U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT

June 2022

Potential Amendments to Land Use Plans Regarding Greater Sage-Grouse Conservation

Scoping Report

The Bureau of Land Management's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

Cover Photo: Steve Ting

TABLE OF CONTENTS

Chapter Page

TABLE OF CONTENTS *(continued)*

Chapter Page

TABLES

Page

ACRONYMS AND ABBREVIATIONS

	Full Phrase
ACEC	area of critical environmental concern
BLM	United States Department of the Interior, Bureau of Land Management
BSU	biologically significant unit
CFR	Code of Federal Regulations
DOI	United States Department of the Interior
EIS	environmental impact statement
EO	executive order
ESA	Endangered Species Act
FLPMA	Federal Land Policy and Management Act of 1976
GHMA	general habitat management areas
GIS	geographic information systems
NEPA	National Environmental Policy Act of 1969
NOI	Notice of Intent
PHMA	priority habitat management areas
RDF	required design feature
RMP	resource management plan
RMPA	resource management plan amendment
ROD	record of decision
ROW	right-of-way
SFA	sagebrush focal area
US	United States
USFWS	United States Department of the Interior, Fish and Wildlife Service
USGS	US Geological Survey

This page intentionally left blank.

Chapter 1
Introduction

This page intentionally left blank.

Chapter 1. Introduction

1.1 BACKGROUND

In September 2015, the United States (US) Department of the Interior (DOI) and the US Department of Agriculture adopted amendments and revisions to 98 Bureau of Land Management (BLM) and US Forest Service land use plans across 10 western states.[1] These land use plans (also referred to as resource management plans [RMPs] in this document) addressed, in part, the Greater Sage-Grouse and its habitat. These plans govern the management of 67 million acres of Greater Sage-Grouse habitat on federal lands. National Forest System lands and BLM-administered lands account for more than half of the existing Greater Sage-Grouse habitat.

In September 2015, the US Fish and Wildlife Service (USFWS) determined that the Greater Sage-Grouse did not warrant listing under the Endangered Species Act of 1973 (ESA). It based its decision, in part, on regulatory certainty from the conservation commitments and progress reflected in the federal RMP amendments (RMPAs) and revisions, as well as on other private, state, and federal conservation efforts.

On March 31, 2017, the US District Court for the District of Nevada held that the BLM violated the National Environmental Policy Act of 1969, as amended (NEPA), by failing to prepare a supplemental environmental impact statement (EIS) for the designation of sagebrush focal areas (SFAs) in the Nevada and Northeastern California Greater Sage-Grouse Resource Management Plan Amendment.

In the *Federal Register* of October 11, 2017, the BLM published the Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environment Impact Statements or Environmental Assessments. During the public scoping period, the BLM sought public comments on whether all, some, or none of the 2015 Greater Sage-Grouse plans should be amended, what issues should be considered, and whether plans should be completed at the state level rather than at the national level. The BLM specifically sought public comment on SFA designations, mitigation standards, lek buffers, density and disturbance caps, habitat boundaries to reflect new information, and reversing adaptive management responses when the BLM determines that resource conditions no longer warrant those responses.

After reviewing comments received during the public scoping period, the BLM published the draft RMPAs/EISs on May 4, 2018, and ultimately issued the proposed RMPAs/final EISs on December 6, 2018. Records of decision (RODs) and RMPAs were signed in March 2019.

On October 16, 2019, the US District Court for the District of Idaho issued an order granting a motion for a preliminary injunction filed by plaintiffs, preventing the BLM from implementing the changes in the 2019 RODs. The court decided that the plaintiffs were likely to succeed on the merits of their claims that the BLM violated NEPA when adopting the 2019 Greater Sage-Grouse plans. As a result, the actions contained in the 2015 RODs remain in effect.

[1] The 10 states covered by the amendments and revisions are California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

In response to the preliminary injunction, the BLM prepared supplemental EISs to address four specific issues identified in the injunction: the range of alternatives, the need to take a hard look at environmental impacts, the cumulative effects analysis, and the BLM's approach to compensatory mitigation. RODs were signed on January 11, 2021 with a determination not to amend the applicable land use plans, but that no new land use planning process was warranted to consider additional alternatives or new information. Beginning in February 2021 the BLM has mentioned the supplemental EISs in regular status reports. To date, the court has not altered the preliminary injunction language from October 2019.

2022 Update

To manage for the long-term health of Greater Sage-Grouse habitats, to address findings in new science, and to address continued declines in Greater Sage-Grouse populations, the BLM has begun a process to review and consider updates range-wide to manage for Greater Sage-Grouse habitat in BLM RMPs amended as part of the 2015 and 2019 efforts. More than 70 RMPs include management for habitat conservation and restoration on 67 million acres of Greater Sage-Grouse habitat that the BLM manages in 10 western states. Managing for healthy and resilient sagebrush habitat is considered essential to the long-term health of Greater Sage-Grouse populations, as well as more than 350 other species that continue to experience pressure from development and a variety of factors, including invasive grasses, wildfire, and drought exacerbated by climate change.

To initiate the process to consider updates to the plans, the BLM published a Notice of Intent (NOI) in the *Federal Register* on November 22, 2021. The NOI sought public comments on the management of Greater Sage-Grouse and sagebrush habitat on BLM-administered lands in California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming. The comment period lasted 76 days and ended on February 8, 2022.

The BLM will use public scoping comments gathered from this report to develop alternatives. The BLM expects to release the draft RMPAs/EISs later in 2022.

The BLM will provide further public involvement opportunities, as appropriate, consistent with NEPA and the land use planning process. This includes a 90-day comment period on any draft RMPAs/EISs, a 30-day public protest period, and a 60-day governor's review of any proposed RMPAs/EISs.

1.2 OVERVIEW OF THE SCOPING PROCESS

Public involvement is a vital and legally required component of the planning processes. Public involvement vests the public in the decision-making process and allows for full environmental disclosure. Guidance for implementing public involvement under NEPA is codified in 40 Code of Federal Regulations (CFR) 1506.6, thereby ensuring that federal agencies make a diligent effort to involve the public in the NEPA process. Guidance for implementing public involvement during land use planning actions on public lands can be found in the BLM's Land Use Planning Handbook (H-1601-1).

Scoping is an early and open process that helps the BLM to determine the scope of issues to be addressed and to identify the significant issues related to a proposed action. Information collected during scoping may also be used to develop the alternatives to be addressed in a NEPA document.

In accordance with 43 CFR 1610.2(d), the BLM must document the public scoping results. Its land use planning guidance also requires the documentation of public involvement. This scoping report summarizes the scoping process and the comments received during the formal scoping period.

As required by NEPA and its public involvement guidance, the BLM solicits comments from relevant agencies and the public, organizes all comments received, and analyzes the comments. Then the agency evaluates the position statement of each comment and extracts the overarching issue that will be addressed during the planning process. These issues help define the scope of analysis for the EIS and are used to develop the alternatives. The BLM has posted all comment letters on the project website for public review (https://eplanning.blm.gov/eplanning-ui/project/2016719/510).

1.2.1 Notice of Intent

As defined under NEPA, the scoping period began with the publication of the NOI in the *Federal Register* (Vol. 86 No. 222) on November 22, 2021.[2] The scoping period lasted 78 days from November 22, 2021, through February 8, 2022. During this period, the BLM sought public comments to evaluate alternative management approaches to contribute to the conservation of Greater Sage-Grouse and sagebrush habitats. The BLM sought input on issues from both a range-wide and state-specific perspective to address continued Greater Sage-Grouse and sagebrush habitat loss and Greater Sage-Grouse population declines. The BLM's NOI noted the need to provide for land use decisions that respond to changing conditions relative to Greater Sage-Grouse land management while providing the BLM with locally relevant decisions that conform to range-wide conservation goals.

The official comment period ended on February 8, 2022. Comments the BLM received via ePlanning and email after the February 8 deadline are not considered in this scoping report, although the BLM will consider comments received after this date in the preparation of the EISs. To account for delays in receiving submissions via the US Postal Service, comments postmarked by February 8, 2022, are considered in this report.

1.2.2 Website

The BLM maintains a national Greater Sage-Grouse conservation website as part of its efforts to maintain and restore Greater Sage-Grouse habitat on public lands. The site is intended to make it easy to learn how the BLM is working on maintaining and restoring Greater Sage-Grouse habitat. It includes background information related to government and BLM roles in Greater Sage-Grouse conservation. The website is https://www.blm.gov/programs/fish-and-wildlife/sage-grouse.

In addition to the national Greater Sage-Grouse conservation website, the BLM has an ePlanning project website with information related to this potential planning effort. It includes background documents, information on public meetings, and contact information. The website is https://eplanning.blm.gov/eplanning-ui/project/2016719/510.

[2] *Federal Register* Vol. 86. No 222, Monday, November 22, 2021, Notices. Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements. https://www.federalregister.gov/documents/2021/11/22/2021-25393/notice-of-intent-to-amend-land-use-plans-regarding-greater-sage-grouse-conservation-and-prepare

1.2.3 Virtual Public Scoping Meeting

The BLM hosted two virtual public meetings to gather input on issues to consider while amending BLM RMPs regarding Greater Sage-Grouse and sagebrush management, and specifically language from the 2015 and 2019 RMPAs. The virtual public forums were held on January 11, 2022, from 1:00 to 2:30 p.m. mountain standard time, and January 24, 2022, from 6:30 to 8:00 p.m. mountain standard time. The meeting recordings can be found on the project's ePlanning site under "documents."

The meetings' purpose was to provide the public with opportunities to become involved, learn about the project and the planning process, and participate in a question-and-answer session where participants were able to ask BLM specialists questions and receive live responses.

1.3 Method of Comment Collection and Analysis

The BLM evaluated all written comments received or postmarked on or before February 8, 2022; these submissions are documented in this scoping summary report. The BLM received 258 unique submissions during the public scoping period; these included 1,865 substantive comments. Submissions were received via ePlanning, email, and mail, with most comments submitted via the ePlanning website.

1.4 Summary of Unique Submissions

During the comment period, the BLM received 258 total submissions containing 1,865 unique comments. During its review, the BLM will still consider any additional comments received after the close of the comment period, though these comments are not included in this report.

The BLM received several submissions with scientific literature, studies, data, and other information for the BLM to consider during the planning process. In some cases, the information provided related to BLM analyses for specific implementation projects, monitoring information for species other than Greater Sage-Grouse, and other miscellaneous information that did not include an explanation as to the information's relevancy or the context for the BLM to consider such information. Without such context, the BLM does not consider these documents germane in informing the scope of issues for the BLM to consider, in identifying new relevant science, or in developing a range of plan-level alternatives.

Table 1-1, below, provides information on the affiliation of commenters. Most comments were received by 135 organizations (52 percent), followed by 124 individuals (48 percent).

Table 1-1
Submissions by Affiliation[1]

Affiliation	Number of Submissions	Percentage of Total Submissions
Organizations	135	52
Individuals	124	48
Total	**259**	**100**

[1] Calculations do not include form letters or petition signatories. All numbers are approximate.

The following organizations submitted public comments:

- Advocates for West (American Bird Conservancy, Center for Biological Diversity, Oregon Natural Desert Association, Prairie Hills Audubon Society, Western Watersheds Project, WildEarth Guardians)
- American Bird Conservancy
- American Clean Power Association
- American Exploration & Mining Association
- American Petroleum Institute
- Associated Governments of Northwest Colorado
- Association of Oregon Counties
- Audubon Rockies
- Backcountry Hunters & Anglers Nevada Chapter
- Beavers Forever
- Berkshire Hathaway Energy
- Bighorn Audubon Society
- Blue Ribbon Coalition
- Board of County Commissioners Converse County, Wyoming
- Board of County Commissioners Lincoln County, Nevada
- Board of County Commissioners, County of Jackson, Colorado
- Cahill Ranches
- California Farm Bureau
- CalWild (California Wilderness Coalition)
- Campbell County, Wyoming Center for Biological Diversity
- Coalition for Healthy Nevada Lands Wildlife and Free-Roaming Horses
- Coalition of Local Governments Wyoming
- Colorado Farm Bureau
- Colorado Oil and Gas Association
- Colorado Wildlife Federation
- County of Modoc Natural Resources Department
- CTVA Action Committee
- Custer County, Idaho
- Darling Geomatics (Darling Resources)
- East Cascades Audubon Society
- Elko County, Nevada Energy and Wildlife Action Coalition
- Environmental Protection Agency
- Eureka County Board of Commissioners, Nevada
- Garfield County, Utah
- Garfield County Commissioners, Colorado
- Great Old Broads for Wilderness
- Great Old Broads for Wilderness, Nor'easters
- Harney Soil and Water Conservation District
- Hightech Minerals Inc.
- Humboldt County Board of Commissioners
- Nevada Board of Commissioners
- Idaho Cattle Association
- Idaho Conservation League
- Idaho Falconers Association
- Idaho Governor's Office of Species Conservation
- Idaho Wildlife Federation
- Idaho Wool Growers Association
- Industrial Minerals Association - North America
- Intermountain Range Consultants
- J.R. Simplot Company
- Jackson County, Colorado Board of County Commissioners
- Jindalee Resources/HiTech Minerals
- Lahontan Audubon Society

- Lake County, Oregon
- Mesa County, Colorado
- Missouri River Conservation Districts Council
- Missouri River Stewards
- Moffat County, Colorado
- Montana Association of Conservation Districts
- Montana Department of Fish, Wildlife & Parks
- Montana Department of Livestock
- Montana Department of Transportation
- Montana Department of Natural Resources and Conservation
- Montana Electric Cooperatives' Association
- Montana Farm Bureau Federation
- Montana Grass Conservation Commission
- Montana Telecommunications Association
- Montana Stockgrowers Association (Montana Public Lands Council, Montana Association of State Grazing Districts)
- Montana Wildlife Federation
- National Association of Conservation Districts
- National Association of Counties
- National Audubon Society (Natural Resources Defense Council, The Wilderness Society Conservation Colorado, Montana Audubon, Wild Montana, Rocky Mountain Wild
- National Mining Association
- National Park Service
- National Rural Electric Cooperative Association
- National Wildlife Federation
- Nevada Cattlemen's Association
- Nevada Department of Wildlife
- Nevada Farm Bureau Federation
- Nevada Gold Mines
- Nevada Mining Association
- Nevada Outfitters & Guides Association
- Nevada Rural Electric Association
- Nevada State Clearinghouse
- Nevada State Grazing Board N-1 District
- Nevada State Grazing Board N-2 District
- Nevada State Grazing Board N-3 District
- Nevada State Grazing Board N-4 District
- Nevada State Grazing Boards Central Committee
- Nevada Wildlife Federation
- North American Grouse Partnership
- North Dakota Game and Fish Department
- Occidental USA Inc.
- O'Keeffe Ranch
- Oregon Cattlemen's Association
- Oregon Department of Fish and Wildlife
- Oregon Natural Desert Association
- Owyhee County Board of Commissioners, Idaho Pathfinder Ranches LLC
- Petroleum Association of Wyoming
- Pew Charitable Trusts
- Pilotgold (USA) Inc.
- Pintler Audubon Society
- Prairie Hills Audubon Society
- Publics Land Council (National Cattlemens Beef Association, American Sheep Industry Association))
- Rex Minerals Ltd/Hog Ranch Minerals Inc.
- rPlus Hydro LLP
- Saratoga-Encampment-Rawlins Conservation District
- Simplot Land & Livestock
- Southern Nevada Water Authority
- State of Colorado
- State of Idaho Office of Species Conservation State of MontanaState of Nevada Department of Wildlife

- State of Utah, Office of the Governor Public Lands Policy Coordinating Office
- State of Wyoming
- State of Nevada Sagebrush Ecosystem Program
- State of Utah
- State of Wyoming
- Sublette County Conservation District
- The American Farm Bureau Federation
- The Coalition for Nevada's Wildlife
- The Nature Conservancy
- The Nevada Chapter of The Wildlife Society
- The Permitting Institute
- The Pew Charitable Trusts
- Theodore Roosevelt Conservation Partnership (Theodore Roosevelt Conservation Partnership (Backcountry Hunters & Anglers, Colorado Wildlife Federation, Idaho Wildlife Federation, National Wildlife Federation, Nevada Wildlife Federation, North American Grouse Partnership, Utah Wildlife Federation, Wyoming Wildlife Federation)
- Tri-State Generation and Transmission Association Inc.
- Utah County Commission
- Utah Wildlife Federation
- US Department of Agriculture Forest Service
- US Environmental Protection Agency
- Ur Energy USA
- Washakie County Conservation District
- Wayne County Commissioners
- Wells Rural Electric Company
- Western Energy Alliance
- Western Exploration LLC
- Western Governors' Association
- West Slope Colorado Oil and Gas Association
- White Pine County Board of Commissioners
- White River and Douglas Creek Conservation Districts
- Wild Montana
- WildEarth Guardians
- WildLands Defense
- Women's Mining Coalition
- Wyoming Association of Conservation Districts
- Wyoming Coalition of Local Governments
- Wyoming County Commissioners Association
- Wyoming Department of Agriculture
- Wyoming Farm Bureau Federation
- Wyoming Game and Fish Department
- Wyoming Mining Association
- Wyoming Saratoga-Encampment-Rawlins Conservation District
- Wyoming Stock Growers Association
- Wyoming Wildlife Federation
- Y2 Consultants

1.5 FORM LETTER SUMMARY

In addition to unique submissions, two organizations submitted form letters. Prior to the deadline, the BLM received 136 form letter submissions from an unidentified organization[3] and 24,128 submissions from the National Audubon Society. The BLM entered a representative example of each form letter into the comment analysis database. Substantive comments were categorized as described for unique submissions. Letters that represented slight variations of the form letter without significant additional information were

[3] The BLM has not confirmed the origin of the form letter from this entity. This represents information to the best of the BLM's knowledge.

treated as form letters. In both form letter submissions, commenters expressed a desire to include new scientific information, a broad range of stakeholders, and long-term solutions for dealing with fires, invasive weeds, and climate change.

