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Idaho Wildlife Federation

**Re: National Greater Sage-Grouse Planning Strategy; Scoping  
Comments on Issues to Be Addressed in Environmental Impact  
Statements and Supplemental Environmental Impact Statements To  
Incorporate Greater Sage-Grouse Conservation Measures Into Land  
Use Plans and Land Management Plans**



Montana Wildlife Federation

To Whom It May Concern:



Nevada Wildlife Federation

These comments are submitted on behalf of the National Wildlife Federation (NWF), California Planning and Conservation League, Colorado Wildlife Federation, Idaho Wildlife Federation, Montana Wildlife Federation, Nevada Wildlife Federation, and Wyoming Wildlife Federation. As an organization, NWF represents the power and commitment of four million members and supporters joined by affiliated organizations in 47 states and territories and the District of Columbia. NWF and its affiliates have a long history of constructive involvement in wildlife, habitat, and public lands management issues. As an advocate for wildlife, NWF has been actively engaged in the conservation of greater sage-grouse at the local, state, and national level.



Wyoming Wildlife Federation

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The NWF, California Planning and Conservation League, Colorado Wildlife Federation, Idaho Wildlife Federation, Montana Wildlife Federation, Nevada Wildlife Federation, and Wyoming Wildlife Federation commend the Bureau of Land Management (BLM) and Forest Service (FS) (collectively, “the agencies”) for undertaking these region-wide efforts to coordinate resources and develop strategies for sage-grouse conservation. Our organizations are committed to working constructively with BLM, FS, state agencies, tribes, and other entities to develop and implement successful conservation strategies that are a win-win for the American West and a model for how proactive, science-based, collaborative management policies can address the threats to an imperiled endemic ecosystem.

We appreciate the opportunity to provide scoping comments on the issues to be addressed in the National Greater Sage-Grouse Planning Strategy Environmental Impact Statements (EIS). Our primary recommendation is that the agencies designate large, contiguous tracts of prime sage-grouse habitat that are set aside from development or protected via stringent management protections that meet the goal of maintaining and enhancing populations in these areas.

## **I. Introduction**

The greater sage-grouse is an iconic species of the Intermountain West and northern Great Plains. During the last 100 years, both the population and range of the species have contracted significantly and the species has been found warranted for listing under the federal Endangered Species Act (ESA). In large part, the decline of the species mirrors the steady destruction and deterioration of sage-grouse habitat. The sage-steppe ecosystem is considered one of the most imperiled in North America and faces many severe threats, including increased pressures from oil and gas development, invasive species, wind and renewable energy development, and livestock grazing/agricultural conversion. The direct loss, fragmentation, and degradation of its habitat must be addressed now or further declines in population and range will certainly occur.

The disappearance of greater sage-grouse habitat and the decline of greater sage-grouse populations indicate the need to implement more effective conservation immediately. While federal land management agencies and state wildlife agencies have engaged in efforts to preserve greater sage-grouse, the species is still in decline, demonstrating that past and current efforts are inadequate. As the U.S. Fish and Wildlife Service (USFWS) has indicated, there is an urgent need to develop and implement range-wide, science-based, conservation measures *before* the greater sage-grouse reaches the brink of extinction.

The BLM and FS play a crucial role in conserving greater sage-grouse. Because the majority of remaining greater sage-grouse habitat overlaps with land managed by the BLM and FS,<sup>1</sup> the long-term survival of the species rests largely on management prescriptions established by these agencies. Development pressure is expected to increase on these lands. In addition, “development on private

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<sup>1</sup> Greater sage-grouse currently use as much as 47 million acres of land managed by the BLM, and about nine million acres of land managed by the USFS. BLM Press Release, Federal Agencies Announce Initial Step to Incorporate Greater Sage-Grouse Conservation Measures into Land Management Plans (Dec. 8, 2011), *available at* [http://www.blm.gov/wy/st/en/info/news\\_room/2011/december/08sg-conservation.html](http://www.blm.gov/wy/st/en/info/news_room/2011/december/08sg-conservation.html).

lands, which is not subject to mitigation, will focus greater needs for conservation of sage-grouse and sagebrush on public lands.”<sup>2</sup> Accordingly, the National Greater Sage-Grouse Planning Strategy, including management prescriptions set forth in the Environmental Impact Statements (EIS) and revisions and amendments to Resource Management Plans (RMP) and Land and Resource Management Plan (LMPs), will determine whether negative trends in greater sage-grouse populations can be reversed. We commend the agencies for undertaking this effort to coordinate resources and develop a new management paradigm committed to the survival of the greater sage-grouse.

