would adequately address a major threat to sage grouse – livestock grazing – while all alternatives could set the stage for future reductions in wild horse Allowable Management Levels (AMLs), even though the number of federallyprotected wild horses in the planning area is dwarfed by the number of privately-owned cattle and sheep.

Comment ID: 2372
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: In contrast to maintaining the status quo for livestock grazing in the planning area, the alternatives described in the DEIS could set the stage for reductions in wild horse populations. Alterative B prioritizes the evaluation of AMLs "based on indicators that address structure/condition/composition of

vegetation and measurements specific to achieving sage-grouse habitat objectives." Alternative D calls for the evaluation of all AMLs in sage-grouse core habitat would be prioritized based on sagegrouse habitat objectives. Alternative E calls for consideration of sage-grouse core habitat management objectives when evaluating AMLs and land health assessments in HMAs. However, the DEIS fails to describe the methodology for clearly delineating wild horse impacts from livestock impacts when evaluating land health and wild horse AMLs. The final DEIS must describe this methodology in detail. The differing impacts of wild horses and cattle on the land are detailed in Attachment 2-4, which are incorporated here with these comments by reference.

Comment ID: 470
Organization:
Name:

Comment: In summary, the final EIS must include the following: Full analysis of the social and economic impacts of proposed actions, including the prevailing American social preference for wild horse protection and the full costs of the federal livestock grazing program, including tax subsidies.

Comment ID: 2382
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The DEIS is silent on the impacts of the proposed LUP amendments, which could set the stage for reductions in wild horse AMLs in GRSG habitat areas, in conjunction with other proposed actions in the planning area. These actions include: • Amending the Rawlins and Rock Springs Resource Management Plans (RMPs) to a) reduce by half the AML in the Adobe Town HMA; b) zero out (reduce AML to 0) the Salt Wells Creek and Divide Basin HMAs, and c) convert the wild free-roaming White Mountain HMA horse population to a sterilized herd. • The Continental Divide-Creston Natural Gas Development Project, which will include large scale disruption on nearly 200 square miles of wild horse habitat in the Adobe Town and Lost Creek HMAs. Clearly the above-described assaults on wild horse populations in the planning area heighten the impacts of any reductions to AML that will result from the LUP amendments. These cumulative impacts must be considered and protections for dwindling wild horse populations in the planning area must be written into all alternatives. In particular, all alternatives should incorporate the mandate that no reductions to wild horse AMLS should occur unless and until livestock grazing is severely reduced or eliminated from HMAs.

Comment ID: 2385
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: Not only was the relative impact of wild horses vs. livestock on sage grouse habitat, in terms of acreage and AUMs, omitted, but also omitted was an evaluation of the rangeland impact of private livestock grazing as opposed to impacts from wild horses. There are extreme differences in the impacts generated by these users of public land. These differences were clearly delineated in the National Marine Fisheries Service's biological opinion regarding impacts of wild horses in the Murderers Creek Wild Horse Territory in Oregon. (Attachment 4) Additionally, both the Center for Biological Diversity and Western Watersheds have written extensive reports showing the impact of livestock production (and its cost) to public land management. Wild horses, when not impeded by allotment fencing and large turnouts of domestic cattle, have minimal impact to the range. To treat both of these uses as "grazing" is irresponsible and unscientific.

Comment ID: 2378
Organization: American Wild Horse Preservation Campaign (AWHPC)

Name: Suzanne Roy

Comment: Not only was the relative impact of wild horses vs. livestock on sage grouse habitat, in terms of acreage and AUMs, omitted, but also omitted was an evaluation of the rangeland impact of private livestock grazing as opposed to impacts from wild horses. There are extreme differences in the impacts generated by these users of public land. These differences were clearly delineated in the National Marine Fisheries Service's biological opinion regarding impacts of wild horses in the Murderers Creek Wild Horse Territory in Oregon. (Attachment 4) Additionally, both the Center for Biological Diversity and Western Watersheds have written extensive reports showing the impact of livestock production (and its cost) to public land management. Wild horses, when not impeded by allotment fencing and large turnouts of domestic cattle, have minimal impact to the range.

Comment ID: 462
Organization:
Name:

Comment: the DEIS fails to consider the significant differences in range impacts caused by livestock vs. wild horses. The DEIS does not consider wild horses as distinct from livestock, indeed many of the sections regarding impacts of various alternatives to wild horses are apparently just cut and pasted from the livestock section!

Comment ID: 2381
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The DEIS evaluates impacts to wild horses by the same criteria as impacts to wild horses. Indeed most of the impacts section of the DEIS was cut and pasted from livestock impacts section and in multiple places, the BLM didn't even bother to change the language to specify wild horses! Just two examples from Chapter 4 – Wild Horses: 4.19.7 Alternative E Restricting utility structures within sage-grouse core habitat areas would result in impacts to livestock grazing [should say "wild horses"] similar to Alternative A…. (P. 4-397) Managing the density of disturbance on the landscape inside sage-grouse core and connectivity habitat would increase impacts to livestock grazing [should say "wild horses"] within the planning area long-term, compared to Alternative B….. The final EIS must clearly distinguish wild horses from livestock, clearly delineate the BLM's legal mandate to protect this species and manage them "as a natural component of the lands on which they are found," and consider the distinct biological and ecological differences between wild horses and livestock when evaluating the impacts to this species of the proposed LUP Amendments.

Summary: The Draft EIS does not adequately address the adverse impacts of wild horses on Greater Sage-Grouse habitat. The Draft EIS makes only general conclusions of impacts based on the assumption that maintaining wild horse numbers at current AMLs will protect Greater Sage-Grouse habitat and that wild horse impacts are the same as livestock grazing. Issue 1: Draft LUP Amendments do not analyze impacts on wild horses and the effects of livestock grazing on sage-grouse, and exclude livestock grazing from classification as a surface disturbing and unsustainable activity. Many of the sections regarding impacts of various alternatives to wild horses are apparently just cut and pasted from the livestock section. Wild horses have far less impact on BLM land as opposed to livestock. Issue 2: The Final EIS must include a full analysis of the social and economic impacts of proposed actions, including the prevailing American social preference for wild horse protection and the full costs of the federal livestock grazing program, including tax subsidies. Consider that wild horses are a source of tourism dollars. Issue 3: The Draft EIS fails to seriously analyze the difference of range impacts of livestock as compared to wild horses. Issue 4: Examination of the difference of impacts between livestock vs. wild horses is needed, including usage of

stream riparian areas and on the range. Issue 5: On page 4-386, BLM should explain why this narrative conveys "assumptions" that the BLM knows can not be sustained. Much of the narrative under this section is not really about impacts to horses from sage-grouse proposals, but is instead a number of opinion statements about livestock grazing impacts on horses. As examples, in the third paragraph, pg. 4-387, the statement " Use of forage by livestock and wildlife and surface disturbing activities associated with grazing can reduce the amount and availability of forage and water for wild horses …". Issue 6: In regards to the statement "There are 188 allotments not meeting the standards due to livestock," BLM should clarify what these types of statements have to do with potential impacts to horses from implementing management actions presented in Chapter 2. This section should be rewritten to focus entirely on the actual, realistic impacts to horses from the proposals related to the conservation of grouse to keep the grouse from being listed. The BLM itself documented during a presentation to the National Wild Horse and Burro Advisory Board in the spring of 2013, that there are approximately 100,000 acres of core grouse habitat inside existing HMAs. Many of these HMAs are over AML and are likely having adverse impacts to grouse conservation objectives. Issue 7: On page 4-396, the first sentence under this heading is another example of how this "horse" section is not focused on horses. It reads, " Restricting utility structures within sage-grouse core habitat would result in impacts to livestock grazing similar to Alternative A." Issue 8: On pg. 4-397, the last paragraph conveys, " Managing the density of disturbance on the landscape inside sage-grouse core and connectivity habitat would increase impacts to livestock grazing within the planning area long-term, compared to Alternative A". Issue 9: All references to livestock must be removed from the horse sections of this Draft EIS. Issue 10: The assumptions made in Section 4.19 are clearly unrealistic given the current status of the horse management program. BLM should incorporate an alternative analysis based upon an assumption that the current inability to maintain adequate timely gathering, treatment and removal of wild horses, even in those areas where such action is mandated by a judicial consent decree, will continue. Analysis also needs to be incorporated on the potential impacts of sage-grouse management prescriptions on the ability to gather wild horses in a timely and cost-effective manner. Issue 11: The Draft EIS fails to describe the methodology for clearly delineating wild horse impacts from livestock impacts when evaluating land health and wild horse AMLs. The Final EIS must describe this methodology in detail. Issue 12: Not only was the relative impact of wild horses vs. livestock on sage-grouse habitat, in terms of acreage and AUMs, omitted, but also omitted was an evaluation of the rangeland impact of private livestock grazing as opposed to impacts from wild horses. There are extreme differences in the impacts generated by these users of public land. These differences were clearly delineated in the National Marine Fisheries Service's biological opinion regarding impacts of wild horses in the Murderers Creek Wild Horse Territory in Oregon. Additionally, both the Center for Biological Diversity and Western Watersheds have written extensive reports showing the impact of livestock production (and its cost) to public land management. Wild horses, when not impeded by allotment fencing and large turnouts of domestic cattle, have minimal impact to the range. To treat both of these uses as "grazing" is irresponsible and unscientific. Issue 13: None of the alternatives analyzed adequately protects wild horses.

Response: Issue 1-4, 10, 12: BLM believes that the analysis in Chapter 4 is sound and appropriately addresses the impacts to wild horses from the management actions in Chapter 2. The Greater Sage-Grouse LUP Amendments are not analyzing the impacts directly from horses or livestock, but rather impacts from the management actions in Chapter 2. Issue 5: Assumptions are used as the basis of the impact analysis. The assumptions are based on current management or conditions of the resource. The assumptions used are believed to be accurate and a sound basis for the analysis. Issue 6-9: The analysis has been edited to make it more relevant to the impacts to horses, not livestock. Issue 11, 13: The suggested management is outside the scope of the Greater Sage-Grouse LUP Amendments. This plan is specifically for the management of sage-grouse, not wild horses.

Wild Horses

Impact Analysis

Wild horses impact sage-grouse habitat

Comment ID: 1954
Organization: Wyoming State Grazing Board
Name: Dick Loper

Comment: Pg. 3-75, - We agree with the statement in the middle of this page that high numbers of BLM horses that exceed AML have an influence, (adverse in our opinion), on livestock numbers and management. We would add a comment that excess horses also adversely impact wildlife and the health of rangelands and request that this fact be placed in the Final document.

Comment ID: 503
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Providing inaccurate estimates or no estimates at all skews the DEIS Chapter 4 analysis of the current wild horse situation. Without data and science-based estimates, it is impossible to determine the full extent of the resource being managed and the full extent of the impacts on GRSG from that resource (i.e. wild horses). Unlike livestock, horses disparately impact the rangeland due to their year round presence and unique biological feeding habits. Supra at **. Horses "reduce grass, shrub, and forb cover" and increase "unpalatable forbs and exotic plants including cheatgrass" in sage grouse habitats. BLM, NTT at 18. This in turn impacts vegetation recovery, promotes habitat fragmentation, and facilitates the spread of invasive plant species. Assuming, as the BLM does, that horse populations will increase by 18% annually, these impacts compound in relation to the existing number of horses on HMAs. Without determining existing numbers, the DEIS assumptions provide little more than cursory conclusions unsupported by proper analysis for more than 1,488,260 acres of GRSG priority habitat.

