



WESTERN ENERGY ALLIANCE



NORTH DAKOTA
PETROLEUM
COUNCIL

100 West Broadway, Ste. 200 | P.O. Box 1395 | Bismarck, ND 58501-1395
701.223.6380 | ndpc@ndoil.org | www.NDOil.org



Submitted via <https://eplanning.blm.gov/eplanning-ui/project/2016719/510>

October 3, 2025

Mr. William Groffy

Acting Director
Bureau of Land Management
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Ms. Stephanie Rice

Project Manager
BLM Anchorage District Office
4700 BLM Road
Anchorage, AK 99507

**Re: Comments on Changes to the Proposed Management Plan Amendment
for the Greater Sage-Grouse Rangewide Planning,**

DOI-BLM-WO-2300-2022-0001-RMP-EIS

Dear Mr. Groffy and Ms. Rice:

The Western Energy Alliance (Alliance), along with the support of The North Dakota Petroleum Council, and the Utah Petroleum Association (UPA) appreciates the opportunity to provide these comments on the Bureau of Land Management's (BLM) published Greater Sage-Grouse (GrSG) Rangewide Planning Changes to Proposed Resource Management Plan Amendments (PRMPA) for Idaho, Montana/Dakotas, Nevada/California, Utah and Wyoming (GrSG RMPA Changes). Our organizations appreciate that BLM is proposing

common-sense changes to these plans based on issues raised by our members and others through the underlying protest period as well as through the governor's consistency review process.

Our members operate on federal and non-federal lands across sagebrush habitat and understand the importance of consistency across land designations within state boundaries. We appreciate BLM's careful consideration of the need for consistency as well, as reflected in the GrSG RMP Changes.

Through these comments, we reiterate concerns and advocacy points raised in previous comment and protest letters during this 2024 GrSG planning process,¹ including:

- Multiple-use management and the goal for no unnecessary or undue degradation does not mean no impact allowed.
- Coordination with states and local governments is necessary to ensure consistency and reduce conflict across land designations, including consistent priority and general habitat management area designations.
- Incorporating state adaptive management programs that rely on actual data and recognize population trends allows all land managers to cohesively manage and respond across land designations.
- Management should be based on actual GrSG presence instead of mere habitat presence.
- Compensatory mitigation should be consistent with state mitigation policies.

¹ The Alliance hereby incorporates by reference its May 14, 2024 comments on Areas of Critical Environmental Concern (ACEC) in the Draft RMPA, its June 13, 2024 comments on the GrSG Draft RMPA/EIS, and its December 16, 2024 protest of the GrSG PRMPA/FEIS, and all Alliance comments provided during previous GrSG RMPA planning processes as further detailed in its June 13, 2024 letter.

- Opportunities for exceptions to restrictions should be available where warranted.
- Underlying all management decisions and restrictions should be appropriate scientific justification.

Interests of the Alliance

The Alliance is the leader and champion for independent oil and natural gas companies in the western United States. Working with a vibrant membership base for over 50 years, the Alliance stands as a credible leader, advocate, and champion of industry. Alliance members engage in all aspects of environmentally responsible exploration and development of oil and natural gas. Our expert staff, active member committees, and committed board members form a collaborative and welcoming community of professionals dedicated to abundant, affordable energy and a high quality of life for all.

Alliance members live and work in and around GrSG habitat and have unique and specialized knowledge of how to incorporate management provisions to benefit the GrSG and its habitat. The Alliance represents independent oil and natural gas companies engaged in exploration and production across the western United States. Our members are committed to responsible energy development that coexists with wildlife and habitat conservation.

As BLM's Governing Legal Framework for Land Use Planning, FLPMA Mandates BLM Work with the States to Ensure Consistency

The Alliance applauds BLM in providing the GrSG PRMPA Changes. The document demonstrates changes to the GrSG planning process that reflect Congress's initial goals for BLM in managing collaboratively and consistent with the states.

As explained in the Federal Land Policy and Management Act (FLPMA), BLM is required to work with state and local governments in the land use planning process in order to ensure consistency as well as to reduce conflict when such land use plans could have a significant impact on adjacent non-federal lands. Importantly, BLM is required to:

coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located . . . ; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials . . . in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. . . . Land use plans . . . shall be consistent with State and local plans to the maximum extent [the Secretary] finds consistent with Federal law and the purposes of this Act.

