



U.S. Department of the Interior  
Bureau of Land Management

March 2019

# Wyoming Greater Sage-Grouse

Approved Resource Management Plan Amendment and Record of Decision



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.

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## Table of Contents

<b>I. Introduction .....</b>	<b>5</b>
1.1 Purpose and Need for Action.....	6
1.2 Description of the Planning Area.....	7
1.3 Planning Criteria.....	11
1.4 Clarification of Planning Decisions from the 2014 and 2015 Amendments and Revisions.....	12
<b>2. Approved Resource Management Plan Amendment.....</b>	<b>13</b>
2.1 Summary of the Approved Resource Management Plan Amendment.....	13
2.2 What the ROD and ARMPA Provide .....	13
2.3 What the ROD and ARMPA Do Not Provide .....	14
2.4 Modifications and Clarifications.....	14
2.5 Protest Resolution.....	15
2.6 Governor’s Consistency Review.....	16
2.7 Goals, Objectives, and Management Decisions .....	16
<b>3. Alternatives Considered in the Environmental Impact Statement .....</b>	<b>25</b>
3.1 The No Action Alternative.....	25
3.2 The Management Alignment Alternative.....	25
3.3 The Proposed Resource Management Plan Amendment Alternative.....	25
<b>4. Management Considerations and Rationale for the Decision .....</b>	<b>26</b>
<b>5. Mitigation .....</b>	<b>27</b>
<b>6. Plan Monitoring .....</b>	<b>28</b>
<b>7. Public Involvement, Consultation, and Coordination .....</b>	<b>28</b>
7.1 Public Involvement.....	28
7.2 Consultation and Coordination.....	29
<b>Appendix A. Approved RMP Amendment with Management Goals, Objectives, and Decisions</b>	
<b>Appendix B. Required Design Features</b>	
<b>Appendix C. Greater Sage-Grouse Habitat Management Strategy</b>	

## Summary

This Record of Decision (ROD) and Approved Resource Management Plan Amendment (ARMP Amendment) support the Bureau of Land Management (BLM) Field Office RMPs in Wyoming, including the Buffalo, Casper, Cody, Kemmerer, Lander, Newcastle, Pinedale, Rawlins, Rock Springs, and Worland Field Offices. The ARMP Amendment refines some of the decisions from the 2015 planning effort related to Greater Sage-Grouse habitat management and leaves in place the majority of the decisions from 2014 and 2015. These amendments build on the work that was completed in 2015 to respond to the deteriorating health of the sagebrush landscapes of the American West and the declining population of the Greater Sage-Grouse, a ground-dwelling bird that was under consideration by the U.S. Fish and Wildlife Service (FWS) for protection under the Endangered Species Act (ESA).

The BLM has amended its RMPs for Greater Sage-Grouse habitat management in order to provide additional consistency and alignment with the State of Wyoming's Greater Sage-Grouse management strategy. On March 29, 2017, the Secretary of the Interior (Secretary) issued Secretary's Order (SO) 3349, *American Energy Independence*, which ordered agencies to reexamine practices "to better balance conservation strategies and policies with the equally legitimate need of creating jobs for hard-working American families." On June 7, 2017, the Secretary issued SO 3353, with a purpose of enhancing cooperation among 11 western states and the BLM in managing and conserving Greater Sage-Grouse. SO 3353 directed an Interior Review Team, consisting of the BLM, FWS, and the U.S. Geological Survey (USGS), to coordinate with the Greater Sage-Grouse Task Force. The agencies were also directed to review the 2015 Greater Sage-Grouse plans and associated policies to identify provisions that may require modification to make the plans more consistent with the individual state plans and to better balance the BLM's multiple-use mission. On August 4, 2017, the Interior Review Team submitted its report in response to SO 3353, and recommended modifying the Greater Sage-Grouse plans and associated policies to better align with the individual state plans.

BLM Wyoming has amended its RMPs to achieve greater consistency with the State of Wyoming's Sage-Grouse conservation strategy, while continuing to protect and conserve Greater Sage-Grouse habitat.

## I. Introduction

The Bureau of Land Management (BLM) manages Greater Sage-Grouse habitat as part of the agency's multiple use mission. In 2015, resource management plans that guide conservation of sagebrush steppe habitat on BLM-administered public lands in 9 western states were amended to include specific management allocations, resource objectives, and management actions for designated Greater Sage-Grouse Habitat Management Areas to help ensure conservation, enhancement, and restoration of Greater Sage-Grouse habitat. Six resource management plans covering BLM-managed public lands in Wyoming were amended at this time, and in 2014 and 2015, four resource management plans were revised, to reach this objective.

The BLM has used these initial resource management plans as a platform for its ongoing commitment to on-the-ground activities that promote conservation through close coordination with state, local, and private partners. Most notably, in coordination with the contributions of multiple partners, the BLM has treated an increasing number of acres of sagebrush steppe habitat in every fiscal year since 2015, accomplishing important goals for sage-grouse conservation and for other programs and activities, including fuels, riparian, and range management.

These habitat projects show that successful conservation of Greater Sage-Grouse requires a shared stewardship vision among states, private citizens, landowners and federal land management agencies. Current law and regulations put state and local agencies at the forefront of efforts to maintain healthy fish and wildlife populations and to conserve at-risk species. State-led efforts to conserve Greater Sage-Grouse and its habitat date back to the 1950s. For the past two decades, state wildlife agencies, local agencies, federal agencies and many others interested in the health of the species have been collaborating to conserve Greater Sage-Grouse and its habitats across its range.

With the publication of these Records of Decision (RODs) and Approved Resource Management Plan Amendments (ARMPAs), the BLM is now concluding a planning effort focused on furthering cooperation with western states by ensuring greater consistency between individual state plans for managing the Greater Sage-Grouse as a wildlife species and the BLM's multiple-use mission for managing public land resources, including wildlife habitat. The planning process has given the BLM an opportunity to work with states and other partners to promote shared conservation goals, strike a regulatory balance, and build trust as we find ways to sustainably utilize public land resources for multiple-uses. The effort focused on ways to increase management flexibility, maintain access to public resources, promote positive conservation outcomes for Greater Sage-Grouse, and incorporate new information that is considered the best available science and is rooted in on-the-ground experience.

On October 11, 2017, following direction in Secretary's Order (SO) 3353 to enhance cooperation among western states and the BLM in managing and conserving Greater Sage-Grouse, the BLM issued a Notice of Intent (NOI) to amend the 2015 Resource Management Plans (RMPs) guiding Greater Sage-Grouse habitat management, focused on bringing the plans into closer alignment with the individual states' species management plans and conservation strategies. Reflecting the commitment by the Department of the Interior (DOI), the NOI indicated that states would play a central role in the planning process, and state partners have declared their desire to avoid the need to list Greater Sage-Grouse under the Endangered Species Act (ESA).

On May 4, 2018, the BLM released Draft Resource Management Plan Amendments and Environmental Impact Statements (Draft RMPA/EISs) for Wyoming and six other western states that considered and

analyzed the potential impacts of a No Action Alternative and a Management Alignment Alternative. While all changes proposed in the Alignment alternatives were meant to enhance coordination with respective state plans, variations reflected the different approaches states are taking within their jurisdictions to conserve Greater Sage-Grouse and the BLM's determination that greater flexibility was needed to ensure that each state can manage the habitat within its borders for the particular needs of its landscapes and communities.

On December 7, 2018 the BLM released the Proposed Resource Management Plan Amendments and Final Environmental Impact Statements (Proposed RMPA/FEISs) for a 30-day protest period (which was extended during the temporary lapse in Federal government funding) and a 60-day Governor's Consistency Review. The proposed plans built on the 2014 and 2015 revisions and amendments to the RMPs, and incorporated 3 years of on-the-ground experience with what is working to conserve sage-grouse habitat on public lands in support of healthy populations managed and conserved by the states.

Together, the amended plans retain the priority habitat designation (PHMA) for 29 million acres of BLM-administered sagebrush-steppe, where the management priority is: to open to oil and gas leasing, but with restrictions; to exclude or avoid disturbance to sage-grouse and their habitat; and to minimize impacts to PHMA where they cannot be avoided. Another 23 million acres retain identification as general habitat (GHMA), where avoidance and minimization are applied flexibly, consistent with both local conditions and the State's science-based objectives for species management. The plans for BLM-administered lands in Wyoming include protections for 8 million acres of PHMA on BLM-managed surface and another 3.4 million acres of PHMA on BLM-administered federal mineral estate beneath non-federal surface ownership or National Forest System lands.

Including habitat in Montana, North Dakota, and South Dakota, a total of approximately 32 million surface acres will be managed as priority habitat across the Greater Sage-Grouse's range, while another approximate 25 million acres are designated general habitat. The plans for BLM lands in Wyoming include additional habitat categories, acreages and management objectives specific to the states' needs. Trigger points remain in place for BLM-managed habitat to indicate when adaptive management measures are needed to address population declines in designated habitat. The amended plans also outline procedures once it is determined that a decline has been stopped and reversed.

