




THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

FEB 28 2018

Memorandum

To: Secretary

From: Deputy Secretary 

Subject: Update Regarding Efforts to Improve the Implementation of Bureau of Land Management 2015 Sage-Grouse Plans

On August 4, 2017 you directed me to “ensure implementation of the recommendations,” contained in the “Report in Response to Secretarial Order 3353” and to direct various bureaus and offices “to immediately begin implementing the short and long term recommendations of the referenced report.” In addition, you directed that I report to your office periodically on the progress made. Since the issuance of your directive, the U.S. Fish and Wildlife Service (FWS), the U.S. Geological Survey (USGS), and the Bureau of Land Management (BLM) have been diligent in their efforts to address the short and long term recommendations contained within the report.

Highlight of Actions Taken

The BLM decisively addressed one of the most blatant and publicized examples of the prior administration’s flawed approach by cancelling the proposed withdrawal of 10 million acres of lands from mineral entry to prevent potential mineral development over the next 20 years on less than 10,000 acres – 0.1 percent of the land. Prior FWS decisions – including a 2015 finding – showed that mining, including locatable mining, was not a significant threat to greater sage-grouse range wide. In spite of this clear evidence, the prior administration pushed forward in late 2016 by proposing an unnecessary withdrawal and spending resources to conduct and develop an analysis that showed what the FWS already recognized – hard rock mining is not a significant threat to sage-grouse. Last fall, BLM canceled its proposed withdrawal and application and terminated the accompanying Environmental Impact Study (EIS), thereby preventing the needless waste of additional taxpayer resources. I concurred in these actions.

On October 11, 2017, BLM addressed an adverse ruling by the U.S. District Court for the District of Nevada by publishing a Notice of Intent seeking broad public comment on whether all, some, or none of the BLM resource management plans should be amended, what issues should be considered for change, and whether plan changes should be completed on a state-by-state basis. The District Court previously held that the prior administration violated the law by failing to prepare a supplemental Environmental Impact Statement (EIS) for the designation of sagebrush focal areas in the 2015 Nevada and Northeastern California Great Sage-Grouse Resource Management Plan Amendment and by failing to address the issues raised by various parties.

In response to the October 2017 Notice of Intent, BLM compiled a “scoping report” synthesizing over 80,000 public comments from 170,000 individuals. The comments demonstrate a varied range of views. Recognizing your interest in ensuring that we all work to improve the compatibility of the 2015 Land Use Plans with state management of sage-grouse, I pulled the paragraphs below directly from BLM’s scoping report:

The DOI and BLM engaged western governors through the Western Governors’ Association Sage-Grouse Task Force to help guide implementation of Secretarial Order 3353. This enhanced cooperation between the DOI and the 10 western states in managing and conserving the Greater Sage-Grouse and its habitat led to detailed planning recommendations from the governors of Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

In response to the NOI, all governors expressed a desire for targeted, state-specific approaches to implementing Secretarial Order 3353, balancing multiple uses and conducting potential plan amendments.

The governors provided detailed comments on state-specific concerns with the existing management plans and identified multiple issues of common interest across the range of Greater Sage-Grouse.

BLM, Potential Amendments to Land Use Plans Regarding Greater Sage-Grouse Conservation: Scoping Report 2-2 (Jan. 2018).

In addition, consistent with a commitment I made at the most recent Sage-Grouse Task Force meeting, BLM State Directors submitted briefing memoranda to the Deputy Director for Programs and Policy regarding their perspectives on the State’s positions.

From my perspective, a remarkable number of States acknowledged the need for carefully tailored, focused amendments to the 2015 resource management plans. According to reports from BLM State Directors, the States of California, Colorado, Idaho, Oregon, Nevada, Utah and Wyoming are interested in exploring targeted changes to the 2015 plans within their State. However, the scope and specific focus of the targeted plans vary from state to state. In addition, the State of Montana, which has been in active dialogue in this process, and whose compensatory mitigation strategy is not finalized, is not seeking any change in the prior administration’s plan. Finally, according to BLM neither the State of North Dakota or South Dakota have requested specific changes to the 2015 plans nor submitted any scoping comments.

In addition to addressing long term issues, BLM, in consultation with the Western Governors’ Association Sage-Grouse Task Force and other Federal agencies, recently completed six Instruction Memorandums (IMs) affecting range-wide management of sagebrush and greater sage-grouse. The BLM published these IMs in early January to address policies in six areas: grazing thresholds and responses; adaptive management; grazing priority setting; habitat assessment frameworks; habitat objectives; and oil and gas prioritization. The revised IMs respond to the review of greater sage-grouse (GRSG) plans and policies under Secretary

Order 3353, comments from the field indicating additional clarity was needed, and the recommendations in the report to the Secretary. The updates were made in consultation with the Governors of 10 western States. The Governors and the Federal-State Sage-Grouse Task Force (SGTF) were instrumental in identifying potential changes to the IMs during the review under Secretary's Order 3353. The following is a brief summary of the changes in the IM revisions or newly issues IMs:

IM 2018-021 revises the previous Habitat Assessment IM by authorizing Field Offices to streamline the site-scale suitability ratings in order to fully process a grazing permit renewal in 2018. The IM also states that beginning in January 2019, the multi-scale Habitat Assessment Framework assessment will become a component of the Land Health Assessment and will inform the Wildlife/ Special Status Species Habitat Standard.