The guiding principle of the National Greater Sage-Grouse Planning Strategy must be to maintain *and* increase the abundance and distribution of greater sage-grouse throughout the planning area. This planning effort will require the development of policies and strategies to conserve, enhance, and restore the sagebrush ecosystem across the species’ range.

## **II. Suggestions for Substantive Conservation Measures**

Greater sage-grouse are dependent on large areas of contiguous sagebrush, and large-scale characteristics within surrounding landscapes influence sage-grouse habitat selection.<sup>3</sup> As such, the key to meeting the goals of the National Greater Sage-Grouse Planning Strategy is preserving large tracts of habitat in a condition ideal for sage-grouse survival and proliferation. The agencies should inventory all sage-grouse habitat, identify the most important habitat areas, and impose varying levels of protection for these habitats, depending on their classification.

### **A. Sage-Grouse Management Must Be Based on the Most Recent Science**

To achieve the goal of maintaining and increasing sage-grouse abundance and distribution, all aspects of the National Greater Sage-Grouse Planning Policy must be supported by the most recent compilation of scientific information and management recommendations. The following reports and documents provide a solid, scientific background on the current status of the greater sage-grouse and important biologically-based guidance on sage-grouse management. The agencies should incorporate the information and recommendations from these reports wherever possible.

- U.S. Fish & Wildlife Service, *Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (Centrocercus urophasianus) as Threatened or Endangered*, 75 FR 13910 (Mar. 23, 2010)
- BLM Sage-grouse National Technical Team, *A Report on National Greater Sage-Grouse Conservation Measures* (Dec. 21, 2011)

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<sup>2</sup> BLM Sage-grouse National Technical Team, *A Report on National Greater Sage-Grouse Conservation Measures* (Dec. 21, 2011), p. 12.

<sup>3</sup> *Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (Centrocercus urophasianus) as Threatened or Endangered*, 75 Fed. Reg. 13910, 13916, Mar. 23, 2010, *citing* Patterson 1952, p. 48; Connelly *et al.* 2004, p. 4-1; Connelly *et al.* in press, p. 10; Wisdom *et al.* in press, p. 4; Knick and Hanser in press, p. 26.

- USGS-sponsored *Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats*, published as a scientific monograph in the series *Studies in Avian Biology*
- Wyoming Sage-Grouse Core Areas Strategy. See Wyoming Executive Order 2008-2 (Aug. 1, 2008); BLM IM 2010-012 (Jan. 4, 2010); Wyoming Executive Order 2011-5 (June 2, 2011).

## **B. Comprehensive Inventory of Sage-Grouse Habitat and Existing Sage-Grouse Populations**

The BLM and FS should prepare a comprehensive inventory of sage-grouse habitat and existing sage-grouse populations using the most current data available. The agencies should make certain that the full suite of habitat requirements is incorporated into this habitat inventory. At the largest scale, the habitat inventory should identify and map all lands currently used by greater sage-grouse at all life stages and throughout the year, including transitional habitats. The population inventory should verify the number of remaining sage-grouse and determine sustainable population levels, and should identify areas occupied by high concentrations of sage-grouse, which will assist the agencies in delineating high-value habitats.

The BLM and FS should build upon existing state-level inventory and mapping data. Many state mapping efforts are works-in-progress and will require the agencies to work collaboratively with state agencies. For example, many mapping models focus breeding habitat to delineate core habitat because lek data is more available than nesting or corridor information. Lek data is collected through sampling that is prone to variability, and only identifies habitat use during a short period of the year. Furthermore, there is great need for more research to adequately identify and delineate transitional habitats. Regional maps should include the most recent information from local working groups, telemetry studies, and state agency modeling of seasonal habitat and movement corridors. Any mapping method must be supported by the current best available science, combined with scientifically defensible research and methods to estimate population density. We encourage BLM's continued involvement in order to expedite the process to complete work on mapping and other conservation tools, while ensuring that maps are scientifically defensible.