Finally, the amended plans formalize coordination between the BLM and respective states in applying compensatory mitigation measures to approved actions. These plans reflect the BLM's determination that the Federal Land Policy and Management Act of 1976 (FLPMA) does not explicitly mandate or authorize the BLM to require public land users to implement compensatory mitigation as a condition of obtaining authorization for the use of BLM-administered lands. The plans clarify that the BLM will consider compensatory mitigation only as a component of compliance with a state mitigation plan, program, or authority; other federal law; or when offered voluntarily by a project proponent.

The amended plans reinvigorate the Department of the Interior's commitment to collaborate with our neighbors in conserving sagebrush habitats and sage-grouse populations. Further, the amended plans reflect the BLM's determination that greater flexibility for each state to manage Greater Sage-Grouse and sagebrush habitat will lead to improved outcomes for the species.

## 1.1 Purpose and Need for Action

The Federal Land Policy and Management Act (FLPMA) of 1976 provided the BLM with the discretion and authority to manage public lands for multiple use and sustained yield and declared it the policy of the United States to coordinate the land use planning process with other federal, state, and local

governments. Further, FLPMA specifically provides that it neither enlarges nor diminishes the authority of the states in management of fish and wildlife. As the sovereign with the lead role in managing game species, including Greater Sage-Grouse, states play a critical role in conserving and restoring the Greater Sage-Grouse and its habitat. The BLM’s purpose and need in preparing the PRMPAs is to modify the approach to Greater Sage-Grouse management in existing land use plans through (1) enhancing cooperation and coordination with the State of Wyoming (2) aligning with DOI and BLM policy directives that have been issued since 2015, and (3) incorporating appropriate management flexibility and clarifications to better align with Wyoming’s conservation plan.

## 1.2 Description of the Planning Area

The planning area for this Greater Sage-Grouse RMP amendment consists of lands within all the BLM Wyoming Field Offices: Buffalo, Casper, Cody, Kemmerer, Lander, Newcastle, Pinedale, Rawlins, Rock Springs, and Worland (Map 1-1). The decision area is BLM-administered lands and federal mineral estate in Greater Sage-Grouse habitat (Map 1-2).

The BLM manages approximately 17,500,000 acres of surface estate and 40,700,000 acres of federal mineral estate in Wyoming. The decision area encompasses approximately 17,000,000 acres of surface and 28,000,000 acres of federal mineral estate. Table 1-1, below, identifies the acreage of Priority Habitat Management Areas (PHMAs) and General Habitat Management Areas (GHMAs) for federal surface and federal mineral estate in each field office across the decision area.

**Table 1-1  
Acres of Greater Sage-Grouse Habitat by BLM Field Office in the Decision Area**

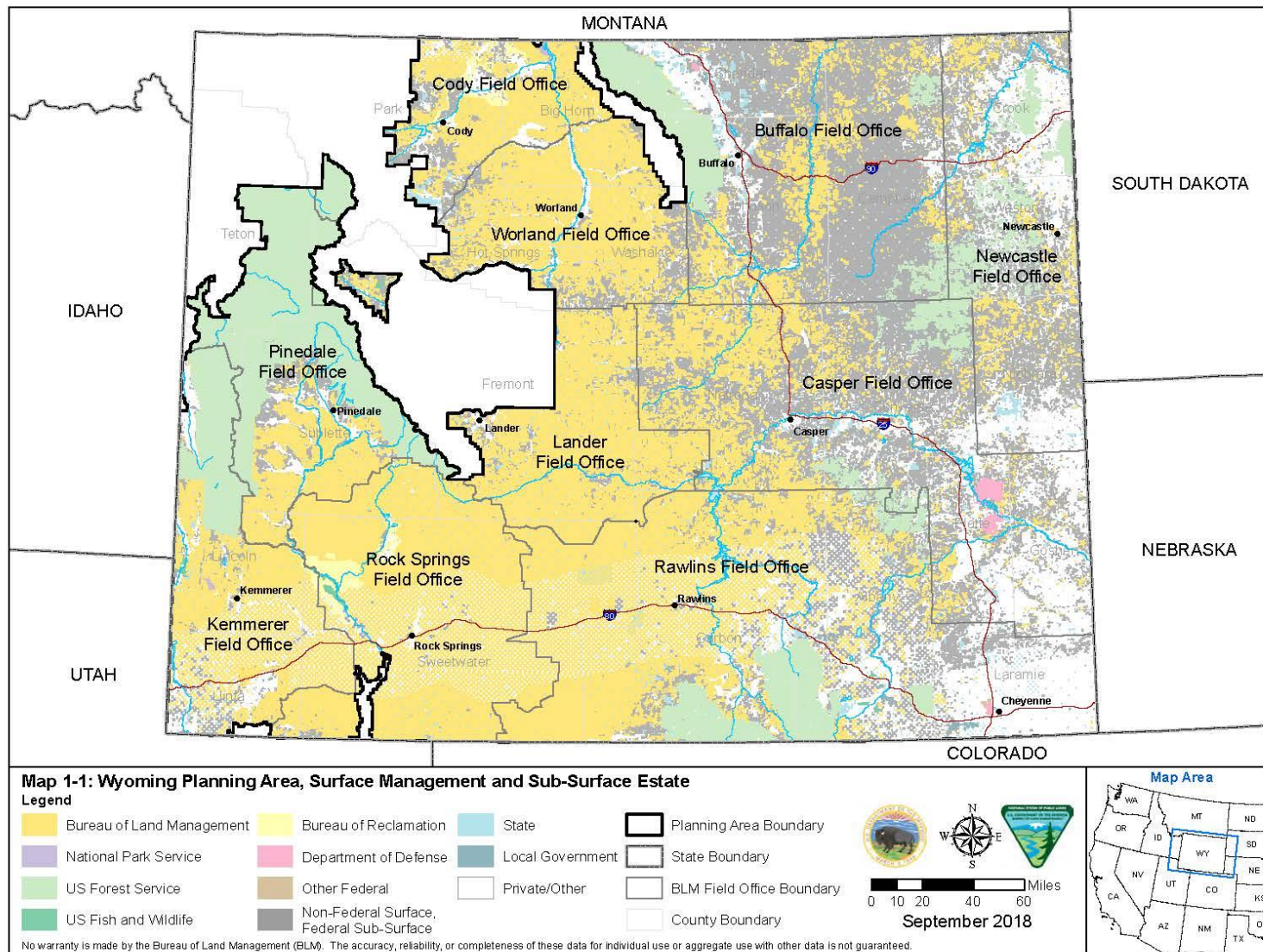
BLM Office	PHMA Acres		GHMA Acres		Total Habitat Acres	
	BLM Surface	Federal Mineral	BLM Surface	Federal Mineral	BLM Surface	Federal Mineral
Buffalo Field Office	136,877	840,465	627,579	3,994,864	764,456	4,835,329
Casper Field Office	726,376	1,561,575	531,643	2,281,859	1,258,019	3,843,434
Cody Field Office	317,262	435,451	769,356	1,101,459	1,086,618	1,536,910
Kemmerer Field Office	632,810	686,546	768,146	910,615	1,400,956	1,597,161
Lander Field Office*	1,686,648	1,888,629	685,289	882,057	2,371,937	2,770,686
Newcastle Field Office	81,468	529,358	169,349	1,150,165	250,817	1,679,523
Pinedale Field Office	421,079	675,858	491,028	818,530	912,107	1,494,388
Rawlins Field Office	1,520,006	1,920,060	1,916,257	2,384,409	3,436,263	4,304,469
Rock Springs Field Office	1,731,730	1,808,975	1,865,180	1,920,425	3,596,910	3,729,400
Worland Field Office	797,448	1,019,544	1,301,942	1,670,110	2,099,390	2,689,654
<b>Total decision area acres</b>	<b>8,051,704</b>	<b>11,366,461</b>	<b>9,125,769</b>	<b>17,114,493</b>	<b>17,177,473</b>	<b>28,480,954</b>

