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EMS TRANSMISSION  
Instruction Memorandum No.  
Expires: 09/30/2015

To: All Field Office Officials; Colorado, Utah

From: Assistant Director, Resources and Planning

Subject: Gunnison Sage-grouse Habitat Management Policy on Bureau of Land Management-Administered Lands in Colorado and Utah

**Program Area:** All Programs.

**Purpose:** The intent of this Instruction Memorandum (IM) is to provide interim guidance for protecting important habitat across the range of the Gunnison Sage-Grouse (GUSG). The Bureau of Land Management (BLM) will continue to apply conservation measures to manage and conserve GUSG and their habitat and consider the U.S. Fish and Wildlife Service (FWS) advisory recommendations for minimizing or avoiding adverse effects to GUSG or their proposed critical habitat. Habitat protection is crucial for the conservation and protection of this species. The BLM will focus any type of development in non-habitat areas. Disturbance will be focused outside of a 4-mile buffer around leks. The BLM intends that little or no disturbance occur within the 4-mile buffer, except for valid existing rights, and except where benefits to the GUSG are greater compared to other available alternatives. This guidance:

- Recognizes the FWS Proposed Listing of the GUSG as endangered (78 FR 2486) under the Endangered Species Act (ESA) (January 11, 2013) posted at <http://www.fws.gov/policy/library/2013/2012-31667.pdf>.
- Provides updated direction regarding management and ongoing planning actions in GUSG occupied habitat.
- Recognizes that the BLM proposes to incorporate objectives and conservation measures for the protection of GUSG and its habitat into relevant Resource Management Plans (RMP) through a GUSG range-wide plan amendment process.

- Ensures continued coordination with the FWS, State fish and wildlife agencies, and other partners regarding implementation, updates and project prioritization for GUSG conservation and strategies identified in the Range-wide GUSG Conservation Plan (RCP) and local GUSG population conservation plans posted at:  
<http://wildlife.state.co.us/WildlifeSpecies/RecoveryConservationPlans/Pages/RecoveryConservationPlans.aspx>.
- Does not preclude developing or using additional conservation measures or strategies deemed necessary to maintain or enhance local GUSG habitat and populations.

Should the final FWS determination be to list GUSG under the ESA, the BLM will review the implementation of this policy in accordance with any Recovery Planning schedules to determine the effectiveness of the guidance and make changes as necessary.

**Policy/Action:** The BLM will continue to apply conservation measures to manage and conserve GUSG and its habitat and consider the FWS advisory recommendations for minimizing or avoiding adverse effects to GUSG or its proposed critical habitat. The BLM's policy is to manage GUSG seasonal habitats and maintain habitat connectivity to support sustainable GUSG populations and/or GUSG population objectives as determined in coordination with the FWS and State fish and wildlife agencies. This policy is consistent with strategies outlined in the GUSG RCP. This policy is consistent with the BLM National Sage-grouse Habitat Conservation Strategy (USDI BLM 2004a), CO IM 2010-028 (GUSG & Greater Sage-grouse [GRSG] habitat management), WO IM 2010-071 (energy), WO IM 2010-022 (structures), WO IM 2013-128 (fire), WO IM 2010-117 (oil and gas leasing reform), CO IM 2005-038 (GUSG RCP), and CO IM 2013-033 (GUSG habitat management). This policy is structured to incorporate adaptive management processes to achieve habitat conservation, restoration and enhancement goals. This policy will be reviewed and updated, as necessary, following the final FWS listing decision.

Unless otherwise stated, BLM management actions and conservation measures in this IM apply to occupied habitat. Occupied habitat is defined in this IM as the FWS "proposed occupied critical habitat" (hereafter referred to as occupied) for GUSG in Colorado and Utah. Within the Gunnison Basin, occupied habitat is further delineated as Tier 1 or Tier 2 habitats using a habitat prioritization tool, developed locally in conjunction with Gunnison County, FWS, Colorado Parks and Wildlife (CPW), and other agencies. This policy applies to all activities and programs authorized and/or occurring on BLM-administered lands, including federal mineral estate. The direction in this IM is time-limited: the conservation policies and procedures described in this IM will be applied until the BLM makes GUSG conservation and resource management decisions through the land use planning process.

