

Toplines

- The administration’s plans will **significantly reduce protections on over 51 million acres of designated habitat** in Colorado, Idaho, Nevada, Oregon, Utah, and Wyoming. Sagebrush Focal Areas (SFAs) – the most important habitat for the long-term survival and recovery of the species – are reduced by over 80 percent and eliminated in all states but Montana and Oregon. Priority Habitat Management Areas, which should provide the strongest remaining protections, have been significantly undermined by the uncertainty that protective management will actually be applied.
- **Compensatory mitigation is now optional**, even though it was one of the pillars of the U.S. Fish & Wildlife Service’s (FWS’s) 2015 determination that an Endangered Species Act (ESA) listing for sage-grouse was “not warranted,” and will depend entirely on the willingness of industry and states to commit to and enforce compensatory mitigation requirements on federal lands (a concept that is on shaky legal footing, at best).
- **The plans will also relax existing protections against oil and gas development by making it far easier for companies to obtain waivers, exceptions, or modifications** to no-surface occupancy (NSO) stipulations, eliminating the requirement to prioritize leasing outside of grouse habitat in Utah and parts of Wyoming. And, in Colorado, hundreds of thousands of acres of habitat that were closed to leasing are now open to leasing and with even more loopholes available to avoid surface disturbance protections.
- Overall, **the plans will make it much easier for industry to pursue drilling and other damaging activities in the most important habitat for sage-grouse**, while eliminating requirements to compensate for the resulting lost habitat. This will dramatically reduce the regulatory certainty provided by the 2015 plans and underlying the FWS’s “not warranted” decision, calling into question whether the sage-grouse, and the 350 other species that depend on sagebrush habitat, can survive.

Additional Detail on Key Changes in the 2019 Sage-Grouse Plans from the 2015 Plans

| Key Plan Element | 2015 Plans | 2019 Plans | Notes |
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| Habitat Designations – areas designated for varying levels of protection in six states subject to the plan amendments | Applied heightened protections on more than 67 million acres of designated habitat on BLM land in ten western states. Protections included: <ul style="list-style-type: none"> • 10.7 million acres of SFAs; and | Eliminate and significantly weaken those protections on over 51 million acres, over 75 percent of the habitat designated for heightened protection under the 2015 Plans. Notably, the 2019 Plans: | |

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| | <ul style="list-style-type: none"> • 502,500 acres of General Habitat Management Areas (GHMAs) in Utah. | <ul style="list-style-type: none"> • Eliminate 8.9 million acres of SFAs (83% reduction from the 2015 Plans); and • Eliminate GHMAs entirely in Utah. | |
| <p>Sagebrush Focal Areas – most protective designation, even without mineral withdrawal</p> | <p>Included in all states except Colorado and Dakotas; SFAs were not only recommended for hardrock mineral withdrawals, but only permitted oil and gas leasing with non-waivable prohibitions on surface disturbance (directional drilling only), prohibited other types of energy development, and were prioritized for grazing permit reviews and post-fire treatments</p> | <p>Eliminated in all states except Montana and Oregon</p> | |
| <p>Compensatory mitigation – required off-site compensation for activities that harm or destroy habitat; the 2019 Plans now increase burden on states to create/administer robust mitigation programs</p> | <p>All plans relied on this tool to ensure compliance with net conservation gain standard and state mitigation plans.</p> | <p>BLM guidance issued in 2018 prohibits BLM from requiring compensatory mitigation. Plans now provide that when authorizing third-party actions that result in habitat loss and degradation, BLM will consider voluntary compensatory mitigation actions only as a component of compliance with a state mitigation plan, program, or authority, or when offered voluntarily by a project proponent. This means the plans depend on volunteers and states to have some type of compensatory mitigation plan that includes the authority to require project proponents to take</p> | |

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| | | action even when they're acting on federal lands – abdicating federal responsibility. | |
| No surface occupancy stipulations – prevents habitat destruction for oil & gas development | Most plans only permitted one-time exceptions of NSO stipulations that required unanimous consent of BLM, state wildlife agencies and the U.S. Fish & Wildlife Service (FWS) | Most plans permit waivers (complete for entire lease), exceptions (one-time), and modifications (changes to lease term) for a wider variety of reasons. FWS is no longer guaranteed any kind of input in most states. Many more loopholes in this foundational protection mean it is less sure when and if it will be applied. | Colorado also had approximately 225,000 lands closed to leasing that are no longer closed (under the 2019 Plans, they are managed with NSO stipulations that are subject to waiver, exception, modification and to exceptions and modifications that can be proposed by counties). |
| Prioritizing oil and gas leasing and development outside habitat | Included in all states | Removed from Utah and from GHMAs in Wyoming | Still seriously undermined in all states regardless of where the obligation is retained in the 2019 Plans given the guidance issued in December 2017 that states that BLM will continue leasing in grouse habitat and because of substantial, ongoing leasing in grouse habitat |
| Disturbance caps to limit disturbance to habitat – providing certainty of how much harm will be permitted to habitat | Included in all states – 3% in most states; 5% in Wyoming and option for Montana to move to 5% | Weakened in Utah and Idaho | |
| Adaptive management – ensuring actions are taken before too much harm can occur | Soft and hard triggers in place to ensure actions are taken immediately when habitat conditions reach levels where action is needed | Public notice is no longer required, focus on removing added protections as soon as possible | |

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| <p>Lek buffers – limiting activities within specified distances of leks to protect breeding activities</p> | <p>Specified based on USGS report</p> | <p>Adding “flexibility” in states like Colorado and Nevada, removing buffers altogether for certain activities or in certain areas in Idaho and Utah</p> | |
| <p>Net conservation gain – standard that required net gain of habitat if habitat was lost</p> | <p>Net conservation gain standard was applied across all plans</p> | <p>Eliminated in Utah, Wyoming, Idaho (replaced with “no net loss”)</p> | <p>Note both net conservation gain and no net loss standards arguably require use of compensatory mitigation – and that tool is now limited – see above</p> |