BLM Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement

SEC and SETT Comments Compilation

Thursday, May 30, 2024

Sagebrush Ecosystem Program

Overview

- **<u>BLM Preferred Alternative is Alternative 5</u>**

- But states have been told they can choose the alternatives they prefer

- SETT has over 250 comments and are reviewing the important chapters a second time

- Following tables are summaries of the categories under management changes in order, focused on Nevada only
  - More detail in main document if there are questions

Range of Alternatives for NV/CA

Associated Major Land Use Allocations	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5/6
Minor ROWs	• Avoidance in PHMA • Open in GHMA	• Avoidance in PHMA with exceptions • Open in GHMA	• Excluded outside of designated corridors	• Avoidance in PHMA • Open in GHMA	• Avoidance in PHMA • Open with minimization measures in GHMA
Fluid Mineral Development and Leasing	• NSO Stipulations in PHMA • Controlled Surface Use in GHMA with lek buffers and seasonal limitations	• NSO Stipulations in PHMA • Controlled Surface Use in GHMA with lek buffers and seasonal limitations	• Closed to leasing	• NSO Stipulations in PHMA • Open with minor stipulations such as seasonal limitations in GHMA	• NSO Stipulations in PHMA • Open with minor stipulations such as seasonal limitations in GHMA
Nonenergy Leasables	• Closed in PHMA but open for free use and expansion of existing • Open in GHMA	• Closed in PHMA but open for free use and expansion of existing; added exceptions • Open in GHMA	• Closed	• Closed in PHMA with exceptions • Open in GHMA	• Closed in PHMA with exceptions • Open in GHMA
Salable Minerals	• Closed in PHMA but open for free use and expansion of existing • Open in GHMA	• Closed in PHMA but open for free use and expansion of existing • Open in GHMA	• Closed	• Closed in PHMA but open for free use and expansion of existing • Open in GHMA	• Closed in PHMA but open for free use and expansion of existing • Open in GHMA
Locatable Minerals	• Open; SFAs were recommended to be withdrawn from Mining Law of 1872, still undecided	• Open	• PHMA recommended to be withdrawn from Mining Law of 1872	• Open	• Open
Travel Management	• Limited to existing roads	• Limited to existing roads	• Limited to existing roads	• Limited to existing roads	• Limited to existing roads

Range of Alternatives for NV/CA

Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5/6
Habitat Management Area Alignments, Associated Major Land Use Allocations, and Non-Habitat (Land Use Allocations Summarized in Previous Slide)	Acres of HMA: PHMA 9,266,000 GHMA 5,783,000 OHMA 4,862,000 SFAs	Acres of HMA: PHMA 9,268,000 GHMA 5,749,000 OHMA 4,870,000 No SFAs	Acres of HMA: PHMA 21,138,000 GHMA N/A OHMA N/A All habitat will be managed as PHMA	Acres of HMA: PHMA 9,780,000 GHMA 7,551,000 OHMA 3,806,000 No SFAs	Acres of HMA: PHMA 9,661,000 GHMA 6,183,000 OHMA 2,977,000 No SFAs Alternative 6 is Alternative 5 with ACECs
Criteria-Based Management for Non-Habitat within GRSG Habitat Management Areas	Encourage use of non-habitat before considering use of habitat	Encourage use of non-habitat before considering use of habitat	NA	All habitat is to be verified by a standardized process; indirect effects will be taken into account; and coordination with appropriate state and federal agencies is required.	All habitat is to be verified by a standardized process; indirect effects will be taken into account; and coordination with appropriate state and federal agencies is required.
Mitigation	Use of Mitigation Hierarchy; focus on net conservation gain; will follow White House Council on Environmental Quality guidance on implementation of mitigation	Mitigation voluntary unless specified by FLPMA or State Laws; focus on net conservation gain	Use of Mitigation Hierarchy; focus on no net loss; will follow White House Council on Environmental Quality guidance and BLM Mitigation Handbook on implementation of mitigation	Use of Mitigation Hierarchy; focus on no net loss; will follow White House Council on Environmental Quality guidance and BLM Mitigation Handbook on implementation of mitigation; may require mitigation over and above state	Use of Mitigation Hierarchy; focus on no net loss; will follow White House Council on Environmental Quality guidance and BLM Mitigation Handbook on implementation of mitigation; may require mitigation over and above state