The BLM will work with FWS, and the State fish and wildlife agencies in identifying the best available science for implementation of this IM.

## **GUSG Habitat Mapping**

As part of the proposed listing decision, the FWS proposed critical habitat for GUSG (78 FR 2540) posted at <http://www.fws.gov/policy/library/2013/2012-31666.pdf>. The proposed critical habitat map includes occupied GUSG habitat (as previously mapped by CPW and the Utah Division of Wildlife Resources (UDWR), 2004, as updated), and proposed unoccupied habitat. The FWS compiled proposed unoccupied critical habitat using mapping from the RCP (*potentially suitable habitat* – defined as in need of restoration, but capable of supporting sagebrush communities, and *vacant/unknown habitat* – defined as suitable habitat with no documentation of occupancy) and additional areas thought necessary for GUSG conservation based on 1) proximity to occupied habitat, 2) ability to provide connectivity, and 3) size of area, where sagebrush is a primary plant community (78 FR 2552). The final decision on whether to designate critical habitat for GUSG is expected around the same time as the final listing decision (anticipated November 12, 2014).

The BLM will continue to work with State fish and wildlife agencies and other partners to collect site-specific GUSG habitat data. GUSG habitat data includes seasonal habitat mapping (nesting, brood rearing and winter), and/or GUSG habitat condition assessments as documented in Land Health Assessments (LHA). Habitat condition assessments reflect progress towards meeting GUSG habitat objectives set forth in the RCP or local conservation plans, as determined through the Habitat Assessment Framework (HAF) indicators or other BLM-approved habitat monitoring methods.\*

If the species is listed and the FWS develops a range-wide Recovery Plan, the BLM will cooperate in the development and implementation of the Recovery Plan on public lands consistent with the policies in BLM's Special Status Species Management Manual 6840. This participation includes, but is not limited to, representation on the Range-wide Steering Committee (RSC) and local GUSG population working groups.

## **Land Use Planning**

The BLM proposes to incorporate objectives and conservation measures for the protection of GUSG and its habitat into approved Resource Management Plans (RMP) through a GUSG range-wide plan amendment process.

As part of this GUSG range-wide planning process, the BLM will consider alternative(s) that:

- Close fluid mineral (oil and gas or geothermal) leasing, and consider land allocations following expiration of oil and gas and geothermal leases with a full range of alternatives, including a scenario where the lands will not be re-offered for lease in occupied GUSG areas;
- Exclude new energy development and rights-of-way (ROW);

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\* The HAF is available at <http://sagemap.wr.usgs.gov/docs/rs/SG%20HABITAT%20ASSESSMENT%202010.pdf>

- Reduce or make lands unavailable to livestock grazing (consistent with WO-IM-2012-169) in GUSG occupied habitat;
- Include consideration of regional mitigation strategies and appropriate mitigation measures (avoid, minimize, and/or compensate) to reduce or eliminate impacts to GUSG populations;
- Address other factors that may pose a threat to GUSG populations, including recreation management, vegetation treatments, and invasive plant management; and
- Consider citizen-based alternatives, as appropriate.

Through this range-wide plan amendment process, BLM Colorado and Utah FOs should consider and evaluate GUSG habitat conservation measures related to timing restrictions, buffer distances, percentages of allowable surface-disturbing activities, noise and desired density levels or other development constraints consistent with the GUSG RCP (including subsequent updates), current peer reviewed sage-grouse research, conservation summaries based on research or as developed in conjunction with State fish and wildlife agencies and the FWS to meet local population objectives. At a minimum, FOs will analyze and implement conservation measures that prohibit or limit energy and discretionary mineral development within four miles of active leks, and minimize surface disturbance and disruptive activities in all occupied habitat, where appropriate.

