



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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In Reply Refer to:
FWS/R6/2025-0029235

December 9, 2024

Memorandum

To: Frank Quamen, Division Chief, Division of Wildlife, Aquatics, and Environmental Protection, Bureau of Land Management, Headquarters
TYLER ABBOTT
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From: Tyler Abbott, Field Supervisor, Wyoming Ecological Services Field Office

Subject: Informal Consultation on the Bureau of Land Management's Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement

This memorandum responds to the Bureau of Land Management's (BLM) electronic correspondence and attached Biological Assessment (BA) of December 6, 2024. The BLM is requesting the Fish and Wildlife Service's (Service) concurrence that the proposed management direction changes, as described in their Greater Sage-grouse Proposed Resource Management Plan Amendment (RMPA) and Final Environmental Impact Statement (FEIS), "may affect, but are not likely to adversely affect" federally-listed or proposed species, non-essential experimental populations, or designated or proposed critical habitats that occur on BLM-administered lands in portions of the States of California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming (see Species and Critical Habitat List, Attachment A). At a programmatic level, BLM evaluated the impacts of the proposed changes in management direction to be applied for the enhancement of Greater sage-grouse (GRSG) conservation in the portions of the aforementioned states, on listed species and their critical habitats that are known to, or could, occur within BLM-administered lands. The Service provides this response pursuant to section 7(a)(2) of the Endangered Species Act of 1973 (ESA), as amended.

Previous Greater sage-grouse Resource Plan Amendment Section 7(a)(2) Consultations

In 2015, BLM signed Records of Decision (ROD) for the Rocky Mountain and Great Basin regions Approved RMPAs addressing conservation measures for the GRSG and its habitat. In general, land use planning efforts such as these are best described as a strategy for completing site-specific actions; the strategy itself has no effect on listed species or critical habitats that can be meaningfully evaluated. The Service subsequently consulted on implementation of these RMPAs on a state-by-state basis, and concurred with BLM's determinations for the States of California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, and

Wyoming. Due to potential conflicts between habitat management objectives for GRSG and those for the Utah prairie dog (UPD; *Cynomys parvidens*), for the state of Utah, the Service determined that the proposed action may affect, and was likely to adversely affect, the UPD. Formal consultation was completed, within which the Service provided conservation measures (Attachment B) to be implemented in instances where UPD and GRSG habitat management goals were in conflict. These conservation measures remain in place as implementation of the 2015 Utah ROD continues.

Description of the Action

The BLM worked with state wildlife agencies to adjust habitat management area alignments from the 2015 RMPAs based on new scientific information and documentation of GRSG use within the 10 western states included in the Greater Sage-Grouse Proposed RMPA and FEIS. Habitat management areas are characterized as Priority Habitat Management Area (PHMA) or General Habitat Management Area (GHMA), with PHMA having a higher protected status. Potential impacts to listed species and critical habitats were analyzed within the revised PHMA and GHMA boundaries, with consultation specifically requested by BLM on the following proposed management direction changes:

- Adjustments to habitat management areas including the designation of PHMA with limited exceptions to provide additional conservation to GRSG habitats with a high threat of renewable and fluid energy development.
- Managing livestock grazing to meet Land Health Standards vs. strict GRSG habitat objectives.
- Where appropriate, directing wild horse gathers inside of PHMA.
- Identifying PHMA as exclusion for renewable energy development.
- Directing any new rights of way (ROW) outside of PHMA.
- Improving habitat condition to reduce the risk of GRSG predation.
- Implementing a multi-scale assessment of GRSG vs. managing to specific habitat objectives.
- Changing the scale for determining disturbance caps.
- Emphasizing the mitigation hierarchy and, if needed, ensuring consistency with State requirements for compensatory mitigation.
- Adjusting how adaptive management is calculated, both in technique and scale to allow for more biologically meaningful assessments.