Range of Alternatives for NV/CA

Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5/6
Application of Habitat Objectives	Authorizations will consider the Habitat Objectives Table; Land use will be managed to meet the desired conditions identified in the Habitat Objectives Table	Authorizations will consider the Habitat Objectives Table; Land use will be managed to meet the desired conditions identified in the Habitat Objectives Table	Land use will be managed to meet the desired conditions at Habitat Assessment Framework scales; Design or implement projects to improve or maintain habitat	Land use will be managed to meet the desired conditions at Habitat Assessment Framework scales; Design or implement projects to improve or maintain habitat	Land use will be managed to meet the desired conditions at Habitat Assessment Framework scales; Design or implement projects to improve or maintain habitat
Disturbance Cap (3%) Numerator	Infrastructure only	Infrastructure only	Infrastructure and wildfire only; Counts only direct disturbance in PHMA	Infrastructure only; Counts only direct disturbance in PHMA	Infrastructure only; Counts only direct disturbance in PHMA
Disturbance Cap (3%) Denominator	Total of PHMA acres	Total of PHMA acres	Total of PHMA acres in all lands at the project scale	Total of PHMA acres in all lands at the project scale	Total of PHMA acres in all lands at the project and HAF Fine scale
Disturbance Cap (3%) Exceptions	Can exceed at project or BSU scale if showing a net conservation gain, approved by State Director and partners	Can exceed at project or BSU scale if showing a net conservation gain, approved by State Director and partners	None	Can exceed at the project scale if hierarchy completed, the project is showing high colocation, the project shows a net conservation gain (including mitigation) and with State Director approval. No exceptions at the HAF Fine scale.	Can exceed at the project scale if hierarchy completed, the project is showing high colocation, the project shows a net conservation gain (including mitigation) and with State Director approval. No exceptions at the HAF Fine scale.

Range of Alternatives for NV/CA

Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5/6
Fluid Mineral Development and Leasing Objective	Priority given outside of PHMA and GHMA or in the least impactful within PHMA and GHMA	None	Closed to leasing, but avoid, minimize, and mitigate where already impacted	Open, preference given to colocation; must follow the avoid, minimize, and mitigate hierarchy	Open, preference given to colocation; must follow the avoid, minimize, and mitigate hierarchy
Fluid Mineral Lease Stipulation Waivers, Exceptions, and Modifications	No exceptions in SFAs; can have exception if show that will not have a direct or indirect impact to GRSG or will have a net conservation gain	No exceptions in SFAs; can have exception if show that will not have a direct or indirect impact to GRSG or will have a net conservation gain (including mitigation) Waiver can be granted if area is deemed nonessential	All areas closed	NSO within 0.6 miles of a lek but can have exception if show that will not have a direct or indirect impact to GRSG; Elsewhere in PHMA, can have exception if show that that will not have a direct or indirect impact to GRSG including mitigation Modification can be granted if the potential associated infrastructure related to the development is not individually precluded by other GRSG Actions Waiver can be granted if the habitat is no longer PHMA	NSO within 0.6 miles of a lek but can have exception if show that will not have a direct or indirect impact to GRSG; Elsewhere in PHMA, can have exception if show that that will not have a direct or indirect impact to GRSG including mitigation Modification can be granted if the potential associated infrastructure related to the development is not individually precluded by other GRSG Actions Waiver can be granted if the habitat is no longer PHMA