The sage-grouse habitat inventory should include at least two categories of habitat: priority habitat and general habitat. The BLM's National Technical Team (NTT) has defined priority habitat as "areas that have the highest conservation value to maintaining or increasing sage-grouse populations."<sup>4</sup> These priority areas should include breeding, late brood-rearing, winter concentration areas, and migration or connectivity corridors.<sup>5</sup> The remaining sage-grouse habitat, or general sage-grouse habitat, includes occupied seasonal or year-round habitat outside of priority habitat. Priority habitat should be set-aside from development or protected via stringent management protections that meet the goal of maintaining and enhancing populations in these areas. These protected areas should be large enough to stabilize populations in the short term and enhance populations over the long term.<sup>6</sup> Priority habitat should also

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<sup>4</sup> BLM Sage-grouse National Technical Team, *A Report on National Greater Sage-Grouse Conservation Measures* (Dec. 21, 2011), at p. 7. The National Technical Team calls these areas "priority" sage-grouse habitat.

<sup>5</sup> *Ibid.*

<sup>6</sup> For example, the Wyoming BLM proposed 11 contiguous square miles or sections as an appropriate minimum size for an area of habitat to qualify for being set-aside from development. Instruction Memorandum WY-2010-013, *available at*

include small or isolated populations, such as those along the periphery of the greater sage-grouse's range.

Ideally, the agencies will designate areas of contiguous sage-grouse habitat not currently subject to valid existing rights for long-term or permanent protection. Where important sage-grouse habitat is subject to valid existing rights, the agencies can increase the amount of protected priority habitat by aggressively pursuing available tools, including fluid mineral lease retirements, voluntary grazing permit retirement (where beneficial), mineral withdrawal, coal unsuitability findings, and mineral claim buyouts. These remaining refugia can provide the intact, diverse, high quality sagebrush habitat that is vital to sage-grouse and obligate species in the sagebrush ecosystem.

Sage-grouse conservation guidance from BLM should reflect the most current science on sage-grouse transitional habitat, such as migration or connectivity corridors necessary for sage-grouse to travel through the landscape to vital seasonal habitat. Sage-grouse movement patterns are poorly understood,<sup>7</sup> and, as such, transitional habitat is not adequately recognized and incorporated into current sage-grouse conservation and management. For instance, the interim guidance released by BLM in December 2011<sup>8</sup> does little to provide guidelines for the preservation or inventory of important sage-grouse transition habitat and many state-level planning efforts have not adequately incorporated transitional habitat into conservation efforts. But it is clear that migration corridors and habitat connectivity (including movement across jurisdictional boundaries) will play an essential role in successful conservation strategies. The agencies should create management policies that will protect areas that may likely serve as transitional habitat due to the proximity of these areas to highly productive habitat and lek sites.

### **C. Mitigation and Best Management Practices**

The BLM and FS should strongly consider closing large areas in important sage-grouse habitat to anthropogenic disturbance. In the event that development occurs in sage-grouse habitat, the agencies are legally required to apply mitigation to lessen impacts on the species.

The BLM and FS should establish baseline protections for priority and general habitat and these measures should be incorporated into each alternative (except the no action alternative) considered in the Regional EISs. These protections will differ based upon the local sage-grouse populations and the cumulative threats on the landscape. The NTT's recommendations should be used as a starting point for achieving effective conservation in priority habitats. The agencies should strive to implement them to the fullest extent possible as range-wide standards in each RMP and LMP, while refining them further to better address specific issues consistent with the most recent science.

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<http://www.blm.gov/pgdata/etc/medialib/blm/wy/resources/efoia/IMS/2010.Par.43567.File.dat/wy2010-013.pdf>. This number should be scaled to allow for protecting smaller contiguous areas in states with smaller populations than Wyoming, or in areas where there are few remaining 11 contiguous square-mile areas that are not subject to valid existing rights.

<sup>7</sup> See BLM Sage-grouse National Technical Team, *A Report on National Greater Sage-Grouse Conservation Measures* (Dec. 21, 2011), at p. 52

<sup>8</sup> BLM Instruction Memorandum No. 2012-043, available at [http://www.blm.gov/wo/st/en/info/regulations/Instruction\\_Memos\\_and\\_Bulletins/national\\_instruction/2012/IM\\_2012-043.html](http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2012/IM_2012-043.html).