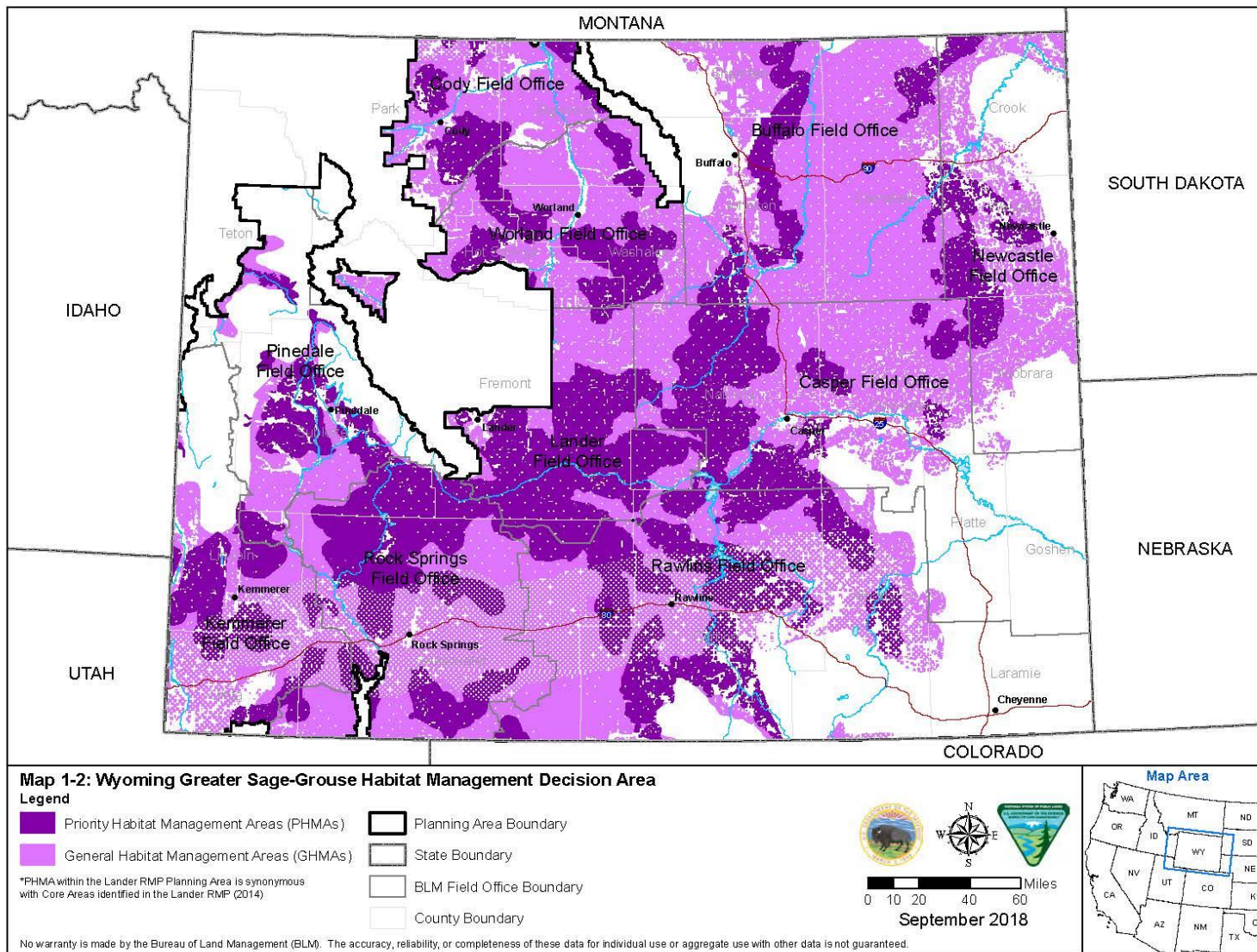
**Table I-1**  
**Acres of Greater Sage-Grouse Habitat by BLM Field Office in the Decision Area**

<b>BLM Office</b>	<b>PHMA Acres</b>		<b>GHMA Acres</b>		<b>Total Habitat Acres</b>	
	<b>BLM Surface</b>	<b>Federal Mineral</b>	<b>BLM Surface</b>	<b>Federal Mineral</b>	<b>BLM Surface</b>	<b>Federal Mineral</b>

\*The Lander Field Office does not contain PHMA/GHMA designations but rather uses the terminology of core and non-core areas, similar to the State of Wyoming's Executive Orders.







Current management for Greater Sage-Grouse conservation in Wyoming is provided in the Resource Management Plan Amendments for Greater Sage-Grouse in the Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs Field Offices, as well as the RMPs for Buffalo, Cody, Lander, and Worland; however, management actions proposed in this Final EIS/Proposed RMPA would not be universally applied across all RMPs. There are various management decisions in the existing ARMPA, for example, that apply only to the ARMPA decision area and not to the Lander, Buffalo, Cody, or Worland RMPs because those RMPs were developed independently as land use plan revisions.

The Lander RMP revision, although completed in 2014, is being included in this RMPA because there are some proposed management actions that will apply to the Lander RMP. For example, one of the actions the BLM proposes is to update its Greater Sage-Grouse habitat management area designations when the State of Wyoming updates its core areas. This management action will apply to Lander, along with the other plans; however, there are several actions (identified by No Similar Action in **Table I-2**) that do not apply to the Lander RMP. See **Chapter 2** for more information.

### 1.3 Planning Criteria

Planning criteria establish constraints, guidelines, and standards for the planning process and help the BLM define the scope of planning and analysis. The BLM has identified the following planning criteria, which are based on standards prescribed by applicable laws and regulations, agency guidance, analysis pertinent to the planning area, professional judgment, and the results of consultation and coordination with the public and other federal, state, and local agencies.

- The BLM will comply with all laws, regulations, policies, and guidance related to public lands management and implementing the National Environmental Policy Act (NEPA) on BLM-administered lands.
- Greater Sage-Grouse is a state-managed species that depends on sagebrush steppe habitats managed in partnership by federal, state, and local authorities. In making management determinations on BLM-administered lands, the BLM will use, to the fullest extent practicable, state game and fish agencies' Greater Sage-Grouse data and expertise.
- Lands addressed in the RMPA will be BLM-administered land in Greater Sage-Grouse habitats, including surface and split-estate lands with federal subsurface mineral rights. Any decisions in the RMPA will apply only to BLM-administered lands.
- This RMPA will comply with orders of the Secretary, including SO 3353 (Greater Sage-Grouse Conservation and Cooperation with Western States), which strives for compatibility with state conservation plans.
- The EIS supporting this RMPA incorporated, as appropriate, information in a USGS report that identified and annotated Greater Sage-Grouse science published since January 2015 (Carter et al. 2018) and a report that synthesized and outlined the potential management implications of this new science (Hanser et al. 2018).
- This RMPA will comply with BLM Manual 6840, Special Status Species Management.
- This RMPA will recognize valid existing rights.
- All activities and uses in Greater Sage-Grouse habitats will be managed to achieve Greater Sage-Grouse objectives and existing land health standards.

- This RMPA will not amend land use allocations or decisions for other resources under existing RMPs, such as wilderness study areas, areas of critical environmental concern, and riparian areas.

#### I.4 Clarification of Planning Decisions from the 2014 and 2015 Amendments and Revisions

The following issues with existing planning decisions were either raised during scoping or during the Draft EIS comment period. These issues did not require new analysis or planning level decisions, but do require some clarification. The BLM intends to address these issues outside of the current planning process.

- Clarification is required for implementation level actions on restrictions that should be applied only to PHMA. Based on language in the existing land use plans, there has been some confusion regarding application of PHMA-type restrictions in non-PHMA areas. BLM Wyoming will clarify this with future step-down guidance for implementation level actions.
- Currently, there is no direction on how the BLM and the State of Wyoming could work to incentivize development outside PHMA. The BLM will work with the State of Wyoming in determining the appropriate path forward in incentivizing development outside PHMAs.
- The State of Wyoming has identified several de minimis activities that are exempt from the requirements and restrictions of the Governor's Executive Order for Greater Sage-Grouse Core Area Protection (Executive Order 2015-4). These include activities such as residential and agricultural electric utilities, fence modifications, and small impoundment development, among other activities. Currently, the BLM has several categorical exclusions that may be used to satisfy the requirements of NEPA when some such proposals are received on BLM-administered lands. Other de minimis activities are not covered by an appropriate categorical exclusion, so the BLM must comply with NEPA by preparing an environmental assessment or, as appropriate, an EIS. BLM Wyoming will issue guidance to field offices regarding the appropriate use of categorical exclusions for those actions where categorical exclusions exist. BLM Wyoming will also explore the development of a programmatic NEPA analysis for other activities that the State of Wyoming considers de minimis in order to enable, as appropriate, field offices to use other tools, such as a determination of NEPA adequacy, to authorize projects.
- The 2015 ARMPA and ARMP developed a suite of Required Design Features (RDFs) that should be applied at the project and/or site-specific level when projects are proposed in Greater Sage-Grouse habitat. There has been some confusion relating to when these RDFs should be applied; therefore, BLM Wyoming will develop guidance and clarification on the use of RDFs when they are applied at the implementation level. RDFs are to be used as appropriate at the site-specific level and should not be assumed to apply to all projects.
- Recognizing that the Greater Sage-Grouse is a state managed species, the BLM will work with the State of Wyoming (primarily the Wyoming Game and Fish Department) when considering timing stipulation exception requests submitted by fluid mineral lease developers. Following an environmental record of review, the BLM can and does approve exception requests. The BLM will consider the analysis completed by the WGFD when preparing the appropriate environmental record of review and will document appropriate measures to avoid, minimize, and analyze State-imposed compensatory mitigation (when and where required) following the

State of Wyoming Greater Sage-Grouse Compensatory Mitigation Framework (see Management Decision Tables). Exceptions, waiver, and modifications will incorporate these management goals, objectives, and decisions as exception criteria.

