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Department of the Interior Proposes 10-Million-Acre Mineral Entry Withdrawal

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Today, the U.S. Department of the Interior (DOI) proposed to withdraw approximately 10 million acres of land in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming from mineral entry under the mining laws. The proposal comes one day after the U.S. Fish and Wildlife Service's (USFWS) decision not to list the sage-grouse, and as part of the Bureau of Land Management's (BLM) and the U.S. Forest Service's (Forest Service) amendments to 98 land use plans for conserving sage-grouse and their habitat across the West.

DOI's intent to withdraw lands from mineral entry was first officially made public in May 2015 when BLM and Forest Service released the final Environmental Impact Statements and proposed land use plan amendments for the sage-grouse. Reports had surfaced earlier in the year that USFWS Director Dan Ashe recommended in an October 27, 2014, internal memorandum that the agencies implement "the strongest levels of protection" for "a subset of priority habitat most vital to the species persistence." In response to the USFWS request, the final plan amendments included the designation of Sagebrush Focal Areas within Priority Habitat Management Areas—those areas considered the "best of the best" habitat and "essential for the species survival"—to be withdrawn from mineral entry. Yesterday's decision by the USFWS not to list the sage-grouse is based in large part on implementation of amended federal land use plans, including the proposed withdrawals.

Critics of the proposed withdrawals question whether eliminating hard rock mining in the Sagebrush Focal Areas is necessary to conserve sage-grouse, arguing that the ban does not address threats to sage-grouse from wildfire, invasive species, and wild horse and burro mismanagement and instead targets the rural communities that rely on these public lands for local jobs and revenue. The agencies and conservation groups counter that the proposed withdrawal areas are not highly sought after by the mining industry and will ensure long-term protection of the most valuable sage-grouse habitat. In either case, the federal agencies have made the withdrawals a key component of their land use plan amendments and overall sage-grouse conservation strategy.

Today's notice kicks off a two-year application process, including preparation of an Environmental Impact Statement to analyze the impacts of the proposed withdrawals and culminating with a decision whether to ban mining on the withdrawn lands. Other mineral and geothermal leasing would not be affected by the withdrawal. Pending DOI's decision, the

proposed withdrawal areas are temporarily segregated from mineral entry.

Comments on the proposed withdrawal and on the scoping notice for the associated Environmental Impact Statement are due on or before December 23, 2015. The comment period provides an opportunity for the mining industry, local communities, and other interested parties to submit information detailing the potential economic effects of withdrawal. DOI has also acknowledged the importance of the application period to more closely examine and consider possible refinements to the mapped withdrawal areas.

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