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Sent: Wednesday, June 30, 2010 1:21 PM
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Cc: Brian Rutledge; Bill Hill; Chris Keefe; Mark Winland; Jonathan Madill; Paul Ulrich; Clint McCarthy; Peter McDonald; Brian Kelly; Pat Deibert; Rene Braud; Doug Thompson; Helen Jones; Jason Fearneyhough; Ryan Lance; John Andrikopoulos; Donna Wichers; John Emmerich; Penny Bellah; Xavier Montoya; Carol Bilbrough; John Corra; Susan Child
Subject: Thank you
Attachments: Governors Conveyance Letter From SGIT FINAL LETTER 28 June 2010.docx; SGIT STIPS FINAL June 28 2010.docx

Good Morning!

On behalf of the Governor's Implementation Team, I would like to thank you for your input, dedication, and commitment to the process of developing a statewide conservation strategy for Sage-grouse. Your input, honesty, and expertise added greatly to the final product, one that we believe will assure the future of Sage-grouse, and our economy.

I realize that not every group was rewarded with 100% of their desires, but I do believe the team was fair, consistent, and acted in the best interests of the State of Wyoming. We could not have done this without your help.

Thanks again, and have a great day!

Bob

P.S. - The final stips and letter to the Governor are attached. They are also available on the Governor's website.

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WYOMING SAGE-GROUSE IMPLEMENTATION TEAM

Monday, 28 June 2010

Governor Dave Freudenthal
State Capitol
Cheyenne, Wyoming 82002

Dear Governor Freudenthal,

Your Sage-Grouse Implementation Team (SGIT), with the assistance of eight local working groups (LWGs), and substantial input from the public, has completed the tasks you assigned us in your letter of 09 March 2010. Specifically, you requested that we, 1) reassess the Core Population Area (CPA) maps in light of the most current biological and development information, 2) address the issue of connectivity between populations of geographic importance, 3) recommend a procedure and guidelines for development within Core Population Areas and non-core areas, and, 4) consider needs for research, inventory, and habitat protection. The contents herein outline the most recent process in detail, and we would respectfully request that you implement the recommendations of the SGIT at your earliest opportunity.

MAPPING

In the time since the initial CPAs were identified, this approach has been re-analyzed repeatedly, and has proven to be a sound conservation strategy, as recognized by the U.S. Fish and Wildlife Service in their listing decision of 03 March 2010. In the most recent analysis of the original Core Population Areas, the SGIT asked each of the local working groups (Jackson Hole, Upper Green, Southwest, South-Central, Wind River, Casper-Bates Hole, Big Horn Basin, and Northeast) to closely assess each of the CPAs in their region using a specific set of sideboards provided by the SGIT. This was done using high-resolution aerial photos, current breeding data, a statewide sagebrush cover map, actual permitted activity, and all other information available (including valuable anecdotal knowledge) relevant to the local areas. Those recommendations were reviewed by the SGIT, and sent back to each of the LWGs for further clarification. As a result, the adjustments you see to the CPAs have been generally reviewed at a fine-scale analysis at least three and more often, four times since the initial areas were defined. We would like to thank you and the Wyoming Legislature for significant investment in better mapping; this investment has significantly improved the quality of our work.

In the CPA boundary revision process, additions and subtractions from the original 2008 boundaries have added to the integrity of the Core Population Area strategy. The percentage of breeding birds within CPAs increased slightly in this analysis, while potential conflicts declined significantly. Issues related to seasonal habitats and connectivity have been largely resolved. Further analysis has identified breeding populations that were not fully protected as a result of their location at the edge of Core Population Areas, and populations fully conserved within suitable habitats. The analysis was done on an individual lek basis, by LWGs and biologists in the local areas. These adjustments to populations are included in the current count, which indicates that Wyoming has assured significant protection for 83.1% of the Sage-grouse in the state within CPAs. At the same time, we have endeavored to assure economic activities which are vital to the State of Wyoming will be allowed to continue, both inside and outside Core Population Areas.

