

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Twin Falls District
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352

**CATEGORICAL EXCLUSION
NEPA No. DOI-BLM-ID-T030-2012-0022-CX**

A. Background

BLM Office: Shoshone Field Office Lease/Serial/Case File No.: IDI-37247/IDI-37265

Proposed Action Title/Type: Bowman Reciprocal Access

A portion of the following lands would be affected by the proposed access easement (private property) and right-of-way (public lands):

Access Easement

Boise Meridian, Idaho

T. 2N, R. 24E,
 sec. 32, S $\frac{1}{2}$ N $\frac{1}{2}$.

T. 1 N., R. 24E.,
 sec. 5, W $\frac{1}{2}$ SW $\frac{1}{4}$.

Right-of-Way

Boise Meridian, Idaho

T. 2 N., R. 24 E.,
 sec. 31, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 sec. 32, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 sec. 33, SW $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$.

T., 1 N., R. 24 E.,
 sec. 5, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
 sec. 8, W $\frac{1}{2}$ NE $\frac{1}{2}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

(Attachment A provides additional details concerning the location of the access easement and right-of-way)

B. Description of Proposed Action

The Bureau of Land Management (BLM) has received an application from Brent, Rick and Rusty Bowman for an access road right-of-way. The right-of-way is needed to provide legal access to the Bowman's private property in association with a Grassland Reserve Program (GRP) easement with the Natural Resource Conservation Service (NRCS). The GRP is a voluntary conservation program that emphasizes support for working grazing operations, enhancement of plant and animal biodiversity, and protection of grassland under threat of conversion to other uses. Participants voluntarily limit future development and cropping uses of the land while retaining the right to conduct common grazing practices and operations related to

the production of forage and seeding, subject to certain restrictions during nesting seasons of bird species that are in significant decline or are protected under Federal or State law.

In reviewing the application the Shoshone Field Office has elected to process the application as a reciprocal right-of-way; meaning the BLM would consider the Bowman's request to utilize an existing road across BLM-managed public lands in exchange for the BLMs administrative use of that portion of the road that crosses the Bowman's private lands. The "legal access" would be authorized through two separate documents – 1) for the access across the BLM-managed public lands the use would be authorized through a right-of-way (IDI-37247); 2) the access across the Bowman's private lands would be authorized through a non-exclusive access easement (IDI-37265). A non-exclusive access easement generally provides administrative access for all of BLMs management activities, including use by its contractors, licensees, and permittees. It does not provide access to the general public. Pursuant to the access authorizations, control of the portions of the road would remain with the respective landowner as well as the ability to authorize use by others which would not conflict or interfere with the rights granted by the authorizations.

The proposed access road is an existing primitive road, as well as a portion of the Goodale's Cutoff trail. The use of the road would be seasonal, weather dependent. At this time no improvements or maintenance has been identified for the road. Future maintenance would occur pursuant to a review by the BLM authorized officer as well as the Bowmans. The right-of-way across BLM-managed public lands would be 20 feet wide and about 5.1 miles long; while the easement across the Bowman's private lands would be 60 feet wide and about 1.6 miles long. See Attachment A, Bowman Reciprocal Access Categorical Exclusion Location Map.

C. Land Use Plan Conformance

Land Use Plan Name: Sun Valley Management Framework Plan (MFP)

Approved: 1981

The proposed action is specifically provided for in the Muldoon Analysis Unit Lands Decision #2 (p. M-2), which states: "Allow rights-of-way for utility and transportation purposes (both public and private), provided the uses comply with all requirements of this plan. Rights-of-way applications will be examined on a case-by-case basis to determine routes, impacts, and mitigating measures."

Land Use Plan Name: Craters of the Moon National Monument and Preserve Management Plan (Management Plan)

Approved: 2007

The proposed action is specifically provided for in the Management Plan as identified in the following management actions: LANDS-4 (pg. 49) "Action on applications for new discretionary land use authorizations will be guided by existing National Park Service and BLM policies"; and VEG-11 (pg. 27) and WLIFE-7 (pg. 33), which state "Actions and stipulations necessary to protect special status species and their habitats will be made part of land use authorizations (e.g. limiting fragmentation of special status species populations when considering road maintenance) and fire planning".