Range of Alternatives for NV/CA

Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5/6
Controlled Surface Use: Disturbance Cap Exceptions	Exceptions would be a team decision with the State Director, NDOW, USFWS, and BLM.	Can have an exception if net conservation gain is achieved, including mitigation.	No exceptions	Exceptions would be from the State Director as long as the avoid, minimize, and mitigate process was completed and if the disturbance exceedance was caused by colocation or if net conservation gain is achieved, including mitigation. A waiver may be granted if the area was no longer mapped as PHMA.	Exceptions would be from the State Director as long as the avoid, minimize, and mitigate process was completed and if the disturbance exceedance was caused by colocation or if net conservation gain is achieved, including mitigation. A waiver may be granted if the area was no longer mapped as PHMA.
Seasonal Constraints/Stipulations Exceptions (WEMs associated with such GRSG stipulations in all applicable habitat management area types)	An exception may be granted if determined that the action does not pose a threat to GRSG or provide net conservation gain, including mitigation A modification may be granted if determined that the action does not pose a threat to GRSG A waiver may be granted if determined the land is not GRSG habitat	Same as NSO exceptions	No exceptions	An exception may be granted if determined that the action does not pose a threat to GRSG A modification may be granted if the modification will serve to better protect the GRSG than the original timeframe, topography limits the impact, or the local variation proves the timeframe to be different A waiver may be granted if determined the land is not GRSG habitat	An exception may be granted if determined that the action does not pose a threat to GRSG A modification may be granted if the modification will serve to better protect the GRSG than the original timeframe, topography limits the impact, or the local variation proves the timeframe to be different A waiver may be granted if determined the land is not GRSG habitat

Range of Alternatives for NV/CA

Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5/6
Wind and Solar	• Exclusion in PHMA for utility scale • Exclusion for solar, avoidance for wind in GHMA	• Exclusion in PHMA for utility scale with exceptions • Exclusion for solar, avoidance for wind in GHMA	• Exclusion	• Exclusion in PHMA and 0.5 miles from PHMA for utility scale and testing, development, and associated infrastructure • Avoidance in GHMA and within lek buffers for utility scale and testing, development, and associated infrastructure	• Avoidance in PHMA for utility scale and testing, development, and associated infrastructure • Open in GHMA with minimization and mitigation requirements
Major Rights-of-Way (ROWs)	• Avoidance in PHMA and GHMA	• Avoidance in PHMA with exceptions	• Exclusion outside of designated corridors, avoidance within corridors	• Avoidance in PHMA, exclusion in high value seasonal habitats and 0.5 miles from PHMA unless the habitat is determined to be non-suitable or the impact will not affect GRSG • Avoidance in GHMA high value habitat	• Avoidance in PHMA, avoidance in high value areas; those in corridors will not be part of the disturbance cap or require mitigation unless required by State • Open in GHMA
Minimizing Threats from Predation	Reduce predator opportunities and increase concealment for GRSG	Reduce predator opportunities and increase concealment for GRSG	Manage to maintain or restore habitat to increase concealment for GRSG; minimize impacts from new anthropogenic disturbances and reduce predator opportunities	Manage to maintain or restore habitat to increase concealment for GRSG; in PHMA and GHMA minimize impacts from new anthropogenic disturbances and reduce predator opportunities	Manage to maintain or restore habitat to increase concealment for GRSG; in PHMA minimize impacts from new anthropogenic disturbances and reduce predator opportunities