The final Core Population Area map recommendations were delivered as part of this process, and when approved, will be posted for public use in their final configuration. We would recommend that these boundaries not be adjusted for five years, and then, only when adequate data is present to either expand, contract, or replace portions of Core Population Areas. We fully recognize that these boundaries are defined by the biology we have at hand today, and that they have been derived by a combination of biological and development information. The primary concern of this team has been to provide a plan that provides maximum protection for Sage-grouse, in full recognition of human activity, past, present, and future, in key habitats for that species.

CONNECTIVITY

The issue of connectivity was raised in the listing decision as a roadblock to effective recovery of the species. While Wyoming cannot manage Sage-grouse outside our jurisdiction, we have developed a strategy that identifies and protects the ability of the species to move into, and out of Wyoming, in a manner that is largely unhindered by new development. As you can see from the current mapping effort, there is ample opportunity for birds to maintain genetic diversity within the state, and to allow genetic mixing with birds in Montana, Colorado, Utah, and Idaho. This is the primary reason some originally separate Core Population Area boundaries were connected (e.g Big Horn Basin, eastern Wyoming) within the state in this revision. In addition, two key connectivity areas have been identified in northern Wyoming to maintain potential movement of birds in those areas. Within these connectivity areas, development should be tailored to minimize disturbance of sagebrush habitats, and to actions that do not impede movement of migrating birds. Recommendations for management in connectivity areas were developed by the Northeast LWG, in a joint effort between

federal land management agencies, private landowners, industry, and other interested parties. We fully support that effort, and heartily endorse the notion that local solutions are far superior to statewide standards in that regard. Specific recommendations relative to connectivity are as follows:

1. Encourage the suspension of federal and state leases in the connectivity corridors where there is mutual agreement by the leasing agency and the operator. These suspensions should be allowed until additional information clarifies their continued need. Where suspensions cannot be accommodated, disturbance should be limited to no more than 5% (up to 32 acres) per 640 acres of suitable sage-grouse habitat within connectivity corridors.
2. Implement a controlled surface use (CSU) buffer of 0.6 miles around leks or their documented perimeters and a March 15 – June 30 timing limitation stipulation be required within nesting habitat within 4 miles of leks.

There remains interest in identifying connectivity areas throughout the state, especially between Western Association of Fish and Wildlife Agencies management zones. We do not have adequate data at this time to either identify those areas, or to reject their existence. We would recommend this determination be made only when sufficient data can confirm the need for further delineation. We expect that if the need arises, LWGs throughout the state will develop local recommendations to protect the needs of Sage-grouse relative to the connectivity issue.

WINTERING

As you are aware, we have completed the process of mapping vegetation, and are in the process of identifying seasonal habitats that may not be addressed within CPAs. As with the issue of connectivity, we do not have sufficient data to identify all of the needs of the species within those areas at this time. Research has indicated that winter habitat is rarely limiting. However, where winter habitat is shown to be limiting, loss of these habitats could result in a loss of birds in CPAs. It is our recommendation that LWGs, in conjunction with land and wildlife management agencies, industry, private landowners, and other interested parties continue to identify winter use areas. We have commitment from those parties to engage in that process immediately, and again, believe that local solutions will be the most appropriate to these unique habitat requirements.

PROCESS AND STIPULATIONS

Since your original Executive Order was signed in August 2008, guidance has been developed that will allow appropriate development in Core Population Areas that will not

contribute to Sage-grouse population declines. Oil and gas activity has already been studied extensively, and those stipulations have not been changed in this process. The U.S. Fish and Wildlife Service has already conveyed its concerns about development of wind resources in CPAs, and for now, it is presumed that wind development is not compatible with Sage-grouse. Mining has been assumed to be an historic, ongoing, highly-regulated activity. However, to address disturbance associated with new mine activity, new stipulations for mining have been recommended as a part of the complete package of practices that will be used to evaluate development within Core Population Areas. In addition to specific stipulation recommendations, the SGIT has identified a process we believe will address permitting of industrial activity within CPAs. These are included as Attachment A.