It is important to note that analyzing identical comments as a group does not reduce the importance of the comment. The NEPA regulations on scoping are clear that the scoping process is not a vote, but an opportunity to "determine the scope and the significant issues to be analyzed in depth in the environmental impact statement" (40 CFR 1501.7(a)(2)) and to "identify and eliminate from detailed study the issues which are not significant, or which have been covered by prior environmental review" (40 CFR 1501.7(a)(3)). The BLM does not weigh resource issues based on the number of comments it receives; rather, the BLM considers the content of the individual comment. For example, if there are multiple comments about water resources that are identical and one comment about vegetation, the BLM would not weigh water resources more heavily. Thus, if one comment raises an issue or hundreds of comments raise the same issue, the issue is carried forward for consideration in the EIS.

1.6 SUMMARY OF COMMENTS

The BLM classified all substantive comments under an identified comment category (note: some comments were categorized into more than one category). The BLM identified 49 categories relevant to public scoping for the Greater Sage-Grouse. Comment categories were developed based on the topics identified in the NOI and traditional BLM resource topics. **Table 1-2**, below, lists the categories and the number and percentage of comments received by category.

The BLM categorized 1,875 comments in total. The BLM assigned the largest number of comments (8.2 percent) to livestock grazing. Other significant categories included NEPA (7.3 percent), best available information and baseline data (7.0 percent), mitigation (7.0 percent), habitat boundary and habitat management area designations (6.8 percent), and the range of alternatives (3.5 percent). **Chapter 2**, Comment Summaries, provides more detailed descriptions of the comments received for each category.

Table 1-2
Comments by Comment Category*

Comment Category	Number of Comments	Percentage of Comments
NEPA	136	7.3
Public outreach	3	0.2
Comment period extension request	2	0.1
Mailing list	6	0.3
Consultation		
General consultation	48	2.6
Tribal consultation	2	0.1
Purpose and need	18	1.0
Range of alternatives	66	3.5
New alternative proposed	57	3.1
Best available information and baseline data	131	7.0
Geographic information systems (GIS) data and analysis	3	0.2
Direct and indirect impacts	2	0.1
Cumulative impacts	12	0.6

Comment Category	Number of Comments	Percentage of Comments
Federal Land Policy and Management Act of 1976 (FLPMA)	26	1.4
ESA	7	0.4
Other laws	30	1.6
Resources		
Adaptive management	42	2.3
Climate change	34	1.8
Density and disturbance caps	52	2.8
Exceptions and variances from non-fluid mineral Greater Sage-Grouse restrictions	27	1.4
Fires and fuels	63	3.4
Fish and wildlife	23	1.2
Predation	21	1.1
Fluid minerals	23	1.2
Waivers, exceptions, and modifications of fluids	8	0.4
Habitat boundary and habitat management area designations	126	6.8
Habitat objectives	41	2.2
Invasive species	19	1.0
Land and realty	41	2.2
Lek buffers	50	2.7
Livestock grazing management	153	8.2
Mineral withdrawal	22	1.2
Mitigation	131	7.0
Monitoring	34	1.8
Noise	4	0.2
Required resign features (RDFs)	11	0.6
SFA designations	54	2.9
Socioeconomics	54	2.9
Travel management	12	0.6
Vegetation	48	2.6
Water resources	12	0.6
Wild horses and burros	54	2.9
Renewable energy	45	2.4
Areas of critical environmental concern (ACEC) designations	42	2.3
Recreation	15	0.8
Minerals	23	1.2
Salable minerals	—	—
Locatable minerals	15	0.8
Request cooperating status	17	0.9
Total unique comments	**1,865**	**100.0**

* Some comments were coded in more than one category. Percentages may not add up to 100 due to rounding errors.

This page intentionally left blank.

Chapter 2
Comment Summaries

This page intentionally left blank.

Chapter 2. Comment Summaries

This chapter summarizes the comments received during the 78-day scoping period. It is divided into three sections. **Section 2.1** summarizes comments received that relate to the NEPA process or compliance with other laws and policies. The BLM received several comments suggesting how the BLM should undertake this NEPA process, including consultation and coordination, analysis that should be done, and scientific literature that the BLM should review. **Section 2.2** summarizes comments received that the BLM could consider in developing alternatives in the EISs.

To see the full context of these and other comments, please see submissions posted on the project ePlanning website: https://eplanning.blm.gov/eplanning-ui/project/2016719/510.

2.1 Process-Related Comments

This section summarizes comments received that relate to the NEPA process or compliance with other laws and policies. The BLM received several comments suggesting how the BLM should undertake this NEPA process, including consultation and coordination, analysis that should be done, and scientific literature that the BLM should review.

2.1.1 NEPA

The BLM received 136 comments broadly related to the NEPA process. Some commenters argued that state-specific RODs and planning areas would ensure the best management options for Greater Sage-Grouse and Greater Sage-Grouse populations, consistent under FLPMA, NEPA, and other regulations. They noted that the broad planning area makes it incompatible to develop broad guidelines for specific states. Other commenters recommended that the BLM explore a federal approach to Greater Sage-Grouse populations and habitat; they argued that a range-wide approach would be able to look at all the direct, indirect, and cumulative impacts and develop the best document from there. Another concern raised was why the BLM is not implementing the 2020 RODs; commenters questioned the need for a totally new process.

Some commenters noted that the new plans should include more flexibility and adaptability processes for incorporating future new information without doing a completely new NEPA EIS planning process every time new data are collected or a research effort reveals new findings. Other concerns are noted below:

- The BLM should prepare one document (instead of the two EIS documents: the proposed SFA mineral withdrawal and the other to evaluate Greater Sage-Grouse management).
- The BLM must comply with any outstanding legal agreements for multiple uses, leases, permits, rights-of-way (ROWs), and other documents; otherwise, the BLM will violate the law.
- Commenters questioned why the BLM is not implementing the 2020 RODs. The 2019 RMPAs satisfy the 2021 NOI.
- Commenters voiced concerns that the new plans' requirement for new relevant scientific information may recommend optimal management strategies that exceed current standards in state statutory authority.

- Commenters stated that eliminating and modifying conservation measures for the Greater Sage-Grouse based on a desire to favor particular public land uses rather than the scientific record violates NEPA and the Administrative Procedures Act; also, commenters stated that applying different conservation measures within ecologically equivalent "management zones" without a reasoned explanation violates FLPMA, NEPA, and the Administrative Procedures Act.
- Repeal of BLM Planning 2.0 prohibits landscape-scale planning; therefore, any planning effort must use local decision-making and a local planning area rather than using landscape-level planning.
- Continued plan revisions create uncertainty, regulatory hurdles, and whiplash for local areas and states.

Other commenters had various recommendations for the RMPAs. Some commenters rejected the idea of plan revisions while others embraced them. Some of the recommendations include:

- Plans should be reviewed for consistency and at a landscape scale relevant to Greater Sage-Grouse.
- The BLM should analyze specific habitat and socioeconomic conditions in each planning area.
- The BLM should identify and evaluate the potential benefits of adopting enhanced protections for all resources, not just the Greater Sage-Grouse.
- Each field office region must facilitate and make available to the commenting public and affected governments land use plan evaluations per 43 CFR 1600 and BLM Handbook H-1601-1.
- The Oregon EIS must evaluate all the impacts on mineral resources that would result from withdrawing the SFAs and from Greater Sage-Grouse conservation land management actions.
- The BLM should create a report that analyzes state-specific and federal plans to compare whether the documents adequately address threats to Greater Sage-Grouse.
- The BLM should comply with state and local plans.
- The BLM should revert to management identified in the 2015 RMPAs.
- The BLM should include an analysis for restoration efforts to streamline project-level analyses.

Certain commenters noted that there is not a need to update the Greater Sage-Grouse plan amendments; if the BLM proceeds, the scope should be narrow and comply with existing executive orders (EOs), laws, and local plans. Many commenters requested that the BLM engage in state-specific plan revisions to ensure maximum coordination, implementation, and effectiveness of potential plan revisions. State-level RODs were requested by several commenters, while others expressed doubts over using a federal approach; they cautioned that such an approach would leave out key stakeholders, interested parties, and local county plans. Commenters requested that if the BLM proceeds, it should allow for state-level RODs; that way, the BLM can align the RMPA and other revisions to specific state policies, regulatory plans, local laws, conservation plans, county plans, EOs, and laws.

Under the FLPMA, the BLM must coordinate with local stakeholders to be consistent with local and state plans. Some commenters expressed that management varies from state to state, so a one-sized-fits-all solution is incompatible with effective management. Commenters also recommended that the BLM carefully consider all state-specific plans in the planning area and review them for compliance.

Specific states, such as Montana and Wyoming, stated that there is no need to amend the current plans because states have been developing their plans. Other commenters requested that the BLM reduce the planning in size and apply the planning to a specific state. Furthermore, some commenters requested that the BLM implement the 2020 RODs and not engage in another costly NEPA process. Another commenter requested that the BLM defer to the states and allow the states to start their comment periods and Greater Sage-Grouse plan amendments. However, some commenters recommended and encouraged the BLM to create one federal plan for Greater Sage-Grouse conservation. Some of these commenters argued that the varying standards between states result in mismanagement, inadequate protections, habitat threats, and population declines. Another theme was the possible benefits of conservation planning at a regional level.

Commenters expressed that the BLM should incorporate new and relevant science for compensatory mitigation, SFA protections, the site-specific socioeconomic analysis, and addressing wildfire threats and invasive species' role in wildfires. Other commenters requested that the BLM analyze the current effectiveness of the existing provisions of the Greater Sage-Grouse plans.

2.1.2 Public Outreach

The BLM received three comments related to public outreach concerns. Commenters requested that the BLM continue to use virtual public meetings to engage a broad range of stakeholders. Other commenters expressed concern that virtual public meetings and announcements do not adequately reach rural residents on time, so locals can be left out from participation. Commenters requested to keep all interested parties informed about the process, including any future document releases or comment periods. Some commenters recommended that the BLM gather and disclose all information necessary to evaluate the implementation and efficacy of the 2015 and 2019 RMPAs, as well as any other documents about the Greater Sage-Grouse process for public review.

2.1.3 Consultation

The BLM received 50 comments related to general and tribal consultation. A number of agencies requested cooperating agency status. Most commenters requested that the BLM consult with all relevant local, county, state, and other federal agencies to ensure various policies are used in the analysis. Some commenters asked and requested that the BLM work with the USFWS for each BLM RMP's consistency with the USFWS Evaluation Criteria for Conservation Plans. Furthermore, commenters requested that the BLM consult state wildlife agencies, and one commenter requested that the Nevada Department of Wildlife become a cooperating agency. Many commenters expressed support for the BLM working with states, state agencies, and conservation districts through the process.

Montana, Colorado, Idaho, Utah, and Wyoming requested that the BLM continue collaboration throughout the process and emphasized the extreme importance of state cooperation and collaboration.

Many commenters recommended that the BLM engage with local, county, and state-level agencies to ensure the Greater Sage-Grouse plan revisions accurately reflect the communities they affect. Other commenters requested that counties be designated as cooperating agencies, and the BLM should engage in strong consultation with counties for guidance, recommendations, management, and implementation. Other commenters requested that the BLM consult with specific organizations (see the appendix for details). Finally, some comments requested cooperation with local conservation districts and organizations during the NEPA process.

A commenter recommended that the BLM clarify the timing and methods for tribal coordination and its outreach strategies. Commenters recommended that the BLM describe the issues raised during formal and other consultation opportunities in the draft EIS. A commenter also recommended that the BLM incorporate traditional ecological knowledge for Greater Sage-Grouse habitat into the analysis.

2.1.4 Purpose and Need

The BLM received 18 comments related to the project's purpose and need statement. Many of the commenters recommended that the BLM consider various impacted resources in the purpose and need. Others requested that state-level RODs be developed, so state-specific purposes and needs could be crafted. Other commenters questioned the BLM project's purpose and need, specifically the new potential science, and restarting scoping efforts when the 2020 RODs present an option. Several commenters recommended that the BLM analyze the effectiveness of current protections and consider them in the NEPA analysis's purpose and need. Another commenter recommended that the BLM finalize ACECs as a primary purpose of the project. Other commenters recommended that the BLM consider climate change, socioeconomics, predation, livestock grazing, wild horses and burros, vegetation management, primary threats, minerals, and other relevant resources when creating the project's purpose and need.

Some commenters questioned what "need" the BLM has to revise plans and requested that the agency provide a full explanation on the rationale and plan revisions' updated purpose and need. Other commenters requested that the BLM respond to the project's "preliminary purpose" and specify what data and plans have changed since the 2020 RODs. Multiple commenters requested that the BLM disclose the "various interested parties" in the NOI and disclose other rationale behind the decision effort. Furthermore, commenters requested that the BLM identify the specific new science and rapid changes necessitating action in specific states and plan revisions.

2.1.5 Range of Alternatives

The BLM received 66 comments related to the range of alternatives. Commenters recommended that the BLM implement various state Greater Sage-Grouse plans under the range of alternatives and analyze mineral withdrawals under each alternative. Other commenters reminded the BLM of NEPA's requirements to include a no-action alternative, which would leave current management as is or implement the 2020 RODs.

Commenters requested that the BLM conduct and consider a full range of alternatives under NEPA and FLPMA, including a no-action alternative that leaves the current 2020 RODs in place. Other commenters requested that a no-action alternative also include an option to preserve livestock grazing standards. Another commenter requested that the BLM select a preferred alternative in each draft EIS. Commenters suggested that the BLM adopt a range-wide population objective, as opposed to a state-by-state basis, to ensure consistency. Other commenters requested that the BLM implement the 2020 RODs while new plans are composed. Other recommendations included:

- Alternatives should analyze all available tools, which should include the use of nonnative species for rehabilitation.
- Alternatives should explore federal requirements and mandates for the exploration and development of strategic minerals in the land use alternatives.
- Alternatives should include a broad range of resources that have different uses, mandates, and regulations.

- The BLM should analyze alternatives around different grazing levels.
- The BLM should create alternatives that encourage economic, social, and conservation considerations and the need for mineral development.
- The BLM should not reconsider alternatives beyond those already analyzed in the 2019 RMPAs; alternatives should line up with state plans. The BLM should implement the 2020 RODs.
- The BLM should explore voluntary conservation agreements along with local, public, and private Greater Sage-Grouse plans.

Commenters requested that the BLM align with various state-level RMPs, EOs, conservation plans, local and county plans, and other policies for the ranges of alternatives. Other commenters requested consistent reviews on local RMPs to ensure adequate compliance. Others requested that alternatives include conservation plans, policies, and laws. Some of these included Montana's Compensatory Mitigation System, Nevada's Greater Sage-Grouse plan, Wyoming state plans, Wyoming's Greater Sage-Grouse Core Area Protection (EO 2019-3), Montana's Greater Sage-Grouse state plan, the Modoc County plan, Nevada's EO 2018-32, and the Southern Nevada District Renewable Energy Prioritization.

2.1.6 Best Available Information and Baseline Data

One commenter questioned how the BLM is collecting the population data. The commenter wondered whether the data reflected that the population was in a decline in specific areas or overall.

Commenters made multiple requests for the BLM to consider the best available data for the following resources: wild horses and burros, population data, livestock grazing, lek data, habitat boundaries and mapping, fires and fuels, vegetation, predators, and other resource areas.

Other comments expressed concern over the need for new science and rapid changes; this is because the BLM did not adequately reference what new science was required. Other commenters voiced support for the need to incorporate the best available science because significant information has been released since the previous amendments.

Some commenters provided specific literature for the BLM to review and consider.

2.1.7 GIS Data and Analysis

The BLM received three comments related to the GIS analyses. Many commenters expressed concern that GIS data may be inaccurate, incorrect, and incomplete due to the project's multistate planning area. Some commenters expressed concern over the incorrect boundaries for states and encouraged the BLM to cooperate with all relevant parties. With data constantly changing, commenters requested that the BLM use the most recent mapping data throughout this analysis and update existing data that were previously used in the 2015 and 2019 efforts. They expressed concern that these data are now outdated and inaccurate. They requested new data for Greater Sage-Grouse habitat, lek buffers, population, and population surveys, including hunter take levels.

Along with new data, commenters expressed concern that the current data used do not show existing infrastructure, particularly in Ely, Nevada. They asked that the BLM update the data to show existing infrastructure, such as communities and highways.