IM 2018-022 revises the previous Adaptive Management IM and emphasizes the fact that the State will be notified as soon as possible when adaptive management triggers have been tripped. The IM also clarifies that once the causal factor analysis is done, the hard trigger responses may need to be adjusted to address the causal factor.

IM 2018-023 revises the previous Grazing Threshold IM and emphasize that proper grazing is compatible with maintaining sage-grouse habitat. The IM also emphasizes that when grazing thresholds are analyzed in a NEPA document, the threshold indicator must be measurable, influenced by domestic livestock use, and if maintained or improved will move the habitat toward meeting the site-scale suitability habitat objectives.

IM 2018-024 replaces the 2016 and 2009 Grazing Permit Renewal Prioritization IMs in order to remove the confusion of having two prioritization IMs. The new IM recognizes that sage-grouse is just one of the many special status species and that other factors may influence the prioritization of grazing permit renewals. The BLM has one prioritization IM for all field offices. Those areas not meeting land health standards or that have never assessed for land health and include special status species habitat will be the highest priority for permit renewal.

IM 2018-025 is a new IM and establishes the policy for the proper use of the sage-grouse Seasonal Habitat Objectives table. The IM clarifies that the habitat objectives are not a new land health standard; rather, they simply provide indicators and quantitative values to facilitate the assessment of the wildlife/ special status species habitat standard. The IM also established the process to adjust the indicator or the indicator values based upon local-population habitat selection preferences.

IM 2018-026 replaces the previous Oil and Gas Leasing Prioritization IM and removes much of the prioritization steps that are no longer needed in light of the elimination of the backlog of Expressions of Interest to lease parcels. The IM also reinforces the land use plan decision that all areas are open to leasing unless the areas are specifically closed in the land use plan. It also recognizes that the lease language will include the allocation decision language found in the land use plan.

The conservation actions undertaken by the Department of the Interior for sage-grouse over the last year have been significant and demonstrate the commitment we share with Congress to maintain a sharp focus on improving and restoring sagebrush habitat. In 2017, BLM completed 218 habitat improvement projects on nearly 500,000 acres, of which 163 were in Priority Habitat Management Areas. For 2018, BLM plans to treat over 300,000 acres to improve sage-grouse habitat. These projects focus on conifer removal, creating fuel breaks, invasive species removal, habitat protection, and habitat restoration. Many of these projects have been completed with the help of private landowners, and State, local, and Federal partners, including the FWS, which helped clear 4,000 contiguous acres of sage-grouse habitat in Idaho of conifer encroachment, supported efforts in Oregon to treat approximately 1,100 acres of high-value sage-grouse and mule deer habitat containing 38 active sage-grouse leks for invasive species, and helped restore land in Idaho and Utah impacted by fire.

The ongoing commitment to science is solid. The BLM partnered with USGS to conduct a review of new science and information addressing greater sage-grouse and sagebrush management that will facilitate needed management plan updates.

In Fiscal Year 2017, BLM received nearly \$69 million in appropriations for sage-grouse related efforts, while FWS received over \$3.2 million and USGS received over \$4.8 million. The Department is currently operating under a Continuing Resolution until March 23, 2018. Going forward, the President's budget proposes significant resources for efforts that are expected to benefit the sage grouse, albeit at a reduced rate.

Conclusion

The effort of the last six months reflects measurable progress. We are in the process of making both long and short term improvements. I am increasingly confident that we can successfully further the conservation efforts of the sage-grouse range wide, enhance the scientific basis for our decision making, and better tailor the 2015 plans for the varied states' unique interest in managing the sage-grouse under their particular jurisdiction.

To date, we have had honest and meaningful engagement with the States. We have tried to ensure that we are respectful of the States' role in managing wildlife, forthright and transparent regarding the parameters we see in the law we must operate within, and candid about the factual setting that exists. That BLM is currently reporting that California, Colorado, Idaho, Nevada, Oregon, Utah, and Wyoming are presently interested in exploring focused plan amendments is demonstrative of the breadth of interest in improving these land use plans.

Going forward, we will continue to implement your vision to engage directly with each state and other stakeholders, collaborate with the Sage-Grouse Task Force, and improve the compatibility of the states within the parameters of the law we have and the facts that are known. By initiating the Notice of Intent, we have secured a wide range of views from broad and diverse interests, which can better inform our decisions. Should BLM move forward with plan amendment processes, there will be continued opportunities to secure public comment from those broad and diverse range of interests whose perspectives are identified in the attached scoping report.