It is important to note that the development of these stipulations, as with previous stipulations, was done with the input and assistance of industry, conservation groups, and local working groups. We would particularly applaud the willingness of all industries to honestly address concerns relative to development within Core Population Areas. By example, numerous industries are already initiating efforts to enhance habitat, accelerate reclamation, and effect long-term conservation measures aimed solely at assuring the health of local populations. It is imperative that the State of Wyoming continue to defend those resource users who have chosen to be forthright in their efforts to conserve Sage-grouse as they develop our natural resources.

Some concern has been raised that this process gives some greater level of regulatory authority to the Wyoming Game and Fish Department. That is not the case, and it will be important to continue to clarify that the role of the department is consultative, and hopefully facilitative, as the people of Wyoming continue to develop our natural resources, including the well-being of Sage-grouse.

To date, state, local and federal agencies have done a good job of trying to work through the elements needed to avert a Sage-grouse listing. This effort has been made more effective through the voluntary participation of agriculture, industry, and local government, and their continued willingness to perform in manners that benefit Sage-grouse. However, the need to institutionalize the stipulations and processes within state government may remain. How you choose to approach that, whether through executive order, rule and regulation, legislation, or some combination of all we will leave to your discretion.

EXISTING ACTIVITIES

Consistent with your original Executive Order, it is assumed that existing activities in Core Population Areas will not be managed under CPA stipulations. Examples of existing activities include oil and gas, mining, agriculture, processing facilities, housing, and other uses that were in place prior to development of the Core Population Areas. . . . Provided these activities are within a defined project boundary (such as a recognized oil and gas unit, mine plan, subdivision plat, etc.), they should be allowed to continue within the existing boundary, even if the use exceeds our proposed stipulations for Sage-grouse. However, outside those areas, activities should be regulated in a manner consistent with process and stipulations for new activities, as provided in Attachment A.

Some specific examples of these activities may help to provide a better understanding of our intent and vision. The Oregon Basin oilfield in northwest Wyoming is older development, contained within a defined production unit, and will likely engage in some level of tertiary recovery, including closer well spacing, and increased activity. Within the unit boundary, that would not be treated as "new" activity and would not be subject to CPA stipulations.

Trona processing and extraction facilities owned by FMC Wyoming, near Granger, would be allowed to continue and expand within the mine permit boundary, without additional stipulations inside the permit boundary.

A third example is the Pinedale Anticline, and particularly "the flank" areas that are included within CPAs. Management of these areas should continue under the terms of the Supplemental Environmental Impact Statement Record of Decision as the underlying, existing NEPA analysis indicates such management is consistent with core area protection.

The point is that these activities have been ongoing for years prior to now, and should be allowed to continue within the permit area without unnecessary interference.

NON-CORE AREA STIPULATIONS

In non-core areas, less restrictive stipulations and greater flexibility for development is essential. We recommend using a 0.25 mile "No Surface Occupancy" standard, and a two-mile buffer for seasonal timing stipulations be applied to leks in non-core habitat. These stipulations will not prevent declines in sage-grouse numbers, but will allow some level of Sage-grouse persistence as demonstrated in areas with long-term development.

Additional incentives to encourage development outside core area should include stipulation waivers, and enhanced permitting processes.

Although this level of protection may lead to declines in Sage-grouse populations in non-core Sage-grouse habitats, not all non-core area habitat will be impacted by development. In addition, imposing a higher bar for development in Core Population Areas mitigates declines in non-core areas. This strategy has been recognized by the U.S. Fish and Wildlife Service in their support for management of Sage-grouse in Wyoming. Voluntary practices by industry including accelerated plug-and-abandon programs, intensive reclamation, consolidation of utility and travel corridors, and innovative habitat enhancement efforts also provide important mitigation outside Core Population Areas.

OTHER RECOMMENDATIONS

It is our understanding that the issue of electrical transmission is being addressed by another team, and we support that effort. We would reiterate our recommendation that transmission routes follow existing corridors. In those cases where that is not possible, transmission should be routed as far from active leks as possible.

In terms of research, the SGIT suggests that additional work is needed to:

- understand the impact of wind energy on sage-grouse
- document the effectiveness of different sagebrush habitat treatments
- identify and understand habitat uses by sage-grouse
- better understand connectivity
- better define the effects of other forms of development on sage-grouse

Inventory of seasonal habitats is still a high priority, especially identification of winter high-use areas.