These changes are to management directions only and inform how future on-the-ground actions will be framed; there are no on-the-ground actions directly implemented or authorized by these changes. As noted in the BA, any future project that implements these changed management directions at the individual Resource Management Plan (RMP) level will require site-specific Section 7(a)(2) consultation for any potentially affected species and/or designated critical habitats.

Conservation Measures

As noted above, the 2015 RMPA consultations resulted in the development of conservation measures (Attachment B) for the UPD in Utah to address potential conflicts between GRSG and UPD management. The 2024 RMPA will not change two of the three sets of management directions—each associated with specific project types—that prompted the need for the formal consultation in 2015. The third set of 2015 management directions addressed rights-of-way (ROW) management; the 2024 proposal will provide additional protections for GRSG and sagebrush habitats in ROWs by changing most of the areas of overlap (PHMA) from *avoidance* for new ROWs, to *exclusion*, which may reduce the threat of habitat modification for both UPD and GRSG. In the 2024 RMPA, BLM is committing to comply with the conservation measures in full and will conduct site-specific Section 7(a)(2) consultations for actions that may affect UPD. The BLM will continue to implement other measures to reduce impact to UPD from their key threats.

Conclusion

The BLM’s programmatic action implements a program designed to enhance GRSG conservation through the amendment of existing RMPs in 10 states by implementing changes in management direction for 10 different allocative directions. Prior to the implementation of changes in management direction at the RMP level, BLM field offices will use the Service’s Information for Planning and Consultation website (<https://ipac.ecosphere.fws.gov/>) to get the most up-to-date species and critical habitat list for their project area. If BLM makes a “may affect” determination for listed species or critical habitats, BLM will initiate consultation with the Service. Consultation will include a site-specific analysis of potential effects to listed species or critical habitat from proposed actions associated with changes in management direction. During local level consultations, the BLM will be able to determine more specifically which species might be impacted by the proposed changes in management direction, the nature and extent of potential impacts, and if additional conservation measures are needed to reduce potential adverse effects to these species. Additionally, BLM does not need to reinitiate at the programmatic level for newly proposed or listed species or critical habitat, as that will be done at the local (RMP) level.

Based on BLM’s commitment to implement conservation measures identified in their BA, and the requirement for site-specific consultations prior to the implementation of any management direction changes, the Service concurs that the proposed action is not likely to adversely affect threatened or endangered species, proposed species, non-essential experimental populations or designated or proposed critical habitats under the jurisdiction of the Service. If any subsequent action falls outside of the proposed changes in management direction to benefit GRSG conservation, BLM should evaluate the potential need to initiate formal consultation on that particular action, as it would fall outside the scope of this programmatic consultation.

This concludes informal consultation on BLM’s Greater Sage-grouse Proposed RMPA and FEIS. In accordance with 50 CFR § 402.16, reinitiation of consultation is required and shall be requested by BLM or the Service where discretionary federal involvement or control over the action has been retained or is authorized by law and: (1) if new information reveals effects of the

action that may affect listed species or critical habitat in a manner to an extent not previously considered; or (2) if the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in this concurrence letter.

If you have any questions or require additional information, please contact Dawn Davis (dawn_davis@fws.gov, 503-319-0594) or John Hughes (john_hughes@fws.gov, 307-823-1417).

Attachment A: Species and Critical Habitat List

Attachment B: Utah prairie dog conservation measures

Attachment A. Listed Species and Critical Habitat Analyzed for the Bureau of Land Management’s Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement.