Range of Alternatives for NV/CA

Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5/6
Livestock Grazing	Manage grazing to maintain or enhance GRSG habitat, prioritized in SFA and PHMA; limit impacts to GRSG from range improvements	Manage grazing to maintain or enhance GRSG habitat, but removed SFAs; limit impacts to GRSG from range improvements	Closed to grazing	Manage grazing to meet or make progress to Land Health Standards and enhance GRSG habitat and to not be detrimental to GRSG; allow for adaptive grazing management; limit impacts to GRSG from range improvements and remove or modify existing improvements if needed; can revert relinquished allotments to other resource management objectives for the benefit of GRSG	Manage grazing to meet or make progress to Land Health Standards and enhance GRSG habitat; allow for adaptive grazing management; limit impacts to GRSG from range improvements and remove or modify existing improvements if needed; can revert relinquished allotments to other resource management objectives for the benefit of GRSG
Wild Horse and Burro Management	Manage populations within AML levels; prioritize gathers in SFA and PHMA; adjust AML when populations are a factor in low land health standards	Manage populations within AML levels; prioritize gathers in PHMA; adjust AML when populations are a factor in low land health standards	Remove all populations in PHMA	Manage populations at the low end of AML levels; prioritize gathers in PHMA; adjust AML when populations are a factor in low land health standards	Manage populations within AML levels; prioritize gathers in PHMA; adjust AML when populations are a factor in low land health standards

Range of Alternatives for NV/CA

Category	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5/6
Areas of Critical Environmental Concern	NA	NA	5,766,150 acres; would be treated as PHMA throughout this document	NA	NA in Alternative 5; 5,766,150 acres; would be treated as PHMA throughout this document; ACECS would be open to Fluid Minerals (unless it meets NSO criteria) and closed to Non-energy Minerals, Salable Minerals, Major ROWs, Wind, and Solar. Avoidance in Minor ROWs.
Adaptive Management	Soft trigger: Project level adaptive management Hard trigger: immediate action and a team assembled to determine cause and response	Nevada's State Plan's Framework for Adaptive Management; Soft trigger: Project level adaptive management Hard trigger: immediate action and a team assembled to determine cause and response; allows for un-triggers if conditions improved	Soft trigger: TAWS watch on PHMA only; causal factor analysis Hard trigger: TAWS warning on PHMA only, no new permitting allowed; triggers causal factor analysis Allows for un-triggers if conditions improved or tool in error If permitted activity is determined to be the cause, BLM will modify activity as they can; exceptions apply	Soft trigger: TAWS watch on PHMA only; causal factor analysis Hard trigger: TAWS warning on PHMA only, no new permitting allowed; triggers causal factor analysis Allows for un-triggers if conditions improved or tool in error If permitted activity is determined to be the cause, BLM will modify activity as they can; exceptions apply	Authorizations can still continue during the initial rapid assessment process Soft trigger: TAWS watch on PHMA only; causal factor analysis Hard trigger: TAWS warning on PHMA only, no new permitting allowed; triggers causal factor analysis Allows for un-triggers if conditions improved or tool in error If permitted activity is determined to be the cause, BLM will modify activity as they can; exceptions apply

SETT Concerns

- Lessening of protections in PHMA, GHMA, and OHMA from the 2015 Plan
- Utilizing Compensatory Mitigation as a tool to obtain an exception to protections
  - Does not follow the Avoid, Minimize, and Mitigate Hierarchy
- Creating an Adaptive Management Process that does not necessarily align with the State's
- Using "flexible" words throughout the document such as "may" and "should" instead of "will" or "shall".