Land Use Plan (amendment): Idaho and Southwest Montana Greater Sage Grouse Approved Resource Management Plan Amendment (ARMPA)

Approved: 2015

The ARMPA and Record of Decision (ROD) were signed on September 21, 2015. The ARMPA provides a layered management approach that offers the highest level of protection for greater sage-grouse in the most valuable habitat. Land use allocations in the ARMPA would limit or eliminate new surface disturbance in Priority Habitat Management Areas (PHMA) and Important Habitat Management Areas (IHMA), while minimizing disturbance in General Habitat Management Areas (GHMA). In addition to establishing protective land use allocations, the ARMPA also would implement a suite of management tools, such as anthropogenic disturbance limits, required design features, seasonal habitat buffers, habitat objectives and monitoring, mitigation approaches, adaptive management triggers and responses, and other protective measures throughout the species range. Key components of the ARMPA include but are not limited to the following:

- Management Decision (MD) Special Status species (SSS) 29 and 30: In order to avoid surface-disturbing activities in PHMA and IHMA priority will be given to alternatives that allow for development to occur outside these management areas. When authorizing development within a PHMA or IHMA priority will be given to non-habitat areas first and then least suitable habitat for Greater Sage Grouse (GSG). Criteria for project screening and assessment process along with the PHMA and IHMA Anthropogenic Disturbance Development Criteria must be met. This includes ensuring the project will not exceed the 3% disturbance cap described in MD SSS 27. (The criteria are located on pages 2-13 and 2-14 of the ARMPA.)

The right-of-way and easement are located within PHMA, however authorizing either action will not create new disturbance. Authorizing the right-of-way would not result in changing the character of the current primitive road is required to support a conservation easement on private property. The conservation easement will result in protection of GSG habitat on private property and would provide a net conservation gain to GSG key habitat.

- MD SSS 31: Co-locating new infrastructure within existing rights-of-way and maintaining or upgrading rights-of-way is preferred over creation of new rights-of-way or the construction of new facilities in all management areas.

The right-of-way and easement would be located over an existing route and would not result in new infrastructure or disturbance.

- MD SSS 32: Incorporate Required Design Features (RDF), as described within Appendix C of the ARMPA, in the development of project or proposal implementation, reauthorizations or new authorizations as a condition of approval.

Applicable RDF's would be included as terms and conditions of an authorized right-of-way grant. Regular right-of-way compliance will be used to ensure the terms and conditions are being followed.

- MD SSS 33: Conduct implementation and project activities, including construction and short-term anthropogenic disturbances consistent with seasonal habitat restrictions.

RDFs include seasonal habitat restrictions and would be included in the terms and conditions of the right-of-way grant.

- MD SSS 35: In undertaking BLM management actions, and authorizing third party actions BLM will apply lek buffer distances in accordance with Appendix B of the ARMPA.

The location of the right-of-way and easement are within the identified 3.1 mile lek buffer identified for linear features (roads). The ARMPA allows for the approval of actions within the buffer distance to be approved if the BLM determines that based on best available science, landscape features, and other existing protections that a buffer distance other than 3.1 miles offers the same or a greater level of protections to GSG and its habitat. Although one lek is within 3.1 miles of the right-of-way and easement location a lesser buffer distance that extends only to the highway (Highway 93) to the south and east of the right-of-way would provide the same protections to GSG as provided by the 3.1 mile buffer. The lek buffer distance to the north and west would remain 3.1 miles but would not include any leks.

- MD Lands and Realty (LR) 5: Consistent with MD LR 3, MD LR 4, and MD Renewable Energy (RE) 1, rights-of-way for development of new or amended ROWs and land use authorizations in PHMA will only be considered when consistent with MD SSS 29. Rights-of-way for development of new or amended ROWs and land use authorizations in IHMA can be considered consistent with MD SSS 30. New ROW and land use authorizations can be considered within GHMA.

See discussion concerning MD SSS 29 and MD SSS 30 above.

D. Compliance with NEPA

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E(9). 516 DM 11.9 E(16) states: "Acquisitions of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes." The proposed access right-of-way and easement are for the use of an existing road and does not include any new improvements. Therefore, the proposed action qualifies to be processed as a categorical exclusion.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances as described in Attachment B apply.

