

**Transcripts for the USDA Forest Service  
Greater Sage-Grouse Plan Amendments  
Objection Resolution Meeting  
December 10-11, 2019  
Salt Lake City, Utah**



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## Meeting Outcomes

- 1) Attendees (objectors, interested persons, the public, and project staff) understand the planning and administrative review processes, how the review was conducted, the status of the review process, and how the information from the meeting will be used in the final decision;
- 2) Attendees are aware of the collective range of issues brought forward;
- 3) Objectors and Interested Persons have had the chance to validate or clarify the Reviewing Officer's understanding of the objection topics on this week's agenda;
- 4) Objectors and Interested Persons have an opportunity to talk to the Reviewing Officer about possible solutions to their over-riding concerns.

## Agenda and Link to Audio Recordings

Time	Topic	Who
<b>Day 1 -Tuesday, December 10</b>		
9:00 - 9:15	<b>Welcome and Introductions</b> <ul style="list-style-type: none"> <li>Review meeting outcomes and agenda</li> <li>Ground Rules</li> <li>Reviewing Officer's expectations for today</li> </ul>	Allen Rowley, Associate Deputy Chief, National Forest Systems; Nora Rasure, Regional Forester, Region 4; Jacqueline Buchanan, Deputy Regional Forester, Region 2; and Jody Sutton, Washington Office Administrative Review Coordinator
9:15 - 9:30	<b>Overview of the Sage-Grouse Planning Process</b> <ul style="list-style-type: none"> <li>History of the sage-grouse amendments</li> <li>How this process is responsive to input</li> <li>Roles of various Forest Service leaders/decision-makers</li> </ul>	Nora Rasure, John Shivik and Jennifer Purvine
9:30 - 9:45	<b>The Review Process</b> <ul style="list-style-type: none"> <li>How the objective review process is being conducted</li> <li>Range of issues</li> <li>Issues selected for this meeting</li> <li>How decisions will be made</li> </ul>	Allen Rowley
<b>Audio Recording 9:00-9:45:</b> <a href="https://app.box.com/s/ovx58pmncvm6sblpvi6sluqksrvzlmz/file/579049501749">https://app.box.com/s/ovx58pmncvm6sblpvi6sluqksrvzlmz/file/579049501749</a>		

Time	Topic	Who
10:00 - 11:00	<b>Objection Topic 1 — Planning Process</b> <ul style="list-style-type: none"> <li>• Adaptive Management</li> <li>• County Coordination</li> <li>• Standards, Guidelines and Management approaches</li> </ul>	Allen Rowley and objectors/interested persons
11:00 - 12:30	<b>Objection Topic 2 — NEPA</b> <ul style="list-style-type: none"> <li>• Purpose and Need and Proposed Action</li> <li>• Range of Alternatives</li> <li>• Plan consistency with States and BLM</li> <li>• Tiering and incorporation by reference</li> </ul>	Allen Rowley and objectors/interested persons
<b>Audio Recording 1000-1230:</b> <a href="https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvzlmz/file/579049500549">https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvzlmz/file/579049500549</a>		
1:30 - 3:00	<b>Objection Topic 3 – Sage-Grouse and their habitat</b> <ul style="list-style-type: none"> <li>• Habitat Assessment Framework – including Sagebrush Focal areas, use of best science (NTT and COT)</li> <li>• Habitat mapping and area designations - PHMA, GHMA, IHMA and OHMA</li> <li>• Population data and viability</li> </ul>	Allen Rowley and objectors/interested persons
<b>Audio Recording 1:30-3:00:</b> <a href="https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvzlmz/file/579049507749">https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvzlmz/file/579049507749</a>		
3:15 - 4:45	<b>Objection Topic 3 — Habitat Protections and Restrictions</b> <ul style="list-style-type: none"> <li>• Lek Buffers – differences by states</li> <li>• Disturbance Caps</li> <li>• Fire in sage-grouse habitat</li> <li>• Native vs non- native plants for restoration</li> <li>• Connectivity and seasonal habitat restrictions</li> <li>• Perch Deterrents</li> <li>• Guy Wires</li> </ul>	Allen Rowley and objectors/interested persons
4:45 - 5:00	<b>Summary of the Day</b> <ul style="list-style-type: none"> <li>• Reviewing Officer’s reflections and next day’s agenda</li> </ul>	Allen Rowley
<b>Audio Recording 3:15-5:00:</b> <a href="https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvzlmz/file/579049508949">https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvzlmz/file/579049508949</a>		
<b>Day 2 – Wednesday, December 11</b>		
9:00 – 9:15	<b>Introductions and Agenda</b>	Jody Sutton
9:15 – 10:30	<b>Objection Topic 4 – Range</b> <ul style="list-style-type: none"> <li>• Stubble and Droop Height and new science</li> <li>• Livestock related structures near leks</li> <li>• Impacts to permittees</li> </ul>	Allen Rowley and objectors/interested persons
<b>Audio Recording 9:00-10:30:</b> <a href="https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvzlmz/file/579049512549">https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvzlmz/file/579049512549</a>		

Time	Topic	Who
10:45 – 12:00	<p><b>Objection Topic 5 – Locatable Minerals</b></p> <ul style="list-style-type: none"> <li>• Compensatory mitigation and net conversation gain</li> <li>• Renewable Energy</li> <li>• Discretionary Activities</li> <li>• Valid Existing Rights</li> <li>• Economic Feasibility</li> <li>• Waivers, modifications and exceptions</li> </ul>	Allen Rowley and objectors/interested persons
<p><b>Audio Recording 1045-1200:</b> <a href="https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvmz/file/579049513749">https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvmz/file/579049513749</a></p>		
1:30 – 3:30	<p><b>Objection Topic 6 – Leasable and Fluid Minerals</b></p> <ul style="list-style-type: none"> <li>• Surface Occupancy – 1 site per 645 acres, NTT report, closing lands to exploration</li> <li>• Noise Restrictions – includes road maintenance, emergency functions and improvements as well as access</li> <li>• Stipulations</li> <li>• Anthro Mountain Management Area</li> </ul>	Allen Rowley and objectors/interested persons
<p><b>Audio Recording 1:30-3:30:</b> <a href="https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvmz/file/579049511349">https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvmz/file/579049511349</a></p>		
3:45 – 4:45	<p><b>Other Objection Topics and Bin Items</b></p> <p>Discussion time for any other objection topics and bin items from previous days</p> <p><b>Summary of the Day</b></p> <ul style="list-style-type: none"> <li>• Reviewing Officer’s reflections</li> <li>• Meeting documentation, how and when available</li> <li>• Next steps in the review and planning processes</li> <li>• Questions</li> </ul>	Allen Rowley and objectors/interested persons
<p><b>Audio Recording 3:45-4:45:</b> <a href="https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvmz/file/579049510149">https://app.box.com/s/ovx58pmncvm6sblpvi6sluqkscrvmz/file/579049510149</a></p>		

## Transcription of December 10 – 9:00-9:45

Time	Speaker	Content
0:00:00	Jody Sutton	People on the phone real quick and then it will get started. Okay, Let's just make sure I don't hang up on them. Good morning. This is Jody Sutton from the Sage Grouse meeting. Who do we have on the phone?
0:00:19	Cody Doig	Good morning. You've got Cody Doig from the Wyoming Coalition of Local Government.
0:00:25	Jody	Okay, we're going to get started, Cody and, go ahead.
0:00:30	Drew Bauer	This is Drew Bauer. I'm representing the Campbell County Commissioners and the Wyoming Association of Conservation Districts.
0:00:39	Jody	Okay. Thank you.
0:00:41	Steve Holmer	Steve Holmer with American Bird Conservancy.
0:00:44	Jody	Wow. Great. Thank you. We're going to do...I'm going to make you do this all again. Okay, in a few minutes, we're going to do formal introductions, but I just wanted to make sure you all knew that you are on the phone. Can you hear me OK?
0:00:58	Unidentified	Yes
0:00:59	Jody	Have somebody else talk. Sindy, say something. Hello? Okay. Can you hear Sindy talk? (Yeah). Oh, this is awesome. This is a good room. This has very good acoustics, but we do have quite a few people on the phone. So, when we do speak, let's make sure we all do that. Okay? So, I am going to leave the phone on; we'll not be on mute any longer until we go on break. So, from here on out, we will make sure to include all of you in this meeting. Okay. Ready? Right.
0:01:39	Jody	So, I won't stay standing for obvious reasons. You guys can all see me. Welcome. Thank you for being here. I know it's hard during Christmas time, to get in a car, get on a plane. But, I appreciate it. And I am Jody Sutton, your objection coordinator of the Washington Office. We'll do introductions, I'd like to go through the agenda really quick. So, let me make sure everybody understands how we are going to proceed. I'm also going to go over some of the ground rules. I'm going to be your facilitator for the day. And when I say facilitator, what I really mean is like...like facilitation. This is your meeting. This is your reviewing officer. I'm going to explain why this is not Chris French. So, I don't... we're not going to do icebreakers, all that fun stuff; we are not going to draw pictures. But what we will have is folks writing up items. If we have bin items where if we have something else we want to talk about the next couple of days, we'll make sure we capture all of that. We also have recordings of these meetings. There will be transcripts of what happens here in the next couple of days. So again, thank you for being here. This is awesome. I was hoping we have a good crowd and we do, so that's great. Basically, let's go ahead and do introductions really quick. And then I'm going to go over extra ground rules like safety messages, where the bathroom is. And then I'm going to have Allen kick it off with his expectations. I'm also going to

Time	Speaker	Content
		have our responsible officials. So, basically, let's start. Let's start with the phone. Let's just get this done. So, Roxanne is going to... Can you hear this?
0:03:53	Jody	Okay, everybody on the phone. This is your turn to shine. Okay, so let's see if I can do this really quickly. Give me your name where you're from, what group you are affiliated with. And if you're an objector or an interested person.
0:04:12	Jody	And again, I'll explain all of that in a minute. But, Cody, I know you're on the phone, so let's start with you.
0:04:17	Cody Doig, Drew Bauer, Esther Wagner	This is Cody Doig, on behalf of Connie Brooks for the Wyoming Coalition of Local Governments out of Denver, Colorado. ( Thank you, Cody. ) This is Drew Bauer. I'm based out of Lander. I'm representing the Campbell County Commissioners in Gillette, Wyoming, and the Wyoming Association of Conservation District. And we're both interested parties. ( Alright, thank you. ) Esther Wagner with Petroleum Association of Wyoming, based in Casper, Wyoming, and we are an objector.
0:04:56	Jody	Alright. Thank you, Esther and I'm have a little bit of a hard time hearing you. So, if you can adjust your speaker or something on your phone, that would be great. Roxanne, did you catch Esther?  All right, who else is on the phone?
0:05:13	Leanne Correll	This is Leanne Correll I'm from the Saratoga Encampment Rawlins Conservation District in Wyoming. And we are an interested party.
0:05:23	Jody	Thanks. (I missed that one) I'll tell you later. It's long, long. Thank you. I know exactly who you are. Okay. Okay. Saratoga Conservation Water District.  Okay, who else is on the phone?
0:05:40	Ben Nadolski	Hi. This is Ben Nadolski with the Utah Division Wildlife Resources. I apologize I'm not there in person I got stuck behind an accident on I-15 which was clear, so I'll be there in person shortly. But, I'm filling in for Braden Sheppard with the Governor's Public Lands Policy Coordinating Office this morning and we are an interested party.
0:06:01	Jody	All right, well, we will save you a seat. Okay.
0:06:04	Ben	Thank you. Appreciate.
0:06:06	Jody	Here. Welcome. Anybody else on the phone?
0:06:10	Steve Holmer	Yes. This is Steve Holmer, Vice President of policy for American Bird Conservancy out of Washington, D. C. and we are objector and part of the coalition that is led by Western Watersheds Project.
0:06:22	Jody	All right. Thank you. Is that it?
0:06:30	Pete Nelson	Hi, this is Pete Nelson. Defenders of Wildlife. Bozeman, Montana. Objector.

Time	Speaker	Content
0:06:36	Jody	Hi, Pete. It's Jody. (Hi, Jody.) Anybody else? I think we have it. Okay, so those of you on the phone, you have a copy of the agenda and you have a copy of the meeting guide that I sent out last week, and I'm going to thank, I'm going to not pronounce it right Nada for triggering that, making me send that out. So, hopefully you guys can follow along. I will make sure as we go through this and we talk about the issues that we will include you in the conversations. Okay? So, thank you for joining. And here we go. So, we're going to start with the room. Let's start. Let's see.
0:07:31	Josh Uriarte, Scott Pugrud, John Richards	Joshua Uriarte with the Idaho Governor's Office of Species Conservation. Scott Pugrud also with Office of Species Conservation. John Richards with Office of Species Conservation.
0:07:42	Bruce Pendery, Colby Prout, Mary Darling	Bruce Pendery with The Wilderness Society. We were objectors. National Audubon was probably lead objector. They'll introduce themselves in a minute. Colby Prout, Nevada Association of Counties. Mary Darling representing Custer County, Idaho, along with these gentlemen.
0:07:59	J.J. Goicoechea	J.J. Goicoechea, Eureka County, Nevada. We are objectors.
0:08:03	Laura Granier	Laura Granier for Eureka County, Nevada; Humboldt County, Nevada; and Western Exploration.
0:08:05	Nada Culver, Greta Anderson, Mary Greene, Sindy Smith	Nada Culver, National Audubon Society and we are an objector located in Denver. Greta Anderson with Western Watersheds Project and we are an objector. Mary Greene with National Wildlife Federation. We are an objector. Sindy Smith with Utah Governor's Public Lands Policy Coordinating Office and we're interested party. Okay?
0:08:31	Joe Budd, Bailey Brennan, Linda Cope, Bob Budd	Joe Budd with Governor Gordon's Office out of Wyoming. Morning, Bailey Brennan with Wyoming County Commissioners Association. Interested Person. Linda Cope with Wyoming Game and Fish Department. Interested Person. Bob Budd—Wyoming Sage Grouse Implementation Team. Interested Party.
0:08:50	Jody	Welcome. Okay, did we get everybody that's an objector or interesting person? Greta, did you have somebody else? We'll probably have a couple of stragglers. We have room for them. We don't usually have everybody at the table, but so many of you have the same type of issues



Time	Speaker	Content
		or concerns. So that's how we'll roll in this meeting in case you have been to other objection meetings. Okay.
0:09:20	Jody	So, part of the objection process is we have a reviewing officer, and then we have responsible officials; people that are actually going to sign decisions later. And under the planning regulations 219, you'll hear me say 219 occasionally, I'm sorry. It's a Forest Service thing.
0:09:41	Steve Holmer?	Excuse me. There's a great deal of feedback on the phone right now. I don't know if everybody that is not talking is on mute, but there's a difficulty to hear right now.
0:09:52	Jody	All right. Thanks for letting us know. Make sure all you guys go on mute. Okay? So that you don't have any background because we didn't really have anything going on here. You can hear me. OK, right?
0:10:04	Cody	Yeah.
0:10:04	Jody	Okay. Good.
0:10:05	Multiple	(?) Now I'm having difficulty. When you're speaking, it seems to get fuzzed out (Jodi) huh? (Cody) Jody, this is Cody. I can hear you loud and clear.
0:10:16	Jody	Maybe hang up and call back in and see if that works for you? Sometimes that works. I'll do my best. I promise you I will rustle papers on
0:10:28	Unidentified	Jody. I can hear you, but when others are speaking, I'm having a really hard time hearing them.
0:10:33	Jody	Okay, so when we get into the meat of the meeting, we will make sure that people speak up. That'll probably be my entire job all day is asking people to speak up. Okay, where was I? 219. Reviewing officer, responsible officials. The requirement in our regulations is that they're all at the meeting. So here we are. We have meetings for 219. Those are for our forest plan provisions and for plan amendments. Which, of course, that's what this is, is a plan amendment for a lot of them. Just the basics for why we're all here today and I want to introduce you to Allen Rowley, our reviewing officer.
0:11:22	Allen Rowley	Well, good morning, everybody. Allen Rowley, I'm one of the Associate Deputy Chiefs in the National Forest System. Work for Chris French and Chris assigned, appointed me, whatever the right verb is for me to do this job as reviewing official.
0:11:40	Jody	Okay, that's good for now. Okay, responsible officials, these two people.
0:11:49	Jackie Buchanan	Good morning, Jackie Buchanan. I'm here this week representing the Rocky Mountain Region for the Forest Service. I am on detail to the Washington office as the National Director for Forest Management, Range Management and Veg Ecology. But I'm here for Rocky Mountain Region 2.
0:12:09	Nora Rasure	Good morning. I'm Nora Rasure. I'm the Regional Forester for the Intermountain region. And again, working with Region 2 and Region 4 together we're the responsible officials for this decision.

Time	Speaker	Content
0:12:22	Jody	Okay, so we're all in the same room together. This is awesome. Can you introduce you to the back row? Because they're important people, too. Okay. Tell us who you are and your role or what you do for a living for the Forest Service.
0:12:45	Jody	Amy, go ahead.
0:12:47	Amy Barker	I'm Amy Barker, I work for the Washington office, but I also helped write a lot of the EIS and decisions.
0:12:58	Jennifer Purvine	Okay. Jennifer Purvine and I was detailed into the ID Team leader for this effort.
0:13:05	Jody	I bet you guys couldn't hear that right on the phone.
0:13:11	Unidentified	No, right.
0:13:13	Jody	Really gotta speak up guys. That was Jennifer Purvine. You could blame everything on her.
0:13:19	John Shivik, Jim Smalls	Thank you for this. I'm John Shivik, working for Nora. Yeah. Really appreciate these two here. I'm Jim Smalls, I'm Assistant Director of the Washington office. The EMC staff I have NEPA administrative review and litigation in my portfolio.
0:13:39	Kevin Duda	Morning, Kevin Duda I'm on detail to the Washington office working for Jim Smalls and was assigned to the objection review team.
0:13:57	Debbie Anderson	Debbie Anderson, also in detail to the Washington office. I work with Jody in administrative review, and I'm helping her with this review.
0:14:05	Brett Roper	I'm Brett Roper. I did much of the review for the biological aspects.
0:14:10	Caitlin Arnold	Caitlin Arnold over in the USDA Office of the General Counsel
0:14:12	Roxanne Turley	Roxanne Turley on detail to the Washington office working with Jodi and Debbie on this review. (Jody) Okay, everybody, this is great. Okay, that was quick.
0:14:26	Jody	Okay, again, bear with us on the phone. We will do everything we can to make sure all the objectors and interested persons are fairly close to your phone.
0:14:37	Jody	So, I think we'll be a little bit better off there. Okay? So, ground rules really, really quick and then we're going to get started. I don't think I have to say this. You have to be polite. You have to treat each other with kindness, allow each other their opinions, not talk over each other. We'll make sure the phone gets an opportunity. I will do breaks. I promise J.J. You will be able to go to the bathroom. We'll follow the agenda because I know that some people may not be staying for the entire meeting. Maybe they're just interested in some of the issues and not all of them. So, we'll do our best to follow the agenda each day. If there is a fire alarm that goes off, I'm assuming that we're going to go downstairs and Amy will be the one that helps us find the exits. But we will not use the elevator.
0:15:39	Jody	Okay, Well, other than that bathroom's, men's, women's All right.
0:15:56		[Room disagreement] All right. I've been going to the wrong bathroom.

Time	Speaker	Content
0:15:58	Jody	<p>Okay. Alright. Here we go. Okay. Anybody have any questions before we get started?</p> <p>Okay. We are here to listen to each other and learn more before any decision is made. That is the bottom line for pre-decisional objection process. A little different than the old days, to the appeals. So, we like this. We like being able to gather all of you together in a room with different ideas, different ways of thinking about things and allow each other to listen. This is so much better than your old appeals process. Where you guys just appealed and sued us and nothing ever seemed to change. So, we really appreciate you all being here. I am going to turn it over to your reviewing officer. I will guide you through the day through the agenda and make sure that those folks on the phone can hear us. Okay.</p>
0:17:10	Allen	<p>Well, great. So thanks everybody for taking the time to join us. I'm going to call out that it is an effort and appreciate your investment. This is a chance to ask questions and help us, ask questions of us, in terms of what wasn't clear in the documents on decisions; look for what was missing; suggestions of how it could be made better. And in the best scenario, suggestions that could be agreed on by everyone. So, I have participated in several of these objection meetings and sometimes we couldn't agree. And yet, we all got smarter by hearing the different views and other ideas. And in other cases, people who saw the issue differently through dialogue were able to come together and come up with recommendations like, huh, maybe it could work with some level of success. So the door is open. For all that, this is not a decision making meeting. It's a dialogue conversation. My job is to make recommendations to the deciding officials, to the Regional Foresters of the Intermountain Region in the Rocky Mountain region. Right? So, they're here to listen as well.</p> <p>I want to save space for, in some of these objection meetings I've been in the past, there's time for a break, and people wanted to step out and talk about how they see the issue this way and how they see it differently and come back with a proposal for the group. So, while it doesn't happen often, there is space to do that. If we were to discover some ground, where people are like, "hmm? I see it differently now. Maybe we should talk."</p> <p>There's another piece that's still in motion. So the folks on the back row that introduced themselves as the review team. So, you objected and there's a team of specialists that are going through your review and the project file, in what I call a very technical review of the points made. And, so we're not... that process is actually still in motion. So, I'm not informed of the complete review yet. Um, and I want to let you know that we're still doing that kind of stuff.</p> <p>It's also true that I have reviewed the objections. And so as we get around to any given issue, there's not a...I don't see a reason for you to repeat your objection word for word, right? Because we already have that. It's</p>

Time	Speaker	Content
		<p>what would you say in person? What do you want to talk about or emphasize? That would be the value of this meeting. So, to review or read your objection wouldn't necessarily be value-added, as much as, "well, here is what was really important to us about that objection." Be able to put that in the room for all of us. The other piece, the way it's put together, many of the issues you might have raised concerns... Um, natural resource management is complicated. We have the science as well as the law, regulation, policy piece, and it's all intertwined. And so Jody and her staff tried to parse this out into logical chunks, and that's what the agenda is built up around. So, for example, there's a piece about the planning process. It's hard to talk about the planning process without stubbing your toe metaphorically, some science piece and it's hard to get to the science piece without tripping on something about NEPA and the planning process. I know it's imperfect. We're doing that to build a little structure to our dialogue. So, bear with us and, I'd be happy to, when we start to see overlap, I'll try and listen for it and say "let's keep going because it looks like we're hearing new information." Or, "could you hold that? Let's come back to that another session."</p> <p>One reason to do that is there may be people who only raised objections on one particular theme and may opt in or out to manage their time. And I want to give people space to do that, particularly people on the phone, as well as people who may have traveled or be traveling here and have other work. So I think that's all I want to say in terms opening remarks, except that I do want to give space for the objectors and interested parties without talking about your objection, is there a question about our process I can help you with?</p>
0:22:24	Jody	<p>So, let me reiterate something you just said. But I think it's so important. This is I think I said in an email to all of you here, do not be alarmed. These issues are not all the issues, obviously, but we cannot talk about every issue that all of you brought. So as Allen pointed out, there's themes, the agenda has certain ticklers under each topic area. If we want to talk about it, if you want to talk about them, great if you don't, you have something else within that the topic area, let's bring it up. Objectors brought us the issues. Interested persons looked at your objections, and said huh? I support that. I want to be an interested person or they said, Oh-uh, those people don't like something that I actually like, so I better be an interested person. So that kind of goes either way, ordinarily have everybody at the table at one time. Normally, we have y'all sit in back, bring people up we talk about your issue one at a time. But oddly, you know, most of you at the table cared about everything and interested persons, all of you cared about everything, except maybe the Western Stockgrowers Association. So, we made a command decision that, you know, let's just get you all the table. You're objectors. You're interested in this in this project and in these amendments, in the sage grouse. Let's just do it this way. So, if this feels a little different to you, in the way that we ordinarily do this, it is. But we're hoping that it works just fine because I</p>

Time	Speaker	Content
		think it's going to be fun couple of days. Anyways, Jackie and Nora, why don't you guys just give us a really brief, what do you hope to get out of the meeting?
0:24:53	Nora	<p>Good morning. This is Nora Rasure. So thank you for coming. I do really appreciate that you all made the effort to come from afar, and it really is important to me that we can have this conversation today. I think we're all here, or around the phone, because the management of our national forests and the resources on those forests are really important. And they matter to people for multiple reasons. And I think over the next couple of days, we're really going to start to understand that about each other, from each other why they're so important. What I'm really looking forward to about this session is, oftentimes we find ourselves dealing maybe one on one with one state or with one organization and then we bring it all back and we have to figure out how to pull that together and make sense of it. And so, to have all of you in the room together on the phone hearing from each other and listening to what is important and what is a concern provides a great, I think, a rich opportunity for all of us to think about, "Is there a potential solution set out there that maybe we hadn't imagined or considered?" And it becomes more evident because we're together. So I come into this meeting very curious about what we could learn from this and how we might be able to improve and make better our decision. I have been with this project since 2013 and actually Jackie and I were talking and she was on the Bridger-Teton before that. Back when we got started, I recall coming into our first decision. I'm picking that up around the draft final and really working with people to come up with that decision for 2015. So, I was one of the signatories to the 2015 decision. With any decision once you make it, you really are thinking about how are you going to implement, what else might be new, what else did we miss, perhaps. And so, then it's really important to think about, if we need to make changes, what might they be? And I think in a few seconds, John might be able to talk to that. So I just want you to know that I've been with this. It's very important to me. It represents, the sage brush ecosystem represents, a vast majority of our region. It's very important. Reason [inaudible] sage grouse and its habitat are very important. And yet it's also about how we use our national forests and grasslands, and those uses are also important to me. That's why I went into the Forest Service, because I love our national forest system and I value the multiple use missions. And as a line officer, it's my job to figure out how to try to balance that, make it work for us for the long term. So, looking forward to our conversations here over the next couple days and remain hopeful that we can find a path forward that really addresses the long-term sustainability of our forest and our uses.</p>
0:27:57	Jackie	<p>Okay, So good morning. I will echo a bit of what you've heard from Nora and from Allen. Just a lot of appreciation for folks being here today and for this week. We're here for the whole, for the next couple of days. And when I look around the room, I see a lot of faces I have seen for the last</p>

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		<p>10 years working on sage grouse. So, a lot of us care deeply about this topic in this work on, and it shows because you're here and willing to spend time with us to hopefully get to a good place. I do think there is a high value of having everyone together at the table because we've all read the pieces of this as our individual selves. But when you get together and you have some conversation dialogue, as Allen said, sometimes things do come up that you can talk through and maybe put that piece to the side and focus on something even more critical. And so, that is what I'm hoping we can do this week is through this conversation, through the input. And it's more than a conversation really is input. And hopefully, some back and forth that we can get some of the items into a different bucket than just, you know, they're an issue, and that's all that we have. So I'm excited about it. I'm hopeful about it. I am committed. You know, this again, has been on a lot of work for me for the last 10 years. And so, I want to see it get to as good a place as possible. I, too, like Nora care very deeply about the resources, sustained multiple use and finding some middle ground for all of us in there. So, I come with a high commitment to listen, because that's really our rule today.</p>
0:29:48	Jody	<p>Okay. Thank you. Okay, so here's something that I forgot about, that's really annoying... Okay, but this is for all of our sakes, when you talk or if you have a question, either on the phone or in the room, when we have this dialogue, I am going to have to ask you to say your name because we are recording it and it would be really hard for us later on to see the transcripts and not know if Greta is saying this, or Laura saying that, without you at least giving us a first name. Okay, it will get annoying, I promise you, but I'm going to keep reminding all of you. Okay? I know it's really awful, but that's just the way it is. Mary?</p>
0:30:38	Mary	<p>Will we get a copy of the transcript?</p>
0:30:47	Jody	<p>We'll post it. Okay. You want me to email you, but you will get a final. We'll go through that on the last day. But you know what's the next steps and, you know, timelines and stuff like that. But you will get final response and everything, but for sure, we will post the transcripts, and I will send you one personally, if that's what you want me to do. Okay. All right. Okay, people on the phone. Do you guys have any questions? You guys are okay so far. You're still there, right? (Yep.) Drinking coffee in your jammies. Okay, so the next part of this agenda is we're going to have, John, Mr. Shivik, Doctor Shivik give us just a brief overview of how we got here today. We just thought we would set the set the framework of where at least the Forest Service is coming from. So, John, why don't you come up here? I think it'd be a lot better.</p>
0:31:45	John	<p>Oh, I'll stand here. Does this work?</p>
0:31:47	Jody	<p>Well, okay. You need to get a little closer.</p>
0:31:51	John	<p>Sure. So I have a couple points today. I'm John Shivik. Trying to coordinate this is best I could. A few things that I want to talk about. One, complicated process, multiple regions. And that's the reason why I'm standing here because we're balancing our region, the Intermountain</p>

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		<p>Region, the Rocky Mountain Region, twenty forest units across a big landscape. We're balancing that against planning rules that have changed during the middle of this, right? From our '82 rule to our 2012 rule. We're trying to figure that out as we go. We're also really concerned at the forest scale and the planning unit scale and trying to balance that out. Then I also have to say thank you, in terms of balance, to everybody in this room to the comments that have come in, to all of our dialogue with cooperating agencies as we've gone through because that has really helped us a lot. And this is, as Jody would say, too, I'm really respectful and appreciative of this objection process, because this is allowing us to say, "Oh, wow, I'm noticing some things that, yeah, you know what? We could improve that. We could improve that before we get to a decision." It is really helpful that have that. So, I really appreciate that. One of the other things I want to say is that we are... This has really been a bottom-up process we flew as fast as we could; we created those plans in 2015. I initially got roped into this to implement those plans. As we're implementing and working with different agencies and our different forest units, we noticed a lot of things that were sometimes a head scratcher. Is this really the best for the bird and efficient use of our resources? How do we do this? There's a lot that we had to work out through implementation. Then, as the process happened, BLM changed; Utah revised their plans; different things were happening. I really saw an opportunity to come back to the drawing board and tweak these plans a little bit and try to improve them as best we can, take some of these things that were having difficulties with implementing. So that was really useful and that's where it came from. I have heard, you have heard this portrayed in a bunch of different ways sometimes, but this really has been bottom-up. There hasn't been anybody in Washington or anybody North. It's been really, "go figure it out; go work with cooperators; take the comments and figure it out." That's the way this process has been working. So, it's been a real balancing act to try to get that done. Um, other complications that everybody should be aware of in the room, but things we're trying to work through, I'm just a biologist, right? I'm learning a lot about minerals and development. I'm learning a lot about planning and all that kind of thing. And as we went through every word in this... it was generally, we come up with the biological idea, then the minerals people say, "Oh, you have to say it this way because of the mining act" and then the planners say, "you have to say it this way because of this or that" and so all of these words, I know it doesn't look perfect all the time to everybody, but it's really been trying to balance out, you know, all interests and get something that's going to work best for the bird in the long run. And, I think that's most of background that I wanted to bring now. Thanks.</p>
0:35:14	Jody	<p>Thank you, John. Jen, did you want to add anything or you guys are good to go? Well, you know, just something to keep in mind, we don't always bring the project team to meetings. We don't always bring the review</p>

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		<p>team to meetings. This is so important. It's so complicated in so many ways that we felt. And because they're such a great team, they have not been defensive. They have not read your objections and said they didn't get it. They have, as John pointed out, said "Oh, huh? Maybe we could have done something a little bit differently. Or maybe we need to go talk to someone." So, we thought it would be beneficial for all of you to have an opportunity, during breaks, lunch time, in the meeting, Allen may bring them up allow you to ask questions of them. "What the heck were you thinking?" type of things. So that's the main reason you have a whole back row of people, is to support you in this meeting and to support Allen.</p>
0:36:23	Jody	<p>So good to go. What time? you know that's awesome. We've basically got through the entire first part of the agenda because, Allen, I skipped around on you. So we're going to take a break. Yeah, we're going to take breaks. We're going to take 15 minutes, introduce yourself to each other. If you haven't already done that.</p> <p>And then we're going to launch into topic number one, which, of course, is our planning. Probably won't spend a lot of time on it. Then we're going to get into NEPA, which is always a fun topic, right? That's my background. And I probably should tell you that I have from the beginning with 2012 plan, I have been with the administrative review staff... not going to say I helped write 2012 subsection B, because I didn't. I've been implementing it. So I've been doing this a lot for a lot of years and I do work at the Washington office. Many of you may have tried to call me. Didn't have a phone and that was awesome. But I appreciate all of you, all of your patience with me as we move through this together, I recognize so many of you today.</p>
0:37:43	Jody	<p>So, we're going to get into planning. Then in the afternoon after lunch, we're going to do have a lot of conversation about sage grouse in their habitat. And the protections, restrictions and standards and guidelines, management approaches and all the things that you guys want to talk about. Whether you like it, you don't like, what we need to do better. So, that's pretty much going to be our day one. And then those of you in minerals are wondering why disturbance caps are heard today, there's a reason for it. We're going let Brett Roper, right over there, explain himself for that one. Okay, Day 2, let's just run through really quickly. That's where we're going to start the day talking about cows. We're going to go from the range issues into locatable minerals. Then we're going hit leasables in the Fluid Minerals Section. As I'll remind all of you, if you have other objections, let's make it clear, okay? Not going to bring new issues to the table, but any other objection issues related either to these topic areas or others that we didn't put on the table today, we'll have a bin. We have scheduled Thursday morning to go over anything else that we have left over that you guys wanted. Do you have any questions about the agenda? You guys are an easy crowd. Okay, take a break.</p>