43 U.S.C. § 1712(c)(9).

In sum, FLPMA requires BLM to confer with states and the local wildlife agencies where land use plans would have significant impacts on adjacent lands. Here, where BLM continues to impose disturbance and density caps, timing limitations, noise limitations, adaptive management requirements and compensatory mitigation requirements, among other restrictions, if BLM's guidance is not consistent with state management, it could drive oil and natural gas companies and other public land users to site projects on state or fee lands adjacent to federal lands just to avoid overly burdensome and restrictive measures.

Additionally, BLM land use plans are required to provide state and local governments with *meaningful* opportunities to identify inconsistencies between BLM and state management plans, so as to be responsive to those most impacted by BLM's decisions. See *N.M. ex rel. Richardson v. BLM*, 565 F.3d 683, 708 (April 28, 2009). FLPMA requires BLM to consider and address inconsistencies with state and local plans. See *Western Exploration, LLC v. United States DOI*, 250 F. Supp. 3d 718, (Mar. 31, 2017).

Further, under FLPMA, the Secretary of the Interior, acting through BLM, is required to coordinate with local governments, keep apprised of and consider local plans “germane in the development of land use plans for public lands, [and] assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans.” *Id.* at 744. The agency’s plans must be consistent with local plans to the maximum extent the agency finds consistent with federal law and the purposes of the statute. *Id.* By regulation, if a local government notifies BLM in writing of specific inconsistencies between the draft plan and the local government’s approved or adopted plans, the agency’s final plan must show how the inconsistencies were addressed and, if possible, resolved. *Id.*

In providing additional collaboration and consistency between state and BLM plans, ultimately the GrSG and other species will benefit.

GrSG PRMPA Changes Ultimately Benefit the Species

The Alliance appreciates BLM’s GrSG PRMPA Changes removal of Priority Habitat Management Areas (PHMA) with limited exceptions and revisions to adaptive management. The Alliance thanks BLM for acknowledging multiple comments—including our protest—asking for consistency with state GrSG plans in Wyoming and Utah. Additionally, the Alliance appreciates BLM’s flexibility in conforming with habitat requirements in Nevada/California and Idaho consistent with the variable habitat standards across these states, and adjusting the allocation of major rights of way in General Habitat Management Areas (GHMA) in the Nevada/California plan to align with California ROW management.

The Alliance applauds BLM for working with the individual states through the governor’s consistency review process to create workable plans on a state-by-state basis that will continue to provide meaningful protection to the GrSG and all species within the sagebrush sea.

Removing PHMA “With Limited Exceptions” is Consistent with BLM Authority

The Alliance thanks BLM for removing the additional designation of PHMA “with limited exceptions” in the GrSG PRMPA. As explained in its protest letter,

the idea of PHMA “with limited exceptions” mirrored creation of ACECs within GrSG habitat and is inconsistent with BLM’s authority because GrSG habitat does not meet the foundational criteria for ACEC designation with its existing numerous restrictions on development. The Alliance appreciates BLM addressing its concerns in the updated GrSG PRMPA Changes.

Updated Adaptive Management Brings Clarity to the Process

The Alliance appreciates BLM’s updates to adaptive management across the GrSG PRMPAs in order to align with state policies and programs. In allowing the state wildlife agencies to work closely with BLM land managers, true adaptive management can identify concerns and manage across jurisdictional boundaries for the benefit of the species.

As recognized in the GrSG RMPA Changes, it is the state wildlife agencies that manage GrSG populations as non-listed species, and they lead data collection efforts that ultimately inform state and BLM management. Through coordination, the multiple agencies can work together to identify increases and decreases in population status, identify trends, and work with industry to best manage GrSG habitat.

The Alliance appreciates BLM’s recognition that impacts from wildfire can have lasting impacts on GrSG habitat and encourages BLM to truly allow for a comprehensive review of wildfire impacts and to allow the flexibility to determine that some lands may be lost as suitable habitat.

TAWS Remains a Concern

As explained in previous Alliance comments, the Alliance remains concerned by any use of the Targeted Annual Warning System (TAWS) based on its inflexibility, the hard and soft triggers, analysis deadlines, and lack of controls or any certainty to operators proposing projects in areas that have hit a TAWS trigger. While the Alliance appreciates changes to adaptive management within the plans, the Alliance recommends that BLM eliminate any reference to or reliance on TAWS as a tool for GrSG management.

The Alliance requests that BLM ensure that adaptive management for plans in states such as Idaho, Montana/Dakotas, Nevada/California, and Utah maintain actual adaptability instead of falling into a TAWS-based model. Further, the

Alliance requests that BLM ensure a flexible process for realistic management changes where necessary to allow for greater collaboration and consistency with state land use management.