### **Gunnison Basin Candidate Conservation Agreement**

The Gunnison FO, in conjunction with the FWS, CPW, National Park Service (NPS), U.S. Forest Service (USFS), Natural Resources Conservation Service (NRCS) and multiple stakeholders, developed a Candidate Conservation Agreement (CCA) to guide management of GUSG on public lands in the Gunnison Basin. The CCA focuses on managing key threats on federal lands identified by FWS for this population: grazing, recreation, roads, and transmission lines. Actions that fall under the purview of the CCA will follow CCA direction in the Basin. The range-wide planning effort will incorporate measures found in the CCA. All other actions will consider conservation measures identified in the RCP and this IM as the primary guidance for management.

### **All Program Areas**

BLM FOs will:

- Work within multiple programs including recreation, hazardous fuels, fire management, Public Domain forestry, range management, and wildlife to accomplish GUSG habitat conservation. When permitting or authorizing activities, FOs will consider, analyze and incorporate appropriate GUSG management strategies, best management practices (BMPs), and mitigation actions (avoid, minimize, and compensate) through NEPA analysis or other regulatory processes. FOs will continue to implement appropriate BMPs through the permitting process in all program areas. BMPs could include those identified at the local, state or national level for oil and gas development in GUSG habitat

(see also RCP (Appendix L), fire (WO-IM 2013-128), and grazing guidelines (RCP 2005)).

- Continue coordination with the FWS and State fish and wildlife agencies on appropriate site-specific habitat or population-level management strategies (RCP 2005). This will include, but is not limited to, considering, prioritizing and implementing management prescriptions and strategies outlined in the RCP and local GUSG conservation plans, as well as all subsequent updates as appropriate. The BLM will work with FWS and State fish and wildlife agencies to determine the best available science for implementation of this IM and, if appropriate, will revise the IM accordingly.
- Implement a 0.6-mile no surface disturbance/no surface occupancy buffer radius (RCP 2005) around all active leks for project-level implementation such as fences or sagebrush habitat treatments. Any sagebrush removal or treatment should be prohibited within this buffer, unless implemented to maintain or enhance the lek (RCP, Appendix I).
- Per the RCP (Appendix I), the BLM should manage all sagebrush habitat within a 4-mile radius of an active lek as GUSG breeding habitat (lekking, nesting, early brood rearing). To complement protections within the 0.6-mile buffer (described above), breeding habitat should be managed to minimize disturbance to GUSG during critical seasonal time periods and minimize the footprint of any project, habitat fragmentation across the landscape, and cumulative effects on the associated population (see RCP, Appendix L). The following specific disturbance guidelines (see RCP, Appendix I) should be analyzed and applied to all ongoing program authorizations where appropriate:
  - Prohibit surface disturbing activities and disruptive activities within four miles of active leks from March 1 through June 30 (RCP 2005), subject to valid existing rights and emergency repairs of ROWs.
  - Avoid surface disturbance within mapped winter habitat for GUSG (if not mapped, within four miles of active leks); if surface disturbance cannot be avoided, prohibit said activity from December 1 through March 15 (RCP 2005).
- Include requirements to new Special Recreation Permits (SRP) to avoid disturbing leks during the breeding season. SRPs for hunting (other wildlife species), bird watching, and other activities should include appropriate timing restrictions to minimize disturbance to GUSG during critical seasonal periods such as the breeding, late brood rearing and winter-use periods.
- Evaluate the need, and implement where appropriate, seasonal or permanent road or trail closures in occupied habitat through travel management planning and associated NEPA analysis for BLM authorized routes. Avoid construction of new roads or ROWs within four miles of active leks.
- Analyze the impacts to GUSG when renewable energy (e.g., wind, solar, biomass) development and associated infrastructure (e.g., transmission lines) is proposed in or

adjacent to sagebrush habitat, and avoid occupied habitat where warranted. Manage areas within four miles of active leks as ROW avoidance areas.