## Transcription of December 10 – 10:00-12:30

Time	Speaker	Content
0:00:27	Jody	Alright, we're back online with all of you on the phone. Thank you for persevering. We're waiting just a couple of minutes. While we do that, Ben, I'm going to have you introduce yourself. If you guys recall on the phone, there was a gentleman stuck in traffic. Well he finally- I'm gonna embarrass you.
0:00:50	Ben Nadolski	Ben Nadolski, I'm with the Utah Division of Wildlife.
	Jody	We're not going around the room.
	Ben	Thanks for your patience.
0:00:58	Jody	Allen will be back in just a second and I do wanna wait. So again on the phone, can you hear me 'okay'?
0:01:08	Unidentified	Yes.
0:01:09	Jody	Thank you, is that you, Cody? I feel like we're becoming friends. Okay. Any questions, any questions on the phone? You guys have been very quiet?
0:01:26	Unidentified	No.
0:01:28	Jody	No questions? Okay. Alright, so far it's pretty much standard stuff. Here's Allen, he's coming in. Okay, here's how this is gonna work for the rest of the day, tomorrow, and on Thursday.
0:01:40	Jody	You all have that document I sent you, right, and you have it in the folder. So you have the agenda, and you have the meeting guide. We tried our best to put what I would call 'primary objectors' at the top of each of the issues. I am not gonna guarantee that we got everybody. So, we're going to just...what Allen's gonna do, is, he'll quickly review what he thinks he understands about the issue. He is gonna call on the primary objectors, there's usually more than one, to pontificate, to expand on, to explain to the rest of us, you know, what their issues are with this particular topic. From there, then Allen can take it and expand it out to the rest of you. Interested persons, again, there's a least 5 out of the 10 of you that were interested in everything. So, that just means that the whole conversation will be opened up, but we want to give the primary objector a chance to basically lead the conversation, and open it up. Does that make sense to all of you? So, some of you are on the phone. And this will be the tricky part, and I will do my best to figure out a way to make sure that you are included in this conversation if you want to. You certainly don't have to. Any questions about that? It's pretty simple, if you have your notes in front of you. So basically our first topic is planning.
0:03:29	Allen	Alright, I'm ready to launch. Let me just say, remember, I didn't say this in the introduction, as you speak, don't be surprised if I have a question back for you in terms of: "Tell me more about...", "Explore...", "What if...", "What about...", "Could this work?". Alright? Yeah, known to do that. A good chance with the review team, they might have some clarity questions. So, it would be good to put those in the room and let me process whether Jennifer and John would be efficient for them to just answer that right now without

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		<p>re-describing the entire EIS and decision documents. Right? So I'll want to do a little traffic control on that. And I've already talked to John and Jennifer, and they're ready to answer some of those questions and think about it this way- the dialogue is your conversation; our conversation; is helping me, Nora and Jackie, the deciding officials, where we go next. One of the many things that comes out of this is, I have some recommendations I make back to them. And so, as a decision-maker in the process, I value when I was in that position, valued having... think of it this way, having a peer look at your work and offer suggestions. That's sort of what I'm doing. It's like, "Huh. Yeah, I read it, and you know I didn't get it," or, "What about, what about...?" And ask those kind of questions. So that's it.</p> <p>With that, I'll jump into- we have it labeled as NFMA, National Forest Management Act. That's our act that directs us on creating land and resource management plans.</p> <p>The simplification of this appears to come down to 3 pieces.</p> <p>One, the plan components. What's in a plan.</p> <p>Desired conditions, standards and how we act.</p> <p>Guidelines, in terms of suggestions we should be following.</p> <p>Those are... That's the framework we work in.</p> <p>So there are several comments about "the guidelines are not strong enough, direct enough... there's too much solution-space or decision-space for local decision-makers" is the theme, some of the theme, coming out of the objections there.</p> <p>There's another theme around adaptive management, (which I think is characterized, as I read the objections), lack of clarity of [so] "what would change and how, and why, and would it still be positive for the sage grouse, for the bird itself?" And then there's third component of, "What's the level of coordination in the document with existing land management plans that counties and local governments may have." Those were the three big buckets that I saw in this conversation about planning and National Forest Management Act "stuff". Um, and I'll start with, if you're okay, Greta. If you want to share your thoughts, or what else you want to bring into the room around those three things. If you want to just take one we can gauge other folks.</p> <p>I am a hard copy note taker, found my pen. So when I scratch and then there's a small metaphorical fire in one of the hallways, metaphorically, in this building I work at east of here. So occasionally, my phone has been buzzing as I try and stop it. Sorry about that, but that's what I do. Greta?</p>
0:07:47	Greta	<p>Yes. So, this is Greta with Western Watersheds project. We are concerned that the 2019 plan revision changes some of the things that were mandatory standards to guidelines and management approaches. Which weakens their enforceability. Standards are defined in the plan as "mandatory constraints". Guidelines are a constraint that allows for the departure of its terms, as long as the purpose of the guideline is met. And then there's management approaches, which are a new thing under the new regs, which is considered optional plan content and that can be changed administratively after the plan is published. So that would be without further NEPA process, that that's</p>

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		<p>something that could be done. The rule says that administrative changes to management approaches requires only that the public be provided notice of such changes in any way that the responsible official deems appropriate. So we saw a number of items in the plans go from being standards in the 2015 plans, to being guidelines in the 2019 plans, or worse still, "management approaches," and that's something we're concerned with. There's a lot of deference. There's sort of deference added, a lot of deference added to the plans that already had quite a bit of wiggle room and variability based on local conditions. So that's one of the things Western Watersheds Project is concerned with. Yes?</p>
0:09:35	Allen	<p>So, follow-up question for me. The management approaches. I understand the concern you raised about how do you know, and I might even go so far as to say, how do you engage in a management approach change. So do you have some ideas about what that could look like?</p>
0:10:05	Greta	<p>You could go back to guidelines and standards. And, you know, make it a, not an administrative change, but make it an actual notice and comment change.</p>
0:10:18	Allen	<p>Good.</p>
0:10:20	Steve	<p>Yeah, this is Steve Holmer, can you all hear me?</p>
0:10:24	Allen	<p>Yes, Steve. Go ahead. Use your soccer fan voice.</p>
0:10:28	Steve	<p>Terrific. Let me jump off speaker- maybe, it sounds a little better now. So, I'm Steve Holmer with the American Bird Conservancy, and have been working on this for about a decade, and took part in the bi-state protest resolution effort that was led by Chris Iverson, which I thought was very productive and successful effort. So I'm looking forward to all of this. You know, big, big picture, just to add onto what Greta was saying. You know, the grouse are doing very poorly across the range, and they did not see a big bump up in their population. So it's hard to say that things are going well right now. And when you look at the habitat degradation, which I see based on the Forest Service monitoring reports, we're losing upwards of 100,000 acres of priority habitat each year right now. So, we're not really seeing a stemming of, you know, the bleeding there either. And all that points to the need for stronger protection and some type of a different alternative that would move in that direction. But when you look at the not-warranted finding in 2015, in fact, what we're seeing is just about every promise that was made has been broken in terms of the standards of the plans, the adaptive management and the management direction in terms of drilling in these important areas. So we're really concerned about just what...what just seems to look like a lot of broken promises. So you know at this point what we really need to see is Forest Service leadership. The BLM direction is a failure as directed by the courts, and I think that that's just a dead end. And so we really need to be thinking about something fresh, stronger protections, moving in a new direction. And then, unfortunately, at the same time we have this new NEPA rule coming forward, which I just think creates a tremendous amount of uncertainty. Where, once again, you go back to the broken promises. It looks like we may be, you know, next year, looking at a completely different landscape because of this new NEPA rule, which, in our</p>

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		view of the giant step in the wrong direction. And again, it's a sign of a need for new leadership.
0:12:36	Allen	Steve, Allen Rowley here. So that when you use the word landscape there, I jumped to the conclusion you were talking about the social political decision making landscape, not the landscape with trees on it.
0:12:56	Steve	No, I'm talking about the actual landscape. The monitoring reports indicate, actual acre by acre data. And it's over- the losses have been over 100,000 in the 2015 report into the 2016, and we see no indication of any changes. So, I'm not looking forward to seeing the 2017-2018 reports. But I assume that they have similar indications.
0:13:17	Allen	Okay, thanks for the clarification. I misheard that. I made the wrong assumption. Anybody else want this comment about the discussion and dialogue around standards, guidelines and management approaches? <i>[inaudible]</i> Well, so, I would actually open it to other interested parties and objectors If you had an idea or thought, or concern on that as well.
0:13:53	Nada	This is Nada Culver with National Audubon Society. We had also addressed the planning rules in our objection, and I think our objection was a little broader on this than just the management standards and guidelines. But it does get to the same point, I think. Which is, that, we read the planning rules as consistent with the original purpose of sage grouse planning effort, which was to avoid the listing <i>[inaudible]</i> of the species. Keep management the way it is, with partnership right now between the states and the agency, federal agencies. And from our reading of the overall changes, it seemed like there was a lot less certainty, a lot less commitment and that did not seem consistent with the planning rule approach once you have identified sage grouse as species of conservation concern, and what should be reflected in the planning components once that decision is made, instead of having components that have less punch and less requirements. We seem to be going away from that.
0:15:09	J.J.	J.J. Goicoechea, Eureka County, Nevada. So, I mean, I agree with what they're saying. We have to do things differently if we are continuing to lose habitat, but I come out from a little different angle. We need adaptive management flexibility for real, on the ground, movement as things change on the ground, as our threats change, as those habitats change, as we see invasive species of plants. Because that is a lot of what we're seeing- a lot of fire and invasive species are the biggest in the state of Nevada. [That] our sage grouse plans recognizes that, addresses it, and is built on adaptive management. If we see very, very rigid standards from the Forest Service, it's hard for our state plan to work within that. And then we're right back to an inconsistency with local government and state plans. So it's really, if we're gonna turn the corner on this, and we're gonna stop the decline, we've got to have flexibility and adaptive management. And I think that's what the Forest Service was trying to do here, and we supported those changes.
0:16:27	Allen	John Shivik. <i>[inaudible]</i> So Steve Holmes brought up the 100,000 acres a year of habitat loss, and I have read some of the monitoring reports and I couldn't tell the way, Steve, the way you describe that- what piece of that is national

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		forest, what piece of that is BLM? John, what could you describe our monitoring in terms of what that pattern has looked like over the last couple of years?
0:17:03	John	So, and I'm glad you brought up. And Steve, this will be really helpful, and I wish I had mentioned this earlier. I was trying to get our most, latest annual monitoring report together before this meeting, to have out for people. But it's still, I'm still waiting for some pieces of information. It's gonna be very, in my opinion, very useful. I know in our discussion before, Nada, there was questions about, for instance, if you have exceptions, are you just granting exceptions all over the place? You're going to see a table of every forest that shows all the decisions that have PHMA/GHMA, what the stipulations or what changes were made to make it consistent with the plans, what was consistent with the plans, exceptions that occurred or whatever. There haven't been any, that I've got so far. But what's nice is that people are going to see that, they are also gonna be able to see all the habitat work that we've been doing over the last few years. On our WEPP <i>[inaudible]</i> report, got all the habitat stuff has been done for sage grouse, so we'll be able to see that. And Steve, so that should hopefully balance out some of what your concerns are. So yes, fires, yes there have been a lot. But we're not, you know, asleep at the wheel. There's been a whole lot that's been going on in the background, and that's what you're gonna see in this report. Hopefully in the next couple of weeks when it comes out.
0:18:18	Allen	That was actually my follow up, when we might see that, John. So, that's a rearview-mirror look. Nada and Greta, of what- where we've been so far. And yet, you know, the rear-view mirror works when you drive, as long as the road straight. Right? So what do you think about that now? Hasn't been finished yet, right? So what do you think?
0:18:55	Greta	One of- one of my concerns... this is Greta Anderson, my concern is that the Forest Service looking at which, what habitat has been lost in isolation among, by state, or by forest service management, is not enough of the big picture to look at what was lost before 2015. That we've started with very low baseline; that you're, you know, pleased to just be slicing little pieces off of now, if that's in fact, true. You've started really with less habitat and smaller populations, and the question is whether they can withstand any more impacts. And you need to add that to the threats it's facing and the bird is facing in the rest of its range. And so, part of our objection has been the cumulative effects analysis, which I'm sure you'll be looking at, or we'll be talking about later, but the flexibility of- the approach of flexibility in every space. If you take that flexibility, at every site specific project you end up without any firm regulation and the Forest Service has a chance- the leadership of the Forest Service has a chance to set the bar that must be met. And we just think that bar is already too low, that the- too much has already been lost, and continuing to allow the wiggle room and adaptive management flexibility, that the people who- for economic uses of the public lands, is not gonna save the grouse. And it's not going to avoid listing.
0:20:50	Laura	I guess, when I think of adaptive management, in my mind, that doesn't mean you're letting development occur all the time. I think of adaptive

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		management as use of site-specific information. And the COT report emphasized the importance of, I think, like the Forest Service has done here: kind of setting guidelines and you know, of what generally may improve the habitat condition, but with great deference to, and coordination with, the local conditions and the ground truthing, and the local experts. If there isn't flexibility to make use of that site-specific information, I question how we can really achieve the best level of conservation. Because it can't just be a one size fits all, and rigid standards will prohibit, in some ways, the best protection of the grouse habitat.
0:21:48	Allen	Anybody else have something they wanna chime in to the conversation?
0:21:56	Greta	This is Greta again, I would just note that you could have management flexibility. Given that sage grouse need at least seven inches, you could have a range of grass height from 7 to 15 inches, and people could manage within that range. There is flexibility in the other direction.
0:22:18	Allen	So there's that, there's one plan component. There are lots of other plan components. Do you have some other examples where we would preload the flexibility?
0:22:34	Greta	I think that plans are pretty loaded with flexibility. What we want to see is more enforceability. And yeah-
0:22:42	Allen	So I- let me rephrase that, You know, that was a slow pitch right across home plate for you, Greta. I'm listening to your concern about flexibility, you offered with something of... "Well, here's an example, we could change something right now, you might say a little too vague, and you put some numerical brackets on it." Grass height was easy because we can all imagine that. I was looking for other plan components that you might have similar brackets that you'd want us to operate within. And so I'm not asking that in terms of a complete review of the plan, I'm thinking about just 'popcorn'. What comes into your mind with other things you would bring to the table?
0:23:29	Greta	I think that, um, looking at the minimum needs of the sage grouse should not be the minimum standards that the Forest Service is willing to meet.
00:23:44	Allen	Ok.
00:23:46	Greta	So... Yeah.
0:23:48	Bob	This is Bob Budd of the State of Wyoming. I'm not completely following the discussion relative to adaptive management. For us, adaptive management is a process. And that's what we were trying to get to in the document, was, when you have a soft trigger, how you can handle that? How, whether it kicks up to the State Adaptive Management Working Group, do you appoint a technical team to evaluate causal factors? Do you look for a wide range of resolutions to that? Vis-à-vis a hard trigger, which we have very firm timelines: 90 days there will be a team appointed, they will do a causal factor analysis. That's a process piece that we were looking at in this planning process. And, the flexibility has to be built into that because you're looking for 'what is the cause and what are the remedies'. So, I'm not sure where the 7 to 15 inch and all that comes in to it- doesn't have anything to do with it. So, am I off base? Or are we talking process relative to adaptive management, or are we talking flexibility as related to management?

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00:24:58	Allen	<p>So I'll start with how I think about it. Um, what started the conversation. The start of the conversation is that the 2015 decision documents were very specific, and what I heard from Greta and Nada is that it was too um- we've moved away from that very specific to a more general description? I'll paraphrase. And not as much about the planning process, as, the framework is too vague or general.</p> <p>And then Bob- so, and then Greta offered that example of just a numerical grass height, for example. We hadn't yet talked about process step that you identified. I see how they are connected.</p>
00:2	Bob	<p>No, that is what's identified in the objectors objection. They're concerned about soft triggers/hard triggers. That's the process piece that when we were looking at the amendment, we were looking at making that line up with BLM, with the state, with game and fish, and all of those. And <i>[inaudible]</i>, so that we were able to make an immediate response in case of a hard trigger. And we were able to look forward and say, "Hey, we need to deal with soft trigger so it doesn't become a hard trigger." That's a different thing than the question of whether it's a guideline or standard, or a management process.</p>
0:26:36	Jody	<p>So Greta, you had a response, yeah? (Greta) I don't remember.</p>
0:26:51	Nada	<p>I'm just gonna just clarify, that since we're supposed to be having a conversation that might help you having the same conversation, because I think what happened is- the way it's broken out in summary document was the first one we were talking about- was the overarching of plan of concerns of the management prescriptions themselves. We had objected on the basis that overall those management approaches didn't see they were going to meet the standards needed to keep the bird population. Then I think it ties into adaptive management because, how much flexibility is okay in management approaches? But I know that adaptive management process was the next topic and that wasn't something we had.</p>
0:27:27	Jody	<p>So this is a great example of how these topics lead into each other. There's no way to tease and separate this stuff out. So, I can totally see why you're doing what you're doing, and like you're talking about the first one, which of course is standards and guidelines. But all I'm asking is don't get too worried about whether you jump around from one to another. That was good to ask, clarifying questions. What did you mean by that? Why are we talking about this? So, that's good.</p>
0:28:06	Greta	<p>This is Greta again. To put it in context, it's that we don't see the plans as strong enough. And, if you're deferring decision-making to 'adaptive management' that includes all this flexibility down the road, then you don't really have anything solid for the sage grouse. And that was my point.</p>
0:28:30	John	<p>Just to add a little clarification here, that might help with the conversation, because we did <i>[inaudible]</i> adaptive management with the original- we're talking about standards, guidelines, that kind of thing. Um, this might be useful to know the context of standards, guidelines and management approaches. And this- a lot of this is an artifact from switching over from '82 rule to 2012 rule. And part of it was going through our '15 plans with our</p>

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		<p>planners- remember I talked about different interpretations through different folks, and our planners would look at something was labeled a standard or labeled a guideline, and say this isn't, doesn't fit the definition of a standard or guideline. So we're in a bit of a bind. So what do we call this thing? And we thought the best approach would be, "Oh, let's make it a management approach, because that's something in the 2012 rule- because it describes the process. Anytime you're talking about a process, it's gotta be- it's not a standard or guideline.</p> <p>So we turned those largely into management approaches. Greta, you know, pointed it out, during the draft, "You just turn all these things into management approaches," and we thought, "Okay, that does look bad." So what we try to do instead is, for every one of those management approaches- it's tiered to a standard or guideline. So a standard or guidelines will say, you know, graze a certain way or do this or don't do that. And there will be a management approach underneath it that would describe the process in more detail about how we'd go about doing that. So a lot of people- everybody knows my motto, right? Consistency, through flexibility. And we try to get both of those things at the same time, and this is where, Nada or Greta, this is where we could use help, you know, did we nail it enough, in terms of providing that certainty, but providing- like you're saying, Bob, that flexibility through a process. So it's really clear upfront- what we're gonna do, that we mean it, but in a way that's also consistent with 2012 rules. So that's just context there that would probably be helpful in the discussion.</p>
<b>0:30:32</b>	Allen	Anybody on the phone who wants to join in?
<b>0:30:37</b>	Steve	<p>Well, yeah, this is Steve Holmer. The adaptive management provisions were an important backstop in this, and it appears to us that both- that the process is fundamentally weakened in what's being proposed in the new rule. And it also appears, by the reading of the language, that it's discretionary. That instead of this being like a "shall" do, this is a "may" do kind of thing. And so, that really doesn't give us much certainty that we're actually gonna get this backstop. And given what we're seeing with the population, I think that this is really an important part of, you know, of what we need to be able to do. And just to throw in there, I think that, you know, this gets back to the need to [having] fully protected areas- the sage brush focal areas where you, in a sense, have these areas where you have a much higher level of protection, so that it puts a little less pressure on this adaptive management approach. Which, you know, which I think is being unfairly weakened here.</p>
<b>0:31:44</b>	Allen	<p>Steve, do you have a suggestion about- um, Allen Rowley here, Steve a suggestion about... I think I heard you say that you acknowledge the appropriateness of management approaches, so I should check that assumption with you. And then do you have some specific suggestions about language that ties that more strongly to the other plan components? The standards and guides?</p>
<b>0:32:19</b>	Steve	<p>Well, I think I was pointing out the importance of adaptive management in the hard trigger process to be able to react to what appears to be population</p>



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		declines and habitat loss. And so, um, you know. The proposed changes, I think the remedies to not make these changes is to keep the hard trigger process as robust as possible, and to not make it discretionary.
0:32:48	Allen	Ok. Thanks.
0:32:54	Josh	This Josh Uriarte, from the State of Idaho. I guess I had a question on that as I looked through the plan during the adaptive management process, the hard and soft trigger language is a standard. And then it has the management approach on how to go about- once you've identified a causal factor- on how to go about solving that. So I guess to me, it seems like the hard and soft trigger standard or the rule set, is there, and you don't get away from the hard or soft trigger once you reach that population or habitat declining by a certain amount, it's there. And then the provisions go into effect where important goes to priority, or depending on the different state. But- and then the management approach is there, for the technical team to come together and identify the causal factor and go, "Here's what we need to do to fix this and make it better for the bird." So, I guess I'm not understanding when you say that the protection isn't there or the standard has been changed. It seems like the standard is still there- hard or soft triggers tripped, this happens, and then you go to fixing it. So could you elaborate a little more on your thoughts on that? It seems like the standard is still there for a hard or soft trigger.
0:34:12	Steve	Well, I guess it is on the fix-it side that it appears it's gone discretionary where the [ <i>inaudible</i> ] is basically, in the case that they- "may decide," "may implement," situation. So it basically says, "Yes, there will be this process," but then it doesn't actually require any specific outcome.
0:34:40	Allen	I'm just processing that, Steven (Everybody else in the room.) Anybody else have something they want to add to that conversation?
0:34:52	Unidentified	I just have a clarifying question. How do you know ahead of time what the specific outcome should be if you haven't gone through the process of identifying the causal effect? You know, it seems to me like you can't predetermine the outcome. You've gotta go through- the important thing is going through this process to determine the cause, and then figuring out what needs to occur. And then the outcome is improvement, you know, of the situation. But without the cause, it's meaningless to try to say well...
0:35:25	Steve	Well, I think that there is some disagreement there about whether [that] you should be narrowing the original hard trigger process, so that you would go back to the next strongest alternative within the plan, for all the plan components. I don't actually agree with this idea that you can just try to find one cause and just focus on that. Because, as our comment pointed out, there could be other causal factors that have to be accounted for. And we don't think that that's done right now if they're not specific human-caused causes, like a drought or other things might have to be considered. So, no, I disagree with that narrowing the hard trigger process should be robust.
0:36:06	Cody	This is Cody Doig, Coalition of local governments. I think what you're saying is actually supporting, um, you know, leaving some flexibility in the adaptive management. I mean, if we have, you know, for example, a severe drought

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		<p>in years one through three and then population's dropped below a five year running average during year four and five. But, um, you know, er, I guess during year four, and then there's an exceptional growth period after that. Presumably, the Forest Service would cut, you know, authorized uses on years four and five without any benefit to the sage grouse. And what we're saying is, let's make sure that all of those causal factors were identified during the process, before we come to a, you know, a hard line.</p>
<b>0:37:03</b>	Josh	<p>This is Josh Uriarte from the state of Idaho one more time. And I guess, when I'm looking at the standard, where you said it, it doesn't say anything about that it will be implemented. It seems as though the language is in here, that once the hard or soft trigger is reached, the activities until the appropriate interagency response strategy is implemented. The words that 'it's implemented' is in there. So it says that something has to be implemented, based on the causal factor analysis and it doesn't have to be one causal factor, they will be, as you said, there will be a primary causal factor. But there will be other factors that are associated with it. And within that, I think that the technical team will identify what needs to be done. It may be, "Hey, we have to do these things for drought, but the big main factor is wildfire, so we'll address that, but as well as these other things to help grouse along the way. It seems as though the strategy needs to be implemented. And so, I don't think the forest service can get away with not implementing it, because it's in their standard that they need to implement it. So I think the it looks like the standard rule says there that they have to implement it, based on this standard 12.</p>
<b>0:38:22</b>	Cody	<p>Yeah, I think it leaves the discretion to them, to decide what's appropriate, and there again is the concern that we're not gonna be really addressing all the causal factors. You know, what we see is significant cumulative impacts on multiple factors driving grouse populations down. And if you just decide to pick one factor, you may not actually be solving that problem. So, the original hard trigger process would require stronger standards across the board. And I think that's the appropriate response, given what we see with the ongoing cumulative impacts and a whole series of different degradations affecting the habitat.</p>
<b>0:38:58</b>	Greta	<p>This is Greta Anderson, and I would like to point out that I, for example, am looking at the Utah plan, (and you were speaking about the Idaho plan). But certainly in the Utah plan, the standard 11 is changed to a management approach. The language that said, "if forest service management actions are determined to cause or contribute to the decline, the Forest service would apply measures within its implementation level discretion. These measures would be more conservative, or restrictive implementation level conservation conditions, terms or decision within the agency's discretion to mitigate the decline." That was the standard in Utah. Now the management approach is, "if a harder soft trigger is identified, apply the Utah Adaptive Management plan to determine causal factors related to population and habitat hard and soft triggers, and to identify and implement appropriate management responses."</p>

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		So the approach- identifying implement appropriate management responses under a management approach, is really different from "if a hard trigger is met under the standard, we're gonna move to more restrictive and conservative implementation level conservation conditions." And I think that that- um, that expresses what our point is about: some of the changes that we saw in the plans.
0:40:25	Unidentified	Is there- John was saying that there's a standard associated with most management approaches. is there a standard associated with that management approach?
0:40:34	John	Yeah, I'm confused here, we gotta get on the same page. I'm worried about version-itis stuff going on here. Because I'm looking at an adaptive management in Utah, Standard 11, still there, as a standard. So, and if a hard or soft trigger is reached, calls effectively for forest service to defer issuance, et cetera. And then has a management approach under it, the reverse of the standard and the management approach is the appendix that has the whole process. So, is your point that- so we are looking at the same thing- your point that Standard 11, that talks about hitting hard or soft triggers? And? It is. It's not implemented, I'm confused if we're looking that the same thing or am I getting something wrong, help me.
0:41:21	Greta	You know, so we're looking at the same thing. What you- what we're looking at- if we look at the standard that's associated with the adaptive management, and it's true, there's two things now. There used to be two standards, one for hard and one for soft, and now there's a standard and a management approach. Um, and they're both for hard and soft triggers, but the hard and soft trigger, um, the requirement is defer issuance for such projects or activities. And I don't know if that's authorization, or annual permitting, or whether that's, you know, I don't know what that is. Defer issuance. Does that mean you're suspending? Suspending things immediately?
00:42:01	Jennifer	It's tiered to the causal factors.
00:42:03	Greta	Right, yeah. Um, but, I mean, if the causal factor is...Let's say the causal factor is livestock grazing. Is that "defer issuance" of grazing permits? Is that defer issuance of AOs? Is that defer issuance of...you know, what? What is that? What does that even mean? Um, "Until an appropriate interagency management response strategy is implemented." So it's a lot squishier what's going to happen then going back to the more conservative and restrictive conditions that have already been identified in the plan.
0:42:45	Allen	That was helpful. That was helpful for me to understand.
00:42:50	Greta	Good. Great. I'll find one from Idaho for you.
00:42:55	Unidentified	Yes ma'am, it's 12 and 14.
00:43:07	Allen	All right. Um... Well, I have to go out on a limb and say I didn't sense agreement to dig in further... Um, to look for resolution. Um, I would think we have space to go to the element of coordination of a plan. How does a plan...? How is a plan coordinated with county land and resource management plans? We haven't explored that at all, yet. So I'm

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		looking for ideas. You know, Laura and J.J. and Bailey, you might wanna weigh in on this as well. But I'll start with J.J., if there's anything else you wanna add on that point.
0:43:58	J.J.	J.J. Goicoechea, Eureka county. And this isn't a specific problem to the Forest Service or USDA, we see it with Interior as well. And- We're growing more frustrated. Um, 88 pages of comments on this. And this is a smaller one than what we've put forward in recent years. And it should be simple. Um, Interior is starting to come around a little bit. You guys, we're having some face-to-face meetings- we're sitting down, we're actually going over our comments. For local government, it's- it's different for local government. Whether we like it or not, it is. And we have not been afforded what has been granted to us by NEPA, by CFRs, and it's frustrated. And so when it comes back to us, we are bound by our state and local codes, plans, master plans... And there is a continuing discrepancy between what we see come down from Washington, or from the regional office, and what we want or what we have put in our code. So, it's really back to communication. I don't know how at the 11th hour we get there. Um, Allen, you know, maybe next time we do better. We did get some changes, to be honest, after- I mean we said the same comments to John, 3 or 4 times maybe, um...over and over. We don't change them because there's no acknowledgement or no, "this didn't work, and this is why", "We looked at this..." We know you received it. We got an email back saying, "thanks for the comment". But then what? We've never sat down like this. This is the first time we've been able to sit down, this meeting. And we're local government, and so that's frustrating to us. It needed to happen sooner.
0:45:46	Allen	Mary, you represent Custer County as well, Custer County, Idaho. Anything you might want to add?
0:45:52	Mary	Well, I definitely reiterate what J.J. just said, as far as working with Forest Service as early as possible. We felt somewhat disenfranchised over the last five years. And I know that Idaho represents us well to a point, but Custer County is somewhat unique because it only has 6% private land. And so, we wanted to be at the table more than we were. However, I do understand, being a biologist, that it's really important that the Forest Service, with all their expertise and trained people, has the ability to really look at each case and adapt to the habitat needs, and have the flexibility they need to do what's right. I trust the Forest Service biologists, and I want them to have maximum- the most tools available, to work with the states, and really figure it out. Right now it's very different in Wyoming than it is in Nevada, with cheat grass and certain issues. And Idaho, we have our issues, but to "can" this into strict guidelines that "you have to do this," would probably do more harm to the bird and the habitat than it would good. So, I strongly recommend flexibility; Custer County wants to work with the Forest Service, and look at the specifics where they are. I appreciate it, thank you.
0:47:26	J.J.	If could have one thing, going back to the conversation, we were just having about adaptive management. I'll give you a prime example: we had a trigger on (it's Interior ground, BLM ground) this year. (In Nevada, in the central part of the state). Who did they come to, to pull that adaptive management

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		<p>process together as part of the state plan? Eureka County. Our natural resource manager, is spearheading that, getting those entities down. And we're on the ground. We're trying to figure out what we're going to do going forward over the next 90 days. They didn't go to Washington office. They didn't go to the regional office. This is again why so important that coordination be occurring. Because that ends up back on our plate, on- at some point in the future.</p>
<b>0:48:09</b>	Allen	<p>So, this is a question for everyone, in terms of this, um, achieving this coordination with county governments? Um. If a range of possibilities. One of those would be a supplemental EIS to make some significant changes in the analysis. Another option might be these kind of coordination meetings that Mary, you and J.J. talked about. So if we add those coordination meetings, what's that look like? What do we- what would be the- I'm not trying to stump you. I think, what could those conversations look like, and what might be different in the plans? And you guys can start, and I think it- everybody who's interested owns a piece of that dialogue. So I'll just start with you guys and I want to make sure other folks can weigh in. Any-</p>
<b>0:49:14</b>	Mary	<p>One of the things is that in states like Wyoming, the issues of what may be causing a recent decline, and a few years of downward trend in the birds can be very different than Idaho, Nevada. Um, a lot of Idaho has had the fire issue, and cheat grass invasion. Nevada has a lot of cheat grass. It's a real issue. But Wyoming, weather and other factors are there. Now the Forest Service has, you know, "you have to do this," "check this box," and you can't sit down with the local county and figure out exactly what's going on between local forest service biologists, and local county administrators. You've got a real problem. We're not going to address the right issues and get to the causal factors. So the more you can do at the local level, where the impacts are the highest, and really address what works, the better it's going to be for the bird, and the economy, and people...</p>
<b>0:50:14</b>	Allen	<p>So, Mary in the example you just gave, it seemed like that would be prospective in the future. We would easily be able to do that. What in the plan should we say to require/ facilitate/ make that happen? Because the example you just gave, you know, I might raise your hyp- see your hypothetical and raise you two, "Who says the Salmon Challis National Forest can't convene with the Twin Falls Office of the BLM? I think that's where it is. And Custer County to have that dialogue in the southern part of the county. Because that could happen tomorrow, there's nothing in the plan that would- could stop that. Um, so tell me more...</p>
<b>0:51:02</b>	Mary	<p>My experience is that once a plan is out, then most of the coordination- that we are having now even, ends. I've been working with agencies for a long time. So that's one of my concerns, is that we want the dialogue and we want to continue where we talk about triggers. You know, getting to that local level. And so again, I get back to not wanting to reduce the flexibility at the local level. And working with- Custer County has a land use plan. We want to work with the Forest Service on implementing that land use plan. The CFRs state that the Forest Service will incorporate and have consistencies with local plans. So we're trying to make sure that happens.</p>