It has been our experience that no decision in this matter is without fault. You will hear from some groups that this team has given over the future of the state to a bird. You will hear from others that industry has gotten everything, while the sage-grouse has gotten nothing. Members of the SGIT have endured pressure and criticism from all angles, yet have maintained a thoughtful and deliberate approach throughout the process. We are united in our belief that this approach to conservation is sound biologically, sound economically, and will serve as a model for management of sensitive species here and elsewhere.

You will hear that this process has lacked scientific integrity. To the contrary, this process has consistently relied upon the most current science relative to Sage-grouse

available. This effort has led to development of the same process in other states, and for other species, and it is adaptive to changing realities. More importantly, the results of this effort directly address concerns raised by the U.S. Fish and Wildlife Service relative to its listing decision. We are confident that the State of Wyoming has taken appropriate actions to assure this species will endure for centuries.

In closing, I would like to express my appreciation to each of the members of the Sage Grouse Implementation Team for their efforts over the past three years. This is a dedicated, passionate group of people who have sacrificed much for the greater good of our state. They have been ridden hard, and challenged greatly in the past four months. They have been professional, honest, and forthright throughout that process. Each of them has added value to the process, and each of them has taken their share of abuse for their effort. It has been a great honor to work with them.

Thank you for your consideration of these recommendations. At this time, I would ask that you dismiss the team, with appropriate thanks for their service.

Sincerely,

Bob Budd, Chairman
SAGE GROUSE IMPLEMENTATION TEAM

ATTACHMENT A

Permitting Process and Stipulations for Development in Sage-Grouse Core Areas.

PERMITTING PROCESS

Point of Contact: The first point of contact for addressing sage-grouse issues in any permit application should be the Wyoming Game and Fish Department (WGFD). Project proponents (proponents) need to have a thorough description of their project and identify the potential effects on sage-grouse prior to submitting an application to the permitting agency (details such as a draft project implementation area analysis, habitat maps and any other information will help to expedite the project). Project proponents should contact WGFD at least 45-60 days prior to submitting their application. More complex projects will require more time. It is understood that WGFD has a role of consultation, recommendation, and facilitation, and has no authority to either approve or deny the project. The purpose of the initial consultation with the WGFD is to become familiar with the project proposal and ensure the project proponent understands recommended stipulations and stipulation implementation process.

Maximum Disturbance Process: All activities will be evaluated within the context of maximum allowable disturbance (disturbance percentages, location and number of disturbances) of suitable sage-grouse habitat (See Appendix A for definition of suitable sage-grouse habitat and disturbance of suitable sage-grouse habitat) within the area affected by the project. The maximum disturbance allowed will be analyzed via a Project Impact Analysis Area (PIAA) process conducted by the Federal Land Management Agency on federal Land and the project proponent on non-federal (private, state) land. Unsuitable habitat occurring within the project area will not be included in the disturbance cap calculations.

1. Project impact analysis area (PIAA) delineation:
Determine all leks that may be affected by the project by placing a four-mile boundary around the project boundary (as defined by the proposed area of disturbance related to the project). All occupied leks located within the four-mile boundary will be considered affected by the project.

A four-mile boundary will then be placed around the perimeter of each affected lek. The area within the boundary of affected leks and the project boundary creates the PIAA for each individual project. Disturbance will be analyzed for the PIAA as a whole and for each individual affected lek within the PIAA. Any portion of the PIAA occurring outside of core area will be removed from the analysis.