- Avoid routing above-ground transmission or distribution lines within occupied habitat.
- In response to a Plan of Operations, evaluate the impacts of non-discretionary activities managed under 43 CFR 3809 (those actions authorized under the 1872 mining law) on local GUSG populations, and clearly describe those effects that cannot be mitigated through the regulatory process. Through the NEPA process, analyze potential impacts of discretionary mining activities and mitigation approved under 43 CFR 3400 (such as coal management), 43 CFR 3500 (non-energy leasable materials), and exploration or extraction of other solid minerals wherever possible.
- Incorporate adequate reclamation standards designed to re-establish suitable GUSG seasonal habitats (RCP 2005, Appendix H) for all surface-disturbing activities within occupied GUSG habitat. Incorporate native seed mixtures in restoration efforts. Wherever possible, native seed mixtures should include a minimum of three native grasses, two native forbs and one native sagebrush species. Use desired non-persistent, non-native vegetation in rehabilitation only where other options have been proven unsuccessful.
- Monitor all restoration activities for success in meeting short- and long-term vegetation objectives and reclamation standards, including potential weed infestations following the principles outlined in the BLM Assessment, Inventory and Monitoring Strategy. Conduct follow-up treatments to eliminate weeds as identified through monitoring. If vegetation objectives are not being met, adjust restoration actions accordingly to improve success of achieving desired GUSG habitat objectives.

### **Proper Livestock Grazing**

Continue to evaluate and implement livestock grazing management practices consistent with achieving GUSG seasonal habitat objectives during allotment permit renewals and associated NEPA analysis, or as identified through LHAs. Consistent with the best available science compiled in accordance with the Policy section above, GUSG habitat objectives identified in the RCP (Appendix H) should be considered the range-wide standards for managing GUSG seasonal habitats. Habitat objectives may be adjusted if more localized habitat structural data are available in coordination with State fish and wildlife agencies and the FWS on a population-by-population basis. GUSG habitat objectives should always be managed with consideration to ecological site potential.

Use the BLM-approved monitoring techniques described in the HAF to assess and monitor long-term GUSG habitat conditions and trend in conjunction with authorized grazing management.

Where current livestock grazing management has been identified as a causal factor in not meeting Land Health Standards (43 CFR 4180), use the process in WO-IM-2009-007, Process

for Evaluating Status of Land Health and Making Determinations of Causal Factors When Land Health Standards Are Not Achieved, to identify appropriate actions. Evaluate progress towards meeting standards that may affect GUSG or its habitat prior to authorizing grazing on an allotment that was not achieving land health standards in the last renewal cycle, and livestock was a significant causal factor. Where available, use current monitoring data to identify any trends (e.g., progress) toward meeting the standards. Where monitoring data are not available or inadequate to determine whether progress is being made toward achieving Land Health Standards, an interdisciplinary team should be deployed as practicable to conduct a new land health assessment. The NEPA analysis for the permit/lease renewal must address a range of reasonable alternatives including alternatives that improve GUSG habitat.

### **Wildland Fire and Fuels Management**

While GUSG protection and habitat enhancement is a high priority for the fire management program, firefighter and public safety is the first priority on every fire and takes precedence over natural resource protection. Local agency administrators and resource advisors will convey resource protection priorities to incident commanders. Incident Commanders will then develop and establish incident objectives, strategies, and operational tactics that ensure firefighter and public safety.\*

The strategy for all unplanned ignitions in GUSG habitat will be “fire suppression.” Fire suppression strategies and tactics used on an incident will comply with RMP and Fire Management Plan (FMP) direction. Unplanned ignitions in GUSG occupied habitat will not be managed to meet resource objectives until a final FWS listing decision is made and a programmatic consultation can be completed, if warranted.