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		<p>And right now, with what you have for adaptive management, we just wanna make sure local governments are involved. And we do feel that they have been somewhat disenfranchised. So the plan, but yeah, I guess doesn't say much one way or the other, when it comes down to local governments- I know you worked with state fish and game agencies, and that will continue. But to your overall, overarching CFRs talk about consistencies with plans, at local levels, so that's where I get back to. The flexibility and working at the local level, where the impacts are highest and the decisions are best.</p>
0:52:29	Allen	<p>OK, um, Colby and Bailey, if you're, um- and then Boyd, Mary, Greta, Nada, I'd be curious about the process to- for the public to engage at-large in that dialogue.</p>
0:52:47	Colby	<p>Colby Prout from the Nevada Association of Counties. Just wanted to kind of reinforce what Ms. Darling was saying ... <i>[inaudible]</i> county serves a number functions. First, to her point, the CFRs. There are requirements for consistencies in the state plan. So we get to, um, you know, our first objection which was, what was it titled, planning rule violations. Okay, so you're gonna cover that base by maybe even go so far as to require uncertain standards in consultation with counties. So, we commented several times over and over again, that where it comes to, say, road closures; that before the forest service- instead of just closing the road at a certain time, that we asked that you put in the requirement that you consult with local county officials to see whether that's even a- that's something that would even be feasible for a county to do. So, requiring consultation, I don't think it violates any sort of jurisdictional issues. It just requires that you talk to the local government officials that are seated at the table, making some of these decisions. Adaptive management- so that's one aspect of it. The other aspect that requiring local coordination does, in encouraging an adaptive management process that's going to be more fine-tuned to the causal factors; it's also going to act as an incubator for best available science. Which is another requirement of the planning process. Okay? So, I think there's nothing really that, that should stop forest service from simply requiring in certain standards, consultations with local counties.</p>
0:54:46	Bailey	<p>Great. Thank you. Bailey, with the Wyoming County Commissioners Association. I certainly agree with Nevada counties, as far as what the planning rule requires. Um, and yeah, I think that requiring the Forest Service to consider and where appropriate, and practical, incorporate local land use plans, is a positive thing. From a Wyoming standpoint, as far as process goes, I do feel like counties were included in the process. And we're very grateful for that. As far as the substance of the EIS and the draft ROD, I think we've been talking a lot this morning about adaptive management, and flexibility, and counties in Wyoming see that as critical to the plan. But I do think that that the plan, as drafted, provides that flexibility to an extent that, that Wyoming counties generally are supportive of. I do want to mention, and refer to Cody Doig on the phone who may have additional perspective, or opinion regarding local government involvement in the process and the planning.</p>

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0:56:20	Allen	So, um, Cody, a shout out for you, if you're- give you a minute to get off mute. Our schedule says to shift to conversation about NEPA. So I want to make sure I made an opportunity for others to join the meeting here in the room. So, if you had some other ideas, Mary, Greta, Nada, you want to bring now and then move to Cody, and we'll switch to NEPA. On the point about- or about coordination with counties and county engagement. I mean, if you want to defer, I'm fine with that, but I wanted to give you space. Okay, great. Bruce?
0:57:13	Cody	This is Cody. Um...
0:57:15	Allen	Go ahead, Cody.
0:57:16	Cody	I'll go ahead, yeah.
0:57:18	Cody	Yeah, I would just say that we're- you know, we are generally happy with where the plan sits in terms of the adaptive management, um, the framework, and allowing enough flexibility for, you know, counties and conservation districts to participate in that process. But, I think an important distinction to make, in Wyoming, is to ensure that the counties in the state- so the state is not necessarily the de-facto representative of the counties. And it's important for counties to participate as autonomous entities, not just buy-in through the state. So, you know, for example, if there's language in the plan that refers only to the states, it would be wise to include, you know, counties, um, in in those provisions. But otherwise, I think I would just echo what Bailey said. The process has been decent, and I think the adaptive management can be um, extremely successful. Um, and I would just leave it at that.
0:58:25	Allen	Thanks, Cody. Anybody else on the phone wants to join in on this before I pivot to the National Environmental Policy Act.
0:58:38	Laura	I just want to say we are very supportive of the guidelines and [that] being the approach. And I think that goes to the issue of ensuring county involvement and looking at local information and expertise. And I think that's critical. Um, you know, one of the concerns of the 2015 plans was SFAs were set, and everyone's hands were tied. There are no-go zones based on modeling, because we all know that these maps are not ground proof can't possibly do that. So we're trying to look at, you know, set management areas, so that when someone wants to do something in a particular area or a hard trigger is set, then we look at the local expertise to figure out what's actually occurring on the ground. We think that's the right approach. Frankly, part of the reason for Judge Du's remand of 2015 plans, was because the maps were wrong. And they- with the standards, saying you just can't do anything, there was no room to go in and allow the counties and the on the on the ground information, serve the best purposes for conservation. So we think this is the right approach, we think it's really critical to the conservation efforts and goes to this issue of making sure the counties have the voice that they're entitled to under the law.
1:00:11	Nada	This is Nada. I don't think there's any reason not to have as much input from counties. Also, I mean, that's been our experience- we've had, you mentioned, J.J., that it's different with Interior. They have a lot more

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		<p>structure of how to deal with local governments, and, in certainly going through that process, you know, we have tried to come up with ways to ensure that the input is there, but also that there is a way to, then, let everybody know that the input has been made. So, when we've talked about- as you raised Laura- the importance of if counties have better information on habitat, great, let's put it in. Let's see how we update the maps, but then once we get to a certain level of "adjustments", we're gonna make sure the public has a chance to look, and the state wildlife agency, and so, I think there's an objection to getting more input from counties on things they would have knowledge about.</p>
<b>1:00:53</b>	Allen	Okay, thanks.
	Josh?	<p>Allen, just one thing- so that is a good point that Mary, J.J. and Laura made as far as, maybe something we could improve, on at least the Idaho plan, John, is on the technical team, include like, the local county, the associated local counties that were affected by the by the adaptive management trigger, and have them on the technical team. That'd be an easy way to just tier to them really easily. So they're not skipped over. As far as on the technical team, as I'm looking through it here in Idaho plan, it spells out, you know, the different agencies or whatnot. We could just put something in there as far as, like," the local counties affected by this trigger," and that may get at that, as far as the county involvement, to make sure to make sure they're not overlooked.</p>
<b>1:01:43</b>	Unidentified	Thank you
<b>1:01:45</b>	Allen	Thanks.
<b>1:01:47</b>	Scott?	<p>Would the counties be willing to have a consolidated effort on that? Because I don't want- we've got 44 counties, half of which are affected by sage grouse in our state.</p>
<b>1:01:57</b>	J.J.	<p>And we do in Nevada to a certain extent, wouldn't you agree, Colby? I mean, we've got our public lands advisory committee at NACO; and then the NACO board meets the next day. So we try to bring that all together. And then, you know, the other side is I represent the local government on the sage brush ecosystem and we try to plug a lot of that into the state plan and into that coordination process through that body as well. There's ways to do it. But when it gets down to- you know, it's gonna come down to those commissioners to make sure it's consistent with their master plans and what they're natural, you know, land use advisory boards care, and that kind of thing. But if there is kind of a regional meeting or a statewide meeting, I think that would help and those county commissioners can feed that information back to John.</p>
<b>1:02:35</b>	John Shivik	<p>In the introduction we said a lot about this. Is the landscape scale approach. In discussions with the counties, we tended to try to say that, or point out there is no on the ground decision of these plans as-is, they are sidebars. Anything we can forward for anybody in this room, it's gonna require more NEPA, it's going to require the best available science in that spot. So we did do a run down. We'll get this out to be a great crosswalk where we re-</p>



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		<p>examine our plan for consistency with all the county plans. We've that got rolled up mostly consistent everywhere for some differences with Custer, where we ran into predator control, for instance in thing. But we're pretty consistent all the way through. But maybe this is something when I'm hearing something, we can be more emphatic about, is make it really clear that this is a broad scale. When you get down the local level, the first place to go is that local forest service biologist, that local county plan, etcetera. That's where I've always seen when that stuff gets injected into the process. But perhaps that's not sometimes what's in my mind is not on the paper.</p>
<b>1:03:51</b>	Allen	<p>Thank you. I'm ready to turn to the conversation of the National Environmental Policy Act.</p>
<b>1:04:19</b>	Unidenti fied (Utah)	<p>Before you do that, I just wanted to say that Utah has been quiet, a lot of the comments made by our state partners pretty well reflected where we feel. We've got a, I'm not an attorney, I'm a biologist, studied biology, and this is what I do for a living, always wanted to since I was a kid, we have a lot of people there that same way. And this adaptive approach, the flexibility that we've asked for as a state, it really just we're asking for the ability to activate our people at that local level, of people that I live in the county that's affected and live on the ground, working there every single day. I work in the state office, so I don't have that knowledge every single working day. But our biologist lives in that region of our state. He/she works alongside his neighbors with work, goes to church with or coaches Little League with these same county partners and federal employees as well, and the private land owners. So the flexibility that has been spoken about here is something that we desired as well. And that comes with an ability for us to activate that network of people that make a difference on the ground. Thank you.</p>
<b>1:05:21</b>	Allen	<p>So the next piece until 12.30 local time here is about NEPA with several objectors. Fasten your seat belts, this is highly technical. And well, let me say it different. That often can be very technical review on the National Environmental Policy Act of what it means and things like the range of alternatives, what was considered in the 2019 document and how does that range of alternatives address the purpose and need for why we started the project. There are folks that believe, Um, the range was not wide enough. Maybe it's how it's said, and document does tier heavily to the prior analysis in 2015. As well as some additional analysis in '19 and there is some concerns about the tiering was not obvious strong. Or maybe they're just a bunch of questions around. And this is a chance to also talk about cumulative effects that was brought up. Greta already brought that up, as well as the Council on Environmental Quality. Their requirement to take a hard look. I'm always puzzled by should I look softer, or look hard. Actually, my kids can tell the difference, but I'm not sure how we do that in a NEPA document, and so that's making a bit of a joke there. This is a conversation to have around. How would that look differently as we address those the objectors we've talked about? We've identified specifically here, safe space because we might not have got the classifications perfect, but Audubon Society, Western Watersheds, a number of individuals, none of which, I don't think even around the phone, um, Petroleum Association of Wyoming</p>

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		and Natural Resource Defense Council. So, I would like to start with those objectors on this bigger theme of NEPA. Last time I called people out, this time, I'll let you self-identify.
1:07:48	Greta	Yeah, it's just going to say this is Greta for Western Watersheds Project. We're not the only ones who think that you have an insufficient range of alternatives, Judge Winmill in the Federal Court of Idaho also believes that in a parallel case of the Bureau of Land Management plans where they did the same thing, they looked at the no action and the proposed plan. And, then they looked at a State of Utah alternative. And so, I think there's some pretty good language in the injunction order, which you have all been provided, talking about a range of alternatives and hard look, and I have raised this issue as instructive; we are working on our litigation plan with BLM right now, and we're building in leave to amend the case when the Forest Service plan, when Forest Service RODs were signed. If these things don't change, so I think you probably anticipate that. But the writing's on the wall for you guys with this PI and I'm surprised there hasn't been more movement from the Forest Service to correct some of the deficiencies.
1:09:20	Nada	This is Nada from the Audubon Society. I just did want to point out that we have in both our scoping comments and our comments on the draft, objection repeatedly provided some ideas. Any ideas of alternatives that you could consider. A range of how broad in there those are. But, you know, I think those are important to evaluate, too. Something more technical into looking at addressing Judge Du's decision sage brush focal areas what it means to keep those. Others are more broad. Could you at least look at an alternative that was more protective? That's protective. But we did provide a pretty comprehensive list. If you put together the three sets of comments, we have tried. You're welcome to them all.
1:10:03	Allen	Yes, we have. So yes, yes, the bigger we, have them. I have not read all those comments; the prior comments. Since this document appeared to tier to the 2015 analysis and decisions which had a broad, broader range of alternatives and we referenced that. That was not enough in your eyes. So, tell me more about that.
1:10:46	Mary	This is Mary Greene from NWF. As a counter that, have asked Forest Service why they believe it's appropriate to tier to the 2015 given the shift in purpose and need. And we haven't actually received a response as to why Forest Service believes that tiering was appropriate under NEPA, in this case. So, we would like a response as well, as to what FS was thinking.
1:11:18	Nada (Very unclear audio)	And a lot of that, as Mary is pointing out the different purpose and need statement. So once we've changed the purpose and need NEPA of the process, it necessary changes the alternative. When we went from, a set of plans that had a very clear purpose and need that was focused around keeping the greater sage-grouse from needing to be listed under ESA, to this amendment that was focused on more alignment with BLM and the states. That's a very different driving purpose. And we thought the initial purpose was very important and should continue to be reflected, at the same time if this is your new purpose, to just have one alternative that meets that, seems

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		<p>excessively narrow. I don't wanna start saying case law could kill everybody, and whatever joy anyone has left .... We felt like no matter how you looked at it, it was really not possible to make such a shift in direction on have just this is your one alternative. And we are not going to look at anything else, no matter how creative you get with us. And no matter what the science tells us has happened, where the monitoring tells us is happening on the ground, no matter that we're the Forest service and not the BLM and have some different regulatory framework and requirements, all of which could drive different alternatives.</p> <p>As Mary's mentioning we did ask that question and response to our comments we got was a quote of the Forest Service planning regulations, as to what purpose and need meant, which we had looked at. That was very helpful.</p> <p>(Allen) You had already read that.</p> <p>Yes.</p>
1:12:59	Scott	<p>Can we start with, because you guys have some minute distinctions, maybe, or maybe just distinctions between the 2019 BLM purpose and need in the 2019 Forest Service purpose and need, I think. So could you guys also include that explanation on how you are responding to this?</p>
1:13:22	Allen	<p>So let me let me start, Allen Rowley, for those on the phone. Jennifer and John, if you have some other ideas you could add. As I read the purpose and need, I thought there were three parts to it. Yes, alignment with BLM and State Plans and incorporation of new information, what we've learned through implementing the 2015 decision and the additional data we've collected in some other scientific literature that's been published. And improvement of conditions for sage grouse. So, I thought of the purpose and need, three-part purpose and need. So that's me. That's not you. So that's how I think about it.</p>
1:14:40	Nada	<p>The way that the purpose and need was written, it just kind of presumed that if you did the first two things incorporate new information and better align with the BLM that would benefit conservation. It wasn't stand alone, it just said we will do these two things in order to benefit. Actually, I think the lack of it being stand alone was notable and the new information was again framed in improving clarity, efficiency, and implementation. I think you are getting a little shade thrown you from the overarching BLM plan amendments, which had a very specific tie to what that efficiency would mean, what it would look like. But again, that's, I think, why we wanted to see a range of alternatives that reflected the Forest Service is different.</p>
1:15:37	Allen	<p>John or Jennifer, do you have anything you want add right away?</p>
1:15:39	John	<p>Again in 10 minutes and thanks for clarifying that Nada because I think we are getting wrapped up in BLM, sometimes. And our purpose and need was really said in the introduction too. We found some places where there was unclear where time and effort were not maximized and you really intend to try to fix that. We looked at it as completely tiered. I mean, if you look at it, there's more that stays the same in 2015 than actually changed, so we really looked at it as a subset. I'll start with this 2015 and tweak 2015 versus</p>

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		starting all over again. You know, I don't know what the answer is. That's what we looked at it. That's what we thought about it. If we need other alternatives or anything that's probably a good discussion to have. I mean I think it's actually given us a lot of thought on that. So that's appreciated. But that's where we came from. We really hope that it is a tiered tweaking of 2015. That's why it was a subset.
1:16:44	Allen	Scott did you get to that distinction and that you have highlighted?
1:16:50	Scott	Yeah, I mean, so in my mind the BLM plan was a little bit more narrow like you guys articulated, and I read it, and maybe it's just a difference in how we read things. But I read it as kind of the three distinct parts. And again, I'm just...But, I think that's an interesting question of whether incorporation by reference is allowable under NFMA. I don't know. I can't recall other instances where that's been done before, so yeah, I think this is a little bit distinct from the BLM and the Winmill decision in Idaho, because of the...[inaudible]
1:17:49	Allen	Anybody else. I was scratching notes.
1:17:55	Jody	I'm picking up the phone. And then, Laura. Anybody on the phone who wants to weigh in on this?
1:18:10	Steve	And so, this is about just the whole NEPA, in general?
1:18:15	Allen	Yes, Steve. Allen Rowley here. And we started with a conversation about an inadequate range of alternatives and then a discussion about the purpose and need and how it was viewed. I gave one how I read it.
1:18:42	Steve	Yeah. I mean, I know this is a very, very key topic and going back to the 2015 planning effort, we really felt like at that point there needed to be a much stronger alternative analyzed that would have looked at reserves and really kind of followed the best science. And we don't really feel like we saw that. And, you know, what came out was pretty good and definitely a big step in the right direction. But there's clearly more to do than what we got in that 2015 plan. And so, you know, at this point, a better range or alternatives where one really strong alternative that would serve as kind of the best science benchmark. And then some comparative analysis, I think would be extremely helpful to figure out what would be the most important steps. You know, I did mention cumulative effects, just broad scale habitat degradation as an issue. And I guess the other one, I would raise categorical exclusions, because a lot of this management regime essentially does require some site-specific analysis so that you could figure out the appropriate buffers, etcetera. And so, there is just a big general concern about moving in the direction of more categorical exclusions and not taking that, you know, look at the specific areas and the proposed NEPA rule that's pending right now has a whole slew of new categorical exclusions, including one for infrastructure development. So, it's, you know, again, it just it just seems to create a great deal of uncertainty about really how these things were gonna actually work moving forward.
1:20:27	Laura	When I look at the purpose and need, I guess my reading of it too was a little bit different. Which was it talks about looking at new science and research in coordination with Sage Grouse Task Force incorporating information. I mean,

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		<p>I wonder if and then because that is the purpose and need it does seem totally appropriate to me to tie back to the alternatives that were already analyzed in 2015 as opposed to coming up with a whole new alternatives. I wonder if maybe part of the gap here is just providing a bit more analysis and discussion about how you tie the purpose and needs here, back to each of the alternatives analyzed as opposed to an incorporation by reference to give a bit more explanation as to how that was done and why. You know, you've already covered the range of alternatives. That's one thought. The other thought I had was something missing from the purpose of need, in my opinion, is one of the needs to do this was Judge Du's order and Judge Du identified problems and errors in the 2015 Land Use Plan amendments. So, I think, you know, noting that, tying back to that and explaining the corrections and also that the need was that a court ordered you to do this, is important. It's not just being done, you know, for no reason. And I think for other judges that may look at this in the future, it's important for them to remember that that is what occurred and consider the issues and concerns back to 2015 plans. So maybe just a bit more rationale and discussion on the document itself, along those lines might help fill some of these gaps.</p>
1:22:13	Allen	<p>So the decision you're referring to, I think about is the, to make sure we're talking about the same case, was really it was about that's sage brush focal areas were not adequately analyzed with public input. So, his direction was we needed to run that through additional environmental analysis. Right?</p>
1:22:42	Laura	<p>Right. And I think that's part of what you did in this document. It's just I'm not being critical of what was done, I'm just suggesting that maybe a bit more written explanations. (Allen) How it's tied. (Laura) Exactly. (Jody) Wait a minute, guys. Scott first, then Bruce.</p>
1:23:14	Bruce	<p>You know, I think implicit in some of this discussion, and it's been said without being said. But it is a potential here of needing to do supplemental NEPA analysis to bring in additional alternatives under consideration. And I understand how you know that's more work. You've already put a whole bunch of work into this. I understand that it could be more work and understand how you would want to draw some lines, perhaps. But I do think, as was mentioned by Greta, with the Idaho/BLM decision, you know, in his analysis of purpose and need and potential shortfalls that you know, that inevitably, I think that that need could be sitting there. To have that additional analysis.</p>
1:24:17	Scott	<p>So, I think I unfortunately, muddied the water a little bit here by bringing up the purpose and need, because I think originally, we're talking about a reasonable range, right? But I've got a couple of questions regarding specifically, range of alternatives for the deciding officials and as deciding officials were you given the liberty to pick from, theoretically, could you have picked any one of the five alternatives analyzed in the 2015 fine amendments and is the alternative that you selected, in the final EIS within the range of alternatives from the 2015 analysis? I didn't mean to put you guys on the spot.</p>

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1:25:17	Nora	This is Nora Rasure. Um, I was trying to follow, just so the alternatives that are in this decision, are alternatives in there we're not going back to the five, right?
1:25:34	Unidentified	They're all considered. Could you have selected one of the five from 2015? Yes. Is the 2019 decision within, within...(Nora) It is within the range of the alternatives from 2015. ...All right, So could you have selected alternative C from the 2015 plan under your responsible official capacity. Yes [chatter]
1:26:02	Jennifer	That was the intention because we state that we're incorporating all the alternatives in the top of Chapter 2 that we incorporated all the all of them by reference instead of reiterating them. And so it was the idea that when the deciding official was making that decision they could take [Inaudible]... We also tried to crosswalk, and what we change if it was ones analyzed with range of alternatives in '15 as well.
1:26:31	Unidentified	Just as a point of clarification. If you selected an alternative from 2015 how would that align with 2018 purpose and need to align with BLM plans and align more closely with local plans?
1:26:40	John	Actually a really good point. The right new information thing is what drove us brought us back. Yeah. No, that's a good point.
1:27:05	Laura? Unidentified	Are, though blurring with the BLM again because the purpose and need here is broader. It's not just the alignment, it's that was that was the BLMs purpose and need. But this was clarification. More efficiency, consideration of the information. There was a reference to aligning, but it wasn't... It wasn't the sole. (Unidentified) No, it's part of it. I think the question remains the same.
1:27:33	John	Again. It's weird because, we were strong because we tiered to it because we said we're starting with this original 2015 array of alternatives in 2015 we started with. And we've got a new one that we're also considering that tweaks the chosen one in 2015 and so it's a little bit circular because we're tweaking it and adapting 2015 based on new information, but we could have chosen older ones, but then we'd be incorporating information in the older ones. So there is sort of a little circularity that we will have to work through. Does that make sense?
1:28:18	Scott? Unidentified	(Jody) Does that answer your question? Yes, it does, kind of. Well, I mean, I kind of think there's outstanding issues, but they really back to the inter-relationship between purpose and need and the alternatives.
1:28:42	John	So, John, again, what we didn't want to do is go and create a 10,000 page document where we just outline. We're looking at trying to be as efficient in this as we could because this really great everything all the way through incorporate by reference instead. Keep it simple so everything is not said up-front. (Allen) Mary?
1:28:58	Mary	Yes, Mary Darling. Can you tell me how your forest service budget works? So you have so much money as an agency so much that goes to the forest. And so much goes to sage grouse habitat work. And when you have lawsuits and when you have NEPA processes, doesn't that take money away from the

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		birds and the habitat work on the ground? If we keep going and going right now, are we losing money that we need on the ground?
1:29:31	Allen	So we get 10 bucks and we're asked to spend it wisely, and we count change and there's 10 bucks that have a lot of fingerprints on them when they come out of our hands. And we have to make choices between planning, environmental compliance, work and implementation. And we only got 10 bucks—so I'll just stop there. You can draw your own conclusions on the investment. Ten bucks spent randomly just because? Probably not a good choice. Ten bucks with some planning to spend wisely? Maybe that's a good choice. It's finding that mix. That's as much as the budget process as I can explain. I could explain more, but it's really... It's really a bit about...[inaudible]
1:30:37	Allen	On the phone, the general theme of NEPA, and the conversation started around range of alternatives and purpose and need. Referred a number of ideas. Um, I'm seeing if there's anybody on the phone who else wants to chime into this conversation, Um, or move toward cumulative effects and the hard look, the way the hard look was framed up with the objectors. Start on the phone.
1:31:16	Esther	This is Esther Wagner with the Petroleum Association of Wyoming. And, um, you know, the only input I would have on this, we had three main objections, and all of those were based on how we read the stated purpose and need. And part of it, which is to get better alignment with the BLM and state plans. That was why our name was on the list there. But I can get further into those when we talk about fluid minerals later.
1:31:48	Allen	Okay. Thanks. Anybody else here in the room on this point around range of alternatives and purpose and need or if you're ready to go into a cumulative effects and hard look, I'm certainly ready to go there as well.
1:32:10	Jody	To make it easier, we started with purpose and need and range of alternatives. And as you move it through the process than your effects analysis, your tiering, the whole concept to incorporate by reference. And did we do enough effects analysis or not to meet the hard look? So we're doing this. We're looking at this whole conversation you have at it because it's one story.
1:32:51	Allen	Steve, if you're ready. Allen Rowley here, I might ask, you raised the concern about some changes to the implementing rules the agency is developing for the National Environmental Policy Act. Concerned about the use of categorical exclusions, which by definition, have or don't have cumulative effects. So tell me more, you started to raise some concerns there...
1:33:30	Steve	Well, I guess that route is that we see things being allowed in categorical exclusions that in fact, have significant environmental impact. And it's just they're just kind of those impactors, just kind of being waived. Um, and so that obviously is a concern because the grouse don't know the difference between a waived impact and a non-waived impact. So, um so yeah, I do see a problem there. In regard to cumulative impacts, their big issue there's I just still don't feel like the full analysis has been done. The USGS did an outstanding series of maps and identified the impacted areas from all

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		different uses. But they never did the comprehensive maps, and I still actually think that there's some work to be done. And one kind of outcome of that type of analysis was the identification of the sage brush focal areas. And so, I again, I think that that's just, you know, the idea of the focal areas and reserves is this kind of the critical issue, and we need to think about a way of getting back to that.
1:34:50	Allen	Thanks, Steve. Somewhere in there, I have another follow question about baseline. Thing Greta brought this up, my paraphrase is that the baseline for the '19 analysis is too low. It doesn't go back far enough. That's what I believe I heard her say. You said something similar. What is what is far enough? What is the... you mentioned the USGS work? Is that the standard we should tier back to in your eyes? We'll start with?
1:35:31	Steve	Well, yeah. I think that they provide a lot of good data on the areas impacted. But again, it was that the cumulative effect analysis that seemed to be left out and so there I would say that there's actually more work that could be done that way.
1:35:50	Allen	Okay. And how would we... would you also want to include what we've learned since the September 2015 decision? With the additional data collected, I believe there's been some site-specific habitat mapping that's occurred since September of 2015. We include all that as well. Just an open ended question to you, Steve. Anybody else? How might we get better at that?
1:36:32	Steve	Well, yeah. I do think a supplemental analysis is ultimately what we're gonna probably be getting to one way or another. So good to start now.
1:36:47	Allen	Okay. Anybody else have something they want to add to that, Greta?
1:36:52	Greta	We would like the agency to consider all the areas that were previously identified as PACs to be protected instead of what is near where the PHMA, GHMA, SFA.
1:37:06	Allen	That sounds like a potential framing. Having not read all your comments, previous comments, potential framing for an alternative. Is what I think I heard from you.
1:37:21	Greta	We've recommended that as an alternative.
1:37:23	Allen	For those of us who are not all versed in all the acronyms and initializations. You want to describe a PAC for us?
1:37:43	Greta	Oh, gosh. You know, they've come away. Priority activities center, Priority areas for conservation, there is multiple PACs. Um, and it was a larger area. That was with the national Technical Team report and the conservation objectives team report we're working with when they were recommending how to actually save the species.
1:38:13	Bob Budd?	I could help if you want, Allen. The COT went to the States and asked for what those delineated areas were. That's what we used when we did that before. I don't know how much they changed in other states. In Wyoming, our core areas are PACS. The reason that term PAC came about because the COT did not want to use a term any state using so they weren't core areas. They weren't something else. They became PACS, and they translated at the time, which I'm trying to think when that was about '11 or '12, translated to



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		<p>what the states were managing for, primarily based on their wildlife agencies identification core groups like [inaudible]. So, Wyoming they haven't changed, they've always been the same thing. I think in most states they've been very similar with some minor changes. Maybe based on ground truthing. I hope that helps. Thank you.</p>
1:39:24	J.J.	<p>If I could build on that, Allen. You go to Eureka County. In Nevada, I would just recommend we change our habitat maps based upon NDOW, based upon Fish and Wildlife participation. So rather than worrying about what, what maps or what data, you gonna put it here again? Let's coordinate with states back home in the local government that know what's changing on the ground and know what's happening. Nevada Department of Wildlife has been at table every step of the way. And Mr. Budd was originally trying to help us get the battle plan off the ground, and that's how we did what we did. If you put it in black and white and sideboards a box on here, in five years, we're back arguing something's changed. You need to allow that coordination with the state plan rather bring about USGS data or COT report data, if their PACs or cores or SFAs or non-habitat.</p>
1:40:04	Laura	<p>I have a question. So would the PACs alternative be different than the SFAs that were in 2015?          Uh huh.          How was it different?          (Greta) Oh, well, have to refresh my memory with map but PACS were substantially larger than current Protected Habitat Management areas.</p>
1:40:29	Bob	<p>The SFAs were a subset of the PACS, if you will. And resistance to those by some of the states was that it created a super core area and then you had a core area and it was just varying distinctions.          (Allen) Um, John or Jennifer's there anything you can add here as well? And this is for information share, not necessarily right or wrong. Just to level our understanding about role of PACs etc.</p>
1:41:10	John	<p>Two things really. So one thing about the PACs, I actually might have to answer with a question. Is the thing about PACs, because the PACs are all lands everywhere. Is the question more about providing protections outside of Forest Service land and toss the whole PAC area? Because the PACS are these big things. So what happened was, like the way Bob was describing it, when we took the intersection and the way we created our PHMAs etc. It's where those things intersected Forest Service lands and then that's ours. So maybe again, we're getting kind of mixed up in with BLM and what they're doing on the other side of the line. I'm not sure. But PACs that biological ... here's where the center of the sage grouse are and we intersect down was using the best available science writing about our newest version from USGS Version four of Wyoming, and we created our management areas based on that information. I'm guessing we're talking about the same thing but because it's different names it's gotten confusing, but I think we're actually more in alignment then the way we are discussing it.          (Jennifer) And I believe this was the alternative that was incorporated by reference which was essentially Alternative B, which was the COT</p>

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		Alternative. The idea was, you know, something that was originally considered to use this larger area.
1:42:42	Mary	So, what happens if you lock in these polygons? And over the next 10 years, there's a lot of habitat change for the variety of reasons and the birds move.
1:42:58	Josh	There's, ah, there's a provision in the plan that every five years you're gonna look at the maps with the technical team to analyze what's going on. If connectivity is still there; different things like that. So at least that provision is addressed in the plans that they can't be static based on 2011 or the 2015 baseline and whatnot. As we move forward, we have to look how the maps change. Then, at least in Idaho, the PACs are contained within our priority and important habitat management areas. And then our habitat management areas go beyond what the PACs say for priority, important and include additional land. So, I guess I do have a question for Nada and Greta as far as this PAC alternative.  Greta, is it? No. Are you looking for higher restrictions in the PACs? Because it seems like the PACS are being addressed in all of the HMAs were already addressing an alternative that looks at the PACs.
1:44:09	Greta	So, every state is different. And with the extent to which those PAC maps lineup with habitat maps by the FS, I think it's different in every state. Um, Allen asked me to say, what should we go back to? What's the right baseline to be looking at? And that was what I offered off the cuff. We have... absolutely think that the PACs are should be protected at the highest level, that's the habitat the sage grouse need. And so we're looking at ...we don't want to see that sliced down into IHMA, GHMA, we want an alternative that looks at affording the habitat that sage grouse need; the highest level science based protections for the sage grouse. And that is the baseline to which all the land use proposal should be compared.
1:45:15	Steve	The alternative we proposed would basically have been a more robust sage brush focal area system, where all the areas designated as priority habitat would have been designated as sage brush focal areas. And there were then, essentially a more restrictive management regime, um, so that these areas would be able to essentially achieve a non-degradation standard and be maintained over time on the landscape so that there would be some core areas, some strongholds where you could be assured that you would have viable habitat and sage grouse population.
1:45:55	Greta	This is Greta. For the record, we weren't in favor of the sage brush focal areas because we thought PHMAs should be protected at that level.
1:46:03	Allen	Colby, Then Bob and I have a question for our specialists.
1:46:10	Colby	I just want to be clear where we are in the meeting and conversation here. Because I'm hearing a lot of we want this or we want that, there is things I want too. But what ... are we in the tiering, cumulative effects, is this an alternative that you're being asked to consider? Could I get some clarification as to where exactly we are here because I'm sitting here...

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1:46:45	Allen	I think we're in ...We're in the big, messy bucket of NEPA. Started with a conversation about alternatives and purpose and need, move to cumulative effects and circle back to alternatives and what could address all that?
1:46:56	Colby	So just to be clear, so what I'm hearing is the reversion to PACs and PHMAs and they want to be represented in an alternative and that will be brought forward.
1:47:07	Allen	And that's what I just heard that that's an alternative that we could consider
1:47:15	Jody	That was presented in the remedies in that document that we put together that you can read.
1:47:27	Bob	<p>Just a clarification and maybe a caution that is that we agree with Ms. Anderson, that PHMA is the area of priority. The caution is that if you go back and look in 2015, we added hundreds of thousands of acres and hundreds of miles on Leaks to our core areas that had not been in it to a 2008 mapping. So, to revert back we would actually lose habitat and lose birds, that was our whole purpose in addressing this amendment, was to allow us to align with the science that brought us to a more robust protection for the bird and their habitats. So, picking something and using terms of art or something may take us in the wrong direction. I just want to be sure that we don't do that, because we are, in some cases to add habitats and protections.</p> <p>(Greta) We don't object to that.</p> <p>(Allen) So my question for the team, for Amy, Jennifer and John is, and then I have a question for all of you about that. Would it be possible to produce some overlays, a map that would show the overlay of the of the alphabet soup?</p>
1:49:01	John	Well, it's interesting that you should ask because we created, which is a really useful web tool that people can do that right now. And it is referred to in the FEIS, in the RODs and everything, and you really want to cut and paste it because it's a URL that's a mile long. Well, that's a long but it's been ...Has anybody looked at that? I hope it's useful. But there are layers to add to it, for instance, the PAC overlay. We could do that, but I really encourage as we get into more detail, I assume, this process we can dialogue and follow-up. But it can be really useful and I can point it to you to this during a break or something. But you get on you, you turn the layers on/off. What changed? What didn't change? Etcetera PHMA. Well, we could have some PAC layers and things it's already there.
1:49:58	Allen	So, I saw that some of you have used the tool. How about that concept, and John has just offered to make it accessible than what I call a go-fetch approach. It's on the Web somewhere, like a blind retrieve in the duck pond. It's out there somewhere go get it. John just made an offer to make that more accessible. Greta, I saw that you had acknowledged and drilled into it. Does that have utility for some of you? I'm not suggesting that it's the same as the one alternative. I'm suggesting it's a way to level our understanding of the alphabet soup.
1:50:40	Greta	And I would like that the map add historic and habitat distributions so you can see really how much has changed.