## 2. Approved Resource Management Plan Amendment

### 2.1 Summary of the Approved Resource Management Plan Amendment

The decision is hereby made to approve the Wyoming Greater Sage-Grouse RMP Amendments. This Approved Resource Management Plan Amendment (ARMPA) amends the following RMPs in Wyoming for Greater Sage-Grouse Habitat Management:

- Buffalo (2015)
- Cody (2015)
- Casper (2007)
- Kemmerer (2008)
- Lander (2014)
- Newcastle (2000)
- Rawlins (2008)
- Rock Springs (1997)
- Pinedale (2008)
- Worland (2015)

The decisions included in this ROD and ARMPA amend the RMPs for the above BLM Field Offices. Not all decisions in this ARMPA apply to all RMPs. Please see **Section 2.7** of this ROD for specifics on which RMPs are being amended for which actions. Although decisions identified in the ARMPA are final and effective when this ROD is signed, the BLM will continue to prepare environmental assessments and environmental impact statements where appropriate as part of the implementation level planning and decision-making. All future resource use authorizations in Greater Sage-Grouse habitat will conform to, or be consistent with, the decisions contained in this ARMPA. This ARMPA does not repeal or diminish valid existing rights on public lands.

### 2.2 What the ROD and ARMPA Provide

The decisions provided in this ROD and ARMPA build upon the decisions contained in the 2014 and 2015 RMP Amendments and Revisions. This ARMPA provides clarification and consistency with the State of Wyoming's Greater Sage-Grouse Core Area Strategy for the following topics:

- Updating Habitat Management Areas;
- Removal of the Sagebrush Focal Area designation;
- Clarifying the habitat objectives tables;
- Noise thresholds and monitoring;
- Adaptive management; and
- Compensatory mitigation.

The decisions in this ARMPA do not modify all of the existing decisions in the 2014 and 2015 RMP Amendments and revisions. Only those decisions pertaining to the issues identified above are affected.

Please see Appendix A for the complete list of existing and new decisions for the RMPs that are applicable on BLM Wyoming administered surface and federal mineral estate in Greater Sage-Grouse habitat.

## 2.3 What the ROD and ARMPA Do Not Provide

The ARMPA does not contain decisions for public lands outside of Greater Sage-Grouse Habitat Management Areas.

The ARMPA does not violate or diminish existing valid rights nor contain decisions for mineral estates that are not administered by the BLM. ARMPA decisions for surface estate only apply to BLM-administered lands (BLM Wyoming administered surface and federal mineral estate). In addition, many decisions are not appropriate at this level of planning and are not included in this ROD. For example:

- **Statutory requirements:** The decision does not change the BLM's responsibility to comply with applicable laws, rules, and regulations.
- **National policy:** The decision does not change the BLM's obligation, consistent with applicable laws and regulations, to implement current or future national policy.
- **Funding levels and budget allocations:** These are determined annually at the national level and are beyond the control of State, District, or Field Offices.

Implementation decisions generally authorize on-the-ground activities, usually at a specific location. They generally require appropriate site-specific consideration and NEPA analysis. Such decisions may be incorporated into broader implementation plans (activity or project plans) or may be stand-alone decisions. This ARMPA does not contain any implementation decisions.

## 2.4 Modifications and Clarifications

The ARMPA contains minor modifications and clarifications from the Proposed RMPA based on comments received during the 30-day protest period, the resolution of protests, and the Governor's consistency review.

### **General Management Direction**

Management Direction (MD) GMD 23 in Appendix A was revised to clarify that if an inconsistency is noted between the decisions or appendices in this Greater Sage-Grouse ARMPA and the 2015 Greater Sage-Grouse ARMPA or previous RMP decisions on Greater Sage-Grouse, the decisions and appendices found in this ARMPA apply. It also clarifies that other resource decisions, even if more restrictive than an overlapping Greater Sage-Grouse decision, will be retained.

### **Special Status Species (SSS)**

Text revisions were made in Appendix A to MDs SSS 7-10 in order to reduce redundancy. The sentence "Activities in unsuitable habitats will be evaluated under the exceptions and modifications criteria and shall be allowed on a case by case basis" was removed as it is assumed that consideration of activities in unsuitable habitats is included in the State's mitigation framework process.

Text revisions were made to management direction MD SSS 12 to include reference to the amended management direction SSS 4 that describes interaction with the State of Wyoming for mitigation.

Lander RMP MD 4104, 4015, 4106, 4107, and 4108 were modified to provide clarification consistent with the amended MD SSS 4 (Lander's new MD 4134).

### **Appendix C**

Additional text was added to Step 2.3 in Appendix C to reference the use of established tools and processes to determine impacts of proposed undertakings on the Greater Sage-Grouse Core Area populations.

Appendix C was modified to state that it would include this appendix in the Lander RMP Revision as a new appendix, Appendix Q.

\*Tables depicting the Greater Sage-Grouse Management Decisions for this amendment and for each of the 2014 Lander RMP Revision and 2015 Buffalo, Worland, and Cody RMP Revisions are attached (Appendix A).

## **2.5 Protest Resolution**

The BLM's planning regulations at 43 CFR 1610.5-2 allow any person who participated in the planning process and has an interest that may be adversely affected by the BLM's planning decisions to protest proposed planning decisions within 30 days of when the notice of availability (NOA) of the Proposed RMP/Final EIS was published in the *Federal Register* (December 7, 2018).

The Office of the BLM Director concluded that the BLM followed all applicable laws, regulations, and policies and considered all relevant resource information and public input in developing the Proposed RMPA/Final EIS. Each protesting party has been notified in writing of the BLM's findings and the disposition of their protests. The Office of the Director resolved the protests without making significant changes to the Proposed RMPA/Final EIS, though minor clarifications were made and are summarized in Section 2.4. The Office of the Director's decisions on the protests are summarized in the Proposed RMPA / Final EIS Protest Resolution Report which is available on the following BLM website: <https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports>.

The Office of the BLM Director received seven timely protest submissions. Six of the protesting parties had standing. One submission was dismissed because it did not contain any valid protest points, pursuant to 43 CFR 1610.5-2. Valid Protest issues addressed in the State Director's Protest Resolution Report are as follows:

- Compliance with FLPMA
- Compliance with NEPA
- Compliance with the BLM special status species policy in BLM Manual 6840
- Rights governed by the Mining Law of 1872
- Delegation of authority to states and local government
- Compensatory Mitigation
- Compliance with the Administrative Procedures Act
- RDFs / Best available science

## 2.6 Governor's Consistency Review

The BLM's planning regulations require that RMPs be "consistent with officially approved or adopted resource-related plans, and the policies and procedures contained therein, of other Federal agencies, State and local governments, and Indian tribes, so long as the guidance and resource management plans also are consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands" (43 CFR 1610.3-2(a)). The BLM is aware that there are specific State laws and local plans relevant to aspects of public land management that are separate and independent of Federal law. However, the BLM is bound by Federal law; as a consequence, there may be inconsistencies that cannot be reconciled. The FLPMA and its implementing regulations require that the BLM's RMPs be consistent with officially approved State and local plans only if those plans are consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands.

The 60-day Governor's consistency review period ended on February 28, 2019. The Governor of Wyoming submitted a letter to the BLM Wyoming State Director, asserting inconsistencies between the BLM's Proposed RMPA/Final EIS and the State's or local governments' resource-related plans and procedures, as well as other concerns that they had with her proposed planning documents. The BLM Wyoming State Director accepted all of the Governor's recommendations and incorporated the changes into the final RMP.

## 2.7 Goals, Objectives, and Management Decisions

This section of this ROD identifies the goals, objectives, and management decisions associated with the Approved RMP Amendment. The majority of the goals, objectives, and management decisions remain the same as those identified and approved in the 2014 Lander RMP revision, the 2015 RMP Revisions, and the 2015 RMP Amendments. In addition, not all of the amended management decisions will apply to all RMPs in Wyoming; the RMPs to which the amended management decisions apply are also identified. The goals, objectives, and management decisions that *have not* changed and are still in full force and effect are presented below the management decisions that have been amended.

*New and Amended Decisions that apply to all RMPs in Wyoming:*

**New Management Decision I:** The BLM will update its Greater Sage-Grouse habitat management areas, including biologically significant units (BSUs), in conjunction with the State of Wyoming's core areas, upon issuance of any Wyoming Governor's Executive Order revising or amending the core area boundaries and upon completion of appropriate NEPA analysis and process. The BLM will complete the appropriate NEPA documentation (including appropriate public comment) prior to adopting any revised core area boundaries (e.g., maintenance action or plan amendment, environmental assessment, etc.).

**Amended MD SSS 12 (Casper, Kemmerer, Newcastle, Pinedale, Rawlins, Rock Springs); Amended #SS WL 4025 (Buffalo); Amended #4111 (Cody); Amended # 4110 (Worland); Amended #4117 (Lander):** Within PHMA (core only), new project noise levels, either individual or cumulative, should not exceed 10 dBA (as measured by L50) above baseline noise at the perimeter of the lek (or lek center if no perimeter is yet mapped) from 6:00 pm to 8:00 am during the breeding season (March 1–May 15). The authorized officer may grant an exception on a case-by-case basis subject to appropriate site-specific analysis, mitigation requirements, and consultation with the State of Wyoming and consistent with the applicable State management strategy (currently Governor of Wyoming's Executive Order 2015-4) (see MD SSS 4). In coordination with the State of Wyoming, specific noise protocols for measurement and implementation will be developed as additional research and



information emerges. These measures would be considered at the site-specific project level where and when appropriate.

