

Archived: Tuesday, February 22, 2022 7:33:03 PM

From: [WMA](#)

Mail received time: Mon, 7 Feb 2022 19:09:46

Sent: Mon, 7 Feb 2022 12:05:51

To: [BLM_HQ_GRS_G_Planning](#)

Cc: [Jonathan Madill](#) [Randall Luthi](#) [Bob Budd](#) [Katie Sweeney](#) [Chris Greissing](#) [Pat Joyce](#)

Subject: [EXTERNAL] WMA Comments RE Notice of Intent 2021 Greater sage-grouse Land Use Plan Amendments

Importance: Normal

Sensitivity: None

Attachments:

220207 WMA_BLM RE Sage Grouse Land Use Amendment Plans.pdf  TT00001.htm 

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Ms. Deibert and Mr. Preston:

Attached please find comments of the Wyoming Mining Association regarding **DOI-BLM-WO-2300-2022-0001-RMP-EIS Notice of Intent 2021 Greater sage-grouse Land Use Plan Amendments.**

Thank you for your kind attention.

Best regards,

Travis Deti
Executive Director
Wyoming Mining Association
307-635-0331
www.wyomingmining.org



1401 Airport Parkway, Ste. 230 - Cheyenne, WY 82001 - (307)-635-0331

February 7, 2022

Ms. Pat Deibert and Mr. Matt Preston
US Bureau of Land Management
760 Horizon Drive
Grand Junction, CO 81506

RE: DOI-BLM-WO-2300-2022-0001-RMP-EIS Notice of Intent 2021 Greater sage-grouse Land Use Plan Amendments

Dear Ms. Deibert and Mr. Preston:

The Wyoming Mining Association (WMA) is a statewide trade organization that represents and advocates for 30 mining company members producing bentonite, coal, trona, uranium, and lignite, as well as companies developing gold and rare earth element deposits. WMA also represents over 100 associate member companies, one railroad, two electricity co-ops, and one advanced nuclear power company.

WMA would like to submit the attached comments and positions as the Bureau of Land Management (BLM) considers amendments to existing Land Use Plans concerning the Greater sage-grouse (GSG).

The State of Wyoming has worked diligently in a collaborative manner with many stakeholders to develop its GSG management plan. The State of Wyoming's plan has been recognized by many, including the BLM, as the guide for others and the plan with the greatest chance of success. There is general industry concern that BLM's reopening its plan will upset the momentum that has been generated in Wyoming to protect the GSG and its habitat. We are concerned significant changes will result in unintended consequences.

Priority, General Habitat, and Sage Brush Focal Areas,

The WMA suggests BLM adopt state boundaries that align with BLM surface to designate habitat, rather than repeat confusion of past designations. Wyoming's conservation strategy delineates core and non-core areas. Within core areas there are limitations on the scope and intensity of activity. Permitted activities within the core areas also require mitigation offsets. This approach encourages project proponents to concentrate activity outside of core habitat. BLM habitat designations should align with and be consistent with development standards in state core and non-core areas. It is likely habitat designations will coincide with state non-core and core area boundaries in many areas, however with past BLM amendments differences in boundaries created confusion over mineral entry in those lands. WMA would encourage consultation in this matter.

Minimizing Disturbances and New Scientific Information

The Notice of Intent (NOI) states that new and relevant scientific information will be used to inform habitat management in the plan amendments. WMA supports the use of new science as long as it

can be shown that it improves the level of protection in Wyoming or that it provides suitable and allowable alternatives to achieve the same standards and levels of protection. To provide regulatory certainty, state policies, such as Wyoming's Core Area Protection strategy, were developed to assuage concerns for the U.S. Fish and Wildlife Service (USFWS) listing determination using the best available science at that time. The disturbance thresholds and buffer distances outlined in the Core Area Protection strategy are well balanced and allow continued energy development and functioning GSG populations. That is, the objective of the Core Area Protection strategy was to seek to balance valid existing rights and conservation needs of the birds. WMA believes current State statutory authority meets that goal. While new and relevant scientific information is valued and needs to be reviewed, existing core area policies do provide significant protection for population and habitat. However, the new and relevant scientific information may recommend optimal management strategies that exceed current standards in state statutory authority. This could create inconsistency in state and federal standards.

BLM should also review the considerable grass-roots conservation initiatives that have been independently developed and/or implemented for Greater sage-grouse. Some of these are part of Candidate Conservation Agreements (CCA) or Candidate Conservation Agreements with Assurances (CCAA) that are in place or being developed. Wyoming's GSG Core Area Protection strategy includes detailed discussions on CCAs and CCAAs. In Wyoming, examples include the state-wide grazing CCAA and the extensive CCA/CCAA efforts by the Thunder Basin Grassland Prairie Ecosystem Association. These efforts should be factored into the review of new information and initiatives that are relevant to habitat management policy across the landscapes. The plan amendments should clearly delineate where specific conservation measures have already been developed that are pertinent to BLM efforts for Greater sage-grouse conservation efforts.

Compensatory Mitigation and Development of Mineral Resources

BLM should adopt the state's mitigation approach and not include standards and stipulations when it comes to development of mineral resources. The BLM compensatory mitigation policy has the potential to be duplicative and create confusion, rather than align with state objectives. Most states with GSG populations have existing standards and net conservation gain policies in place for mitigation in core areas. The BLM should instead clarify Memorandums of Understanding with the states agreeing to incorporate individual state approaches for consistent compensatory mitigation.

BLM should follow the state policy when developing standards for the use of waivers, exceptions, and modifications related to development. With existing plans, BLM has applied stringent stipulations on proposed activities with little flexibility to waive, modify, or grant exceptions to stipulations. This creates regulatory complexities because it involves a subsequent evaluation by USFWS. USFWS recommendations are important to ensuring solid conservation approaches, however USFWS should not override state management of the species.


Nomination of Areas of Critical Environmental Concern (ACEC)

Areas of Critical Environmental Concern do not add value to conservation of the species and should be eliminated from the proposal. The NOI requests the public to nominate areas for ACECs for Greater sage-grouse conservation. This is in addition to the above-mentioned habitat designations and seems unnecessary. ACEC areas would have significant restrictions and create another layer of possible confusion within state boundary designations. Further, ACECs would complicate the permitting process and add resource intensive steps to the process for BLM and project proponents for very little significant conservation gain to the populations. Instead, the BLM should look to support CCAAs and partner with multiple-use interests cooperatively to improve conservation while maintaining responsible development on federal lands.

Conclusion

WMA looks forward to continuing to work with BLM and the State of Wyoming to improve an approach that serves all parties well. These concerns are important to our Association members. Thank you in advance for your consideration and attention in addressing our concerns. We would welcome the opportunity to directly discuss any or all of them with you.

Best regards,



Travis Deti
Executive Director

CC: The Honorable Mark Gordon, Governor of Wyoming
Mr. Bob Budd, Wyoming Mining and Natural Resource Trust
Ms. Katie Sweeney, National Mining Association
Mr. Chris Greissing, Industrial Minerals Association – North America