Time	Speaker	Content
1:50:49	Allen	Anybody else?
1:50:57	Jody	To me, that map and that conversation gets back to what Colby was trying to bring up. Now let's talk about what that means. The effects. Did we? So, does that help you, Colby? Bring us back to what are we talking about? (Colby) I think that's fine.
1:51:28	Cody	To clarify and to get back to the original question as to what the difference is between SFAs and PAC, we're discussing a new map that would overlay those two layers. Is that correct?
1:51:44	John	Now, Cody we're discussing just a tool to have those layers on the same page where you can examine it more readily.
1:51:54	Allen	Yes. And I left any drawing of conclusions out of that conversation. I started with just so we could all reference the same data. Yeah. Anybody else? Laura.
1:52:17	Laura	I guess when I look at land use planning, land management planning. We all agree, right? These maps are based on modeling because we don't have site specific data. So, one of the concerns again, back to 2015 alternatives did include just you're gonna have these large areas. And since they were modeled as potentially habitat, they're just absolutely off limits. And that is not. I don't understand how that can possibly incorporate the best available science, which is by definition having site specific information. And to Bob's point in Nevada, the boundaries that were drawn actually missed what NDOW has said are 200,000 acres of the very best habitat in Nevada. And so, I guess it just goes back to, in my mind, that flexibility and under, whether we believe that this is a kind of laying the background, you know, to set the guidelines. But recognizing that the site-specific decisions that will come have to be made based on the site-specific data, and we just don't have all of that right now. To set a no-go zone, that's incredibly large, and it's in some instances in the wrong habitat, doesn't seem like it's making use of the best available science.
1:53:39	Unidentified	I agree with that, and to counter that to set a go-zone if we don't have the best available science is equally problematic [inaudible]. There is value
1:53:46	Laura	It's not a go-zone. Right? It's not just go do whatever it is. There's guidelines of watch for these things, and you also have a standard with the hard and soft trigger. (UI) That equally is not necessarily a no-go zone it's a stipulation [Inaudible].  (UI) I think we are saying the same thing. It's problematic on both sides. More Information is Always going to be better. I Agree. (Laura?) Fair enough. And maybe there is room for some compromise.
1:54:29	Allen	It's like the auction yard. I think you just bought it. I saw you twitch. [laughter]
1:54:33	Colby	Just to reiterate that get the best available science is not aspirational, it is required. So, in that sense, you know, adaptive management, collaboration as a process that's going to create the best available science is a support to get that NEPA requirement.

Time	Speaker	Content
1:55:14	Allen	Other feedback on discussion points around NEPA that big bucket of alternatives, cumulative effects. Let's see. There was one I don't want to go past too quickly. The process, the NEPA process of a draft EIS that we turn into a final EIS and make a draft decision. There are changes between draft and final, and I think some folks raise some concerns there. This would be a good chance to bring them into the room. What you saw between draft and final. I know there were specific one about, um how we described rights associated with the mineral estate. Anybody want to add more to that? And plus, there is space for conversation about locatable leasable and fluid minerals tomorrow, and I just bring it up now because it is connected to the National Environmental Policy Act process.
1:56:36	Jody	And I'm gonna just drag us right back again. Any concerns you want to talk about the effects analysis part? [inaudible] Based on your objection issues from you folks. We have some questions about...We tiered a lot, incorporated by reference. Can you explain what that would look like? Well, do you have a comment?  (Greta) I do you have a comment that a concern being muddied up with BLM is actually what we see as a problem in the plan, which is that you didn't do enough consideration of how BLMs plan is also going to be weakened. So, the cumulative effects analysis needs to take into account what's happening elsewhere in the range, and the parallel process that BLM is under. So you mostly looking at changes between Forest Service 2015 and 2019. We're looking at the changes in sage grouse habitat 2015 to 2019 and the agency-specific changes we also felt like needed to consider what the bigger habitats at play, as well. And so the consequence of Forest Service management is significant in context of what BLM is also doing, and the States that didn't change.
1:58:19	Allen	So, say some more about that in that across the range of sage grouse, um, the national forest system lands that contribute to sage grouse habitat are small fraction of all the range. I don't remember the number. So, I'm not saying we shouldn't. Tell me more about how we do that analysis.
1:58:47	Greta	The significance of your management goes up in context of what a weakened management provisions in the broader habitat. So the Forest Service, the protections that you are affording sage grouse matter obviously to all of us, but matter even more when the protections are being, are decreasing on the BLM lands and also in context of the population declines that we continue to see, that have not altered since.
1:59:54	Allen	So, we are scheduled till 12:30, we're not quite there yet, I think. Okay. I want to save space to make sure you got that from the table. I didn't. Jackie or Nora or anything else that you wanna... We didn't really just a bit of an audible. We didn't rehearse me asking you a question, but I think it's fair, and a little bit of space says there's a question you interested in exploring further?
2:00:42	Nora	I appreciate the points that have been brought out. Think reading. But unless somebody has something else they would say about that. (Jackie) Yeah, I think I'm good right now. Okay.

Time	Speaker	Content
2:00:59	Allen	Um, I don't have any additional program questions myself.
2:01:13	Laura	Sorry. I just have one relative to the changes between the draft of the final. It did help because I heard John talk about the rationale for changing valid existing rights to existing rights. I don't believe I read that in the document. I think it would be helpful to have that explanation, set forth a little more in the document. Because, you know, otherwise people might read into what the change means and may or may not get it right.
2:01:17	Greta	I would like to hear that rationale. I missed it earlier.
2:02:00	John	The discussion on valid existing rights, it's another thing that when we this wrote this and rolled it out, everybody on the team was not necessarily a minerals expert. So, as it turned out, that were valid for minerals point and whether that existing writers validate or not... And the way we understood the intent of that is that if someone has a claim, they got a right to that claim and that's grandfathered in. And the idea of valid muddied the water with valid existing serving than existing. So, we left it at existing right and defined it better in the glossary.
2:02:45	Allen	It's that technical meaning of valid under mineral law.
2:02:50	Greta	So actually, there are more existing rights than are valid existing rights so that's place where habitat protections have been rolled back? (John) I'm not sure of that. (Laura) I would say, for example, you know, an exploration permit that is already authorized and there's been significant investment in it, you know, certainly would fall under existing right. I'm not sure, probably also would be a valid existing right. But in order to eliminate that uncertainty, I think the law is the same either way. So, I would say it doesn't roll back any protection at all. It's just makes more clear what rights are preserved.  (Greta) Except that I believe and there was just recent case law on this, the Rosemont Copper that if right isn't validated the Forest Service doesn't have to grant the use for the mineral estate, so what I understand it and objected to in...The baseline is different from the baseline existing rights in terms of potential future impacts. So, if the Forest Service's only considering allowing use on validated claims, that's different from allowing use on all claims going forward. So, it's a narrower subset. And so, we saw that switch in the language as an opening to have more mineral development on Forest Service lands, and it's a very important word in the mining law, and it's, um that was a concern of ours as well.
2:05:08	John	I'm glad you are bringing this up. Is this something I'm on the edge of my minerals law knowledge but basically, the way it came to that was one of the minerals people saying, you know what you meant when you're saying that's the way you're treating this existing rights, you're using this misusing the term valid. That's really how it got there. We learned a lot of other stuff, too. ... We had stuff that was wrong and inconsistent? No. We're being so consistent or potentially inconsistent with law in our plans and that stuff we have to address. I hear you. I think we need to take another serious look at that valid.

Time	Speaker	Content
<b>2:06:01</b>	Allen	<p>And I think we have space tomorrow for a deeper dive into minerals specifically, this was more about that procedural change. The process. I don't belittle it by calling a procedural that that changed between a draft document and a final document. Make sure there's adequate sunshine on those changes. That was the reason to bring it in.</p> <p>(Bob Budd) So, yeah, one thing that I think is important in this conversation is to keep track of intent as opposed to what the actual words are, because there's a world of difference between existing right and a permitted activity. And that's in Wyoming, what we did from day one is differentiating between the two. So a claim vs. a valid claim, a lease versus an APD. There is a gulf there, and there's restriction regulation that could be imposed. Between I think that, John, was the intent as we tried to work through this, was to make sure that both restrictions could be imposed even on an existing right; that would make it a valid right so don't lose sight of what the purpose of that is, and get hung up on the words.</p>
<b>2:07:24</b>	Laura	<p>But I just want to say, with respect to the decision that is the departure here. The Forest Service has never done or BLM has never done validity exams to approve a mining operation, not just the validity exam is in mining law to fend off against other private parties who want to develop the same site. It's never been a project proponent opposed to government, but the Forest Service for you know, the last 100 years, I don't think, has, nor did they have the staff. We heard in Judge Du's case that they absolutely not staffing to conduct validity exams on claims for every single plan that is presented to them unless the lands are withdrawn from mineral entry. And in fact, the 2015 plans identified the need for the withdrawal because without it, with mineral withdrawal, those lands are open. Validity exams are not required unless the lands are segregated.</p> <p>(Jody) Definitely gonna need to explain all of that again tomorrow.</p>
<b>2:08:39</b>	Allen	<p>Anything else on the NEPA piece? Otherwise, I'm ready to adjourn until 1:30.</p>

## Transcription of December 10 – 1:30-3:00

Time	Speaker	Content
0:00:00	Jody	<p>I'm Jody. I am your objection coordinator. I'm the one that has been emailing some of you along the way. That's Allen Rowley. Okay, he's you're reviewing officer. And your responsible officials are Jacqueline Buchanan and Nora Rasure. Okay, So the two of you could introduce yourself to the group.</p> <p>(Kathleen) I'm Kathleen Clark from the governor's Public Land policy office,                      (Jody) Which governor?                      (Kathleen) Governor Herbert, Utah.                      (Braden) Braden Sheppard, I work with Kathleen.                      Okay, so who joined us on the phone?</p>
0:00:49	Cody	You've got Cody Doig, Wyoming Coalition local governments again.
0:00:52	Jody	<p>Okay, Cody. Who else?                      (Steve) Steve Holmer, American Bird Conservancy.                      Anybody else?</p>
0:01:04	Drew	Drew Bauer.
0:01:06	Jody	<p>Okay. All right. Thanks for hanging in there. You guys, we really appreciate that. We're ready to get started and this afternoon it's all about the sage grouse. Tomorrow is gonna be a more mix it up a little. What affects the sage grouse or not? Um, but today it's all about environment, outside everything. And the habitat, and the mapping. All the things that you just kind of started talking about earlier today. So, Allen, are you ready to launch into this?</p> <p>I think we have Elko County. Western watersheds, Western WEX, Western Exploration LLC and Wyoming Coalition of local Governments and anybody else.</p> <p>What we're doing here, all of us, is everybody's an objector or an interested person at the table. We're just focusing on the primary objectors at first and then inviting all of them if you have an interest. Okay, thanks for coming.</p>
0:02:31	Allen	<p>Ok. Thanks for coming back. Two sections this afternoon. First one is about greater sage-grouse in their habitat against specifics and science, then sage grouse habitat protections and restrictions.</p> <p>So, the first is what's, uh, I read as What's the science? What's the state of knowledge about the bird? and then the last half of the day of this afternoon is more about now that we know that how's that translate into plan components, standards, guidelines and management approach is to protect the habitat.</p> <p>So, Jody just shared objectors, and the themes that come out of that for me are a conversation about best available science. What was used? What else might you bring to the table we've overlooked or missed, in terms of that science? The document talks about what we've done at a broad scale, forest plan scale and know that projects that ground, disturbing activities and projects will have another analysis and NEPA decision. So how do we connect a broad scale analysis with finer scale analysis and the last piece I'll call out is about the habitat assessment framework that half of that work.</p>



Time	Speaker	Content
		How's that been? How have we used? how we implemented that? And how are those results informed what we've done here with the 2019 draft decision on? So that's what it looks like. Um, I'll just start with the best available science. Any of the four that specifically objected here with Wyoming Coalition of Local Governments, Western Exploration Company, Western Watersheds, or Elko County. Any of you wanna go first and we'll just continue our dialogue?
0:04:57	Jody	Let's not put it all on Greta. She has to start everything. So I'm sure that somebody else could have...
0:05:16	J.J.	I reached out to Elko county and they have not answered that they were gonna call me. So, I don't think any of us can answer for them. We don't have the authority to do that.
0:05:23	Laura	Western Exploration's concern was that there are significant areas that have burned, there is no dispute about their current condition and the information was provided even on-site meetings were held in the burned areas of the project area that they're still shown as priority habitat on the burn maps and well, we understand this is not a site specific-exercise. We do ask that the most updated information included. So that firm[?] habitat is not still part of the priority habitat.
0:06:11	Nora	Laura, what's important about that?
0:06:14	Laura	What's important about that is that they will be subject to management issues. And, you know, depending on how the decision comes out, there could be asserted limitations on how the area can be used. While I don't believe the restrictions could apply to locatable minerals, it still creates the issue. So there is a presumption that there is habitat out there, if it's identified as priority habitat in the area, as opposed to being identified as burned. I also think, you know from a conservation stand point. If the areas were properly mapped with burned areas are identified, they can be subject to rehabilitation projects. There are proponents like Western that we are very interested in working with Forest Service to rehabilitate, identify areas that could once again become habitat and would love to work collaboratively to possibly rehabilitate those areas, work with the state team and see about maybe generating credits through rehabilitating in burned areas. But, not really addressing that and the mapping creates an issue.
0:07:24	J.J.?	I can have a little bit maybe to help more, I think part of that also goes back to the SD ecological site descriptions. So a lot of times, when an area is burnt, that is the insult that pushes that over a threshold. And so, what are we talking about? Are we talking about reference state? So, you know, at one point, this was priority habitat, but it is now monoculture of cheat grasses burned five times in the last 15 years. And so, is that still priority habitat? No. We need to address it differently. As Laura said, it is now somewhere else. And so are we trying to go back to reference day or site potential? So, I think it's key that we really dive down into what that is on the ground.

Time	Speaker	Content
		<p>(Allen R.) A bunch of questions in my head. Nora, did you have a follow-up? So, the acknowledgment that the landscape will change over time with or without us; with or without the influence of people. So, in this case, we're gonna talk about fire. Fire is going to show up across the landscape. Um, before I had grey hair, I thought we could stop them all. And now I figured out we're not. It's gonna burn. Period. That's gonna happen. So we're trying to build a management plan for the long term, and yet the system is changing all the time. So this is probably ....so, how do we? What do we do with that? Because, I have a theory that whatever map we draw today, that at some point in the future that, maybe tomorrow or maybe by August will be wrong. As in, it's something that's changed. So now what do we do with that? In terms of a plan that's going to be durable for the agency and all of you. Help me out here. When you, this is, uh, yeah.</p>
0:09:32	Laura	<p>I think it's a question of scale, in my mind, at least, right? There's no question that the conditions are going to change. They change every day. But when you have a significant fires, as we did in Nevada, where you have hundreds of thousands of acres...</p>
0:09:54	J.J.	<p>We've burned 650,000 acres, that was once in the SFAs in the last two years, 650,000 acres.</p>
0:10:01	Laura	<p>So, I think I would suggest that's of the scale. That should be noted now recognizing that, you know, there are going to be changes going on, day-to-day saying that, you know, maybe they can be considered administratively if they get to be significant enough. Maybe it's the next amendment. But the reason I mentioned, I think Nevada's approach is one and became upon this 2015. By the time the 2015 maps were based on the 2014 model maps and then by the time you, almost immediately, after adoption 2015 plans, we have updated maps that were significantly different enough. You know, I believe the legal advice was, you would require an amendment. So, I guess, the point is, just my thought, is when you have something such a scale of this. It's enough that you are talking about, you know, site potential. And it could be something incorporated now to avoid, hopefully the need for amendment sooner or challenges to the decisions that are made because even though it's burned and it's not habitat, it was characterized on this map as priority habitat.</p>
0:11:09	Allen	<p>And you stated interest and I believe I've heard other people say they're also interested in finding those locations where we could do something proactively to improve, restore or increase that habitat for sage grouse. And so, was PHMA and occupied by birds burned, that's bad, and has the potential to restore it back to them. I heard some people suggest they would be alignment, in align with that, they understand that it would be okay with that proactive piece. Um, so do we not change the map? Just draw that logical progression and say that's okay? Or do we change the map and call it something different because of the fire? There's some administrative work on either side, and we'll figure out how much and where. It's just what fits? Because everyone is interested... So far, all the parties at the table have talked about...supportive of more habitat for sage</p>

Time	Speaker	Content
		grouse. That doesn't seem like there's any disagreement. So, how do we get there, right? So, anybody else want to suggest? J.J., if there's more you want to add to that?
0:11:59	J.J.	I just want to bring this back full circle that comes back to adaptive management, you know? So, it was habitat, it burned. All right, let's look at on the ground, we lost habitat? We most likely lost population. Was it a Lek cluster? What was it? That's adaptive management. That's when you trigger that; you look at it on the ground. All right, let's look at the site description. Let's look at the state in transition. Can we get it back? It probably never will come back to reference state. But maybe we could get it back here and still be functional habitat. Adaptive management, that's... We don't need to put it on a map. We don't need to draw lines around... we need to say it's going to happen.... when it happens, this is the process we're going to go through to get it back to fully functional as we can.
0:12:58	Allen	And I hear other folks wanting to, not disagree... I believe I've heard people saying not disagreeing with that and looking for assurance or surety to make sure that it happens.
0:13:01	Unidentified	I just got an email real quick. I don't mean interrupt. Somebody calling sent me an email saying they have a hard time getting through to the phone. Are we sure we're on? that line is right?
0:13:43	Jody	Cody. Yeah. 6858857 Okay, Thanks, Cody.
0:14:14	Braden	So, Lauren and J. J. so are you suggesting, if we have a fire and state transition model says we can no longer get back to habitat, you just want that removed out of the? If it's not gonna ever be functional habitat again because it's cheatgrass it's going to take forty years to get it back functional. You want to say, remove that from that plan?
0:14:37	J.J.	Is it priority? It probably still serves a purpose, but is it priority habitat? If it was priority, is a general or is other as we call it in Nevada. We need to evaluate it at that level. At that point, rather than leaving it on priority habitat for five or 10 years when it's nuked.
0:14:55	Braden	Would you prefer to have a habitat classification that says, this is burnt, it's now going into this classification until we decide. (J.J.) That's in the Nevada plan. We did that. [laughter] (Jody) Do you want to go to back other part of this issue which is the general use of best available science?
0:15:24	Allen	We'll come back to the best available science conversation. Laura started this with this example of habitat change over time, and interest. I'd be curious about, um, State of Idaho conservation groups, State of Wyoming, State of Utah. How do you see this change of what we mapped as priority habitats and knowing that it's changed over time? What should we be doing with that?
0:16:08	Scott	So, from State of Idaho, and I can't speak to the State of Nevada Plan, we think that we landed in the right spot where we have a 5 year review of the mapping decisions. The impetus, I think of those are for the technical and policy teams.
0:16:28	Phone	Pretty impossible to hear what happened.

Time	Speaker	Content
0:16:34	Jody	Scott has a cold. We'll get him over here if we have to.
0:16:52	Scott	All I was saying is that I think we landed in the right spot where, if something burns, which is an issue in Idaho as well, then every five years we do a mapping exercise to review whether or not the habitat designations are appropriate and we do that in a collaborative stakeholder involved process, we are always trying new things in Idaho.
0:17:18	Josh	Josh Uriarte, with the State of Idaho. We still look to maintain the connectivity and not get away from connectivity or different things like that. But understanding what state the habitat is in restoration potentially to get it back. But don't change it right after the fire happens because that could have reverse incentives, but so make sure to maintain connectivity and everything like that, but definitely take a look every so often that it's not a permanent, not a permanent thing.
0:17:52	Allen	So, Scott and company, then the Idaho State plan would have a provision for, or impetus, or incentive, to do restoration work, right? That's a question.
0:18:10	Scott?	I think there is, yeah.
0:18:13	Josh	There already is. After each fire, depending on whether it trips a trigger or not, we look at ESNR the BAER recovery addressing the different needs for sage grouse within that and then following up on that with each exercise are each mapping iteration. And so, if there are focuses that we need for restoration, that haven't been identified well enough on the first go round through the BAER or ESNR plan, we go back and try to address them again. That's all done through our technical team that has all the collaborators at the table.
0:18:35	Allen	I'm looking for any specific feedback from Utah, Wyoming or the conservation groups about... understand the motivation about an interest of surety, a certainty that we want to have more habitat, we've mapped it, it's now changed because of the fire. Now, what? What are the various state plans? And what's the best way to provide that clear direction or to provide direction that's clear that way?
0:18:43	Bob	The way we would handle that... after the fire occurred that would be mapped as disturbance, it would be within the core area that we call core area. That disturbance would count against any other activity to occur in that particular area. Your hope would be that then prioritized because it's in core. Then prioritize it for restoration, reclamation. And that ultimately would lead to a categorization at some point of function of transitional habitat, which that would become functional. But it wouldn't change the boundary. It would change the way that particular landmass was treated within the core area. (Allen) Okay, any reflection from Utah?
0:20:25	Braden	Our state plan allows us to go review allows us to say, yeah, there was a fire, did it trip of state transition, and now are no longer habitat. The federal plan we've worked with to put in some ability to review the maps and review the science as it comes available and say, Ok, let's sit down. We had a fire. Is this still habitat? Then go through a process, whether it has to

Time	Speaker	Content
		<p>be through planned maintenance or more, depending on the NEPA, the level of the NEPA, then modify the map accordingly. So, I think we have a process, we felt comfortable that was in place, that we could review the maps, we also had a clause and that if it's not habitat that these decisions don't apply. We kind of felt like that also, give us the ability to look at something and say, Is this habitat? If it's not, then we're not applying these decisions here.</p>
0:21:20	John	<p>So, yeah, the big catch is...there's a couple of things, especially in the Nevada example. We drew maps, big, large scale. We know there's areas of non-habitat in there. Some places in the revision in Wyoming, you know, it got fixed. When we snap to the state maps some places where there was not habitat, it dropped off. So we did not and could not, go into and try to go acre by acre to really catch every little bit of burn. It's still results around that cause that it's... again, no decision here on the ground. But if someone with mine where to go to work in that PHMA area, the first thing that has to happen, you look to see if it's in a nap area, if it is that these then you need to go to on the ground and see is it habitat or is it not. And I don't think we're really prepared, especially in this example to say, well, that will never be PHMA again or GHMA. So, the biologist still has to go when some kind of action is proposed and determine is this suitable, non-suitable or potential? And some of the latest research I've seen, things can come back from fires within 3-4-5 years, so there's still got weigh that on a case by case basis. So, we built that case by case flexibility, so we're not running around chasing your tails every time something happens. We're trying to alter every map because that map change requires an amendment, so it's a big process, so we can't do that on every occasion. And the other thing is, again, I think Josh mentioned something about a race to the bottom. As a biologist, I think we want to be really careful, that if something burns over, and it's out of commission for a couple years. We don't want to declare that non-habitat forever and also get development or something, which would make it non-habitat. So, we have to be really careful on those site-specific in those decisions, and that's just the way we set that up. We could have a dozen discussions about this.</p>
0:23:29	Allen	<p>I would reflect, it's not equal across the range of National Forest System lands, at least in the range of sage grouse that the Curlew National Grasslands in Southern Idaho, the productivity and ability to regrow sagebrush is striking, contrasting that with, um, some observations I've made in Rich County, Utah and Southern Utah... just biologically it's very different. And I'll defer on the dryer state of Nevada, I have not spent near enough time there.</p> <p>It's just tough.</p> <p>So, help me those other folks who objected on this point in terms of the conservation community. We're looking for something we can all come together on something, if that's possible, about certainty, a surety, that this is important habitat, we want to keep it and restore it, and yet we're faced</p>

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		with change over time. Have any other suggestions, ideas or things we haven't heard, you want to bring into the room?
0:25:03	Bruce	Been mentioned quite a bit, you know, Basically, habitat degradation if not destruction due to fire something and nothing of it. There's a literally a lot of mapping of it. Something's going through my mind, it's the other thing that keeps coming up here is well, sometimes the habitat restores itself. It recovers, becomes habitat to a greater or lesser degree in the future. Is any mapping going on in terms of habitat recovery? Because I think I would like to see also the levels of habitat recovered, not just destruction.
0:25:42	Josh	At least in Idaho, I can't speak for the other states. Each year, they do a mapping exercise based on the adaptive management triggers, to understand our habitat baselines with how much habitat within these key nesting, nesting and wintering habitat has been restored and how much has been taken away. So, each year we look at our restoration efforts, whether it be conifer encroachment, addressing that or addressing, you know, perennial grasslands and getting them back to sage brush cover. So, each year we go through that on our key habitat maps to understand what's been restored and what's been taken away and kind of see where we are with our adaptive management. That's part of our adaptive management plan.
0:26:30	Bruce	And I would hope that many factors into Forest Service plans in some level or another.
0:26:33	John	Yeah, part of the response to the adaptive management is to prioritize more habitat work in priority areas if you get triggered, especially in Utah. Utah has been really good about habitat. You got a really good program set up to make it happen easier also, and then, as you will see in my report, I don't have maps because the scales are pretty hard to see. But you'll see tables of acreage where we've done recovery stuff and everything. A lot of numbers, if not pretty pictures. I'll work on that too.
0:27:13	Steve	I guess my thought about this particular issue is it depends on your perspective about how much priority habitat we have. If your assumption is that there's currently a shortage that we need more priority habitat, you know, in the way you would deal with these burned areas is an imposition, of course, being to restore the best you can, and that could be a real emphasis of collective effort. But at the same time, I don't think you want to de-designate it and allow for other degradations to happened because then there would be for sure chance it would come back a habitat. So, I think that that it does need to have its protections maintained, with restoration to be the focus.
0:27:59	Allen	Anybody else?
0:28:00	Mary	Is that feasible? Aren't there areas where the habitat will never come back? If it's burned hot enough times. So, having it on a map and locked in a map when it's not habitat and will not become habitat. Makes no sense to me, as a biologist.
0:28:26	Steve	Well, I guess we would like to see there to be ultimately compensation. And, you know, when we talk about this issue best available science, I think

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		<p>you do need to kind of take a step back and look at the baseline. And so, when you look at the baseline historic distribution of sage grouse, you see 50% range contraction or more, 90% population loss. When you look at the habitat, you know, based on all the USGS work that was done and it appears to me that it's about 90% compromised. And so, based on that is as starting point, it frankly doesn't leave a lot.</p> <p>[AUDIO LOSS 4 seconds]</p> <p>Which points out that the way to maintain the systems is to protect them, to create reserves. And so all this was presented to the service as part of the conservation alternative that our and other groups put together based on the best science. All of this was presented, and it feels like these key points were kind of ignored in favor of a very pro management, in my opinion of a bit of a wishful thinking strategy. And we're now at a point where we need to recognize where the grouse is, where the landscape is, what the baseline really was and act accordingly so that does point to a very different direction of where we're at right now.</p>
0:30:04	Allen	<p>Okay, anybody have anything else? I would turn to the conversation about best available science. It's started with actually how we got on the burned area in our response that was a specific request for remedy from Western Exploration. That's how they tied it to say, as I read the objection, we have science that would indicate this burn polygon is not habitat. Here's a recommendation of how to deal with it...So I want to tie those two together. This is how we got in this conversation. Um, is there anything more about best available science that we're missing? Or you'd like to bring in to the conversation in this tie about vegetation change due to fire?</p>
0:31:11	Greta	<p>I was curious. I've noticed across the plans that Idaho, after looking up to say exactly, but some of the Idaho, Colorado and Utah all retained the language of the 12 inches, not using prescribed fire where there's less than 12 inches of precipitation. But Nevada got rid of that, and I'm just wondering what was the rationale for that? Because we didn't see a scientific basis.</p> <p>Does anyone know?</p> <p>(Mary) without the document? I mean, I could try to flip through findings on the document, but if we're going to be talking about parts of the document, can we have page reference, maybe even on this screen? Because it's really hard to have the entire document memorized and know exactly what Greta is talking about.</p> <p>(Greta) And in general, what I'm saying is you don't need the exact specifics. But the management standard in Nevada that held that said they wouldn't use prescribed fire in areas of less than 12 inches of precipitation was removed for Nevada. It was retained in Colorado and Utah, and it was just wondering what the difference is across the states.</p>
0:32:34	Jennifer	<p>I'll read it out loud...Sure, it's actually. Oh, sorry, I'm trying to project.</p>
0:32:45	Jennifer	<p>It's on page 2-156 and it's Standard 47. It did say do not, originally in the 2015 it was priority and general habitat management areas, do not use for prescribed fire in areas of 12-inch or less precipitation zones unless</p>

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		<p>necessary to facilitate restoration of sage grouse habitat consistent with desired conditions. It now reads in priority and general habitat do not authorize treatment methods for fuel reduction (such as mastication, broadcast burning) unless based on project objectives and the treatment areas' resistance to annual invasive grasses, resilience of native vegetation to respond after disturbance, ecological site descriptions, and/or state and transition models. That was based upon conversations that we had with the state. It's not necessarily giving a, yes, it's not 12-inch because in Nevada it's not viable. So what they're saying is, that standard says, it still listing in like if this isn't going to meet your objectives don't use these vegetation...[inaudible]</p>
0:34:04	Allen	<p>Okay. The only other objective. Well, let me talk about objective, excuse me, an objection around the habitat assessment framework that the removal of the sage brush focal areas was done without consideration of science. So, tell me some more about, How? What? What would the evidence? What should we do to show some evidence and thought about where we ended up with sage brush focal areas.</p>
0:34:56	Nada	<p>I don't know that we call this the habitat assessment frameworks. I think there's also related to our similar arguments about the importance of retaining protection for general habitat areas. It was a similar discussion, and we have provided a couple of letters from actual sage grouse scientist—I am not one, just to be clear, talking about the importance of the structure of the plans of providing the most protections to the most important areas. For example, talking about that with the sage brush focal areas, and there was a lot of discussion in the plans that assumed the only difference between a sage brush focal areas and priority habitat was the [inaudible].... so that once it was gone, there was no reason to keep the sage brush focal areas. And what we tried to describe in detail in our comments was that there are additional protections, the most important one being the application of the new surface occupancy stipulations without waiver, exception and modification, that is a significant difference. The waiver plan was set up, nothing that technically off limits unless and until mining withdrawals went through. So, there were differences and protections between this SFAs and PHMA acronyms. And one of the important ones that still existed was how these extreme exception and modifications occur that we lost to that when sagebrush focal area designation was removed and it wasn't really acknowledged in the draft. That was something highlighted and brought to John's attention as well that we thought that was something that could actually be remedied. Um, that obviously the designation itself is one way to use it, and another was to in the parts of PHMA in particular, that advantage focal areas keeping that stronger. No surface occupancy stipulation in place would be important again if we probe a lot of the original discussion we had about keeping you from being listed as something I think we're all still in favor of ...that certainty is something important. So, when we have these no surface occupancy stipulations in place, the ones in the sagebrush focal areas, were</p>



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		<p>very certain that there was no waiver exception modification in the context of PHMA, it was a little easier. I know we have a fluid mineral coming up later and we can dive into the details of all that. But that was part of the issues that way.</p>
0:35:28	Braden? (Utah)	<p>Okay, can I ask you a question? So if Forest Service wants to move forward through removal of SFAs? What I was hearing you say it was No. You prefer say yes, keep it or protections. If they want to remove it still, how would they remedy this issue?</p> <p>(Nada) You will be able to apply this stipulation, stronger stipulation, if you don't want designate it could find some other way to do it. I mean, it would be kind of awkward phrasing. You could map it, and then it would be subject to a five-year review or you could just say these lands that used to be this color here and still have a stipulation were Forest Service and the BLM and very preparing the lease stipulations. [inaudible]</p>
0:38:53	J.J.	<p>In Nevada, that is all still priority habitat, if it's truly priority habitat. In the SFAs there was other habitat and other things that were clipped in. Those are out once we do are on the ground evaluation in Nevada. But the Forest Service has to consult with the Nevada State team and the plan before any permitting to take place in those areas, they're not SFAs as priority habitat. It doesn't matter if it's up there or it's in my back yard, 300 miles south. So, the protections are still there, in Nevada. I know that.</p> <p>(Allen) How do we? What else would we need to say to document that? because I hear people reading the plan differently, so help me out.</p>
0:39:48	Nada	<p>The stipulation changed in the plans. It was read one way before, now it is subject for exception waiver modification. Yes, there is in some states requirement to consult with fish and game before doing waiver exception modification. That's also different from 2015 plans when it was required consent. But, now there's a consultation for the state game and fish. It's a pretty significant difference when you're looking at a certainty and what you know what we can project out in terms of impacts. I really appreciate that John checked to see if exceptions have been granted lately and didn't find any, so that's great. But I think that's what way to avoid uncertainty and the distinction that was made was that habitat was more important and the way to keep it more intact was too narrow the opportunity for these loopholes, if you want to call it that. From these stipulations, that was the way the plan was set up and the reason we highlighted that, in addition to our concerns about management of general habitat is that both of those were, according to the scientists who wrote the letters to Interior and then some additional comments we touched to our objection from DR really focused on that landscape level importance. Making sure that all the habitat was being managed so that we could make sure it's connecting, and when we're restoring and all the things we're talking about, which don't work as well if you have, if you're not protecting managing habitat.</p>

