

BLM considers banning mining in sensitive sage grouse areas




BY SCOTT STREATER | 08/11/2021 01:17 PM EDT



The Bureau of Land Management is considering a proposed ban on mining in 10 million acres of sagebrush focal areas as part of agency efforts to protect the habitat of the greater sage grouse. | Bob Wick/Bureau of Land Management/Flickr

GREENWIRE | The Biden administration is reconsidering an Obama-era greater sage grouse conservation proposal to ban new mining and mineral claims on millions of acres of sensitive grouse habitat.

The proposed mineral withdrawal was part of the sweeping sage grouse management plans finalized in 2015. The Trump administration later eliminated the withdrawal, but a federal judge in February invalidated that action and ordered the Bureau of Land Management to restart the process.



BLM announced late yesterday that it plans to conduct a new environmental impact statement (EIS) reanalyzing the proposal to withdraw 10 million acres of federal lands in six states — Idaho, Montana, Nevada, Oregon, Utah and Wyoming — from new mining claims in areas identified in the 2015 plans as "sagebrush focal areas," and deemed critical to survival of the remarkable Western bird.

BLM plans to post a notice in the Federal Register this week announcing the new EIS and requesting public comments on the plan.

The new EIS will focus entirely on this proposal. But BLM also said it is working with the U.S. Geological Survey, the Fish and Wildlife Service, the Forest Service and other stakeholders to start a separate review of the entire group of Obama-era sage grouse plans, which cover 70 million acres of federal land in 10 states.

Depending on the results of that review, BLM could conduct a separate EIS analyzing amendments to the original plans "to support sagebrush habitat conservation and restoration" reflecting new data on impacts of climate change and wildfires on the birds and their habitat.

"The BLM is restarting this process to fully consider one of the management actions that may be necessary to allow sage-grouse to thrive on our public lands," Nada Wolff Culver, BLM's deputy director for policy and programs, said in a statement.

Culver, who is temporarily leading BLM, said the bureau will use "the best-available science and continued engagement with our many stakeholders."

The proposed 10-million-acre mineral withdrawal, which was targeted on sagebrush areas identified as the most valuable to sustain the survival of the sage grouse, was a key component of the BLM's 2015 plans.

The Trump administration halted the mineral withdrawal proposal in 2017, and later eliminated the sagebrush focal areas entirely as part of its controversial 2019 revisions to the Obama-era blueprint.

Judge B. Lynn Winmill in the U.S. District Court for the District of Idaho in February issued an order invalidating the cancellation of the mineral withdrawal, sending it back to BLM to restart the process.

Winmill, who was nominated to the bench by President Clinton, had already issued a preliminary injunction order in 2019 blocking the Trump administration from implementing its revisions, which among other things would have eased requirements for oil and gas drilling, mining and other human activities in sage grouse habitat.

Winmill's preliminary injunction order kept the 2015 plans in place.

To address the judge's February ruling, BLM's EIS will reanalyze the need for the 10-million-acre mineral withdrawals. BLM said in its announcement yesterday that Interior Secretary Deb Haaland will use the EIS to decide whether the mineral withdrawals remain in place, are modified in some way, or are ditched altogether.

The mining industry plans to participate in the EIS process, said Ashley Burke, a spokesperson for the National Mining Association.

"With new mining operations already either restricted or banned on more than half of all federally-owned public lands, we look forward to engaging with the federal, state and local authorities throughout this process to prevent unnecessary land withdrawals that would further obstruct responsible domestic mining," Burke said in an emailed statement.

But conservation groups said restoring the sagebrush focal areas, and implementing the mining bans to protect them, is greatly needed.

"The withdrawal is necessary so that sage grouse can survive for future generations to enjoy, but the protected area needs to be larger" than 10 million acres "to reflect the increasing threats to this magnificent bird," said Kelly Fuller, energy and mining campaign director for Western Watersheds Project.

"Scientists have recommended protecting all priority sage grouse habitats from all types of mineral extraction disturbance," and not just the 10 million acres BLM plans to review, Fuller added.

Broader review?

Expanding the sagebrush focal areas could be a possible outcome of the EIS.

But other significant changes to the 2015 plans will have to wait for the separate EIS process. The Justice Department had indicated that a much broader review of the sage grouse protection

blueprint was on tap in a status report filed in May to the federal court updating Winmill on the mineral withdrawal proposal ([E&E News PM](#), May 11).

Yesterday's announcement noted that this broader review will look at information on the greater sage grouse collected since 2015, most of which indicates the bird is struggling. This could lead to eventually amending the original plans in ways that include expanding protected habitat.

Among the recent scientific data that could be reviewed are two USGS-led studies unveiled in the spring.

The first study found that millions of acres of priority sage grouse habitat has been destroyed in the last two decades due to human activity and natural threats, including wildfires, which have scorched 20 percent of priority sage grouse habitat in the Great Basin since 2000 ([E&E News PM](#), March 17).

The second study, unveiled a couple of weeks later, found that nearly 40 percent of greater sage grouse populations across the bird's range have declined, in some cases dramatically, since 2002 ([E&E News PM](#), March 30).

Any decision to modify the 2015 blueprint is certain to stir up strong opinions, as greater sage grouse management has been one of the most controversial public lands management issues in the past decade.

Restrictions on activities within sage grouse habitat affect everything from livestock grazing and road construction to oil and gas drilling and hardrock mining.

Michael Saul, a senior attorney with the Center for Biological Diversity, said the review of the proposed mineral withdrawal and the sagebrush focal areas was "a good first step toward protecting greater sage grouse, but much more is needed to ensure their survival as a species."

But a broader review of federal sage grouse protections is needed, he said.

"The interlocking challenges of climate change, fire and habitat loss require the Biden administration to take bold action or sage grouse will continue on their current path to extinction," Saul said. "These beautiful birds and their ecosystem won't recover unless the Interior secretary bans mining and drilling in their priority habitat."

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