

## **BLM offers protections for sage grouse**

Group says proposal favors industry over bird

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Sage-grouse gather in a lek 15 miles northwest of Winnett in 2012. The area is included in a BLM plan, released Friday, that proposes actions to protect sage grouse habitat. / TRIBUNE FILE PHOTO/LARRY BECKNER

The Lewistown office of the Bureau of Land Management released a plan Friday for public comment that proposes ways to protect sage grouse habitat on federal lands in central and eastern Montana.

The bird, whose prairie habitat is declining across the West, could be federally protected under the Endangered Species Act if state and federal agencies don't act first.

The plan was criticized by a conservation group for giving more protections to energy development and grazing than sage grouse in so-called priority sage grouse habitat.

The proposed resource management plan amendment would provide future management direction for maintaining or increasing sage grouse abundance, said Adam Carr, the BLM's team lead for the resource management plan amendment and environmental impact statement.

Changes in management are necessary to avoid continued population declines, the BLM says.

Carr said the plan strikes a balance between protecting sage grouse habitat and limiting the impact on non-BLM land in the area.

"We feel it's an approach that meets the multiple-use mandate that we have," Carr said.

All three proposed action alternatives would designate 233,219 acres of BLM land as priority sage grouse habitat and 112,341 acres as general sage grouse habitat in Chouteau, Fergus, Judith Basin, Meagher and Petroleum counties.

There are 148 active leks in the entire planning area, but that includes private and state land, Carr said. Of the active leks, 32 are on BLM land, which makes up 16 percent of the sage grouse habitat in the area. The plan is for only BLM land.

In the agency's preferred alternative, priority habitat would be "right-of-way avoidance areas" for power lines. Power lines wouldn't be banned, but different routes would be recommended.

"Say a utility company wanted to run a new power line, we would try to avoid siting those lines on priority habitat that exists on BLM lands," Carr said.

The alternative also would add "required design features" as conditions of approval for oil and gas permits.

"The permits would be issued, but there would be additional conditions they would have to meet while they were developing the lease or putting the lease into production for oil and gas," Carr said.

For example, restrictions on how developers access the lease, or where drilling occurs, might be added to the lease.

There are no proposed changes to grazing allotments in sage grouse habitat.

The BLM's preferred alternative is the least restrictive of three action alternatives.

A citizen-proposed alternative with recommendations from environmental and conservation groups provides protections for sage grouse.

It proposes excluding livestock grazing on priority and general sage grouse habitat.

That alternative also proposes designating a 96,000-acre area of critical environmental concern (ACEC) in the highest quality sage grouse habitat.

The ACEC would be scattered, with the designation consisting of blocks of BLM land 4,000 acres or larger.

The alternative was drafted by WildEarth Guardians and endorsed by 19 conservation organizations.

"The agency's proposed plan identifies priority areas for sage grouse, then protects industries in these key habitats rather than sage grouse," said Erik Molvar, Wildlife Biologist with Wild Earth Guardians, the group's sage brush sea campaign director.

The preferred alternative, he said, does not limit the density of oil and gas well pads in sage grouse habitat or offer buffers around leks, the areas where the birds gather to strut and mate, he said.

And it doesn't limit overall allowable surface disturbance, Molvar said.

"In many places across the range of the sage grouse you're seeing limits of 3 to 5 percent."

Most of the BLM plans being proposed elsewhere offer no surface occupancy rules for future oil and gas development, he added.

"Really the bottom line is in this primary habitat we need to have large tracks of undisturbed sage grouse habitat," Molvar said.

The BLM's Carr said the preferred alternative doesn't address new oil and gas leases in sage grouse habitat because the Lewistown office already can't issue new leases in existing wildlife habitat as a result of a previous court-approved order.

The preferred alternative was developed with input from 12 cooperating federal, state and local agencies including the Petroleum County Conservation District, grazing districts and county commissioners in Fergus, Petroleum and Judith Basin counties.

"Our main topic here was grazing, to make sure we didn't restrict our landowners out of business," said Carl Seilstad, a Fergus County commissioner.

Some people think predators such as skunks and raptors are having an impact on sage grouse populations and should have been better addressed in the alternatives, he said.

"I think everybody realizes that we don't want to see it listed because then the restrictions go on to private property rights as well," Seilstad said.

A third alternative was developed using recommendations from a national sage grouse technical team created by the BLM made up of state and federal wildlife management agencies.

It recommended stronger conservation measures, too, with the focus mostly on the highest priority sage grouse habitat.

To implement the sage grouse protections, the BLM is proposing to amend the Judith and Headwaters resource management plans.

Steps to conserve sage grouse habitat are being taken by federal agencies and states across the West because the U.S. Fish and Wildlife Service is proposing to list it using the Endangered Species Act.

A major reason the agency has cited in considering the listing is inadequate regulations to protect the bird's habitat. State and federal land managers are hoping to avoid the listing, which would bring tougher limits on energy development and grazing, by implementing their own management changes now.

The public until has until Feb. 5 to comment on the Lewistown BLM office's plan. Carr said the agency hopes to make a final record of decision by September 2014.

Land-use planning must be completed by the end of 2014 to give Fish and Wildlife Service time to evaluate the plans before the agency must make a court-ordered, final listing decision in 2015, according to the BLM.

“We feel the plan we have puts in place the regulatory mechanisms they cited as being a reason why to consider listing the sage grouse,” Carr said.