Comment ID: 474
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The USFWS findings are corroborated by research in Wyoming. In 2002, the Wyoming conservation districts, including the Little Snake River Conservation District, demonstrated that about 20% of the wild horse diet consisted of sagebrush stems and leaves. This is even more true during drought or winter when more palatable forage is less available. Studies show that wild horse diets vary throughout the year. K. Crane, Habitat selection patterns of feral horses in south-central Wyoming, J. Range Mgmt. 50:374-380 (1997). Wild horses favor grasses in the spring and forbs and shrubs in winter. Thus, wild horse grazing can have disproportionate impacts on winter range, like the RSGA Checkerboard which is winter range.

Comment ID: 489
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The BLM Wild Horse Division Chief Joan Guilfoyle wrote six months ago that the wild horse program was suffering from "financial insolvency due to undesirable trends in every aspect of the program." Guilfoyle called for a shut down of all gathers, increased adoption and fertility research while admitting that there would be 48,000 wild horses on public lands by February 2014 and 58,000 in 2015. Significantly, Guilfoyle did not make the connection between wild horse numbers and impacts to rangeland resources or

sage grouse habitat. It is, thus, apparent that even within BLM, there is no communication among programs so the wild horse program is unaware of potential damage done when wild horse numbers are not tied to the capacity of the resources and the habitat needs of other species. The extended and severe drought in California and Nevada is killing wild horses through starvation and dehydration. Leaving the wild horses on rangelands only leads to long-term vegetation damage, because the horses will eat anything to stay alive. This violates the WHA principles by harming the wild horses and by harming the resources.

Comment ID: 472
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Wild horses are ungulates and will initially graze the forbs and grasses that provide the crucial understory for healthy sagebrush. McInnis & Vavra, Dietary relationships among Feral horses, cattle and pronghorns in southeastern Oregon J. RANGE MGMT. 40:0 (1987) (88% overlap between cattle and horses for consumption of grasses and forbs). As noted above, wild horses clip most of the annual growth of a plant and, thus, excess numbers of wild horses will more significantly impact the sage brush ecosystem at key times of the year during nesting and rearing seasons through removal of the understory. These threats are identified by the USFWS. Greater Sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report (COT) (USFWS 2013) at 7, 10, 44-45. Excess numbers of unmanaged wild horses disproportionately impact sage grouse habitat, because they remove more of the plant's annual growth, which limits vegetation recovery and shrub canopies, fragments habitat, and allows for the spread of invasive plant species. USFWS Conservation Objectives at 46. Horses "reduce grass, shrub, and forb cover" and increase "unpalatable forbs and exotic plants including cheatgrass" in sage grouse habitats. See also BLM, Sage Grouse National Technical Team, A Report on National Greater Sage grouse Conservation Measures, at 18 (Dec. 21, 2011) [hereinafter NTT Report]. Drought exacerbates the grazing impacts of excess numbers of wild horses. Id. Where excess numbers of wild horses graze year-round, there is greater pressure on range resources that may recover slowly and only after grazing use is removed or reduced.

Comment ID: 473
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Free-roaming equid grazing is presented separately from ungulate grazing due to the differing impacts equids have on sagebrush ecosystems. On a per capita body mass, horses consume more forage than cattle or sheep and remove more of the plant which limits and/or delays vegetative recovery (Menard et al. 2002), and horses can range further between water sources than cattle, thereby making them more difficult to manage. Equid grazing results in a reduction of shrub cover and more fragmented shrub canopies, which can negatively affect sagegrouse habitat (Beever and Aldridge 2011). Additionally, sites grazed by free-roaming equids have a greater abundance of annual invasive grasses, reduced native plant diversity and reduced grass density (Beever and Aldridge 2011).

Comment ID: 531
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: These realities also distinguish wild horse grazing from livestock grazing. In its COT report, the USFWS explained why equid grazing was presented separately from ungulate grazing: Free-roaming equid grazing is presented separately from ungulate grazing due to the differing impacts equids have on sagebrush ecosystems. On a per capita body mass, horses consume more forage than cattle or sheep and remove more of the plant which limits and/or delays vegetative recovery (Menard et al. 2002), and horses can range further between water sources than cattle, thereby making them more difficult to manage. Equid grazing

results in a reduction of shrub cover and more fragmented shrub canopies, which can negatively affect sage-grouse habitat (Beever and Aldridge 2011). Additionally, sites grazed by free-roaming equids have a greater abundance of annual invasive grasses, reduced native plant diversity and reduced grass density (Beever and Aldridge 2011). Given the high mobility of free-roaming equids, the conservation measures below should be applied across all sage-grouse habitats. COT at 24. The USFWS findings are corroborated by other relevant research in Wyoming. In 2002, the Little Snake River Conservation District demonstrated that about 20% of the wild horse diet consisted of sagebrush stems and leaves. This is even more true during drought or winter when more palatable forage is less available. Studies show that wild horse diets vary throughout the year. K. Crane, Habitat selection patterns of feral horses in southcentral Wyoming, J. Range Mgmt. 50:374-380 (1997). Wild horses favor grasses in the spring and forbs and shrubs in winter.

Comment ID: 536
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: It appears that the wild horse program is unaware of potential damage done when wild horse numbers are not tied to the capacity of the resources and the habitat needs of other species (i.e. GRSG). The extended and severe drought in California and Nevada is killing wild horses through starvation and dehydration. Leaving the wild horses on rangelands only leads to long-term vegetation damage, because the horses will eat anything to stay alive. This violates the WHA principles by harming the wild horses and by harming the resources.

Comment ID: 533
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: USFWS identified protecting sage-grouse from the negative influences of grazing by free-roaming equids as a primary conservation objective in its COT report. To accomplish this objective, USFWS suggested the following conservation measures and secondary options: (1) Develop, implement, and enforce adequate regulatory mechanisms to protect sage-grouse habitat from negative influences of grazing by free-roaming equids. (2) Manage free-roaming equids at levels that allow native sagebrush vegetative communities to minimally achieve PFC (for riparian areas) or RHS (for uplands). Similar measures should be implemented on non-federal land surfaces.

Summary: Wild horses are ungulates and will initially graze the forbs and grasses that provide the crucial understory for healthy sagebrush. Wild horses clip most of the annual growth of a plant and, thus, excess numbers of wild horses will more significantly impact the sagebrush ecosystem at key times of the year during nesting and rearing seasons through removal of the understory. Excess numbers of unmanaged wild horses disproportionately impact sage-grouse habitat, because they remove more of the plant's annual growth, which limits vegetation recovery and shrub canopies, fragments habitat, and allows for the spread of invasive plant species. Drought exacerbates the grazing impacts of excess numbers of wild horses. Where excess numbers of wild horses graze year-round, there is greater pressure on range resources that may recover slowly and only after grazing use is removed or reduced. Wild horse grazing can also have disproportionate impacts on winter range, including within the checkerboard areas. Leaving the wild horses on rangelands only leads to long-term vegetation damage, because the horses will eat anything to stay alive. This violates the WHA principles by harming the wild horses and by harming the resources. On page 3-75, a comment should be added that excess horses also adversely impact wildlife and the health of rangelands. Unlike livestock, horses disparately impact the rangeland due to their year round presence and unique biological feeding habits. Supra at **. Horses “reduce grass, shrub, and forb cover” and increase “unpalatable forbs and exotic plants including cheatgrass” in Greater Sage-Grouse habitats. BLM, NTT at 18. This in turn impacts vegetation recovery, promotes habitat fragmentation, and facilitates the spread of

invasive plant species. Assuming, as the BLM does, that horse populations will increase by 18% annually, these impacts compound in relation to the existing number of horses on HMAs. Without determining existing numbers, the Draft EIS assumptions provide little more than cursory conclusions unsupported by proper analysis for more than 1,488,260 acres of Greater Sage- Grouse priority habitat.

Response: The information provided about wild horses and the range of management alternatives appropriately address impacts to sage-grouse from the management actions for wild horses in the LUP Amendments.

Wild Horses

Monitoring

Monitoring program revisions

Comment ID: 509
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: DEIS 2-114, #111 It is correct that BLM rules require that wild horse management be tied to rangeland health standards. 43 C.F.R. §4180.2. RSGA recommends instead that the monitoring program be designed to capture wild horse use.

Summary: On page 2-114, #111, there should be a monitoring program designed to capture wild horse use.

Response: The suggested change to management is outside the scope of the Greater Sage-Grouse LUP Amendments.

Wild Horses

Range of alternatives

Alternative E language needs to be revised

Comment ID: 455
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: RSGA strongly recommends the following changes in the DEIS:(2) Revise Chapter 3 of DEIS to correctly state the current status of court decrees governing wild horse management on the Wyoming Checkerboard within the RSGA lands and to further include in the preferred alternative revision of HMAs to exclude lands within the Checkerboard and reduction in AMLs relating to those HMAs;

Comment ID: 2373
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: Further, the Preferred Alternative E, the DEIS states: “analysis for wild horse and burro management activities, water developments or other rangeland improvements for wild horses in sage-grouse core habitat, the direct and indirect effects to sage-grouse populations and habitat would be addressed. Water developments or rangeland improvements would be implemented using the criteria identified for domestic livestock identified above in core habitats.” The AWHPC agrees that impacts to sage grouse should be considered when addressing range improvements to benefit wild horses, however, such range improvements should not be evaluated using the same criteria as for domestic livestock. Instead

the final LUP must state that range improvements to benefit wild horses must be considered according to criteria that recognizes: 1) wild horses' protected status under federal law; 2) their vastly smaller number than cattle and sheep in the planning area; and 3) the different ways in which wild horses vs. livestock utilize and impact the range. Any sections of the LUP that address range evaluations in HMAs should include the same criteria.

Comment ID: 2374
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: Again, the BLM's preferred alternative, E, includes no mandatory reductions in livestock grazing to address drought conditions in the planning area. Instead the BLM intends to address drought "in cooperation with livestock grazing permittees/lessees." The impacts to wild horses are unspecified in the DEIS, however, the plans to re-evaluate AMLs and Herd Management Area Plans to address drought conditions – when coupled with the BLM's refusal to implement required reductions or elimination of livestock grazing in HMAs due to drought conditions – set the stage for reductions to wild horse populations. The final LUP amendments and DEIS should state clearly that, in the case of drought and to achieve sage grouse conservation goals, the grazing of privately-owned cattle and sheep within designated HMAs should be severely curtailed or eliminated before any reductions to federally-protected wild horse populations can occur.