Discretionary actions under the fire and fuels management program include: unplanned ignitions managed to meet resource objectives; planned ignitions (i.e., prescribed fires); and mechanical, biological and chemical vegetation treatments to reduce hazardous fuels. When these discretionary actions are expected to occur in occupied or unoccupied critical habitat, they must occur under conditions analyzed to be acceptable to meet GUSG resource objectives. The NEPA analysis for FMPs and project plans for these discretionary actions address achieving GUSG habitat objectives and must undergo appropriate consultation with the FWS following the final GUSG listing decision under ESA should the FWS make a final determination to list GUSG. These decisions must be documented in the Wildland Fire Decision Support System.

### **Climate Change/Rapid Eco-regional Assessments (REA)**

The proposed GUSG listing package acknowledges the potential for climate change to alter the distribution of native vegetation, increase the potential for invasive species introduction and increase fire frequencies and intensities, all of which may have long-term impacts to key GUSG seasonal habitats across the landscape.

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\* More information available at: [https://www.nifc.gov/policies/policies\\_documents/GIFWFMP.pdf](https://www.nifc.gov/policies/policies_documents/GIFWFMP.pdf).

- The BLM Colorado State Office (COSO) will continue to develop a statewide Climate Change Adaptation Strategy, which will include a vulnerability assessment of GUSG.
- FOs in Colorado will implement climate change adaptation strategies developed through the statewide effort. The strategies will be informed by data provided by REAs or other assessment documents, as appropriate.
- BLM Colorado and Utah will incorporate landscape-level data and adaptive management strategies using information identified through the REAs or other assessments to conserve and restore sagebrush habitats.

## **Processing Fluid Mineral Leases in GUSG Habitat**

### ***New Nominated Leases***

In accordance with WO IM 2010-117, Change 1, “the State Directors have discretion to temporarily defer leasing on specific tracts of land based on information under review during planning.” Since the RCP (2005) was signed, the BLM Colorado’s policy has been to defer leasing of occupied GUSG habitat until new FO land use planning has been completed, as these documents detail significant new information on GUSG not addressed in current plans. The BLM will continue to defer leasing in occupied habitat to avoid affecting decisions related to future management decisions.

### ***Existing Leases***

For authorization of any development actions (for individual APDs or where an operator proposes a Master Development Plan) where there are valid existing rights, FOs must coordinate with the FWS (consistent with requirements under ESA), CPW (consistent with COGCC MOU – Attachment 1), UDWR, and industry on management actions designed to minimize impacts to GUSG or their habitat, including Conditions of Approval (COA) that will be applied to future APDs. The BLM must ensure that any proposed COAs or mitigation measures are consistent with the RMP, are adequately supported by site-specific NEPA analysis and do not violate any lease rights (see Yates Petroleum Corp., 176 IBLA 144 [2008]).

In accordance with standard lease terms and conditions, existing leases are subject to applicable laws, including ESA, and therefore, may be required to adopt conditions of approval that would reduce adverse impacts to the species consistent with site-specific environmental analysis and ESA conference or consultation.

BLM offices are encouraged to work with the FWS, State fish and wildlife agencies, and industry in advance of planning to develop potential strategies in a particular geographic area. This pre-planning may include conservation strategies such as siting a project in lower quality habitat, clustering activities to minimize fragmentation of existing habitat patches, or noise mitigation.

This policy does not preclude developing and immediately implementing new mitigation or conservation measures necessary to reduce activity/project impacts to GUSG or their habitats,

provided this mitigation is in accordance with existing RMPs and lease rights granted. Any new measures applied for GUSG will be coordinated with the FWS and State fish and wildlife agencies. FOs will work with project proponents, the State, the FWS, and private landowners when appropriate to implement direct avoidance and minimization measures (e.g. relocating disturbance, timing restrictions, etc.) and use COAs. FOs must ensure any recommended COAs or operator-negotiated stipulations are supported by appropriate analysis through NEPA during the APD, plan of development, or use-authorization approval process. Biologists are encouraged to reference existing analyses or accepted recommendations from national, range-wide, or local conservation plans; existing or new peer reviewed research studies; or other scientific reports within the NEPA analysis, rather than restate those analyses.

