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Bureau of Land Management Initiates NEPA Scoping Process for Potential Changes to the Sage-Grouse Land Use Plan Amendments and Issues Notice of Cancellation of Withdrawal Application/Proposal



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Insight — October 13, 2017

On October 11, 2017, the Bureau of Land Management (BLM) issued a notice in the Federal Register requesting scoping comments under the National Environmental Policy Act (NEPA) regarding the agency's proposed consideration of changes to the controversial sage-grouse land use plan amendments (sage-grouse plans) finalized in September 2015.

On the same day, the BLM issued a notice of cancellation in the Federal Register, which cancelled its withdrawal application and the withdrawal proposal relating to approximately 10 million acres of public and National Forest system lands located within Sagebrush Focal Areas (SFAs) in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

Notice of Intent to Amend Land Use Plans and Prepare Environmental Impact Statement

BLM's proposal to consider amending the sage-grouse plans is to comply with the order issued March 31, 2017, from the U.S. District Court for the District of Nevada finding that BLM violated NEPA in preparing the Nevada and Northeastern California Sage-grouse Resource Management Plan Amendment in Nevada. The agency's notice follows recommendations made in an August 4, 2017 report of the Department of Interior Sage-Grouse Review Team (DOI Team) to Secretary Zinke, which was convened pursuant to Secretarial Order 3353, “Greater Sage-Grouse Conservation and Cooperation with Western States” issued on June 7, 2017. The report to the Secretary recommended consideration of a number of amendments to the sage-grouse plans to respond to issues raised by the States during discussions with the DOI Team. The recommendations included potential amendments regarding SFAs, oil and gas leasing restrictions, mitigation standards, habitat objectives, adaptive management triggers, exclusion and avoidance areas, required design features, lek buffers, and habitat mapping.

Pursuant to the report and the U.S. District Court's order, BLM announced

the beginning of the scoping process to solicit public comments regarding sage-grouse land management issues. In the notice of intent, BLM specifically requests input on the following:

> the SFA designation, mitigation standards, lek buffers in all habitat management area types, disturbance and density caps, habitat boundaries to reflect new information, and reversing adaptive management responses when the BLM determines that resource conditions no longer warrant those responses. The BLM also seeks comment on State-specific issues, such as the need for General Habitat Management Areas in Utah, and other issues identified by State, tribal, and local governments. The BLM also seeks input on planning criteria, which include compliance with laws and regulations and adequacy of Greater Sage-Grouse conservation measures in the land use plans.

BLM also seeks input on whether the planning effort should occur through state-by-state amendment processes and decisions.

We recommend that anyone with an interest in the public lands covered by the sage-grouse plans submit comments to identify issues, management questions, and concerns that BLM should consider in its efforts to amend those plans. The input provided during the scoping period will help inform BLM's decision making as to how to best balance sage-grouse conservation with the agency's multiple-use mandate and define the scope of the planning process. **Comments must be provided by November 27, 2017.**

Notice of Cancellation of Withdrawal

BLM initially published a notice of proposed withdrawal in the Federal Register on September 24, 2015, proposing to withdraw approximately 10 million acres of public and National Forest System lands in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming from location and entry under the United States mining laws for 20 years, subject to valid existing rights.

In cancelling its withdrawal application and withdrawal proposal of lands located within SFAs, effective October 11, 2017, BLM states that “the lands are no longer needed in connection with the proposed withdrawal.” Therefore, “the lands are currently open to location and entry under the United States mining laws, subject to valid existing rights, the provision of existing withdrawals, and other segregations of record, and the requirements of applicable law.” BLM has also terminated the preparation of an environmental impact statement that would have evaluated the application and proposal. This is an important decision in the impacted States including Nevada, where 2.8 million acres was proposed for withdrawal from mineral entry.

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