Based on my review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the applicable land use plans and is categorically excluded from further environmental analysis.

E. Signature

Authorizing Official: James Barum Date: 12/2/2015
Name: Codie Martin
Title: Acting Field Manager

F. Contact Person

For additional information concerning this Categorical Exclusion, contact Kasey Prestwich, Realty Specialist, at 400 West F Street, Shoshone, Idaho; (208) 732-7205; or via email at kprestwich@blm.gov.

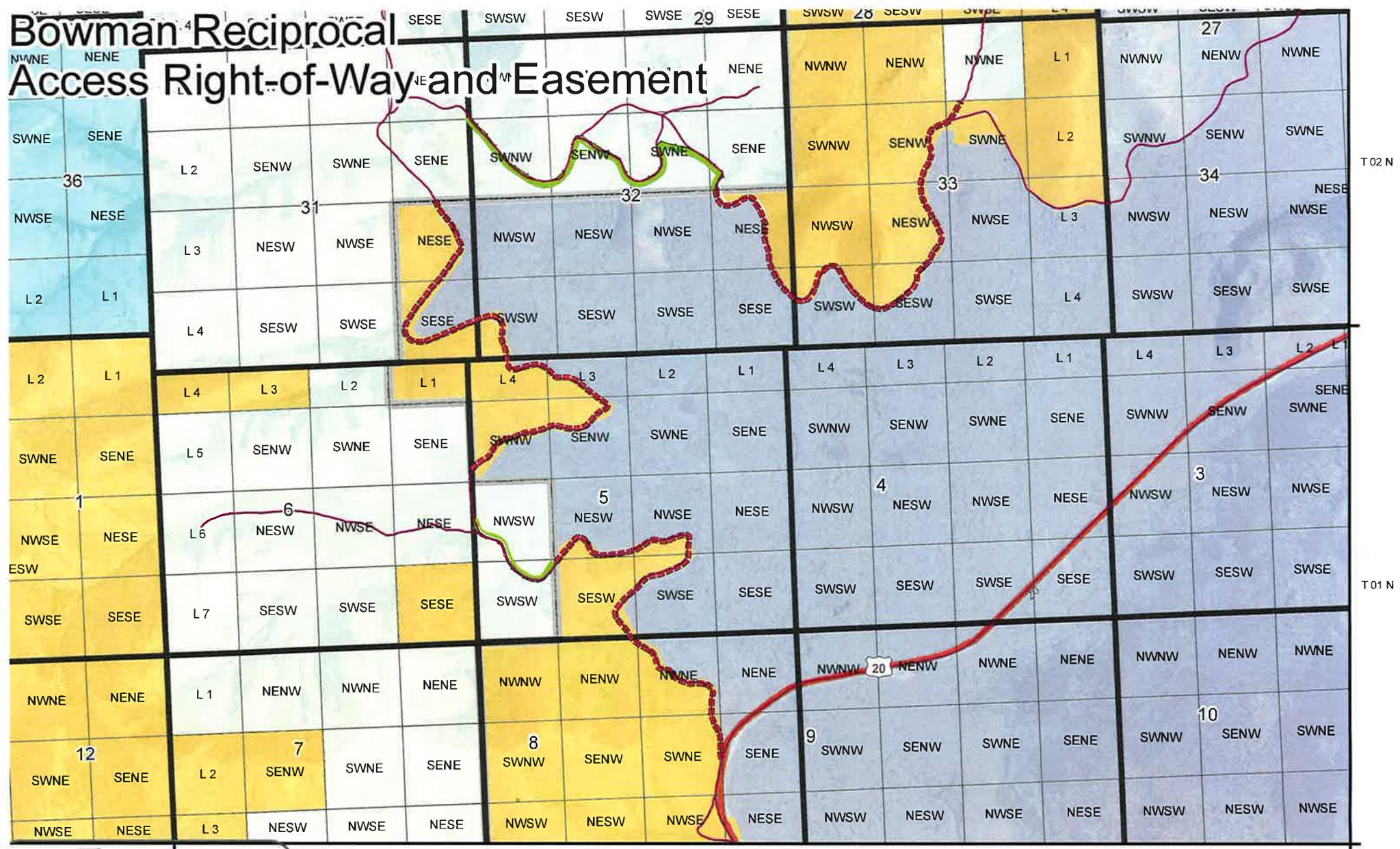
G. Attachments

Attachment A, Bowman Reciprocal Access Location Map

Attachment B, Bowman Reciprocal Access Categorical Exclusion Review Sheet

Attachment C, Bowman Reciprocal Access Idaho Greater Sage-Grouse Implementation Plan Conformance Review, dated November 13, 2015.