2. Disturbance analysis: Total disturbance acres within the PIAA will be determined through an evaluation (Appendix A) of:
 - a. Existing disturbance (sage-grouse habitat that is disturbed due to existing anthropogenic activity and wildfire).
 - b. Approved permits (that have approval for on the ground activity) not yet implemented.
3. Habitat Assessment: A habitat assessment will be conducted to create a baseline survey identifying:
 - a. Suitable and unsuitable habitat within the PIAA
 - b. Sage-grouse use of suitable habitat (seasonal, densities, etc)
 - c. Priority restoration areas (which could reduce 5% cap)
 - i. Areas where plug and abandon activities will eliminate disturbance
 - ii. Areas where old reclamation has not produced suitable habitat
 - d. Areas of invasive species
 - e. Other assurances in place (CCAA, easements, habitat contracts, etc.)
4. Determination of existing and allowable suitable habitat disturbance:

Acres of disturbance within suitable habitat divided by the total suitable habitat within the PIAA times 100 equals the percent of disturbed suitable habitat within the PIAA. Subtracting the percentage of existing disturbed suitable habitat from 5% equals new allowable suitable habitat disturbance until plant regeneration or reclamation reduces acres of disturbed habitat within the PIAA.

Permitting: The complete analysis package developed by consultation and review outlined herein will be forwarded to the appropriate permitting agency. Wyoming Game and Fish Department recommendations will be included, as will other recommendations from project proponents and other appropriate agencies.

Excepted Activities: A list of "de minimus" activities, including standard uses of the landscape, is being developed and will be completed by 01 July 2010 as further guidance for these recommendations.

GENERAL STIPULATIONS

These stipulations are designed to maintain existing suitable sage-grouse habitat by permitting development activities in core areas in a way that will not cause declines in sage-grouse populations. General stipulations are recommended to apply to all activities in core areas, with the exception of de minimus actions defined herein or specifically identified activities. The specific industry stipulations are considered in addition to the general stipulations.

- 1. Surface Disturbance:** Surface disturbance will be limited to 5% of suitable sage-grouse habitat per an average of 640 acres. The PIAA process will be used to determine the level of disturbance. Distribution of disturbance may be considered and approved on a case-by-case basis. Unsuitable habitat should be identified in a seasonal and landscape context, on a case-by-case basis, outside the 0.6 mile buffer around leks. This will incentivize proponents to locate projects in unsuitable habitat to avoid creating additional disturbance acres. Acres of development in unsuitable habitat are not considered disturbance acres. The primary focus should be on protection of suitable habitats and protecting from habitat fragmentation. See Appendix A for a description of suitable, unsuitable habitat and disturbance.
- 2. Surface Occupancy:** Within 0.6 miles of the perimeter of occupied sage-grouse leks there will be no surface occupancy (NSO). NSO, as used in these recommendations, means no surface facilities including roads shall be placed within the NSO area. Other activities may be authorized with the application of appropriate seasonal stipulations, provided the resources protected by the NSO are not adversely affected. For example, underground utilities may be permissible if installation is completed outside applicable seasonal stipulation periods and significant resource damage does not occur. Similarly, geophysical exploration may be permissible in accordance with seasonal stipulations.
- 3. Seasonal Use:** Activity (production and maintenance activity exempted) will be allowed from July 1 to March 14 outside of the 0.6 mile perimeter of a lek in core areas where breeding, nesting and early brood-rearing habitat is.

present. In areas used solely as winter concentration areas, exploration and development activity will be allowed March 14 to December 1. Activities in unsuitable habitat may also be approved year-round (including March 15-June 30) on a case-by-case basis (except in specific areas where credible data shows calendar deviation). Activities may be allowed during seasonal closure periods as determined on a case-by-case basis.