**Amended MD SSS 4 (Casper, Kemmerer, Newcastle, Pinedale, Rawlins, Rock Springs); New Management Decision 2 (Buffalo, Cody, Lander, Worland):** Specific to management for Greater Sage-Grouse, all RMPs are amended as follows:

Adopt the State of Wyoming's Greater Sage-Grouse Compensatory Mitigation Framework to the extent consistent with federal law, regulations, and policy.

In all Greater Sage-Grouse habitat, when authorizing third-party actions in designated Greater Sage-Grouse habitat, the BLM will seek to achieve the planning-level Greater Sage-Grouse management goals and objectives through implementation of mitigation and management actions, consistent with valid existing rights and applicable law. Under this Plan Amendment, management would be consistent with the Greater Sage-Grouse goals and objectives, and in conformance with BLM Manual 6840, Special Status Species Management. In accordance with BLM Manual 6840, the BLM will undertake planning decisions, actions and authorizations "to minimize or eliminate threats affecting the status of [Greater Sage-Grouse] or to improve the condition of [Greater Sage-Grouse] habitat" across the planning area.

Accordingly, before authorizing third-party actions that result in habitat loss and degradation, the BLM will complete the following steps, in alignment with the Governor of Wyoming's Executive Order 2015-4 (July 29, 2015):

1. Work jointly with the WGFD to evaluate projects and recommend mitigation in the form of avoidance and minimization.
2. The WGFD will determine if the State requires or recommends any additional mitigation – including compensatory mitigation – under State regulations, policies, or programs related to the conservation of Greater Sage-Grouse.
3. Incorporate state required or recommended mitigation into the BLM's NEPA decision-making process, if the WGFD determines that compensatory mitigation is required to address impacts to GRS habitat as a part of State policy or authorization, or if a proponent voluntarily offers mitigation.
4. Analyze whether the compensatory mitigation (deferring to the appropriate State authority to quantify habitat offsets, durability, and other aspects used to determine the recommended compensatory mitigation action):
  - achieves measurable outcomes for Greater Sage-Grouse habitat function on a landscape scale as determined by WGFD that are at least equal to the lost or degraded values in accordance with the Governor of Wyoming's Executive Order 2015-4.
  - provides benefits that are in place for at least the duration of the impacts.
  - accounts for a level of risk that the mitigation action may fail or not persist for the full duration of the impact.
5. Ensure mitigation outcomes are consistent with the State of Wyoming's mitigation strategy and principles outlined in 2018 Approved RMPA Appendix C, The Greater Sage-Grouse Habitat Management Strategy.

The BLM has determined that compensatory mitigation must be voluntary unless required by other applicable law and in recognition that State authorities may also require compensatory mitigation (IM 2019-018, *Compensatory Mitigation*, December 6, 2018). Therefore, consistent with valid existing rights and applicable law, when authorizing third-party actions that result in habitat loss and degradation, the BLM will consider voluntary compensatory mitigation actions only as a component of compliance with a State mitigation plan, program, or authority, or when offered voluntarily by a project proponent.

Project-specific analysis will be necessary to determine how a compensatory mitigation proposal addresses impacts from a proposed action. The BLM will cooperate with the State to determine appropriate project design and alignment with State policies and requirements, including those regarding compensatory mitigation. When the BLM is considering compensatory mitigation as a component of the project proponent's submission or based on a mitigation requirement from the State, the BLM's NEPA analysis would evaluate the need to avoid or minimize impacts of the proposed project and achieve the goals and objectives of this RMPA. The BLM will defer to the appropriate State authority to quantify habitat offsets, durability, and other aspects used to determine the recommended compensatory mitigation action.

*The following amended decisions apply to the Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs RMPs:*

**Amended MD SSS 14:** Lands identified as Sagebrush Focal Areas (SFAs) will no longer be designated as SFAs. Lands previously identified as SFAs will be managed as Priority Habitat Management Areas (PHMAs), consistent with Core Area boundaries.

**Amended MD MR 12:** Areas previously identified as recommended for withdrawal from location and entry under the Mining Law of 1872 in the 2015 RMP Amendments for the Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs RMPs are no longer recommended for withdrawal. While the BLM proposed to withdraw these areas in 2015, the BLM canceled the proposed withdrawal, as noticed in the Federal Register (82 FR 47248), on October 11, 2017.

Within PHMA, specific to management for Greater Sage-Grouse, all RMPs are amended as follows: A total of approximately 21,251,690 acres are open to locatable mineral location and entry (Map 2-3). Operators may be requested to submit modifications to the accepted notice or approved plan of operations so that the operations minimally impact PHMA. The AO may convey to the operator suggested conservation measures, based on the notice or plan level operations and the geographic area of those operations (also called the project area which is defined in 43 CFR 3809.5 and 36 CFR 228.3). These suggested conservation measures include measures that support the overall goals and objectives of the core population area strategy, though measures listed for protection of Greater Sage-Grouse breeding, nesting, brood-rearing, and wintering may not be reasonable or applicable to the BLM's determination of whether the proposed operations will cause unnecessary or undue degradation under 43 CFR 3809.5 and 36 CFR 228.3. The request containing the suggested conservation measures must make clear that the operator's compliance is not mandatory.

Notices or Plans of Operation, or modifications thereto, submitted following the issuance of this guidance: As part of the 15-day completeness review of notices [or modifications thereto] and 30-day completeness review of plans of operations [or modifications thereto], the proposed project area(s) where exploration, development, mining, access and reclamation will take place shall be reviewed for overlap of PHMA in the corporate GIS database. If there is overlap, the BLM AO may notify the operator of ways that they may minimize impacts on PHMA and request the operator to amend its notice or plan to include such measures. The request to amend the submitted notice or plan of operations must make clear that the operator's compliance is not mandatory and that including such measures is not a requirement for completeness of either the notice or a plan of operations, nor is it a condition of acceptance of the notice or approval of the plan of operations. (see also MD SSS 4 through MD SSS 10 and MD SSS 12)

For values other than Greater Sage-Grouse, the following RMP decisions remain in effect:

1,785,230 acres are withdrawn from mineral entry for the protection of sensitive resources.

**Amended Management Objective #6:** Develop specific habitat objectives to protect, enhance, or restore Greater Sage-Grouse priority habitat based on Ecological Site Descriptions (ESDs) and BLM land health evaluations (including within wetlands and riparian areas) taking into account site history (historic treatments or habitat manipulations) that have changed the soil chemistry, possibly altering the ESD.

**Amended MD LG 8:** In PHMA, existing range improvements (e.g., fences and livestock/wildlife watering facilities) would continue to be evaluated and modified when necessary. Supplements and supplemental feeding will continue to be authorized where appropriate.

**Amended MD LG 10:** In PHMA, for riparian and/or wet meadow communities utilized by Greater Sage-Grouse, livestock grazing will be managed to promote the production and availability of beneficial grasses and forbs for use during brood-rearing, while maintaining upland conditions and functions.

**Amended Management Objective #14:** Where the BLM has a backlog of Expressions of Interest for leasing, the BLM will prioritize its work first in non-habitat management areas, followed by lower priority habitat management areas (e.g., GHMA) and then higher priority habitat management areas (i.e., PHMA). To the extent consistent with federal regulation, law, and policy, priority would be given to leasing and development of fluid mineral resources, including geothermal, outside of PHMAs. When analyzing leasing and authorizing development of fluid mineral resources, including geothermal, in PHMAs, and subject to applicable stipulations for the conservation of Greater Sage-Grouse, priority would be given to development in non-habitat areas first and then in the least suitable habitat for Greater Sage-Grouse. The implementation of these priorities would be subject to valid existing rights and any applicable law or regulation, including, but not limited to, 30 USC 226(p) and 43 CFR 3162.3-1(h). Where a proposed fluid mineral development project on an existing lease could adversely affect Greater Sage-Grouse populations or habitat, the BLM will work with the lessees, operators, or other project proponents to avoid, reduce, and mitigate adverse impacts to the extent compatible with lessees' rights to drill and produce fluid mineral resources. To incentivize development to locate outside of PHMA, the BLM will work with the lessee, operator, or project proponent in developing an application for permit to drill (APD) for the lease to avoid and minimize impacts to Greater Sage-Grouse or its habitat and would ensure that the best information about the Greater Sage-Grouse and its habitat informs and helps to guide development of such federal leases.