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0:41:40	John	Clarify a little bit and get back to Nada on this one. The three differences between SFA and PHMA was the withdrawals, exceptions not allowed on SFAs but allowed on priority, and the footnote if it's not habitat standards and guidelines don't apply. So even if it were not habitat, SFA, we're still doing standards and guidelines. Every place else lined up perfectly, and we tried to address that. And so, I'll just read from this one randomly, Idaho and then we can drill into this a little detail here. But it's a standard, fluid minerals in Idaho, PHMA and IHMA have any new oil and gas leases must include a no surface occupancy stipulation. There will be no waivers or modifications. An exception after review by team could be granted by the authorized officer if the proposal meets the following criteria, and the criteria are: there will be no direct indirect or cumulative effects to the Greater sage grouse or its habitats, or granting exception provides an alternative beneficial to sage grouse versus, you know, destroying worse land out of it. Included appropriate controlled surface occupancy, etcetera, and I think there's some, depending on state, mentioned on things like compensatory mitigation. So, exceptions are allowed but I think it's been more focused on...It's a high bar. It's not just the floodgates are open. And if I'm hearing correctly, I'd like to hear more, is the problem that the bar isn't high enough? I'm confused, I'm confused by one.... We keep on mixing waivers and modifications that are explicitly not allowed; exceptions we are right on. But we have a really high bar for exceptions, is the question that the bar is not high enough?
0:43:51	Nada?	I think what we're proposing is that some places there shouldn't be exceptions and these are the places. And other, and then, the priority habitat, which is still some of the most important habitat we can work around that, we can try to provide those very [inaudible].... conditions, and we really appreciate how strict conditions are, it's just they're still conditions. I think that was just a really important difference between the sagebrush focal areas and priority habitat we weren't gonna monkey around. There's no surface occupancy or you just don't go there. And you know, we've seen a lot of mapping that most the best of oil/gas resources aren't in the SFA, so let's just do it. How bad could it be? That's not the standard, but, you know, I think we're saying this is the most important habitat. We don't want to take a risk here and the way to not take a risk is to not leave the door open.
0:45:00	Allen	That was helpful for me anyway. Talk about the difference.
0:45:03	Greta	We also noted in our objection that language around the NSO stipulations that the Forest Service removed the consent requirement from Fish and Wildlife Service and the state wildlife agency, that basically gave itself all the power to decide if an exception could be granted. So, it was significantly broader agency discretion without the input of affected stakeholders, and that was something we were concerned with.
0:45:39	Nada	I think we had a lot of comments on them. Yeah, she's just right.
0:45:51	Greta	But I was using that as an example to say that in addition to, um, the specific changes around management on the landscape. You made a top-

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		level decision about who has a say in it and that was something that we were concerned with as well.
0:46:08	Scott	<p>Since we're talking about [inaudible] can I respond quickly?</p> <p>So, the first is that with respect to the interagency consultation, in Idaho at least they're reviewed by the technical team, which is an interagency consultation, State of Idaho, our wildlife agency, our office, our development office and from the feds think it's you, BLM, and a whole host of other folks that review and kind of collaboratively make these decisions. With respect to the exception process. I lost my spot. That's okay. I'm just generally speaking, we think that this goes to the point that Laura was making this morning. We think that site specific analysis is totally appropriate for you to do. And taking these things on a case by case basis rather than relying on maps that were totally unvetted and not collaboratively formed is the better way to go and by those maps, I'm referring to the SFA designation, in particular in Idaho, we had no input, and no feedback that we're able to give the federal agencies in the '15 plans for these SFA designations and I think Nevada case acknowledges that. Judge Du's ruling acknowledges that. And so, all we're trying to do is say, with the Idaho plans since that's what we're talking about, let's take a look at proposal to drill for fluid minerals or harvest fluid minerals and see by the exception criteria that are stringent as John points out it's appropriate. And again, with first vetting criteria that you have is that there would be no direct indirect or cumulative effects on the greater sage grouse of its habitat or in the alternative engaging the exception provides a benefit to sage grouse to a similar action occurring. So that's our position.</p>
0:48:35	Greta	<p>I just would point out that standard allows for a review by the interagency technical team had no longer requires unanimous concurrence from a team of agency Greater Sage Grouse experts from the U. S. Fish Wildlife Service, Forest Service and State Wildlife Agency. So, to me that reads pretty differently. If you're comfortable that having a review gives you the same amount of say as unanimous concurrence... I think that's a pretty big leap of faith.</p>
0:49:10	Scott?	<p>I mean, review and collaborative decision making is something that that the state of Idaho about always been asking the federal agencies and we think that it's appropriate.</p>
0:49:27	Unidentified	<p>If you are looking at it on a project level basis and you have to demonstrate all of the exception requirements have been satisfied for the exception to have been granted, whether unanimous or not. You have to have a record that's gonna support that. You have the science to support it. If it's not there, the decision was wrong, there's still an opportunity to challenge before that decision gets into effect. So, I think the safety and the protection is there, and it's there in a way that can be reliably implemented on the best available science, which is the on-ground data as opposed to absolutely the SFA...in the matter they were erroneous. So, I'm struggling to understand what's missing from our best available science and conservation point when there are really tight requirements in the exceptions. And there</p>

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		would be full opportunity for a review of a decision that someone thought erroneous. As opposed to the other option is just saying it's off limits, but we all know these maps were model...they are not ground proof.
0:50:34	Nada	I thought we were talking about how we were gonna be updating and correcting the maps. There was a lot habitat that was taken out, just this round alone, hundreds of thousands of acres. So, I think if we're talking about updating the maps, as to what the right areas are is one thing. I think saying it's reviewable, these are not things that are public. And so, I don't know exactly what you mean by that, except we're supposed to find out after the fact that Forest Service has granted an exception and decide if we sue, something like that just doesn't seem ...that's not really setting up the best process, either. And I think the first exception is one thing. But it goes on, as John was reading, we're done getting into control surfaces use stipulation. I think, the first one, sure, that makes a lot of sense to me, if we're meeting that standard. If there was a, you know, a public decision that people could look at in Colorado, in our BLM plan, for instance, we have a 30-day notice and comment, there is an opportunity for waivers. So those were changes that could address some of the concerns of not being able to see what's happening, and a lot of conditions.
0:52:00	Allen	I see it as I listen to this exchange... a discussion about, um, black and white, the answer is no, as in modifications, waivers or exceptions vs the door is open for a dialogue about exceptions through in the Idaho case, for example, a collaborative effort and then woven into that is the collaborative effort and the technical teams are agency and are opened up to everyone. So you would wonder, how do you participate in that process? Right? Trying to summarize.
0:52:48	Nada	Yes, I think, in the BLM plans, I asked if we could have those be public so we could see what's happening in those discussions. I know because they sounded so good. (Scott) This is Scott, but isn't the public portion of that, the site specific NEPA that we're doing?
0:53:06	Unidentified	That's what I was thinking. I mean, exception is going to be granted for a project. It's not just gonna be granted for anything.
0:53:14	Scott?	Yeah, I mean, you don't have to be an application for Forest Service or BLM which will initiate the NEPA process, the sage grouse technical team will determine whether that's an appropriate area because of an exception, and then we'll go through the public process and receive feedback. But, I mean, that's how it's always worked in the past.
0:53:16	Nada	There a lot of situations where permits are granted without any NEPA and we don't know and especially in the exception process itself is not public, so that happens after the permit is granted. So, you have your permit, you have your lease and then you go back later. (Scott) I'm just trying to figure out what are you talking about? Are you talking about the Categorical exclusions?

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		(Nada) There's all the cat X specific permits, but also, I mean, I comment on a lot of stuff. I've never gotten to comment on an exception waiver modification.
0:54:22	J.J.?	I'm confused. I've never seen a permit granted in Nevada without the process. So, can you help me with what, exactly, you commented on, or what you think you've not commented on because I'm missing something here. But maybe there's a problem. I'm seriously not aware of it.
0:54:43	Nada	I'm happy to answer that. There are a whole host of categorical exclusions from NEPA for drilling permits. And the Bureau of Land Management, which handles permitting, is under strict instructions, formal guidance, to look for all those opportunities first, so that's what's been happening. They may be posted afterwards as a C-ex or CE (Forest Service), has been granted, but that's when they're posted. There is not an opportunity for comment.
0:55:16	Unidentified	So they're tiered back to previous NEPA that was done?
0:55:20	Nada	Their tiered back to the lease, which would have NEPA which would have sage grouse habitat for the foreseeable future.
0:55:36	Allen	John I'm...
0:55:38	John	Now I understand where you are coming from the confusion, because the whole reason for this, process still staying the same, as Scott says, the way we admission this, we're setting up, if there's a new fluid minerals lease being proposed, it's gotta go through NEPA, we still do our interagency collaboration, we still do best available science, still do all that public process. This is way we're thinking about, that still goes through just as normal, one of these... The reason we removed that particular language is because, as we thought of implementing this, it got very strange that it looked like the line officer was deferring authority to an outside group. That put us in a little bit of a bind. Actually, I think potentially big bind because if a line officer defers to authority, who are you suing? So, you know, if you don't if they say don't do it. Do you sue the outside interagency team, because someone vetoed it, or do you sue a line officer? It has to be a line officer. So, all we did, there's nothing here, is to make that more simply make it really clear whether about where the buck stops, the buck stops with the line officer. And then we thought we had a process covered anyway through the whole NEPA thing. What I need to look into more or maybe I made some misunderstanding here is once something is leased, it's leased. So, there is a lot more limitations to what we can do to that lease after it's leased, the stipulations have to go into it when that leasing occurs. So that's another fine point. So, based all this only applies to new leases going forward. This new lease going forward, you do the NEPA, we take the public comment that way.
0:57:24	Braden?	And just to be, I think it would be good on the record, just to clarify. In case it's not there for new leases. Yeah, just so you know.
0:57:37	Bob Budd	Well, I understand logic on the notice piece, but I want to remind people that exceptions, waivers and modifications can also be used to limit and restrict development. And we have done that on numerous cases. In Wyoming, a specific example a company nine vertical well permits, nine

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		<p>pads, came in and wanted to put all nine on one pad, which pre-existed and removed all that disturbance and waive all of those permits. That required an exception. And so, there are there are reasons to have them there and there are reasons, Nada as you've outlined, to have to be very restrictive and go through this process but we always think of things in terms of what I'm going to allow something to be worse. In the oil field, you also have used those to reduce impact, to change, to co-locate roads. There's a whole lot of things that are exceptions once that permits granted; that doesn't have any do with the public involvement. But don't throw the baby out with the bath water.</p> <p>(Allen) Anybody else on that?</p>
0:58:58	Greta	<p>I would just note that the unanimous concurrence standard with a team of experts, including Fish and Wildlife Service, is pretty close to a biological opinion on what you'd be getting. If it was a listed species, you would need Fish and Wildlife service to agree with you if this was going to cause jeopardy. So, in terms of thinking about where the buck stops, the buck stops had stopped in a place that involved the scientific agency charged with recovering species. While, this isn't a listed species, it was as a measure to preclude listing to have that level of assurance that the Fish and Wildlife service was going to be involved in making these decisions to exceptions. And you've done away with that which takes away a layer in in our mind about species conservation.</p>
1:00:02	John	<p>I think that intent was not to take the layer away. So this again, just one of these things where we're thinking one thing, writing it down and there is still the full intent. If you're making a decision on sage grouse, you're gonna want to talk to the sage grouse experts, the State, if the Services is involved, sure. BLM hired a bunch of sage grouse experts. So that was implicit in the process. There may be ways to make that bolster it, to make it more clear that no, we still fully intend to have public participation all this kind of stuff, in my mind, you don't need to say it, but maybe a sensitive enough that something needs to be said.</p>
1:00:43	Allen	<p>So I've been involved in. I feel like this is an opportunity that there might be some space for agreement about language that captures that intent of collaborative and working together the way Scott described with all those other parties. So, anybody have some suggestions off what we might say instead of? What's currently in the plan to what I heard the acknowledgement of the role of forest supervisors, district rangers. It clearly is their decision. And you brought up the issue, Greta, of the value of having other people at the table who agree. Language that does both?</p>
1:01:33	Greta	<p>They exist. The language of the existing plan captured it. Proposed amendment takes that clarity away in my mind.</p>
1:01:43	Allen	<p>Okay. All right.</p>
1:01:46	Laura	<p>My problem was the language in the existing plan is that the Fish and Wildlife Service has no legal authority to make that decision. And 2015 plan gives the Fish and Wildlife Service, which is the wrong agency, veto power over the land management agencies. And so, you know, if you're going</p>

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		<p>somewhere or some sort of consensus building here, you know, maybe it's a discussion of notice, consultation? But it can't, I don't believe it, can legally be that you give a different agency with no jurisdiction authority to veto land management.</p> <p>(Unidentified Utah) I'd second that, right now, that is an issue we looked at. I'm a biologist and an attorney. Full disclosure. Now I do mostly attorney work, but Kathleen calls me a biologist. No, but that's one of the issues we kept looking at, is Fish and Wildlife Service has a very distinct statutory authority. Until that changes there is no authority given to them to veto a lease, and if Congress wants to change that. Okay, go to Congress and change that. But their authority was for listed species. And in this, there wasn't a jurisdiction over the species. That was one of the issues we said: John, you know, but when you needed a mechanism, we still felt it was important to have a mechanism to have people meet. And so, when we said, we don't have legal for you to say no, but we need them at the table. So, we sat down, we felt a technical team was the best route for that we have a good record. Okay? State biologist said this, the BLM biologist said this, Fish and Wildlife they said this, that way could all have a good scientific record to move forward. If exceptions once we even look at them. Is it gonna happen in such a narrow window? I don't know.</p>
1:03:38	Allen	The principal I heard there is: If we don't talk, I think I know the answer. If we talk, maybe there's a different answer. And that is part of I hear about you describing it, Greta, wouldn't it be great to have the view of the FWS or other agencies at the table.
1:04:01	Nada	Just in our proposal, we acknowledge that there was more certainty with previous language. But after having talked to John our proposal was it should at least be an explicit commitment to consult. Because right not it's not.
1:04:19	Allen	Explicit commitment to consult. That's helpful language. (Jody) Write that down.
1:04:34	Nada	We also thought the public might get a few points somewhere in there. Our next question. We thought we should also get not necessarily a consultation, but at least a notice. But the tracking is really helpful.
1:05:03	Unidentified	Okay, this conversation suggests it might merit a review of the categorical exclusions on BLM side, the memo that went out from BLM regarding categorical exclusions and also the upcoming proposed NEPA rule making from the perspective of the Forest Service, I don't think we need to go into to detail, but I think probably moving forward with these plans that type of review and understanding of what could be categorically excluded or how that plays into exemptions is needed before just say exemptions can exist.
1:05:39	Allen	So just break for a minute because I think Nada you brought it up. I believe the agency plans to track all of our projects. I've seen some of that work that land management decisions, whether exceptions have been granted, whether they're occurring in habitat or not. Isn't that part of our... we've already... this is a leading question. We've already started doing that, even

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		post the 2015 decisions. We have a track record we can share again in couple weeks out. Okay, Thanks. I think that will be helpful. Thanks.
1:06:48	Jody	Anybody on the phone have anything they'd like to add to this particular conversation? Steve. Cody. Esther, I think is on. Drew? You guys are still there, right?
1:07:11	Cody	Yeah, we're still here.
1:07:12	Jody	All right. Just wanted to make sure.
1:07:17	Allen	So, a couple of people of raised objections about the historic range of greater sage-grouse. And I don't have all that total recall when that objection without pulling it up in detail. Is that about baseline data to compare historic with the present? Or is it more about what do we do to recover to some historic levels. And the objectors here were Western watersheds in Elko County. Well, J.J. and others, and Mary, Laura pointed out, and Colby wouldn't speak for another county. They'll have to speak for themselves. J.J indicated someone from Elko County might have joined us on the phone, so I'm gonna give space for that to happen. If it did.
1:08:38	Curtis Moore	Elko County
1:08:43	Allen	Allen Rowley, speaking to you, looking to see if you had... help me understand your concern about the historic range of sage grouse and how it was either inadequately described or you think we missed something? You're looking for something else in the document. So your dime. What would you add to the conversation?
1:09:19	Curtis	One of the things that, uh, one of the questions we have that we just haven't had a lot of answers to is, it looked to us like a lot of the data we have only goes back a few decades. Um, and we kind of got interested in the historic distribution of the sage grouse. Um, partly because we're curious about its relationship with settlement and ranching and that sort of thing. So, I looked in as many places I could find and I can't find any real evidence of sage grouse being exploited on a large scale by Native Americans. You know, the large, slow moving ground nesting bird. You would imagine it would show up in midden piles pretty regularly here in the Great Basin, and it just doesn't. And then, you know, sort of the first explorers that we get coming through this area describe it is kind of a waste, and they don't run into a lot of wildlife. And again, a large, slow moving ground nesting birds, seems like it would be easy picking. So, I think that he would do two things to get a little bit more information on that. One, we would be able to kind of get a better idea between, you know, how a sage grouse interacted, you know, fared with settlement, that sort of thing. And then I think you would give us a little bit more of a grounding as far as what levels look like the farther the farther back we get. You know, if we just choose 1930s, 1940s, as a starting point. Um, you know, are we trying to get back to those levels? Are we trying to get back to the 1890s levels? 1830 levels? You know, are we looking at levels pre-European settlement, post European settlement, pre water development? Things like



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		that. Um, just the kind of give us a better idea of what we're looking at. What we're trying to do here.
1:11:48	Allen	Thanks. Earlier this morning, you were not on the call, there was some other folks who made the comment of... unclear or and/or uncomfortable with our starting baseline for the abundance of and the habitat available for sage grouse. So your question is, I feel like is lined up with some of those earlier comments. Thanks for that.
1:12:19	Curtis	I think I think it's similar, you know, just trying. You know, are we picking a day out of out of thin air? You know, June 12, 1934 or we You know what? Where we gonna look at those levels?
1:12:37	Allen	So, I don't remember seeing any specific projection or target there, but I'll defer to the team. And what might you do? What data is available? How can we help inform that notion of what was our baseline in what's our measure of success?
1:13:04	Curtis	Um, you know, I don't know what data is available. Like I said I searched pretty hard for, Um, quite a few days. You know, just because I kind of got off on that tangent of Native American diets in the area. Um, and I couldn't come up with a bunch of, you know, we get a little bit more of the more settlers we get more written record, we get, which, you know, makes sense. Just kind of some models and projections, you know, to kind of see what that relationship looks like. Um, you know, I think it would be interesting, to kind of explore a little bit. What happened? You know, as the area grows, what happens with sage grouse and then, you know, maybe during the Depression or other economic slumps when maybe there's less activity to see what happens with the bird, then.
1:14:16	Allen	Okay.
1:14:18	Curtis	And I don't know, I don't have all that data off hand.
1:14:21	Allen	Thanks. We have some folks here in the room in sunny Salt Lake City who might be able to at least explain a little bit of what we've done. So, I'll turn it over to the team leader for the Forest service who might be able to share a little bit there.
1:14:40	John	So, I think it's more context in how we move forward and disclosure. All those three things that move on the same thing. One you...
1:14:52	Curtis	You sound really far away.
1:14:54	John	I'm sorry.
1:15:01	Curtis	Yeah, you sound like you're in Salt Lake City.
1:15:06	John	So the three things are again or we're gonna be moving for one historical context. Nada and Greta brought this up. I think it would be useful to put that historic range map up there. It's in the COT reports in all the old science reports and something we're familiar with. But we can give that historical context. But the way we're doing these plans, it's really about forest service lands and stopping, you know, put the brakes on now. So, we're not, this isn't recovered. There something we get kind of confused. This is not a recovery plan. We put the brakes on, bunch of agencies did it. Fish and Wildlife Service look at it and said okay, this is sufficient. We don't need to list this. We don't have to have a recovery plan. We all

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		<p>acknowledge has been great reduction and birds and population, range shrinkage, and all that kind of stuff and our approach is what we could do for the Forest Service. We're not the literal 85 million acre gorilla that BLM is where the 4.5 million acre (squirrel) good old squirrel in a lot of ways so we could do everything we can, and that's what we've done. So we've incorporated these plans, something that stops us from making it worse. That's the idea. And so we've got that. We're implementing that, and I think it's useful to have those other maps for context. But we also have to honestly acknowledge we're not recovering the whole world here. That's not what we're doing in our ability to do it we are doing what the Forest Service can do.</p>
1:16:40	Allen	<p>Thanks. Well, I hope that was helpful. The question about the target in the place we were restoring too well, not direct. It's maintaining where we are is probably it. Go ahead. John wanted a little more.</p>
1:17:03	John	<p>I actually have some optimistic stuff going on. So, this is about the compensatory mitigation that's actually exciting is there's potential. And with the coupon thing about this, there are potential ways to get habitat back, or improved, or to add. You'll see in the report, we're doing a ton of habitat projects I alluded to before. But then there's also ways, you know, creating credits, creating new habitats. I think I've got some ideas that work with mineral's folks and everything that may well be able to do that. But this isn't an only stop game. There's potential to actually add back, especially with the mitigation framework way we have it set up. So don't look at it as it's only we're stopping. We're thinking proactively and optimistically, too, at the same time.</p>
1:17:54	Allen	<p>Anybody else have something else they wanted to bring up on that that point? That was the issue about the historic range. So I see Western Watershed was talking about the '15 plan had a net conservation gain, if I remember right, and John just talked about the potential for improvement over time. So anything else you want to add to that conversation?</p>
1:18:32	Greta	<p>Well, I'm I was getting my thoughts together about the last conversation. This is Greta. Just wanted to say that, uh, CFR 219.9 requires the agency to provide ecological conditions necessary to maintain a viable population of each species of conservation concerns within the plan area. And I would question if we're stopping impacts to habitat now, but we're on a downward trend with the sage grouse, if stopping is enough towards viability. So, while this isn't a recovery plan, I think to make sure that the forest populations of sage grouse are viable, you may have to not just stop it, but improve it. And I hear that there's something's happening around habitat, and habitat improvements. But as we know, habitat doesn't equal population all the time. And so, your requirement is to maintain a viable population. I just wanted to say that as a counterpoint to the idea that we're not recovering anything. We also can't lose anything further, and in fact we may already be at the place where the losses, you know, it has to be reversed. You have to do something to reverse the losses, to have a viable</p>

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		population on many of the forests that you deal with. So putting that out there.
1:20:22	Bryce	Greta, what's the timeframe you are looking at as far trend and downward trends, you know, in a downward cycle? Now in Utah we are at a 20 year trend. We're actually we're actually cycling upwards in 20 year period was here you see here are 10 year dips we're actually seeing overall last 20 years improvement.
1:20:39	Greta	So, to that point, there's also methods of expanded search and count. And so, it's difficult to say that upward population numbers aren't an artifact of greater search effort, and you know more time on the ground trying to find more birds. But all the population modeling that's being done by the scientist shows that even though there are cycles, the dips are lower and the highs not as high, and we're in a downward trend with sage grouse populations across the West. If you can pull out the artifact out of the search effort, you're seeing a downward trend.
1:21:22	Steve	I'd like to go back to the issue of net conservation gain. President Obama issued a presidential memorandum about mitigation and the federal agencies were directed to develop mitigation policies, and this was actually a key part of the national greater sage grouse conservation strategy to eventually have a policy that would ensure that if there are gonna be impacts to priority habitat that it's gonna get fully mitigated. And the idea of a net conservation gain, benefit gain standard is the recognition that public lands are finite. This habitat is finite, and that if your're steadily chipping away at it. And you have no compensating balancing mechanism, eventually you may have none left. And so, it was, actually, I think, a pretty brilliant policy to actually create a global balancing mechanism like this mitigation policy. So, it's very unfortunate that that's another leg on the stool sage grouse conservation that has been knocked out and is now missing. So, I think it's completely fair for the Forest Service to take a hard look at that and figure out how do you balance out these different competing uses of the landscape?
1:22:44	Allen	Got it, thank you, Steve. Um, back and forth to make sure I'm covering the issues that you all raised. Greta, that was certainly one of those issues about that have been raised about Population data, that I think you've covered that you offered current data you've seen in the last 20 years for the state of Utah. Anything else you wanna talk about, John And I? John, full credit, could give you a quick look at the web tool where you can layer the various management descriptions. And I would offer that now, just before the break as to show you the potential. Some of you have offered that we should add current and historic presence or habitat occurrence. Not quite sure what the map light would be on that. But we could give you a quick glimpse of that not to diagnose it as much as to see what is there. And if you're interested, John, would you? We can project behind me here with a little bit of management of the lights.
1:24:10	John	It'll take a moment to do this.

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1:24:12	Jody	So maybe after we do this, we take a break. You guys want to return back to the viability issue a little bit because that was part of this section? Uh, certainly can dig into that a little bit. Lauren, we know that's important, we know it's part of the planning rule.
1:24:34	John	I can also set this up during the break in after ...Well, this is a moment
1:24:42	Allen	I would choose not to squander my break.
1:24:44	John	I'm fine squandering mine.
1:24:53	Allen	I'm going to get up and walk around so I can see the projection and they'll let the group decide if you'd like to dig a little deeper over break.
1:25:04	Jody	He's not saying you're not gonna get a break.
1:25:10	John	We've got something in the middle of the screen. I don't know where that error is coming from, but I can move around just to see. So just ignore the box in the middle right now. But this is the tool it's listed in the FEIS and in the RODs and everything. We're going to look because it's good for discussion. Really good. So what we can see here, I put it. So here's, you know, Wyoming, we've got different layers, you go on going. So here's okay. Here's the Wyoming version 4 map. That's their core areas, etcetera. All the core stuff matches perfectly with ours and overlays. What is on right now is Forest Service ownership and habitat changes in areas. So if I go to the legend, no change is all the purple stuff. And I like to highlight that a lot of what is a lot of what has changed... most the mapping hasn't changed. Everything is the same as it was before. But there are certain areas, for instance, that, Oh my gosh, what has happened over here in Wyoming? And we can zoom in on that particular and I'll try to keep it where you can see it. Yeah. Okay. Here's one thing ...
1:26:34	John	Here is what happened in Nevada. So, the red expanded habitat you know the purple's the same, the yellow reduced. So management area was changed based on the model there. Same thing happened in Wyoming. But what you can see here is again, this was all reduced, the yellow, um, and then the purple is no change. Right? But then we could click on different layers to look and see what happened, not least of which is to go to imagery. Now what you'll see here the purple stuff that's still there. We just can't click this off for now. Toggle a little bit. So this purple Look. What's under that? That's all valley sage brush. What happened here...this was just in the precision of the modeling, and it's easy to get confused to look at the numbers, but look at what was before and what it is now, and it's a reflection of precision more than anything else. Full disclosure. This stuff is gonna be all mostly forest here. All the yellow that dropped away. Dropped away because it doesn't model as habitat anymore. But full disclosure, could you find a pixel out there where something was protected before and isn't now? Probably. If you find something where it is, you know where it's not habitat now and it's been sucked in. Yes, we acknowledge that completely. But again, we're working forwards, through the years as we revise and look and use best available science. We're hoping to be more precise and accurate as we go.

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1:28:12	Mary	So is a clarification. So, the yellow with purple, the purple is the bottom of the river lands in the flatter, and the yellow could be really, really steep slopes where you don't find sage grouse. So, it's just a mapping error to begin with you're fine-tuning maps with slope data, additional parameters to get better maps.
1:28:32	John	So, what happened was so this whole area here was originally in the all the yellow was including 2015 plan because we used version three of Wyoming's map. Since then, Wyoming updated their maps, got a little more precise in places, and this is a good example. You can see why this is a whole bunch of acreage. Most of Wyoming is here on the BT [Bridger-Teton], and it's based on that underlying not being habitat. Did we Swiss cheese it and go to every place in Nevada? No, we went to the state and said give us your best big scale and that's what we adopted in. But as you see changes and you're curious about changes that you wanted to go into it, we can give you this or you can write this down real quickly, or we can email it.
1:29:22	Bob	Just for context, would you click on the version four because it's not showing the whole core areas just showing your area?
1:29:31	John	Yes, exactly. So that helps, too. So if you could see there, and that's where these other layers will be kind of helpful show historic range etcetera. So, you see where it fits into the big picture orange stuff contacts and see how we're part of something bigger than ourselves, right? So is Wyoming core when it comes into forest land it becomes priority. Otherwise, it comes in as general. So, we align with them and flop over with them. But that was something that was useful too. That's something we didn't have originally. And Wyoming's, I want you add our stuff so we can see how it lines up to it also makes a big deal back here. Down here, where you see slivers and things. You know, if you wanna talk about it to we can look at, no we can leave it there. But you can see a lot of like this stuff here, this is the GHMA we talk about in Utah, take a mind snap of that. So when we talked about you GHMA and losing GHMA. It's like these little pieces here and their if we were to roll the BLM on as well, we'll see how they hook up the other GHMA. But we just have these little slivers and it's just a really small potatoes thing for Utah.
1:31:05	Jody	Okay, so before we do this and take a break and get rid of, like, I have one thing I have to do. Those of you on the phone really, really sorry that you didn't get to see that, but if you email me or I will send a note out, we'll send you a link to this map and try and include you. I just didn't remember that you guys were there, so I just don't even know what to say. So I'm sorry. So let's take a break, okay?