Commenters expressed concern over inconsistencies caused by the BLM operating under different Greater Sage-Grouse habitat mapping than the mapping used by the State of Nevada. They suggested that the BLM adopt the State of Nevada's Greater Sage-Grouse management categories map and process and incorporate the state plan, which clarifies how adjustments should be made based on ground truthing. Adopting these categories would allow management flexibility for ground truthing of habitat and lek buffers.

2.1.8 Direct and Indirect Impacts

The BLM received two comments related to direct and indirect impacts. Commenters requested that the BLM consider the project's direct and indirect resource impacts. Commenters felt that the 2015 RMPAs focus on the wrong goals and have indirect impacts on individuals and Greater Sage-Grouse populations and habitat. Several factors affect Greater Sage-Grouse habitat and numbers, including wildfires, invasive and nonnative species, wild horse populations, drought, energy development and mining, and mismanagement of grazing and livestock. One commenter believed there is too much focus on overgrazing affecting the numbers of Greater Sage-Grouse, while another commenter believed there is too much focus on wild horse populations. A commenter suggested there may be inconsistencies with data presented; in making future decisions about effects on Greater Sage-Grouse populations, the BLM should look thoroughly into historical Greater Sage-Grouse data.

2.1.9 Cumulative Impacts

The BLM received 12 comments related to cumulative impacts. Commenters requested that the BLM consider a wide range of cumulative impacts. Commenters felt that earlier plans were not consistent throughout all states and therefore had inconsistencies, making it difficult to consider all cumulative impacts. They felt that conservation practices should be coordinated between private, state, and federal lands, and the BLM should evaluate the cumulative impacts for all. Commenters also suggested that the BLM should organize the wide-ranging cumulative impacts analysis by the Western Association of Fish and Wildlife Agencies' management zone, with a focus on not only the Greater Sage-Grouse habitat but also the area around its habitat and how it is being affected. In this analysis, the following should be included:

- Biodiversity harm
- Climate change stress
- The degree of existing and expanding desertification/aridification
- Future green energy and the minerals required for them
- Habitat loss, how much habitat loss threatens Greater Sage-Grouse populations, and the extent of these threats
- Mining
- Hunter and predator control
- Postfire impacts
- Socioeconomic impacts from the project, as well as improper access to minerals
- The restriction of mineral activities

2.1.10 FLPMA

The BLM received 26 comments related to the FLPMA. Many commenters reiterated that the BLM is required to follow FLPMA under the law and include all relevant parties who could be impacted from the

resulting NEPA analysis. Other commenters reiterated the need to include local and state plans and regulations under the FLPMA, as required by law. Other commenters commented on the multiple-use management objects and how they are compatible with this project.

The FLPMA directs planning efforts to be consistent with state and local plans to the maximum extent found consistent with federal law and the act's purposes. Commenters noted that the long-range land use and natural resource plans prepared by conservation districts identify goals, objectives, and priorities for conservation and management of resources within their boundaries, on both public and private lands. Many states and counties have ongoing efforts to manage Greater Sage-Grouse while concurrently addressing other localized impacts; the BLM should review these plans for consistency and compliance with the 2015 RMPAs. Commenters also noted that the BLM has no authority under FLPMA to apply RMP restrictions on private land.

The FLPMA identifies minerals as one of the many competing uses on public lands that the BLM is tasked with balancing under the multiple-use management mandate (section 102(a)(12)). Commenters expressed concern that the current land management for minerals is too restrictive and have placed Greater Sage-Grouse habitat conservation above all other land uses. Some commenters noted that the 2015 RMPAs do not have the authority to close an area to mining operations. According to the seasonal travel restrictions related to Title V of FLPMA, ROWs in the RMPAs have created conflicts related to valid existing rights and access to mining claims. Commenters requested clarification on how mining can be implemented in a more balanced approach.

Other commenters stated that because FLPMA delegates discretion to the BLM to determine whether and how to develop or conserve resources, the agency can promote environmental and ecological values on public lands while using compensatory mitigation, as needed. Individual provisions of FLPMA confer authority to the BLM to apply a mitigation hierarchy that considers the relative scarcity of values involved, among other provisions. However, the BLM should not prioritize its management directive by placing sole attention on the preservation of sagebrush habitat. The BLM can use the RMPA to address larger management threats to sagebrush biomes rather than limiting the scope to Greater Sage-Grouse habitat.

One commenter noted that the BLM should pay close attention to ensure that recreation, with respect to outfitting and guiding, is not unreasonably limited due to Greater Sage-Grouse conservation measures.

Another commenter suggested that the BLM should establish equal permitting and disturbance requirements for both mineral and renewable energy projects in Greater Sage-Grouse habitat. This would give the regulators and the public confidence that the BLM is enabling the FLPMA's multiple-use mandate.

2.1.11 Endangered Species Act

The BLM received seven comments related to the ESA. Commenters have stated that because the Greater Sage-Grouse was not placed under the ESA, public agencies and private sectors relaxed Greater Sage-Grouse conservation efforts. Commenters suggested that as the agency managing the most Greater Sage-Grouse habitat, the BLM should do everything it can do to prevent further loss. The BLM should align with individual state conservation plans. The commenters also suggested that regulatory mechanisms under the ESA must be mandatory and enforceable.

2.1.12 Other Laws

The BLM received 30 comments related to other laws. Many commenters requested that the BLM incorporate and analyze a variety of local, state, and federal laws during the NEPA analysis. Commenters stressed the need for compliance with all required laws in the planning area, including EOs, conservation plans, and other related documents.

Commenters expressed concern over the rights protected under the mining laws, specifically the rights to explore, stake claims, and seek a discovery of a valuable mineral. These laws include:

- General Mining Law of 1872
- Surface Use Act
- Mining and Minerals Policy Act

Commenters also referenced:

- National Historic Preservation Act
- EO 14008.1
- Sage-Grouse Stewardship Act
- Policy for Evaluation of Conservation Efforts
- Information Quality Act
- BLM Handbook H-1601-1
- National Sage-Grouse Habitat Conservation Strategy
- Wyoming governor's EO 2019-3
- State water law and water quality standards
- Previous court cases involving Greater Sage-Grouse litigation and plans from 2015 and 2019 RMPAs
- Assorted state and local laws (not mentioned specifically)

2.2 TOPICS FOR ALTERNATIVES DEVELOPMENT

This section summarizes comments received that the BLM could consider in developing alternatives in the EISs. **Section 2.2.1** summarizes specific suggestions for alternatives, while other subsections here summarize comments that allude to concerns or tradeoffs in management approaches.

2.2.1 New Alternative Proposed

The BLM received 57 comments related to a new alternative. Many commenters suggested that the BLM implement a range of new alternatives that focus on protecting resources. Some other recommendations included development of specific alternatives for socioeconomic outcomes, grazing management and regulation, fire management, state-specific RODs, and other new proposals.

Many commenters requested that the BLM incorporate or examine various alternatives in the analysis. These include:

- An alternative where animal unit months in Greater Sage-Grouse habitat are based on prolonged drought, warmer temperatures, and reduced grass production.

- An alternative consistent with the adaptive management process adopted in the 2019 RMPAs.
- A preferred alternative that incorporates the 2019 RMPAs.
- An alternative that includes close coordination with local and state fire managers for coordinated fire suppression in Greater Sage-Grouse habitat and for aggressive fuels reduction projects and postfire rehabilitation.
- An alternative that follows the same approach used by the Ely District BLM that implements sagebrush habitat restoration in a systematic fashion at a watershed scale.
- Alternatives evaluating the proposed SFA withdrawal:
  - Keeping the SFA lands open to mineral entry
  - Adopting the high mineral potential alternative analyzed in the 2016 Draft SFA Withdrawal EIS that excluded areas with high mineral potential from the SFA withdrawal
  - Reconfiguring the SFAs to reflect newly available, on-the-ground habitat and mineral potential data
  - Withdrawing the SFA from mineral entry
- An alternative that recommends withdrawal of priority habitat identified through this planning effort.
- A deferral alternative of federal lands and minerals in southwestern Montana from oil and gas leasing pending revision of the Dillon RMP. The BLM should also evaluate a deferral alternative that would commit to not lease in the Beaverhead, Big Hole, and Centennial valleys until it revises the 2006 Dillon RMP.
- An alternative that balances economic, social, and conservation considerations.
- An alternative to facilitate substituting project-level, site-specific habitat data for the habitat classification map.
- An alternative that defers SFA designation to states.
- An alternative to the 3.1-mile lek buffer.
- An alternative that presents an efficient process for using project proponent-supplied Greater Sage-Grouse baseline data to update the habitat classification maps.
- A no-grazing option, a no-grazing in ACECs and focal habitats option, and a reduced-grazing alternative that would reduce grazing (based on actual use) by 25 percent, 50 percent, or other amounts necessary to protect, enhance, and restore Greater Sage-Grouse communities and habitats. The BLM must explain how the reductions in grazing would be accomplished, which allotments would be closed, when and for how long allotments would be closed, and how the BLM would decide those items. Allotment closure must be a key part of any effective mitigation strategy or any other plan specifics.
- Alternatives that conduct a capability and suitability-type analysis of grazing conflicts with Greater Sage-Grouse needs; act to remove a grazing allocation from lands with higher degrees of conflict; apply mandatory, measurable conservative use periods; and avoid the breeding period, hot season, and winter use in Greater Sage-Grouse habitats in any lands where grazing might continue.
- Alternatives that apply specific mandatory, conservative, measurable use criteria to protect Greater Sage-Grouse habitats and populations.
- A preferred alternative resulting from any future Greater Sage-Grouse RMPA in Nevada, which includes and is consistent with the existing state Greater Sage-Grouse conservation plan.

- An alternative that follows these existing programs:
  - The Nevada mitigation program
  - Montana's Compensatory Mitigation System
- An alternative that explores additional mineral leasing.
- An alternative that evaluates how to minimize adverse impacts on mineral exploration and development activities while protecting Greater Sage-Grouse habitat.
- An alternative to remove the requirement for consensus from the USFWS before granting any exceptions to lease stipulations.
- A climate action plan/multiple-use alternative that considers policies that require optimizing the domestic development of minerals.
- An alternative that eliminates grazing in priority management habitat areas (PHMA), ACECs, or expanded focal habitat.
- Alternatives that include specific restrictive, mandatory, measurable objectives that help Greater Sage-Grouse in lands that continue to suffer grazing disturbance.
- Alternatives that specify acceptable livestock grazing utilization, trampling levels, and shrub structural protections and other mandatory and enforceable terms and conditions for both upland and riparian vegetation.
- Language authorizing the retirement of grazing privileges in every alternative that preserves grazing within the planning area. Grazing privileges for allotments that are wholly or partially located within the planning area that are lost, relinquished, canceled, or have base property sold without transfer shall have attached animal unit months held for watershed protection and wildlife habitat.
- An alternative relative to livestock grazing management to facilitate sagebrush recruitment and survival. That alternative should develop allotment management plans, cooperatively with willing permittees, with objective utilization levels sufficient to facilitate sagebrush recruitment and survival.
- An alternative designed to lessen the threats from wildfire and invasive species, raven predation, and wild horse populations that exceed identified acceptable management levels for the land.
- A preferred alternative focused on multiple use that avoids public lands that are off limits to use by providing active management and appropriate mitigation measures that can be implemented based on site-specific information.
- An alternative as part of any new RMPA that is consistent with the October 5, 2020, Humboldt County approved Policy on Rangeland Management and Health and with other policies on livestock grazing. The BLM should also consider the references cited within the county's policy as part of the overall body of science used to inform any new BLM RMPA.
- An alternative that allows for an exception to no surface occupancy stipulations in a PHMA, if the state and the BLM can prove that the proposed lease site is unoccupied habitat incapable of ecologically producing Greater Sage-Grouse during the life of the amended federal Greater Sage-Grouse plans, if the area contains landscape features that make an area unsuitable for Greater Sage-Grouse, and if development will not directly impact Greater Sage-Grouse.
- An alternative developed in cooperation with the state that more clearly accommodates boundary changes and specifies the procedure and requirements for changing boundaries. For example, if

an entire PHMA burned and only cheatgrass has come back due to drought conditions, would the area—though unsuitable for a long period as a habitat—still be considered a PHMA? If the state and the BLM had to develop additional functional occupied habitat adjacent to a PHMA, what would be the process to amend maps and designate that new area as a PHMA? If any adjustments occur, the BLM should seek concurrence from the state to ensure consistency with local plans and policies.

- The habitat management plan alternative in the 2016 Draft SFA Withdrawal EIS, which should be carried forward as an alternative and become part of the BLM's proposed action.
- A preferred alternative that includes an approach for instances when federal lands are non-habitat "Other." Commenters believed that exchanges or disposal have the potential in private ownership to enhance activities that could benefit Greater Sage-Grouse or other wildlife. Irrigated agricultural lands have demonstrated benefits for Greater Sage-Grouse brood-rearing habitat. This portion of the Greater Sage-Grouse life cycle is crucial; it requires greater attention and more opportunities than federally managed lands can solely provide. The commenters strongly urged the BLM to include this overall approach in the preferred alternative for assessment in whatever upcoming set of alternatives are presented.
- A preferred alternative that includes an overall approach to pre-fire suppression management. This is critical because of drought conditions and the increased risk of wildfire impacts. The BLM needs to recognize that targeted livestock grazing and other tools offer landscape-level application and provide value for more effective habitat management. This overall approach should be included in the preferred alternative for assessment.
- A preferred alternative that follows the 2019 Greater Sage-Grouse Plan Amendment in Nevada and California; this is because it included several important areas of need, such as increased opportunities for outcome-based livestock grazing, removing SFAs as a designation, providing meaningful and much-needed flexibility so that designation areas would be periodically adjusted to consider best available science, and adopting an approach that syncs with the Nevada Greater Sage-Grouse state management plan in matching PHMA, general habitat management area (GHMA), and other habitat management area designations.
- A preferred alternative that includes the Nevada Greater Sage-Grouse plan and the approach of "avoid, minimize, and compensate."
- A preferred alternative that heavily incorporates elements and management approaches within Nevada's Greater Sage-Grouse plan. These elements and management approaches should form the foundation of what the BLM presents as the preferred alternative.
- A preferred alternative based on controlling pinyon-juniper where these invasive trees are expanding beyond historical woodland areas. Sagebrush habitat needs to be protected from the encroachment of pinyon-juniper. Also, Greater Sage-Grouse need to be protected from ravens, which use encroaching pinyon-juniper as perch sites for locating nest sites.
- An alternative that allows the BLM to efficiently incorporate newly available, on-the-ground Greater Sage-Grouse habitat data into its management decisions, especially project-level decisions. As part of the permitting process for mineral exploration and development and other regulated multiple uses of public lands, project proponents must provide environmental baseline data that qualified professionals collect following BLM data-collection protocols. Project proponent-collected data typically include information on Greater Sage-Grouse habitat characteristics in their proposed project areas. The EIS should evaluate the best ways to use this

information, including mechanisms for upgrading or downgrading the habitat management classification. The BLM always should consider field-verified habitat data in lieu of the habitat management classification maps, wherever the data are available in the EIS documents and RMPAs. The management actions should be adjusted accordingly and require Greater Sage-Grouse management actions that reflect the site conditions.

2.2.2 Adaptive Management

The BLM received 42 comments related to adaptive management. In general, commenters recommended that the adaptive management plans use a precautionary approach that would select protective measures now and use adaptive management to adjust measures over time, as opposed to a reactionary approach that would adjust only after impacts have become severe or irreversible (such as drastic habitat and population declines). The BLM's management of habitat and habitat loss should focus on the primary threats of wildfire, invasive vegetation, and predators.

Commenters asked for more information from the BLM on whether adaptive management has been used to achieve better conservation outcomes. Commenters requested that the BLM examine the efficacy of the protocols adopted in the 2015 and 2019 RMPAs, which parts of the plans were actually implemented, and whether the plans were successful at reaching intended goals. Commenters asked the BLM to identify if parts of the plans were not successful, and to identify how the BLM would change management to achieve better outcomes. Specifically, one commenter asked the BLM to identify whether habitat objectives and triggers, which vary across plans, have accurately detected losses.

Commenters requested that the BLM create a placeholder for adopting a state-specific strategy for adaptive management, which includes collaboration with state partners. Commenters noted that state-specific strategies could be more effective at addressing conservation and threats, such as wildfires and cheatgrass encroachment in Greater Sage-Grouse habitat. For example, the State of Nevada's adaptive management process is inclusive of state and local government and affected stakeholders; also, it is consistent with DOI guidance.

Other commenters noted that adaptive management triggers are intended to prevent Greater Sage-Grouse habitat loss and population declines; the commenters recommended their use. Commenters recommended that the BLM modify the response mechanisms proposed for the adaptive management triggers. Other commenters expressed concern that the current adaptive hard-trigger responses have no basis in science because the cause-and-effect relationship is speculative. Specific thresholds for triggers should be defined, and the BLM should outline a methodology for determining when soft triggers have been tripped. Some commenters noted that the hard and soft trigger process should be retained and strengthened by lowering the thresholds. Commenters provided specific recommendations related to modifying the causal factor analysis and triggers in the adaptive management plans, including:

- Dedicate funding annually to address threats identified through the causal factor analysis for areas that trip adaptive management triggers. Identify prioritization efforts to reduce local threats through collaboration with the applicable Greater Sage-Grouse local implementation team.
- Incorporate the US Geological Survey's (USGS's) Targeted Annual Warning System as an alternate methodology to the adaptive management triggers when local Greater Sage-Grouse populations begin to decline or have diverged from regional trends.

