



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

## Disturbance Caps Discussion

Wednesday July 31, 2024

Sagebrush Ecosystem Program





# Reason

- Gain clarity on the State's position on the question of Disturbance Caps

**NRS 232.162** Sagebrush Ecosystem Council: Creation; members; terms; vacancies; compensation; powers and duties; biannual report to Governor.

7. The Council shall:

- (g) If requested, provide advice for the resolution of any conflict concerning the management of the greater sage grouse or a sagebrush ecosystem in this State;
- (h) Coordinate and facilitate discussion among persons, federal and state agencies and local governments concerning the maintenance of sagebrush ecosystems and the conservation of the greater sage grouse;
- (i) Provide information and advice to persons, federal and state agencies and local governments concerning any strategy, system, program or project carried out pursuant to this section or NRS 321.592 or 321.594



# Background

## Executive Order 2012-09

- The Committee shall provide the Governor recommendations on policies and actions, using the 2004 Nevada Sage-grouse Conservation Plan, BLM Interim Memorandum Guidance, National Technical Team Report and other existing strategies and on-going activities as a basis for developing a state-wide strategy to preclude the need to list the species.
- The recommendations must be based on the following objectives and/or criteria:
  - a. Conserve the species and its habitat while maintaining predictable and multiple uses of private, state and public lands;
  - b. Tailor the management recommendations to the importance of the habitat and is attuned to the interests of the State;
  - c. Address the following primary threats to the species as identified by the USFWS:
    - i. Habitat fragmentation due to wildfire and invasive species;
    - ii. Conversion and encroachment of habitat caused by development;
    - iii. Lack of appropriate regulatory framework.
  - d. Address the secondary threats to the species as identified by the USFWS, as appropriate;
  - e. Identify opportunities for pro-active sage-grouse habitat enhancement projects; and
  - f. Recognize, encourage and incentivize land use practices that are actively maintaining or improving sage-grouse habitat as evidenced by improvements in habitat quality and quantity, and monitoring which indicates stable/increasing populations of the species.
  - g. Identify a long-term adaptive management structure that engages local working groups and ensures the effective implementation of these recommendations.



# Background

## Executive Order 2012-19

- It shall be the responsibility of the Council to:
  - a. Implement a conservation strategy for the Greater Sage-grouse based on the recommendations of the Greater Sage-grouse Advisory Committee;
  - b. Provide direction to State and Federal agencies and private parties as to the State's conservation policy of the Greater Sage-grouse species and its habitat, including the fact that the State's policy is to maintain predictable and multiple uses of private, state and public lands;
  - c. Establish management policies attuned to the importance of the habitat and the interests of the State;
  - d. Identify a long-term adaptive management structure for the sage brush ecosystems that engages local groups and ensures the effective implementation of management strategies;



# Background

- 2013 State Plan
  - Discussion of increasing the mitigation obligation instead of a hard cap that stops development in impacted areas
- 2015 State Plan
  - Noted that the CCS was intended to be stronger than the disturbance caps and, if working as intended, then Nevada will replace habitat faster than used and caps were unnecessary
- 2015 ARMPA created
  - 3% disturbance caps at BSU and project scale in PHMA, disturbance cap not applicable for BLM land in NV if net conservation gain achieved in compliance with state mitigation plan
  - 3% chosen based on literature out of WY that shows that 99% of active leks were in landscapes with <3% development<sup>1</sup> and there's a strong correlation of a 50% local decline in lek attendance with a 3% disturbance, when looking at oil and gas specifically<sup>2</sup>
  - NV Governor protested disturbance caps in favor of the use of the CCS when finalized



# Background

- CCS created and implemented in 2016
- 2019 State Plan
  - Discussions had, but not included in minutes
- 2019 ARMPA created
  - 3% disturbance caps at BSU and project scale in PHMA, disturbance cap not applicable for BLM land in NV if net conservation gain achieved in compliance with state mitigation plan
- 2024 ARMPA proposed
  - 3% disturbance caps at HAF fine scale and project scale in PHMA, disturbance cap not applicable for BLM land in NV if net conservation gain achieved in compliance with state mitigation plan