Summary: Issue 1: The Preferred Alternative must include revisions of HMAs to exclude lands within the checkerboard and reduction in AMLs relating to those HMAs. Issue 2: The Preferred Alternative must state that range improvements to benefit wild horses must be considered according to criteria that recognizes: 1) wild horses protected status under federal law; 2) their vastly smaller number than cattle and sheep in the planning area; and 3) the different ways in which wild horses vs. livestock utilize and impact the range. Issue 3: The Preferred Alternative should clearly state that, in the case of drought and to achieve Greater Sage-Grouse conservation goals, the grazing of privately-owned cattle and sheep within designated HMAs should be severely curtailed or eliminated before any reductions to wild horse populations can occur. Issue 4: The Preferred Alternative should include importance of maintaining the genetic viability of the remaining free roaming wild horse populations in the planning area when re-evaluating AMLs and HMAPS. This is true for all HMAS, and particularly the Lost Creek HMA, in which a genetically rare population of mustangs with a relatively pure lineage descending from the Old World Iberian (Spanish Colonial) horses that were brought to this continent in the 1600's.

Response: Issues 1-4: The requested change is outside of the scope of the Greater Sage-Grouse LUP Amendments.

Wild Horses

Range of alternatives

BLM does not have funding for wild horse management

Comment ID: 535
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: At 4-3, the BLM states that "[s]ufficient funding and personnel will be available to implement the RMP and LRMP amendments." The Coalition has difficulty accepting this assumption when the BLM has repeatedly cited insufficient funding to remove horses from the Checkerboard in accordance with the Wild Free Roaming Horse and Burrow Act (Wild Horse Act). Thus, BLM must accept one of two

counterposed conclusions: (1) BLM does not have sufficient funding to comply with the Wild Horse Act and should not misrepresent this fact in the FEIS; or (2) BLM does have sufficient funding to comply with the Wild Horse Act and will remove wild horses from the Checkerboard pursuant to RSGA v. Salazar, related Consent Decrees and the Wild Horse Act to meet, at the very least, established AMLs.

Comment ID: 2721
Organization: Sweetwater County
Name: Mark Kot

Comment: Sweetwater County strongly encourages the BLM to address in the Draft LUPA and EIS the negative impacts that improperly managed wild horse gazing has on sage grouse habitat. To reduce this impact, Sweetwater County strongly encourages the BLM to fully fund its staff, so that wild horses can be properly managed and the BLM's obligations under the Consent Decree can be fulfilled.

Summary: The BLM has repeatedly cited insufficient funding to remove horses from the checkerboard in accordance with the Wild Free Roaming Horse and Burro Act (Wild Horse Act). Therefore BLM must accept one of two counterposed conclusions: (1) BLM does not have sufficient funding to comply with the Wild Horse Act and should not misrepresent this fact in the Final EIS; or (2) BLM does have sufficient funding to comply with the Wild Horse Act and will remove wild horses from the checkerboard pursuant to RSGA v. Salazar, related Consent Decrees and the Wild Horse Act to meet, at the very least, established AMLs. BLM is encouraged to fully fund its staff so that wild horses can be properly managed and the BLM's obligations under the Consent Decree can be fulfilled.

Response: The suggested management is outside the scope of the Greater Sage-Grouse LUP Amendments.

Wild Horses

Range of alternatives

Do not allow sage-grouse conservation measures that reduce wild horses

Comment ID: 876
Organization: Liasons USA
Name: Rosemary Graham-Gardner

Comment: The problem is not the wild horses but the heavily subsidized Ranching Industry whose Cattle graze free on Public Land and the corrupted BLM who is whoring itself to the Ranching Industry forgetting that we ultimately are their employer and sign their paycheck, and that as Public Servants, they are supposed to serve the Public not BIG BUSINESS.. No need for expensive studies again paid by the Tax payers..Just use common sense and ban all Cattle from Public Land! Problem solved!

Comment ID: 878
Organization:
Name: Diane Vandermark

Comment: I think its a crime against the citizens of the US to remove wild horses from the prairies where they live in total harmony with the sage Grouse, when it is the cattle, who are not natural nor indiginous, who are laying waste to the landscape. I'm sick of the roundups that harm horses, hurt horses and kill horses, and kill their spirits by stockpiling them until they can be quietly removed for slaughter. Wild horses should be forever free, the cattle should be restricted! The american public is waking up to the dangers of meat eating and when they finally stop eating meat altogether, it will be too late for the horses that you removed in a false flag operation. Restrict the cattle, leave the horses alone and the range will prosper.

Comment ID: 1127
Organization:
Name: Jude Evans

Comment: There is NO PROOF that the Wild Horses are the ones destroying their habitats, therefore, until there is PROOF POSITIVE then I suggest REMOVING the cattle and sheep, NOT THE HORSES....

Comment ID: 717
Organization:
Name: Priscilla Lane

Comment: I am writing in regards to the Sage Grouse and Wyoming Wild Horse Herd. Your department requested the opinion and advice from the National Academy of Science regarding the range management. Why is it you are ignoring everything they say? You have the means to protect the largest Sage Grouse and Wyoming Wild Horse Herds, but you refuse to listen to the very people you ask advise from. They recommend manage wild horses on the range, not, as mentioned in the DEIS. Because of this policy, there are 50,000 in captivity. Spending millions of tax payer's money when our country is in need for other important things. The horses have only 11% of the BLM managed lands. There should be an analysis available on the grazing allotments in the EIS process. Why isn't this available? Many others that have had an assessment conclude that the land is not in acceptable condition because of livestock grazing. Why the two herd management areas, LaBarge and Desert Wild, are "not managed for wild horses? I would think this is an important issue as well. If our mustangs were correctly listed as a returned native species, they too would be candidates for listing as threatened or endangered. A Preferred Alternative that land disruption be at least 4 miles from any Sage Grouse Lek and that livestock be removed in any critical core Sage Grouse habitats.

Comment ID: 867
Organization:
Name: Julia Smotherman

Comment: Sage Grouse and wild horses have existed side by side for centuries. The culprit to both horses and birds are the cattle and sheep destroying the habitat. Other factors to consider are fossil fuel extraction, fencing, road building and off road vehicles. So don't use the wild horses as scapegoats and adopt a conservation plan that protects both horse and bird from extinction, simply stop the welfare ranchers! The BLM needs to stop catering to special interest groups and start listening to the people who want to see a end to the ongoing roundups and slaughter of horses, burros. There is more than enough land if not for cattle and sheep.

Comment ID: 877
Organization:
Name: Jude Evans

Comment: Sage Grouse and Wild Horses have been co-habitating on the open ranges for hundreds of years without any issues. Now that cattle and sheep have been introduced into the picture all of sudden there are problems. Don't blame it on the Wild Horses!!!!!!!

Comment ID: 752
Organization:
Name: Karla Boyd

Comment: The grouse and the wild horses have lived together for many years its when you keep increasing more livestock to the that its becoming a problem. Please redirect your thoughts to saving both the wild animals that belong on the public land and decreasing the allowed livestock to the areas where change might be needed.

Comment ID: 831
Organization:
Name: Raelynn Miller

Comment: the Federally Protected wild horses belong on the public lands just as much as the sage grouse.

Comment ID: 1081
Organization:
Name: Ann Crawford

Comment: Your efforts at assisting your rancher constituents is thinly veiled. Your 'reports' as to the destruction to the environment caused solely by wild mustang herds is visibly biased. (No doubt the tax payer paid a pretty penny for such ill-contrived nonsense.) That livestock grazing isn't considered to be a surface disturbing activity is laughable…I strongly suggest you approach the mustang preservation groups for their assistance. They are- not only tax payers- but they have the welfare of the mustang as their top priority. Citizen-groups have a history of getting things done.

Comment ID: 915
Organization:
Name: dwgraymare@tampabay.rr.com

Comment: Get the cattle off the horses and burros land, get the sheep off the land, and the other animals you have put on there off and you will not have a problem...They have been on the land a very long time and never had a problem before. Let the horses alone, stop the round ups, stop killing them in the pens you have, stop not giving them the amount of water they need to be healthy and give them shade from the boiling sun and the horrible snow storms, sleet and rain, don't for get the winds.... These horses and burros belong on their land, drinking their water ,not where you have put them

Comment ID: 1056
Organization:
Name: MaryAnn Brewer

Comment: Hi, I'm asking my friends and family to join me in speaking up for wild horses and burros in Wyoming. The U.S. Bureau of Land Management (BLM) is preparing plans to conserve sage grouse, a severely threatened ground dwelling bird in the West. The agency is turning a blind eye to the harm caused by widespread livestock grazing while setting the stage to further reduce Wyoming's dwindling wild horse populations. Will you take one moment to tell the federal government to protect sage grouse by removing private, commercial cattle and sheep -- not wild horses -- from our public lands? Thank you very much! Please visit BLM Wyoming Needs to Hear From You! to speak up! Thank you.

Comment ID: 388
Organization:
Name: Janet Lynch

Comment: I also remind you that your agency has a very poor record of engaging in environmentally and fiscally unsustainable policies of inhumanely removing large numbers of wild horses from public lands at

taxpayer expense and placing them in government holding facilities, again at taxpayer expense, with the result that there are now more wild horses in government holding facilities than are roaming free on the nation's public lands as the Congress intended and the American Public demands. These same horses would cost the public virtually nothing if left on these public lands. Yet at the same time, your agency has stubbornly refused to curtail the vast, wasteful and unnecessary government subsidy program which is large-scale for-profit ranching on the public lands at heavily taxpayer-subsidized rates.

Comment ID: 387
Organization:
Name: Janet Lynch

Comment: Proposals to reduce numbers of wild horses and burros which do nothing to limit livestock grazing are not justifiable given the gross disparity in resource allocation and are ultimately doomed to failure, as they do not address the most serious and fundamental threat to sage grouse and their habitat- i.e. massive, taxpayer-subsidized overgrazing by privately owned livestock. The tiny numbers of wild horses on the public lands under your jurisdiction are endemic and well-adapted to the region, and as such they coexist with Greater Sage Grouse as part of the local ecosystem, as do other native species. The same cannot be said of the huge numbers of domestic livestock- primarily cattle and sheep- which graze the same area. These latter domestic species, unlike wild horses, are poorly adapted to the semi-arid habitats of the American West, and are responsible for a great deal of environmental degradation of the public's lands in the form of trampling and degradation of riparian areas, over-consumption of water resources, and spread of invasive plant species, inter alia.

Comment ID: 17
Organization:
Name: Mary A Leon

Comment: Also REMEMBER to leave room for our wild horses and burros so ALL can share in the environment and thrive!

Comment ID: 1166
Organization:
Name:

Comment: I am writing to stop the BLM and any other entity from removing horses from Wyoming and using the Sage Grouse as an excuse.

Comment ID: 963
Organization:
Name: Arthur Berg

Comment: For every percentage of Wild Mustangs removed I would ask you to remove a like percentage of livestock.

Comment ID: 751
Organization:
Name: sally costello

Comment: It is imperative that the BLM change their policy of destroying and eliminating our wild mustangs from their native homeland before it is too late. The Sage Grouse plan is just another ploy. I am horrified at the cruelty & devastating damage the wild horse roundups have caused the mustangs. Utterly

heartless! The overgrazing of livestock is the main cause for damaging the land & is what needs to be stopped.

Comment ID: 750
Organization:
Name: Kay Martin

Comment: Please do not remove any more of the wild horses from our (U.S. Citizens) public lands. They are such a national treasure and they should be able to run wild and free. There are viable birth controls to keep herds manageable. Please remember their place in our freedom!!!

