

# SAGE-GROUSE UPDATE

NO. 9 MARCH 13, 2013

## SAGE-GROUSE IMPLEMENTATION TEAM (SGIT) UPDATE

The State of Wyoming is over four years into the implementation of statewide sage-grouse conservation under executive order issued by the Governor's office. The implementation of the most recent Governor's Greater Sage-Grouse Core Area Protection Executive Order 2011-5 (E.O.) continues to involve federal, state, and local agencies and private entities. The Sage-Grouse Implementation Team (SGIT) plays a key role in helping to guide the implementation of the E.O. The SGIT is comprised of various industry representatives, non-governmental organizations, local government representatives, and federal and state agency personnel. Over the course of executive order implementation, the SGIT has been the clarifying and decision-guiding body on matters pertaining to the core area strategy. As implementation of the strategy has progressed and development in sage-grouse core area occurs, the need for SGIT guidance on key issues is sustained. The SGIT meets publicly to discuss issues in relation to relevant science and policy, and to hear the concerns of its diverse members and the attending public.

Beginning in 2012, the SGIT has convened quarterly to address and follow-up on matters pertaining to the implementation of the E.O. For particularly complex issues that cannot be resolved during the course of a SGIT meeting, the chairman of the SGIT will assign a smaller work group or "sub-committee" to examine the topic in-depth, with the charge of returning to a future SGIT meeting with additional information and/or recommendations. Work groups have been convened to address issues such as fencing, grazing, noise, reclamation/restoration incentives, and post-2008 coal leases in sage-grouse core area, and oil and gas development in non-core area.

### MARK YOUR CALENDAR



Photo courtesy of John Dahlke

#### SGIT Meeting

March 20, 2013

8:30a—4p

Wyoming Game & Fish Dept.

Casper Regional Office

Pronghorn Room

3030 Energy Lane

Casper, WY 82604

#### INSIDE THIS ISSUE:

SGIT AGENDA	2
SGIT UPDATE, CONT'D	2
E.O. GUIDANCE & CLARIFICATIONS	2-7
DDCT WEB APPLICATION	8
DDCT PROCEDURES, FAQs, & WORKSHEET	8
IN THE LOOP	9
CURRENT INTERAGENCY WORK	10

## MARCH 20, 2013 SGIT MEETING AGENDA

8:30am	Introductions, Agenda, Public Comments	1:00pm	Unitization Continued <i>Paul Ulrich, EnCana</i>
8:45am	NRCS Sage-Grouse Initiative in WY <i>Brian Jensen, NRCS</i>	1:45pm	Incentives Sub-Committee Updates <i>Year-round drilling, MBTA, sage brush reclamation opportunities</i>
9:15am	Coal and Non-coal in Core Areas <i>SMCRA, coal and non-coal leasing, and locatable mineral permitting processes</i>	2:30pm	Break
11:15am	Break	2:45pm	Update on Noise Stipulations <i>Jenny Morton, BLM</i>
11:30am	Grazing Language for E.O. 2011-5 <i>Steve Ferrell, Governor's Policy Office</i>	3:15pm	Winter Concentration Areas <i>Bob Budd, SGIT Chairman</i>
11:45am	Lunch		

\*SGIT materials may be available for download/print prior to the meeting at <http://wgfd.wyo.gov/web2011/wildlife-1000817.aspx>. Please check the website prior to the meeting for availability. Materials presented at the meeting will be available for two weeks on the website following the meeting.

## SGIT UPDATE, CONT'D

In its role as a guiding body, the SGIT has approved several clarifications and decisions pertaining to the E.O. and the core area strategy to aid implementation. Below and on the following pages is a list of those items and a summary of the decision or outcome. Additional information on these items can be found at <http://wgfd.wyo.gov/web2011/wildlife-1001251.aspx>.