- Revisit the process and criteria for evaluating soft triggers that core implementation team members developed in early 2021 to see if these triggers can be incorporated.
- More clearly define the details of how the BLM works with states and other partners during the causal factor analysis process.
- Include clearly defined "if/then" statements and support them with mandatory annual, measurable standards and benchmarks.
- Assess if Idaho's current 2011 baseline values for adaptive management population triggers are effective for protecting Greater Sage-Grouse populations and could be applied more broadly, including evaluating the relationship between population triggers and long-term population stability. Note that Greater Sage-Grouse population trends are cyclical.
- Develop a science-based approach for updating adaptive management trigger baselines at appropriate intervals (such as 5-year intervals) to inform reliable long-term Greater Sage-Grouse conservation, including sustaining widespread huntable populations.
- Develop timing and procedures for reviewing proposed changes to habitat maps (such as a 5-year minimum review frequency).

Commenters noted that the BLM did not consider monitoring of livestock use and degradation impacts in its previous triggers; these commenters expressed that the RMPA should include these. However, other commenters stated that unless livestock grazing has been determined as the single causal factor in habitat or population decline, the BLM should not consider livestock reductions in any form in management adaptations.

Commenters said that the BLM's adaptive management response should be in accordance with the Adaptive Management: US Department of the Interior Technical Guide. The soft trigger process documented in the 2019 RMPAs lends itself to a true adaptive management process and should be considered as an alternative in this planning process. However, the hard-trigger process documented in the 2019 RMPAs were not consistent with the DOI's technical guidelines and should not be analyzed as part of this planning process.

While some commenters stated that hard triggers should not be more flexible to maintain habitat for Greater Sage-Grouse, other commenters stated that there should be more flexibility in the adaptive management plans, particularly related to reversing a change in management. These commenters suggested that there should be a mechanism that identifies when conditions are deemed adequate to meet Greater Sage-Grouse objectives and that allows for previous management or activities to resume. The "reverse trigger" could be implemented if 1) the immediate response identified in the 2015 Greater Sage-Grouse plan amendments does not address the causal factor(s) identified in the causal factor analysis and is not needed to sustain the population or remaining habitat, or 2) if the habitat or population, or both, has improved or recovered to the point where the more restrictive measure is not needed. Some commenters noted that the adaptive management plans should offer the flexibility to be changed at a local level when triggers are reached.

2.2.3 Climate Change

The BLM received 34 comments related to climate change. Many commenters requested that climate change be included in the BLM's analyses; commenters further emphasized the way climate change has

already affected Greater Sage-Grouse habitat. Other commenters questioned how the BLM could analyze climate given the broad scope, and they requested that the BLM focus more on fires.

Commenters requested that the BLM identify the direct, indirect, and cumulative impacts from climate change on Greater Sage-Grouse habitats, population abundance, and population distribution. The BLM should account for and reduce contributions to climate change from current and proposed management actions, create and implement specific adaptive management actions that address short- and long-term changes to mitigate climate change impacts in management alternatives, identify and manage climate refugia for Greater Sage-Grouse, and identify and conserve Greater Sage-Grouse connectivity habitat. Commenters asked that the BLM provide quantifiable scientific data and updated climate change modeling.

Commenters requested that the BLM recognize the threat climate change poses to Greater Sage-Grouse. Commenters also requested that the BLM ensure measures are taken to continue to allow renewable energy and electric transmission and distribution projects and to emphasize these projects' critical role. Other comments requested that the BLM consider climate change at the local level in conjunction with stressors such as energy development and invasive annual grasses. Other commenters expressed concern that emphasizing climate above other factors that influence population would be detrimental to Greater Sage-Grouse management. Further, the BLM should manage the land based on long-term climate projections as opposed to annual variability.

Commenters expressed concern over livestock's contribution to climate change and requested that any analysis include livestock in the EIS. Other commenters questioned livestock grazing's impact on climate and reiterated that livestock grazing can be used to mitigate wildfires.

Commenters noted that increased drought conditions are already leading to a detrimental impact on the sagebrush ecosystems. They requested that the BLM analyze drought impacts on Greater Sage-Grouse populations and develop management actions to protect these areas. Another commenter suggested that the BLM should consider drought mitigation and resiliency within the species' recovery strategy, including investments in water storage, wildfire prevention, water use flexibility, and increased coordination with federal, state, and local governments.

2.2.4 Density and Disturbance Caps

The BLM received 52 comments related to density and disturbance caps. Commenters recommended a variety of measures that would make density and disturbance caps specific to states; they also requested a review of the definitions of what counts as a disturbance. Other commenters urged the BLM to review the previous 3 percent density caps; they also offered a range of rationale for why that cap is too high or too low, and if additional measures should be implemented. Other commenters stressed the need for shared and standardized density and disturbance cap metrics; they recommended that the BLM review the density and disturbance caps and modify them to protect Greater Sage-Grouse populations and habitats.

Commenters requested that the BLM reevaluate disturbance caps and buffer distances using the best available science to determine whether current standards are effective. Commenters recommended that the BLM develop a standard baseline methodology for calculating surface density and disturbance caps. Further, a monitoring framework should be included in the RMPAs and be consistent across states.

Commenters noted that the BLM should enforce disturbance caps without exceptions, waivers, and modifications.

Commenters stated that the BLM should review definitions of what counts as a "disturbance" and reevaluate whether natural disturbances such as fire should be included. Additionally, what constitutes a "disruptive feature" should be revisited. Other commenters stated that the existing disturbance should be considered as the environmental baseline before calculations of caps. Commenters noted that disturbance thresholds should be based on discrete areas of biological significance and exclude noncritical habitat in the calculation. Vegetation management should be accounted for in the disturbance caps for priority habitat. For context, the BLM should include an analysis of the disturbances' duration.

Commenters stated that the current 3 percent disturbance cap has not been uniformly applied and therefore will not achieve conservation objectives. The BLM should provide additional details regarding the 3 percent disturbance cap, including precisely how the BLM makes the calculations and how the disturbance cap will meet stated objectives. Commenters expressed that the disturbance features included in the RMPAs are not supported by science at the 3 percent level. The BLM should consider whether there is current research that evaluates whether 3 percent is still the appropriate maximum for direct surface disturbance impacts, given current conditions. Other commenters argued that flexibility should be incorporated into the 3 percent disturbance cap to accommodate clustering of proposed projects in previously disturbed areas.

Commenters suggested that the current method for calculating the disturbance cap is not adequate to quantify actual impacts on Greater Sage-Grouse. This is because the cap currently only accounts for direct impacts. The BLM should also incorporate indirect impacts as part of the calculation. Commenters also noted that a centralized database could be created to contain all BLM-authorized disturbances so that disturbance cap calculations and individual project impacts could be better understood.

Biologically significant units (BSUs) to determine percent disturbance. Commenters stated that using BSUs also results in BSUs being utilized for the impacts analysis (including cumulative impacts). This is inappropriate for adequately understanding and disclosing project impacts. The RMPAs should consider a different metric that can detect impacts at a finer scale to measure and disclose the percent disturbance of impacts from proposed projects. Examples include the USGS Neighborhood Cluster or DOI-designated population management unit. Commenters also suggested using a disturbance and reclamation tracking tool for federal land activities, as is used in Wyoming. Other commenters stated the density cap should be removed at the project level; the BLM should only apply the disturbance criteria at the BSU level in a PHMA to ensure no net loss of habitat.

Commenters expressed that the disturbance cap affects development. The use of disturbance caps has altered oil and gas development in some states by creating operational and legal issues for operators. The BLM should end the lease prioritization and continue to use conditions and stipulations to provide appropriate site-specific protections to Greater Sage-Grouse and its habitat. Commenters noted that caps may not be appropriate in areas with existing development, in GHMA where there are valid existing leases, or in areas with marginal habitat or potential habitat. The RMPAs should incorporate flexible provisions that allow opportunities for disturbance caps to be exceeded when there is an opportunity for an overall reduced disturbance on a greater scale, such as pre-siting practices coupled with focused compensatory mitigation.

Commenters stated the BLM allows density and disturbance caps in PHMA to accommodate valid existing oil and gas lease rights, together with mineral and other surface-disturbing rights, which have not yet been developed. Commenters noted that to help the BLM balance multiple land uses, the current disturbance caps should be updated to include renewable energy development as an allowable use.

Some commenters conveyed that disturbance caps should be site specific, rather than blanket, and private land should be excluded from calculations. The BLM should defer to state and local governments, including conservation districts, when developing or implementing any disturbance caps. Flexibility to adjust disturbance caps in accordance with updated data and science, including site-specific conditions (such as ground truthing), should also be allowed; that way, operators and regulators can determine which design features are most appropriate on a case-by-case basis.

Commenters expressed that the BLM should exclude private land from disturbance cap calculations. The BLM should work to resolve inaccuracies in tracking disturbance, specifically reclamation on privately owned lands. This is because there is no incentive for private landowners to report their reclaimed disturbance unless the management zone is nearing the 3 percent threshold. Other commenters stated that all disturbances on nonfederal lands should be included and, where necessary, the BLM should reduce caps on BLM-administered lands accordingly to maintain the appropriate cap across jurisdictional boundaries.

Commenters wrote that the BLM should continue to exclude grazing from consideration as a surface-disturbing activity. Also, the RMPAs should specifically exclude range improvements and infrastructure for livestock grazing from disturbance caps.

2.2.5 Exceptions and Variances for Non-Fluid Mineral Greater Sage-Grouse Restrictions

The BLM received 27 comments on exceptions and variances from non-fluid mineral Greater Sage-Grouse restrictions. Commenters suggested that the BLM evaluate the effectiveness of waivers, exceptions, and modifications so far. They questioned whether the BLM should apply waivers, exceptions, and modifications under the new plans. Additional clarification should include clear language indicating that waivers, exceptions, and modifications are to be considered only when avoidance and minimization measures have already been implemented (including timing limitations).

Commenters suggested that because of the location-specific nature of mineral resource availability, the avoidance and minimization components of the mitigation hierarchy may be ineffective at reducing project impacts on Greater Sage-Grouse, especially if mineral deposits are identified within habitats regularly used by Greater Sage-Grouse. The 2022 RMPAs should attempt to integrate current science surrounding Greater Sage-Grouse populations, known direct and indirect impacts of mining on Greater Sage-Grouse and sagebrush ecosystems, and the effectiveness and timeliness of restoration actions to guide the creation of restrictive measures for mining in Greater Sage-Grouse habitat. It is also understood that not all mining proposals create similar impacts, and that waivers, exceptions, and modifications may be acceptable for specific circumstances during project siting, construction, and operation. However, the circumstances under which waivers, exceptions, and modifications are used should be fully identified in the 2022 RMPAs and not come at the expense of Greater Sage-Grouse habitat or populations.

Commenters suggested that the BLM also consider emerging renewable energy resource leasing and development (such as pumped hydro storage, hydropower, and battery energy storage systems) in

waivers, exceptions, and modification eligibility, when impacts cannot be avoided or minimized due to site constraints.

Commenters suggested that the BLM should provide, across all alternatives, a clear exception process for activities in Greater Sage-Grouse habitat necessary to protect the public health and safety and to avoid interference with those crucial functions.

Commenters suggested that the BLM should assess the benefits of not allowing exceptions, modifications, and waivers in a PHMA until a reversal in the current population decline has been demonstrated and there is more certainty that the conservation goals for the Greater Sage-Grouse will be attained. For any alternatives where the BLM would allow exceptions, modifications, and waivers, the BLM should disclose to what extent the BLM has historically granted these exceptions, modifications, and waivers with respect to setbacks from leks since 2015. The BLM also should provide any information on the direct and indirect impacts on Greater Sage-Grouse resulting from those decisions. Commenters suggested that exceptions based on conservation gains must also include measures, such as enforceable institutional controls and buffers, sufficient to allow the BLM to conclude that such benefits will endure for the duration of the proposed action's impacts.

Commenters also expressed support for alignment with state plans regarding variances or exceptions.

2.2.6 Fires and Fuels

The BLM received 63 comments related to fires and fuels. Many commenters expressed that the largest threat to Greater Sage-Grouse habitat is more frequent and severe wildfires. Commenters recommended that the BLM incorporate fire and vegetation management strategies while minimizing potential risks to Greater Sage-Grouse habitat. Other commenters recommended that the BLM use the best available science related to livestock grazing and its implications for fires and fuels. Commenters suggested ways to improve the BLM's wildfire response in Greater Sage-Grouse habitat. Some commenters asked for a focus on aerial attacks, while others would like more robust ground crews to be available. Others stressed the need for improved roads to provide access to wildfires.

Commenters requested that the BLM do a better job of incorporating fire and vegetation management, including management of conifer encroachment and invasives, into the Greater Sage-Grouse habitat management strategy. This includes proactive pre-suppression activities and postfire rehabilitation. Pre-suppression efforts include the establishment of fuel breaks; landscape-scale assessments to prioritize at-risk areas for treatment; coordination and collaboration with federal, state, and local agencies and organizations; strategies to protect intact habitat; and continued or increased use of livestock grazing to reduce fine fuels. The BLM should focus on an ecological approach to addressing the issue of wildfires, as other factors influence the spread of invasive species. Commenters stressed the need to fund fire and invasive species management programs.

Commenters asked the BLM to ensure that fuels reduction treatments do not adversely affect Greater Sage-Grouse habitat through timing; project design; the use of genetically appropriate, locally sourced native plants and seeds; and restrictions on land uses until habitat objectives are met. The BLM should put a greater focus on restoring forbs and grasses associated with sagebrush communities and critical to Greater Sage-Grouse brood-rearing habitat. Commenters would like full suppression in sagebrush communities.

Commenters had varying opinions about the use of prescribed fire in higher-elevation communities. Some commenters were in favor, and others requested that the BLM only allow the use of prescribed fire following scientifically supported guidance.

One commenter asserted that current protections in the Greater Sage-Grouse plans are sufficient to address the threat of wildfires.

Commenters would like the BLM to reduce restrictions in Greater Sage-Grouse habitat to improve the ability of land managers to conduct fuels reduction and invasive plant treatments. Some asked that the BLM incorporate land use authorizations, such as transmission lines and renewable energy, as methods to reduce fuels.

2.2.7 Fish and Wildlife

The BLM received 23 comments related to fish and wildlife. Commenters requested that the BLM manage Greater Sage-Grouse and other wildlife to encourage long-term cooperation and species survival.

Commenters requested additional protections for Greater Sage-Grouse habitats since populations have declined since 2015. Other commenters recommended that Greater Sage-Grouse winter concentration areas be protected, and they stressed the importance of habitat connectivity areas for Greater Sage-Grouse. Commenters stated that the BLM should not focus on single species management; instead, the BLM should adopt a more balanced approach to wildlife management. The BLM should incorporate the best available information regarding wildlife populations.

2.2.8 Fluid Minerals

The BLM received 23 comments related to fluid minerals. Many commenters expressed concern about fluid minerals' potential impacts on Greater Sage-Grouse populations and habitats, while others questioned their direct impacts. Commenters provided the BLM with various local and state policies, plans, EOs, and guidance documents as roadmaps in incorporating fluid minerals in the analysis. Other commenters requested additional restrictions on fluid mineral development to protect Greater Sage-Grouse, while also analyzing fluid minerals and habitat boundaries.

Commenters suggested that as part of a coordinated management approach, the BLM should replicate stipulations from the Wyoming Sage-Grouse EO, specifically those in Appendix E (Greater Sage-grouse Population Areas, Permitting Process, and Stipulations for Development) and Appendix C (Project-Level Habitat Definitions, Wildfire, Habitat Treatments, Monitoring, and Reclamation). The BLM also should replicate the development of the Density Disturbance Calculation Tool. The Density Disturbance Calculation process is a method for assessing habitat disturbance within designated core areas and determining whether surface-disturbing thresholds have been met; this informs management decisions about what activities can occur and with what restrictions. This conservation strategy also provides the industry with the regulatory certainty it requires when operating in or outside of core areas and assists the land management agencies when making prioritization determinations.

Commenters suggested that the BLM should evaluate a policy shift that permits the nomination of parcels in a PHMA, but only if bidders on those parcels have secured and pledged Greater Sage-Grouse credits as an advance assurance of mitigating impacts on the species. The BLM could thereby align its leasing decisions with the Wyoming Sage-Grouse EO and framework and secure a deposit against residual impacts

tied to the development of the leases. In the RMPAs that flow from the NOI process, the BLM should analyze the appropriate number of advance mitigation credits that lessees would be required to pledge before a parcel could be sold.