Comment ID: 749
Organization:
Name: Barbara Sundholm

Comment: In what universe does it make sense to ignore the element that is really damaging the sage grouse habitat, and shift the blame to the wild roaming mustangs and burros - all without removing the livestock in the process? The concept is so difficult for a rational human being to grasp, it just seems like the goal is to completely eliminate the horses from public lands and continue to allow overgrazing by livestock. That will eventually wipe out the sage grouse population anyway - how can that possibly make sense? Please please give these comments your thoughtful consideration.

Comment ID: 748
Organization:
Name: Vivianne Mosca-Clark

Comment: Protect the wild horses and burro's. Stop protecting the ranchers that are being abusive. In some places there are 30 herd animals to one wild horse/burro. That is a complete abuse of the wild lands. Stop allowing private ranchers to use public lands for their private herds.

Comment ID: 856
Organization:
Name: Kimberley Justice

Comment: Lets protect are lands by humanely managing the wild horse herds wild still allowing them to roam free. How about some birth control? Look at the East Coast herds. How about stopping the cruel helicopter round-ups? How about severely limiting the use of OUR public lands, MY public lands by ranchers that pay near nothing? Raise the fees and limit the use.

Comment ID: 1047
Organization:
Name: Norma Marino-Baca

Comment: Hi, I'm asking my friends and family to join me in speaking up for wild horses and burros in Wyoming. The U.S. Bureau of Land Management (BLM) is preparing plans to conserve sage grouse, a severely threatened ground dwelling bird in the West. The agency is turning a blind eye to the harm caused by widespread livestock grazing while setting the stage to further reduce Wyoming's dwindling wild horse populations. Will you take one moment to tell the federal government to protect sage grouse by removing private, commercial cattle and sheep -- not wild horses -- from our public lands? Thank you very much! Please visit BLM Wyoming Needs to Hear From You! to speak up! Thank you.

Comment ID: 888
Organization:
Name: Theressa

Comment: The best way to help the Sage Grouse bird is to take the cattle off the grazing land and put them on irrigated land give the public lands a break. The wild horses don't eat the sage and the provide no threat. Leave the horses alone when the horses disappear from the west our heritage disappears.

Comment ID: 912
Organization:
Name: cindy sheptow

Comment: Incorporate National Academies of Science (NAS) recommendations to manage wild horses on the range, not, as mentioned in the DEIS, to remove wild horses every 3-4 years. This disastrous policy has created a situation in which 50,000 wild horses are in captivity at taxpayer expense and are vulnerable to sale without limitation.

Comment ID: 2379
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The Wild Free Roaming Horses and Burros (WFRH&B) Act instructs the BLM to consider wild freeroaming horses and burros "in the area where presently found, as an integral part of the natural system of the public lands." The DEIS does not distinguish the BLM's legal mandate to protect wild horses from the agency's discretion under the Taylor Grazing Act, which states clearly that "the creation of a grazing district or the issuance of a [grazing] permit….shall not create any right, title, interest, or estate in or to" the public lands. Attachments 2 and 3 address these issues and are incorporated with these comments by reference.

Comment ID: 461
Organization:
Name:

Comment: None of the alternatives analyzed adequately protects wild horses and burros. The alternatives described would set the stage for BLM to reduce the already low wild horse Allowable Management Levels (AMLs) in the name of sage grouse conservation, while the BLM's preferred alternative for livestock grazing perpetuates the status quo by making any reductions in stocking levels for cattle and sheep strictly VOLUNTARY. This is unacceptable, given the gross disparity in resource allocation. The BLM allocates 47 times more forage to privately-owned livestock than to federally-protected wild horses in this planning area. This equates to an annual equivalent of more than 100,000 cows vs. just 2,135 wild horses!

Comment ID: 3012
Organization:
Name: Joanne Wade

Comment: Please save our Nation's Wild Horse Population, especially in Wyoming! Do not use the excuse to save the sage grouse for your campaign to remove the Wild Horses! Wild Horses belong and are vital to the ecosystem in Wyoming and throughout the United States. I'm disappointed with your agency with the traumatic Helicopter Round Ups of Zeroing out the Wild Horse Herds. Your agency has done great harm to theses iconic creatures.

Comment ID: 2864
Organization:
Name: Michael Kelly

Comment: I have had the good fortune to have been horseback and viewed, followed, and counted the wild horses in Nevada, and it is my observation that the animals themselves, if left alone, naturally graze over wide areas, without appreciable impact on vegetation or ground cover favorable to the grouse. The history of the grouse decline, assuming for the moment that is true, cannot be connected to the horse herds, for they do not prefer consumption of the ground cover that the grouse needs. Management needs to be grounded in common sense, not emotional reaction fanned by special interest assertions without scientific verification.

Comment ID: 2456
Organization:
Name: Carrie Munroe

Comment: To Whom It May Concern: Please....for once will you all listen to the citizens of the US and leave our icons..our heritage alone? Mustangs have just as much right to live as do any other wild animal, like the sage grouse. Trying to use the grouse is a poor excuse. Another lie to just let the ranchers to take over. Another way for the Govt. to make a buck and the American people lose. Cattle can be grazed on ranchers land. If they haven't the land to support their cattle then I guess they need to downsize. It's no different than if you only have a 2 bedroom house you can't really have more than 2 children. Three to a tight squeeze and four might be against the law. Please, say yes to leaving our horses alone and telling ranchers to move their cattle.

Comment ID: 2754
Organization:
Name: Marilyn Warren

Comment: Come on -- wild horses hurt sagegrouse? I doubt it. The aliens on the plains are domestic grazing animals, not wild horses. The owners of domestic grazing animals should be responsible for feeding them -- after all, they are making money on these animals. Let the wild stay wild, they've all been getting along fine without our interference for thousands of years!

Comment ID: 2780
Organization:
Name: ROSALYN BURKETT

Comment: PROTECT THE HORSES AND DONT WORRY ABOUT BIRDS ETC.

Comment ID: 2791
Organization:
Name: Nanci Crock

Comment: Please take into consideration that these descendants of the original wild horses of the plains were here long before man arrived. Now it comes to this sad battle. To keep eliminating their territory is not humane. The wild mustangs do not decimate the sagebrush these fowl depend on. Please take this into a logical decision.

Comment ID: 2793
Organization:
Name: Joyce Crawford

Comment: I am, however, hearing that instead of reducing the amount of livestock grazing on their habitat, that some in the BLM are talking about removing federally protected wild horses. The federally protected horses trump the privately owned livestock. The livestock numbers should be reduced and allow the habitat to renew itself and support all wildlife. Restoring habitat would benefit all wildlife including the sage grouse and the wild horses. Even the scientist whom assessed the sage grouse situation did not make any connection between the wild horses and the grouse decline. Wild horses only inhabit 11 % of all BLM managed lands and on that 11% the horses are outnumbered by 100,000 cows to 2, 135 horses. Just that statistic alone is staggering and points to the cows and sheep as being the biggest impact on loss of habitat. No one is saying to completely removed livestock grazing, just lower the numbers. The federally protected horses should always trump the privately owned livestock. It is the law, the horses are to be protected.

Comment ID: 2801
Organization:
Name: Donna Lewallen

Comment: The horses belong there. Cattle and sheep do not. Leave the horses & grouse to nature as it should be. Remove the financial assets of companies/corporations that are taking a toll on the natural habitat.

Comment ID: 2953
Organization:
Name: Mari Szabo

Comment: Please quit removing the horses.

Comment ID: 2396
Organization:
Name: Mindy Radford

Comment: You can LIMIT the grazing of cows and sheep allowed to graze. You DO NOT need to decrease the wild horse/burro population.

Summary: Leave room for wild horses so they are able to roam freely. None of the alternatives adequately protect wild horses. Wild horses should be protected and managed on the range, not be rounded up and/or killed. Additionally, proposals to reduce numbers of wild horses which do nothing to limit livestock grazing (including cattle and sheep) are not justifiable given the gross disparity in resource allocation and will fail as they do not address livestock grazing. The cattle and sheep should be removed, not the wild horses to allow the habitat to thrive and support all wildlife. The Draft EIS should distinguish the BLM's legal mandate to protect wild horses from the agency's discretion under the Taylor Grazing Act. The federally protected horses trump the privately owned livestock. Also, other factors to consider are fossil fuel extraction, fencing, road building and off road vehicles.

Response: There is no management within the range of alternatives that proposes to remove wild horses or takes away land from herd management areas (HMAs). The management provides additional protections for Greater Sage-Grouse habitat within HMAs. Within the range of alternatives, there are limits to livestock grazing, including removal of livestock grazing in sage-grouse priority habitat under Alternative C. All alternatives considered in the Draft EIS are reasonable alternatives that comply with all laws and policy and meet the multiple use mandate of FLPMA. Surface disturbing activities, such as energy development, ROWs, roads, and other development are considered within the management of the alternatives in Chapter 2.

Wild Horses

Range of alternatives

Edits to all alternatives

Comment ID: 2814
Organization:
Name: Sandra Sell-Lee

Comment: (please add this option needs to the EIS, in all alternatives.) -ensure that native wild horse populations remain genetically viable. Please add a provision in all alternatives to increase wild horse populations.

Comment ID: 2380
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The impact of the proposed alternatives on wild horses is not adequately analyzed in the DEIS. All of the Alternatives presented (besides no action/Alternative A) -- including E, the BLM's preferred alternative -- set the stage for re-evaluation of AML and the conduct of land health assessments in GRSG habitat, without parameters set for considering the relative impacts of wild horses vs. livestock on GRSG habitat, the differences between wild horse impacts and livestock impacts on the land (Attachment 4), or the differing legal mandates in BLM's management of wild horses vs. livestock on public lands. Therefore these alternatives and the DEIS assessing them must be revised to incorporate these factors.

Comment ID: 2383
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: The Proposed Alternatives are silent on the importance of maintaining the genetic viability of the remaining free roaming wild horse populations in the planning area when re-evaluating AMLs and HMAPS. This is true for all HMAS, and particularly the Lost Creek HMA, in which a genetically rare population of mustangs with a relatively pure lineage descending from the Old World Iberian (Spanish Colonial) horses that were brought to this continent in the 1600's. The Wild Free Roaming Horses and Burros Act requires the BLM to maintain viable, healthy and freeroaming wild horses in designated habitat areas on western public lands. All alternatives for the LUP amendment must specify that: • Genetically viable populations of wild horses must be maintained in each HMA. • If a population becomes at risk of genetic loss, more AUMs must be allocated to wild horses to sustain larger populations. It should be noted that the current population of 200,000 Greater Sage Grouse has triggered this massive management document. The Bureau of Land Management estimates that 40,605 wild horses and burros (about 33,780 horses and 6,825 burros) remain on BLM lands in the West, where they are greatly outnumbered by private livestock. Any and all alternatives must include mandates for maintaining the viability of wild horse populations within each HMA in the planning area.