## Transcription of December 10 – 3:15-5:00

Time	Speaker	Content
0:00:00	Jody	Do we have any new people on the phone that we haven't had before?
0:00:11	Eric Molvar	Oh, yeah. Eric Molvar from Western Watersheds project. Joining the call.
0:00:15	Jody	All right. Welcome, Eric to the whole group. There's a whole bunch of us here, including Greta. She told me you might be joining us, so welcome to our call. We will do our best. I know that sometimes it's hard to hear people. I'm gonna get a little bit tougher on him. Make them speak up even louder than they are. Cannot explain the static. We're literally not by this phone, so I don't know what's going on, but we're doing our best, so just bear with us. Okay? So, we're still talking about the sage grouse.
0:01:00	Allen	So, let's pick up for those on the phone. Eric, we'll try and remind everyone to identify themselves for the benefit of people on the phone and for the benefit of the recording and transcripts. So, Allen Rowley, reviewing official objection...the reviewing official for the project. Let's pick up where just before break, we started talking a little bit, viability requirements in 36 CFR 219 code of federal regulations and planning rule. Yeah, that's close enough, that Greta shared before the break. I want to give the chance for other people that give other feedback on meeting and viability requirement, what it means, how we should be thinking about it. In light of this amendment to the existing land management plans in the in four states of Nevada, Utah, Idaho, south of Salmon River and Wyoming and a little piece of Colorado is in there, too. Anybody have anything else to add there?
0:02:28	Steve	Well, this is Steve Holmer, I'm going to jump in there. There have been some compendiums made recently of some of the available Lek count data and that does show that State of Nevada, for example, decrease to 33% since 2016; Idaho, Lek counts down 52% since 2016. Colorado's decrease 27%. Also, down in Wyoming, so you know, definitely points to a broad scale problem in terms of the decline again. And you know, the long-term trend appears to be continuing of sage grouse decline. And then when we looked at a lot of the plans, and dove down into the meat of one of the things that I was really concerned about was anticipated cumulative impacts, and this was something that would be included in each of those. And I just kind of looked ahead to all of the anticipated development in terms of roads, um, power lines and everything else that was coming up. And it was huge, a gigantic train coming at the same area that was already under pressure. So, I think that's an important place, to look, when we're you're talking about the population data and viability, it's not just where we're at today, but also are we can we actually maintain where we're at today. We're gonna keep the habitat we have still out there. I think there's a real question mark about that under this framework.
0:04:04	Allen	So, Steve, that train of development you referred to that you were informed by the schedule of proposed actions that agency publishes?
0:04:17	Steve	That's right in the plan, particularly, BLM plans would have a very detailed, out of anticipated, um, impact with the Colorado plan, same thing. So, it

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		gives you an idea of how many wind farms and basically everything anticipated in that region. And of course, it's known in some areas, we're seeing some fairly rapid population growth. And so, a lot of it is, like, right-of-way and things like that just to facilitate the pace development is going on. So, a whole range of different activities.
0:04:55	Allen	Okay, and population growth was people in subdivisions and the starving ponies and Labradors on every five acre lot?
0:05:04	Steve	Right and, you know, wind farms and just, you know, the whole range of things that are happening out there.
0:05:11	Allen	All right? Nothing against the Labradors. Sorry about that.
0:05:13	Steve	Oh, yeah. No. I think that is important to the planning process that allows you to look at the whole and then that kind of inform what is the right strategy to create the right balance.
0:05:31	Allen	Thank you. Anything else on viability before we move to the next piece is about habitat protections and restrictions. This is some of the...gets into some of the standards guidelines and management approaches in a more specific way. So, it was like lek buffers are differences by state plans that we incorporated disturbance caps in terms of anthropogenic disturbances. I often thought of that around oil and gas development, mineral development and Bob reminded me of fire is a factor in Wyoming plan. So, there's differences between state plans. There's been some objections were raised about native vegetation versus non-native plants for restoration. Um, this has come up from actually several people this morning in the room from all interests around connectivity of habitat, the map John Shivik showed just before break. If you looked at the Forest Service map, you would see these little parcels of sage grouse habitat. And when we snapped on the WY plan, you realize, Oh, those little bubbles of National Forest are connected to a bunch of private land and state managed land BLM land... is all part of the big picture, so people raise some concerns about how are we addressing it. And we accounted for all the connectivity and some of the what I'll label as finer scale direction about perch deterrents for tall structures that facilitate bird predators on sage grouse. And marking of guy wires to minimize birds accidentally flying into guy wires. That's the suite of things that are in the afternoon conversation.
0:07:55	Jody	And, if you're wondering, the reason we stuck the viability issue in with this section is because of all of this discussion kind of leads to the question of do you have a viable population? So that's why the SCC and viability that we've already talked about it we can talk about some more after we go through all of these things...is fire there, too?
0:08:24	Allen	Yes, we do have fire. It is in here and how it was in my notes characterized, we had a conversation about the role of fire and its impact on PHMA, priority habitat management areas, GHMA general habitat management areas and how we should address changes in the habitat quality based on fire. Here it's in....there's also a conversation, some concerns raised about proactive management, fuel reduction projects to minimize fire spread

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		<p>and some conversation around post-fire restoration to recover back to sage grouse habitat that applies in... Gosh... all the states have some issues there. So that's the whole suite of things on the table. Almost everybody in the room has had some objections on all, any one of those single issues. So, let's get started.</p>
0:09:41	Jody	<p>It's three o'clock slump. Everybody wake up and get through the next two hours.</p>
0:09:50	Eric	<p>Okay, this is Eric Molvar and I'd like to start by raising some objections related to the lek buffer distances in the various plans. And I would like to refer back to the National Technical Team recommendations of a four mile lek buffer that is based on the BLMs own review of the science in cooperation with state and other federal agency biologists and also to Menier[?] et al. 2014 which was the USGS report that had what they called it interpreted range of lek buffer, different distances. And they had a lower limit and an upper limit for lek buffers. Most notably, I want a point to lek buffer distances for surface disturbance and energy development, which were identical. This is in table one at the back of Menier et al. 2014 the interpreted range being between 3.1 to 5 miles. In some of the states there were lek buffers of 3.1 miles, which is the lower range of the appropriate lek buffer. Importantly, a couple of states didn't meet that threshold. The state of Wyoming had 0.6 miles lek buffers even in PHMA. If you look at the literature minimum in table one in Menier et al. the literature minimum of is two miles. So, it's below the lowest level of possible lek buffer possible in any scientific study that makes 0.6 mile lek buffer in Wyoming an epic fail and, with all due deference to the political process that was done by the state of Wyoming. The state of Wyoming failed to meet the minimum threshold for scientific validity for lek buffers. Also, I'd like to point out that in Utah, the original plan and the plans as amended, incorporate this, had, um, and provisions that basically said that the lek buffers only applied to sage grouse habitat. Now the lek buffer should not apply only to sage grouse habitat because industrial facilities have surface disturbance that happens in non-habitat. Let's say, for example, that you've got a valley floor that's covered in sage brush, surrounded by foothills that are covered in juniper. If you build an oil and gas facility on the foothills, which are juniper, which are non-habitat, the negative impact of that oil and gas development extend into the habitat occupied by sage grouse. And those, the range of different disturbance distances that extend out from, for example, a single drilling well, based on Holleran 2005 PhD dissertation, which was funded by the oil industry, extend three miles into surrounding habitat. And some of those impacts for roads, for example, extend even where that road is invisible from the lek. Um and so it is important to note that if you are exempting non-habitat from those lek buffer requirements, you are necessarily going to be allowing the kinds of impact in those non-habitats that are going to nullify or reduce the viability of sage grouse lek populations in the habitats. Our understanding also that this applies in Nevada too now, not only from the</p>



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		<p>changed language in the new plan amendments, but also because these are planned as amended; the original plans had vermiculated designations of PHMA areas that included inter fingered PHMA and non PHMA. So, if you are citing the facility in non-PHMA, then it is going to be having a negative impact on the lek that sighted within PHMA adjacent to it. And that's a problem that should have been reconciled by fixing the PHMA designations in the Nevada plan, as suggested by WWP and others in our comments and objections. But that was a range of alternatives that you know, or an alternative that was not included in the range of reasonable alternatives considered by the Forest Service.</p>
0:14:51	Allen	<p>Thanks, Eric. I didn't have any...that was complete. I didn't have any follow up for me. Other folks here in the room or on the phone that want to add to this dialogue about lek buffers? Greta.</p>
0:15:15	Greta	<p>I guess my question is why the Forest Service doesn't think it needs to follow the best available science for the recommendations of lek buffer distances? It's not clear to me how you can lower the limit that science has advised and still think that you're maintaining viable population or intact sage grouse habitat. You don't have an answer for that either. (Allen) I don't have an answer right today. (Greta) Does anyone have an answer? Any of the planners?</p>
0:15:53	Jody	<p>Okay. No, John, up here.</p>
0:15:57	John	<p>So, the book [inaudible] really confusing most because these plans are really based on management area. That's kind of the heart of it. Sometimes there's things like certain activities... So basically, in PHMA don't do this. Don't do that, right. Or, if you do this, you know tall structures, put perch deterrents, guy wires, but you know mark the fences, et cetera. Sometimes there are indications, what we do is, we usually grab the state what they used if there's a distance, so we don't talk about lek buffers as much as the way BLM does this is one of those things that is more BLM centric as the criticism. But what we have when we do refer to two miles and get really confusing, too, because some of the numbers thrown out we may not. I don't think we have those numbers as indicated, just in the discussion we just had, but we used the science based on what the states came up, that states used and try to make it a congruent with that as far as distances. Distances are again really tough, especially stuff like it, we'll talk about noise or fences or whatever, and again, it's gonna have to be again in my mind, we need to make this more clear again. A biologist has to go on the ground, judge the distance and then look at the impact of the cumulative impact, etcetera in any kind of NEPA decision. It shouldn't boil down to just that one little metric and that one distance. Because granted, if you've got there are times when there's a hill, there's topographical features that should impact how our biologists is gonna rank what that two miles means and biology works that way. Two miles could be two and 1/2 to move. You say two and a half to really be safe. I think it's gonna be a case by case decision. That's the way we approached it. So, the science is really tiered to the state, how they took it, and then the</p>

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		initial reports and where we have numbers in there. We have numbers, but it's not a lek buffer centric plan.
0:18:16	Braden	I think that to add to that too it, in Menier's scientific review of the literature, he's very clear that these are just a broad array of distances. Then he goes on to say that site-specific where you actually should determine the appropriate buffer. He says it is right here in some cases would be a very minimum distance, another more than recommended. So I think I know what we were saying with the FS and the BLM... They're not here right now. I try to get him come they may be coming tomorrow, maybe. But we looked at that, said: Hey, we want to have flexibility that, you know, it might be more than three miles depending on this, whatever. Maybe it's gonna be a big buffer. In other cases, it might be like, hey, there's there's a pad here in all the sage grouse are at the bottom off this cliff, it's one-and-a-half-mile buffer. We wanted to have the flexibility to say: Let's go to the site, determine impact, then make a decision. (Unidentified/Scott?) In Idaho, we selected our buffers based primarily on the range provided in the USGS study and all of our buffers are within the range of the USGS study Menier '14, with the exception, of tall structurally transmission lines communication towers. We're relied on 2019 science for that, Cole 2019.
0:19:41	Bob Budd	Well, I think the terminology is probably the 0.6 buffer being is an NSO to protect males on leks that's based on the science that showed that 90 something percent of males will stay with that 6/10ths mile during the breeding season. The buffers we used to develop our core area were 5.3 miles, which at the time was the range that 90 plus percent of hens associated with the lek would nest in that distance. So, our entire core areas were built on 5.3 miles analysis, which is greater than four...the 6/10 specifically tied to males on leks during the breeding season. And that an NSO hard line NSO there's no activity. So, depends on how you define a buffer if the buffer is what the area you're managing for and you have strict requirements within ours are 5.3.
0:20:46	Eric	Just a clarification. How big does the buffer need to be to prevent disturbance to the males that are loping within 0.6 miles of a lek?
0:21:03	Bob	Again, Eric, based on the science we had at the time, said, protect that six tenths if those males were gonna loaf there during the breeding season and then disperse and then outside that 5.3 miles you have a limit of no more than 5% disturbance based on one meter resolution, including fire and all disturbances in that 5% cap. And strict protection of those nesting habitats and others. So it's a case by case decision. But first of all, it has to be less than 5% and less than one activity per 640.
0:21:42	Eric	And based on your read of the science, Mr. Budd, if you put up an oil and gas drilling facility, let's just say you're not actively drilling, but it's been drilled and producing there just outside that 0.6 mile buffer. Does that have a negative impact on the lekking population at that lek? And does that have a negative impact on the, um, the sage grouse males loafing immediately adjacent to that drilling pad or not.

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0:22:19	Bob	Based on what Braden just said you'd analyze each one based on where it was going to be. What the physiological features or physical features that setting were, what the patterns of wind and sound were, what the habitat quality was. All of those things would be evaluated before that well could be sited because it's within the core area. So there's a whole process of analysis that go into siting that well for allowing or disallowing, including the items that you're referring to.
0:22:54	Eric	Okay, thanks and so independent of the various processes which you are citing to, do you agree or disagree with Holleran 2005 finding that if you have a non drilling but producing well site within 2.1 miles of the lek that it has a negative, significant negative effect on that lek population?
0:23:22	Bob	I'd have to look at it. They have to look at it. Look at what well you're talking about. I can't answer yes or no.
0:23:29	Eric	That's from Holleran 2005 PhD dissertation.
0:23:34	Allen	Okay, thanks. Anything else about, lek buffers? I hear the... I have some confusion in my head from this conversation about the intention of lek buffers in our plans in the framework of our plans. The word buffer, I hear some people using as no occupancy zone, and I hear others saying is zone of special concern that is factored into our other management decisions. Um, just my observation. Anybody else comment or would like to push us one way or the other on that?
0:24:38	Laura	I like the use of the description of the utilization of, lek buffers. And I think that's consistent with the USGS 2014 report, which recognizes what some folks have been talking about, which is it's all site specific. And I think the science consistently says one size fits all does not work. The best available science is you know, we keep saying on the ground and it is going to depend on, you know, in some instances, it's not. In some instances, three miles might not be good for conservation on, so it works both ways. This is not just something that applies to the detriment of the bird really, truly wanting, best available science, we're told over and over again, look at the site specific in local conditions and you know, how far away is the noise? How's the topography? Mountain? Is it within sight distance? All those factors. So you know, while I keep hearing references to 2005 the 2014 USGS report, I think it's pretty clear about application of that information and not a strict no-go zone based on ROD one size fits all generalizations that just may not apply.
0:26:01	Josh	As far as, I mean, I think some of the screening criteria you should look at here. I mean, it doesn't have the set buffer, but you look it up on the site case by case basis and the project location and or design should best reduce cumulative impacts and or impacts on greater sage grouse. And it continues on from there, but that gives the Forest Service and the technical team, at least this example in Idaho, a look at what science is there at the time. What direct and indirect impacts will be there. And also project outside of sage grouse habitat would still probably look at the many of the indirect buffers. If it does come into PHMA/IHMA so that being the cumulative effects analysis. So, I don't think the Forest Service

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		trying to hide anything here just outside the buffer... outside the habitat wouldn't have the restriction. But you'd still look at the indirect effects of each project. That's what NEPA analysis does look indirect effects. So, I think I think many of the things that were, you know, protect the bird are here within the guidelines of a lot of the science is being talked about.
0:27:21	Laura	Just one more point. I absolutely think that that's, you know, if we use best available science on site specific conditions the best for conservation, but also don't want to miss something here, which is 219.10 talks about multiple use, that's also a planning obligation to 219.8 talk about sustainability, which includes economic sustainability. And so, you know, one of the downfalls of 2015 plans was...There was not a balanced multiple use approach. It was just really focused on conservation at any expense. There was not an appropriate socioeconomic analysis looked at. So not only does the site specific information guide, you know the best conservation decision, it also allows for the other legal mandates under 219 to be considered, which includes multiple use and economic.
0:28:22	Allen	A connected issue here... A safe space of somebody must have come back and talk some more about lek buffers. I haven't heard it all. I've heard a lot. A connected issue with Bob brought up in Wyoming is the notion of disturbance caps. I believe each state has a different cap in, I think, even a different protocol on how it's all calculated. So, um, I'm looking for some feedback and comments anybody might have about that.
0:29:03	Mary Darling	As a base, does the Forest Service have a map or any way that we could know what percent for disturbances now? That we're starting with? Because when you say there's gonna be a 3% disturbance cap, I don't know if I had 2.99 today.
0:29:27	Josh?	I've seen the number somewhere. I don't know if it's in actual document myself, but I've had Forest Service and BLM present those numbers. But I don't know if it's in the document.
0:29:37	John	Reference to caps, we probably have stuff in the EIS. And you're also going to see in the report too, you're gonna need your magnifying glass out because it's the big table. Most everything's in around 1% unless but disturbance capture calculated and in state, two different levels. One is that the BSU, the large scale unit on, but also on a project scale. And there's a formula for going through the project scale, where you're looking at the local conditions and then calculating it that way. The overall disturbance caps are calculated where you are by BLM, we are completely dependent on the BLM to give us that information. There's gonna be a little confusion this time because the BLMs calculations are currently under the '19 BSUs, but '15 in Nevada is gonna be a little strange, but those tables are out. You'll be able to see those tables at the large scale, and they get updated every year. There are in first two annual reports and be in this one as well.
0:30:41	Allen	BSU is biological significant unit? Not Boise State University. (J.J.) That's why Nevada didn't adopt the new ones. We have nothing to do with BSU.[laughter]

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<b>0:30:55</b>	Eric	<p>I have a couple of issues to discuss regarding disturbance caps. The first is that you know the variability between states. There's no scientific backing for a different response of sage grouse to disturbance percentage from state to state. And that means that if you've got different disturbance caps in different states based on the science, you're arbitrary and capricious. There's no scientific basis for that. The science suggests that 3% is the upper limit. In addition, based on the science, the BSU level and even the project scale can be much, much bigger than anything that the science has ever tested. In other words, there have never been any scientific studies that calculated disturbance based on a BSU basis, which could be hundreds of square miles. And so can indeed a project scale be hundreds of square miles. Because, for example, in Wyoming, the project scale is calculated by taking the project area, buffering it by a certain distance and then for any lek that are intersected, buffering those leks by that distance as well. And then you get a, in Wyoming, it's called the DDCT or the Disturbance Density Conservation Tool. You get, you know something that can be 10 or more times the land area of the actual project area itself. This is why the national technical team specified that disturbance should be calculated per square mile section, so for each square mile, there should be no more than 3% surface disturbance based on the National Technical Team report, which was the federal government's assessment of the best available science. So, from our perspective, if you wanna have viable populations for sage grouse your plan ought to specify that disturbance ought to be capped at 3% for each state and also specified that this is measured at each square mile section so that you can't cap 28% surface disturbance in the square mile that's right next to the lek and then have no surface disturbance for the 30 square miles surrounding that.</p>
<b>0:33:28</b>	Mary	<p>In a way that might be worse, because you are fragmenting habitat more if I go section by section than if I have big swaths of land up in for sage grouse and other swaths open for development. I see more fragmentation with that philosophy.</p>
<b>0:33:49</b>	Eric	<p>So, the argument there is that you ought to be able to exceed that 3% surface disturbance during in part of the PHMA. And that you know, in doing so that other parts of the PHMA might be kept pristine. From our viewpoint, there should be no area within PHMA that should become a sacrifice zone with more than 3% surface disturbance, irrespective of what happens elsewhere.</p> <p>(Steve) Just to add into that looking at the monitoring report from October 2016 to 2017. It does have disturbance estimates as a percentage and in total acres. That's a little over 100,000 acres each year and 0.73% in the first year in 2015, 0.77% in 2016, and 0.78% in 2017. And so that does show that they're below like, a 3% or 5% standard. But if you add them up cumulatively, you're already seeing that in just three years you're already seeing significant impacts that might range wide be saying that you're already getting up to the, you know, up against your 3% cap in just the first 3 years. And so it shows to me deficiencies in the 2015 plan and a problem</p>

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		where we're gonna see these ongoing cumulative impacts. Unless there's some change in management direction and restricted here into the buffers, etcetera.
0:35:25	Allen	So, Steve, I was confused by the math. And then I see that Jennifer Purvine would like to add as a member of the ID team to the conversation. So what confused me about the math is the numbers you cited? I don't believe, I didn't assume they were additive. I thought there were a description of this year the conditions. And so, we did change over time and went from 0.73 to point 0.77. So, yes, it did change, but I didn't think we were gonna add those two, three together to get 2.1 something to 2.2 and change.
0:36:25	Steve	Maybe John can explain this chart because it does look like it's describing the annual impacts so, instead showing the cumulative impact?
0:36:43	Jennifer	So, if you look in the FEIS on page 3-25 on table 3-4 is the broad scale estimates of anthropogenic disturbance. They're not additive they are cumulative. So, for example, looking at Idaho in 2015 there was estimate 42,688 acres of anthropogenic disturbance in PHMA, which was 0.52% of the BSU and in 2016 it was 43,201 which is 0.53. So when you went from 42,000 to 43,000 you didn't add 42,000 plus 43,000 was simply an increase of a 1,000. We tried to clarify in FEIS.
0:37:30	Steve	Very helpful.
0:37:34	Allen	Thanks. Thanks. Um yeah. Steve, um, and Eric and others. What more should we say about that? So Jennifer gave a page reference tonight. I don't want to have us all fire up your computer and look at that page right now. It's more of what else should we say to clarify how that is being processed? For one we should reach a level understanding of what the number and how it is calculated. Then we gotta have a conversation if it's the right number or not. I wanted to clarify there, see if I can clarify the confusion over.
0:38:27	Steve	That is helpful. But I guess that's the trend line again remains concerning that we would see ongoing habitat in priority habitat. And then, you know, you would have to then think what would be the effect of these new plan changes, which potentially could accelerate that further. So, you know, again, I think it shows that there's already a significant habitat issue and obviously the need to not see that number keep getting higher.
0:38:57	Allen	Okay, I understand the concern of growth. For context, that chart. What's the, uh, denominator the size of the biologically significant unit with that change?
0:39:14	Jennifer	So, the acreage is identified in this table is, well, how many acres for any state. So, for example, in Idaho it's 8.5 million acres (okay) And also I just like to clarify the difference when you say the disturbance cap varies by state. It's 3% in all the states, except for Wyoming. Wyoming is 5% because fire is included in the calculation.
0:39:40	Bob	In Wyoming, we measure based on one-meter resolution all disturbance including fire and everything else. That was done before Connects[?] work came out. I believe we adopted that. That was based on the best science of the time. I can tell you that we've gone back and re-analyzed using 3%

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		and the methodology versus 5% and the one-meter resolution. When one particular core area with 5% at one-meter resolution, we show 18-19% disturbance. If you use the 3% eliminate fire and use a lower resolution, it showed less than 1% disturbance. So you gotta look at based on what technology you're using and what the metrics are.
0:40:37	Steve?	Sorry. What was the number when you included fire?
0:40:42	Bob	In that one particular core area, what was 17? I think 17 or 18% when the core area was developed. So, it basically eliminates the opportunity for much development in that core area. And then if you take fire out and reduce your resolution, they dropped to less than 1%. So, it's just how you choose to evaluate.
0:41:13	Eric	Our concern is that from a surface disturbance standpoint, irrespective of fire and vegetation treatments, um, you know the limit the upper limit should be should be 3% for surface disturbing activities, and that should be cumulative in effect. That should be existing surface disturbance that's already happened and new surface disturbance and the concern that we have significantly with the 5% surface disturbance cap in Wyoming. Setting aside fire is that if you get, if you don't have fire or other kinds of natural disturbances out there and you're just considering disturbance from say oil and gas development, you can have full field oil and gas development at 160 acres facing, which is four well pad per square mile, and you'd be under that 5% surface limit. Nobody would argue that full field development at 160 acres facing is compatible with maintaining viable sage grouse populations, so it shouldn't be allowed in core areas. So, if you wanted to have a 5% limit cumulative between surface disturbance and fire and then overlay on top of that, a 3% surface disturbance absolute limit on, you know, on just surface disturbing activities. Then you might have a better argument than if you just had, you know, a 5% surface disturbance cap. And that could be surface disturbing activities, that could be fire, that could be vegetation treatments or anything you want.
0:43:02	Bob	One correction, you could not have four 160 acre disturbances because there's a limit on one activity per 640. So it's 5% and a limit of one activity per 640. So the example that you used was incorrect.
0:43:18	Eric	Yes, that would be compatible with the surface disturbance limit, but not the site density limit. I agree.
0:43:31	Greta	I would remark that livestock grazing is not considered a surface disturbance. (Jennifer) It's not anthropogenic. There is a definition of Density calculations are anthropogenic disturbances and that is defined in the EIS. And that's correct grazing is not
0:43:56	Jody	Will you loose sleep tonight If we move this that particular comment to tomorrow because we're going to start the whole morning with cows. (Greta) I can't wait. [Chatter] I just want to note that we are not even from my perspective you've got a major surface disturbance to start. (Jody) We're gonna start the conversation with that. (Greta) Thank you.

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0:44:27	Allen	I don't have a resolution and I don't have a good idea. I have a concern around the dialogue of disturbance and the various ways that can be measured.
0:44:45	Braden?	I think for Utah, we actually want to meet... So, our state plan, we did a study in 2013 and again '15 baseline disturbance kind of 2013. Let's see where we are at. We've gone back every year with disturbance cap. BLM has their own methodology, Forest Service has their own methodology. And so, one thing we've proposed our state plan is, let's get folks together. We've got to have a committee state side that put together a group. We've got stakeholders from all sides of this issue to say what is a disturbance? How are you gonna calculated to be consistent? We would like, eventually see a plan amendment action to be consistent across the board on what is the disturbance and how you calculated it. Well, WY has very good data and the ways it's calculated. We're looking at different states and is trying to say that's lifted. So, I'd love to have an action. I did it be consistent.
0:45:41	Allen	I found it disquieting that just changing the pixel resolution, we can get a different answer. So what's the point if that's our metric? And I would suggest, and that's all I'm doing at this point, that spelling out the methodology that we will measure it with this kind of ruler. It seems like a finer scale then I would normally think about in a land management plan. So that's just me. So I plant that. Just share that with all of you I'm like what are we gonna do with that with which scale do I want to get weigh on at the Doctor's office? Oh, let's get that one. It's 20 pounds lighter. What the heck, That seems awkward, so kind of done. It's your turn. Mary.
0:46:53	Mary	Bob, how did you get that good of resolution? Of every meter.. how do you collect the data? The whole state of WY?
0:47:05	Bob Budd	We use the University of Wyoming Geographic Information System set. And, they use everything from LIDAR to every other platform that's available to them. And then, as we do projects, you have to go out. There's ground truthing involved. There's the same kind of high-resolution analysis of that area that Mr. Molvar referred to, where you buffer the activity by four miles. Buffer any lek that's within that by four miles. You analyze that entire area and you get that level of resolution, and that's put into the database so that we have that and as we look at different things in different core areas, continue to add to it and build and it's cumulative. I didn't realize people didn't understand that it's cumulative all away, and then the other side of that is that we're also inputting restoration, reclamation, and those type of projects where you may move from a transitional to functional habitat. So we're measuring both sides at all times. Literally it's being changed, probably weekly for sure, daily at times as you analyze different projects. So that's how we do.
0:48:31	Allen	Sets up the classic game of my favorite pixel. I call it. I was just there. I think it's wrong. Well, I was just over here. I think it's wrong.



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0:48:42	Braden?	That takes time. You know, we spent almost \$100,000 just looking... once you zoom in, you either buffer too much or too little. Yes, let's get there and get it drawn correctly.
0:49:00	Bob	Well, if I may, the point you were making I think should not be lost proved that this has always been something people didn't understand, why we were where we were when we started, way before, most other plans were adopted. So that science was used in and for us to abandon that at this point, is to throw away millions of dollars and many years of very fine scaled data. So we're not willing to do it. But I think if you want to capture it in the plan, say this, how does Wyoming does it. We would certainly [inaudible].
0:49:37	Allen	Yeah. Um, Well, so I hope there was value in this conversation about a higher level of understanding, at least of how various people have approached the disturbance cap. And duly noted Greta, doesn't include some things you're concerned about.
0:49:55	Jody	Should we talk about perch deterrents ...something fun? Guy wires.
0:50:11	Allen	Sure, we can jump to the big three I see as I read looking at my notes. Three. I am interested in a conversation around his use of native plants versus non-native restoration work, perch deterrence, and guy wires. There's some variation from state to state about perch deterrents and the height of the structure. So, I am open to anybody, starting that one, as well as, guy wires. And one of our specialists who worked on this may help clarify the height structures that require perch deterrence because I know there's some variation, but I'll start with what other people want to bring into the room. Anything of special interest there beyond what was in your objection?
0:51:25	Jody	You know, I'm gonna call on you if somebody doesn't.
0:51:31	Josh	I was looking at a couple things on this. There's the perch deterrence and guy wires and then it talks about 10% conifer cover. And so, one of the things, at least in the conversations we had on the conifer cover end of things it had a 10% Conifer cover in the Brooch [?] and Mordo, the paper came out, the newest science says, you don't want to go up past four. And so, we said, why are we letting things go to 10% if 4% is the limit? So that was one of the reasons, at least in the Idaho plan, where we looked at the science that came out later and referred to that. I see one of the remedies or one of, um, one of the fine scale analyses but it pops back up in this remedy as well, talking about the 10% conifer cover. That's why we went to 4% conifer cover, we would like it not to get to even 4%. So that's kind of where we are in a Conifer encroachment. And then on the perch deterrence, um, perch deterrents are expensive and many times don't work in certain situations and have the reverse intention. There's lots of documentation where ravens are nesting in perch deterrents. I mean so, in Idaho, we talked with different power companies and, like we're all right with putting up deterrents in the right locations where it doesn't have a negative impact. Many of their structures need guy wires to stay up. They can't stay up without guy wires so removing guy wires from a structure

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		<p>that needs them. We didn't want that to be the first option is removing the guy wires, especially on a structure that needs them. So instead of going straight to removing things without even thinking, we put guy wire marking there first. If guy wire removal is an option, we'd like to have that conversation later. But don't just jump to a removing guy wires on structures that need them. And then also fences, and fences are a whole different ball game, but there's no reason to mark every fence across the sage grouse range. I mean on fences, the science points high collision risk and moderate collision risk. That's the same thing, it's on a case by case basis with these other tall structures. They don't need more power lines, and everything don't need marked everywhere. So, we want to look at things and not needlessly mark areas that don't need marked. As far as on guy wires and then this conifer cover that's what the state of Idaho was coming from after we talked with our stakeholders and Forest Service.</p>
0:54:17	Greta	<p>I would just note that our comments about guy wires and perch deterrents are largely under the management changes that were analyzed or disclosed. It's under our NEPA argument because we basically said, we just don't know why you did this. We weren't, at least in the context of guy wires or conifer, we didn't know why it went from 10 to 4%. And that's the type of thing that a Plan Amendment should explain, but they make a significant change to the plan between the draft in the final. You should have a reason for that. And that was what our objection was about.</p>
0:55:09	Allen	<p>That's helpful. Anything else on those issues?</p>
0:55:25	Jody	<p>Did all the state's deal with these? [inaudible]</p>
0:55:31	J.J.	<p>In Nevada, we went through an exhaustive process on power lines, and is it going to be perch deterrents or what is it gonna be? We have best management practices now. They kept calling a single phase. Single phase was not just single phase. You could stack those phases on single poles with less cross arms. And we got private buy-in from our local power co-operatives and from even our big utilities on designing them that way. Going forward, anything that we to have to replace it will be the new design. Obviously, I know something, and that's Eric's concern again, these lek buffers and those linear features that they can't go even close to these leks. You know, we try to position it with existing corridors, obviously, but when you when you plot a new linear feature across sage grouse habitat, you can't afford the mitigation credits if you're going through priority habitat.</p>
0:56:10	Allen	<p>Anything else on that issue? Those issues, suite of things. All right. (J.J.) You guys want wireless power, right? Wireless power in WY.</p>
0:56:59	Steve	<p>On the issue with the guy wires, I recognize the structural issue, um, so marking those wires would to be the way to go. But moving forward, it's my understanding, that they're not really needed except very tallest towers, and that shorter towers can be designed and built without them. So, I guess my hope would be that there wouldn't be new guy wires used unless there was an extremely tall tower being built.</p>
0:57:30	Allen	<p>I'm not a structural engineer. I'll defer.</p>

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0:57:33	Mary	There is soil conditions and parameters, wind etc.
0:57:38	J.J.	Site specific and topography. So, how are you gonna get there?
0:57:42	Allen	So, then there was one more I am aware of, was conversation about the use of native versus non-native grasses for a restoration effort. And, I might say, the focus on grass alone may be too simplistic that there's also a significant amount of forbes or flowering plants that are part of the system, as well as shrubs themselves. Again, I cited the Curlew National Grassland, which seems to be able to grow sage brush like crazy and in other places not so successful. So, it's a whole suite of what's the best way to restore disturbed sites, be they disturbed through oil field development, fire or something else. Um, what's up? Go ahead.
0:58:34	J.J.?	I'll start for once, so yeah, Eureka County. We did object to this, obviously, and you don't need to read our objections on cost or everything else. I'll make it very simple. Over the last 10 years, we really fought an uphill battle with our state wildlife agency on the use of non-natives versus native, and I'm not going to say they have come full circle, but they've come a long way in the last few years. And some of this sage grouse habitat, they are funding the restoration efforts and using 30-40-50% of non-native seed mixes at times because we know we have to stabilize that. And that's really what it's about. Stabilized that. Let's not lose that. Let's not cross that threshold into an annual invasive or a tumble monster type situation. And, I think you guys need to give more deference to that state and to those state wildlife agencies. You, all right guys, what's gonna work in your area? I'll tell you right now, we talked about a prescribed fire a little while ago about it, in Nevada. We can't put fire on the ground like you guys can in Utah or Southern Idaho. We don't have the same moisture, we know that. Same thing here, we're gonna have to use more non-natives in places in Nevada. Is that the South slope aspect? is that the North Slope winded? burn before? What's that? Slow motion? What was the burn intensity? These all come into effect. We had meeting with the team on the cherry fire not very long ago and I was there saying, "Yep, we're gonna have put some non-natives here." We're not gonna hold this key piece of habitat... that they are a key... they know as good as anybody.
1:00:21	Unidentified	I would say that at the risk of reiterating our objection, you know, insistence on native species in restoration runs the risk of creating a cycle that's in greater detriment to sage grouse. Where invasive, fire fuel species fill that void after, say a catastrophic wildfire, it continues to expand, fire-invasive-fire cycle. And so, you know, an emphasis on non-native, non-invasives that are fire resistant, and those are hugely important. The Forest Service needs to recognize that non-native/non-invasives can be helpful in restoration efforts in your 2001 Federal Register Notice [Inaudible]. The insistence on native species, while it may be a native species the seeds may be grown in Saskatchewan or something and when you try to reseed sage in Nevada it doesn't take and the area fills with fire fuels. I'll leave it at that.

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1:01:46	Greta	I would just offer that there's some research in botany that shows there are no non-invasive species, that any species has the potential to become invasive under the right conditions. So even where you see, non-native species appear in an ecosystem is in a matter of decades that can become an invasive species, depending on other changes within the ecosystem. So, I think saying there's a non-invasive species is looking at something in an unspecified time frame. I think the longest running vegetation study on this, and this is in my ecosystem in the Sonoran Desert, but shows that even some species have shown to advance to "invasivity" after 70 years. So, I think if you're thinking that there's some safe plants that you can put it to a stabilize an ecosystem and problems gonna go away. I think that's a mistake. And I also think that if the native species convey additional benefits to other wildlife species besides just sage grouse and that should be considered in. We'd like that provision of the plan.
1:03:11	Eric	To add to that, this is Eric on the phone here for WWP. There's some studies emerging that are showing that planting with native seed mixes performs equally well in ESR and other kinds of restoration settings as non-native species, and that, you know there's little scientific evidence that indicates that the non-native species are any better at excluding problem weeds like cheat grass, than are the natives. So, there's really no upside to using the non-natives.
1:03:50	Braden	I actually, John Shivik and I have many hours of this discussion. This exactly, do we use natives? do we use non-natives? Ours is use native if available, if not, use non-natives in Utah, that's the clause. But I think one of the issues we've had is looking through our watershed restoration initiative, some areas we have research where we could put down native seeds, depending on the precip zone. I mean, we have data that other areas where it's low precip zone where it's arid... southern Utah. There's places where we're not gonna have. We could put down whatever seed you want. It's not gonna grow. So once again, this is such a hard thing to do it in such a high problematic level because details come down to this site-specific area. In some places, it might be prudent to put down non-native mix just to stop like you say cheatgrass invasion. In other areas, we might say, hey, that's wet area, North Slope, these could grow great, put down native seed. So, I struggled with this as a biologist person that's coming, I can see both sides. It comes down to the site.
1:05:16	Unidentified	Right, and I didn't want to characterize that wherever there is something [inaudible] you just go ahead and throw non-natives in there. It's the risk of a strict insistence on natives at all costs that we want to avoid.
1:05:21	J.J. G?	I think we all agree that we'd rather have that native, that there's times that's just not going to work. We've done it for 50 years, and they haven't worked in places. So, the definition of insanity is doing that same thing over and over and expecting a different outcome. And, we continue to do that. Nevada is not getting any wetter.