Bowman Reciprocal Access Right-of-Way and Easement



Legend

- - - Right-of-Way
- Access Easement
- Bureau of Land Management Forest Service
- State
- State Fish and Game
- Private; other
- National Park Service

US Dept. of the Interior
Bureau of Land Management



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CATEGORICAL EXCLUSION REVIEW SHEET

NEPA No. DOI-BLM-ID-T030-2012-0022-CX

A. Background

The Bureau of Land Management (BLM) has received an application from the Brent, Rick and Rusty Bowman for an access road right-of-way. The right-of-way is needed to provide legal access to the Bowman's private property in association with a Grassland Reserve Program (GRP) easement with the NRCS. The GRP is a voluntary conservation program that emphasizes support for working grazing operations, enhancement of plant and animal biodiversity, and protection of grassland under threat of conversion to other uses. Participants voluntarily limit future development and cropping uses of the land while retaining the right to conduct common grazing practices and operations related to the production of forage and seeding, subject to certain restrictions during nesting seasons of bird species that are in significant decline or are protected under Federal or State law.

In reviewing the application the Shoshone Field Office has determined to process the application as a reciprocal right-of-way; meaning the BLM would consider the Bowman's request to utilize an existing road across BLM-managed public lands in exchange for the BLMs administrative use of that portion of the road that crosses the Bowman's private lands. The "legal access" would be authorized through two separate documents: 1) for the access across the BLM-managed public lands the use would be authorized through a right-of-way (IDI-37247); and 2) for the access across the Bowman's private lands would be authorized through a non-exclusive access easement (IDI-37265). A non-exclusive access easement generally provides administrative access for all of BLMs management activities, including use by its contractors, licensees, and permittees. It does not provide access to the general public. Pursuant to the access authorizations, control of the portions of the road would remain with the respective landowner as well as the ability to authorize use by others which would not conflict or interfere with the rights granted by the authorizations.

The proposed access road is an existing primitive road, as well as a portion of the Goodale's Cutoff trail. The use of the road would be seasonal, weather dependent. At this time no improvements or maintenance has been identified for the road. Future maintenance would occur pursuant to a review by the BLM authorized officer as well as the Bowmans. The right-of-way across BLM-managed public lands would be 20 feet wide and about 5.1 miles long; while the easement across the Bowman's private lands would be 60 feet wide and about 1.6 miles long.

B. Consideration of Extraordinary Circumstances

This Categorical Exclusion Review Sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. If any of the extraordinary circumstances apply to the proposed action, then an EA or EIS must be prepared. Any evidence or concerns that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the proposed action.

1. The proposed action would not have any significant impacts on public health or safety.

The operation and maintenance of the existing access road would not have any significant impacts on public health and safety. The right-of-way would contain terms, conditions and stipulations that would require the Bowman's to comply with Federal and State standards for public health and safety, environmental protection, operation, and maintenance of, or for, such use. The BLM authorized officer has the ability to suspend or terminate in whole or in part the right-of-way grant if unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

2. The proposed action would not have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

There are no natural resources and unique geographic characteristics such as historic or cultural resources; park, refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; or other ecologically significant or critical areas that would be significantly impacted by the proposed action. A portion of the road is designated as a National historic trail; however, a cultural resource survey was conducted for the project area in August 2012 with a determination that the proposed action would have no effect on the cultural resources in the project area. There would be no additional impacts to recreation or migratory birds in the area from the proposed action. A portion of the existing road is within the Craters of the Moon National Preserve and adjacent to the national monument; however, the use of the road would not result in additional impacts to any of the resources for which the preserve and monument were designated.