Summary: Issue 1: Not one of the alternatives provide the remaining wild horses of Wyoming the appropriate protections necessary for their future survival. Issue 2: All of the alternatives presented (besides the No Action Alternative/Alternative A) set the stage for re-evaluation of AML and conducting of land health assessments in Greater Sage-Grouse habitat without parameters set for considering the relative impacts of wild horses vs. livestock on Greater Sage-Grouse habitat, the differences between wild horse impacts and livestock impacts on the land, or the differing legal mandates in BLM's management of wild horses vs. livestock on public lands. Therefore, these alternatives and the Draft EIS assessing them must be

revised to incorporate these factors. Issue 3: All alternatives should incorporate the mandate that no reductions to wild horse AMLS should occur unless and until livestock grazing is severely reduced or eliminated from HMAs. Issue 4: All alternatives must specify that genetically viable populations of wild horses must be maintained in each HMA in the planning area. Issue 5: All alternatives must specify that if a population becomes at risk of genetic loss, more AUMs must be allocated to wild horses to sustain larger populations. Issue 6: All alternatives should contain the option to increase wild horse AMLs. Any reduction in wild horse numbers should be eliminated from consideration in wild horse HMAs.

Response: The Greater Sage-Grouse LUP Amendments are specifically for the management of sage-grouse, not wild horses. The suggested management is outside the scope of the Greater Sage-Grouse LUP Amendments.

Wild Horses

Range of alternatives

Revise AMLs in Draft EIS

Comment ID: 488
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The DEIS assumptions omit material facts: 1) that Checkerboard lands within Rock Springs Field Office are not available to wild horses; 2) that BLM cannot maintain AMLs and the WO lacks the funding to do so in light of national policies; 3) that USFWS recommends adjusting AMLs to protect habitat and that wild horse impacts be treated separately from livestock grazing. When RSGA sued the Department of the Interior in 2011 it demonstrated conclusively that for the better part of 30 years BLM did not maintain AMLs. The State of Wyoming made a similar showing in State of Wyoming v. BLM filed and settled in 2003. The DEIS needs to incorporate the fact that AMLs are not maintained, thus allowing wild horses to have disproportionate adverse impacts on sage grouse

Comment ID: 486
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The DEIS needs to include direction to reduce AMLs wherever wild horses overlap core sage grouse habitat, consistent with USFWS recommendations. Despite manual guidance directing BLM to adopt conservation measures to protect sage grouse and its habitat, BLM Manual 6840.02; IM 2010-71, 2012-43, the DEIS does not address the need to adjust the wild horse management to avoid the documented adverse impacts of excess numbers of wild horses on sage grouse habitat. Nor does the DEIS consider reducing the Wyoming AMLs to protect sage grouse habitat. BLM assumes the current AMLs, including those in the Rock Springs Field Area, are sufficient without addressing the fact that AMLs were determined without considering the impact of wild horse use on sage grouse habitat and long before sage grouse was the subject of a listing petition. The change in status for the sage grouse requires revision of the AMLs.

Comment ID: 527
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The DEIS states that Appropriate Management Levels (AMLs) are established for each Herd Management Area (HMA) in order to “ensure a thriving ecological balance among all users and resources within the HMA (e.g., wildlife, livestock, wild horses, vegetation, water, and soil.)” DEIS at 3-443. AMLs

were based on the assumption that wild horses would continue to exist on the checkerboard. This assumption no longer applies since RSGA v. Salazar and the RSGA Consent Decree state that the BLM must remove all wild horses from the Checkerboard area. Put simply, the Checkerboard is effectively off limits to wild horses and cannot be considered as part of their available habitat. The result of the RSGA Consent Decree as it applies to the current DEIS is that the BLM must reduce AMLs since wild horse habitat has been reduced by approximately 50% and to protect core GRSG habitat and essential livestock grazing rangeland.

Comment ID: 475
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: As a priority, USFWS and BLM recommend that wild horse AML numbers be adjusted to ensure a thriving sagebrush habitat and to accommodate drought conditions. NTT Report at 18; USFWS Conservation Objectives at 10, 38, 46-47, 75, 83-86. If the proposed considerations are not adopted and AMLs not reduced accordingly, excess numbers of wild horses will continue to modify sage grouse core habitat areas throughout the affected field offices. The DEIS does not consider this recommendation and needs to be revised to do so.

Comment ID: 490
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The DEIS states that Appropriate Management Levels (AMLs) are established for each HMA in order to "ensure a thriving ecological balance among all users and resources within the HMA (e.g., wildlife, livestock, wild horses, vegetation, water, and soil.)" DEIS at 3-443. While this reflects BLM policy, it is not correct to say that AMLs are adjusted for sage grouse conservation. The Wyoming AMLs were adopted long before the sage grouse was the subject of a listing petition. They were not reassessed in the plan revisions on the basis that the numbers were part of the State of Wyoming v. BLM Consent Decree. Rawlins RMP FEIS, Appendix 12 at 1 ("The current AMLs were established in 1994 from a process that included 5 years of focused, intensive monitoring, evaluation of data, public input, and environmental analysis.").

Comment ID: 491
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The Rock Springs Field Office AMLs were developed with the assumption that wild horses would continue to use the Checkerboard pursuant to the RSGA agreement to allow 1400 wild horses in the entire Rock Springs District. This assumption is no longer true. The Consent Decree in RSGA v. Salazar states that the BLM will remove all wild horses from RSGA lands in the Checkerboard. Because BLM cannot lawfully fence individual sections, the Checkerboard is effectively off limits to wild horses and cannot be considered as part of their available habitat or part of the HMAs. The DEIS must be revised to reflect the new Consent Decree terms.

Comment ID: 1060
Organization:
Name: Kat Hankinson

Comment: Please add a provision in all alternatives with the option to increase wild horse populations (AMLs). Management of federally protected wild horses should trump optional/discretionary grazing leases.

Comment ID: 505
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: At DEIS 4-3, the BLM states that "[s]ufficient funding and personnel will be available to implement the RMP and LRMP amendments." This assumption conflicts with the fact that BLM routinely cites insufficient funding to support its decision not to remove horses from the Checkerboard in accordance with the WHA. Indeed, conclusory assurances, without support, are no substitute for the analysis to be provided by an EIS. Sierra Club v. Bosworth, 352 F. Supp. 2d 909, 927 (D. Minn. 2005); Neighbors of Cuddy Mountain v. United States Forest Serv., 137 F.3d 1372, 1380 (9th Cir.1998) (reasoning that if Forest Service does not present quantified or detailed information, courts and public cannot be assured that it provided requisite "hard look"); see League of Wilderness Defenders–Blue Mountains Biodiversity Project v. Zielinski, 187 F. Supp.2d 1263, 1271 (D. Or. 2002). The DEIS must disclose and analyze the impacts of wild horses above AMLs and the impacts of wild horses in general on sage grouse habitat. In the case of the RSGA lands, the AMLs are entirely too high.

Comment ID: 526
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: The DEIS incorrectly describes the status of wild horses on the checkerboard. DEIS at 3- 143. The Consent Decree in RSGA v. Salazar supersedes previous agreements and revises the number of horses allowed on the Checkerboard. The DEIS does not addressed in the FEIS.

Comment ID: 1812
Organization:
Name: Marybeth Devlin

Comment: Because the presence of wild horses is not a major factor in the decline of the Sage-Grouse's habitat, there should be no reduction in the mustang population. The seven HMAs in the Planning Area encompass 3,868,810 total acres -- 6,045 square miles. The combined-appropriate management level (AML) allows a maximum of 2,422 wild horses, which reflects a stocking-rate of 1,597 acres -- 2½ square miles -- per horse. This unacceptably-low population-density must be rectified. The AMLs need to be increased to comply with the state-of-the-science regarding minimum viable population (MVP).

Comment ID: 1992
Organization: Wyoming Stock Growers Association
Name: Jim Magagna

Comment: the section on wild horses (3.19) should be updated to reflect the current consent decree between the Rock Springs Grazing Association and the BLM.

Comment ID: 933
Organization:
Name: Sasha Shapiro

Comment: Add a provision in all alternatives the option to increase wild horse populations (AMLs). Management of federally protected wild horses should trump optional/discretionary grazing leases. If livestock grazing is reduced or eliminated, wild horse populations can increase to truly genetically viable numbers in all seven herds. Incorporate National Academies of Science (NAS) recommendations to manage wild horses on the range, not, as mentioned in the DEIS, to remove wild horses every 3-4 years. Ask why the two herd management areas mentioned, LaBarge and Desert Wild, are "not managed for wild horses."

Comment ID: 910
Organization:
Name: cindy sheptow

Comment: Add a provision in all alternatives the option to increase wild horse populations (AMLs). Management of federally protected wild horses should trump optional/discretionary grazing leases. If livestock grazing is reduced or eliminated, wild horse populations can increase to truly genetically viable numbers in all seven herds.

Comment ID: 1010
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: Chapter 3 should detail that past management of wild horses in Wyoming was largely conducted according to the Consent Decree reached between the State and the BLM, which provided for regular gathers. Chapter 4 should describe the impacts of not having the Consent Decree or the budget to appropriately manage wild horses. The Draft LUP Amendment should also mention that the BLM is currently operating under the Rock Springs Grazing Association Consent Decree for the next 10 years. Further, Chapter 4 should discuss the impacts on wild horses if Management Action 3 is implemented.

Comment ID: 499
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: These numbers appear to be in conflict with other BLM administered actions. For example, in its scoping statement for the Great Divide Basin Wild Horse Management Area, Population Management Action: 4700 (WYD04), BLM estimated that there were 504 horses in 2012 and RSGA estimates that number is now 622. In the DEIS, BLM does not offer an estimate of the current population. As RSGA stated in its comments to Divide Basin scoping statement, however, when adjusting for undercounting and an 18% reproduction rate, the Great Divide Basin wild horse population number is more likely 622 horses. Similar adjustments need to be made for each HMA based on the last count and reproduction rates of 18% a year. This comment illustrates two issues with the current DEIS. First, the BLM must estimate the current population of horses in order to also determine the current level of impacts from horses to GRSG habitat in HMAs. Secondly, BLM offers estimates for Adobe Town, Stewart Creek, and Lost Creek HMAs but does not disclose how it calculated the numbers used nor when BLM will be gathering the excess wild horses. For example, BLM gathered the Adobe-Town Salt Wells HMAs in November of 2013 but left a significant number in the HMA on the Checkerboard. RSGA members report that there are several hundred above AML even though BLM gathered only six months ago.

Comment ID: 495
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The SG9 RMP DEIS fails to adjust the wild horse numbers in light of the clear evidence and policy that the current numbers will have adverse impacts to sage grouse habitat. This conflicts with the efforts of Wyoming and the USFWS to prevent listing the sage grouse under the Endangered Species Act. U.S. Fish & Wildlife Serv., Greater Sage- Grouse Conservation Objectives: Final Report at 10, 38, 47, 75, 83-86 (Feb. 2013). The U.S. Fish and Wildlife Service has every reason to be concerned as horses disproportionately impact sage grouse forage by consuming more of the plant and inhibiting vegetation recovery. Id.

Comment ID: 494
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The BLM must also revise the Rock Springs AMLs to ensure that the number of wild horses is in proportion to the decreased size of the Rock Springs HMAs. BLM developed AMLs for the Rock Springs HMAs when the Checkerboard was considered part of the HMAs. Following the Consent Decree in RSGA v. Salazar, the RSGA portion of the Checkerboard is no longer part of the HMAs and this reduces the land area within the HMAs by half. Thus AMLs need to be reduced to reflect the reduction in land, or otherwise BLM is doubling the number of wild horses on the remaining public land HMAs without any data or analysis of the impacts of putting double the wild horses on sage grouse habitat or rangeland health. The AMLs currently found in the RMPs assumed that wild horses would continue to live on the Checkerboard and that RSGA consented to the trespass. These assumptions are no longer true. BLM must now remove all wild horses from the Checkerboard area, which cannot be considered as part of their available habitat.