*The following amended decisions apply to the Buffalo, Casper, Cody, Kemmerer, Newcastle, Pinedale, Rawlins, Rock Springs, and Worland RMPs:*

**Amended MD LG 4 (Casper, Kemmerer, Newcastle, Pinedale, Rawlins, Rock Springs); Amended Grazing #6017 (Buffalo); Revised #6130 (Cody); Revised #6202 (Worland):** Within PHMA, if monitoring data show the wildlife/special status species standard has not been meeting nor progress being made toward meeting that standard, there would be an evaluation and a determination made as to the cause. If it is determined that the current authorized livestock use is a significant causal factor in failing to achieve the wildlife/special status species standard, the BLM will address achievement or progress toward achieving the LHSs (43 CFR 4180.2) and, if needed, Greater Sage-Grouse habitat maintenance or improvement. When NEPA analysis is required for a specific implementation action, one alternative would include mechanisms to make adjustments to meet or make progress toward meeting the wildlife/special status species standard. The analysis should also identify the BLM-approved data collection methodologies used for monitoring conditions and determining when adjustments are necessary. If current grazing management meets land health standards and provides for Greater Sage-Grouse habitat, there would be no need to analyze an alternative for Greater Sage-Grouse. Authorized

uses in PHMA that incorporate habitat objectives for Greater Sage-Grouse must develop desired conditions based on Greater Sage-Grouse habitats present in the allotment and the ecological potential of sites which supports these habitats. Metrics used to monitor for objectives must be developed and inform the wildlife/special status species portion of the Standards for Healthy Rangelands. Within PHMAs, seasonal habitat objectives for Greater Sage-Grouse apply only to those habitats delineated within an allotment during the specific season (e.g., breeding season objectives during breeding season). Data needed to inform the relationship between the authorized use and habitat condition would come from sample locations that appropriately reflect the impact of the authorized use on habitat conditions. Data points should fall within Greater Sage-Grouse seasonal habitat areas and be collected on ecological sites that have the potential to produce Greater Sage-Grouse habitat.

**Amended MD LG 5 (Casper, Kemmerer, Newcastle, Pinedale, Rawlins, Rock Springs); Amended # Grazing 6017 (Buffalo); Amended #6126 (Cody); Amended # 6198 (Worland):** Within PHMA, specific to management for Greater Sage-Grouse, all RMPs are amended as follows: BLM monitoring would be used to evaluate progress toward achieving land health standards within PHMA and, where not achieved, to determine if existing grazing management practices or levels of grazing use on public lands are significant causal factors in failing to meet, maintain, or make progress toward achieving the standards and conform with the guidelines, which, through this process, will identify appropriate actions to address non-achievement and non-conformance. The BLM will prioritize (1) the review of grazing permits/leases, in particular to determine if modification is necessary prior to renewal, and (2) the processing of grazing permits/leases in PHMA. In setting workload priorities, precedence would be given to existing permits/leases in these areas not meeting land health standards, with an emphasis on those containing riparian areas, including wet meadows. The BLM may use other criteria for prioritization to respond to urgent natural resource concerns (e.g., fire) and legal obligations.

**Amended MD SSS 13 (Casper, Kemmerer, Newcastle, Pinedale, Rawlins, Rock Springs); Amended #SS WL 4010 (Buffalo); Amended #4116 (Cody); Amended #4115 (Worland):** The Adaptive Management Working Group would define a process to review and reverse adaptive management actions once the identified causal factor is resolved (e.g., returning to previous management once objectives of interim management strategy have been met).

Appendix A presents all management goals, objectives, and decisions for management of Greater Sage-Grouse (including existing, new, and amended decisions identified above) for the Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs RMPs (Table A-1), the Buffalo RMP (Table A-2), the Cody RMP (Table A-3), the Lander RMP (Table A-4), and the Worland RMP (Table A-5).

Appendix B presents the Required Design Features.

Appendix C presents the Greater Sage-Grouse Habitat Management Strategy as Amended.

Table 2-1, below, identifies the seasonal habitat objectives for Greater Sage-Grouse in the Wyoming Basin Ecoregion. The purpose of the habitat objectives table is to identify vegetation attributes important to Greater sage-grouse site selection as described in the Habitat Assessment Framework (HAF; Stiver, 2015). Indicators should be measured during the appropriate season, within the seasonal habitat being assessed, and in the context of the ecological potential for the site.

The habitat objectives table outlines range-wide attributes and values for each. Some of the science-based information used to establish indicator values in the Habitat Objectives table was developed in disparate geographic regions and will not reflect local conditions. Therefore, the BLM should use

indicator values that reflect high quality data at the local or the project level, to the extent it is available. Collectively, the indicators for sagebrush (cover, height, and shape), perennial grass, and perennial forb (cover, height, and/or availability) represent the desired vegetation components for the seasonal habitats. Indicators are not standards to be achieved but a metric used to evaluate habitat conditions. Data collected at each location (during the appropriate season) in Greater Sage-Grouse habitat is compared to each seasonal habitat indicator value in the table. These indicator values would then be examined using a preponderance of evidence approach (BLM Technical Reference 1734-6).

When completing site-scale assessments for Greater Sage-Grouse, it is not appropriate to use a single indicator to determine habitat suitability. Site-scale Greater Sage-Grouse habitat assessments inform the land health standard evaluation for the wildlife/special status species standard.

Not all areas within a given habitat type will be capable of achieving the indicator values, due to inherent variation in vegetation communities and ecological site potential. Further, local data supported by BLM-approved data collection protocols or most recent available science may indicate Greater Sage-Grouse select for vegetation structure and composition not characterized by values in the table.

The values in the table should be considered as initial references and do not preclude development of local desired conditions or utilizing other indicators/values, based on site selection preferences of the local population and ecological site capability of sagebrush communities.

**Table 0-1  
Seasonal Habitat Objectives for GRSG Wyoming Basin Ecoregion**

<b>Attribute</b>	<b>Indicators</b>	<b>Desired Condition<sup>6</sup></b>	<b>Reference</b>
<b>Breeding and Nesting (Seasonal Use Period March 1-June 15 (Doherty 2008, Holloran and Anderson 2005)</b>			
Lek Security	Proximity of trees	Trees absent or uncommon shrub/grassland ecological sites within 1.8 miles (approx. 3 km) of occupied leks.	Baruch-Mordo, S., J. S. Evans, J. P. Severson, D. E. Naugle, J. D. Maestas, J. M. Kiesecker, M. J. Falkowski, C. A. Hagen, and K. P. Reese 2013. Stiver, S. J., E. T. Rinkes, D. E. Naugle, P. D. Makela, D. A. Nance, and J. W. Karl (2015).
	Proximity of sagebrush to leks	Adjacent protective sagebrush cover within 330 ft. (approx. 100 m) of an occupied lek.	Stiver, S. J., E. T. Rinkes, D. E. Naugle, P. D. Makela, D. A. Nance, and J. W. Karl (in press).
Cover	% of seasonal habitat meeting desired conditions	>80% of the nesting habitat meets the recommended vegetation characteristics, where appropriate (relative to ecological site potential, etc.).	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000.
	Sagebrush cover <sup>2</sup>	5 to 25%	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000. Connelly, J. W., K. P. Reese, and M. A. Schroeder 2003. Hagen, C. A., J. W. Connelly, and M. A. Schroeder 2007.
	Sagebrush height Arid sites <sup>3</sup> Mesic sites <sup>4</sup>	4-31 inches (10-80cm) 12-31 inches (30-80cm)	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000.
	Predominant sagebrush shape	Predominantly spreading shape <sup>5</sup>	Stiver, S. J., E. T. Rinkes, D. E. Naugle, P. D. Makela, D. A. Nance, and J. W. Karl (in press).
	Perennial grass cover (such as native bunchgrass) <sup>2</sup> Arid sites <sup>3</sup> Mesic sites <sup>4</sup>	>10% >15% Cool-season bunchgrasses preferred	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000. Stiver, S. J., E. T. Rinkes, D.E. Naugle, P. D. Makela, D.A. Nance, and J. W. Karl (in press). Cagney J., E. Bainter, B. Budd, T. Christiansen, V. Herren, M. Holloran, B. Rashford, M. Smith and J. Williams 2010.
	Perennial grass and forb height (including residual grasses)	Adequate nesting cover would be as determined by ESD site potential or best available science in consideration of local variability.	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000. Connelly, J. W., K. P. Reese, and M. A. Schroeder 2003.

**Table 0-1  
Seasonal Habitat Objectives for GRSG Wyoming Basin Ecoregion**

<b>Attribute</b>	<b>Indicators</b>	<b>Desired Condition<sup>6</sup></b>	<b>Reference</b>
			Doherty, K.E., D.E. Naugle, J.D. Tack, B.L Walker, J.M. Graham and J.L. Beck 2014. Hagen, C. A., J. W. Connelly, and M. A. Schroeder 2007. Stiver, S. J., E. T. Rinkes, D.E. Naugle, P. D. Makela, D.A. Nance, and J. W. Karl (inpress).
	Perennial forb cover <sup>2</sup> Arid sites <sup>3</sup> Mesic sites <sup>4</sup>	>5% >10%	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000.
<b>Brood-Rearing/Summer<sup>1</sup> (Seasonal Use Period June 16-October 31)</b>			
Cover	% of Seasonal habitat meeting desired condition	>40% of the summer/brood habitat meets recommended brood habitat characteristics where appropriate (relative to ecological site potential, etc.)	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000.
	Sagebrush cover <sup>2</sup>	5-25%	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000.
	Sagebrush height	4 to 32 inches (20.3-80cm)	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000.
	Perennial grass cover and forbs <sup>2</sup>	>5% arid sites >10% mesic sites	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000.
	Riparian areas/mesic meadows <sup>2</sup>	Proper Functioning Condition	Preferred forbs are listed in Stiver et al. (2015).
	Upland and riparian perennial forb availability	Preferred forbs are common with several preferred species present	Stiver, S. J., E. T. Rinkes, D.E. Naugle, P. D. Makela, D.A. Nance, and J. W. Karl (in press).
<b>Winter (Seasonal Use Period November 1-February 28)</b>			
Cover and Food	% of seasonal habitat meeting desired conditions	>80% of the wintering habitat meets winter habitat characteristics where appropriate (relative to ecological site, etc.).	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000.
	Sagebrush cover above snow <sup>2</sup>	>5%	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000. Stiver, S. J., E. T. Rinkes, D.E. Naugle, P. D. Makela, D.A. Nance, and J. W. Karl (2015).
	Sagebrush height above snow	>10 inches (>25cm)	Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun 2000.