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

The proposed action is specifically provided for in the Sun Valley Management Framework Plan (MFP; 1982) and the Craters of the Moon National Monument and Preserve Management Plan (MP; 2007) as amended by the Idaho and Southwest Montana Greater Sage Grouse Approved Resource Management Plan Amendment (ARMPA; 2015). These Land Use Plans have established the land use allocation and goals for the affected public land; as such, there are no unresolved conflicts regarding other uses of these resources. Throughout the environmental process for the proposal was not highly controversial, nor are the effects expected to generate future controversy.

4. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

The proposed action does not involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. Other access rights-of-way and easements have not shown any highly uncertain, potentially significant, or unique or unknown risks. The environmental process for the proposed action has not identified any effects that may involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks unique or unknown risks.

5. The proposed action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The proposed action is not connected to another action that would require further environmental analysis and would not set a precedent for future actions that would normally require environmental analysis.

6. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

7. The proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

A cultural resource survey was conducted for the project area in August 2012, with a determination that no eligible cultural resources would be affected by the proposed action.

8. The proposed action would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.

A Special Status Animal Species Assessment was completed in August 2012. As well as an impact evaluation for the yellow-billed cuckoo completed in November 2015. It was determined that this project would not adversely impact any special status, including endangered or threatened, animal species or their habitat. The project area and adjacent habitat serves as nesting/foraging habitat for raptors and migratory birds.

The project area is in an area designated as a Priority Habitat Management Area as well as key habitat for greater sage-grouse and is considered to be nesting, brood-rearing, late fall and winter habitat for sage-grouse. Sage-grouse have been observed during all seasons in the general vicinity of the project area. Three occupied sage-grouse leks are located within five miles of the project. Two of the three occupied leks are obscured from the project site by intervening mountainous terrain. The third lek is sited a little over a mile from the nearest section of road involved in the project. This sage-grouse lek also occurs on the opposite side of Highway 93, a relatively heavily traveled State highway with attendant traffic noise. The majority of the native surface road associated with this project occurs immediately adjacent to a relatively recent, highly dissected lava flow reaching eight to ten feet in height from the running surface of the project road. This geologic feature provides visual screening of vehicles utilizing the project road from most viewing angles provided at the lek.

Portions of the road cross and border high-quality pygmy rabbit habitat; however, there are no recently confirmed occurrences of pygmy rabbits in the vicinity of the access road. Although, it is possible that pygmy rabbits would utilize the right-of-way area during dispersal, the right-of-way area is not currently within a distance from known pygmy rabbit locations that would indicate its use by pygmy rabbits during either breeding or nonbreeding seasons. Motorized travel will be limited to designated roads, primitive roads and trails for the proposed action to reduce impacts to the existing habitat.

The project area encompasses an area that is devoid of patches of multi-layered woody riparian habitat used by western yellow-billed cuckoo. The riparian habitat along sections of Cottonwood Creek located in the vicinity of the project may be used by yellow-billed cuckoo for resting or foraging during migratory movements or random seasonal forays. The closest recorded observation of a yellow-billed cuckoo occurred 37 miles west of the project site. The project is not expected to cause any measurable impacts to the habitat or population of the western yellow-billed cuckoo.

A physical examination of the area was completed on June 21, 2013 as part of the Special Status Plant Assessment. Based upon the field exam, no special status plants or their critical habitat exist within the project area. Likely habitat for two special status species, bug-leg goldenweek (*Pyrocoma insecticruris*) and obscure phacelia (*Phacelia inconspicua*) occurs in the south portion of the project area. However, the subject action, as proposed, would have negligible effects.

9. The proposed action would not violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

The BLM issues right-of-way grants in accordance with Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations at 43 CFR 2800. Under these regulations the renewed right-of-way grant would specify that all applicable Federal, State and local laws be adhered to. The BLM has the ability to suspend and/or terminate the right-of-way if a Federal, State or local laws is violated. There are no tribal laws in effect for the project area.

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). The effect would be the same as for the general population in the general area.