Commenters suggested that lease activity or well counts are no longer appropriate surrogates for anticipated impacts. This is due to the development of directional and horizontal drilling, which has changed the disturbance and fragmentation profiles associated with oil and gas development. These commenters believed the generalized impacts from existing oil and gas operations are occasionally overstated in the popular press and public documents. This is because impact surrogates, such as well counts instead of pad counts, are often used to predict the level of impacts on Greater Sage-Grouse persistence. This error should be avoided in the 2022 RMPAs. The BLM should disclose this transition in oil and gas technology and its inherent reduction in surface impacts.

Commenters suggested that the prioritization method for determining areas for leasing is a flawed method of management in areas that do not contain geological formations required for oil and gas, such as southwestern Montana. The BLM should not waste time and resources managing federal land for resources that are not present.

Commenters suggested that the prioritization method is difficult to apply in areas with few locations where leasing can occur without threatening significant fish, wildlife, cultural, recreation, and conservation values.

Commenters suggested that given the range-wide threats and need to prevent further habitat fragmentation, particularly in intact habitats, the BLM should consider additional high-level protections against development. Suggestions included requiring larger buffer zones than in the 2015 RMPAs. Suggestions also included developing minimum standards for practices such as service road construction, maintenance, and decommissioning; stream protections; spill prevention and response plans; and wildfire response plans.

Commenters stated that the BLM should consider that oil and gas leasing and development within Greater Sage-Grouse habitat has proven to result in population declines; these activities must be restricted within breeding, nesting, and brood-rearing habitat. A great deal of new and existing science shows that oil and gas development's impacts on Greater Sage-Grouse are universally negative and typically severe. Oil and gas development correlates to population declines, reductions in lek attendance, a reduced likelihood of nest success, and avoidance of areas with high well density. Current measures are likely not sufficient to protect Greater Sage-Grouse.

The BLM should close priority Greater Sage-Grouse habitat areas to fluid mineral leasing, except possibly when there is an opportunity for the BLM to influence conservation measures where surface or mineral ownership is not entirely federally owned. Upon expiration or termination of existing leases, the BLM should not accept nominations/expressions of interest for parcels within a PHMA. The BLM should not allow new surface occupancy on federal leases within a PHMA, including winter concentration areas, during any time of the year. Also, the BLM should apply a seasonal restriction on exploratory drilling that prohibits surface-disturbing activities during the nesting and early brood-rearing season in all priority Greater Sage-Grouse habitats during this period.

Commenters suggested that the BLM should also use the planning process to reevaluate the adequacy of buffers, disturbance caps, timing stipulations, mitigation, and other measures meant to protect Greater Sage-Grouse. Commonly used seasonal timing restrictions have been found to not prevent infrastructure's impacts (for example, avoidance and mortality) at other times of the year, during the production phase, or in other seasonal habitats that are crucial for population persistence. Studies have found that the Greater Sage-Grouse's use of winter habitats occurred over a longer period than current core area winter timing stipulations; a substantial amount of winter habitat outside core areas was used by individuals that bred in core areas, particularly in smaller core areas.

Commenters suggested that the requirement to lease lands in Greater Sage-Grouse habitat identified as open to oil and natural gas leasing only after non-Greater Sage-Grouse habitat has been leased or to specifically preclude leasing in a PHMA when general habitat parcels are available would be inconsistent with the FLPMA's multiple-use mandate and the prioritization instruction memoranda. The prioritization framework is legally defensible and properly prioritizes the parcels. The BLM should adopt this prioritization framework in the RMPAs and honor the results of the process.

Commenters suggested that the BLM should conduct an updated mapping effort to capture the landscapes that would benefit from protection-oriented measures alone, versus needing extensive management or restoration intervention to reverse declines in the ecological function. The most essential sagebrush habitat should have a no surface occupancy requirement applied.

To meaningfully prioritize oil and gas leasing outside Greater Sage-Grouse habitat in these updated documents, commenters suggested that the BLM should improve the prioritization process and requirements. To do so, the BLM should look for opportunities to modify parcel boundaries to withdraw the PHMA and GHMA from inclusion in lease sales and consider the availability of other parcels for lease in all field offices. The BLM should exclude parcels that are within an identified PHMA and have low or moderate potential for oil and gas, are not near an existing disturbance, or require additional infrastructure to be developed. The BLM may consider for leasing parcels that are within an identified PHMA or GHMA but that have a high potential for oil and gas, are near an existing disturbance and infrastructure, or are already within an existing oil and gas unit that has been analyzed in an EIS. Parcels outside a PHMA or GHMA that do not have other higher-priority resource conflicts should be considered for leasing before parcels in a PHMA or GHMA. For parcels in a PHMA or GHMA that are included in lease sales, there should be an evaluation of other conditions of approval that will limit any new infrastructure and other stressors on Greater Sage-Grouse.

Commenters suggested that the BLM should develop uniform guidance and a consistent methodology for the fluid mineral lease prioritization process, to improve the transparency and defensibility of leasing and permitting decisions, both across the overall species' range and within subregional and state offices. Divergent applications of the requirement to prioritize future fluid mineral leasing and other development activities and infrastructure outside Greater Sage-Grouse habitat have resulted in legal uncertainty and confusion.

2.2.9 Waivers, Exceptions, and Modifications of Fluids

The BLM received eight comments related to waivers, exceptions, and modifications of fluids. Commenters expressed support for locally made decisions for waivers, exceptions, and modifications,

while also ensuring the BLM complies with local county regulations and plans. Other commenters reminded the BLM of its ability to use these waivers for projects in Greater Sage-Grouse habitat.

Commenters suggested that the local field office should make decisions on waivers, exceptions, and modifications, as the field office's staff has on-the-ground knowledge of the specific situation. The BLM should also revise the plans to reflect its sole legal authority to grant waivers, exceptions, and modifications. The BLM should grant waivers, exceptions, and modifications if potential adverse effects are appropriately mitigated or if local conditions at the time render the original lease stipulations or conditions of approval unnecessary.

Commenters suggested that the BLM take steps to ensure that the plans' overall purpose is not undercut by waivers, exceptions, and modifications. The stakeholders applying for a waiver should establish that the plan they are suggesting would result in no net loss of habitat. Public notice and an opportunity for comment should be required of any exception, modification, or waiver of Greater Sage-Grouse conservation measures in a PHMA. BLM state offices should compile and publish quarterly reports regarding exceptions, modifications, and waivers requested, as well as the basis upon which the BLM granted any waivers.

2.2.10 Habitat Boundary and Habitat Management Area Designations

The BLM received 126 comments related to habitat boundary and habitat management area designations. Commenters requested that all habitat boundaries be updated to accurately reflect state and local boundaries. Commenters also stressed the need for well-crafted habitat boundaries and management strategies to ensure the species' long-term success.

Commenters noted that the 2015 RMPAs are outdated, and updating efforts should be made to reassess PHMA, GHMA, and habitat management area boundaries. Commenters also said the BLM needs to further refine these habitat areas based on site-specific conditions. Other commenters said that the maps and best available science are state specific and should align with state-identified habitat maps.

Commenters suggested that wildfires' effects on habitats should be included in the habitat maps and boundaries; they requested that the BLM provide updates on wildfire damage to existing Greater Sage-Grouse habitats. Commenters also recommended that all the nomenclature should match. There are minor discrepancies between the BLM and state nomenclatures.

Commenters recommended identifying and designating key habitats on public lands and reserves, including habitats from the entire life cycle, and SFAs. Surface disturbance must be avoided as much as possible. Other commenters suggested that focal points should be written out and combined with other designations. Further, commenters suggested that the BLM remove "opportunity areas" within PHMA, reclassify them as general habitat, and remove all other GHMA distinctions.

Commenters recommended that the BLM incorporate flexibility so that designation areas may be adjusted based on the best available science, local land conditions, and site-specific needs.

Commenters suggested an alternative that includes regularly updating habitat classification maps. Other commenters suggested alternatives that reverse habitat loss due to wildlife and invasive weeds, increase abundance and distribution of populations, and stabilize long-term population declines.

Commenters suggested the BLM should protect the connections between PHMA to ensure genetic diversity; the BLM should also protect the identified lands with wilderness characteristics within the PHMA. However, it was also suggested that areas between PHMA should be left for grazing.

2.2.11 Habitat Objectives

Commenters submitted 41 comments related to habitat objectives. Many commenters requested that the habitat objectives include a broad range of resources and adhere to local regulations. Commenters noted that states have different frameworks, and the BLM should incorporate those in its analysis.

Commenters suggested the BLM consider future and current oil and gas impacts on the environment, in addition to climate change and wildfires. Commenters also suggested using previous state plans for conservation, protection, and mitigation to get ideas on some of the best ways to proceed. They also suggested promoting connectivity between different habitats and limiting activities that may fragment the habitats, such as roads and tall structural endeavors.

The current habitat objectives only apply to a wide range of areas at one point in time and does not apply to local areas. Commenters noted that protecting the species and its habitat benefits the entire ecosystem. Grass height should not be the sole indicator that the habitat is suited, and commenters suggested using trend data on bunchgrass and threat-based management modeling. Commenters requested that the BLM disclose in the 2022 RMPAs what causative factors and evidence support the hypothesized declines in Greater Sage-Grouse. The BLM should also move away from slashing priority habitat.

Commenters also have concerns with the reliability of the data provided; this is because Greater Sage-Grouse populations fluctuate over the seasons and are extremely hard to track. To combat this, they suggested that the BLM:

- Define habitat based on unambiguous, quantifiable criteria
- Identify progress of reclamation practices in critical and general habitat
- Coordinate with local state biologists and use best available information when delineating Greater Sage-Grouse brood-rearing habitat
- Identify and analyze opportunities for habitat enhancement
- Check on current PHMA and coordinate with the USFWS to determine whether the areas are still being protected and if they are still the best habitats to protect
- Maintain connectivity between habitats by avoiding activities that increase the distance between Greater Sage-Grouse habitats or impose barriers to dispersal
- Base decisions on a long-term analysis of the ecosystem's health trend
- Update new resource damage from horses, fires, and invasive species
- Build upon existing 2015 and 2019 habitat objectives

Commenters also felt that the BLM should explain prioritization procedures that have not yet been explained, including:

- The standard of compliance or measurable objectives to gauge whether the prioritization requirement has been met
- Parameters used as a basis for implementing non-habitat prioritization

- Threshold or non-threshold conditions that must be met to trigger leasing
- Actions the BLM takes to promote leasing outside the habitat

2.2.12 Invasive Species

The BLM received 19 comments related to invasive species. Many commenters voiced concern over the threat of invasive species, such as cheatgrass, particularly in Greater Sage-Grouse habitat, and these species' role in wildfires. Commenters requested that the plans develop guidance and implement strategies to reduce invasive vegetation in Greater Sage-Grouse habitat. Commenters voiced concern that invasive grasses and wildfires are the two main threats facing Greater Sage-Grouse habitat. Commenters suggested the BLM should prioritize these two threats and conduct extensive research into how to best improve habitats degraded by invasive annual grasses and wildfires. Commenters also requested a full, detailed map and analysis of the ecological condition; cheatgrass presence; the species impacted, including the loss of pinyon-juniper species; the costs of treatments and restoration; and other elements of the vegetation treatments that have taken place. They also suggested that the BLM coordinate with states on conservation efforts to restore and protect the sagebrush habitat that has been destroyed. Commenters recommended the following:

- Develop plant material supply plans to meet the anticipated restoration plans in coordination with states.
- Continually monitor invasions and have a measure in place to rapidly remove invading species.
- Reduce the area dominated by invasive annual grasses to 5 percent or less within 4 miles of all occupied leks.
- Use only genetically appropriate native plant materials in restoration projects.
- "Grow the core" by restoring perennial bunchgrasses and pre-fire fuel modifications through seeding and strategic placement.
- Work proactively against invasive species, such as cheatgrass, using solutions such as biocontrol.

2.2.13 Lands and Realty

The BLM received 41 comments regarding lands and realty. Multiple commenters expressed the need to modify ROW restrictions and clarify how ROW restrictions might hinder energy and infrastructure development. Other commenters requested that the BLM increase the number of ROWs in the Greater Sage-Grouse planning area to mitigate potential impacts.

Several commenters requested that the BLM consider land exchanges as a conservation tool to consolidate landownership into more manageable areas. Some commenters recommended that the BLM increase ROW restrictions to protect Greater Sage-Grouse and its habitat. Other comments recommended the BLM establish ROW corridors to consolidate development and to minimize fragmenting Greater Sage-Grouse habitat. Other commenters requested more flexibility in how restrictions on ROWs are applied. Commenters questioned how additional ROW areas would impact broadband internet development. Others asked that the BLM consider the effects of restrictions on utility customers. Commenters would like the BLM to consider the unintended effects of certain requirements, such as additional surface disturbance associated with burying power lines.

Commenters requested clarifications related to ROW restrictions, including linear features and renewable energy development. The BLM should differentiate between different types of ROWs. Other commenters requested that the BLM honor valid and existing rights and allow facility maintenance and access.

2.2.14 Lek Buffers

The BLM received 50 comments related to lek buffers. Commenters stated that leks are critical to the species and need to be further defined and evaluated. Commenters expressed concern over the baseline data used to determine lek buffer distances. They requested that the BLM provide the public with access to lek counts and survey data, mapping, population counts, population estimates, and population analyses. They requested that the BLM complete an assessment of how these have altered over time. The analysis should propose buffer distances informed by a thorough review of the best available scientific information.

Many commenters expressed concern over the existing lek buffer distances established in the 2015 RMPAs. They stated that the typically recommended buffer of 3.1 miles may not be sufficient in size. The BLM should also incorporate state requirements and consider whether large variations in site-specific conditions, such as topography, merit site-specific consideration of ecologically appropriate setbacks.

Commenters suggested that lek buffers should not apply to livestock management, particularly hauling water to livestock. Any additional language should not restrict the development of range improvements that allow for improved management of livestock grazing.

One commenter requested that the BLM incorporate the USGS report on conservation buffer distance estimates for Greater Sage-Grouse.

Commenters requested that there be greater flexibility in lek buffer distances for clean energy projects and critical mineral projects. These buffer distances should consider the classification of the energy project and structure.

One commenter stated that adverse effects on Greater Sage-Grouse leks should be avoided by locating proposed land use actions outside of applicable non-disturbance lek buffers.

2.2.15 Livestock Grazing Management

The BLM received 153 comments related to livestock grazing. Many commenters provided evidence that livestock grazing does not significantly affect Greater Sage-Grouse habitat and has various benefits, including controlling invasive species and mitigating wildfires. Other commenters presented evidence and expressed the clear impact livestock grazing has on Greater Sage-Grouse populations and habitats. Commenters requested that the BLM incorporate the best available science for livestock grazing actions and adhere to existing leases, regulations, and plans. Other commenters voiced concerns over the potential for new livestock grazing restrictions and their potential socioeconomic impacts on local and rural communities. Other commenters voiced support for the use of a hybrid approach that uses new restrictions with removed restrictions to better manage Greater Sage-Grouse habitats.

Commenters suggested that removing livestock from the research natural areas should not be considered as a possible management action and that such management would be contrary to the Taylor Grazing Act. Commenters stated that the BLM must consider the impacts of closing special management areas to livestock grazing on local communities and ranches.

Commenters stated that the "stubble height" requirements that were built into past RMPs for Greater Sage-Grouse are arbitrarily established and a poor specific indicator of range health. As opposed to a narrow focus on stubble height, the BLM should instead adopt a trend-based metric that values a multitude of forage and other range-use parameters. This issue could be resolved by consulting with range conservationists and defining a more scientifically based standard through both instruction memoranda and plan amendments.

Commenters suggested that sustainable grazing is an important historical land use that is crucial to the economic health of communities, as well as rural communities' conservation goals. Grazing restrictions adversely affect rural communities with no perceivable benefit to Greater Sage-Grouse conservation.

Commenters suggested that the BLM should resist any language that would limit grazing permittees' ability to continue to utilize their permits. Such changes would likely create negative consequences on habitat and to the rural economy, while providing no net benefit to the Greater Sage-Grouse.

Commenters stated that continuous annual grazing of domestic cattle, sheep, and wild horses has resulted in overgrazing. The BLM should consider interruptions in grazing and other management to allow the landscape to recover. Commenters suggested that the BLM stop allowing grazing in allotments that are not meeting land health standards or that do not have an up-to-date NEPA analysis. The BLM should create a streamlined way to remove grazing permittees who do not manage their livestock within land health standards. Another commenter suggested the creation of a grazing-free area, which would exclude cattle, sheep, burros, and horses, to conduct a multiyear study of grazing's impact on forbs.

A commenter stated that the BLM should disclose the current and future impacts that livestock grazing has on Greater Sage-Grouse populations, their habitat, and the 350 other species that depend on sagebrush. In the arid West, managing livestock grazing in a manner that maintains or improves the health of the land is next to impossible. Greater Sage-Grouse habitats are experiencing negative impacts and severe degradation due to livestock grazing, especially in valuable riparian habitats such as streams, springs, seeps, and mesic meadows.

Commenters suggested that livestock grazing should not be considered a disturbance event since livestock actions mimic other natural processes. The decline in livestock numbers is correlated with the decline in Greater Sage-Grouse populations. Grazing does not negatively affect nesting success. The USFWS specifically recognized that livestock grazing is not a major threat to Greater Sage-Grouse. Grazing has been shown to decrease fine fuels loads and is the best tool for controlling Greater Sage-Grouse's biggest threat, which is unmanageable range fires. The BLM must recognize that managed livestock grazing represents an important and cost-effective tool to achieve desired Greater Sage-Grouse habitat conditions and to reduce wildfires.