Time	Speaker	Content
1:05:38	Laura G?	I was gonna suggest something along the lines of providing a similar ecological functionality should be encouraged; so it's not so restrictive. And that allows the site-specific local considerations.
1:05:51	J.J.	Gets back to using those state agencies. And they do that. They picked these plants species based on mule deer, antelope, elk, song birds. I mean, I don't know why they decided to plant sunflowers because cows don't eat sunflowers. But, man, do we have a pile of sunflowers in our fires right now, and it's kinda neat. You know, there's a lot of species that are using them, but there is a pile of sunflowers that are being planted in the BLM.
1:06:29	Bob	Yeah, it's just a question and it's totally from the range science side. Is there something, John? Maybe it's probably for you. Is there something in there that talks about rate of application? Because J.J. will remember this about 15 years ago, we had fires in the Great Basin and we had a shortage native seeds and what the agency's did was divided it up based on what seed they had, and under seeded millions of acres and got no response. Where they would have been better to seed it at the correct rate of application and done some others another year. Remember that J.J.? So, is that a part of this conversation? And I'm just asking, strictly out of curiosity, not, I have no dog in fight.
1:07:16	John	But this one, this native plant one has been a little surprising or confusing and how much passion has come out of it. It's a lot of the discussions. And I think when we read the plans again, this is again one of those also intent things. And I think it is clear in the plans and Forest Service policy is prefer native plans. But that does not say at the detriment of it. And we sprinkled into a lot of these plans, when practicable or when possible or whatever. What you wanna do, look at the local site conditions. Look at the seed bank. What you have available, preferred native, if you can use them. Yeah, I know what we're going for is the most resilient, you know, ecosystem possible, that's usually gonna be those natives. If we don't have them or they're not gonna seed and it's just gonna wash away. Plan B is to use other species. So I mean, that's the way it's set up to prefer natives. But we don't want to shoot ourselves in the foot by doing nothing, because we don't have natives available or something like that. That's the intent. I think the plans actually say that, and this were I'm surprised that you are concerned that maybe sometimes people are concerned that a local decision maker is gonna say, "Oh, you gotta use this." But that's not what the plans say.
1:08:40	Allen	I would add that there is this concern about availability, and we have work in progress in the agency to help on that, as well as with the Bureau of Land Management. So across the, I mean the Colorado Plateau, partnering with the Bureau of Land Management, there's seven or so different sites identified that are sites where we're testing various native species for how quickly they re-establish, which ones are the most vigorous and have a widest site amplitude, or fit on a multitude of sites, and through that effort with the Bureau and many other people, we've identified varieties of species and put them into the commercial production machine to grow

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		<p>more seeds. So, state of Utah has a seed warehouse that benefits from some of that, and that work is ongoing. That's one example. The Lucky Peak Nursery of the Forest Service up north and little bit east of Boise, Idaho, above Lucky Peak Reservoir has, in addition to conifers, has a fairly robust shrub production as well as some grass seed and forbes seed production. The Cour D'Alene Nursery of the Forest Service in Cour D'Alene, Idaho similar. Probably not as many shrubs, but they do have a fairly robust production facility for some forbes and grasses there. So that's not, um, to tell that story is probably bigger than would be out of place to put in a land management plan document. But I put that into a bucket of rumor control, stuff we're doing. It's outside of land management plan. Yeah, okay. Anything else about with native versus non-native?</p>
1:10:58	Jody	<p>So, we're getting down to the end. Probably should have Allen summarize how he's feeling about today. There are some issues that we missed or didn't talk about. Some of them are very singular. Just a few of you that have that issue like water rights. I'm not saying that it's not important. It's just that maybe that's something that you can pull Allen side save everybody. Or we can put it up in the bin and we can save it for Thursday morning. I just don't want you to think we're just skipping over stuff. You don't think it's important? It's been a long day already. I'm feeling it. And I bet that you all are, too. But it's time to start wrapping it up. What do you think?</p>
1:12:00	Steve	<p>I'm really sorry, I'm gonna miss the hanging out time. But I did want to put in a plug for dealing with the West Nile virus on putting those mitigation measures back in. We were just reminded of grouse's vulnerability that West Nile, with some rough grouse populations, when were suddenly an impacted. So, I think that that's wanted to take a look at and go back to what I had before.</p>
1:12:27	Allen	<p>I missed that news flash with rough grouse population is impacted by West Nile. So, without the whole research paper, just where and what's the punch line?</p>
1:12:42	Steve	<p>It was just an outbreak happened in Minnesota. Now there's already some concern about the populations of some areas. West Nile is yet just another factor that can drive populations down.</p>
1:13:00	Jody	<p>I can put it in the bin, in case we want to go through it a little bit deeper. We definitely identified that it's an issue that you guys brought. We're not missing it.</p>
1:13:17	Unidentified/Josh?	<p>I was looking, Steve, at the Idaho plan just now. There's a guideline that it should be, you know, West Nile should be handled in a certain way, and then it gives a management approach, outlining some of the different things you could do in each case by case scenario. But I think there's still a guideline outlining that they need to reduce the potential for West Nile virus, and then management approach just gives the deciding official different ideas, different case by case scenarios on how to handle certain things. So I was looking at the objector. Your objector statement here is</p>

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		that it's only a management approach. But I think the guidelines standard is still there. That they need to reduce the effects of West Nile and the management approach just gives them ideas on how to go about doing that in each case, by case scenario.
1:14:12	Mary	It definitely varies tremendously by state because some states are so much drier, especially the southern Nevada, we're definitely not Minnesota.
1:14:24	Steve	Well, this this is actually a side effect of water use from oil and gas drilling. I understand.
1:14:42	John	Yeah, the West Nile is a confusing one because it's still in there. So, the states ended up in different places where some has a management approach that gives you specifics of things to do but every one of the plans West Nile is there and how to mitigate West Nile.
1:14:58	Steve?	I'm having trouble hearing you.
1:15:01	John	Sorry, in the plans it varies by state by how much details given in a management approach, but West Nile virus and dealing with mitigating for it is in all plans, remains in all the plans. I was a little confused that there's a perception that it was removed. It hasn't been removed. It's just the level of detail might vary between plans.
1:15:21	Steve	Okay, I'll take a look at that. We have any anything to suggest on the rhetoric.
1:15:36	Allen	I've had my head down scratching some notes.
1:15:39	Jody	So, do we have anything else like West Nile virus? It's kind of interesting. End of the day....a conversation like this today. Is there something we can do different tomorrow besides speaking louder, for the phone? Can you get a microphone? Maybe that we could try. We have these speakers here, but those are for our court recorder. That's so in case you guys were wondering what the hell is he doing? Those are not for the phone for this contraption. Those of you on the phone that did join us later in the day. We do have somebody recording the entire meeting. We will have transcripts. The other thing to remember. It's just a good reminder. Number one, we don't have all the issues on this agenda. Number two, the technical review that Allen talked about earlier today, we're winding it up, but we're still looking at stuff. We've got a great team of specialists from Washington office that are experts in there looking at all of your issues. So even though we were talking today and we're taking notes we're listening, we'll have the transcripts. There's a lot that goes into this and at the end of it will make sure you all get a response. Of course, a copy of it. Whatever Allen writes to the responsible officials, whatever happens there, whatever instructions that Allen chooses to give Region 2 and Region 4 those will have to be taken care of before any decision has ever made. So we have a ways to go. I'll go through this one more time on Thursday before we close out... just a really fill-in time so that he could figure out what he's gonna say. Okay. All right.
1:17:52	Allen	All right. Thanks. So, people always ask how these days go, let me just say this is the work we do. So it was great for me. I hope for you as well. Some things I learned, not in any particular order. There is still, I think, confusion

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		<p>and mistrust around the use of standards, guidelines, and management approach. And so I don't know that we solved anything there except daylight it for me. How you are seeing those three different. So maybe there's something we can explore. They're just want to call out. I heard you. With web-based mapping tool, we at least gave an opportunity to explore on your own this, the interplay between sage brush focal areas IHMA/GHMA, General Habitat Management Area, Priority Habitat Management area. And hopefully soon, the historic and current ranges of sage grouse that you can explore for yourself with, added, we only looked at the state of Wyoming. I'd be curious to look at that map with other states and see how what role the Forest Service plays in the landscape for sage grouse.</p> <p>I have a sense that animals get up and travel, in the case of Wyoming, hundreds of miles between winter and summer, they must be making selection decisions at a different scale than the 20 acre meadow at the head of Fish Creek. So, here's a tool to help at least display that difference... and the relative role of the Forest Service, in light of the Bureau of Land Management, another land management agencies or entities, including private land. I'm still stuck with, they're carrying, what we do with one of those management areas, whether it's I, G, or P habitat management areas post fire, this question for some assurance, certainty, durability into the future to acknowledge that fire can change its current utility. And again, we don't want to set it up so that, "oh, it burned today, so we don't care anymore"... seems very short sighted to me for the long term sustainability of the bird. So, there's stuff to figure out there, and again, the answer is not obvious to me, but that it's thought through in that kind of detail. Also, the interplay between lek buffers and the various and the rest of the management framework and standards guides and management approaches. There's an interplay there. I'm not sure, I am not clear or I lack confidence, that we all understand the interplay. It's a complicated plan. So, I'm curious to see what else we could learn together about that.</p> <p>And in the disturbance cap would treat it pretty similar. I hope there was value-add, to understand how it's being calculated. It is cumulative and duly noted, there has been change over time. In the short time we've been tracking that, there has been some increase in disturbance the way it's calculated. So, I hope there's some understanding that how that we're all seeing the same apple when we talk about 0.72 or 0.73 or whatever those numbers were disturbance level. And let me close with, to me, I put this in the win column, and I am an optimist. I don't think you should be in natural resource management if you're not an optimist. So, I am an optimist; in the win column for me, this conversation about, um, the unanimous agreement for exceptions that I heard some support that an explicit commitment to consult and bring the parties together is a piece that was missing in the language we put together, so I put that as a valuable conversation. So, thanks for sticking with us through that conversation. That's how I summarized today.</p>



Time	Speaker	Content
<b>1:23:03</b>	Nora/ Jackie	<p>(Nora) I just want to say thanks for hanging in there all day. I appreciated hearing some of your remarks in just the lens that you look through. Helps me when you share that. It helps me see things from your perspective. That's really important. It's still a daunting task. So, come back tomorrow, we'll see what we can do.</p> <p>(Jackie) Yeah, I would echo the appreciation. It was fine when we were talking about planning this. We have the discussion of how much time do we need? And we thought, well, I mean we actually said "Maybe we'll get done early", and I think today demonstrates there's a lot of stuff we need to talk about. So, we're committed to it, and we hope you all stay with us because I mean it just for the understanding piece of it, I think it's critical that we're all having this conversation talking through it. And like you said, J.J., you know, it would have been ideal maybe if we had done this a year ago or six months ago. But we have the opportunity now, and it's the best opportunity we have to kind of get to greater understanding collectively. So really appreciate it, appreciate folks staying in with it. And, we'll have to rest our eyes for a little bit and our brains too and come back tomorrow.</p>
<b>1:24:32</b>	Jody	<p>So, thank you. Thank you. You were nice to each other. A couple of little barbs here. We'll just overlook that. Thank you. And please come back tomorrow.</p>

## Transcription of December 11 – 9:00-10:30

Time	Speaker	Content
<b>0:00:00</b>	Jody Sutton	Okay, so here we are again. I don't think we have any new people way. We do! Oh, my gosh! (Unidentified) Braden Sheppard and Kathleen Clark won't be able to be here this morning. I am Deputy director for Public Lands Office (Utah) Just sitting in for them. (Jody) Thank you. Let's go around the room. Just do a quick introduction for you, and as a reminder to the rest of us. Let's start.
<b>0:00:42</b>	Allen Rowley	Good morning. Allen Rowley. I'm Associate Deputy Chief of the National Forest System and the reviewing official today.
<b>0:00:50</b>	Jackie Buchanan	Good morning, Jackie Buchanan. I'm here representing Region 2 as a decision maker.
<b>0:00:58</b>	Multiple	Josh Uriarte, with the Idaho Office of Species Conservation. John Richards. Also, with the Office of Species Conservation. Jennifer Purvine, US Forest Service. I was the ID team coordinator. John Shivik, Sage Grouse Coordinator for the Forest Service. Bruce Pendry, the Wilderness Society. We were objectors. Colby Prout, Nevada Association of Counties, also objectors. Mary Darling, representing Custer County as an objector. J.J. Goicoechea, Chairman Eureka County Board of Commissioners, Nevada. We are objectors. Laura Granier, on behalf of Eureka County, Humboldt County, and Western Exploration. Greta Anderson, Western Watersheds Project as an objector. Sindy Smith, Public Lands Joe Budd, Wyoming Bailey Brennan, Wyoming County Commissioners Association. Linda Cope, Wyoming Game and Fish. And Bob Budd who's here.
<b>0:01:42</b>	Jody	Okay. Great. And we have some people on the phone. We're going to see how this all comes across. And you guys are still quiet. I can barely hear you from that chair, just so you know. Good morning. On the phone. Who do we have on the phone?
<b>0:02:19</b>	Cody Doig	Good morning. You've got Cody Doig, Wyoming Coalition local governments.
<b>0:02:23</b>	Jody	Hey, Cody, who else do we have on the phone?
<b>0:02:30</b>	Drew Bauer	This is Drew Bauer, representing the Campbell County Commissioners and the Wyoming Assoc. of Conservation Districts. We are interested parties.
<b>0:02:38</b>	Jody	Yeah. Good morning. Anybody else on the phone? It's not on mute. Okay, so here's our plan for today, you two. We have moved...(phone intro beep) Hi. Who just joined us on the phone? Nobody. Okay, Um okay. So, here's the deal. We have moved John Shivik and Jennifer Purvine to the table. We're hoping that you will be able to hear them better that way. Please and I know Cody, you'll speak up. Um, if you can't hear them, let me know or anybody else at the table. We're going to do our best not to have to do the mic, but if

		we have to we will for you guys. Okay. Does that sound like a deal? Do you still hear static like you did yesterday?
<b>0:03:39</b>	Cody	A little bit, but it's not bad.
<b>0:03:42</b>	Jody	<p>Okay, well, I'm really sorry about that technology. Okay, so let's get started. I'm going to go over the agenda. I am Jody Sutton. For one of you that doesn't know me, and I am your facilitator and your objection coordinator. Many of you got emails from me, or you will, you'll always see my name. Just rest assured I have his [Allen's] ear. So, if you need me to talk to him, you can just go through me. Okay, so we had a full day yesterday. Wait a minute. Let's just, really quick, introduce the back row again because you guys are also important.</p> <p>Roxanne Turley. I'm on detail with the Washington office working with Jody and Debbie. [Not audible]</p> <p>Caitlin Arnold from the USDA Office of General Counsel</p> <p>Brett Roper, biological review.</p> <p>I'm Debbie Anderson on administrative review on detail with Jody Sutton.</p> <p>Kevin Duda part of the objection review team focused on NEPA issues.</p> <p>Jim Smalls, I'm Assistant Director in Washington Office for NEPA, administrative review, and litigation.</p> <p>Amy Barker, Forest Service on the ID team.</p>
<b>0:05:15</b>	Jody	<p>Okay. All right. Now I think we're ready to go. Coffee. Goodies. Thank you, Debbie, Jen, Roxanne, and Jim for making sure that we all have coffee. All right? And the bathrooms, I am going to go on record, I knew where the girl's bathroom was from very beginning, over there. Men's room over there. Before we start on the agenda. Who just joined us on the phone?</p>
<b>0:06:05</b>	Steve Holmer	Steve Holmer, American Bird Conservancy. Good morning.
<b>0:06:07</b>	Jody	<p>Good morning, Steve. Cody's on the phone with you and Drew. I think that's it. Did anybody else join us? Okay, let's just get started. Agenda for today, you are going to start with range issues. And will go through them until about 10:30. At 10:30, we're going to have a break; the reason I do that early in the morning is because of the coffee over there. From 10:45 to lunch, we're going to talk about locatable minerals. That's always a fun topic. If you turn over, you'll also see, once we have lunch at 12:30 to 1:30 we're going to go into leasable and fluid minerals. Not to be confused with the first discussions. We'll take that down to 3:30 where Allen will do a summary of the day and we will adjourn. Once we get to tomorrow, we can talk about what we want to do tomorrow. We'll make that a group decision. Ok? See if we have bin items or there are other topics that we want to go over tomorrow? Okay, so, just again, the ground rules, as we had yesterday, play nice with each other. We all have a voice. We're all coming from different angles and different positions, and that's okay. We're here to listen to each other and learn from each other. So, this is a good, good opportunity. And I really appreciate you guys doing that yesterday. So just continue it today. Allen will start out and give a brief overview of what he knows about the issues. And then he's going to focus on the primary objectors. Not that doesn't mean that you guys did object on something, but you focus on somebody getting the conversation</p>

		started. He'll ask his questions. We'll continue like we did yesterday. It was a lot of fun—so let's go again. Let's talk cows.
<b>0:08:24</b>	Allen	So, topic is range and a number of objectors. I might summarize the objectors in two categories. Um, actually, a continuation of yesterday, of a wish to return to the more specific standard guidelines and actions of the '15 plan and what was described in the '19 draft decision. And there are many components of that, just to remind you, the kind of things that are involved there, um setbacks or buffers around leks for activities like bed grounds and sheep camps; grass left on the site to provide nesting habitat for birds. Forage utilization in general of the bunch grass. And I read that to be mostly bunch grass. I'd be curious to know if there's other utilization, other species people are interested in. And that's probably enough to start because there's a bunch of material there. The objectors include well, it also includes a concern about the coordination and/or engagement. I'm not sure which verb to use there, with the grazing, with the current grazing permittees in the decision itself and the implementation of the decision. That's how I would characterize the kind of objections that were raised. And with that, objectors, the WY coalitions of local government, Western Watershed Project and Eureka County, were specifically listed. So, I'd start with those three. If there's more, they want to, not necessary to repeat what's in your objection letter. It's what else do we want to talk about? What solution space like? What are other options or alternatives have you thought about? We did capture yesterday, at the end of the day, we were having a conversation about monitoring the implementation of this decision over time and an educational conversation. But I thought educational about disturbance caps and how we tracked that and just want to note Greta raised that livestock grazing was not listed as a disturbance. So, we captured that for a bin for today. We have to talk about what's behind that and recommendations. So that's all I have for setup.
<b>0:11:21</b>	Jody	Yeah, let me add something that I didn't do yesterday. There are several people at the table that are part of the Western Watersheds et al. It's the way I'd like to put it. You are also welcome to speak up. I don't just put it all on Greta, even though she's the lead objector. Bruce, you're here with Audubon? (Bruce) Yeah, that's basically with Audubon. They definitely lead on protest. (Jody) I just want to make sure you all felt welcome to your voice.
<b>0:12:00</b>	Allen	So anybody want to start?
<b>0:12:03</b>	Greta	Well, this is Greta Anderson. And I'll start by saying the issue that Nada raised yesterday about the use of categorical exclusions and the absence of NEPA in the site-specific decisions becomes particularly relevant in the grazing context because of the modifications to FLPMA that occurred after the NDAA of 2015 where grazing permits... It was basically a continuation of the grazing permit rider language that allowed renewals under the same terms and conditions indefinitely and without NEPA. So, if a grazing permit expires and they haven't done land health evaluations on NEPA yet, they rubber stamp it, and it continues indefinitely into the future. We have seen...so, the application of the land use plans doesn't come into play until the permits are renewed or the land health standards are evaluated under the new land use management plan amendments. So, what we're concerned about is something like 77% of

all of the AUMs in sage grouse habitat since 2015 have been renewed with rubber stamp and not undergone NEPA analysis. So, the promises about site specific decisions and taking a hard look later and public involvement are fairly suspect in context of these automatic renewals and lack of NEPA. The other thing, that the FLPMA amendments did was created new categorical exclusions for grazing permits and which again changes the opportunity for public participation. So, that's one of the main sorts of disconnects between the Forest Service plan amendments, kicking decision making down the road to site specific decisions when there is no opportunity, and in fact, no actual hard look at those site-specific decisions on any time frame. And, as we've seen, in some cases, not at all. At this at this point, these permits have been renewed and more than one time without renewal. So, we're at 10, 20, 30 and, as you probably are aware, some permits have never been assessed under NEPA at all, which is what the rescissions schedule was about in the nineties. Which provoked the whole need for, you know, the agency kept wanting the ability to extend permits. So, I'm concerned the Forest Service originally had language that these things would be incorporated in 18 to 24 months. It switched in 2017 to "as practicable". We're not seeing a lot of movement towards analyzing grazing permits on Forest Service lands, even under the 2015 plan standards. And so, I think it's important for everybody to understand that part of the reason we want certainty in the Forest Service plans is because that certainty was promised to us as a condition of not listing the bird. Right? That was the sort of baseline understanding that it wasn't going to need ESA protection because these plans were going to do enough for the habitat. And we want certainty that these plans are actually ever going to go into place and mean anything because we've seen a lack of implementation and the lack of follow through on the ground. And we've seen habitat conditions and lek trends deteriorating on the ground. So, you know, for my perspective, and I'm pretty sure there's people who disagree with me in the room. But from my perspective, the Forest Service has a chance in these plans to set hard and fast science-based rules, there's enough flexibility. We were worried about the flexibility under 2015 plans because there was a lot of deference to local people, with 2019 amendments amplified that ambivalence and enforceability and certainty. And those are things that we think we need to save the sage grouse.

**0:16:46** Allen Thanks for starting at a higher level. Setting that context was helpful. The 77% of the AUMs permits have been reissued. Is that a public land wide BLM and Forest service? Or is that just a Forest Service stat?

**0:17:07** Greta That's public land wide and we run the analysis regularly, using the data that we can get. So, you know when I said some 77%, I'm trying just understand that also varies by state and varies by agency, and I recognize that. But I also know that Western Watersheds Project tracks a whole lot of grazing permit renewals in the Forest Service, and we're not seeing very many permit renewals being done in sage grouse habitat or analyses the land health evaluations, or even monitoring. I mean, one of the prioritizations promises of 2015 plans was that sage grouse habitat would get monitoring. And there'd be a focus on, you know, wet meadows and riparian areas of SFAs and all of that, and we're not even seeing that come through. So, to the extent that it's

		the 2015 plans haven't locked things in enough, I'm worried about the changes of the habitat objectives. The weakening of the sheep bed grounds, things like that and sheep bed grounds and trailing permits are regularly CXed. There's rarely public participation in those, and that's because it gets done on an annual authorization and the trailing. So, um, I'm sorry for using CX and CE interchangeably, but you know what I mean.
<b>0:18:42</b>	Allen	So, with that, I ask about the 77%, I was thinking about the relative difference between the Bureau and the Forest Service and acknowledge your comments yesterday about the whole branch of the species of concern. So, that may be an artificial parsing in your eyes. I'll just say that. I was just trying to process.
<b>0:19:01</b>	Allen	Thanks. Um, I am curious about... I had a belief that we were doing more monitoring than you talked about Greta. So, I don't think we have anybody here to necessarily address that. So, say a little more about what monitoring you're not seeing. So that, actually outside of this conversation, I would go back to the regions and ask some questions about, since September of 2015, I thought we were doing so additional monitoring in the grazing seasons of 2016, 2017, 2018, 2019, both mapping habitat and tightening up our maps and doing additional monitoring of implementation. So that was my assumption from 2500 miles east of sage grouse habitat. So, I'll be curious what you're seeing so that we can dig into that. John or Jennifer might have stuff. So, tell me about the signature you're seeing for monitoring. Help me...
<b>0:20:20</b>	Greta	So, I would also say, from you know, my distance from which I'm viewing stuff is, you know, I could get my state directors on the phone for Idaho, Wyoming, Utah, Colorado and ask them what they have seen on sage grouse monitoring, what they have not seen. But generally, our impression has been the ambiguity of the Trump, the Trump administration revisions; the 2019 revisions being in place has led to more rubber stamping pending the outcome of the amendments. And so there hasn't been a lot of effort to engage in 2015 level commitments because of 2019. Sort of. It's coming. So why are we doing it? And that's one of the concerns.
<b>0:21:19</b>	Steve	Hey, Greta, could you speak up, I'm having a little difficulty.
<b>0:21:23</b>	Greta	Oh, you've heard it all before, Steve. Just kidding; absolutely. I also want to talk about... I know we'll get into it, but I want to talk about the reliance on just four papers regarding the stubble height measurements and the needs of sage grouse. Compared to the 40 years of science before that talk about the need for adequate cover and what that is for sage grouse and also the nuance of the recent science that's being used. I don't... and put this in my objection I don't think it says what you think it says about what sage grouse need; I think that there's been some over interpretation of that language, and over reliance on it to weaken the habitat objectives.
<b>0:22:27</b>	Allen	John, did you have anything you would add about monitoring? And if not, Greta and I are in the same place about our level of specificity. We can drill deeper later through other channels. So, anything you could share with us now?
<b>0:22:44</b>	John	Yeah, there's a number of topics that you brought up, way wide relative to monitoring. Now, what we did is right after the '15 went in, we did go out and made a big effort to go to all the forest, all of the allotments, tried to set up a

		<p>monitoring framework. We did it. We went out, we sampled allotments and all the forest, they were rolled, the results of that's rolled into the FEIS. I was pleased, to see that is, like up 98% somewhere in that of all the allotments came out as suitable and the grass heights were averaging above. We're already doing it. So that was that was a big piece of the puzzle for us when we're moving forward that we saw were already getting are over four, average was five inches and then our seven was averaging 20 inches or something like that, of course, variance all over the place. But we're already getting there. So that was part of our calculation when we move forward towards less exacting, prescriptive, and more doing it towards the holistic, moving towards desired conditions based on the science, the newer science we used.</p>
<b>0:23:54</b>	Cody	<p>This is Cody. I'd like to add-in onto that. Most of my clients being livestock grazers throughout Wyoming and northern part of Utah, Northern Colorado as well. I could tell you that monitoring has been intense. It has been confusing to the habitat assessment framework, but it has been ongoing almost immediately as in September 2015 and on. Whether that was on the upper Green River, or Ashley, what have you and I'd like to echo John and that most of the allotments and I can't give a percentage, but most of the allotments were meeting the HAF. Um, I think it's table 2.2 or whatever requirements or objective. And then like I said, I can't give a percentage. But I do know that from just on the ground perspective, it's happening and it's meeting the habitat assessment framework.</p>
<b>0:24:50</b>	John	<p>And to add a little bit more to that, too, that's the snapshot of the past we have, but moving forward with monitoring, and I'd like to hear more from Greta on this because I should reiterate when we put this into effect, where we started implementing 2015 and when we started thinking about it new. Again, this was a ground up thing. We went out. We look in '17 for the first thing was how the heck you measure it? Measure it by pasture? by allotment? you got 300 or so allotments on the Humboldt-Toiyabe alone and what two range Cons spread out over thousands of miles. We were in kind of a bind on how to do it in a way, that and then how scientifically? do you do 30 samples per pasture? Times 300? So, we're really trying to get our head around monitoring, and I hear what you're saying, Greta, and I think there is something useful in, you know, making sure we're doing our jobs or whatever. But if it gets towards that conversation it's that level of detail that we don't box ourselves in a corner and commit to doing something that we can't do. So that's kind of, I'd love to hear a monitoring discussion.</p>
<b>0:26:02</b>	Allen	<p>So, um, rather, let me, focus on for a minute on the '19 draft decision and the 2019 FEIS. Based on this conversation and what Cody added, and John added. You, Greta, the leading question with all due respect, is that you found the FEIS not compelling, based on the monitoring data reported there.</p>
<b>0:26:35</b>	Greta	<p>I have a point to make, which is, I don't, I guess I don't understand if most of the allotments were meeting it anyway. Why is it so hard to maintain that as a requirement? Why do we need to let go of the requirement? And I would note that a lot of the allotments were the habitat objectives were met, the forest plans also had those standards previously. So, the forests have been</p>

		<p>managing to that level prior. I'd be interested to know what the percentage of allotments on forests that weren't managed to that level, were meeting the habitat objectives? So, I think to the extent that you're relying on not getting boxed into something you can't do. I'm hearing that you can do it. I also know that the science shows in the absence of livestock grazing most landscapes will do it eventually, when recovery. We have done our own studies of grazing exclosures and shown this. And it kind of doesn't matter, because it's kind of what sage grouse need. So, to me, it's like this size of the sage grouse hasn't changed, the shape of the hen on the nest with her eggs in a nesting and brood rearing habitat, she needs cover. That's not going... you cannot achieve that with less than seven inches, in the riparian areas four inches during brood rearing. To me it seems like what people are arguing about is: How much can we take without getting in trouble? And we don't want to have hard lines that you know will stop our profits or opportunity, our business opportunities. And the question is, really, what does sage grouse need? And if we can get it through the forest plan amendments that are already there, great. And if we can't, we need a Forest Plan amendment that also draws the line. So, to me, it's like, um, I have a hard time hearing, "Well, everything's fine anyway. Why do we need these plans?" It's like if everything's fine, what's the problem with the plans?</p>
<b>0:29:20</b>	Cody	<p>I'd like to clarify something, the Bridger-Teton National Forest plan does not have already existing sage grouse habitat objectives in any way, shape or form. Neither does the Ashley National Forest, and I think it's a matter of law. That's why were, you know you can't have a land use plan amendment, if you've already got what you're trying to amend. So, I think it's a little bit loose to say that we already have, um, existing objectives or standards or guidelines that reflect what we're talking about in the Sage Grouse Plan.</p>
<b>0:29:52</b>	Allen	<p>So, thanks Cody. Allen Rowley, and acknowledge that. Right, we could cite some other national forests that have that already in place. So, it's not uniform across the regions or forests or range of the sage grouse, there is variability. Right? So thanks. I appreciate that. It does feel like there's data the agency has that hasn't been shared with everybody in a way they can consume it. I'm not sure that answers all your questions, and it's a place to start about what we learned from monitoring. Okay, go ahead more.</p>
<b>0:30:40</b>	Greta	<p>I also, just want to say, until the sage grouse population trends are going back up the, um it feels to me that we should be doing everything we can.</p>
<b>0:30:54</b>	Cody	<p>This is Cody again responding to that particular comment, I think that the coalition, um you know, the presumption, I guess from that assertion is that livestock grazing is the primary causal factor for any type of trend currently that were seeing. Whether it's, you know, outside of historic ranges or what have you. But, in guideline 38 in the current plan, or in the draft ROD, the language states that in greater sage-grouse HMA, if livestock grazing is determined to be a causal factor limiting achievement of desired conditions, for seasonal habitats on capable sites, adjust livestock grazing management and the coalition suggested a one-word change, which was to include the word "significant" before causal factor. And this, you know, to bring it back to Greta's statement is unless we can determine that these declines or if there's</p>



		any change in numbers or habitat is the result of livestock grazing to a significant degree, then it doesn't make sense to all the sudden cut livestock grazing, because we think that it could be limiting the obtaining those objectives. So, for example, if we have, like, 40% utilization by big game and then we have 10% utilization by livestock grazing just picking numbers, you know, out of the sky, that 10% utilization by livestock grazing would limit the attaining those habitat objectives, but it wouldn't really make sense. If you're only, you know, if livestock grazing is only contributing 10% of that utilization, though it seems like a common-sense solution to guideline 38 to include one word to make sure that, you know, if livestock grazing is a significant factor than yes, it could be adjusted. But otherwise we need to make sure that there's parameters in there, that they're not just any change whatsoever as a result of livestock grazing.
<b>0:33:11</b>	Allen	Thanks, Cody.
<b>0:33:14</b>	Mary	Thank you, that brings up a bigger issue. Since we have so many different states represented, I think it would be good today just to discuss Western Watershed's recent news release that said, sage grouse are down on all the different states. But my question is, they say 61% in Utah. So, I want to hear from Utah, Why? They say 33% in Nevada, why? and 52% in Idaho, why? 44% in Wyoming, why? We don't have anybody from Oregon, I think, in the room. But I really wanted stop in here what's really going on before we get into grazing anymore. I agree when grazing is a significant causal factor let's look at it. But just to facilitate all the different discussions of research uses today, can we just stop and talk about what's going on for a few minutes? What are the causal factors in all those states? It started with Utah. Are we really down 61%? And if so, why?
<b>0:34:24</b>	Allen	So, I'm actually a little hesitant to start there, Mary, because later today we're going to talk about minerals. Yesterday we talked about fire and other things, and it feels like we'll end up in a spin cycle about causal factors on a bit of my favorite pixel game of: I was here and here's what I saw. And lose sight of the conversation about land management plan object. So I am curious about that. I'm not sure that's a wise use of our time.
<b>0:35:05</b>	Mary	Even if it's quick?
<b>0:35:08</b>	J.J.	So, I've had conversations with them, I'm not prepared, nor should I speak on behalf of them on why our populations are down. I have never been told by biologist what they saw, but I'm not comfortable doing that today for a statement about it. Look to Utah, Sindy?
<b>0:35:31</b>	Sindy	I'm not prepared to talk about that either. I have to get with our biologists.
<b>0:35:38</b>	Allen	My standard, J.J. and others. My standard throw away is that everybody knows that anybody with a hunting license knows more than any biologist. I learned that in several western states. So, in deference to you all from states. It's kind of a throwaway. So thanks, Mary. A place I'm curious and it seems like we don't have the folks with the goods to answer that question.
<b>0:36:12</b>	John	I can add little bit to it again. In the report. Gosh, I wanted desperately have that thing out. So, part of the annual monitoring that we do is we do check with all the states and what the populations are like over the last five years, so you're going to see what those numbers are. In some ways, though, Mary

		it is kind of moot. We were concerned about sage grouse. We created amendments for sage grouse. That's kind of why we're here. In terms of the numbers, it's just doing this, it's just cycling. We're still within the range of variation, but it's moved. We're still here for a reason. So, I don't know that we need to go down that path other than we're watching it. And we will keep watching.
<b>0:36:52</b>	Allen	So, one of the things I contemplate in terms of and outcome from this dialogue. This is a bit of an audible here, that monitoring report that you're working on, John, maybe appropriate to respond to all the objectors that you ought to have it. I mean, well, it's public information. And I would say, rather than go fetch, it's on the web, we would be more deliberative in making sure that you will get a copy of that. Does that make sense, my technical experts to my right? (Jody) Yes, absolutely.
<b>0:37:38</b>	Greta	I'd also like to note that grazing guideline that Cody referred to says, if you know in HMAs, if livestock grazing is determined to be a causal factor, adjust livestock management as appropriate to address species life requirements. Those adjustments are done through grazing permit renewals and occasionally through annual authorization, annual operating instructions. But the grazing permit renewals is the place where the public would have a chance to see that the Forest Service is responding to this, and there's a range of alternatives for doing it. You know, we're going to change the season of use? Are we going to change the pasture rotations? Those are and those NEPA processes aren't happening, so you don't have to have on any time frame. And there's no commitment in these plans to process the most important grazing habitats, check causal factors and just grazing permits accordingly. The other thing is most of the adjustments, I believe, have to be something that exists in a NEPA document for that allotment, which is why there's been, might be confusing BLM and Forest Service in terms of what the adjustments are allowed to do. You have to have already been analyzed. And so that is also pushing the opportunity for change farther out towards those permit renewals. Even if there's no problem on the grazing permit. If habitat conditions were fine, you have to do NEPA that includes opportunities to adjust grazing and what that would look like in order to implement those decisions later. In the other part of that...and I lost my train of thought. It'll come back.
<b>0:39:47</b>	Allen	Okay, so, folks on the phone or any? I'll start there. Do you have other information? Questions you want to share with us? And then I'll come back to folks in the room to see if there's something lingering in your mind about this.
<b>0:40:13</b>	Jody	Cody, You're okay?
<b>0:40:17</b>	Cody	Yeah. I have addressed our primary concern and I think if there's other concerns regarding, you know, stubble height, etc. I can respond to those as necessary, but, um, I don't want to occupy much time if I've already covered what we're concerned about.
<b>0:40:40</b>	Greta	I would just say that the idea that "significant" would somehow help reduce the ambiguity; I think that's not enough of who decides what's a significant causal factor. Who decides how significant it is to require adjustment? I think