Updated Adaptive Management Consistent with the Wyoming Executive Order Creates True Collaboration

It is significant that BLM is recognizing Wyoming's Sage Grouse Executive Order 2019-3 (SGEO). The SGEO's adaptive management metrics, quantification approaches, and threshold levels were established based on on-the-ground learning and with the knowledge of local wildlife officials familiar with the Wyoming habitat and species' needs. Further, the State continues to update its metrics and tools through a rigorous stakeholder process, based on anomalies in GrSG population trends.

The State of Wyoming has the largest population of GrSG and has been successfully managing GrSG according to the SGEO. Its approach has stabilized GrSG populations, and recent surveys from the Wyoming Game and Fish Department (WGFD) indicate that the lek count is growing, with a 6 percent increase from 2021 to 2022 and a 15 percent increase from 2022 to 2023. With this demonstrated effectiveness of Wyoming's plan, as well as the ongoing stakeholder involvement through the state's Sage-grouse Implementation Team (SGIT), it makes sense for BLM to align management with the State.

One of the benefits of the SGEO and the SGIT is the fact that the State's plan continues to adapt to new conditions. As BLM works to implement the GrSG PRMPA Changes, it must ensure that there is flexibility built into the plan so that it too can adapt with revised SGEO and SGIT modifications as appropriate.

Request for Clarification on Compensatory Mitigation

The Alliance requests further clarification on the applicability of compensatory mitigation in Wyoming, and across the states as appropriate. In Wyoming, compensatory mitigation is not required under the SGEO except under limited circumstances. The Alliance requests that BLM clarify similar compensatory mitigation guidance in the final plan to ensure consistency.

Specific concerns include:

- Applicability to residual effects;
- Utilization of a “no net loss” standard inconsistent with FLPMA;
- Requirement for durable mitigation prior to any disturbance.

BLM’s management prescriptions for the Wyoming plans should reflect the State’s core and non-core designations, and any compensatory mitigation requirement should be consistent with the state’s mitigation requirements. Finally, any lek buffers and density and disturbance caps should reflect the state’s requirements to provide consistency and allow operators to site their projects based on actual habitat avoidance instead of restriction avoidance.

Compensatory Mitigation Should be Consistent with States’ Mitigation Requirements

The Alliance requests that BLM take a harder look at compensatory mitigation requirements across all the plans to align with existing state mitigation policies.

States like Nevada and Wyoming have developed detailed frameworks for compensatory mitigation, including policies addressing habitat durability, credit systems, and offset effectiveness. Federal alignment would ensure uniform implementation of mitigation measures and reduce confusion for operators across state and federal lands. See GrSG PRMPA/FEIS Appendix 2, pp. 2-NVCA-72.

Further, the GrSG plans should fully leverage state expertise in habitat offset quantification. States have spent years developing quantitative tools to measure habitat loss and recovery, ensuring that compensatory mitigation is tied to measurable ecological outcomes. For example, the Habitat Quantification Tool (HQT) used in Nevada, Idaho, Montana, and Oregon assesses development impacts and helps calculate required mitigation credits. See PRMPA/FEIS Appendix 14. Misalignment between federal and state compensatory mitigation requirements creates inefficiencies, such as the need for duplicative reviews or project delays. Consistency, therefore, would ensure

state and federal efforts are complementary, maximizing the effectiveness of conservation efforts and dollars.

Following state compensatory mitigation requirements would encourage tailored solutions that reflect regional priorities and allow flexibility in addressing habitat impacts. State-led compensatory mitigation plans often account for regional ecological variability, such as differences in sagebrush density or habitat connectivity, and focus on areas where conservation can have the greatest benefit to the species. Federal alignment allows for conservation actions that are sensitive to these localized conditions, ensuring higher success rates. State-specific mitigation approaches, like Wyoming's SGEO strategy, demonstrate how regional priorities can guide mitigation in ways that enhance effectiveness without one-size-fits-all policies.

Federal alignment with state frameworks also allows for flexible and adaptive approaches to compensatory mitigation. For instance, some states include voluntary participation programs or options for fee-based mitigation, providing stakeholders with multiple paths for compliance while maintaining conservation standards.

As BLM makes modifications to adaptive management, the Alliance encourages BLM to take a harder look at compensatory mitigation requirements as well.

Habitat Management Mapping Consistent with the Utah GrSG Conservation Plan Creates Welcome Consistency

Similar to Wyoming, the State of Utah established its own Conservation Plan for GrSG in 2013. It updated the plan in 2017 and continues to provide benefits to GrSG and its habitat across the Utah range. GrSG numbers continue to rise in Utah, and GrSG and habitat benefit from the state's concerted effort to improve habitat through restoration projects across the state.

