

Lands and Realty Greater Sage-Grouse Implementation Guide

Version 2.1

Introduction

This document provides guidance for the greater sage-grouse (GRSG) land management plan (LMP) amendments for Idaho and Southwest Montana, Nevada, and Utah; specifically, the Curlew National Grassland and the Ashley, Boise, Bridger-Teton, Caribou-Targhee, Dixie, Fishlake, Humboldt-Toiyabe, Manti-La Sal, Salmon-Challis, Sawtooth, and Uinta-Wasatch-Cache National Forests (affected Forests and/or Grasslands) within the Intermountain Region – Region 4.

Implementation of the decision on each of the affected Forests or Grasslands shall follow the standards and guidelines contained in the September 16, 2015, Greater Sage-grouse Record of Decision (ROD) for Idaho and Southwest Montana, Nevada, Utah, and Wyoming. The first step when reviewing permitting activity should be to refer to the relevant Greater Sage-grouse ROD and Plan Amendment for the state where the proposed activity will occur.

Plan Objective

The LMP amendments include an Objective to retrofit existing tall structures (e.g., power lines and communication towers, as defined in the ROD under Glossary of Terms) in GRSG nesting habitat with avian perch deterrents or anti-perching devices within 2-years of the signing of the ROD. The rationale for avian perch deterrents or anti-perching devices is to discourage avian predation on the Greater Sage Grouse, their eggs, and young. This objective is not a mandatory requirement for current uses under a special use authorization. However, such deterrents and other protective measures may be required when an existing special use authorization expires or there is a special use authorization holder initiated request for modification. This Objective does not apply to portions of the Ashley, Bridger-Teton, and Uinta Wasatch-Cache that are in Wyoming. In Wyoming, the guideline is limited to: “when possible, perch deterrents should be installed on existing and new overhead facilities.”

To move toward the Objective, Forests are being asked to perform the following:

1. Review nesting habitat using the web-based [habitat tool](#) on the [Implementation Web Site](#)
2. Review special use authorization files to determine which uses/improvements reside in nesting habitat.
3. Notify special use authorization holders seeking their cooperation to voluntarily install perch deterrents on tall structures. A sample letter for use is attached as Appendix A.

Lands with an Objective to Retrofit Tall Structures in Sage-Grouse Nesting Habitat

	IDAHO and SOUTHWEST MONTANA	NEVADA	UTAH	WYOMING
NFS unit	Beaverhead-Deerlodge, Boise, Caribou-Targhee & Curlew NG, Salmon-Challis, Sawtooth	Humboldt-Toiyabe	Ashley, Dixie, Fishlake, Manti-LaSal, Uinta Wasatch Cache	Ashley, Uinta Wasatch Cache, Bridger-Teton
Habitat	Nesting, PHMA, GHMA, IHMA	Nesting, PHMA, GHMA, OHMA	Nesting, PHMA, GHMA, Anthro Mtn.	PHMA, GHMA
Objective – retrofit perch deterrents or anti perching devices	Yes. Amendment Page 79	Yes. Amendment Page 114	Yes. Amendment Page 143	No

Standards and Guidelines

There are six standards and two guidelines that apply across the affected Forests and Grassland. All standards recognize that existing authorized uses will be allowed to continue.

Four standards address authorization of new uses (including temporary uses) during renewal, amendment, or reissuance of existing authorizations and two standards address removal or relocation of existing uses if the authorized use is discontinued through termination or revocation. The focus of the first four standards is to restrict/limit the installation of new infrastructure that could have adverse impacts on GRSG and their habitats, unless absolutely necessary (e.g., safety needs). Such new infrastructure is only allowed if adverse impacts will be avoided. New uses are allowed under certain conditions, such as co-location, and if the authorization includes stipulations to protect GRSG, their

Tall Structure: The definition of a tall structure appears in Amendment Glossaries and should be referenced as necessary. The final interpretation of what is, or is not, a tall structure, is the role of the authorized officer. Consider tall structures to be those structures greater than 1 meter taller than the surrounding shrub canopy, excluding fences (Great Basin ROD and Amendment, page 111).