Commenters suggested that the BLM implement more flexible range management actions, which would allow the BLM to manage grazing to be reactive to changing environmental conditions and drought. Outcome-based grazing should be analyzed as a management strategy to respond to changing land management needs.

Commenters suggested that each allotment should have monitoring data to determine whether a specific Greater Sage-Grouse seasonal habitat exists, rather than assuming that every allotment has brood-rearing habitat.

Commenters suggested that all livestock and feral horses and burros need to be excluded from newly seeded disturbances for at least 5 years to give new native plants time to mature and to provide additional seeds to continue propagation.

Commenters suggested that grazing operations that use recognized managed approaches should be recognized as a de minimis activity. Properly managed grazing activities are compatible with Greater Sage-Grouse conservation and may improve or complement habitat for Greater Sage-Grouse. Properly managed grazing maintains or enhances rangelands and helps sustain a diversity of plant species important to Greater Sage-Grouse and a wide array of other species of concern.

Commenters suggested that the BLM should bring impacts due to the growth of wild horse and burro populations under control before requiring livestock permittees to reduce their herds.

Commenters suggested that language about the timing and location of livestock turnout contributing to livestock concentrations on leks during the breeding season is ambiguous; they suggested the language does not provide scientific evidence that grazing is affecting Greater Sage-Grouse.

Commenters recommended including provisions requiring that all alternatives in future NEPA analyses for issuing or renewing livestock grazing permits provide specific mechanisms to make adjustments during the permit term, when livestock grazing is identified as a significant factor in the failure to meet habitat objectives and overlying land health standards for Greater Sage-Grouse.

Commenters suggested that the past analysis, which analyzed the impacts of grazing by free-roaming horses and livestock together, was inappropriate. This is because management of permitted livestock (cattle and sheep) and management of free-roaming horses and burros are in different BLM programs, and the strategies needed to meet the BLM's goals and objectives are different in fundamental ways.

2.2.16 Mineral Withdrawal

The BLM received 22 comments related to mineral withdrawals. Some commenters expressed concern over the scope of the planning area and how it could impact mineral withdrawals. Other commenters requested that the BLM consider the need for mineral withdrawal related to critical minerals; they requested that the BLM quantify how mineral withdrawal affects Greater Sage-Grouse populations and habitat. Other commenters requested that the BLM incorporate local plans and regulations while incorporating the best available science for mineral withdrawals.

Commenters suggested that the BLM should consider issues of national importance, including the importance of recovering minerals from federal lands for critical domestic energy and manufacturing needs, alongside the need for additional protections of the Greater Sage-Grouse. The BLM must quantify how Greater Sage-Grouse management actions, including mineral withdrawal, would adversely impact mineral exploration and development.

Commenters suggested the BLM must analyze the impacts of any withdrawals or other mining restrictions on the socioeconomics, economy, customs, and culture of local communities as part of the analysis. The mitigation hierarchy can be applied, as appropriate and lawful, to allow for responsible development and to provide solutions for possible mitigation that can rehabilitate Greater Sage-Grouse habitat and result in reduced impacts on the local communities' socioeconomics.

Commenters suggested the BLM should take steps, including mineral withdrawal, limiting and removing human-caused infrastructure to the maximum extent practical, and restoring high-quality, functional habitats to the areas identified as the highest-quality Greater Sage-Grouse habitat, to best protect the species.

Commenters suggested that after two full NEPA processes, the BLM concluded in both the 2015 and 2019 planning efforts that the mineral withdrawal should no longer be recommended. Because the relevant facts supporting the decisions, including for the 2020 Supplemental EISs, the withdrawal remains unnecessary and unreasonable.

A commenter suggested the BLM should reexamine the past proposed withdrawals of the Oregon SFA in light of discoveries of significant lithium deposits in the McDermitt Caldera. The BLM should consider a carve out of high mineral potential areas around the McDermitt Caldera and Thacker Pass in Oregon and Nevada to allow development of these important deposits.

Commenters suggested that if the BLM proceeds with considering a proposed mineral withdrawal as part of this land use planning process, it should update the mineral potential report completed for the 2016 SFA Withdrawal Draft EIS to evaluate the mineral potential of any lands identified for a future proposed withdrawal. The mineral potential report should analyze the 35 critical minerals contained in a 2018 list published by the USGS, and minerals from the draft expanded critical minerals list of 50 critical minerals published by the USGS in November 2021. The BLM must also carefully consider the mineral potential for the entire Greater Sage-Grouse planning area before the impacts of imposing Greater Sage-Grouse land management restrictions can be assessed on mineral resources.

2.2.17 Mitigation

The BLM received 131 comments related to mitigation. Commenters asked the BLM to ensure that its management actions address eliminating, reducing, and mitigating the causes of the decline in Greater Sage-Grouse populations.

Mitigation should be further addressed in the analysis to describe a more comprehensive understanding of the immediate, residual, and cumulative impacts. The mitigation requirements should also be included in the RODs for clarity, consistency, and compliance requirements. One commenter stated that sound mitigation policy provides the BLM with a structured, rational, and transparent framework for reviewing use requests and meeting its multiple-use and sustained-yield mandates. Another commenter stated that the BLM should identify all relevant, reasonable mitigation measures that could improve projects, even if the measures are outside the jurisdiction of the lead agency or the cooperating agencies and, thus, would not be committed as part of these agencies' RODs.

To conserve and restore Greater Sage-Grouse habitat, effective mitigation measures are necessary. Some commenters recommended that these include the mitigation hierarchy of avoidance, minimization, and compensatory mitigation. One commenter stated that mitigation should not be the primary mechanism for conservation; rather, it should be a component to address specific and localized impacts. Another commenter suggested that the mitigation hierarchy should be consistent with the state plans and definitions of net conservation gains.

The BLM should disclose actions it is legally allowed to require for each allocation type and process. The BLM should disclose if it does not have the authority to require mitigation for certain land uses. One

commenter suggested that creating a mechanism to ensure the use of the mitigation hierarchy could be beneficial to dissuade the use of waivers, modifications, and exceptions. Furthermore, the BLM should include discussions of varying scientific opinions and the best available science and methods selected for determining significance and mitigation requirements.

One commenter stated that mine sites are already heavily regulated and work with state and local partners to mitigate potential impacts on Greater Sage-Grouse populations and habitat from mining. The commenter questioned the need for more restrictions.

Commenters suggested restoration activities should be prioritized in areas of recent or active natural disturbance.

A commenter stated that voluntary approaches to mitigation are not acceptable; this is because they provide no certainty that any new habitat will be created in response to development of existing habitat.

The BLM should include an assessment of the mineral potential in areas subject to proposed restrictions and the socioeconomic impacts of such restrictions. The BLM should consider the mitigation hierarchy to address the primary threats to Greater Sage-Grouse. One commenter requested that the BLM implement mitigation measures for construction, energy, and infrastructure needs.

Further clarification is needed to reduce relative confusion of reclamation requirements, RDFs, management decisions, stipulations, conditions of approval, or other requirements and compensatory mitigation. There is often confusion that complying with one of those requirements negates the need to satisfy others.

Mitigation can present opportunities for management of primary threats, such as wildfire, invasive species, wild horses, and predators, under a multiple-use approach, as required under FLPMA. One commenter recommended creating a section in the draft EIS that identifies the most appropriate conservation measures to alleviate each threat for each Greater Sage-Grouse population and assesses each measure's success. Another commenter suggested classifying threats according to time frames (if the threat is permanent or only temporary).

Commenters requested that the new RMPAs identify how compensatory mitigation for renewable energy projects could contribute to existing restoration efforts. Another commenter requested that the BLM assess mitigation options that allow Greater Sage-Grouse to occupy renewable energy facilities by adapting or mitigating components of the project design.

The BLM should establish a restoration process to ensure that restoration can be effective without detriment to other species, focusing on areas where the Greater Sage-Grouse is the primary species of concern.

The BLM needs to improve its process for accepting compensatory mitigation, when it is applicable and required. A commenter requested that the BLM improve the methods for accepting compensatory mitigation funds and consider these options: payment in lieu of fees, mitigation banking programs, directing funds to state habitat conservation projects, or directing funds to habitat conservation projects associated with state conservation partnerships. The commenter also encouraged the BLM to consider and credit companies for early avoidance and minimization efforts and apply compensatory mitigation only when it

is appropriate for unavoidable impacts. The BLM should coordinate with state wildlife agencies on these projects to ensure state and federal avoidance, minimization, and mitigation strategies do not conflict with or undermine the established efforts developed through state collaboration.

One commenter requested that the BLM acknowledge the importance of site-specific conditions in determining the most effective and efficient mitigation. Another commenter suggested that the BLM employ conservation tools to strengthen protection of habitats that are critical to the Greater Sage-Grouse's survival, while promoting strategies implemented at the state or subregional level.

One commenter discussed habitat restoration efforts in areas with tillage agriculture or historical seeding. The commenter stated that due to costs and marginal results, these efforts can be difficult; however, if they are successful, they can result in habitat expansion. Another commenter discussed habitat restoration efforts in areas with disturbance caused by oil and gas development. The commenter stated that this can demonstrate that disturbance does not have to be permanent, and this should be accounted for in the disturbance calculations. One commenter requested that the habitat value should be quantified to establish that the no-net-loss metric pertaining to Greater Sage-Grouse habitat has been met.

Commenters requested that the revised RMPAs allow for flexibility as new data and science continue to emerge that would support possible mitigation strategies.

Commenters suggested creating minimum standards for mitigation based on the BLM's Mitigation Manual (1794-M) and Mitigation Handbook (H-1794-1) and The Nature Conservancy's 2015 report, Achieving Conservation and Development: Applying the Mitigation Hierarchy.

One commenter suggested that the BLM should create a database on effective mitigation measures and use it to amend the existing RMPAs. This database should create a systematic cataloging and quantitative evaluation of the type, extent, and effectiveness of mitigation measures that the BLM previously required of the oil and gas industry.

Commenters stated that removing livestock grazing should not be considered for mitigation. It is a critical ecological service and must be maintained.

One commenter stated that further clarification is needed for why agricultural conversion on BLM-administered land is not at the BLM's discretion. The commenter requested that the BLM also identify opportunities to mitigate agricultural conversion impacts.

Several commenters noted that federal and state agencies have worked cooperatively to further align policy and regulation regarding Greater Sage-Grouse management. Commenters suggested that the BLM adopt state mitigation programs to compare the effectiveness of different approaches across states, but still require that they meet a common set of standards designed to meet federally established conservation goals. They also suggested that the BLM defer to localized and state-specific partnerships to work through the appropriate mitigation standards within their areas. One commenter stated that the BLM should only impose compensatory mitigation under a framework developed by the states.

One commenter stated that the candidate conservation agreement with assurances is an important conservation tool that offers a more localized, site-specific conservation strategy to improve habitat on a landscape scale and to provide flexibility through an adaptive management platform.

Commenters expressed concern that the term "net conservation gain" was not clearly defined. They asked that the BLM further clarify this term. Many commenters recommended maintaining a net-conservation-gain standard to balance the spatial and temporal risk associated with sagebrush habitat management. Some commenters disagreed and opposed the inclusion of a net-conservation-gain standard in all management actions; they requested that the BLM better align mitigation standards with current federal law, current federal policies, and the states' mitigation plans.

One commenter suggested that the BLM assess, and where suitable, organize and examine conservation measures in such a way that they address the specific cause-and-effect mechanisms that underlie each threat that is identified as potentially harmful to Greater Sage-Grouse.

A commenter recommended that the BLM consider the impacts of any proposed conservation measures on local communities, possibly through a balance-of-harms approach.

Some commenters stated that including compensatory mitigation would help to ensure the additional disturbance would not contribute to the impacts on Greater Sage-Grouse and sagebrush habitat loss. The commenters also stated that including compensatory mitigation would help to compensate for short-term economic losses. Compensatory mitigation should focus on addressing the identified and imminent threats to Greater Sage-Grouse and degraded Greater Sage-Grouse habitats. Prior to the BLM moving forward with a compensatory mitigation plan, the BLM must allow meaningful public review and participation via the draft plan revisions.

One commenter stated that compensatory mitigation should be reinstated as an option in the revised RMPAs for energy projects that cannot avoid a PHMA, GHMA, or other habitat management areas, if the mitigation results in a net conservation gain and meets the RMPA objectives. Another commenter stated that the EIS should evaluate a balanced approach that allows projects on lands with Greater Sage-Grouse habitat to move forward with fewer restrictions in exchange for providing voluntary compensatory mitigation to improve and protect identified Greater Sage-Grouse habitat areas.

Other commenters stated that the inclusion of compensatory mitigation is concerning for several reasons. Compensatory mitigation is not listed under FLPMA or NEPA; these statutes only mention avoidance and minimization of adverse impacts. Compensatory mitigation creates a dynamic where project proponents can be required to pay for efforts identified as compensatory mitigation, but they have no actual mitigation impact on the areas that would be disturbed by the proposed project. The compensatory mitigation requirement could lead to potential misuse; this is because it could evolve to a system where project applicants are compelled to fund efforts that do not actually mitigate their projects' impacts but instead finance extraneous projects for which the BLM would otherwise not have the funding to complete.

Another commenter stated that the BLM should prioritize compensatory mitigation projects that improve degraded habitat, or prevent the destruction of existing habitat at large scales, over projects that create local conservation easements that provide habitat protections at a much smaller scale and do not necessarily reduce the primary causes of the Greater Sage-Grouse's decline and habitat loss.

When mineral activities create unavoidable surface disturbance on lands with Greater Sage-Grouse habitat on BLM-administered land, the BLM should work with the project proponent to provide mitigation. This mitigation should consist of either on-the-ground habitat improvement projects or funding for agency-led preventive measures to reduce wildfire risks or to restore impacted habitat areas.

One commenter requested that the BLM work with the USFWS to determine whether the net gain standard for compensatory mitigation is adequate to address ongoing Greater Sage-Grouse population and habitat declines. If the BLM considers a less stringent standard, the commenter suggested that the BLM coordinate with the USFWS to determine how the standard would ensure the Greater Sage-Grouse listing would remain not warranted under the ESA.

Commenters stated that voluntary approaches to mitigation are not acceptable since they provide no certainty that new habitat will be created in response to the development of existing habitat. The application of strict avoidance and minimization principles in these programs is also critical.

2.2.18 Monitoring

The BLM received 34 commenters related to monitoring. Commenters requested that the BLM use local and state-specific monitoring plans and incorporate new data to accurately represent Greater Sage-Grouse populations. Other concerns included inaccurate monitoring data, discrepancies between plans, and the need for a more centralized approach. Commenters requested that the BLM strengthen its monitoring and reporting of Greater Sage-Grouse habitat conditions and population densities and use updated data to inform plan revisions. They recommended that the BLM collect data at a localized level, over several years, to ensure long-term planning built on accurate science. The BLM should elevate state-level and site-specific strategies, so monitoring can occur.

Other commenters cautioned that changes to conservation measurements could be incompatible with local conservation plans. Commenters suggested the BLM consider the 2021 BLM 5-year monitoring report and the USGS 2021 monitoring framework. Other commenters requested that the BLM coordinate with states (Oregon), counties, and local parties to develop specific short- and long-term monitoring standards on a state level for site-specific and critical needs. Other states have already developed monitoring plans and requested that the BLM adhere to them.

Populations of Greater Sage-Grouse can fluctuate based on regional climatic variation; thus, commenters recommended that an early warning system is needed (use the USGS Targeted Annual Warning System). Commenters recommended that the BLM consider private and public investments in conservation practices and develop a method for tracking the effectiveness of current and future programs. Other commenters requested that the BLM develop cooperative monitoring agreements between permittees and the BLM for more effective monitoring. Other recommendations included:

- Develop plans with established timelines, responsible parties, evaluation criteria, and thresholds for affecting a change to management actions, and review previous policies and measures. Commenters requested that the BLM develop a monitoring framework for local offices to facilitate monitoring that uses long-term data, because monitoring data can shift suddenly year to year.
- Require that plan implementation include both agency and independent verification through collaborative effectiveness monitoring and evaluation (BLM Handbooks H-1601-1 [BLM 2005] and H-4180-1 [BLM 2001]).
- Close areas to development and implement monitoring measures when adaptive management triggers are crossed.
- Ensure short- and long-term monitoring is consistent with state plans, rangeland management policies, and county plans.

- Continue to support the implementation of the habitat assessment framework and inventory, and monitoring programs.

2.2.19 Noise

The BLM received four comments related to noise. Commenters expressed concern that noise disturbance impacts Greater Sage-Grouse populations; they requested that the BLM conduct further analyses to investigate the noise impacts from mineral and fluid mineral withdrawal.

Sound is an important part of the Greater Sage-Grouse's communication and breeding. Commenters suggested that the BLM look further into the effect sound may have. They also suggested that the BLM understand the new threat of the Mountain Home Air Force Base because chronic noise can have a strong effect on the Greater Sage-Grouse and its mating. Some of these noises will occur in previously designated PHMA.