In accordance with Fluid Mineral Resources Handbook (H-1624-1, 2013), the federal government retains certain rights when issuing an oil and gas lease. While the BLM may not unilaterally add a new stipulation to an existing lease that it has already issued, the BLM can subject development of existing leases to reasonable conditions, as necessary, through the application of COAs at the time of permitting. The new constraints must be consistent with the applicable land use plan and not in conflict with rights granted to the holder under the lease.

If the existing lease is in occupied GUSG habitat, and the land use plan does not contain mitigation, FOs should request the operator to modify existing stipulations or add an additional stipulation to mitigate the impacts to GUSG habitat. When applicable under 43 CFR 3101.1-4, if, after the lease is issued, the authorized officer determines that a modification of a lease term or stipulations involve an issue of major concern for the public, the modification shall be subject to public review for at least 30 days. 43 CFR 3101.1-4. If the operator refuses to sign a stipulation modification or to add a new stipulation, the BLM will need to carefully evaluate whether the project can proceed based on the level of impacts identified in the site-specific NEPA analysis and the BLM's obligation to prevent unnecessary or undue degradation [43 USC 1732(b)]. Any development pursuant to valid existing rights will be approved in the location and in a manner that best minimizes impacts to GUSG.

Where authorized in the applicable RMP, exceptions to lease stipulations or COAs in sagebrush habitats will be considered on a case-by-case basis and coordinated with the FWS and State fish and wildlife agencies before approval. Any exception authorized in occupied habitat will require District Manager review.

The BLM will defer fluid mineral lease nominations in GUSG occupied habitat until management prescriptions and strategies outlined in the RCP, local GUSG population conservation plans, and/or potential impacts to local GUSG populations as summarized in recent/existing research studies or conservation summaries, have been considered and evaluated through the range-wide plan amendment effort and associated NEPA analysis. Such analyses must consider the cumulative impact of decisions and mitigation measures.

Development constraints may vary by FO when those constraints are based on locally-collected scientific data or local habitat conditions and are supported with clear rationale in the range-wide amendment NEPA analysis. Prescriptive measures carried forward through the selection of the

preferred alternative in the range-wide plan amendment will be incorporated into all new leases within occupied or other GUSG habitats, as outlined in the planning document.

Lands determined to be available for lease and development within occupied GUSG habitat, and under what constraints, will be described in the proposed range-wide plan amendment. The BLM will ensure that the GUSG range-wide plan amendment contains language consistent with recent Interior Board of Land Appeals (IBLA) decisions (Yates Petroleum Corp., 176 IBLA 144 [2008] and William P. Maycock, 177 IBLA 1 [2009]).\* These decisions allow the BLM discretion to modify surface operations to add specific mitigation measures supported by site-specific National Environmental Policy Act of 1969 (NEPA) analysis undertaken during the development phase on existing leases. The IBLA has made it clear when making a decision regarding discrete surface-disturbing oil and gas development activities following site-specific environmental review, the BLM has the authority to impose reasonable protective measures not otherwise provided for in lease stipulations to minimize adverse impacts on other resource values.

### ***Drainage***

It is the responsibility of the BLM to protect the interests of the United States where it is determined that the oil and gas resource is subject to drainage. The BLM has many tools at its disposal to do so, such as forced pooling, communization agreements, issuing leases, and drilling protective wells. Where it is determined that drainage is occurring, the BLM will analyze and employ the least disruptive method necessary to protect the interests of the United States. If disturbance is necessary, the BLM protect GUSG habitat by applying the conservation concepts outlined in this IM, as well as other best management practices, as appropriate.

**Processing Proposed Solid Mineral Leases (Coal) in GUSG Habitat** (i.e., a lease has not been issued and, therefore, no valid existing rights have been established)

The BLM will defer leasing in occupied habitat to avoid affecting decisions related to future management until new FO land use planning has been completed.