The Alliance appreciates BLM's commitment to minimize GrSG habitat management areas outside of the State's designated GrSG management areas in order to align with state management more closely. See BLM GrSG Rangewide Planning Changes to Proposed RMPA for ID, MT/DKs, NV/CA, UT, and WY at 1 (Sept. 2025) (BLM GrSG RMPA 2025). The habitat management

plan proposed by BLM now closely aligns with the Utah State GrSG RMPA reflects habitat management boundaries and minimizes conflict among plans and GrSG management areas.

Nevada/California Habitat Management Revisions Enhance State-Federal Consistency and Adaptive Management Alignment

The Alliance appreciates BLM's commitment to aligning GrSG habitat management areas with State GrSG management areas in Nevada and California by modifying the seasonal habitat benchmark for perennial grass height during nesting/early brood rearing from a quantitative standard to a qualitative standard to account for habitat variability across the states. See BLM GrSG RMPA 2025 at 1.

Additionally, the Alliance welcomes BLM's decision to adjust the designation for PHMA with limited exceptions as a distinct subset of PHMA's to improve consistency with State and local plans by redesignating those areas of PHMA's with limited exceptions to PHMA's subject to the appropriate state RMPAs. *Id.*

Lastly, the Alliance commends BLM proposals to update adaptive management language to: (1) address unanticipated negative impacts to GrSG from changes in habitat conditions before consequences become severe or irreversible and (2) to implement GRSG adaptive management in coordination with existing or future state-level interagency adaptive management teams by using the best available scientific information, including GRSG population status as determined by State GRSG authorities. See BLM GrSG RMPA 2025 at 1 and 8. Such efforts will achieve consistency between federal and state plans to the maximum extent consistent with governing laws. *Id.*

Idaho Habitat Management Alignment Strengthens Consistency with State Plans and Adaptive Management Frameworks

As mentioned above, the Alliance appreciates BLM's commitment to aligning GrSG habitat management areas with State GrSG management areas in Idaho by modifying the seasonal habitat benchmark for perennial grass height during nesting/early brood rearing from a quantitative standard to a qualitative standard to account for habitat variability across the states. See BLM GrSG RMPA 2025 at 1.

Again, the Alliance welcomes BLM's decision to adjust the designation for PHMA with limited exceptions as a distinct subset of PHMA's to improve consistency with State and local plans by redesignating those areas of PHMA's with limited exceptions to PHMA's subject to the appropriate state RMPAs. *Id.*

As with Nevada and California, the Alliance commends BLM proposals to update adaptive management language to: (1) address unanticipated negative impacts to GrSG from changes in habitat conditions before consequences become severe or irreversible and (2) to implement GRSG adaptive management in coordination with existing or future state-level interagency adaptive management teams by using the best available scientific information, including GRSG population status as determined by State GRSG authorities. See BLM GrSG RMPA 2025 at 1 and 8. Such efforts will achieve consistency between federal and state plans to the maximum extent consistent with governing laws.

Montana/Dakotas PHMA Redesignations and Adaptive Management Updates Advance State-Federal Consistency

As outlined previously, the Alliance welcomes BLM's decision to adjust the designation for PHMA with limited exceptions as a distinct subset of PHMA's to improve consistency with State and local plans by redesignating those areas of PHMA's with limited exceptions to PHMA's subject to the appropriate state RMPAs. See BLM GrSG RMPA 2025 at 1.

As with previous State plans, the Alliance commends BLM proposals to update adaptive management language to: (1) address unanticipated negative impacts to GrSG from changes in habitat conditions before consequences become severe or irreversible and (2) to implement GRSG adaptive management in coordination with existing or future state-level interagency adaptive management teams by using the best available scientific information, including GRSG population status as determined by State GRSG authorities. See BLM GrSG RMPA 2025 at 1 and 8. Such efforts will achieve consistency between federal and state plans to the maximum extent consistent with governing laws.

Conclusion

The Alliance appreciates this opportunity to review BLM's substantive changes to the GrSG PRMPA and encourages BLM to consider further alignments with state plans. Alliance members live and work in and around GrSG habitat. The Alliance offers its knowledge and experience to further assist BLM in creating a meaningful plan for GrSG and its habitat. We stand ready to serve as a resource for this important initiative. Thank you for your time and consideration of these comments and recommendations. Please do not hesitate to contact me if you have any questions or would like additional information.

Sincerely,



Melissa Simpson
President
Western Energy Alliance



Ron Ness
President
North Dakota Petroleum Council



Rikki Hrenko-Browning
President
Utah Petroleum Association (UPA)