As the agencies establish management guidelines for sage-grouse habitat, they should apply the BLM's habitat mitigation policy, codified at 43 C.F.R. § 1508.20. This policy lists habitat mitigation actions in descending order of preference: avoidance, minimization, rectification, reduction, and compensation. As the agencies engage in the difficult act of balancing development with conservation of sage-grouse and other sagebrush obligate species, they must keep in mind this mitigation hierarchy and consider "avoidance" the foremost objective, especially in sage-grouse priority habitat.

Our recommendations for management policies in sage-grouse habitat follow.

- Fully protect priority habitat from large-scale disturbances (e.g., transmission lines, oil and gas wells, graded roads, etc.), as well as any type of development that affects population distribution and abundance at any level.
- Direct development to areas with low conflicts with greater sage-grouse conservation.
- Direct new development to pre-disturbed areas.
- If priority habitat cannot be fully protected from energy development due to valid existing rights, minimize impacts by limiting permitted disturbances to one per section with no more than 3% surface disturbance.
- Ensure that small scale disturbances do not cumulatively disturb more than 3% of each priority area.
- Agencies should not issue new leases or right-of-way permits within any priority area that is not currently subject to valid existing rights.
- Increase and enhance the amount of protected priority habitat by aggressively pursuing available tools, including fluid mineral lease retirements, voluntary grazing permit retirement (where beneficial), mineral withdrawal, coal unsuitability findings, and mineral claim buyouts.
- In priority habitat, establish goals for enhancing habitat and building sage-grouse populations. In these identified areas, the agencies should work to reduce overall road densities, remove fences and enhance nesting cover, and take other steps to improve habitat function.
- Establish priority habitat exclusion areas for new ROW permits.
- Avoid sagebrush reduction/ treatments to increase forage in priority habitat and include plans to restore high-quality habitat in areas with invasive species.
- Implement range management practices outlined by the NTT, with improvements, including avoiding new range and water developments that negatively impact sage-grouse and applying the 3% disturbance cap to certain range developments.
- Design fuel treatments to protect existing sagebrush ecosystems (including avoiding such treatments where they will harm sagebrush ecosystems) and prioritize fire suppression to conserve habitat.
- Ensure disturbance or uses permitted adjacent to priority habitat don't negatively impact sage-grouse populations in priority habitat,<sup>9</sup> thus negating the value of designated priority habitats.

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<sup>9</sup> See BLM, Draft Resource Management Plan and Environmental Impact Statement for the Lander Field Office Planning Area, (Sept. 2011), p. 1209, available at <http://www.blm.gov/wy/st/en/programs/Planning/rmps/lander/docs/drmp-eis.html> ("Development in non-Core Area that pushes activities near the edge of the Core Area is likely to adversely impact the functionality of the adjacent Core Area habitat. Surface disturbance and human activity near this edge could cause degradation of adjacent Core Area habitat and result in Core Area boundaries to erode over time.")

- Require off-site mitigation for impacts that cannot be mitigated on-site, or where landscape approaches to mitigation offer opportunities to address conservation needs on a larger scale while generating net conservation benefits for sage-grouse.
- Off-site mitigation should be required to take place in the same eco-region as the project site.
- Land uses, habitat treatments, and anthropogenic disturbances will need to be managed below thresholds necessary to conserve not only local sage-grouse populations, but also sagebrush communities and landscapes.

#### **D. Preserving Priority Habitat**

Wherever possible, priority habitat should be set-aside from development or protected via stringent management protocols, especially where it is not subject to valid existing rights. Both the BLM and the FS have existing mechanisms for designating lands like sage-grouse priority habitat that have biologically valuable characteristics and are in need of special management attention. By identifying priority sage-grouse habitats and developing prescriptions for their maintenance and improvement, the agencies will have taken a critical step forward as a means of achieving the goal of maintaining and enhancing greater sage-grouse populations.

We recommend the following criteria be used to identify and designate priority habitats for the purpose of conserving greater sage-grouse.