Item	Summary of Outcome	Approval Date
Habitat Improvements <10 acres	<u>New Language:</u> E.O. 2011-5 Attachment C Exempt ("de minimus") Activities:  4. Construction of agricultural reservoirs and <u>aquatic</u> habitat improvements less than 10 surface acres...	March 20, 2012
Pipeline Language	<u>New Guidance:</u>  ◆ Any new pipelines constructed in utility corridors established by and as defined in BLM Resource Management Plans (RMP) including those portions of the corridors located on non-Federal lands in core population areas, that have been disturbed by a previous utility installation, are exempt from conducting a DDCT analysis and will not be included in disturbance calculations for any new projects located outside these corridors.  ◆ New pipelines outside BLM RMP corridors, but in core population areas, would contribute towards the 5% surface disturbance calculation until the area is reclaimed to suitable sage grouse habitat.	March 20, 2012

Item	Summary of Outcome	Approval Date
<p>Vegetation Monitoring for Suitability Criteria</p>	<p><u>Process Clarification:</u></p> <p>Measurements that should be taken when there is uncertainty concerning the status of reclaimed areas contributing to suitable habitat.</p> <ul style="list-style-type: none"> <li>◆ If sagebrush canopy cover is &gt;5% as measured using the Habitat Assessment Framework (HAF), it is considered suitable.</li> <li>◆ If sagebrush canopy cover is &lt;5% as measured using the HAF, but within 60m of 5% sagebrush canopy cover, measure the following to determine suitability:</li> <li>◆ Measure for 2 (or more) desirable native grasses, at least one of which is a bunchgrass.                             <ul style="list-style-type: none"> <li>◇ The frequency of occurrence of grass is expected to meet or exceed 70% of the frequency of grass as measured on the reference site, or as described in the ESD for the reclaimed site(s), or as represented in the pre-disturbance species data.</li> <li>◇ Grass canopy cover measurement is expected to meet or exceed 70% of the grass canopy cover as measured on the reference site, or as described in the ESD for the reclaimed site(s), or as represented in the pre-disturbance species data.</li> </ul> </li> <li>◆ Likewise, measure for 2 desirable native forbs.                             <ul style="list-style-type: none"> <li>◇ Same criteria as above.</li> </ul> </li> </ul> <p>Methodology</p> <ol style="list-style-type: none"> <li>1. Sampling timing for grasses, forbs, and shrubs is typically not later than July 1.</li> <li>2. Canopy cover for grasses/forbs: Line Point Intercept (see HAF).</li> <li>3. Frequency for grasses/forbs: Plot (rectangles, squares or circles) frequency computed as number of quadrats with the species of interest rooted within it divided by the total number of quadrats that are sampled. This value will be multiplied by 100 to yield frequency as a percentage. It is recommended that a minimum of 5 to 10, 30-50-m transects be conducted with a minimum of 10 to 20 quadrats (e.g., Daubenmire frame or quadrat appropriate to the site) placed equidistantly along each transect.</li> <li>4. Canopy cover for sagebrush: Line Intercept (see HAF).</li> <li>5. Sample size: The HAF provides sample size recommendations. Final estimates must include a 90% confidence interval computed around the mean values estimated from vegetation sampling.</li> </ol>	<p>March 20, 2012</p>

Item	Summary of Outcome	Approval Date
Habitat Assessment Language Habitat Assessment Variation	<p><u>Process Clarification:</u></p> <ul style="list-style-type: none"> <li>◆ For valid and existing rights: If the proposed project DDCT is above the E.O. thresholds, the project proponent and the permitting agency must determine whether or not there are ways to reduce impacts to sage-grouse before issuing a permit to proceed.</li> <li>◆ For discretionary activities: If E.O. thresholds cannot be met, the permitting agency should consider denying the permit. If the permit for whatever reasons cannot be denied, the proponent and the permitting agency must determine whether or not there are ways to reduce impacts to sage-grouse before issuing a permit.</li> </ul>	July 10, 2012
Transmission Language	<p><u>New Guidance:</u></p> <ul style="list-style-type: none"> <li>◆ Distribution and transmission lines are permitted inside E.O. designated corridors (E.O. #15 &amp; 16). The same distribution and transmission lines are not permitted outside of corridors unless there is demonstration of no declines in sage grouse populations (E.O. # 17).</li> <li>◆ If the need for future distribution and transmission lines is likely, new projects that require a DDCT for approval should include distribution and transmission lines in their DDCT as part of the proposed disturbance.</li> <li>◆ Lines permitted but not located in an E.O. transmission corridor will be considered towards the 5% disturbance calculation (line disturbance is equal to ROW Width X Length and includes all access roads, staging areas, and other surface disturbance associated with construction outside of the ROW).</li> <li>◆ All new transmission and distribution towers/structures should be designed to include raptor proofing/deterrents.</li> </ul>	July 10, 2012
Suitable Sage-Grouse Habitat Definition	<p><u>New Language:</u></p> <p>E.O. 2011-5 Appendix I Suitable Sage-Grouse Habitat Definition</p> <p>Suitable sage-grouse habitat (nesting, breeding, brood-rearing, or winter) is within the mapped occupied range of sage-grouse, and:</p> <ol style="list-style-type: none"> <li>1. Has 5% or greater sagebrush canopy cover (for nesting, brood-rearing, and/or winter) as measured by the point intercept method. "Sagebrush" includes all species and subspecies of the genus Artemisia except the mat-forming sub-shrub species: frigid (fringed) and pedatifida (birdfoot); or</li> <li>2. Is riparian, wet meadow (native or introduced) or areas of alfalfa or other suitable forbs (brood-rearing habitat) within 275 meters of sagebrush habitat with 5% or greater sagebrush canopy cover (for roosting/loafing); or</li> </ol>	October 11, 2012