### **Sagebrush Habitat Improvement/Restoration Projects**

All GUSG habitat improvement projects should clearly articulate and document the need for the project to achieve desired habitat objectives (RCP 2005, Appendix H). Documentation should include current habitat condition assessments and specific treatment objectives as they relate to GUSG habitat.

All vegetation treatments in sagebrush habitat should consider and incorporate seasonal GUSG habitat needs into project design, analysis and approval when those projects are completed to meet other program area objectives. Recommendations for sagebrush removal or treatment projects within seasonal habitats are located in the RCP, Appendix I (pg. 6-7). (See guidance under “All Program Areas” for more information.)

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\* Available at: <http://www.oha.doi.gov:8080/index.html>.

All habitat treatments and management prescriptions in GUSG habitat should incorporate appropriate effectiveness monitoring to determine whether one or more of the following goals are being achieved:

- 1) Meeting site-specific GUSG habitat objectives consistent with best available science compiled in accordance with the Policy section above;
- 2) Enhancing the long-term sustainability of local GUSG populations;
- 3) Promoting the maintenance of large intact sagebrush communities;
- 4) Limiting the expansion or dominance of invasive species;
- 5) Maintaining or improving soil site stability, hydrologic function, and biological integrity;
- 6) Enhancing the native plant community, including the native shrub reference state in the *State and Transition Model*, with appropriate shrub, grass, and forb composition identified in the applicable ESD where available; and
- 7) Meeting specific project or management objectives as they relate to GUSG or their habitat.

Monitoring objectives will be coordinated and/or conducted in conjunction with State fish and wildlife agencies, and will use BLM-approved inventory or monitoring methods.

Livestock grazing will be deferred for all GUSG habitat improvement or restoration treatments for a minimum of two growing seasons to ensure establishment and persistence of desired vegetation, unless analysis or management objectives recommend otherwise.

The BLM will prioritize all GUSG restoration efforts in Proposed Unoccupied Critical Habitat in conjunction with the FWS and State fish and wildlife agencies. Priorities will reflect ground-truthing of site capability, likelihood of success, planning and design, monitoring needs, and prioritization by population status and need.

BLM Colorado and Utah will continue to support, coordinate with, and participate in GUSG conservation activities that are led or initiated by the FWS, State fish and wildlife agencies, and local workgroups or other partnerships. Such activities may include, but are not limited to, ongoing GUSG research studies, habitat mapping and modeling efforts, conservation planning and project implementation, and population monitoring.

### **Conference and Consultation with FWS**

The ESA requires the BLM to conference on all management actions that may result in a Jeopardy determinations of a proposed species. Since the BLM is generally not in a position to determine Jeopardy, BLM policy (Manual Section 6840) is to conference on all discretionary actions that May Affect, or are Likely to Adversely Affect (LAA). Per the FWS Guidance for Conferencing (Attachment 2), the FWS has agreed to continue ongoing discussions and/or conferencing for all land use planning efforts and for the Gunnison Basin CCA. The BLM has shared a list of ongoing planning efforts with FWS to help plan their interim workload with the BLM.

The FWS will not be conferencing on individual projects that may have adverse effects to the species or proposed critical habitat, but are not likely to reach the level of Jeopardy to the species. Assessment of project-level impacts should be documented in the associated NEPA analysis.

Individual projects with an LAA determination will be coordinated through the appropriate state office to support continuing ongoing actions. This will include providing feedback to the field on appropriate conservation measures and levels of impacts.

FOs will work with the appropriate state office to prioritize and streamline future consultation needs if the species is listed and help develop a schedule for submitting priority projects/activities/programmatic Biological Assessments (BA) to the FWS for consultation to manage reasonable workloads for both agencies. This will include assisting the FOs in identifying and grouping similar actions (existing and future) that may be assembled and analyzed in programmatic consultation documents or covered by project screens for one or more GUSG populations.