- Areas of high biological value, with respect to meeting all seasonal habitat needs, should be identified and considered for priority habitat designation. To inform this effort, the agencies should refer to on-going state efforts to identify important sage-grouse habitat (such as Wyoming's Core Areas approach), as well as data provided in the BLM report *Mapping breeding densities of greater sage-grouse: A tool for range-wide conservation planning*.<sup>10</sup>
- Prioritize habitat conservation in relatively large contiguous areas that are: 1) within areas of high biological value; 2) currently undeveloped; and 3) unencumbered by valid existing rights, and/or have low potential for development (e.g., low wind or oil and gas potential).<sup>11</sup> These areas, where high biological value intersects with low energy development potential, are low conflict area sage-grouse habitat conservation.
- Consider priority habitat designation in high biological value areas that, although encumbered by valid existing rights, are not yet developed. This may be particularly feasible where actual development potential is low despite the existence of valid existing rights (e.g., due to speculative leasing in areas of low energy potential). It may also be feasible in areas where other constraints (e.g., lack of infrastructure, other resource conflicts) will make development relatively difficult and costly. Management in such areas could include aggressive pursuit of available tools to increase the amount of protected habitat, including fluid mineral lease

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<sup>10</sup> Kevin E. Doherty, Jason D. Tack, Jeffrey S. Evans, and David E. Naugle, *Mapping breeding densities of greater sage-grouse: A tool for range-wide conservation planning*, BLM Completion Report: Interagency Agreement # L10PG00911 (Sept. 24, 2010), available at [http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications\\_Directorate/public\\_affairs.Par.46599.File.dat/GRSG%20Rangewide%20Breeding%20Density.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications_Directorate/public_affairs.Par.46599.File.dat/GRSG%20Rangewide%20Breeding%20Density.pdf).

<sup>11</sup> This should include assessment of all valid existing development rights, including oil and gas leases, rights of way, mining claims, etc.

retirements, voluntary grazing permit retirement (where beneficial), mineral withdrawal, coal unsuitability findings, and mineral claim buyouts. Including these areas as priority habitats is vital because 44% of areas with high biological value are at risk for energy development, and one-third of the 25% core areas have been leased for oil and gas development.<sup>12</sup>

- Consider prioritizing areas that meet the previous criteria and are near high biological value areas that are likely to be developed in order to promote resilience of populations disturbed by development.
- Consider including relatively large contiguous areas of lower biological value areas that currently are undeveloped, are unencumbered by valid existing rights, or have low potential for development. This may be important when such areas increase the size and continuity of the areas described above, or where there are limited areas that meet the previous criteria.<sup>13</sup>
- Once the above areas have been mapped, work to maximize the spatial continuity and size of designated priority habitats.
- BLM should consider for designation areas that have already been proposed for sage-grouse conservation and are under consideration as part of RMP revision.<sup>14</sup>

## **E. Habitat Restoration and Reclamation**

Sage-grouse populations are dependent upon healthy sagebrush ecosystems. Reclaiming or recovering sagebrush habitats is extremely challenging. The BLM and FS should direct efforts toward improving our ability to effectively reclaim degraded habitat, which requires gathering site-specific baseline (pre-treatment) data to adequately evaluate success. Reclamation should be a *mandatory* stipulation for all development in sage-grouse habitat and managers must recognize that methods for achieving success vary by region and are site-specific. Reclamation efforts should be monitored and results maintained in a single database to improve public understanding and effectiveness of efforts. The agencies should establish a process to identify and address failed reclamation projects.

As sage-grouse habitat becomes further fragmented by the increasing frequency of wildfires, restoration will become more important. Sage-grouse have evolved in habitat that has extremely infrequent wildfires, and benefit from the presence of mature sagebrush stands. Habitat fragmentation and alteration due to fire may influence distribution (including lek abandonment) or migratory patterns. We suggest that a funded program be dedicated to identifying sagebrush landscapes that are at risk from fire and that field offices be prepared with a response plan to avoid the conversion of compromised landscapes to ones that are dominated by invasive species following fires.

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<sup>12</sup> Areas that have recently seen a drastic increase in energy development, such as Wyoming and northwest Colorado, include some of the largest remaining sagebrush landscapes with the highest densities of sage-grouse in North America. Doherty et al. (2009). BLM must limit development in these areas to achieve the goal of maintaining and enhancing populations.

<sup>13</sup> Doherty et al. (2009) suggest that these areas represent low conflict opportunities for sage-grouse, and note that such areas may be important, for example, to maintain connectivity between high value core regions within Montana as well as to adjacent states

<sup>14</sup> See e.g. Lander Field Office Draft RMP: Government Draw/Upper Sweetwater Sage-Grouse ACEC, Twin Creek ACEC; Bighorn Basin Draft RMP: Chapman Bench ACEC, Clarks Fork Canyon ACEC, McCullough Peaks/YU Bench ACEC.