Comment ID: 493
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The omission of the 2013 Consent Decree and reliance on agreements no longer in effect illustrate the need for the EIS to revise HMA boundaries and lower AMLs. Otherwise, as explained below BLM will be doubling the number of wild horses on a smaller base of public land to the detriment of sage grouse habitat and contrary to USFWS recommendations.

Comment ID: 492
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The current RMPs did not make changes in wild horse AMLs in the recent revision process. The wild horse numbers in previous RMPs were incorporated into the Consent Decree of 2003 in State of Wyoming v. BLM. See e.g. Rawlins RMP at 2-51; Lander RMP at 84. BLM declined to extend the Wyoming Consent Decree and, as documented below, BLM is not continuing to follow the 2003 gather schedule to maintain AMLs. The RMP revisions also did not address the Wyoming Conservation Strategy because the Wyoming Executive Order was issued in 2008 just as the RMPs were being finished. The current SG9 RMP revision is intended to address these issues and should, therefore, consider reducing AMLs to protect sage grouse habitat and, in the Rock Springs District, implement the terms of the Consent Decree in RSGA v. Salazar.

Comment ID: 2384
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: When creating a final agency action all available data must be evaluated. Currently the management practices employed by the BLM wild horse and burro program have received severe criticism in the National Academy of Sciences (NAS) report released in June of 2013. (Attachment 5). It is notable that the BLM itself commissioned the study, set the scope of review and paid for it with over $1 million in tax dollars. More than nine months after its release, the BLM is still "reviewing" its contents. The public and Congress' expectation is that changes will be made within the program based on the findings that indicate a severe deficit in the data used to manage wild horses. Any alternative adopted must allow provisions for increasing habitat (repatriation of HA) and increasing AUMs/AML where genetic threat is shown to be encroaching. Presently, the LUP Amendments/DEIS envisions reliance on the same "business as usual approach" for wild horse management that the NAS concluded was "unproductive for the BLM and the public it serves." Yet this DEIS omits entirely any mention, let alone consideration of the NAS report. This must be rectified in the final LUP amendments/DEIS, and any designated alternatives must allow for the full implementation of the NAS' recommendations.

Comment ID: 2157
Organization: The Cloud Foundation
Name: Ginger Kathrens

Comment: we request that all alternatives contain the option to increase Wild Horse AMLs. We are unaware of any scientific studies determining a correlation between sage grouse population declines and wild horse use. If there is no serious research on this topic, we request that any reduction in wild horse numbers be eliminated from consideration in Wild Horse Herd Management Areas (HMAs). These wild horse HMAs represent a relatively small percentage of the total study area acres.

Comment ID: 2391
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: Provisions to allow for increases in wild horse and burro Appropriate Management Levels and for restoration of zeroed out (Herd Area) habitat. Data on HA territory in the planning area and the mapped GRSG habitat zone must be included in the final LUP Amendments/EIS.

Comment ID: 2390
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: Any alternative adopted must include language that provides guidance to all districts that wild horses must be preserved above a level that allows appropriate genetic diversity. Genetic diversity must be specifically defined. Provisions must be made to allow increases of AML/AUMs if data becomes available that demonstrates genetic viability of wild horses is threatened.

Summary: Issue 1: There should be no reduction in the wild horse population. The AMLs need to be increased to comply with the state-of-the-science regarding minimum viable population (MVP). Issue 2: Wild horse AML numbers should be adjusted to ensure a thriving sagebrush habitat and to accommodate drought conditions. If the proposed considerations are not adopted and AMLs not reduced accordingly, excess numbers of wild horses will continue to modify Greater Sage-Grouse core habitat areas throughout the affected field offices. The Draft EIS should be revised to include these recommendations. Issue 3: The Draft EIS should also include direction to reduce AMLs wherever wild horses overlap core sage-grouse habitat, consistent with USFWS recommendations. Despite manual guidance directing BLM to adopt conservation measures to protect sage-grouse and its habitat, BLM Manual 6840.02; IM 2010-71, 2012-43, the Draft EIS does not address the need to adjust the wild horse management to avoid the documented

adverse impacts of excess numbers of wild horses on sagegrouse habitat. Nor does the Draft EIS consider reducing the Wyoming AMLs to protect sage-grouse habitat. BLM assumes the current AMLs, including those in the Rock Springs Field Office, are sufficient without addressing the fact that AMLs were determined without considering the impact of wild horse use on sage-grouse habitat and long before sage-grouse was the subject of a listing petition. The change in status for the sage-grouse requires revision of the AMLs. Issue 4: The Draft EIS needs to incorporate the fact that AMLs are not maintained, thus allowing wild horses to have disproportionate adverse impacts on sage-grouse habitat. Issue 5: As the BLM cannot lawfully fence individual sections, the checkerboard is effectively off limits to wild horses and cannot be considered as part of their available habitat or part of the HMAs, and therefore the Draft EIS must be revised to reflect this. Issue 6: The wild horse numbers in previous RMPs were incorporated into the Consent Decree of 2003 in State of Wyoming v. BLM. See e.g. Rawlins RMP at 2-51; Lander RMP at 84. BLM declined to extend the Wyoming Consent Decree and, as documented below, BLM is not continuing to follow the 2003 gather schedule to maintain AMLs. The RMP revisions also did not address the Wyoming Conservation Strategy because the Wyoming Executive Order was issued in 2008 just as the RMPs were being finished. The Proposed LUP Amendments/Final EIS is intended to address these issues and should therefore reduce AMLs to protect sage-grouse habitat and implement the terms of the Consent Decree in RSGA v. Salazar. Issue 7: The omission of the 2013 Consent Decree and reliance on agreements no longer in effect illustrate the need for the Proposed LUP to revise HMA boundaries and lower AMLs. Issue 8: The BLM must also revise the Rock Springs AMLs to ensure that the number of wild horses is in proportion to the decreased size of the Rock Springs HMAs. The AMLs need to be reduced to reflect the reduction in land, or otherwise BLM is doubling the number of wild horses on the remaining public land HMAs without any data or analysis of the impacts of putting double the wild horses on Greater Sage-Grouse habitat or impacts to rangeland health. Issue 9: BLM must now remove all wild horses from the checkerboard area, which cannot be considered as part of their available habitat. Issue 10: Chapter 3 should detail that past management of wild horses in Wyoming was largely conducted according to the Consent Decree reached between the state and the BLM, which provided for regular gathers. Issue 11: Chapter 4 should describe the impacts of not having the Consent Decree or the budget to appropriately manage wild horses. The Draft LUP Amendments should also mention that the BLM is currently operating under the Rock Springs Grazing Association Consent Decree for the next 10 years. Further, Chapter 4 should discuss the impacts on wild horses if Management Action 3 is implemented. Issue 12: Reductions of AMLs would further threaten the genetic viability of these wild herds. Issue 13: Provisions to allow for increases in wild horse AMLs and for restoration of zeroed out (Herd Area [HA]) habitat must be included.

Response: Issues 1-9, 11-13: The suggested changes to management are outside the scope of the Greater Sage- Grouse LUP Amendments. Management regarding the Consent Decree and specific management for wild horses will be addressed in the Rock Springs RMP/EIS. BLM feels the information provided about wild horses and the range of management alternatives appropriately address impacts to sage-grouse from the management actions for wild horses in the LUP Amendments. Issue 10: The information provided in Chapter 3 sufficiently describes the current conditions and trends in the affected environment broadly, appropriate to program-level land use planning actions. The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decision. The affected environment provided in Chapter 3 and various appendices in the EIS is sufficient to support, at the general land use planninglevel of analysis, the environmental impact analysis resulting from management actions presented in the LUP Amendments to address the purpose and need.

Wild Horses

Range of alternatives

Revise wild horse conservation measures

Comment ID: 476

Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: USFWS recommends that BLM revise wild horse management as follows: Conservation Objective: Protect sage-grouse from the negative influences of grazing by free-roaming equids. Conservation Measures 1. Develop, implement, and enforce adequate regulatory mechanisms to protect sage-grouse habitat from negative influences of grazing by free-roaming equids. 2. Manage free-roaming equids at levels that allow native sagebrush vegetative communities to minimally achieve PFC (for riparian areas) or RHS (for uplands). Similar measures should be implemented on non-federal land surfaces.

Comment ID: 477
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Conservation Options 1. Determine if the current appropriate management levels (AMLs) maintain suitable sage-grouse habitat parameters. Support additional research to quantitatively determine impacts of wild horses and burros on sage-grouse habitat parameters. 2. Until research on AMLs is completed, manage for AMLs within horse management areas on federal lands. Current AMLs should be adjusted for drought conditions. 3. Develop scientific procedures that can be replicated to count horses so that proper management actions can be implemented when numbers exceed AMLs. 4. Develop a sound monitoring program with prescriptive management "triggers" to make adjustments in horse and burro numbers or their distribution, as necessary. USFWS COT at 46-47.

Comment ID: 1924
Organization: U.S. Fish and Wildlife Service
Name: Alex Schubert

Comment: Two conservation measures were identified for free-roaming equid management in the COT Report. The first is to "develop, implement, and enforce adequate regulatory mechanisms to protect sagegrouse habitat from negative influences of grazing by free-roaming equids." The second conservation measure is to "manage free-roaming equids at levels that allow native sagebrush vegetative communities to minimally achieve PFC (for riparian areas) or RHS (for uplands)." The preferred alternative lacked specificity on how either of these conservation measures will be achieved, but did indicate that the BLM would consider changes to Herd Management Area Plans and Appropriate Management Levels. Although the preferred alternative does adequately address impacts from grazing overall, we encourage the BLM to develop conservation actions specifically directed towards ameliorating the threat of free-roaming equids in the planning area.

Comment ID: 534
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: (1) Determine if the current appropriate management levels (AMLs) maintain suitable sage-grouse habitat parameters. Support additional research to quantitatively determine impacts of wild horses and burros on sagegrouse habitat parameters. (2) Until research on AMLs is completed, manage for AMLs within horse management areas on federal lands. Current AMLs should be adjusted for drought conditions. (3) Develop scientific procedures that can be replicated to count horses so that proper management actions can be implemented when numbers exceed AMLs. (4) Develop a sound monitoring program with prescriptive management "triggers" to make adjustments in horse and burro numbers or their distribution, as necessary. COT at 46-47. The force of the COT report is significant. The USFWS repeatedly suggests adjusting wild horse AMLs to ensure a thriving sagebrush habitat and to accommodate drought conditions

on public lands. See also NTT Report at 18; COT at 10, 38, 46-47, 75, 83-86. If the proposed measures are not adopted and AMLs are not reduced accordingly, excess numbers of wild horses will continue to degrade sage-grouse core habitat areas throughout the affected field offices.