4. **Transportation:** Locate main roads used to transport production and/or waste products > 1.9 miles from the perimeter of occupied sage-grouse leks. Locate other roads used to provide facility site access and maintenance > 0.6 miles from the perimeter of occupied sage-grouse leks. Construct roads to minimum design standards needed for production activities.
5. **Overhead Lines:** Bury lines when possible, if not; locate overhead lines at least 0.6 miles from the perimeter of occupied sage-grouse leks. New lines should be raptor proofed if not buried.
6. **Noise:** Limit new noise levels to 10 dBA above ambient noise (existing activity included) measured at the perimeter of a lek from 6 PM to 8 AM during initiation of breeding (March 1 to May 15). Actual thresholds may be adjusted upon completion of current research being conducted in core habitat.
7. **Vegetation Removal:** Vegetation removal should be limited to the minimum disturbance required by the project. All topsoil stripping and vegetation removal in suitable habitat will occur between July 1 and March 14 in areas that are within 4.0 miles of an occupied lek. Initial disturbance in unsuitable habitat between March 15 and June 30 may be approved on a case-by-case basis.
8. **Sagebrush Treatment:** Sagebrush eradication is considered disturbance and will contribute to the 5% disturbance factor. Sagebrush treatments that maintain sagebrush canopy cover at or above 15% total canopy cover within the treated acres will not be considered disturbance. Treatments that reduce sagebrush canopy cover below 15% will be allowed if all such treated areas make up less than 20% of the suitable sagebrush habitat within the PIAA, and any point within the treated area is within 60 meters of sagebrush habitat with 10% or greater canopy cover. Treatments to enhance sagebrush/grassland will be evaluated based upon the existing habitat quality and the functional level post-treatment.

9. Monitoring/adaptive response: For all activities allowed in Core Areas, sage-grouse monitoring will be conducted to evaluate the response of the affected populations (PIAA identified leks) to the permitted activity. Monitoring plans will be coordinated and modified by the permitting agency with input from WGFD. Monitoring will include the evaluation of affected leks and at least three reference leks (one control area) outside the PIAA. If declines in affected leks (using a three-year running average during any five-year period relative to trends on reference leks) are determined to be caused by the project, the operator will propose adaptive management responses to increase the number of birds. If the operator cannot demonstrate a restoration of bird numbers to baseline levels (established by pre-disturbance surveys, reference surveys and taking into account regional and statewide trends) within three years, operations will cease until such numbers are achieved.

10. Reclamation: Reclamation should re-establish native grasses, forbs and shrubs during interim and final reclamation to achieve cover, species composition, and life form diversity commensurate with the surrounding plant community or desired ecological condition to benefit sage-grouse and replace or enhance sage-grouse habitat to the degree that environmental conditions allow. Seed mixes should include 2 native forbs and 2 native grasses with at least one bunchgrass species. Where sagebrush establishment is prescribed, establishment is defined as meeting the standard prescribed in the individual reclamation plan. Landowners should be consulted on desired plant mix on private lands. The operator is required to control noxious and invasive weed species, including cheatgrass. Rollover credit, if needed, will be outlined in the individual project reclamation plan.

Credit may be given for completion of habitat enhancements on bond released or other minimally functional habitat when detailed in a plan. These habitat enhancements may be used as credit for reclamation that is slow to establish in order to maintain the disturbance cap or to improve nearby sage-grouse habitat.

11. Existing Activities: Areas already disturbed or approved for development within Core Areas prior to Executive Order 2008-02 are not subject to new sage-grouse stipulations with the exception existing operations may not initiate activities resulting in new surface occupancy within 0.6 mile of the perimeter of a sage-grouse lek. Any existing disturbance will be counted

toward the calculated disturbance cap for a new proposed activity. The level of disturbance for existing activity and rollover credit may exceed 5%.

- 12. Exceptions:** Any exceptions to these general or specific stipulations will be considered on a case by case basis and must show that the exception will not cause declines in sage-grouse populations.

SPECIFIC STIPULATIONS (To be applied in addition to general stipulations)

1. **Oil and Gas:** Well pad densities not to exceed an average of 1 pad per square mile (640 acres) and suitable habitat disturbed not to exceed 5% of suitable habitat within the PIAA. As an example, the number of well pads within a 2 mile radius of the perimeter of an occupied sage-grouse lek should not exceed 11, distributed preferably in a clumped pattern in one general direction from the lek.
2. **Mining**
 - a. For development drilling or ore body delineation drilled on tight centers, (approximately 100'X100') the disturbance area will be delineated by the external limits of the development area. Assuming a widely-spaced disturbance pattern, the actual footprint will be considered the disturbance area.
 - b. Monitoring results will be reported annually in the mine permit annual report and to WGFD. Pre-disturbance surveys will be conducted as required by the appropriate regulatory agency.
 - c. The number of active mining development areas (e.g. operating equipment and significant human activity) are not to exceed an average of 1 site per square mile (640 acres) within the PIAA.
 - d. Surface disturbance and surface occupancy stipulations will be waived within the Core Area when implementing underground mining practices that are necessary to protect the health, welfare, and safety of miners, mine employees, contractors and the general public. The mining practices include but are not limited to bore holes or shafts necessary to 1) provide adequate oxygen to an underground mine, 2) supply inert gases or other substances to prevent, treat, or suppress combustion or mine fires 3) inject mine roof stabilizing substances and 4) remove