Perch Deterrent: A device, such as a commercially available or constructed device, that has components (wire or other protrusions) that prevent birds, especially raptors, from being able to easily land and rest on a structure. The interpretation of what constitutes a perch deterrent is at the discretion of the authorized officer, who may compare function and form with commercially available devices for evaluation

habitats, or are otherwise mitigated in a manner that results in no net loss of habitat or long-term negative impacts to GRSG. Refer to Mitigation guidance in on the [Implementation Web Site](#) if needed.

Protective stipulations must be included when an existing authorization is due to expire and a new authorization will be issued and/or when there is a request for a modification (i.e., an amendment) to an existing authorization.

Amendment Guidelines address the siting of new infrastructure outside of designated corridors or existing rights-of-ways. Use of the best available science and monitoring to inform decisions on the siting of infrastructure in GRSG habitat is necessary. Again, the overall goal is to minimize location of infrastructure (including through colocation) with potential to adversely impact GRSG and their habitats.

Requests for new land use authorizations, including holder initiated requests for modification (amendment) must meet the initial and second screening criteria as enumerated in 36 Code of Federal Regulations (CFR), Section 251.54, and Forest Service Handbook (FSH) 2709.11, Chapter 10. Under initial screening, one of the criteria for consideration is whether the proposed new use is consistent *or can be made* consistent with standards and guidelines in applicable land management plans. Issuance of a new authorization, upon expiration of the existing authorization, or requests to amend (modify) existing uses are not subject to the two-level screening criteria. However, new authorizations to replace expired authorizations for existing uses are evaluated against the terms and conditions of the authorization and agency policy at FSH 2709.11, section 11.2, paragraph 2. Again, one of the criteria for consideration is whether the use or proposed use conforms to the applicable land management plan.

An area of ambiguity may arise if the applicant or holder is willing to offset impacts through mitigation (compensatory or otherwise). The appropriate line officer should weigh whether the potential benefits to be realized to GRSG and their habitats through mitigation are greater than the adverse impacts to siting or the continued use without protective measures (where such protective measures may not be feasible).

Data on habitat and infrastructure may be found in the Habitat Guide and by using the web based habitat tool.

Monitoring Implementation

Decisions on approval, denial, or changes to proposed activities or facilities must be documented. If projects such as environmental impact statement (EISs), environmental assessments (EAs), or categorical exclusions (CEs) are conducted according to National Environmental Policy Act (NEPA) procedures, requiring the projects to be entered into the Forest Service Planning Appeals and Litigation System (PALS). For other non-NEPA activities (e.g., placing guy wire markings or perch deterrents, if no amendment required e.g. addition to operating plan), track the activities in the anthropogenic features layer of the web mapping tool or in coordination with the Bureau of Land Management's [SDARTT](#) (currently in development). Refer to the Anthropogenic Disturbance Guide on the [Implementation Website](#).

Landownership Adjustment

In all GRSG habitat types within the Intermountain Region affected Forests and Grasslands, landownership adjustment (LOA) activities should not be approved unless the action results in a net

conservation gain (as defined in Amendments) or it will not directly or indirectly adversely impact GRSG conservation. This is especially true when contemplating LOA transactions that may involve split or segregated estates. LOA actions should be considered where benefits of such actions will improve GRSG habitats (e.g., consolidate property or protect habitat from development through a conservation easement) and/or improve GRSG population trends.