Species	Status ¹	Critical Habitat?	Determination
Mammals			
Black-footed ferret (<i>Mustela nigripes</i>)	E, EXPN	No	Not likely to adversely affect (E) Not likely to jeopardize (EXPN)
Canada lynx (<i>Lynx canadensis</i>)	T	Yes	Not likely to adversely affect
Gray wolf (<i>Canis lupus</i>)	E, EXPN	Not in action area	Not likely to adversely affect (E) Non-jeopardy (EXPN)
Grizzly bear (<i>Ursus arctos horribilis</i>)	T, EXPN	Yes	Not likely to adversely affect (T) Not likely to jeopardize (EXPN)
North American wolverine (<i>Gulo gulo luscus</i>)	T	No	Not likely to adversely affect
Northern long-eared bat (<i>Myotis septentrionalis</i>)	E	No	Not likely to adversely affect
Preble’s meadow jumping mouse (<i>Zapus hudsonius prebei</i>)	T	Yes	Not likely to adversely affect
Tricolored bat (<i>Perimyotis subflavus</i>)	P, E	No	Not likely to adversely affect
Utah prairie dog (<i>Cynomys parvidens</i>)	T	No	Not likely to adversely affect
Birds			
California condor (<i>Gymnogyps californianus</i>)	E, EXPN	Yes	Not likely to adversely affect (E) Not likely to jeopardize (EXPN)
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	T	No	Not likely to adversely affect
Piping plover (<i>Charadrius melodus</i>)	T	Yes	Not likely to adversely affect
Rufa red knot (<i>Calidris canutus rufa</i>)	T	Yes	Not likely to adversely affect
Southwestern willow flycatcher (<i>Empidonax trailii extimus</i>)	E	Yes	Not likely to adversely affect
Whooping crane (<i>Grus americanus</i>)	E, EXPN	Yes	Not likely to adversely affect (E) Not likely to jeopardize (EXPN)
Western yellow-billed cuckoo (Western DPS; <i>Coccyzus americanus</i>)	T	Yes	Not likely to adversely affect
Reptiles			
Northwestern pond turtle (<i>Actinemys marmorata</i>)	P, T	No	Not likely to adversely affect
Insects			
Carson wandering skipper (<i>Pseudocopaedese unus obscurus</i>)	T	No	Not likely to adversely affect
Regal fritillary (<i>Speyeria idalia</i>)	P, T	No	Not likely to adversely affect

¹ E – Endangered, T – Threatened, P – Proposed, EXPN – Experimental, Non-essential

Species	Status ¹	Critical Habitat?	Determination
Silverspot (<i>Speyeria nokomis nokomis</i>)	T	No	Not likely to adversely affect
Mollusks/Snails			
Banbury Springs limpet (<i>Idaholanx festi</i>)	E	No	Not likely to adversely affect
Bruneau hot springsnail (<i>Pyrgulopsis bruneauensis</i>)	E	No	Not likely to adversely affect
Snake River Physa snail (<i>Physa natricina</i>)	E	No	Not likely to adversely affect
Amphibians			
Dixie Valley toad (<i>Anaxyrus williamsi</i>)	E	Yes	Not likely to adversely affect
Wyoming toad (<i>Bufo baxteri</i>)	E	No	Not likely to adversely affect
Fish			
Big springs spinedace (<i>Lepidomena milliispinis</i>)	T	Yes	Not likely to adversely affect
Bonytail (<i>Gila elegans</i>)	E	Yes	Not likely to adversely affect
Bull trout (<i>Salvelinus confluentus</i>)	T	Yes	Not likely to adversely affect
Chinook salmon (Snake River spring/summer run; <i>Onorhynchus tshawytscha</i>)	T	Yes	Not likely to adversely affect
Chinook salmon (Snake River fall run; <i>Onorhynchus tshawytscha</i>)	T	Yes	Not likely to adversely affect
Clover Valley speckled dace (<i>Rhinichthys osculus oligoporus</i>)	E	No	Not likely to adversely affect
Colorado pikeminnow (<i>Ptychocheilus lucius</i>)	E	Yes	Not likely to adversely affect
Cui-ui (<i>Chasmistes cujus</i>)	E	No	Not likely to adversely affect
Desert dace (<i>Eremichthys across</i>)	T	Yes	Not likely to adversely affect
Greenback cutthroat trout (<i>Onchorhynchus clarki ssp. Stomais</i>)	T	No	Not likely to adversely affect
Hiko White River springfish (<i>Crenichthys baileyi grandis</i>)	E	Yes	Not likely to adversely affect
Humpback chub (<i>Gila cypha</i>)	T	Yes	Not likely to adversely affect
Hutton tui chub (<i>Gila bicolor</i>)	E	No	Not likely to adversely affect
Independence Valley speckled dace (<i>Rhinichtys osculus</i>)	E	No	Not likely to adversely affect
Kendall warm springs dace (<i>Rhinichyts osculus thermalis</i>)	E	No	Not likely to adversely affect
Lahontan cutthroat trout (<i>Onorhynchochos clarkia henshawi</i>)	T	No	Not likely to adversely affect