Item	Summary of Outcome	Approval Date
<p>Suitable Sage-Grouse Habitat Definition (cont'd)</p>	<p>3. Is reclaimed habitat containing at least 2 native grasses (at least one bunchgrass) and 2 native forbs (see “reclamation” in Attachment B) and no point within the grass/forb habitat is more than 60 meters from adjacent 5% or greater sagebrush cover; or</p> <p>4. Is “transitional” sage-grouse habitat, which is land that has been treated or burned prior to 2011 resulting in &lt;5% sagebrush cover but is actively managed to meet a minimum of 5% sagebrush canopy cover with associated grasses and forbs by 2021 (as determined by analysis of local condition and trend) and may not be considered “disturbed”. Land that doesn’t meet the above vegetation criteria by 2021 should be considered disturbed.</p> <ul style="list-style-type: none"> <li>◆ Habitat treatments conducted after 2010 must meet the current Wyoming Game and Fish Department <i>Protocols for Treating Sagebrush to be Consistent with Wyoming Executive Order 2011-5; Greater Sage-Grouse Core Area Protection</i> or the habitat treated will be considered disturbed. Following wildfire, lands shall be considered “disturbed” pending an implemented management plan with trend data showing the area returning to functional sage-grouse habitat.</li> <li>◆ “Unsuitable” sage-grouse habitat is land within the historic range of sage-grouse that did not, does, not, nor will not provide sage-grouse habitat due to natural ecological conditions such as badlands, canyons, or forests. See “Specific Stipulation” # 4 in Attachment B for conditions under which less restrictive stipulations may be applied to unsuitable habitat.</li> <li>◆ “Disturbed” suitable sage-grouse habitat is land that has been converted from formerly suitable habitat to grasslands, croplands, mined, or otherwise physically disturbed areas. To evaluate the 5% disturbance cap per average 640 acres using the DDCT, suitable habitat is considered disturbed when it is removed and unavailable for immediate sage-grouse use. These areas may provide habitat at some time in the future through succession or restoration. Disturbed suitable habitats could also include those permanent disturbances such as major reservoirs and cities that once were considered suitable.</li> </ul> <p>The following items are guidelines for determining disturbed habitat for the DDCT process:</p> <ul style="list-style-type: none"> <li>◆ 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.</li> <li>◆ 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.</li> </ul>	<p>October 11, 2012</p>

Item	Summary of Outcome	Approval Date
Suitable Sage-Grouse Habitat Definition (cont'd)	<ul style="list-style-type: none"> <li>◆ There may be additional suitable habitat considered disturbed between two or more long-term (&gt;1 year) anthropogenic disturbance activities with a footprint greater than 10 acres each if the activities are located such that sage-grouse use of the suitable habitat between these activities is significantly reduced due to the close proximity (less than 1.2 miles apart, 0.6 miles from each activity) and resulting in cumulative effects of these large scale activities. Exemptions may be provided.</li> <li>◆ Land in northeast Wyoming (Figure 1 of Attachment B) that has had sagebrush removed post-1994 (based on Orthophoto interpretation) and not recovered to suitable habitat will be considered disturbed when using the DDCT.</li> </ul>	October 11, 2012
Fencing	<p><u>New Language:</u></p> <p>E.O. 2011-5 Attachment C Exempt (“de minimus”) Activities</p> <p>7. Pole fences. Wire fences if fitted with visibility markers where high potential for collisions has been documented.</p>	October 11, 2012
Density/Disturbance Calculation Tool (DDCT)	<p><u>Process Clarification:</u></p> <ul style="list-style-type: none"> <li>◆ The DDCT process and review of project compliance with Executive Order 2011-5 (E.O.) will be coordinated through the DDCT web application (<a href="http://ddct.wygisc.org">ddct.wygisc.org</a>).</li> <li>◆ The proponent should provide the most complete and comprehensive description of a project as possible.</li> <li>◆ If the proponent has a concern that a project will not comply with the E.O., the proponent should contact the WGFD and appropriate land management and/or permitting agencies as soon as possible.</li> <li>◆ If the proponent submits a DDCT that is not in compliance, the agencies involved will need to discuss all options and potential impacts to local sage-grouse populations and habitat.</li> <li>◆ If, on federal surface/mineral, the proponent works with the appropriate federal land management agency on the DDCT process and disturbance delineations.</li> <li>◆ If federal surface or mineral is not involved, the project proponent (Note: could be a consultant) completes the DDCT process.</li> <li>◆ Letters from WGFD will determine whether or not the project complies with the process and stipulations outlined in the E.O. and may provide recommendations on whether the permit should be issued and/or recommendations on how impacts to the bird may be minimized.</li> <li>◆ The permitting agency should document whether or not these recommendations have been accepted and if not, why they have not been accepted or cannot be implemented.</li> </ul>	January 10, 2013