Land Withdrawal

The Assistant Secretary of the Interior for Land and Minerals Management has approved an application to withdraw approximately 800,000 acres of National Forest System lands identified as Sagebrush Focal Areas in Idaho, Nevada, Oregon, and Utah from location and entry under the United States mining laws to protect the Greater Sage-Grouse and its habitat from non-discretionary locatable mineral exploration and mining, subject to valid existing rights. The action has temporarily segregated the Sagebrush Focal Areas for up to 2 years while the application is processed. The action initiates the public scoping process for an Environmental Impact Statement (EIS) to analyze and disclose impacts of the proposed withdrawal. The Bureau of Land Management is the lead agency for the withdrawal and the US Forest Service is a cooperating agency. The decision by the Secretary of the Interior will determine which lands will ultimately be withdrawn from location and entry under the United States mining laws. The expected signing date of the EIS is in September of 2017. Minerals, Forest and Lands staff will work with Bureau of Land Management, and provide special expertise in the analysis of environmental impacts of proposals and reasonable alternatives on affected NFS lands.

The RODs refer to recommending withdrawal of lands from locatable mineral entry to the Secretary of the Interior (Great Basin, page 34; Rocky Mountain, page 32).

Wind and Solar

Currently, there are no wind or solar utility or commercial energy developments in GRSG habitat on affected Forests within the Intermountain Region. Although the potential for wind and solar energy development is high in many locations, the terrain and lack of accessibility to the grid makes it generally unsuitable for development. Additionally, authorizations for wind and solar energy power facilities are issued only if non-National Forest System lands are not reasonably available and if adverse impacts can be minimized.

Requests for authorization of new utility or commercial wind or solar energy development, including installation of testing towers, should be rejected based on guidance in the LMP amendments, except when associated with existing industrial infrastructure (e.g., mine site).

Areas with potential wind or solar resources on NFS land are included in the National Renewable Energy Laboratory's [*Assessing the Potential for Renewable Energy on National Forest System Lands*](#).

Disturbance Measurements and Calculations

Refer to guidance on the [Implementation Web Site](#) for information regarding current land uses and anthropogenic disturbances.

Lands and Realty Implementation Guide – Appendix A

Dear <insert holder>:

On September 16, 2015, the Intermountain Regional Forester, Nora B. Rasure signed a Record of Decision which amended several Forest/Grassland Land and Resource Management Plans to incorporate provisions for Greater Sage-Grouse habitat conservation. The decision was a culmination of an unprecedented planning effort with the Bureau of Land Management, State Governments, and multiple interested stakeholders. The amendments contain standards and guidelines that reduce, eliminate, and minimize threats to sage-grouse habitat. The amendments resulted in the Fish and Wildlife Service determining that listing of Greater Sage Grouse under the Endangered Species Act was not needed. Information on the Forest Service's decision can be reviewed at the following website: <http://fsweb.r4.fs.fed.us/unit/nr/sagegrouse/index.shtml>.

This letter is intended to inform you about the new standards and guidelines that may affect your permitted use of National Forest System land in Greater Sage-grouse habitat. First, currently authorized uses may continue. New authorizations, and those reissued upon expiration of a current permit, however, may require stipulations related to noise, tall structures, guy wire removal, and perch deterrent installation. A perch deterrent is a device attached to a tall structure that is designed to prevent birds of prey from using the structures as platforms from which to hunt sage-grouse.

An additional objective for Intermountain Region Forests in Utah, Idaho, and Nevada is to retrofit existing tall structures (e.g. power poles, communication tower sites) with perch deterrents or other anti-perching devices by September 2018. This objective is a desired goal. The Forest Service, therefore, is seeking your cooperation to voluntarily install perch deterrents to help us meet this objective. Enclosed is a map that identifies nesting habitat and location of potential "tall structures" that may be authorized to you.

We acknowledge the importance of working together for Greater Sage-Grouse habitat conservation, and appreciate any efforts you may make for meeting our perch deterrent objective. There are many types of perch deterrents that are commercially available or that could be adapted to existing structures, and the Forest Service would rely on your expertise to determine the type of perch deterrents would be most appropriate for your structures.

For questions or concerns regarding the above please contact <insert local forest person, telephone number>.