SEC Comments

Comment #	Appendix / Chapter #	Section #	Line # / Table #	Page # (bottom of page)	EIS Resource Topic Section	Commenter	Comment
1	Appendix 2		Table 11	2-NVCA-58	MD LG 5:…bullet 3	Sagebrush Ecosystem Council	Change minimize to optimize. Change brood rearing to brood rearing and late brood rearing. Add and late brood rearing (July 1 to September 15). Such techniques should utilize the full set of livestock management tools as appropriate for locally important goals and objectives (see MD LG 1)
2	Appendix 2		Table 11		MD LG 5:…bullet 9	Sagebrush Ecosystem Council	Change "Removing livestock within 3-7 days for the remainder of the grazing year once the allowable use levels are reached …" to "Consider removing livestock within 3-7 days for the remainder of the grazing year once the allowable use levels are reached …" -- Note that utilization levels should not be set in a land use plan. Rather they should be set when and where needed in a site specific implementation plan in consideration of site specific goals, objectives, and management strategies (see MD LG 1). Thus, the underlined addition is necessary.
3	Appendix 2		Table 11	2-NVCA-59	MD LG 6:	Sagebrush Ecosystem Council	Add within the context of the management modifications identified in MD LG 1.
4	Appendix 2		Table 11	2-NVCA-61	MD LG 10:	Sagebrush Ecosystem Council	Since the notes on this state that this is not being carried forward, shouldn't this be struck through to signify deletion?
5	Appendix 2		Table 11	2-NVCA-62	MD LG 11:	Sagebrush Ecosystem Council	Since the notes on this state that this is not being carried forward, shouldn't this be struck through to signify deletion?
6	Appendix 2		Table 11	2-NVCA-62&63	MD LG 15, 17, and 19:	Sagebrush Ecosystem Council	Note that to manage livestock optimally for riparian and other land health standards-based objectives, it is often optimal to move livestock and to do so requires adequate watering facilities/opportunities in the location to which livestock are moved. So, any issues/ benefits should be considered in relation to both the area from which and to which the livestock could be moved.
7	Appendix 2		Table 11	2-NVCA-63	MD LG 18:	Sagebrush Ecosystem Council	"salting or supplemental feeding" should be changed to "salting and supplementation (e.g. protein supplements to shift distribution)."
8	Appendix 2		Table 11	2-NVCA-62	MD LG 14:	Sagebrush Ecosystem Council	This should not be part of an RMP. There are many considerations for fence design as alluded to in the notes column.

SEC Comments

Comment #	Appendix / Chapter #	Section #	Line # / Table #	Page # (bottom of page)	EIS Resource Topic Section	Commenter	Comment
9	Appendix 2		Table 11	2-NVCA-65	MD-WHB-5	Sagebrush Ecosystem Council	In SFA and PHMA outside of SFA, assess and adjust AMLs through the NEPA process within HMAs when wild horses or burros are identified as a significant causal factor in not meeting land health standards, even if current AML is not being exceeded. -- This is important because AML was generally set before the riparian and watershed LHS was incorporated into the BLM WHB Handbook in 2010.
10	Appendix 2		Table 11	2-NVCA-62	MD-WHB-6	Sagebrush Ecosystem Council	This is especially important in riparian areas since WHB concentrate in Riparian areas even more than livestock and since there are many tools and streategies for livestock (Burdick et al 2021) but essentially only AML for WHB (Swanson in press).
11	Appendix 8	2		8-15		Sagebrush Ecosystem Council	While riparian /meadow habitats have an appropriate benchmark, PFC, the Most recent PFC handbooks are not cited and the In-press MIM (Burton et al. 2024) is not cited and it is the published method that enables adequate sampling to document trend in condition reflected by riparian stabilizers along the greenline where it is most important for riparian functions in sloped stream or sloped lentic areas (vegetated drainageways).
12	Appendix 8	3		8-21	Just above Table 8.2	Sagebrush Ecosystem Council	“The HAF, GRSG Monitoring Framework (see Appendix 7), and land health assessments all incorporate AIM data to monitor existing conditions and track changes over time. The Land Use Plan (LUP) indicators use AIM methods to measure several of the GRSG habitat indicators.” Should be changed to “The HAF, GRSG Monitoring Framework (see Appendix 7), and land health assessments all incorporate AIM and other data as needed or appropriate (e.g. Riparian Multiple Indicator monitoring (Burton et al. 2011 and 2024) to monitor existing conditions and track changes over time. The Land Use Plan (LUP) indicators use AIM methods to measure several of the GRSG habitat indicators.” – MIM is needed because wetland AIM is not designed to monitor trend in conditions at a specific lentic area. MIM is designed to do this with a large sample size (degrees of freedom) and efficiency by focusing on multiple quadrats along the perennial greenline where riparian stabilizers are most important to riparian functions. AIM specifies that other methods are appropriate where needed to monitor specific objectives.