Item	Summary of Outcome	Approval Date
Non-core Area	<p><u>Definition Clarification:</u></p> <p>Non-core is that area outside of core but inside the sage-grouse habitat range.</p>	January 10, 2013
Wildfire Language	<p><u>Language Clarification:</u></p> <p>E.O. 2011-5 Appendix I Suitable Sage-Grouse Habitat Definition</p> <p>“Following wildfire, lands shall be considered “disturbed” pending an implemented management plan with trend data showing the area returning to functional sage-grouse habitat.”</p> <ul style="list-style-type: none"> <li>◆ This is specific only to wildfire situations.</li> <li>◆ The goal is to incentivize restoration of wildfire burns to return as much of the affected burned area back to suitable habitat over time.</li> <li>◆ A technical team would develop the plan and trending data.</li> <li>◆ It would be the responsibility of the project proponent to conduct the monitoring.</li> <li>◆ An upward trend would be determined through the collection of 5 years of data and reviewed by the technical team.</li> </ul>	January 10, 2013



Pencil Point—Photo courtesy of Tom Christiansen

## DDCT WEB APPLICATION UPDATE

The DDCT web application and online tool was rolled out in July 2012 to eliminate the need for specialized GIS software and to build consistency in the DDCT process. The web application, which is administered by the Wyoming Geographic Information Science Center (WyGIS) at the University of Wyoming, has been a success, enabling the public to complete the DDCT process on the internet while simultaneously expanding the statewide disturbance layer.

From July 2012 to February 2013, the DDCT website has had:

- ◆ 124 registered users (+800 site visitors)
- ◆ 195 total projects created (59 completed)
- ◆ 11,200 features added to the statewide disturbance layer

As more projects are initiated on the web application, increasingly more digitization of Wyoming's core/connectivity areas occurs. Our knowledge of the levels of existing disturbance and disturbance liabilities (e.g., units established prior to 2008) within core/connectivity areas has also grown. There are several core/connectivity areas where it appears that the amount of existing surface disturbance and disturbance liability exceeds 5% of the core/connectivity area.

- ◆ Buffalo connectivity area (39.98%)
- ◆ Douglas core area (15.82%)
- ◆ Elk Basin East core area (9.70%)
- ◆ Newcastle core area (6.87%)
- ◆ North Glenrock core area (18.76%)
- ◆ Salt Wells core area (13.69%)
- ◆ Thunder Basin core area (7.07%)
- ◆ Uinta core area (7.51%)

Individual projects in these core/connectivity areas may comply with Executive Order 2011-5 (E.O.) disturbance guidelines depending on size, location, and proximity to occupied sage-grouse leks. Similarly, individual projects in other core/connectivity areas may not comply with E.O. disturbance guidelines depending on the same factors. Opportunity also exists to verify existing disturbances on the ground and remove them from the numerator of the disturbance calculation if it can be shown (according to established protocol) the area has returned to suitable sage-grouse habitat. Additionally, inactive, contracted, or terminated oil and gas units may be researched and removed from the disturbance calculation as appropriate.