11. The proposed action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

The proposed action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

12. The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

The BLM and the Bowman's would work cooperatively in regards to weed control within the project area as well to ensure that the undercarriages of equipment and/or vehicles used in the operation and maintenance of the right-of-way be free of all soil and plant material prior to operating on public lands to reduce the establishment of new invasive, non-native species or the spread of existing species to new areas. All equipment and vehicles operating off of main roads would be required to be cleaned off prior to leaving the job site when the job site includes noxious weed populations. These actions would reduce the risk of introduction, continued existence, or spread of noxious and non-native, invasive species.

C. Consultation and Preparation

The review of potential impacts of the proposed action was described by the following:

Kasey Prestwich, Realty Specialist/Project Lead

Tara Anderson, Wildlife Biologist

Lisa Cresswell, Archeologist/Shoshone Field Office NEPA Coordinator

Gary Wright, Wildlife Biologist

Michael Callen, Natural Resource Specialist



Idaho Greater Sage-Grouse Implementation Plan Conformance Review



GRSG Plan Amendment Conformance: Conducted by Ammon Wilhelm, Bonnie Claridge, Johanna Munson, Jim Fincher, Anne Halford, Gillian Wigglesworth, Jon Porter, and Brent Ralston on November 4th, 2015 and November 13, 2015.

Project Name: Bowman Reciprocal Access

Project Type: Road Right-of-Way (Existing Road)

Location: T. 2 N., R. 24 E., sec. 31, E $\frac{1}{2}$ SE $\frac{1}{4}$; sec. 32, E $\frac{1}{2}$ SE $\frac{1}{4}$; sec. 33, SW $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$. T., 2 N., R. 24 E., sec. 5, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$; sec. 8, W $\frac{1}{2}$ NE $\frac{1}{2}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$. The road is located on the north side of Hwy 93 at the border of Blaine and Butte Counties approximately 29 mile southwest of Arco, Idaho.

Conservation Area: Mountain Valleys Conservation Area (MD SSS 1)

Designation: Priority Habitat Management Area (MD SSS 2)

Area of Impact: There is no new disturbance associated with this project as described in Categorical Exclusion: DOI- BLM-ID-T030-2012-0022-CX.

Adaptive Management:

Based on the 2014 Key habitat mapping, the Mountain Valleys Conservation Area is not currently engaging any adaptive management triggers. (MD SSS 22)

Disturbance Cap: This project is on an existing primitive road and would not result in any new habitat loss. Additionally this road would remain at a management level of 1 meaning it would not be included within the disturbance activities described in Appendix E p. 6-7, therefore the Disturbance Cap at either the Biologically Significant Unit scale or the project scale (MD SSS 27), does not apply. The use of the road would be seasonal and weather-dependent. At this time, no improvements or maintenance has been identified for the road. Any increase in maintenance level and/or future maintenance activities would occur pursuant to a review by the BLM authorized officer as well as the Applicants. At that time additional conformance review will be required.

Allocation: ROW Avoidance (MD LR 2)

Management Decisions Authorizing Activity:

MD SSS 29, MD SSS 30, MD SSS 31, MD SSS 32, MD SSS 33, MD SSS 35, MD LR 5 are applicable to this project. These management decisions are described in section C of DOI-BLM-ID-T030-2012-0022-CX.

Applicable Required Design Features:

(MD SSS 22 and Appendix C).

RDF 88 - Utilize existing roads, or realignments of existing routes to the extent possible.

RDF 89 - Design roads to an appropriate standard no higher than necessary to accommodate their intended purpose.

RDF 91 - Establish speed limits on BLM and FS system roads to reduce vehicle/wildlife collisions or design roads to be driven at slower speeds.

Mitigation Required:

(Montana 3). This is a third-party action, no habitat will be lost or degraded as a result of this project and the overall project (Conservation Easement or CRP) will provide a benefit to GRSG and prevent development of GRSG habitat on private land.

Avoiding Impacts: This proposal is tied to the NRCS CRP project and cannot occur elsewhere. No habitat loss will result from this project. Additionally, the conservation easement protects wildlife habitat (including GRSG) and open space by limiting certain types of uses and preventing the development of the private land.

No mitigation is required for this project and the conservation easement will provide a net conservation gain for GRSG.

Conclusion:

Based on the above review, this project is in conformance with the Approved Resource Management Plan Amendment for Greater Sage-grouse (Sept 2015).