2.2.20 Renewable Energy

The BLM received 45 comments related to renewable energy. Some commenters expressed the need to prioritize renewable energy development and questioned whether the BLM's decisions have an impact on future renewable energy development. Other commenters recommended more restrictions on renewable energy in vulnerable Greater Sage-Grouse habitats; they asked the BLM to examine renewable energy's impact on Greater Sage-Grouse populations. The leasing and development of renewable energy resources should not be looked at differently in Greater Sage-Grouse habitat than non-renewable leasing and development. Other recommendations included site-specific decisions to analyze and approve renewable energy projects, compliance with local and state renewable energy regulations, and coordination with local stakeholders.

Commenters expressed concern that leasing in the Greater Sage-Grouse habitat areas will cause disturbance and affect the species. They requested that renewable energy development be restricted to priority habitats until the impacts are determined.

Commenters supported the use of renewable energy and stated that it could potentially help lessen the climate change impacts, particularly the risk climate change poses to Greater Sage-Grouse; however, they still requested that the direct impacts of development be analyzed first to ensure compatibility with existing Greater Sage-Grouse habitat. One commenter suggested encouraging the development of renewable energy projects in the areas that will least impact Greater Sage-Grouse, such as previously disturbed areas or areas that are collocated with existing infrastructure. The BLM needs to include energy storage (including pumped hydro) in its analysis with the same consideration as wind and solar development siting.

To determine compatibility with Greater Sage-Grouse habitat, commenters requested that the BLM move away from landscape-level mapping and exclusion zones and allow project-specific assessments and data collection for proposed renewable energy facilities.

One commenter stated that areas identified in the 2015 RMPAs for exclusion are not being treated as such; instead, prohibited proposed activities are still being proposed and occasionally authorized. The commenter requested additional clarity on the language being used for incentivizing siting, stating that the current language is ambiguous and there is no true incentive to use those areas.

The BLM should include the needs of renewable energy generation, transmission, and grid modernization on federal lands, and the constraints any potential amendments to the RMPs may place on the siting and operations of these critical infrastructure resources, into the consideration of any amendments. The BLM should analyze non-disturbance buffers for renewable energy technologies separately rather than grouping them into a single category. Before any leases are allowed outside of solar zones, a cost-and-benefit analysis should be considered for large-scale public lands projects versus distributed energy in the locations where renewable energy is to be used. Such an analysis must include the costs for habitat and wildlife loss, the loss of recreation opportunities, the loss of energy over long transmission lines, energy consumer payments, and the livelihoods of public land ranchers and farmers.

The BLM should look at the overlap of potential renewable energy development and Greater Sage-Grouse habitat to identify areas of potential impact. The EIS should disclose the widespread availability of renewable resources outside of Greater Sage-Grouse priority habitat, including in places close to population centers through, for instance, distributed solar.

The BLM should consider appropriate land use proposals, particularly for renewable energy development and transmission, and remove the blanket ban for solar, as identified in the 2015 RMPAs. The BLM needs to be able to incorporate trade-off analyses when evaluating high energy resource locations (including commercial viability) with high-quality or recoverable Greater Sage-Grouse habitat that would best help conservation efforts.

The BLM should look for opportunities to modify parcel boundaries to withdraw PHMA and GHMA from inclusion in lease sales. If parcels are within an identified PHMA and have low or moderate potential for renewable energy development, they should not be included in a lease sale. If parcels are within an identified PHMA and have high potential for renewable energy development, are not close to existing disturbance, or require additional infrastructure to be developed, there should be a strong presumption against including them in a lease sale, especially if there are other parcels that do not have a PHMA and do not have other higher-priority resource conflicts. If parcels are within an identified PHMA or GHMA, have high potential for renewable energy development, are close to an existing disturbance and infrastructure, or are already within an existing oil and gas unit that has been analyzed in an EIS, then they may be considered for leasing.

Parcels outside a PHMA should be considered for leasing prior to parcels in a PHMA. Parcels outside GHMAs should be considered for leasing prior to parcels in a GHMA, if there are other parcels that do not have Greater Sage-Grouse habitat and do not have other higher-priority resource conflicts. For parcels in a PHMA or GHMA that are included in lease sales, there should be an evaluation of other conditions of approval that will limit any new infrastructure and other stressors on Greater Sage-Grouse.

One commenter stated concern that the renewable energy development section does not discuss the same need for waivers, exceptions, or modifications that the mineral resource development section contained. This suggests that the BLM does not plan to regulate or restrict renewable energy projects in Greater Sage-Grouse or sagebrush habitat to the same extent that it will regulate or restrict mineral resource projects.

The BLM should also consider a different compensatory mitigation regime for wind turbines and solar panels. One approach would be for the BLM to analyze a compensatory mitigation approach that assumes any wind turbine or solar array placed within the 2-mile seasonal buffer would trigger a recurring 10 debit

offset requirement every year, until the turbine or solar site has been decommissioned, removed, and reclaimed.

Any restrictions proposed by the BLM must include an extensive assessment of the mineral potential in areas subject to proposed restrictions. The assessment should include the socioeconomic impacts of such restrictions and take into account the mitigation hierarchy and benefits achievable through mitigation that can address the primary threats to Greater Sage-Grouse (wildfire, invasive species, wild horses, and predation).

One commenter suggested that the development of valid existing rights in PHMA should be limited to one disturbance per section, with surface disturbance not exceeding a 3 percent or lower cap. The BLM should also follow the Greater Sage-Grouse national technical team's report guidance regarding overhead power lines in priority habitats. Plans should ensure obsolete power lines (and other obsolete infrastructure such as walls and fences) are removed, and existing power lines are buried or modified.

Plans should designate general habitats as avoidance areas. Infrastructure development should be avoided. If it is allowed, it should be guided by measures to protect Greater Sage-Grouse, including the same limits on surface disturbances applicable to oil and gas projects and other large-scale, human-caused developments. New ROWs, if necessary, should use existing ROW corridors wherever possible. Plans should also address threats to Greater Sage-Grouse that are unique to renewable energy development.

2.2.21 ACEC Designations

The BLM received 42 comments relating to ACEC designations, including one specific nomination. Various commenters recommended that the BLM revisit previously submitted ACEC designations during the 2015 and 2019 efforts. Some commenters voiced concern over the process for the public to nominate ACECs and worried about the local socioeconomic impacts of ACEC designations. Other commenters recommended that the BLM should add additional ACECs during this effort.

Some commenters felt that ACECs could remedy inconsistencies in the 2015 RMPA and provide a consistent framework, but ACECs can also be too involved. Many commenters had concerns about having ACECs in Wyoming, Montana, Colorado, and most other places due to the plans that have already been put into action. Any land not previously identified as PHMA or GHMA should not qualify, and adding an ACEC on top of the lands that have qualified will make the regulations unnecessary and confusing. Other commenters felt that the plans already in place can provide more protection for Greater Sage-Grouse than an ACEC can.

Commenters suggested that the BLM should create as few designations as possible, not overlap designations, and focus on providing tangible outcomes. They recommended that the BLM find a balance between potential competing interests and land management objectives to achieve the best outcome possible. According to some commenters, supporting candidate conservation agreements with assurances and multiple-use interests to improve conservation would be more beneficial than ACECs. Commenters raised specific concerns over ACEC designations and encouraged the BLM to cooperate with local stakeholders on designations. Also, there is concern among certain members of the public that having ACECs in certain places would divide rural and urban areas and alienate ranchers.

2.2.22 Recreation

The BLM received 15 comments related to recreation. Commenters expressed concern over the potential impacts from recreation and recreation noise on Greater Sage-Grouse and Greater Sage-Grouse habitats. They recommended further analysis.

Commenters have questions and concerns regarding the recreational use of the land around Greater Sage-Grouse habitat and the impact that it could have on the species. They worry that the BLM's support of recreation could pose significant harm to the species; there should be research done to understand how these activities affect wildfires and invasive species. Some felt that recreation management actions intended to prevent human-caused wildfires have been largely ineffective to date.

Some commenters believed that recreation should be regulated in the same way that grazing, logging, mining, and power have been. Others suggested that recreation should not be allowed within 4 miles of a lek. Recreation should only be allowed if it helps reduce impacts on Greater Sage-Grouse and fosters public appreciation, understanding, respect, behaviors, and partnerships. In the EISs, the BLM should also consider how hunting affects Greater Sage-Grouse. On the other hand, commenters felt there has not been enough data to recognize that off-highway vehicles and hunting pose a threat to Greater Sage-Grouse.

2.2.23 Required Design Features (RDFs)

The BLM received 11 comments related to RDFs. Commenters recommended local plans and design features while using appropriate cooperation. Other commenters expressed interest around the design features of transmission lines and fences in Greater Sage-Grouse habitat and their impacts on populations.

Commenters suggested that the BLM research and plan for how the biome is expected to shift in elevation and latitude with further degradation to habitat, how to provide migration corridors for plants and animals, and how to best manage for isolated populations of Greater Sage-Grouse.

Commenters also suggested that instead of using RDFs that can have limited effects, the BLM should use best practices that are unique to the local area.

There are many concerns from commenters regarding changing the power lines. The first is that studies have shown that the effects of power lines on Greater Sage-Grouse are minimal; therefore, it seems unnecessary to change the power lines. Ideas such as micro-siting can be beneficial, but they are harder to implement on a larger scale. Commenters stated that underground power lines can cause an increase in cost for customers, reduced power reliability, longer outage periods, and a greater disturbance during construction and repairs to the habitat. Underground power lines are not always feasible, depending on the area. Any changes in power line structures need to follow the National Electric Safety code, which requires more money and time. Also, changes can alter the longevity, durability, maintenance, and operation. Commenters suggested the BLM find other ways of protecting Greater Sage-Grouse populations, such as conservation and enhancement efforts. If RDFs are necessary, commenters asked that the BLM only use the RDFs in limited circumstances where they are necessary.

Finally, commenters have concerns about perch discouragers causing harm to raptors and other birds that may also be on the endangered species list. They suggested that the BLM work with the USFWS to find a stronger solution that protects both species.

2.2.24 Sagebrush Focal Area (SFA) Designations

The BLM received 54 comments related to SFA designations. Certain commenters expressed concerns over SFAs, questioned the need for them, and reiterated that SFAs can be incompatible with county plans, regulations, and mineral resources. They also questioned the need for additional designations and asked the BLM to use habitat boundaries instead. Other commenters recommended that the BLM expand SFAs in the new analysis.

Commenters expressed concerns over the designation of SFAs and stated SFAs are incompatible with specific state plans; the commenters also questioned the science and legality behind SFAs. They noted that three-tiered systems can be confusing and incompatible with state plans; they recommended that SFAs be removed and not considered in any of the alternatives. Furthermore, other states already have state-specific SFA designations that should be considered in the analysis.

Other commenters requested that the BLM reject specific SFA designated areas based on mining and resource claims. If such designations are required, a scientific study must be conducted to determine their validity. Other commenters requested separate comment periods for SFA designations. Other commenters requested an analysis of the cumulative socioeconomic impact from such designations.

Other commenters requested that the BLM determine if SFAs are any different from priority habitat and questioned if there is a need to distinguish between them. Commenters suggested the BLM keep the 2020 RODs in place for eliminated SFAs.

Some commenters stated that the BLM should withdraw Greater Sage-Grouse habitats in SFAs from mineral development and only consider development proposals outside a PHMA and GHMA. Other commenters recommended that SFAs should delineate areas of high Greater Sage-Grouse population and ecological resilience, and where conservation efforts conducted in these areas would have the greatest potential to positively affect Greater Sage-Grouse population dynamics. Other commenters supported the use of SFAs.

2.2.25 Socioeconomics

The BLM received 54 comments related to socioeconomics. Some commenters expressed the need to include a socioeconomic analysis on site-specific levels and urged the BLM to conduct studies that would examine the potential impacts from additional restrictions. Commenters stressed the need that mining and livestock grazing play in certain communities and emphasized all analyses should document this. Other commenters requested that the socioeconomic analysis include the potential damage the area might face from improper management and climate change.

Commenters expressed concern about negative impacts on local economies if additional restrictions on mining and grazing were implemented. Another concern raised was the increased costs and time frames that could be caused by restrictions to mining and mineral exploration; some commenters requested that the BLM quantify this impact. Several electric companies expressed concern that the changes would affect the poorest communities most, particularly because of the costs of providing power to the rural communities and putting the power lines belowground. Other commenters suggested that the BLM assist with the funding of state monitoring and adaptive management programs and complete an extensive socioeconomic analysis of the affected areas. It was also requested that the BLM align with local and state planning needs as much as possible.

2.2.26 Travel Management

The BLM received 12 comments related to travel management. Certain commenters voiced the need for the BLM to analyze travel management impacts on Greater Sage-Grouse and Greater Sage-Grouse populations. Commenters suggested that roads and trails near a PHMA and leks should either be restricted or closed entirely to protect the Greater Sage-Grouse. However, a few commenters also voiced concerns about delays in infrastructure and suggested that infrastructure projects be analyzed on a site-by-site basis. Commenters also suggested that travel management will not be successful without additional BLM recreation and law enforcement staff.

2.2.27 Vegetation

The BLM received 48 comments related to vegetation. Commenters expressed the need to adequately manage, map, and treat vegetation to promote Greater Sage-Grouse habitats. Other commenters requested that specific invasive species be removed, while others emphasized the need to incorporate state vegetation treatment plans and regulations into the analysis. The need for adequate vegetation to protect Greater Sage-Grouse habitat was reiterated multiple times, while other commenters requested that the BLM align its data with other state vegetation data.

Commenters expressed concern about removing pinyon-juniper woodlands and restoring Greater Sage-Grouse habitat. Commenters understood that removing pinyon-juniper woodlands may be necessary to help restore Greater Sage-Grouse habitat. Commenters are concerned that removing the pinyon-juniper woodlands will cause more harm than good because there are many species in that ecosystem that rely on these trees to survive. Removing old junipers in the pinyon-juniper woodlands can limit the biological diversity and habitats that many organisms depend on. However, some commenters felt that removing the junipers is essential in preventing forest fires and protecting Greater Sage-Grouse from predators.

Commenters suggested that to combat the effect that removing pinyon-juniper woodlands may have on other organisms in these woodlands, the BLM should:

- Avoid creating sharp habitat edges between reclaimed sagebrush and closed-canopy woodland.
- Incorporate a mixed-edge or convoluted-edge treatment strategy.
- Retain large areas of open and mixed-age woodland habitat.
- Retain cone-bearing trees and avoid disturbance within 0.6 miles from known nesting sites and colonies.
- Only remove trees where it has been proven help the Greater Sage-Grouse.
- Aim to remove younger trees rather than older ones.

Commenters also had many recommendations regarding the restoration of Greater Sage-Grouse habitat and the grasses that the Greater Sage-Grouse rely so heavily on for survival, including:

- Consider the use of indaziflam and other herbicides on BLM-administered lands to combat invasive species.
- Consider stopping the use of certain herbicides due to its unintended effects on native plants.
- Monitor grazing and its effect on understory depletion and work to have management that accelerates the restoration.

- Improve fire suppression, including the use of the Fire and Invasives Assessment Tool, to understand how the invasive cheatgrass can affect fire resilience.
- Use science to inform decisions and plans regarding pre-fire suppression and to prompt restoration of burned areas.
- Protect the Greater Sage-Grouse from predators with fencing, low-tech rock restructure, or structures similar to beaver dams.
- Use the Western Governors Association's Cheatgrass Toolkit and Cheatgrass Challenger program to inform programs to combat cheatgrass.
- Increase habitat management with restoration and protection of wet meadows, including protection from the expansion of conifer and invasive grasses.
- Prohibit grazing on treated sites until they meet Greater Sage-Grouse habitat objectives.
- Prohibit vegetation treatments whose purpose is to enhance forage for livestock.

Commenters also requested that the BLM provide information and data on the productivity of Greater Sage-Grouse, including effects of livestock grazing on wet meadows, riparian areas, sagebrush herbaceous understory, cheatgrass, and other invasive species. They also requested an account of federal funds allocated to vegetation treatments and a map of areas where trees have already been removed or will be removed.

2.2.28 Water Resources

The BLM received 12 comments related to water resources. Commenters expressed concern over future water availability for Greater Sage-Grouse populations and habitat and requested an analysis of water resources. Other commenters reminded the BLM to comply with all local water regulations and laws when developing any management strategies. Commenters suggested that efforts be made toward water development for livestock; this is because water development also provides important summer habitat for Greater Sage-Grouse. However, some commenters disagreed and said that livestock, particularly horses, should be removed immediately, and the wetlands that were hydraulically modified should be restored to their original state. Commenters suggested that efforts should be made to create troughs and reservoirs in ways that would benefit local wildlife (Greater Sage-Grouse, spotted frogs, etc.) as well as livestock. Troughs and reservoirs would also be beneficial for firefighting efforts, should the need arise.

Commenters suggested identifying late brood-rearing habitats, including mesic and riparian habitats, for conservation, including through beaver restoration. A commenter also mentioned that riparian areas within 1,000 feet of sagebrush should be given high priority because these areas can serve as rearing habitat and wildfire refugia. Commenters made note of Nevada Revised Statutes Chapters 533 and 534 and Nevada Administrative Code Chapter 534, and stated that the BLM should develop ongoing mechanisms to allow for new water development for Greater Sage-Grouse.

