



## **BLM's and US Forest Service's 2015 Sage-Grouse Land Use Plan Amendments Create Unworkable and Burdensome Land Use Restrictions and Prohibitions**

### ***Plans Affect over 173 Million Acres of Habitat in Eleven Western States Propose Withdrawing 10 Million Acres from Mineral Exploration and Development***

**The September 2015 Records of Decision implementing Land Use Plan Amendments (“LUPAs”) for the Greater Sage Grouse (“GSG”) include sweeping land use restrictions and prohibitions that conflict with the multiple use principles that govern the Nation’s public lands.**

- The LUPAs severely limit mineral exploration and development; oil and gas development; geothermal, wind, and solar energy; ranching; recreation; roads and travel; the construction of new power lines and pipelines; and other important public land uses.

**The LUPAs govern land uses in GSG habitat in two regional planning areas.**

- The Great Basin Region: Idaho, Nevada, Northeastern California, Southwestern Montana, Oregon, and Utah; and the Rocky Mountain Region: Colorado, Montana, North Dakota, South Dakota, and Wyoming.

**The onerous land use restrictions and prohibitions in the LUPAs include:**

- Land closures and strict limits on new disturbances in Priority Habitat
- Significant restrictions on new disturbances in General Habitat
- Seasonal use constraints that put lands off limits for up to 10 months each year
- A three percent human disturbance cap that severely constrains project development
- Constraints on allowable locations for new utility corridors
- Widespread travel restrictions, road closures, and limitations on new road building
- Unachievable vegetation habitat objectives for rangelands
- Impractical No Surface Occupancy requirements for oil and gas that obstruct domestic energy production in violation of President Trump’s Energy Independence Executive Order (13783)

**The Final Environmental Impact Statement (“EIS”) prepared for the LUPAs added Sagebrush Focal Areas (“SFAs”) affecting 10 million acres in Idaho, Montana, Nevada, Oregon, Utah and Wyoming where special restrictions, land closures, and prohibitions apply.**

- Because the SFAs were not included in the Draft EIS, the public was deprived of its rights under the National Environmental Policy Act (“NEPA”) to provide comments on the SFAs.

**The SFA special restrictions and prohibitions include:**

- Proposed withdrawal from operation of the Mining Law putting lands off-limits to mining
- Stringent No Surface Occupancy rules for oil and gas development and geothermal energy
- Closure of lands for wind and solar energy development
- Special scrutiny and likely cutbacks for grazing permits

**The LUPAs implement the landscape-scale planning and mitigation policies in Secretary Jewell’s Secretarial Order 3330 that requires net conservation gain and compensatory mitigation for projects on BLM-administered lands.**

**Secretary Zinke's recent Secretarial Order 3349 revoked Secretarial Order 3330.**

- Zinke's Order rejects the net conservation gain requirement for projects on public lands and requires a review of all actions (like the LUPAs) that were undertaken pursuant to Secretarial Order 3330 so they may be reconsidered, modified, or rescinded.

**The LUPAs were the precursor to BLM's Planning 2.0 Regulations that Congress recently repealed under the Congressional Review Act.**

- The repeal of Planning 2.0 and Secretary Zinke's Secretarial Order 3349 significantly undermine the land management philosophies that are the basis for the LUPAs and call into question the viability of many of the LUPAs' land use decisions.

**BLM's Draft EIS for the proposed 10 million acre SFA mineral withdrawal clearly shows that prohibiting mineral activities is unnecessary to protect GSG.**

- The Draft EIS predicts future exploration and mining would disturb a mere 2,620 acres in the 10-million acre SFA in the next 20 years, causing a miniscule impact on GSG habitat.
- The DEIS reveals that withdrawing the SFA will have an enormous adverse socioeconomic impact on state and local governments – costing roughly \$700 million in lost annual economic output in the region for the next 20 years (a cumulative loss of \$14 billion).
- BLM should complete the Final EIS for the proposed mineral withdrawal and select the No Action Alternative (no withdrawal) because the withdrawal is unnecessary to protect GSG.

**The mineral withdrawal Draft EIS has important implications for future reviews of the GSG's listing status under the Endangered Species Act.**

- The insignificant impact that mining has on GSG habitat documented in the Draft EIS is consistent with the U.S. Fish and Wildlife Service's 2015 not warranted listing determination which states mining affects less than 0.1 percent of GSG habitat range wide.

**The LUPAs spawned numerous lawsuits in several federal district courts challenging the land use restrictions and prohibitions and asserting that BLM and the Forest Service violated numerous laws in preparing the EIS documents for the LUPAs.**

**In the Nevada lawsuit, *Western Exploration, LLC et al. v. U.S. Department of the Interior et al.*, the federal district court in Nevada recently remanded the Great Basin Record of Decision due to NEPA violations and ordered BLM and the Forest Service to prepare a Supplemental EIS.**

- The court ruled that changes between the Draft EIS and the Final EIS, including the last-minute addition of the SFAs and changes to the habitat classification map, were unlawful because the public had no opportunity to comment on these changes as NEPA requires. The Supplemental EIS must evaluate these changes and let the public provide comments.

**The Amended LUPAs must comply with Secretarial Order 3349 and new Executive Orders**

**Congress should provide funds for the agencies to prepare the Supplemental EIS per the Court's remand order and create a strong record that the LUPA land use restrictions and mineral withdrawals are not necessary to protect GSG**