Summary: Issue 1: Develop, implement, and enforce adequate regulatory mechanisms to protect sage-grouse habitat from negative influences of grazing by free-roaming equids. Issue 2: Manage free-roaming equids at levels that allow native sagebrush vegetative communities to minimally achieve PFC (for riparian areas) or RHS (for uplands). Similar measures should be implemented on non-federal land surfaces. Issue 3: Determine if the current AMLs maintain suitable sage-grouse habitat parameters. Support additional research to quantitatively determine impacts of wild horses on sage-grouse habitat parameters. Issue 4: Until research on AMLs is completed, manage for AMLs within horse management areas on federal lands. Current AMLs should be adjusted for drought conditions. Issue 5: Develop scientific procedures that can be replicated to count horses so that proper management actions can be implemented when numbers exceed AMLs. Issue 6: Develop a sound monitoring program with prescriptive management "triggers" to make adjustments in horse numbers or their distribution, as necessary. Issue 7: The Preferred Alternative lacked specificity on how these conservation measures will be achieved. BLM should develop conservation actions specifically directed towards ameliorating the threat of free-roaming equids in the planning area.

Response: Issue 1: An adequate range of alternatives is provided, please see Draft EIS Management Action 3, 10, 55, and 112. Issue 2-5: The requested change is outside of the scope of the Greater Sage-Grouse LUP Amendments. Issue 6: Please see Management Action 3 page 2-15 of the Draft EIS. An additional adaptive management section which discusses hard and soft triggers as well as responses is included in the Final EIS. Issue 7: An adequate range of alternatives is provided, please see Draft EIS Management Action 3, 10, 55, and 112.

Wild Horses

Range of alternatives

Select amended Alternative C as the Proposed LUP Amendments

Comment ID: 715
Organization:
Name: pat doherty

Comment: I endorse the comments of the American Wild Horse Preservation Campaign on the BLM Wyoming's Greater Sage Grouse Proposed Land Use Plan but the draft LUP Amendments do not adequately protect wild horses in accordance with federal laws and regulations , Nor does it properly disclose or analyze the impacts that widespread livestock grazing in the planning area is having on the sage grouse. None of the alternatives analyzed adequately protects wild horses and burros. Making ranchers conform voluntarily WONT WORK . You must make these stipulations mandatory . Please Use the Designation of Alternative C as the Preferred Alternative. This would eliminate livestock grazing in sage grouse habitat. Alternative C should be amended to allow for increases in wild horse AML and restoration of HA territory, where appropriate, once livestock grazing is removed.

Comment ID: 466
Organization:
Name:

Comment: In summary, the final EIS must include the following: Designation of Alternative C as the Preferred Alternative. This would eliminate livestock grazing in sage grouse habitat. Alternative C should be amended to allow for increases in wild horse AML and restoration of HA territory, where appropriate,

once livestock grazing is removed. Alternative C should also require mitigations to any impacts on wild horses caused by removal of livestock grazing, including closure of water sources.

Comment ID: 2711
Organization:
Name: Nanette Schieron

Comment: The draft LUP does not protect wild horses according to the 1971 Wild Horse and Burro Protection Act. The amendment wrongly excludes cattle and sheep from removal of greater sage grouse habitat and allows only for "voluntary" removal to improve the range land for the sage grouse. Livestock grazing is the unsustainable practice here and this can be easily remedied by closing Sage Grouse habitat to livestock grazing while allowing horses to continue grazing and then studying the difference. I urge the BLM to implement Alternative C of the amendment which would eliminate "livestock", not wild horses from the Greater Sage Grouse Habitat area. Alternative C should be amended to allow an increase of wild horse AML and restoration of HA territory. Water sources should remain open and available to wild horses even after the areas have been closed to livestock. Lastly,I urge the BLM to implement the NAS report that was made public in May 2013, a report using the BLM's own data, recommending that our wild horses should remain on their designated HAs and be managed more humanely and pragmatically.

Comment ID: 2388
Organization: American Wild Horse Preservation Campaign (AWHPC)
Name: Suzanne Roy

Comment: Alternative C that reduces grazing and protects sage grouse habitat areas from other destructive uses should be designated as the proposed action. C must be amended to clearly distinguish discretionary livestock grazing from wild horse and burro use, which is protected under federal law. Alternative C should allow for increases in wild horse AML and restoration of HA territory, where appropriate, once livestock grazing is removed. Alternative C should also require mitigations to any impacts to wild horses caused by removal of livestock grazing, including closure of water sources.

Summary: In the Final EIS, designate Alternative C as the Proposed LUP Amendments. Amend Alternative C to allow for increases in wild horse AML and restoration of herd area territory, where appropriate, once livestock grazing is removed. Amend Alternative C to clearly distinguish discretionary livestock grazing from wild horse use, which is protected under federal law. Amend Alternative C to require mitigations to any impacts to wild horses caused by removal of livestock grazing, including closure of water sources.

Response: The final decision for these actions will be included in the Record of Decision after completion of the public involvement process.

Wild Horses

Range of alternatives

Wild horse population growth and management edits

Comment ID: 530
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Without determining existing [wild horse] numbers, BLMs assumptions provide little more than cursory conclusions unsupported by proper analysis for more than 1,488,260 acres of GRSG priority habitat.

Comment ID: 537
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: BLM states that wild horses will be managed and maintained used removals and "selected application" of "population control practices." DEIS at 4-386. BLM has not defined "selected application" and has not identified what "population control practices" it anticipates. Without this information, the Coalition and other interested parties cannot properly review the depth of the BLM's analysis nor its conclusions.

Comment ID: 538
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: An alternative BLM should also consider is using SpayVAC TM, which was developed and patented by Dr. Robert Brown and Mark Fraker of Terramar Environmental Research Ltd., Vancouver, B.C. The Trademark Registration Number in Canada is TMA573960 and in the U.S. is 2886949 by Immunovaccine Technologies, Inc., 1819 Granville Street, Suite 303, Halifax, B3J 3R1, Nova Scotia. If that fails, the BLM needs to consider spaying the mares and/or gelding the stallions.

Comment ID: 529
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Providing inaccurate estimates or no estimates at all will significantly impact BLM's Chapter 4 analysis of the current wild horse situation. Without science based estimates, it is impossible to determine the full extent of the resource being managed. Conversely, it is also impossible to determine the full extent of the impacts on GRSG from that resource (i.e. wild horses). It is well established that unlike livestock, horses disparately impact the rangeland due to their year-round presence and unique biological feeding habits.

Comment ID: 209
Organization:
Name: jean public

Comment: 4-386 18% RATE OF POPULATION GROWTH FOR WILD HORSES IS IRREATIONALLY OPTIMISTIC. IT BEARS NO RELATIONSHIP TO TRUTH OR FACT. THE PUBLIC SAYS NO TO BLM PLANS TO KILL WILD HORSES.

Comment ID: 528
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: These numbers (See 3-443 – 449) appear to be in conflict with other BLM administered actions. For example, in its scoping statement for the Great Divide Basin Wild Horse Management Area, Population Management Action: 4700 (WYD04), BLM estimated that there were 504 horses in 2012. In the DEIS, BLM does not offer an estimate of the current population. As stated in the Coalition's comments regarding the Divide Basin scoping statement, however, when considering undercount approximations and an 18% reproduction rate, the more accurate wild horse population number is 622 horses in Divide Basin alone. Our comment here illustrates two issues with the current DEIS. First, the BLM must estimate the current population of horses in order to also determine the current level of impacts from horses to GRSG habitat in

HMAs. Secondly, BLM offers estimates for Adobe Town, Stewart Creek, and Lost Creek HMAs but does not disclose the method by which it calculated those numbers.

Comment ID: 507
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: Therefore, in order to be effective, the gather program must first remove wild horse populations from private lands and areas outside of the HMAs, then remove wild horses to a revised low AML range for the HMAs (which accounts for the reduced size of the HMA land areas), and only then apply fertility control to all of the mares prior to releasing the mares back into the HMA. An alternative BLM should also consider is using SpayVACTM, which was developed and patented by Dr. Robert Brown and Mark Fraker of Terramar Environmental Research Ltd., Vancouver, B.C. The Trademark Registration Number in Canada is TMA573960 and in the U.S. is 2886949 by Immunovaccine Technologies, Inc., 1819 Granville Street, Suite 303, Halifax, B3J 3R1, Nova Scotia. If that fails, the BLM needs to consider spaying the mares and/or gelding the stallions.

Comment ID: 506
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: The DEIS states that wild horses will be managed and maintained used removals and "selected application" of "population control practices." DEIS at 4-386. BLM has not defined "selected application" and has not identified what "population control practices" it anticipates. Without this information, RSGA and other interested parties cannot properly review the depth of the BLM's analysis nor its conclusions. The DEIS omits the fact that fertility control has not been effective. Thus, these measures are unlikely to address the exponential reproductive rates of wild horses.

Comment ID: 2720
Organization: Coalition of Local Governments
Name: Kent Connelly

Comment: Pg 4-386 Text: • Wild horse removals (gathers) would occur about every three to four years in each herd management area (HMA). • Maintenance of wild horse populations at appropriate management levels (AMLs) within existing HMAs would be accomplished through removals and selected application of other population control practices. Comment: Here, the second assumption contradicts the first. Wild horse numbers already exceed AMLs within existing HMAs and gathers every 3 or 4 years will not compensate for reproductive rates of already overpopulated horses. Further, the BLM may not make assumptions that directly contradict the mandates of FLPMA, court decrees, and settlement agreements. Also, as mentioned earlier, BLM must analyze and disclose BLM's ability to acquire traditionally absent funding and personnel to fully carry out this management action.

Comment ID: 1009
Organization: State of Wyoming, Governor
Name: Matthew H. Mead

Comment: The Management Actions in Chapter 2 increase awareness of wild horse impacts on GSG habitat, but they do not provide a framework to ensure populations are properly managed. In areas where wild horse populations exceed appropriate management levels and GSG objectives are not being achieved, the BLM must manage wild horses and not displace this burden to livestock producers or wildlife management agencies.

Comment ID: 968
Organization:
Name: Molly Schleicher

Comment: Incorporate the National Academies of Science recommendations to manage wild horses. The recommendation included in the EIS includes the removal of wild horses every 3-4 years, and the NAS report indicates that such roundups are actually facilitating high rates of population growth in the wild horse herds. Other options for the management of wild horses should be included as part of the EIS.

Comment ID: 2798
Organization:
Name: marla bosworth

Comment: 4. Incorporate National Academies of Science (NAS) recommendations to manage wild horses on the range, not, as mentioned in the DEIS, to remove wild horses every 3-4 years. This disastrous policy has created a situation in which 50,000 wild horses are in captivity at taxpayer expense and are vulnerable to sale without limitation.

Comment ID: 2528
Organization:
Name: Patrica Burge

Comment: You must do an analysis of all grazing allotments. NAS has made an accurate analysis of cattle destruction to land, and that the percentage of cattle verses wild horses is is extremely over the top. Why are two herd areas, LaBarge and Desert Wild not managed for the wild horses? They are the animals the areas are for? Please consider the remaining wild horse areas to be managed for that species.