So called “habitat improvement” projects, such as mechanical sagebrush treatments and prescribed fire, can be detrimental to greater sage-grouse and other sagebrush obligate species. Scientifically defensible research is needed to determine which activities are beneficial. This information should be maintained in a single federal database.

## **F. Protecting Sage-Grouse Habitat: Monitoring and Adaptive Management**

Implementation of an effective monitoring and adaptive management process with performance based standards for each RMP and LMP is critical to the success of this national sage-grouse planning strategy. In addition to developing management prescriptions for sage-grouse, plans should establish triggers and thresholds for adaptive management throughout the range. Consequences that will result if triggers or thresholds are reached must be clearly outlined. Triggers could include sage-grouse population target ranges, target levels of survival and recruitment in particular areas, measures of the cumulative level of surface disturbance, and well densities in core areas. Consequences that would result if triggers are reached would include increases in protective measures. Monitoring should be required and adequately funded.

## **G. Renewable Energy**

Recognizing the threats imposed by climate change, NWF has called for a rapid transition to energy sources other than fossil fuels that contribute to greenhouse gas emissions. The generation of electricity via solar and wind energy, including utility-scale facilities, is an important component of that transition. At the same time, NWF recognizes that while wind power may be carbon pollution free, it is not impact free. It leaves an industrial footprint on the land and some wildlife habitats will be forever altered by their presence.

More than 30% of greater sage-grouse habitat has high potential for wind power. Utility-scale wind energy development can have damaging effects on sage-grouse and their habitat. As such, wind energy development in sage-grouse habitat has the potential to cause significant impacts on greater sage-grouse. The BLM plays a critical role in ensuring that the boom in wind energy development does not lead to declines in the greater sage-grouse population. The BLM has sufficient data on the quality of wind resources, potential conflicts with other resources and values, and availability of transmission, which the agency can use to designate wind energy zones, similar to SEZs. Through amendments to affected land use plans, BLM can incorporate not only wind energy zones, but also areas that are off limits to wind energy development (as specific industrial-level energy ROW avoidance and exclusion areas).

## **H. Cooperation with the States**

BLM and FS leadership, in committing to range-wide planning based on sound science, is greatly appreciated. While federal land managers are central to the greater sage-grouse conservation effort, the success of efforts to sustain and increase sage-grouse populations will also depend on management strategies and conservation efforts on state and private lands within the bird’s range. In addition, protecting migration corridors and maintaining habitat connectivity across jurisdictional boundaries

will play an essential role in successful conservation strategies. As such, the BLM and FS will need the support of many other agencies and stakeholders to achieve success. These include USFWS, state fish and game agencies, tribes, conservation and wildlife groups, private landowners, industry partners and federal permittees, and elected officials at all levels across the region. We are committed to working constructively with responsible officials towards policies designed to maximize the chances for successful long-term conservation of the species and its habitat.

State fish and game agencies are already developing policies to conserve remaining sage-grouse habitat, protect existing populations, obtain crucial scientific information, and develop maps to inform protective policies. Wyoming Game & Fish Department has exhibited leadership in the development of Wyoming's Core Areas Strategy and associated sage-grouse distribution and habitat maps. State wildlife areas will play an important role in sage-grouse conservation, and management of these areas must be integrated with policies on adjacent federal or private lands. We urge the BLM and FS to work with the state wildlife agencies to develop common understanding and nomenclature for sage-grouse habitats so that state and federal wildlife managers and the public are describing the same habitats using the same terms.

The greater sage-grouse is culturally significant to tribes, many of which have traditional ceremonies, treaty rights, and conservation activities associated with the bird. Thus, tribes have a stake in the national sage-grouse planning strategy. Tribes care deeply about the preservation of this iconic species and portions of the species' historic and current range cover tribal lands. It is vital that the federal government conduct effective government-to-government consultation with the tribes and encourage tribal members to actively engage in this planning process.

## **I. Transparency**

As the BLM and FS proceed with regional conservation efforts, an open and transparent process is fundamentally important. The agencies should maintain a publicly available consolidated clearinghouse of essential data and information, including all state-level priority and general habitat data and maps, as well as any other high-level mapping and modeling information that facilitates public involvement in these planning processes and allows stakeholders to evaluate proposed conservation measures. Failure to make such information publicly available undermines the National Environmental Policy Act (NEPA),<sup>15</sup> and failure to address this issue could undercut the National Greater Sage-Grouse Planning Strategy by preventing stakeholders from constructively engaging in this process.

