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**From:** [Jakelle Pace](#)

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**Subject:** [EXTERNAL] Wayne County Sage Grouse letter

**Importance:** Normal

**Sensitivity:** None

**Attachments:**

[20220207\\_\\_WAYNE COUNTY 'UTAH —.pdf](#) 

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Attached is the letter from Wayne County Commissioners.

Thank you

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JaKelle Pace

Wayne County Justice Court

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February 7, 2022

Patricia Deibert  
National Sage Grouse Coordinator  
440 W. 200 S., Suite 500  
Salt Lake City, UTah 84101

Ms Deibert,

Wayne County (County) appreciates the opportunity to comment on the Bureau of Land Management's ("BLM") Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements. The County has an interest in protecting and conserving the greater sage-grouse and the habitat it occupies within the County's borders. The County has worked in conjunction with the State of Utah to conserve sage-grouse habitat within the County and state. Together, there is a long history of effective management, and the County asks that the BLM plan recognizes and builds from this established foundation.

### **Every County and State is Unique in Their Conditions**

Many of the 2015 management prescriptions for Utah did little or nothing to address the actual threats that face Utah's sage-grouse populations. Instead, they became ineffective but mandatory and burdensome actions the agencies in Utah had to take. This resulted in wasted effort and left other more beneficial projects undone, either because the BLM didn't have the time to do them, or the implementation of the project was too difficult because of the meaningless sage management requirements. BLM cannot make the same mistake this time around. A "one-size-fits-all" approach will fail just as it did in 2015. The BLM should recognize the different conditions in the different states and counties and allow for each area to conserve sage grouse in the most productive way for that area.

Wayne County believes the real threats to sage grouse are often placed second behind the perceived threats advanced by anti-grazing and anti-development groups. Multiple-use activity can exist in harmony with sage grouse conservation. Livestock grazing and recreation are not threatening sage grouse populations. The true sage-grouse threats are invasive weeds, fire, fragmented habitat from uncontrolled expansion of pinyon/juniper, and predation.

## **The State of Utah is Responsible for Management of Sage-Grouse within its Borders**

Because the Sage grouse is not listed under the Endangered Species Act, the State of Utah is responsible for the management of sage grouse within its borders. This BLM must recognize that the State of Utah has jurisdiction by law over the sage grouse with the state. The state also has the special expertise needed for this task as it better understands local land use planning, local economies, population trends, state natural resources, and community development conditions. This is another reason that the new plan should recognize local conditions and the need to allow each locality to manage differently according to their conditions and needs.

## **FLPMA Requires BLM to be Consistent with the State Sage Grouse Conservation Plan**

The Federal Land Policy and Management Act of 1976 (FLPMA) requires that “[l]and use plans of the Secretary . . . shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of the Act.”[1] The State of Utah has a functioning and effective Sage Grouse Conservation plan that is supported by years of scientific data. To comply with this FLPMA requirement the BLM must examine Utah's sage grouse plan and determine how it can amend the 2015 Rule to be consistent with Utah's existing plan.

In addition to the more general comments listed above, Wayne County offers the following list of issues that the BLM should review and analyze as part of this amendment process.

*Should the BLM's defer to the State of Utah when designating sage grouse habitat?*

The State of Utah has developed sage grouse management areas and habitat classification as part of its sage grouse conservation plan. These designations encompass more than 90% of Utah's breeding populations and include the lands with the greatest potential to develop more sage grouse habitat. The BLM should defer to these management areas when designating sage grouse habitat. Increasing the habitat designation will overburden lands not used by sage grouse and could have devastating effects on local economies like Wayne County.

*Do the goals and management prescriptions associated with Sagebrush Focal Areas (SFAs) effectively address real threats to sage grouse, or do they instead only burden other legal uses of federal lands under the guise of sage grouse protection?*

The goal of the sage grouse focal areas was to 1) withdraw lands from mining, 2) restrict fluid mineral operations, and 3) modify grazing operations in the area. The county believes that these goals do nothing to address the real threats to sage grouse. Local science and data from the state of Utah have shown that mining and sage grouse can co-exist. A great example of this is the Alton coal mine that continues to have a viable sage grouse population in the mining area. Local science and data also show that sage grouse benefits from livestock grazing. As

mentioned above, mining and livestock are not threats to sage grouse in Utah and BLM should think critically about why its 2015 plan reduced these uses to protect sage grouse.

### **Conclusion**

The BLM's amendments to the 2015 sage grouse plan should respect the state of Utah's jurisdiction and expertise over the sage grouse within its state. That respect should be reflected in amendments that allow Utah to manage sage grouse according to its needs and conditions and not require unnecessary and ineffective management prescriptions. The amendments should also recognize the real threats to sage grouse and allow Utah to deal with those threats rather than focusing on reducing other legal uses to appease the appetites of special interests, anti-grazing and anti-mining groups. Doing these things will make the new amendments compliant with FLPMA, but it will most importantly allow for the sage grouse population in Utah to be conserved properly without harming other legal public land users and uses. Wayne County appreciates the opportunity to comment and looks forward to participating in this amendment process further.

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[1] FLPMA, 202 (c)(9), 43 U.S.C. 1712(c)(9).

Sincerely,

Wayne County Commissioners



Stan Wood



Dennis Blackburn



Roger Brian