Comment ID: 2976
Organization: Wyoming County Commissioners Association (WCCA)
Name: Doug Thompson

Comment: The BLM must keep wild horse population levels at the appropriate management level (AML). If there is a suspected or identified improper grazing situation in a targeted area, and if the AML is exceeded, there must be no livestock or wildlife reductions or adjustments until the AML is brought into compliance. We also believe the Agencies should describe the management constraints relating to the wild horses that exist in the absence of Wyoming's Consent Decree and current budgetary environment. Simply put, the inability to manage wild horses must be highlighted not ignored.

Comment ID: 2979
Organization:
Name: Margaret

Comment: Add a provision in all alternatives to increase wild horse populations (AMLs). Management of federally protected wild horses should trump optional/discretionary grazing leases. Why are not the two herd management areas mentioned, LaBarge and Desert Wild, are “not managed for wild horses.” Did you forget these for some reason?

Comment ID: 2774
Organization:
Name: Sasha Shapiro

Comment: Add a provision in all alternatives the option to increase wild horse populations (AMLs). Management of federally protected wild horses should trump optional/discretionary grazing leases. If livestock grazing is reduced or eliminated, wild horse populations can increase to truly genetically viable numbers in all seven herds. Incorporate National Academies of Science (NAS) recommendations to manage wild horses on the range, not, as mentioned in the DEIS, to remove wild horses every 3-4 years. This disastrous policy has created a situation in which 50,000 wild horses are in captivity at taxpayer expense and are vulnerable to sale without limitation. Ask why the two herd management areas mentioned, LaBarge and Desert Wild, are "not managed for wild horses."

Comment ID: 2397
Organization:
Name: Linda Crawfis

Comment: Please examine the real culprit destroying our public lands - the cattle of ranchers on unbelievable government handouts/welfare. Please examine the scientific study done regarding the wild horse last year. Please look logically at reproductive control methods not requiring removal and stockpiling of wild horses.

Comment ID: 2796
Organization:
Name: marla bosworth

Comment: 2. Add a provision in all alternatives the option to increase wild horse populations (AMLs). Management of federally protected wild horses should trump optional/discretionary grazing leases. If livestock grazing is reduced or eliminated, wild horse populations can increase to truly genetically viable numbers in all seven herds.

Comment ID: 2932
Organization:
Name: Shyla Tailor

Comment: Please incorporate NAS recommendations to manage wild horses on the range, and not remove and pen them as is the current practice. Why are the LaBarge and Desert Wild herd management areas NOT managed for wild horses?

Comment ID: 2990
Organization:
Name: elizabeth fahy

Comment: Add a provision in all alternatives the option to increase wild horse populations (AMLs). Incorporate National Academies of Science (NAS) recommendations to manage wild horses on the range, not, as mentioned in the DEIS, to remove wild horses every 3-4 years.

Comment ID: 2955
Organization:
Name: Kristine Jusko

Comment: Add a provision in all alternatives the option to increase wild horse populations (AMLs). Management of federally protected wild horses should trump optional/discretionary grazing leases. Incorporate National Academies of Science (NAS) recommendations to manage wild horses on the range,

not, as mentioned in the DEIS, to remove wild horses every 3-4 years. I would like to know why the two herd management areas mentioned, LaBarge and Desert Wild, are “not managed for wild horses.”

Comment ID: 2161
Organization: The Cloud Foundation
Name: Ginger Kathrens

Comment: We request that all alternatives incorporate National Academies of Science (NAS) recommendations to manage wild horses on the range, not, as mentioned in the DEIS, to remove wild horses every 3-4 years. This disastrous policy has created situation in which nearly 50,000 wild horses are incarcerated at taxpayer expense and are vulnerable to sale without limitation.

Comment ID: 2936
Organization:
Name: Kristina Shankel

Comment: Also, add a provision, in all alternatives, the option to increase wild horse populations. The management of federally protected wild horses should trump optional/discretionary grazing leases. Incorporating NAS recommendations to manage these herds on the range is also important. While I am on the subject of management I would like to ask why the two herd management areas, LaBarge and Desert Wild, are "not managed for wild horses"? Is this not what they were set aside for?

Comment ID: 2974
Organization:
Name: patricia Hayes

Comment: Please reconsider the zeroing out many of our herds. The damage that will do to the land will take years to reverse.

Comment ID: 2930
Organization:
Name: Karen Hethcote

Comment: I also support adding a provision to increase wild horse populations (AMLs) in Alternative C as well as the other alternatives. I support incorporating National Academy of Sciences (NAS) recommendations to manage wild horses on the range rather than to round up and remove them every three to four years, as mentioned in the DEIS. I am appalled that BLM plans to zero out the wild horse populations from the Great Divide Basin and Salt Wells Creek HMAs, to reduce by half the Adobe Town HMA, and to render the wild horse population in the White Mountain HMA nonproducing.

Comment ID: 2794
Organization:
Name: Joyce Crawford

Comment: There are many options to add to the Environmental Impact Statement which could help the grouse and the wild horses. One option is decrease the number of livestock in the area and add a provision to increase wild horse populations so they are genetically viable numbers in all seven herds. An analysis of all grazing allotments in the EIS should be required/ updated to help determine if the unacceptable conditions of the land are a result of livestock grazing. Also, don't forget about the National Academies of Science whom you hired to research the wild horses. Their recommendations were to "manage" the horses on the range, not to do roundups and put in pens. Somehow these recommendations are completely ignored

and the Dept of the Interior okays business as usual, completely ignoring scientific research and knowledge. The policy of roundups is a disaster. It is a policy that brutalizes the mustangs and reeks of inhumane treatment and often tremendous pain endured by the horses.

Summary: Issue 1: On page 4-386, the 18% population growth rate for wild horses seems high and should be revised. Issue 2: The estimates in Chapter 4 are inaccurate or are not provided at all. Without science based estimates, it is impossible to determine the full extent of the resource being managed. The National Academies of Science (NAS) recommendations to manage wild horses should be incorporated into the alternatives. Issue 3: The numbers in 3-443 – 449 appear to be in conflict with other BLM administered actions. For example, in its scoping statement for the Great Divide Basin Wild Horse Management Area, Population Management Action: 4700 (WYD04), BLM estimated that there were 504 horses in 2012. In the Draft EIS, BLM does not offer an estimate of the current population. The BLM must estimate the current population of horses in order to also determine the current level of impacts from horses to Greater Sage-Grouse habitat in HMAs. Issue 4: On page 4-386 the Draft EIS states that wild horses will be managed and maintained using removals and "selected application" of "population control practices." but has not defined "selected application" nor what "population control practices" it anticipates. The Draft EIS omits the fact that fertility control has not been effective. Thus, these measures are unlikely to address the exponential reproductive rates of wild horses. Issue 5: The gather program must first remove wild horse populations from private lands and areas outside of the HMAs, then remove wild horses to a revised low AML range for the HMAs, and only then apply fertility control to all of the mares prior to releasing the mares back into the HMA. An alternative BLM should also consider is using SpayVACTM. If that fails, the BLM needs to consider spaying the mares and/or gelding the stallions. Issue 6: In areas where wild horse populations exceed appropriate management levels and Greater Sage-Grouse objectives are not being achieved, the BLM must manage wild horses and not displace this burden to livestock producers or wildlife management agencies. Issue 7: Wild horse numbers already exceed AMLs within existing HMAs and gathers every 3 or 4 years will not compensate for reproductive rates of already overpopulated horses. Further, the BLM may not make assumptions that directly contradict the mandates of FLPMA, court decrees, and settlement agreements.

Response: Issue 1: This is a fair estimate, and may even be a little low based on BLM studies and the NRC (2013) review of the BLM Wild Horse Program. Issue 2: The analysis is appropriate and is based on sound information and science. Issue 3: The HMA population estimate for the Great Divide Basin has been added to the document. Issue 4: The bullet point referenced on page 4-386 is not proposed management; it is an assumption upon which the analysis of the management alternatives from Chapter 2 is based. Issue 5, 6, and 7: The management and issues raised are out of the scope of the Greater Sage- Grouse LUP Amendments.

Wild Horses

Range of alternatives

Wild horses should be discussed in the plan

Comment ID: 450
Organization: Rock Springs Grazing Association
Name: John Hay III

Comment: RSGA strongly recommends the following changes in the DEIS: (1) Revise chapters 2, 3, and 4 to separately address the conflicts between wild horse management and sage grouse conservation goals.

Summary: Revise chapters 2, 3, and 4 to separately address the conflicts between wild horse management and Greater Sage-Grouse conservation goals.

Response: The Greater Sage-Grouse LUP Amendments are specifically for the management of sage-grouse, not wild horses. The suggested revisions are outside the scope of the Greater Sage-Grouse LUP Amendments. The Greater Sage-Grouse LUP Amendments is not analyzing the impacts directly from horses or livestock, but rather impacts from the management actions in Chapter 2.

Wild Horses

Range of alternatives

Wild horses should not be discussed in this Draft EIS

Comment ID: 2857
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Apparently the document wishes to discuss wild horses. However, recent pronouncements by Interior officials seem to negate this entire section. We certainly support actions by the Agencies to manage horse numbers at appropriate levels to lessen impacts to the resource similar to that outlined in Alternative D. Alternatives B, C and E indicate that the Agencies could consider amendments to HMAPs, however given the recent announcement that Interior is halting wild horse roundups and that is the only realistic mechanism currently available to limit horse numbers we do feel this discussion has be circumvented by this action

Summary: Recent pronouncements by BLM officials negate the entire Wild Horse section. Although managing horse numbers at appropriate levels to lessen impacts to the resource similar to that outlined in Alternative D is supported, Alternatives B, C and E indicate that the agencies could consider amendments to HMAPs; however, given the recent announcement that BLM is halting wild horse roundups, which is the only realistic mechanism currently available to limit horse numbers, this discussion has been circumvented by this decision.

Response: Reasonable alternatives have been analyzed. Wild horses will continue to be managed according to Herd Management Plans and RMP allocations.

Other

Range of alternatives

Pest control action should be removed

Comment ID: 2855
Organization: Wyoming Farm Bureau Federation
Name: Ken Hamilton

Comment: Item 108 in Table 2-1 addresses grasshopper and Mormon cricket control. Alternative B establishes a process that will require the Agencies to spend more time analyzing whether it would be beneficial than time would allow, which could result in a significant damage to forage and sage-grouse before an effective treatment could occur. Since cricket and grasshopper treatment actions are analyzed in separate EIS actions, we do not feel it should be addressed in this plan.

Summary: Item 108 in Table 2-1 addresses grasshopper and Mormon cricket control. Alternative B establishes a process that will require the agencies to spend more time analyzing whether it would be beneficial than time would allow, which could result in a significant damage to forage and sage-grouse

before an effective treatment could occur. Since cricket and grasshopper treatment actions are analyzed in separate EIS actions, we do not feel it should be addressed in this plan.

Response: Management action #108 under Alternative B of the Draft LUP Amendments/Draft EIS states the following: "Grasshopper or cricket control would not occur in sage-grouse priority habitat areas unless it can be demonstrated that it is beneficial to sage-grouse." This is a viable management action that will serve to address potential impacts on sage-grouse habitat from grasshopper and cricket control. Grasshopper and cricket control should be addressed in the LUP Amendments because outbreaks of grasshoppers and crickets can adversely affect sage-grouse habitat.