2.2.29 Wild Horses and Burros

The BLM received 54 comments related to wild horses and burros. Commenters expressed concern over wild horse and burro impacts on Greater Sage-Grouse and urged the BLM to use the best available information to analyze any potential impacts. Commenters requested that horse and burro population impacts be analyzed in each alternative.

A commenter stated that year-round wild horse use poses a threat to important brood-rearing habitats in riparian and mesic areas and requested that these areas be protected by exclusionary fencing. Some commenters noted that many herds have exceeded appropriate management levels set by the BLM, which causes an alteration to the rangeland vegetation and soil. Commenters stressed that horses must be maintained within their appropriate management level and kept within designated herd management areas to help minimize the impacts on Greater Sage-Grouse habitat. They requested that sufficient management direction be incorporated, and this effort be supported by adequate funding.

One commenter requested that the BLM adjust management plans to be consistent with the Wyoming Standards for Healthy Rangelands, as well as other state plans, to determine rangeland health. They also requested that the BLM perform a standards determination, determine the causal factor(s), and complete a conformance review for all herd management areas in PHMA.

Commenters requested that management objectives be separated for livestock grazing and wild horses and burros. Wild horses and burros are allowed to graze without enforcement of any habitat management standards, while livestock grazing is under a rigid permit system with standards and guidelines to manage the land.

2.2.30 Minerals

The BLM received 23 comments related to minerals. Many commenters expressed the need for critical minerals used for national security and energy purposes and are worried how the proposed project area will affect potential minerals. Commenters urged the BLM to consider developing a new mineral potential report that aligns with various county and state plans, regulations, and EOs. Other commenters requested that the BLM analyze the impacts on Greater Sage-Grouse populations and habitat from minerals.

Several commenters expressed the need for critical minerals and urged the BLM to consider less-restrictive measures. Commenters suggested that due to new technologies, techniques, and developments, many past mineral potential studies are no longer valid; areas that were not viable for development may now be viable. The BLM should create a new mineral potential report for Greater Sage-Grouse areas. Commenters suggested that the BLM should create an additional mineral potential report for the rest of the Greater Sage-Grouse planning area in addition to the 2016 USGS Mineral Potential Report that was created for SFAs; commenters suggested that the BLM should update the 2016 SFAs report. This would allow the BLM to accurately evaluate the impacts of proposed land management actions. The BLM must recognize the importance of mining as a legitimate use of public lands under multiple-use management.

In addition to requesting that the BLM update the mineral potential report, commenters suggested that the BLM update records of mining claims. For example, the map of Notices and Plans of Operation in Figure 3-12 in the 2015 Idaho and Montana Final EIS does not show Pilot Gold's claims at Black Pine, where that company currently owns 603 unpatented mining claims on BLM-administered lands and National Forest System lands in the Sawtooth National Forest/Minidoka Ranger District.

Commentators stated that the BLM's 2015 prohibitions and stipulations on surface disturbance and disruptive activities where there are existing mineral leases are contrary to the Mineral Leasing Act. The BLM cannot modify or amend an existing lease, which is a valid existing property right, through a RMPA.

Commenters stated that mining was not identified as a primary threat to the Greater Sage-Grouse in the Great Basin Region. The BLM needs to evaluate what projects or potential projects are contemplated during the time horizon of the EIS under current budget constraints and factor that into the analysis, rather than uniformly applying restrictive measures.

Commenters suggested that because mineral deposits occur only in areas with unique geologic characteristics, the BLM should not apply restrictions on mineral entry. The BLM should use mitigation and offsets such as revegetation, rehabilitation, enhancement of existing habitats, use of conservation easements or other land use covenants, and the use of mitigation banks to protect Greater Sage-Grouse, where needed.

Commenters noted that public lands are to be managed to recognize the Nation's need for domestic sources of minerals. The NEPA process must take into consideration mining's place in the use of public lands, and the BLM must construct the land use management alternatives consistent with those requirements.

Commenters stated that the BLM should consider the importance of critical minerals and domestic supply chains in the goal of transitioning to a resilient clean energy economy, which cannot be achieved with a mineral withdrawal of SFAs like that contemplated in the 2015 RMPAs.

The BLM must acknowledge that mineral development will have a minimal impact on Greater Sage-Grouse habitat. The Draft SFA Withdrawal EIS (2016 Draft EIS) found that if the SFA lands were not withdrawn and remained open to mineral exploration and development, the forecast footprint of mineral exploration and mining activities for the next 20 years would affect only 9,554 acres within the proposed 10 million-acre SFA (or less than 0.1 percent of the SFA). Withdrawing the SFAs from mineral entry is not warranted because prohibiting mineral activities in the SFAs is not necessary to protect Greater Sage-Grouse and Greater Sage-Grouse habitat.

Commenters stated that the NEPA evaluation process must evaluate all threats to the Greater Sage-Grouse in each state and develop land use management plans that are science based, proportionate, achievable, and effective. In determining the need for protecting the Greater Sage-Grouse, the USFWS developed a prioritized listing of threats to the species in eastern California and Nevada. Despite the low documented actual and potential impacts on the Greater Sage-Grouse from exploration and mining, the federal agencies disproportionately single out the industry for land use restriction and even mineral withdrawal.

Commenters suggested that the BLM should expand the use of the prioritization of uses developed as part of the Wyoming EO (see Appendix E [Greater Sage-Grouse Population Areas, Permitting Process, and Stipulations for Development] and Appendix C [Project-Level Habitat Definitions, Wildfire, Habitat Treatments, Monitoring, and Reclamation]) with the development of the Density Disturbance Calculation Tool across a coordinated management approach to effectively encourage development outside of core Greater Sage-Grouse habitat.

A commenter stated that the BLM should seek to avoid energy and mineral development in priority areas for conservation. If development must occur in Greater Sage-Grouse habitats, the development should occur in the least suitable habitat for Greater Sage-Grouse; it should be designed to ensure, at a minimum,

that there are no detectable declines in Greater Sage-Grouse population trends (and it should seek increases, if possible) by implementing the following:

- Reduce and maintain the density of energy structures below which there are no impacts on the function of the Greater Sage-Grouse habitats (as measured by no declines in Greater Sage-Grouse use), or they do not result in declines in Greater Sage-Grouse populations.
- Design development outside priority areas for conservation to maintain populations within adjacent priority areas for conservation, and allow connectivity among priority areas for conservation.
- Consolidate structures and infrastructure associated with energy development.
- Consider reclamation of disturbance resulting from a proposed project only as mitigation for those impacts; do not portray reclamation as minimization.
- Design development to minimize tall structures (turbines and power lines) or other features associated with the development (such as noise from drilling or ongoing operations).

Commentators stated that the BLM must consider the impacts of mineral development, facilities, and infrastructure on Greater Sage-Grouse. Surface mining and facilities within Greater Sage-Grouse habitats result in the direct loss of habitat, habitat fragmentation, and impacts from disturbance; these result in reduced survival during the breeding season, increased brood failures, and other harmful outcomes.

A commenter stated that the BLM must define the term "valid existing rights" as used in the NEPA analysis. The term is ill defined, and it is not clear what mining rights and activities are to be protected by any proposed land use action. Before proceeding into the NEPA process, a concise legal definition is necessary. In the absence of a definition, it is not possible to estimate the impacts and costs associated with the land use actions as they relate to exploration and mining activities, the number of claims that will be subject to valid existing rights, or the economic and social impacts of the potential forfeiture of claims.

Commenters suggested that in addition to the 2015 RMPAs to withdraw approximately 10 million acres of SFAs from location and entry (hard rock mining), the BLM should consider expanding the withdrawal to include other types of mineral extraction activities (for example, leasable fluid and other minerals; salable minerals, such as sand and gravel; coal; and nonenergy leasables, such as sodium and potash). The BLM should also extend the withdrawal to include priority habitat beyond SFAs, including priority areas for conservation, excised SFA acreage in Wyoming, connectivity habitat, winter concentration areas, and priority habitat with split mineral estates. The BLM should also use this process to provide consistent directives to reclaim mined lands, with a focus on restoring habitats usable by Greater Sage-Grouse and the reestablishment of Greater Sage-Grouse in these areas.

2.2.31 Locatable Minerals

The BLM received 15 comments related to locatable minerals. Commenters suggested that EIS documents must evaluate the consistency of proposed Greater Sage-Grouse land management measures with President Biden's directives to build resilient supply chains for critical minerals from domestic lithium mines. If any of the alternatives evaluated in the EIS documents propose prohibiting or restricting locatable mineral activities, the documents should disclose the direct, indirect, and cumulative impacts on the security of the Nation's critical minerals' supply chains; detail how the measures could increase the country's reliance on foreign countries for the minerals affected by such measures; and determine whether

the prohibitions and restrictions are consistent with the Biden administration's critical minerals, clean energy, and carbon emission reduction goals and objectives.

Commenters suggested that the past analysis of impacts on locatable minerals was flawed; this is because it relied on a cursory evaluation that did not adequately consider the mineral potential of the SFAs or of the planning area at large. All estimates were based on a broadscale trends review, as opposed to a methodological approach. The planning area consists of geology preferential to the formation of precious and semiprecious locatable minerals, as well as an uncommon variety. However, the area is underutilized and under-analyzed. There is the potential for economic deposits and developments of locatable minerals in much of the planning area.

A commenter stated that the BLM must note, as it did in the 2015 RMPAs, that locatable mineral exploration and development are "nondiscretionary" actions allowed under the General Mining Law of 1872 on all BLM-administered and National Forest System lands, unless they are withdrawn from mineral entry by a Secretarial public land order or an act of Congress. The commenter stated that the BLM must also note that it does not have the discretionary authority to modify or deny locatable mineral exploration and development proposals; it must proceed with the authorization process even when there may be impacts on Greater Sage-Grouse habitat and the project cannot be designed to result in a net conservation gain.

Commenters stated that the BLM must carefully assess Greater Sage-Grouse land management restrictions that impede mineral exploration and development, and consider one or more alternatives to minimize adverse impacts on mineral activities. Current management decisions do not achieve an appropriate balance between responding to the Nation's need for domestic minerals and Greater Sage-Grouse habitat conservation. The decisions are not consistent with the directive in FLPMA that public lands should be managed in a manner that recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands, including implementation of the Mining and Minerals Policy Act of 1970. FLPMA does not authorize the BLM to subordinate mineral activities in favor of Greater Sage-Grouse habitat conservation. The future analysis should focus on the very limited footprint that mining has on public lands (for example, less than 0.1 percent of the SFAs according to the 2016 Draft SFA Withdrawal EIS).

A commenter suggested that the BLM consider that the McDermitt Caldera in Oregon and Nevada was recently discovered to be a high potential area for lithium-rich clays. This information should be considered in coordination with the mineral potential report published by the USGS in 2016.

Commenters suggested that the BLM examine a list of 35 critical minerals published by the USGS in 2018 and a draft that expanded the critical minerals list of 50 critical minerals published by the USGS in November 2021. Locatable minerals on these lists should be compared against known reserves in Greater Sage-Grouse habitat. The impacts of any proposed actions on these minerals should be analyzed.

Chapter 3
Planning Issues

This page intentionally left blank.

Chapter 3. Planning Issues

Issue identification is the first step in the BLM planning process. As defined in the 2005 BLM Land Use Planning Handbook (H-1601-1), planning issues are concerns or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices. They include resource use, development, and protection opportunities to consider in preparing the RMP. The issues may stem from new information or changed circumstances and from the need to reassess the appropriate mix of allowable uses. Issues form the basis of alternatives development and, in turn, the scope of effects analysis.

3.1 Issues To Be Carried Forward in the EIS

In the November 2021 Notice of Intent, the BLM invited the public to provide input on issues related to the relationship between Greater Sage-Grouse and sagebrush habitat management and management for other public land resources and values. The BLM also presented a list of preliminary issues on which input was sought from both a range-wide and state-specific perspective. Based on the scoping comments received, the BLM has identified the following issues to be carried forward into the EIS. As the BLM continues the process, other issues may also come to light.

- How should the BLM identify, manage, and conserve the most important GRSG and sagebrush habitat? Are separate areas and management (from PHMA) needed for conservation purposes, such as the SFAs in the 2015 and 2019 RMPAs, or through the consideration of ACECs? Do the existing boundaries and management align with new science/information? As part of the BLM planning process, the BLM will evaluate ACEC nominations and fully consider designation in the EIS process.
- Are changes in habitat management area identification and/or prioritization needed to reflect new information and climate change considerations?
- How can the BLM adapt habitat management areas over time to reflect the best available science?
- How should nonhabitat within habitat management areas be managed?
- What are the appropriate habitat objectives/conditions to support healthy Greater Sage-Grouse populations on public lands (e.g., provide for nest success and minimize predation) when considering diverse regional or local habitat conditions and potential across the rage of Greater Sage-Grouse, and how could they address changes in condition and potential due to climate change?
- How should the BLM implement the mitigation hierarchy, including compensatory mitigation, to ensure that additional disturbance will not contribute to Greater Sage-Grouse and sagebrush habitat loss and Greater Sage-Grouse population declines, and help support the conservation and restoration of resilient habitat?
- What approaches should the BLM consider to minimize disturbance to Greater Sage-Grouse and sagebrush habitats to ensure appropriate protection for the species while being able to concurrently implement other portions of the BLM's management responsibilities? This could include the following considerations:

  - Could design features (including noise and tall structure restrictions), disturbance and density caps, and buffers around important GRSG habitat types (e.g., leks) provide sufficient protection?
  - What allocations and conditions are needed to manage the leasing and development of mineral resources to protect Greater Sage-Grouse and sagebrush habitat, including how to appropriately prioritize and manage such use and consideration of waivers, exceptions, and modifications associated with mineral resources?
  - What allocations and conditions are needed to manage the leasing and development of renewable energy, including associated transmission lines, in Greater Sage-Grouse and sagebrush habitat?
- Do some of the existing management actions have unintended effects, such as additional surface disturbance associated with burying power lines or co-locating powerlines in areas where existing powerlines are not in optimal areas for Greater Sage-Grouse?
- Could land tenure adjustments be considered as a conservation tool to consolidate land ownership into more manageable areas?
- What management is needed for livestock grazing and wild horse and burro populations to protect Greater Sage-Grouse and sagebrush habitat?
- What vegetation/habitat management strategies are needed to sustain resilient and resistant Greater Sage-Grouse and sagebrush habitat (e.g., limit invasives, effective restoration) while avoiding unintended consequences to other species that occupy these habitats?
- Are changes to the Greater Sage-Grouse adaptive management processes needed to effectively respond to Greater Sage-Grouse and sagebrush habitat loss and Greater Sage-Grouse population declines?
- What management strategies could limit the vast acreages of Greater Sage-Grouse and sagebrush habitat lost to wildland fire and invasive species?
- Does the BLM's short- and long-term monitoring strategies for Greater Sage-Grouse and sagebrush habitat provide the information needed to make informed decisions?
- How can the BLM involve other federal agencies and state, local, and tribal governments in the decision-making processes related to Greater Sage-Grouse and sagebrush conservation?
- How should recreation and travel be managed to protect Greater Sage-Grouse and sagebrush habitat?
- Built into all the above issues is the question of whether changes in existing management actions, allocations, maps, and objectives are needed based on new and relevant scientific information regarding Greater Sage-Grouse and sagebrush habitat management?

3.2 ISSUES OUT OF SCOPE

Several comments received during scoping raised issues that are outside the scope of this RMP amendment process. The BLM received comments related to the following topics which will not be further considered:

- Issues that are outside the BLM's authority. The BLM has specific authorities and jurisdiction outlined in law, regulation and policy that cannot be exceeded. Comments related to issues beyond these authorities will not be addressed. Some examples of issues raised that are outside the BLM's authority include the following:

  - Comments that the DOI should withdraw lands from all forms of mineral location and development. This is done by the Secretary of the Interior and can be undertaken at any time. Such a withdrawal is outside of the administrative authority of the BLM for this effort.
  - Comments regarding the direct control of predator populations. The BLM does not have authority to directly implement predator population control measures. However, the BLM can manage land uses and habitat conditions on public lands that are related to increasing predator populations or that affect Greater Sage-Grouse predation rates.
- Issues that are addressed through other policy or administrative action. This includes those comments on actions that are implemented by the BLM as part of compliance with laws, regulations, and policies. For example, comments that directed how the BLM should follow certain procedural requirements are beyond the scope of the decisions to be made in the RMP. Such comments relate to the BLM's preliminary planning criteria that were included in the November 2021 Notice of Intent. This includes criteria that the BLM would complete the plan amendments "in compliance with all relevant Federal laws, Executive Orders, and management policies" and that the BLM will "consider the adequacy of conservation measures in existing land use plans." While such comments can be important reminders of *how* the BLM should prepare the EIS, they are not issues to be addressed in the range of alternatives or how impacts are analyzed.
- Comments that are related to administrative considerations are outside the scope of RMP decisions. This includes comments that address the availability and management of BLM funding and staffing levels and processes.

This page intentionally left blank.