**Table 0-1**  
**Seasonal Habitat Objectives for GRSG Wyoming Basin Ecoregion**

Attribute	Indicators	Desired Condition <sup>6</sup>	Reference
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Notes:

<sup>1</sup> Where credible data support different seasonal dates than those identified, dates may be shifted but the amount of days cannot be shortened or lengthened by the local unit.

<sup>2</sup> Absolute cover is the actual recorded cover and can exceed 100% when recorded across all species and all layers. It is not relative cover, which is the proportions of each species, and equals 100%. Note that cover is reported for only those species (e.g., sagebrush, preferred forbs) that are sampled to determine suitability of habitat for sage-grouse. Overall cover at the site will be greater than that sampled for sage-grouse habitat, due to other species present.

<sup>3</sup> Arid corresponds to the 10 – 12 inch precipitation zone; *Artemisia tridentata wyomingensis* is a common big sagebrush sub- species for this type site (Stiver et al. 2015).

<sup>4</sup> Mesic corresponds to the  $\geq 12$  inch precipitation zone; *Artemisia tridentata vaseyana* is a common big sagebrush sub-species for this type site (Stiver et al. 2015).

<sup>5</sup> Collectively the indicators for sagebrush (cover, height, and shape), perennial grass and perennial forb (cover, height and/or availability) represent the desired condition range for nesting/early brood rearing habitat characteristics, consistent with the breeding habitat suitability matrix identified in Stiver et al. 2015. Sagebrush plants that are more tree or columnar-shaped provide less protective cover near the ground than sagebrush plants with a spreading shape (Stiver et al. 2015). Some sagebrush plants are naturally columnar (e.g., Great Basin big sagebrush), and a natural part of the plant community. However, a predominance of columnar shape arising from animal impacts may warrant management investigation or adjustments at site specific scales.

<sup>6</sup> All Desired Conditions will be dependent upon site capability and local variation (e.g., weather patterns, localized drought, ESD state, etc.).



### 3. Alternatives Considered in the Environmental Impact Statement

The BLM evaluated two alternatives in detail in the Draft EIS: the No Action Alternative and the Management Alignment Alternative. In the Final EIS, the BLM modified the Management Alignment Alternative based on external and internal review of the Draft EIS to develop the Proposed RMP Amendment.<sup>1</sup> Summaries of these Alternatives are provided below.

#### 3.1 The No Action Alternative

Under the No Action Alternative, management of Greater Sage-Grouse habitat in Wyoming would have remained the same as that identified in the 2014 and 2015 RMP Amendments and Revisions. The BLM would not have amended the existing RMPs regarding Greater Sage-Grouse habitat management, and no changes or clarifications regarding Greater Sage-Grouse habitat management in Wyoming would have occurred.

#### 3.2 The Management Alignment Alternative

The Management Alignment Alternative, identified as the Preferred Alternative in the Draft EIS, was developed through coordination with the State of Wyoming's Greater Sage-Grouse Core Area Strategy (Executive Order [EO] 2015-4) and to support conservation outcomes for Greater Sage-Grouse. The enhanced cooperation inherent in the Management Alignment Alternative would lead to improved management and greater coordination across the range of Greater Sage-Grouse in Wyoming. Key aspects of this alternative included:

- Ensuring that the BLM has the flexibility to update habitat management areas based on information consistent with the State of Wyoming's core areas;
- Removing the Sagebrush Focal Area (SFA) designation;
- Clarifying the use of habitat objectives table(s);
- Ensuring that noise thresholds and monitoring are consistent with those identified in EO 2015-4;
- Defining a process to review and reverse adaptive management actions once the identified causal factor is resolved; and
- Following the State of Wyoming's Greater Sage-Grouse Compensatory Mitigation Framework.

#### 3.3 The Proposed Resource Management Plan Amendment Alternative

The Proposed RMP Amendment in the Final EIS was a refinement of the Management Alignment Alternative and was developed based on internal review and comments received on the Draft EIS. Changes between the Management Alignment Alternative and the Proposed RMP Amendment included refinement of the language relating to habitat objectives, livestock grazing management, and prioritization of leasing. In addition, the Proposed RMP Amendment provided additional language for the management action related to compensatory mitigation that further refines and clarifies the coordination that would occur between the BLM and the State of Wyoming when compensatory

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<sup>1</sup> The BLM's DEIS and FEIS also incorporated by reference the range of alternatives evaluated by the EISs for the 2014 and 2015 land use plan amendments and revisions addressing the conservation of Greater Sage-Grouse and its habitat.

mitigation for Greater Sage-Grouse when the State of Wyoming determines it to be necessary. The BLM identified the Proposed RMP Amendment as the preferred alternative.

### 3.4 Environmentally Preferred Alternative

This land use planning effort builds off of the BLM's 2015 plan revisions and amendments for the conservation of the Greater Sage-Grouse and its habitat and the Approved RMP Amendment retains many of the management actions contained in the 2015 decisions, while adding some management flexibility and aligning the BLM's conservation plan with the conservation measures of the expert State agency. As reflected in the analysis in the FEIS, the limited management flexibility offered by the alignment alternative and alignment with the State's approach results in effects that are well understood and disclosed in BLM's analysis of impacts on Greater Sage-Grouse and other resources in the planning area. As described in more detail below, the Approved RMP Amendment will enhance cooperation and coordination with the State while reducing inconsistencies between the BLM's land use plans and the State's approach to protecting and conserving Greater Sage-Grouse. Harmonizing these efforts will improve the BLM's and the State's ability to marshal resources to conserve, enhance, and restore Greater Sage-Grouse habitat in an efficient and coordinated manner. Accordingly, neither alternative is "environmentally preferable" to the other as that term is defined in Question 6A of CEQ's 40 most-asked questions regarding NEPA. Moreover, even if the No-Action Alternative were "environmentally preferable", neither FLPMA nor NEPA requires the BLM in this context to maximize the conservation of biological and other natural resources, and selection of the No Action Alternative would not achieve the BLM's Purpose and Need for Action to enhance cooperation and coordination with the State while reducing inconsistencies between the BLM's land use plans and the State's approach

## 4. Management Considerations and Rationale for the Decision

Furthering the Administration's goals of restoring trust with local communities and responsibly developing our natural resources while easing regulatory burdens, the Bureau of Land Management is issuing this Record of Decision (ROD) amending the land use plans for Greater Sage-Grouse habitat management on public lands. The decisions described herein affect resource management plans that guide conservation of sagebrush steppe habitat on BLM-administered public lands in seven Western states. The changes were developed during months of close cooperation with state governments in Wyoming, Nevada, California, Idaho, Oregon, Utah, and Colorado to better align BLM plans for managing habitat with state plans for conserving the species.

These changes conform to the Department of the Interior's commitment to collaborate with our neighbors in conserving sagebrush habitats and sage-grouse populations. The planning effort began in 2017 when governors of most of the affected states asked the BLM to revisit existing plans for managing sage-grouse habitat and adapt them to better meet their individual needs. In response, the BLM proposed changes developed in consideration of input from governors and state wildlife agency professionals in the seven affected states, as well as other concerned organizations and individuals, largely through the Western Governors Association's Sage-Grouse Task Force.

These decisions reflect the BLM's determination that greater flexibility was needed to ensure that habitat in each state is managed for the particular needs of its landscapes and communities. This Approved RMPA builds on the measures identified and incorporated in the 2014 and 2015 RMP Amendments and Revisions to conserve, enhance, and restore Greater Sage-Grouse habitat by addressing threats to Greater Sage-Grouse and its habitat and providing for consistent management of Greater Sage-Grouse between the BLM and the State of Wyoming. The 2014 and 2015 RMP Amendments and Revisions provided a comprehensive, coordinated, and effective conservation strategy

for addressing the threats to Greater Sage-Grouse. This more focused Approved RMPA improves the management coordination between the BLM and the State of Wyoming for Greater Sage-Grouse. The actions taken on BLM management lands will now more clearly complement the State of Wyoming's and WGFD's management strategy in order to conserve the species and its habitat.

This Approved RMP Amendment, in conjunction with the State of Wyoming's Core Area Strategy, reflect a high level of commitment by Federal and State partners to conserve Greater Sage-Grouse and its habitat. The actions taken on BLM management lands will now more clearly complement the State of Wyoming's management strategy in order to conserve the species and its habitat.