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<sup>15</sup> The purpose of NEPA is defined by 40 CFR § 1500.1(b): "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 CFR § 1500.2 requires agencies to "[e]ncourage and facilitate public involvement in decisions which affect the quality of the human environment." BLM's Manual 6840 points out that "[w]hen administering the Bureau sensitive species program, all information shall conform to the standards and guidelines established under the Information Quality Act."

Finally, the BLM and FS should ensure that all geospatial data and modeling information used to develop sage-grouse conservation measures be made publicly available. Such information includes, but is not limited to:

- Seasonal habitats beyond breeding areas (i.e., winter concentration areas);
- Complimentary delineations of priority habitats across state borders;
- Important corridors and transition habitat, including those that might not be identified on state maps;
- Valid existing federal mineral lease rights, including oil and gas, other leasable minerals, and locatable minerals; and
- Other valid existing rights (e.g., rights-of-way)

### **III. Comments Regarding Specific Resource Management Plans**

#### **A. BLM's Dillon Field Office (MT)**

The following comments relate to the BLM's management prescriptions for sage-grouse habitat on the lands it manages in southwestern Montana by the Dillon Field Office.

We strongly urge that, in developing its west-wide strategy for protecting and enhancing sage-grouse habitat, the BLM withdraw from the mineral leasing and mining laws, all BLM lands harboring sage-grouse habitats managed by the BLM within the Dillon Resource Area. Unfortunately, though the Dillon Field Office adopted a new Resource Management Plan in February 2006, that plan did not adequately protect sage-grouse habitats on BLM lands from inappropriate mining and mineral activities, such as oil and gas leasing, exploration and development, and hard rock mining.

It is our view that a key means of protecting sage-grouse habitat is to prohibit those commercial development activities that impair or destroy those habitats. Therefore, we strongly recommend that in developing the plan for protecting and enhancing sage-grouse populations in southwestern Montana, that the plan provide for the prohibition of mining and mineral development on sage-grouse habitats managed by the BLM. The best way to insure adequate protection for these habitat values is to place such lands off-limits to incompatible mining and mineral development by administratively withdrawing them from the operation of the mining and mineral leasing laws.

#### **B. BLM's Little Snake Field Office (CO)**

The following comments relate to the BLM's management prescriptions for sage-grouse habitat on the lands it manages in northwestern Colorado by the Little Snake Field Office.

We strongly urge that, in developing its west-wide strategy for protecting and enhancing sage-grouse habitat, the BLM withdraw from the mineral leasing and mining laws, all BLM lands harboring priority sage-grouse habitats managed by the BLM within the Little Snake Area. Unfortunately, though the Little Snake Field Office adopted a new Resource Management Plan just last year, that plan did not adequately protect sage-grouse habitats on BLM lands from inappropriate mining and mineral

activities, such as oil and gas leasing, exploration and development, and hard rock mining. We share in the USFWS's concerns that the 5 and 1 percent disturbance factors, including providing exceptions to seasonal restrictions, will not be protective enough to ensure the long-term conservation of sage-grouse.

**C. BLM's Kremmling Field Office (CO)**

The following comments relate to the BLM's management prescriptions for sage-grouse habitat on the lands it manages in northern Colorado by the Kremmling Field Office.

We strongly urge that, in developing its west-wide strategy for protecting and enhancing sage-grouse habitat, the BLM withdraw from the mineral leasing and mining laws, all BLM lands harboring priority sage-grouse habitats managed by the BLM within the North Park area managed by the Kremmling Field office. Although Alternative C of the proposed Resource Management Plan under consideration makes significant strides towards conserving greater sage-grouse habitat in North Park, the other proposed alternatives do not adequately protect sage-grouse habitats on BLM lands from inappropriate mining and mineral activities, such as oil and gas leasing, exploration and development, and hard rock mining. Although Alternative C prudently withdraws "priority" sage-grouse habitat, we strongly urge that, in developing its west-wide strategy for protecting and enhancing sage-grouse habitat, the BLM withdraw from the mineral leasing and mining laws, all BLM lands harboring identified sage-grouse habitat, including winter concentration areas, managed by the BLM within the Kremmling Resource Area.

Thank you for your consideration of these comments.

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