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Species	Status ¹	Critical Habitat?	Determination
Lost River sucker (<i>Deltistes luxatus</i>)	E	Yes	Not likely to adversely affect
Pahranagat roundtail chub (<i>Gila robusta jordani</i>)	E	No	Not likely to adversely affect
Pahrump poolfish (<i>Empetrichthys latos</i>)	E	No	Not likely to adversely affect
Pallid sturgeon (<i>Scaphirhynchus albus</i>)	E	No	Not likely to adversely affect
Railroad Valley springfish (<i>Crenichthys nevada</i>)	T	Yes	Not likely to adversely affect
Razorback sucker (<i>Xyrauchen texanus</i>)	E	Yes	Not likely to adversely affect
Shortnose sucker (<i>Chasmistes brevirostris</i>)	E	Yes	Not likely to adversely affect
Warner sucker (<i>Catostomus warnerensis</i>)	T	Yes	Not likely to adversely affect
White River spinedace (<i>Lepidomena albivalis</i>)	E	Yes	Not likely to adversely affect
Whiteriver springfish (<i>Crenichtys baileyi baileyi</i>)	E	Yes	Not likely to adversely affect
Plants			
Autumn buttercup (<i>Ranunculus aestivalis acriformis</i>)	E	No	Not likely to adversely affect
Barneby reed-mustard (<i>Schoenocrambe barnebyi</i>)	E	No	Not likely to adversely affect
Blowout penstemon (<i>Penstemon haydenii</i>)	E	No	Not likely to adversely affect
Clay phacelia (<i>Phacelia argillacea</i>)	E	No	Not likely to adversely affect
Clay reed-mustard (<i>Schoenocrambe argillacea</i>)	T	No	Not likely to adversely affect
Colorado hookless cactus (<i>Sclerocactus glaucus</i>)	T	No	Not likely to adversely affect
DeBeque phacelia (<i>Phacelia submutica</i>)	T	Yes	Not likely to adversely affect
Desert yellowhead (<i>Yermo xanthocephalus</i>)	T	Yes	Not likely to adversely affect
Dudley Bluffs bladderpod (<i>Lesquerella congesta</i>)	T	No	Not likely to adversely affect
Dudley Bluffs twinpod (<i>Physaria obcordate</i>)	T	No	Not likely to adversely affect
Heliotrope milk-vetch (<i>Astragalus montii</i>)	T	Yes	Not likely to adversely affect
Howell's spectacular thelypody (<i>Thelypodium howelli ssp. spectabilis</i>)	T	No	Not likely to adversely affect
Jones cycladenia (<i>Cycladenia humilis var. jonesii</i>)	T	No	Not likely to adversely affect