---

## DDCT PROCEDURES, FAQs, AND WORKSHEET

In addition to housing the online tool, the DDCT website contains comprehensive information pertaining to Executive Order 2011-5 and the corresponding BLM IM WY-2012-019. The website has been redesigned to enhance the user's ability to find all of the available resources. The homepage now include links to the following topics:

- ◆ History and development of the core area policy
- ◆ How to use the online DDCT application
- ◆ Link to the online application (registration required)
- ◆ Common core area policy questions
- ◆ Common application and website questions
- ◆ Other resources that pertain to sage-grouse conservation

Information previously contained in the "DDCT Process Manual" has been migrated to the website under the

## DDCT CONT'D

“Common Core Area Policy Questions” and “Common Application and Website Questions” sections.

The Executive Order 2011-5 Worksheet has evolved since being highlighted in Update #7 (i.e., it's a fancier PDF with a few more questions), but its purpose remains the same. The worksheet is a key element of a complete DDCT package, and is required in order for policy review of a project to occur. The worksheet provides the reviewing agency with the Who, What, Where, When, and How of the proposed project for which a DDCT has been completed, and allows that agency to determine whether or not the project complies with E.O. guidelines and stipulations. The worksheet will be sent to the email address of the proponent who submits the project for technical review at the time the project is submitted for technical review. The worksheet is also available under the “State Resources” section of the website. It is important for project proponents to fill out the worksheet with complete information, and submit it to the WyGISD DDCT Data and Application Steward with their final DDCT calculations.

*Note:* The worksheet may not open correctly using the PDF viewer within a browser. It is recommended the worksheet PDF is downloaded and opened using Adobe Reader.

More recently, agencies are coordinating to ensure the worksheet is completed for all actions and applications in core/connectivity area, regardless of whether or not a DDCT must be conducted, to document compliance with the E.O.

If you haven't already, take a look at the DDCT website and the resources described in this section. If you have additional questions, please contact:

*Technical Questions:*

WyGISD DDCT Data and Application Steward  
ngrafl@uwyo.edu  
(307) 766-4928

*Policy Questions:*

Individual Land Management and/or Permitting Agencies  
WGFD Habitat Protection Program  
(307) 777-4506

## KEEPING YOU IN THE LOOP

- ◆ WGFD sage-grouse lek files have been updated with 2012 data. Please contact the WGFD for instructions on accessing and using these data.
- ◆ Wyoming sage-grouse RMP amendments for six BLM field offices (Casper, Green River, Kemmerer, Newcastle, Pinedale, and Rawlins) and three Forest Service units (Medicine Bow, Bridger-Teton, and Thunder Basin) are scheduled to be completed in 2014. For more information on the amendment and timeline, visit: <https://www.blm.gov/epl-front-office/eplanning?planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=18703>
- ◆ Information on Candidate Conservation Agreements with Assurances (CCAAs) is available from the USFWS Wyoming Ecological Services field office online at: [http://www.fws.gov/wyominges/Pages/LandownerTools/CCAA/CCAA\\_Home.html](http://www.fws.gov/wyominges/Pages/LandownerTools/CCAA/CCAA_Home.html)



## WHAT ARE WE WORKING ON NOW?

Our working group (BLM, WGFD, USFS, NRCS, and other Wyoming State Agencies) continues to meet on a regular basis to discuss issues that come up regarding the implementation of the core area strategy. We are continuing to hammer out workable solutions to issues brought to our attention from folks in the field, and work to provide clarity on policy and process questions as they arise.

### **DIGITIZING CORE AREAS**

The interagency group has been discussing the feasibility of digitizing existing surface disturbance throughout all of Wyoming's core/connectivity areas. A few of the core/connectivity areas have already been completed in terms of capturing existing surface disturbance. However, there are still many areas that have had little or no digitization done and so estimates of overall disturbance in the area are uncertain.

Digitizing the core / connectivity areas would be beneficial to the implementation of Executive Order 2011-5 and planning development in core / connectivity area, but will be dependent on available resources.

### **NOISE**

Executive Order 2011-5 states, "The protective stipulations outlined in this Executive Order should be reevaluated on a continuous basis and at a minimum annually, as new science, information and data emerge regarding Core Population Areas and the habitats and behaviors of the Greater Sage-Grouse" (pg. 4, #19). The issue of noise and its impacts on lek attendance has been a topic of research in recent years. The interagency group has been considering new data and information from sage-grouse-noise research projects, and is reviewing current policy. An update on this process will be presented at the March 2013 SGIT meeting.



PHOTO BY MARK GOCKE