SEC Comments

Comment #	Appendix / Chapter #	Section #	Line # / Table #	Page # (bottom of page)	EIS Resource Topic Section	Commenter	Comment
13	Appendix 8	3		8-23	Figure 8-1	Sagebrush Ecosystem Council	In reference to comment above - Trend is necessary for the third yellow box in figure 8-1 “Is the area achieving or making progress towards achieving the sage-grouse habitat portion of the Wildlife/SSS standard?”
14	Appendix 8			8-24	Justification for Invasive Annual Grass as a Habitat Suitability Indicator at the Sage-grouse Habitat Assessment Framework (HAF) Site-Scale.	Sagebrush Ecosystem Council	While this is research based in regard to impacts on GRSG. It is not clear whether the relationships reported are in relation to differences in site potential and any mean values will be less valid in specific ecological sites. State and transition model based ecological site descriptions will be highly valuable in interpretation of indicator values and in analysis of management options. However, these are not referred to in this attachment.
15	Appendix 15	1.2		15-2	Best Management Practices for Livestock Grazing Management	Sagebrush Ecosystem Council	In PHMA, IHMA (in Idaho), and GHMA, areas that have received vegetation treatments should be rested from livestock grazing, or only receive targeted grazing specifically designed to increase the success of the treatment and monitored to ensure appropriate implementation and effectiveness, until resource monitoring data verifies the treatment objectives specific to the purposes of the treatment are being met and an appropriate grazing regime has been developed. Examples of vegetation treatments include seedings, hazardous fuels reduction treatments, emergency stabilization and rehabilitation efforts.
16	Appendix 15	1.5			Maintain Seeps …	Sagebrush Ecosystem Council	Insert riparian pasture, exclusion, or other livestock management fencing between Consider and fencing
17	Appendix 15	1.6		15-5	Employ herd …	Sagebrush Ecosystem Council	Change minimize to optimize. Change brood rearing to brood rearing and late brood rearing. Add and late brood rearing (July 1 to September 15). Such techniques should utilize the full set of livestock management tools as appropriate for locally important goals and objectives (see MD LG 1)

SEC Comments

Comment #	Appendix / Chapter #	Section #	Line # / Table #	Page # (bottom of page)	EIS Resource Topic Section	Commenter	Comment	Note
18	Entire Document					Sagebrush Ecosystem Council	Anywhere in the plan that refers to 'state wildlife agency' needs to be replaced with 'jurisdictional state agency's.	
19	Entire Document					Sagebrush Ecosystem Council	Any mention of Nevada Dept of Wildlife or NDOW needs to be replaced with Sagebrush Ecosystem Program or SETT.	SETT is generally included in the same line as NDOW where applicable.
20	Entire Document					Sagebrush Ecosystem Council	The maps are only for reference purposes - site specific evaluation needs to determine whether a location is actually sage grouse habitat or not (and which kind).	Addressed in Chapter 2
21	Entire Document					Sagebrush Ecosystem Council	Only sites that show evidence of being occupied by sage grouse should be included as habitat. We can not lock down millions of acres just because they show the color of sagebrush from a satellite.	This removes areas with lack of data, corridors, and degraded habitat with the potential to return to usable habitat.
22	Entire Document					Sagebrush Ecosystem Council	Since the current rule in place is the 2019 rule - and that rule has never been used, the best alternative presented is to actually implement the 2019 rule with updated maps.	
23	Entire Document					Sagebrush Ecosystem Council	Nevada has a formally adopted plan in place - the only alternative that semi-recognizes that plan is the 2019 rule. Whatever plan comes forward, it MUST coordinate with the state plan.	


Questions?