methane from mining areas. Any surface disturbance or surface occupancy necessary to access the sites to implement these mining practices will also be exempt from any stipulation.

3. **Process Deviation or Undefined Activities:** Development proposals incorporating less restrictive stipulations or development that is not covered by these stipulations may be considered depending on site-specific circumstances and the proponent must have data demonstrating that the alternative development proposal will not cause declines in sage-grouse populations in the core area. Proposals to deviate from standard stipulations will be considered by a team including WGFD and the appropriate land management and permitting agencies, with input from the U.S. Fish and Wildlife Service. Project proponents need to demonstrate that the project development would meet at least one of the following conditions:
 - a. No suitable habitat is present in one contiguous block of land that includes at least a 0.6-mile buffer between the project area and suitable habitat;
 - b. No sage-grouse use occurs in one contiguous block of land that includes at least a 0.6 mile buffer between the project area and adjacent occupied habitat, as documented by total absence of sage-grouse droppings and an absence of sage-grouse activity for the previous ten years;
 - c. Provision of a development/mitigation plan that has been implemented and demonstrated by previous research not to cause declines in sage-grouse populations. The demonstration must be based on monitoring data collected and analyzed with accepted scientific based techniques.
4. **Wind Development:** Wind development is not recommended in sage-grouse core areas.

Appendix A

Suitable Sage-Grouse Habitat Definition

Sage-grouse require somewhat different seasonal habitats distributed over large areas to complete their life cycle. All of these habitats consist of, are associated with, or are immediately adjacent to, sagebrush. If sage-grouse seasonal habitat use maps do not exist for the project site the following description of suitable habitat should be used to determine areas of unsuitable sage grouse habitat for development siting purposes. An abbreviated description of a complex system cannot incorporate all aspects of, or exceptions to, what habitats a local sage-grouse population may or may not utilize. The references provided below will assist where more detailed site evaluations are required.

Suitable sage-grouse habitat (nesting, breeding, brood-rearing, or winter) is within the mapped occupied range of sage-grouse, and:

- 1) has 5% or greater sagebrush canopy cover as measured by the technique developed by interagency efforts. "Sagebrush" includes all species and sub-species of the genus *Artemisia* except the mat-forming sub-shrub species: *frigida* (fringed) and *pedatifida* (birdfoot)."; or
- 2) is riparian, wet meadow (native or introduced) or areas of alfalfa or other suitable forbs (brood rearing habitat) within 60 meters of sagebrush habitat with 10% or greater canopy cover and the early brood rearing habitat does not exceed 20% of the suitable sagebrush habitat present within the PIAA. Larger riparian/wet meadow, and grass/forb producing areas may be considered suitable habitat as determined on a case by case basis, or
- 3) is a burned or treated sagebrush site being managed to return to its ecological site potential via succession that will allow it to meet a minimum 5% sagebrush canopy cover within 10 to 15 years.

Suitable Habitat Disturbance Definition

To evaluate the 5% disturbance cap per average 640 acres or PIAA, suitable habitat is considered disturbed when it is removed and unavailable for immediate sage-grouse use.

- a. Long-term removal occurs when habitat is physically removed through activities that replace suitable habitat with long term occupancy of unsuitable habitat such as a road, well pad or active mine.
- b. Short-term removal occurs when vegetation is removed in small areas, but restored to suitable habitat within a few years of disturbance, such as a successfully reclaimed pipeline, or successfully reclaimed drill hole or pit.
- c. Suitable habitat rendered unusable due to numerous anthropogenic disturbances less than 1.2 miles apart that preclude use by sage-grouse.