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Species	Status ¹	Critical Habitat?	Determination
Kodachrome bladderpod (<i>Lesquerella tumulosa</i>)	E	No	Not likely to adversely affect
Last chance townsendia (<i>Townsendia aprica</i>)	T	No	Not likely to adversely affect
North Park phacelia (<i>Phacelia formosula</i>)	E	No	Not likely to adversely affect
Osterhout milkvetch (<i>Astragalus osterhoutii</i>)	E	No	Not likely to adversely affect
Parachute beardtongue (<i>Penstemon debilis</i>)	T	Yes	Not likely to adversely affect
Penland beardtongue (<i>Penstemon penlandii</i>)	E	No	Not likely to adversely affect
San Rafael cactus (<i>Pediocactusdes depainii</i>)	E	No	Not likely to adversely affect
Shrubby reed-mustard (<i>Schoenocrambe suffrutescens</i>)	E	Yes	Not likely to adversely affect
Slender Orcutt grass (<i>Orcuttia tenuis</i>)	T	Yes	Not likely to adversely affect
Slickspot peppergrass (<i>Lepidium papilliferum</i>)	T	Yes	Not likely to adversely affect
Uinta Basin hookless cactus (<i>Sclerocactus wetlandicus</i>)	T	No	Not likely to adversely affect
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>)	T	No	Not likely to adversely affect
Webber ivesia (<i>Ivesia webberi</i>)	T	Yes	Not likely to adversely affect
Western prairie fringed orchid (<i>Platanthera praeclara</i>)	T	No	Not likely to adversely affect
Wright fishhook cactus (<i>Sclerocactus wrightiae</i>)	E	No	Not likely to adversely affect
Whitebark pine (<i>Pinus albicaulis</i>)	T	No	Not likely to adversely affect

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Attachment B. Utah Prairie Dog (*Cynomys parvidens*) Conservation Measures to be Implemented on BLM Lands in Conjunction with the 2024 GRSG RMPA.

In their 2015 Biological Assessment (BA; BLM 2015), the BLM committed to implementing the following conservation measures when planning and implementing management actions in areas where greater sage-grouse and Utah prairie dog habitat overlap. These conservation measures will continue to be implemented under the 2024 GRSG RMPA:

- Under the authority of BLM laws, regulations, and policies, where Utah prairie dog habitat overlaps with greater sage-grouse habitats, it is the intent of these land use plan amendments to co-manage for the benefit of both species. For example, when applying various management actions and objectives that are applicable specifically to greater sage-grouse but could affect Utah prairie dog habitat, landscapes would be managed for both species. Examples of some of these BLM management actions and objectives are included in over-arching management in GRSG habitat (e.g., Objective GRSG-3, MA-GRSG-4), vegetation management (e.g., Objective VEG-1, MA-VEG-1), and fire management (e.g., MA-FIRE-3, MA-FIRE-4).
- The BLM commits to include co-management language that will help guide planning and implementing management actions in areas where greater sage-grouse and Utah prairie dog habitat overlaps. This co-management language is included in the following Management Actions and Objectives in the final BA:
 - Objective GRSG-2
 - Objective GRSG-4
 - MA-GRSG-3
 - MA-GRSG-5
 - MA-VEG-4

Co-management language will be included in the following Management Actions and Objectives in the BLM's Record of Decision:

- Objective GRSG-3
- MA-GRSG-4
- MA-GRSG-6
- Objective VEG-1
- MA-VEG-1
- MA-FIRE-3
- MA-FIRE-4
- There is a suite of project-level conservation measures that will minimize impacts to Utah prairie dogs that are already in place in existing biological assessments, plans, policies, and regulations (see Attachment E in the BA). The following conservation measure from the BA for this proposed action describes this as follows:

- The original biological assessment impacts analysis included conservation measures from various existing land use plans and conservation measures from existing, site-specific projects, as well as their associated Section 7 consultations for Utah prairie dog. The conservation measures from the existing land use plans and land use plan Section 7 consultations have been more clearly identified in Attachment E of the BA. The conservation measures from the existing site-specific projects were illustrative of the types of site-specific conservation measures that may be used during implementation of Utah prairie dog conservation actions.

Literature Cited

Bureau of Land Management. 2015. Biological Assessment for the Utah Greater Sage-Grouse Land Use Plan Amendment and Final Environmental Impact Statement. May 20, 2015. 186 pp.