### **Adaptive Management**

For purposes of this IM, adaptive management is used in two broad contexts:

1. Incorporating applicable new research or guidance into GUSG management.
2. Adjusting management to achieve specific GUSG resource objectives as determined through monitoring (DOI Technical Guide for Adaptive Management, Williams et al 2007).\*

As new research, national or state management guidance, population or habitat data, or other pertinent GUSG information becomes available, recommended management of GUSG should be adjusted accordingly. All recommended management applications will continue to be implemented via NEPA analysis. The success in implementation and effectiveness of this management direction will be reviewed to determine if GUSG resource objectives are being met. This review will be in coordination with the FWS, State fish and wildlife agencies, and other agencies through the GUSG RSC. As RMPs are amended or revised in the future with sufficient local population guidance, those conservation measures and management constraints will be reviewed for effectiveness as described above.

Alternatively, where specific GUSG population or habitat objectives have been set, the BLM will use monitoring data to determine the effectiveness of existing management actions in meeting those objectives. If not deemed effective, management prescriptions should be adjusted to meet identified resource objectives.

**Timeframe:** This IM is effective immediately.

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\* Available at: <http://www.doi.gov/initiatives/AdaptiveManagement/TechGuide/openingpgs.pdf>

**Budget Impact:** This IM will result in additional operational costs for coordination, NEPA review and monitoring of all activities in GUSG habitats in Colorado and Utah. In addition, full implementation of this IM including initiating a GUSG range-wide Plan Amendment, restoration efforts, response to climate change indicators, and adaptive management may require significant funding.

**Background:** Since 1999, the GUSG has been petitioned and reviewed for listing under ESA several times. The FWS issued a 12-month finding on September 27, 2010, (75 FR 59804), and determined that GUSG warranted protection under the ESA, but that proposing the species for protection would be delayed while the FWS addressed the needs of other higher priority species. On January 11, 2013, the FWS proposed GUSG as endangered, and concurrently proposed the designation of approximately 1.7 million acres of critical habitat, under ESA, as amended (78 FR 2486; 78 FR 2540).

GUSG occur in seven isolated populations, one of which is connected to a GUSG population in Utah. It is important to maintain existing populations and/or current distribution throughout both Colorado and Utah, where more than 90 percent of the estimated range-wide population of GUSG occurs within Colorado. Local GUSG workgroups have been established for six of the seven populations and are engaged in management of the species to varying degrees depending on land ownership and local involvement. Threats to these species vary by population in both Colorado and Utah, and are articulated in their respective Conservation Plans (RCP 2005).

As a land manager of GUSG habitat, it is imperative that the BLM conserve sagebrush communities to support sustainable GUSG populations and maintain or improve connectivity of habitat within and between existing populations, where appropriate. However, successful management of GUSG will require cooperation from private, state and federal land owners and managers to address the wide range of land uses that intersect with GUSG habitat. For instance, while the BLM is a primary land manager of GUSG habitat in Colorado, between 80-90 percent of all oil and gas drilling activity statewide occurs on private, county, or state lands, with no federal nexus. Only by finding ways to work across landscapes that transcend ownership boundaries will federal, state, and private land owners and managers achieve substantial and measurable conservation of sagebrush communities and sustainable GUSG populations.

**Directives Affected:** A BLM Colorado/Utah Handbook Supplement will incorporate the new policy and guidance.

**Coordination:** This IM was coordinated with BLM Utah State Office; Colorado State Office; the Washington Office (WO) Resources and Planning Directorate; WO Energy, Minerals, and Realty Management Directorate; and the WO National Landscape Conservation System and Community Programs Directorate.

**Contact:** Robin Sell, Conservation Biologist, at (303) 239-3723, or Leigh Espy, Project Manager, at (303) 239-3801.

2 Attachments:

1 - COGCC MOU (9 pp)

2 - FWS Guidance for Endangered Species Act Conferencing for GUSG (1 p)