Over 350 species of plants and wildlife rely on sagebrush steppe ecosystems and coexist with Greater Sage-Grouse and may be similarly affected by development or disturbance threats that pose a risk to Greater Sage-Grouse habitats; however, nothing in the approved plan lessens the BLM's authority or responsibility to provide for the needs of special status species, including BLM Manual 6840, Special Status Species Management.

This 2019 planning process builds on the 2015 planning process and the BLM identified special status species as an issue for further consideration and analysis. The approved plan will continue to ensure that the BLM complies with its special status species policy, including the commitment to "implement measures to conserve species and their habitats... and promote their conservation and reduce the likelihood and need for such species to be listed pursuant to the ESA." (BLM Manual 6840, Special Status Species Management). In accordance with the Manual, the BLM will continue to undertake planning decisions, actions and authorizations "to minimize or eliminate threats affecting the status of [Greater Sage-Grouse] or to improve the condition of [Greater Sage-Grouse] habitat" across the planning area.

## 5. Mitigation

The BLM has determined that FLPMA does not explicitly mandate or authorize the BLM to require public land users to implement compensatory mitigation as a condition of obtaining authorization for the use of BLM-administered lands (IM 2019-018, *Compensatory Mitigation*, December 6, 2018). Consistent with that determination, compensatory mitigation must be voluntary unless required by other applicable laws, but the BLM recognizes that state authorities may also require compensatory mitigation.

To align this planning effort with the BLM's compensatory mitigation policy, IM 2019-018, the amended plans clarify that the BLM will consider compensatory mitigation only as a component of compliance with a state mitigation plan, program, or authority; when required by a law other than FLPMA; or when offered voluntarily by a project proponent. In accordance with the State's goals for managing Greater Sage-Grouse, the plans modify the net conservation gain standard for compensatory mitigation to clarify that the BLM would pursue conservation benefits as a broader planning goal and objective. This means that the BLM would continue to require avoidance, minimization, and other onsite mitigation to adequately conserve Greater Sage-Grouse and its habitat, while remaining committed to implementing beneficial habitat management actions to reduce the threats of fire and invasive species. In fiscal year 2018, the BLM funded approximately \$29 million in sage-grouse management actions resulting in approximately 500,000 acres of treated sage-grouse habitat and expects to invest another \$17 million of habitat management projects in fiscal year 2019.

Since the signing of the 2015 ARMPA, BLM Wyoming has committed over \$15 million to complete more than 230 Greater Sage-grouse habitat improvement projects. This work includes a wide variety of invasive species and fuels reduction treatments, riparian improvements, energy reclamation, habitat

monitoring, and leading research identifying impacts associated with land use proposals. This funding also helped leverage state partner funding contributions and state-wide initiatives such as the Wyoming Landscape Conservation Initiative and the Powder River Basin Restoration Initiative that adopts an “all hands, all lands” approach to engaging stakeholder involvement.

The BLM would continue to apply the mitigation hierarchy as described in the CEQ regulations at 40 CFR 1508.20; however, the BLM would focus on avoiding, minimizing, rectifying, and reducing impacts over time. Compensation, which involves replacing or providing substitute resources for the impacts (including through payments to fund such work), would be considered only when voluntarily offered by a proponent, required by a law other than FLPMA, or to meet a State recommendation or requirement. The BLM commits to cooperating with the State to analyze applicant-proposed, state-recommended, or state-imposed compensatory mitigation to offset residual impacts.<sup>2</sup> The BLM remains committed to achieving the planning-level management goals and objectives identified in this ROD and the 2015 ARMPA by ensuring Greater Sage-Grouse habitat impacts are addressed through implementing mitigating actions consistent with the governing RMP.

All practicable measures to avoid and/or minimize environmental harm are encompassed in the applicable RMPs.

## 6. Plan Monitoring

BLM planning regulations (43 CFR 1610.4-9) require the monitoring of RMPs on a continual basis with a formal evaluation done at periodic intervals. As the RMP is implemented, the BLM expects that new information gathered from field inventories and assessments, research, other agency studies, and other sources will update baseline data or support new management techniques and scientific principles. To the extent that such new information or actions address issues covered in this Approved RMPA, the BLM will integrate the data through a process called plan maintenance. This process includes the use of monitoring, which is the repeated measurement of activities and conditions over time with the implied purpose to use this information to adjust management, if necessary, to achieve or maintain resource objectives. CEQ regulations implementing NEPA state that agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases (40 CFR 1505.2(c)).

## 7. Public Involvement, Consultation, and Coordination

### 7.1 Public Involvement

The public involvement process, consultation, and coordination conducted for the RMPA are described in Chapter 5 of the Proposed RMPA and Final EIS. Public scoping meetings were conducted following the publication of the Notice of Intent to prepare an EIS in the *Federal Register* on October 11, 2017. Meetings were held in Cheyenne, Wyoming and Pinedale, Wyoming on November 6 and 8, 2017, respectively.

A Notice of Availability (NOA) for the Draft RMP/EIS was published in the *Federal Register* on May 4, 2018 and initiated a 90-day public comment period. The BLM held public meetings for the Draft

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<sup>2</sup> With respect to any State compensatory mitigation requirements, the BLM will defer to the appropriate State authority to quantify habitat offsets, durability, and other aspects used to determine the recommended compensatory mitigation action.

RMPA/EIS in Cheyenne and Pinedale, Wyoming, on June 17 and 25, respectively. Meetings were held from 4:00 to 7:00 pm at each location. Comments received on the Draft RMP/EIS and BLM's responses are summarized in Appendix E of the Proposed RMPA and Final EIS.

The NOA for the Proposed RMPA and Final EIS was published on December 7, 2018, initiating a 30-day protest period and a 60-day Governor's Consistency review period. The 30-day protest period was extended in Wyoming due to an errata and ended on January 28, 2019. Five protests were received.

## 7.2 Consultation and Coordination

The BLM established cooperating agency status with government entities and agencies throughout the state (Table 7-1).

**Table 7-1  
Cooperating Agencies**

• Bighorn County	• Sublette County
• Campbell County	• Sublette County Conservation District
• Campbell County Conservation District	• Sweetwater County
• Clear Creek Conservation District	• Sweetwater County Conservation District
• Converse County	• Teton County
• Fremont County	• Uinta County
• Hot Springs County	• Uinta County Conservation District
• Hot Springs Conservation District	• US Fish and Wildlife Service
• Johnson County	• US Office of Surface Mining and Reclamation Enforcement
• Lincoln County	• Washakie County
• Lincoln County Conservation District	• Washakie County Conservation District
• Lower Wind River Conservation District	• Weston County
• Medicine Bow Conservation District	• Wyoming Department of Agriculture
• Meeteetse Conservation District	• Wyoming Department of Environmental Quality – Industrial Siting Division
• Natrona County Conservation District	• Wyoming Game and Fish Department
• Park County	• Wyoming Office of the Governor
• Popo Agie Conservation District	• Wyoming Office of State Lands and Investments
• Saratoga-Encampment-Rawlins Conservation District	• Wyoming Oil and Gas Conservation Commission
• Sheridan County	

Cooperating agencies were invited to participate in the development of alternative and to provide data and other information relative to their expertise and jurisdiction. The BLM held cooperating agency meetings on March 27 and 28, 2018, as well as April 3 and 4, 2018, regarding the planning process and development of alternatives. A cooperating agency meeting was also held August 29, 2018, to discuss the changes that would occur between the Draft and Final RMPA/EIS.

### American Indian Tribal Consultation

In the fall of 2017, the BLM mailed letters to the following Native American tribes:

- Eastern Shoshone
- Northern Arapaho
- Omaha Tribe of Nebraska
- Ponca Tribe of Nebraska
- Santee Sioux Nation of Nebraska
- Winnebago Tribe of Nebraska

These tribes were invited to participate as cooperating agencies for this planning effort. The Draft RMPA/EIS as well as the Proposed RMPA/Final EIS were provided to the Native American tribes concurrently with the other cooperating agencies.

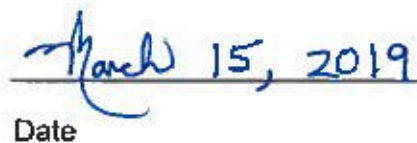
#### U. S. Fish and Wildlife Service Coordination

BLM Wyoming coordinated with the USFWS Wyoming State Office regarding BLM's evaluation of any potential effects on Proposed, Threatened, and Endangered species as well as any impacts to proposed or designated critical habitats. BLM Wyoming also reviewed all pertinent land-use plan level Biological Assessments and Endangered Species Act (ESA) Section 7 consultation documents related to the BLM's former Greater Sage-Grouse Plan Amendment and concurrent Resource Management Plan (RMP) Revisions in Wyoming. Based on that review and the evaluation mentioned above, BLM Wyoming found that this Amendment would result in no new or additional potential impacts to the species or their proposed or designated critical habitats. The USFWS responded with appreciation for the coordination.

Approval:

The Wyoming Greater Sage-Grouse Resource Management Plan Amendment is hereby approved by the Wyoming State Director.

  
Mary Jo Rugwell

  
Date