# 2024 ARMPA Disturbance Caps

- Numerator
  - Implemented only on direct acres impacted
    - Footprint of the direct disturbance in PHMA where habitat is removed or distance of outermost lines of powerlines
  - Exemptions include
    - Wildfire
    - Vegetation treatments
    - Residences
    - Barns
    - Fencing
    - Range improvements
    - Agriculture
    - Valid existing rights
      - i.e., mine footprints count as part of the cap calculations but cannot be stopped if the cap is reached
- Calculated impacts include
  - Oil and gas wells and development facilities
  - Coal mines
  - Wind developments (e.g., towers, sub-stations, etc.)
  - Solar fields
  - Geothermal development facilities
  - Mining (active locatable, nonenergy leasable and saleable/mineral material developments)
  - Roads (transportation features with a maintenance intensity of level 3 or 5 – (does not include two-tracks))
  - Railroads
  - Power lines
  - Communication towers
  - Other vertical infrastructure, as well as developed rights-of way with habitat loss (e.g., pipelines)
  - Meteorological towers (e.g., wind energy testing) (at the project scale)
  - Nuclear energy facilities (at the project scale)
  - Airport facilities and infrastructure (at the project scale)
  - Military range facilities and infrastructure (at the project scale)
  - Hydroelectric plants/facilities (at the project scale)
  - Recreation areas facilities and infrastructure larger than 0.25 acres (e.g., parking lots, campgrounds, trail heads, etc.) (at the project scale)



# 2024 ARMPA Disturbance Caps

- Denominator
  - Project Scale
    - Defined as all PHMA that supports the population affected by the proposed project
    - All leks within 4-mile buffer in PHMA
    - All PHMA within 4 miles of those identified leks
  - HAF Fine Scale
    - PHMA within HAF fine scale delineation area
    - Similar to PMUs, include all seasonal habitats within a population (home range)
- Cap will trigger if calculation of numerator and denominator reaches 3%
  - $\% \text{ Degradation Disturbance} = (\text{combined acres of the degradation threats}) \div (\text{acres of all lands within PHMA in a HAF or Project Boundary}) \times 100$
  - Calculation of disturbance caps must consider all disturbances (existing and new) on all lands regardless of land ownership since GRSG are negatively impacted by the total disturbance (cumulative), but caps will only affect activities on public lands
  - Disturbance deferred (no new authorizations) until calculation has been reduced below cap threshold through restoration, the project is redesigned to not result in additional disturbance, or the project is moved outside of PHMA



# 2024 ARMPA Disturbance Caps

- Exceptions (not allowed if also combined with an adaptive management trigger):
  - Project Scale:
    - State Director Concurrence
    - Avoid, minimize, and mitigate AND
    - Either:
      - The project exceeds the 3% cap because it is collocating to save another area from disturbance
      - The project exceeds the 3% cap because it is in an established corridor to save another area from disturbance
      - The project will overall improve the habitat (net gain), including the required mitigation
      - There will be no new impacts, both direct and indirect (renewals)
  - HAF Fine Scale:
    - No exceptions except for safety



# 2024 ARMPA Disturbance Caps

## Summary

Category	2015	2019	2024 Preferred Alternative
<b>Disturbance Cap (3%) Numerator</b>	Infrastructure only	Infrastructure only	Infrastructure only; Counts only direct disturbance in PHMA
<b>Disturbance Cap (3%) Denominator</b>	Total of PHMA acres at project and BSU scale	Total of PHMA acres at project and BSU scale	Total of PHMA acres in all lands at the project and HAF Fine scale
<b>Disturbance Cap (3%) Exceptions</b>	Can exceed at project or BSU scale if showing a net conservation gain, approved by State Director and/or partners	Can exceed at project or BSU scale if showing a net conservation gain	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.  A waiver may be granted if the area was no longer mapped as PHMA.



# Discussion

<sup>1</sup>Knick, Steven T et al. "Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range, U.S.A." *Ecology and evolution* vol. 3,6 (2013): 1539-51. doi:10.1002/ece3.557

<sup>2</sup> Ramey et al. (2018), Local and population-level responses of Greater sage-grouse to oil and gas development and climatic variation in Wyoming. *PeerJ* 6:e5417; DOI 10.7717/peerj.5417