	<p>if it's a causal factor in the decline of habitat conditions, we need to address it.</p>
<p><b>0:41:18</b> Allen</p>	<p>And it feels like we had a conversation yesterday about the technical teams and how they would, actually a robust conversation. I thought about technical teams, to once a soft or hard trigger is tripped, people would come together to have that dialogue. It feels like this would be another place where we want to be consistent, so grazing... And then that's how we could, would suggest, while we would identify causal factor and actions; I'll leave off the label, that gets to significant or not, that feels like the mechanism that's in each of the plans.</p> <p>(J.J.) Okay, well, then I'll speak to that and a couple of other things. That causal factor, that is what occurs in Nevada, in the State Plan now. And that is occurring, today. All those permittees are coming together where a trigger was hit, along with BLM. There is no Forest Service in the one that I'm thinking of, you know, there's no Forest Service in that part of that two counties, but again, they're looking at that livestock. Yeah, it's a causal factor; it's on the ground; it was being used. So, we want to see, is it a significant causal factor? Are they going to recommend changes to season of use, stocking, etcetera? Is there need to, what was it? Why did that population dip? We know there was two large fires in the area that probably had a lot to do with it as well. But again, they're all coming together. One other thing I want to address and it's for you and Jackie, is monitoring staff. You've heard me say this over and over. I know you guys don't have what you need—staff wise. Why? So maybe that's something, you know, way need to do a better job collectively as a body pushing for back in Washington, D.C. Is funding for that range program in USDA; funding for those range programs at Interior. It's not just you guys, it's them as well. And if there's an opportunity for the two secretaries to discuss these kinds of things together, I think this is one part they need. We all agree, we gotta have the monitoring, we got to have the science. And you're not going to hear any of us, I think argue against that. We feel that the vast majority of these guys are doing a really good job grazing out there, and we need that science on paper. I do want to come back to you, to mention a little bit about papers, and grass height. There has been a lot of science since '15 and even before '15, that it's more of a diverse plant based. It's more shrubs. It's forbes. It's grasses that all contribute to that nest success. And, you know, we hear about four papers that were gone over. You know, when that grass height was major, we all know, that it's in everybody's objections. I don't need to say it again. But there are also numerous papers dating back to 1980, '82, '85, '86, '67, '09 and '10 that we cited, all the way back to '14 as science and we would encourage you guys to look at that again. You know, no science-based studies that demonstrate that increased livestock grazing could have a negative impact. It was directly refuted, obviously and so it wasn't put in. When it comes to the grazing restore ecosystems, we know that Sherm Swanson put a 12-page paper out from UNR, you guys need to look at that. We did provide that in the past as well, from Eureka County. I think UNR got a copy from him, John, first part of the council stuff there. He's kind of the master at that, if you will.</p>

<p><b>0:45:03</b> J.J.</p>	<p>(J.J. continues) Well, so there is a lot of science out there and give, you know, most of the Humboldt-Toiyabe was meeting that grass height, if you will. We can't. We can't measure grass, guys. If we do the number one threat comes back in the bed and that's fire. We've got to make sure they have enough cover. It's forbes. It's shrubs. It's grass. It's everything. And you'll hear us say that we want that healthy diverse understory in that brush as much as we want anything. And so that's why you know these '19 plans are going there; ecological site description, state and transition, what it really looks like on the ground and trying to incorporate that. So right, there's a lot of science out there. I encourage you guys to put that in here to help support this record in your decision.</p> <p>(Allen) Um, a specific question, um, about the Sherm Swanson paper. There's one that I read a couple of years back. That focused on, I thought, it focused over riparian areas. This is a different one, J.J.?</p> <p>(J.J.) So, yes, it was livestock grazing as a causal factor and habitat degradation for sage grouse and Brad Schultz from Humboldt County Cooperative Extension, did something very similar, so the pair of them put that same information out. Also, Bill Payne, Dean of Agriculture[?], University of Nevada-Reno also but paper out questioning some of the findings in the in the NTT. And he did again reference a lot of work that was done in the Great Basin. And I could provide that you guys as well. I know we included it. Probably '14 as well. The first time.</p> <p>(Allen) Okay, thanks. Yeah, well, there's lots of research papers, part of this discussion, not proposing we have a jury show to pick the best one, it's looking at the whole suite of information on making, including all. That's what I heard in there, is the request to consider this. Greta had a similar list of things to make sure we consider. Laura.</p>
<p><b>0:47:38</b> Laura</p>	<p>Relative to that, I appreciate that very much. I think what we found in the record from the 2015 land use plan decisions, was that the NTT report absolutely failed to do that. The e-mails in that record between Raul Morales, who led that team, Jim Lyons made very clear that the team was assembled to try to find science to support a policy decision that have been made. And so there have been a lot of reviews of that report. A lot of scientists who have criticized that report as based on policy and not science and the National Academy of Science absolutely supports transparency and what you just described Allen. So, we very much appreciate that. People keep pointing back to the NTT report as though it is the best available science, and that simply is not accurate. Given what we're hearing and even what the folks on the ground are saying. It's also consistent, this local approach, looking at local expertise, is absolutely some of the Fish and Wildlife Service Side of COT Report is necessary. That we cannot take a one size fits all solution. So not only is it required under the COT report that we look at the local situation, local circumstances, and you could look at some guidelines of what might be ecologically possible. But that's going to be different, depending on the region were in on. So, I think it's critical to remember that, and then finally taking us back to your planning regs 219.10 requires consideration of multiple use and on 219.8 requires consideration sustainability including economic</p>

		sustainability. I'm just going to continue to ask that we always factor that in to dialogue here, and I think that is not inconsistent with conservation. But it is consistent with again avoiding a blanket prohibition as opposed to a more flexible approach that focuses on local expertise.
<b>0:49:34</b>	Greta	This is Greta Anderson. And I'd like to also read the part from the multiple Use Sustained Yield Act, which is the sustained yield part of that, "with consideration being given to the relative values of various resources and not necessarily the combination uses that will give the greatest dollar return for the greatest unit output." And I would just like to throw that out there, that you're governed by sustained yield as well and to consider the relative scarcity of resources. And if we're talking about greater sage-grouse as a resource, then you know you've got the scale needs to tip in that direction.
<b>0:50:19</b>	Cody	This is Cody Doig for the Coalition responding to Greta's comment here that presumption that greater sage grouse are the quote/unquote scarcity element in the statutory framework, I think we heard earlier at least in Utah we're still within the range, historical range of variation. I would also just say that again. It's a little loose to say that sage grouse are the scarcity element, per se. Maybe in discrete locations, that might be accurate, but, you know, as a general truth, that's not appropriate premise to start from underneath the statutory framework.
<b>0:50:55</b>	Greta	I'd note that and let's say sage grouse habitat... and I don't think anybody would dispute that sage grouse habitat is disappearing when I talk about sage grouse populations, I'm also referring to sage grouse habitat decline. And I'm also speaking for the 350 other species in the ecosystem that depend on sage brush. So, when you talk, I think you... I note your correction. But I think my comments stand in terms of scarcity and relative values.
<b>0:51:29</b>	J.J. G?	Greta brings up a great point, about that sage brush ecosystem. We've gotta protect that sage brush ecosystem and again, stop measuring grass, stop removing one thing or the other, because we will continue to lose sage brush, especially in Nevada, southern Idaho, parts of Utah. It's a major problem. I couldn't agree more. We've got to protect that sagebrush ecosystem.
<b>0:51:56</b>	Laura	I would just say that multiple use...I'm not sure what law says that sage grouse should tip you in one way. I think you need to look the multiple use and look at the information before you and do your balancing. And we also can't operate in a vacuum here. And the Mining and Minerals Policy Act of 1970 absolutely applies on National Forest System lands and directs that it is in the national interest to foster and encourage developed private development of domestic mineral resources. There was another act in the eighties that focused on the need for critical minerals. We just can't operate in a vacuum here. We can't just put one priority of it over the other over. All of this has that. So, I appreciate the balancing approach.
<b>0:52:52</b>	Unidentified	Just a slight push back to that. That was great until ESA is triggered. And that is what we're trying to stop. Once the ESA is triggered that will trump so, and I do think multiple use, it absolutely does not operate in a vacuum, but I don't think we're talking about operating in a vacuum. That's just important to know. We're just trying to look at landscape scale, use of these lands and what most people use it. And it does mean development, but it also means

		<p>outdoor recreation. It also means conservation and it also means protection of sage brush. And so, to your point, I agree. We need to look at this holistically.</p>
<b>0:53:23</b>	Laura?	<p>And I would just comment on the ESA. I mean, I absolutely, we're all concerned about the ESA here, but this is not the agency that implements it, the Fish and Wildlife Service does. This is what we're all focusing on conservation towards that end, I think again, just as the Fish and Wildlife Service should not have a veto in land management decisions because those rest with this agency, we have to be careful that we don't blur the responsibilities.</p>
<b>0:54:00</b>	Unidentified	<p>Sure, but once ESA is triggered, then they will have a veto. So, everything that's important.</p>
<b>0:54:09</b>	Allen	<p>I think that's a good context to keep in mind about the laws and there are descending regulations that we're guiding through. So, thanks, um, other conversations about grazing, range management, do you want to get in the room?</p> <p>We have a couple themes to me that have occurred, is concern about not having that access to monitoring data, monitoring that's already happened. Um And that, I think, is an equalizer in terms of us all being on the same playing field or same level. Another piece about implementation of even the 2015 decision and what certainty assurance do interested parties have that we're actually doing what we said we do in the '15 plan and raise the same question as we move forward in the '19 plan. Connected to that is where's the space for additional public involvement at the project scale? Because again, this is just land management plans and other stuff happens at be a timber sale or a mining activity or re-issuance of grazing permit, huh? The reauthorization of the occupancy and use is probably what I need to say that there are nodes of public involvement and it's not actually, a lot of people report, it's not really clear where they get to engage as we implement that. We have not talked specifically about numbers: stubble heights, grass height, droop height. What we have talked about, though, and I sense not a disagreement that adequate cover for nesting hens is the important issue. So that's kind of how I summarize what we've talked about so far. We haven't talked about range improvement, structures or driveways, sheep camps, mitigation measures and if you want to go there, we've got time... just wanted.... We've covered a lot of ground and wanted to give that summary of where we were. Anybody have something else you want to engage in?</p>
<b>0:57:09</b>	John	<p>Kind of kind of a question, too. So what we did in these current plans is we move towards a more holistic, for it's really references, desired condition. So there's still numbers. But it's not just boiled the whole of sage grouse isn't boiled down to one grouse number. We also did it with the best available science. Utah's really interesting and the paper is just hitting the presses today. That we based all of our information on Utah. Even in Utah it's interesting, because within the state they even split it up between higher elevations. You inches lower elevations. Parker Mountain is just weird. Very different. Um, so we just rolled that right into our desired conditions table. We try to do that in all the states to use the best stuff and then point grazing</p>

		towards here's the numbers to follow. And that's the context of the background for the question I have. I am hearing Greta say. Is the sticking point that really around that monitoring thing? Because once it's in our forest plan, I can ask Caitlin and everybody over there, once it's in the forest plan says you gotta move towards do not move away from these desired conditions. It doesn't matter whether or not we've changed the actual permit. We're still held to the plan components, right? So, I mean, we still have is it just sort of the public comment or enforceability? But once these things are amended, you gotta look at the desired condition's table. That's what we have to live by. So I'm kind of confused that I think whether or not the permits were modified doesn't matter. We still have to live up to what those desire condition table is. Am I understanding that correctly? There's a lot of nodding for those on the phone.
<b>0:58:58</b>	Allen	So, we're amending the forest plans, John, and that's all of our action should oh, a small a, should lead that direction. Caitlin, is there anything you want to add to that?
<b>0:59:24</b>	Caitlin Arnold	I think that's accurate. The other plan components are sort of the steps that we take to get there and desired conditions aren't necessarily something that are self [inaudible]. So they all they all work together.
<b>0:59:53</b>	John	Well, then the question is really about... Whether or not we modify grazing, you still have to follow what the plan says. That's really my question. In a nutshell, do you have to follow the plan? Yeah, that's it. Okay, so simple. But it seems like we're talking about grazing permits when we should be talking about are we following the plan or not? Right. I'm making sense?
<b>1:00:23</b>	Greta	I understand what you're saying. I would also note that our portfolio of litigation includes a lot of cases where the Forest Service has known for years at a time that it wasn't moving towards desired conditions and not modified grazing. And so, we've brought, you know, I'm thinking of Salmon Challis, perhaps our most recent one, and I might be wrong because we do a lot of litigation. Um, but I would just say that while that is true in theory, the practice on the ground is slipping. That's what I'm worried about. And it's the same as with the definition of "significant". It's like if it's squishy, then the Forest Service response is going to be really politicized or socialized on the ground. If the plan says this is what you need to be moving towards, not like let's just make it better, all right then there's an enforceability. Then there's accountability. Then you don't need that range constantly monitored, because the rancher will be out there, and say, "Yeah, this is a stubble", not "Is it enough?" Because whether sufficient cover is squishy... is the disconnect that we've had in our conversations is about what hypothetically should happen and what actually does happen. And because Western Watersheds Project is on the ground seeing what does happen, we have a lot less optimism that what should happen will happen.
<b>1:02:26</b>	John	Ok. I get that. I think it sounds like, but this is helpful for us, as we're thinking about this... because a lot of it, there's a difference between what the numbers are in that and an implementation of potential implementation problem. And that's something that's so last week because we're implementing 2015 now. So, this is all relevant.

<b>1:02:48</b>	Greta	<p>The extent to which the implementation is adhered to, is part of the certainty on which we're saying not warranted is based. If you don't have certainty that this stuff is actually going to happen, then you don't have a real protection for the bird. And if the land use plans create a loophole to be driven through, the intention, the pressure on the ground is to drive through it. And those, too many loopholes, not peoples, equals not enough sage grouse habitat.</p> <p>(Jody) Really quick. Just a technical point. And Greta reminded me you say your name when you talk, so that our recorder knows which person is talking, right? No.</p> <p>(Jairo) So sometimes with volume drops too much from that and I imagine people will be most affected are those on the phone. I can adjust things over here, right? Okay.</p>
<b>1:04:20</b>	Allen	<p>Thanks. I actually open for conversation about additional stuff around range; I have to entertain other conversations about driveways, camps, structures, range improvements. A whole suite of activities.</p>
<b>1:04:47</b>	[Interruption]	
<b>1:05:05</b>		
<b>1:05:14</b>	Allen	<p>Go ahead, Greta. You had some more.</p>
<b>1:05:16</b>	Greta	<p>Yeah. I would like to see grazing considered a surface disturbing activity, particularly where there's livestock concentration areas, like water developments count towards the disturbance caps. I also note that, the lek buffers... Well, mostly when we're talking about lek buffers, we're talking about energy siting, but with other important thing is how far you keep trailing sheep away from the leks in the spring. And in some states, at least that distance went down in the 2019 revision. And I don't know what justification is for that reduced to distance. One of the, um, issues with livestock grazing that doesn't get discussed, is really just even, we talk a lot about utilization is sort of a proxy for the intensity of use, but, disturbance through flushing, trampling and other aspects of livestock grazing and sage grouse habitat is also something that needs to be accounted for. And then we also had some recommendations about fencing and no new fencing in PHMA, and the most important habitats. And, um, it's all spelled out in our protests exactly what that was with. I won't go through it. But I think that that's important to recognize that when we're talking about the impacts of livestock grazing on the landscape, infrastructure and the disturbance are two factors that aren't sufficient control for in these plans.</p>
<b>1:07:07</b>	Mary	<p>I'd also like to recognize the grazing is a tool to habitat management fuel reduction, and it can be used as a tool to improve sage grouse habitat diversity. When in large scale sage brush habitat areas. So, grazing has a place and it can be used as a good tool; especially nowadays with these areas with high fuel loads. The more we do to reduce those fuel loads more we're going to do to protect sage grouse.</p>
<b>1:07:44</b>	Greta	<p>A paper came out yesterday from the USGS highlighting the impacts of livestock grazing and other variables on cheatgrass occurrence on the Great Basin. And they found that livestock occurrence corresponds with increased cheatgrass, occurrence prevalence regardless of variation and climate topography of plant community composition. So, if we're talking about</p>



		reducing fuel loads, we should also be to document preventing fuel loads of, um, spreading cheatgrass through livestock grazing.
<b>1:08:15</b>	Allen	Um, Laura. And then I did have a couple questions about disturbance.
<b>1:08:23</b>	Laura	With reference to the fencing and lek buffers, again back to the administrative records from the 2015 Decisions. There was an April 2015 email between Michael Beans Greenberger and Jim Lyons that acknowledged that the USGS report identifies only certain types of fences in certain types of terrain as a risk and that imposing a buffer requirement for all types of fences, in all types of terrains the agency would impose a restriction for which the report offers no basis. So, there was not science to support this one size fits all solution. In addition to that, if we look at the 2014 USGS report that also focuses on the importance of looking at site-specific conditions. Let's see if we look at the citation. Yeah. That email from 2015 again, it noted, if we want to anchor our plans to the USGS report, you couldn't just place lek buffers one size fits all, you have to consider the terrain. You couldn't even lump all sorts of fences together. So, I'm sorry I'm having trouble finding the citation here, but I know we have better science or updated science in 2014. Here we go, from the USGS report 2014 12-39, states that we do not make specific management recommendations but instead provide summarized information, citations and interpretation of findings available in scientific literature. We also recognize that because of variation in populations, habitats, development powders[?], social context and other factors for a particular disturbance type, there is no single distance that is an appropriate lek buffer for all populations and habitats across the sage grouse range. So, this again is if we're talking about best available science here, we have to quit harking back to just the NTT report, just one source, just the standards that were blanket prohibitions in place in 2015 and focus on latest.
<b>1:11:04</b>	Greta	This is Greta Anderson. And that was helpful reminder of the abstract of that paper. The paper actually says that the 2014 Meneer paper reported an interpretive range of appropriate lek buffers ranging from 3.1 to 5 miles.
<b>1:11:23</b>	Allen	Thanks. Let me go back to questions you had about disturbance. You brought that up yesterday, Greta. There was including livestock grazing in the anthropogenic... the human disturbance. So that was a new piece and a new thought for me. And then you bracketed that, or conditioned that, to water developments and a few other things. So just tell me more.
<b>1:12:00</b>	Greta	I don't bracket that. I think that the disturbance is diffuse on the landscape and pervasive. But I do acknowledge that there's livestock concentration areas that received more use, and that's typically our underwater source. So, you know, look at a stock tank and look at a well pad, and you've got the same veg cover, right? I don't understand how that's not anthropogenic impact that's considered. We've been perplexed by this along, particularly where new things were being proposed. It's like, how is that? How can you be changing the course of zero riparian area, of ephemeral wash to create a stock tank and then allowing the area around it to receive really high utilization that never really gets counted because you average it across the allotment, and not consider that a surface disturbing impact that is being permitted by the agency. It's like that surface disturbance of livestock grazing

		got wrapped into the baseline, and we don't think it, you know, but that's just that's just part of it. We disagree that that's how it should be done.
<b>1:13:40</b>	John	I can tell you the context of where it came up, it's really an artifact of the huge monitoring appendix, and it was really based on what was considered anthropogenic disturbances. Which were all the development things and power lines, drill pads, et cetera. That's just when they defined it initially. And then after they did, that got rolled into anthropogenic disturbances being these things and grazing. It was up in Wyoming and its amendments. I guess it's even called out, right? So that's how it evolved.
<b>1:14:12</b>	Greta	I understand. I'm questioning that definition and that needs to be... We need to go back to that.
<b>1:14:20</b>	Allen	Yeah, that's no lack of clarity on how we counted. It's the definition.
<b>1:14:25</b>	Greta	Well, it's just that somebody made a decision not to count livestock grazing as a surface disturbing activity, and I disagree with that.
<b>1:14:37</b>	Allen	I got that.
<b>1:14:40</b>	Mary	Just to say the other side, I see stock tanks that have no measurable vegetation in certain times a year, and other times of the year they're lush, depending on utilization. So, mapping something like that would be almost impossible because it could change two or three times in the same year. Could go from grasses that are 6 to 12 inches or more, to fairly low stubble heights when the cows are actively there and then to grass again in short amounts of time. So, I just see measurability being a major issue, measuring monitoring mapping being pretty impossible.
<b>1:15:32</b>	Allen	So, to go a little further and recognize Bob. So, the description of stock tanks and concentrated uses or watering systems and what it does in that immediate area to the vegetation cover, I got. You also talked about flushing and trampling, and I wonder if you have a science paper that you would cite for that. I don't remember that in your objections.
<b>1:16:03</b>	Greta	Yeah, you know. So, our objections also incorporated by reference our previous comments and scoping comments, which is where we provided a ton of science. Mostly, our objections were specific to things that have changed between the draft on the final and using those as examples of what we thought the deficiencies of the plans were, so I don't want you to, where it may seem like new information to you, that was certainly raised. We even provided papers where there's evidence of cows eating sage grouse eggs. So, yeah, it's been observed.
<b>1:16:39</b>	Allen	They're not vegan? [laughter] I'm disappointed. Just all right. Thanks. I didn't, I haven't, read all the prior comments, so I'm not suggesting that was new information today. It was new for me.
<b>1:16:58</b>	Greta	Yeah. No, we have to definitely raised the trampling and flushing. The hen being moved off the nest is a release the survivorship of eggs, whether she returns to the nest, all of that has been documented in the literature.
<b>1:17:14</b>	Multiple	(Allen) Okay. You want to do it? (Bob Budd) Question? Yeah. So, are all ungulates surface disturbing? (J.J.) We have some large ones in Nevada that disturb it. [laughter] Yes. I'm not going there ...sitting over here.

	(Allen) So, how should we? I don't believe we'll solve it today. And there are other things on the landscape, be they wild horses, be they stray, feral, abandoned domestic horses. Be they, stinky old elk, or mule deer or antelope or a whole host of things behind Bob's question. So? So the difference, though, Greta, I think you would point out the domestic livestock, the slow elk, the white-faced elk are driven by people, and the smelly old [inaudible] are not.
<b>1:18:48</b> Greta	Yeah, and only one of those is something that we have the opportunity to really manage, a lot of the wildlife agencies manage elk and deer, but in terms of moving things around the landscape and limiting their use, I think livestock are the one that you guys can manage and that's a distinction. (Unidentified) I would add to it and say it is the most managed already.
<b>1:19:10</b> Josh	To head back to the grazing infrastructure, type of thing. I think the Forest Service went the right direction as far as taking the newest science and eliminating a non, uh, a lek buffer that doesn't care what the topography or whether it's high risk, low risk or moderate risk; and taking that Stevens et al. paper and, you know, looking at areas of high and moderate risk when they're constructing fences and those fences need marked there. I think that was a good direction on, not going with lek buffer on fences for that, and going toward the newest science with high and moderate risk. And then as far as the low structures, I like how they split out on water tanks. All the Meneer paper talks about is taller structures where ravens could have the advantage. And so, I appreciate the Forest Service separating out storage tanks compared to water troughs because on the water trough, for the most part, a raven or a hawk or an avian predator does not have the advantage set of a tall structure on the water trough. And so, I think you went in the right direction there, as far as looking at the taller structures such as water storage tanks or cisterns and the fence construction if we're talking infrastructure.
<b>1:21:07</b> Jody	So, Eureka County did have this issue.
<b>1:21:22</b> Allen	In the lead in, as I set this up, I called out the objection, specifically Eureka County, about the level and type of engagement with grazing permittees on both what I would believe both on what's in the plan, as well as the implementation of the plan through the permitting process and permit management system. That issue hasn't been specifically addressed. We've talked around it. But I just want to open that space for that. (J.J.) What already addressed, you know, your guys, staffing levels and everything else. You know, those permittees come to local government first when there is a problem. And hey, you know, we've been litigated by an NGO when or Forest Service says we're going to be litigated, we have to make these changes. And there seems to be a lack of communication at times from the Forest Service to that permittee about what's really going on; so we really want to encourage you guys to have that dialogue rather than them coming to local governments or to the state and say "I need your help". We're running around trying to figure out how to do that. It gets back to that coordination thing that, if you haven't noticed, most of that is what we really hang our hat on. We really believe on on-the-ground coordination with you guys, and it hasn't been happening, and I think you know the NGOs and say

	<p>the same thing. There's a communication breakdown at times between them and you, and you and the permittee, and you and the county. So just better job of communication.</p> <p>(Allen) So, John and Jennifer, would you classify that as a management approach under the planning rule? Or is there some other way you want to describe that in the FEIS or the record of decision on instructions from the regional forester?</p> <p>(John) That communication? What's the?</p> <p>(Allen) The need to increase coordination with local government, county government and the permittees?</p>
<b>1:23:48</b> John	<p>It's hard to envision it as a normal plan component because the standard or guideline is about a restriction of activity... things you can't do. The management approach gives us an opportunity to outline a process that we intend to follow, so I could see something written up that would be a management approach that somehow gets to these things. I obviously don't know what that would be right now, but that's the way we probably pursue it, as a management approach. But again, I differ. The way we look at the management approach is we wrote it down. We intend to follow it, so it's not like something that should be considered a throwaway. It should be considered: you wrote it down, you intend to do it. So, we handle it that way. Just the wording, I don't know what to put in.</p>
<b>1:24:40</b> Allen	<p>Well, a leading question, I've put that in the category of thinking about providing some assurance and disclosure of the intentions. How to move that forward? That would apply, should apply, to more than just local government in some of the communication that, Greta, Mary and Nada and others have talked about. About how everybody benefits by little more communication.</p>
<b>1:25:25</b> Greta	<p>I would really... This is Greta Anderson. I really appreciate the intention behind management approaches, but they're not as strict as standards. Right?</p>
<b>1:25:42</b> John	<p>Yeah. The biggest thing is one of the structure of minds about a process instead of thou shall not and urgent. It's yet to be determined how strict they are, full disclosure, there's still some conversation here because the planning rule says you can have other optional plan content. Some people interpret that to mean this is optional, I don't need to follow it. Some people interpret it, myself, as it's optional whether or not to put it in the plan. But once it's in the plan's content. Like I said, why would we write it down if we don't intend to follow it? The only difference from that, if you accept that aspect of it, the only difference is they could be changed administratively versus plan components, need an amendment to change. But in terms of enforceability, that's not really, we will find out what that answer is one day, but I would look at it being enforceable. That's the way I interpret it.</p>
<b>1:26:39</b> Allen	<p>I didn't think about this is a debate about the utility value and strengthen management approaches. I was fishing for ideas to signal to the public and the folks who implement this on the ground for ways to encourage, enforce.... There's a verb there... not sure which one to use, more coordination and communication with all the stakeholders. That's all I was trying to get at. Trying to figure out a way to make that durable.</p>

<b>1:27:12</b>	Jody	Keep bringing it up—because it is important. So I think unless there's somebody else, that has something that they want to add to the conversation. You guys have something down there.
<b>1:27:22</b>	Bob	I just have one slight correction to mention, and that is that there's a constant reference to seven inches of stubble height. That isn't correct.
<b>1:27:34</b>	Greta	I know seven inches of residual grass height is what I'm talking about, and I do know the difference. There's a lot of terminology.
<b>1:27:42</b>	Bob	But it's not residual. It's seven inches of screening cover. That is a really important distinction that we need to make.
<b>1:27:55</b>	Steve	I've been going to the Association of Fish Wildlife Agency, the Sage Brush Executive Committee meetings for quite some time and at the most recent meeting, both the Forest Service, and USGS staff, were really ringing the alarm bells about cheatgrass and the need to take a way more aggressive approach on cheatgrass. And this has always been a tough one, and it's tied to grazing. But I think that getting back to the whole issue of the need for NEPA analysis, I think we're just going to have to start taking a little harder look and dealing with the cheatgrass issue more seriously, particularly in the priority habitats. It's going to be kind of a downward spiral, it's the report I've been getting from agencies staff.
<b>1:28:43</b>	Allen	Thank you, Steve.
<b>1:28:46</b>	Jody	Anybody else before we go on break? Hey, and again, if there's something you want to put in the bin or continue having this conversation. We can put it there for tomorrow morning or for later today. So let's be back in 15-20 minutes, Okay?

## Transcription of December 11 – 10:45-12:00

Time	Speaker	Content
0:00:03	Allen	<p>Allen Rowley here for those on the phone. Let me start first in a different place. I should have said this this morning. yesterday when we launched, so this is an objection review for the Forest Service plan amendments. And as you know, we're parallel, maybe at a different pace, with work being done by the Bureau of Land Management. So yesterday we reached out casually to the Bureau to invite them to this meeting. Not because they could answer your questions, more so that they could observe. And maybe it would help. Um, so if they show up, that's what it's about. I just pulled the score. They can run their own lives. I just wanted to make the offer available. So, if somebody from the Bureau shows up, that's what it's about and the logic of listening angle. I wonder. All right, and that's safe because anywhere near the start of the day it's not likely they're coming. But if the unlikely event that show up, that's what I was thinking. I do want to talk about, some people pointed out, the agenda for tomorrow morning is not specifically structured. It says generally to go over topics. We've committed to being here. We're gonna be here. We've got work to do. There are a few bin items, some we've covered. The grazing as disturbance, we had on the bin, we covered that. There are some other issues, I know, individuals want to bring up. So, I just want to plant the seed that I might...the throwaway metaphor is: it's a bit of an open mic opportunity. Are there other things that we haven't talked about people that that's what it's about? So we have broken because you have to draw a line somewhere as best we can. Yesterday we talked about how interconnected, these, our description of the issues are, from the Forest Planning National Forest Management Act to the National Environmental Policy Act to the implementation of grazing direction. There's a lot of intertwined issues, so we're returning to one to two: the rest of the day here are locatable minerals and leasable minerals and fluid minerals. And we made that break with sub bullets under that, it's just the start the conversation I want to acknowledge that it's intertwined. We'll just have to facilitate our way through that. As an agency employee, one thing I've learned about minerals a long time ago is somebody wants to talk to me about minerals, I'll go get technical up right away because the mining laws and multiple mining laws are widely variable. Whether it's coal, in what state you are in? Or is it gravel? common variety gravel and so forth. Or is it fluid, oil and gas? It's really messy, and I always need technical assistance. So, as we talk, save space that we're not talking past each other on some technical points of the mining law, which I'm not an expert in. But I'm gonna listen for that, so we can again focus on we're talking about a forest plan direction that we can all that can guide us into the future. Enough of that setup. Locatables. The kind of issues that were identified, as a placeholder here: compensatory mitigation, net conservation gain, renewable energy, solar and wind in particular. We talked yesterday about the difference between valid existing rights and existing rights. So, I think we might have heard enough, but you can decide that. Economic feasibility and then this idea that waivers, modifications and exceptions and how we process those. Those</p>

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		were the kind of issues that have been raised. And we have a couple individuals who've objected, as well as the Petroleum Association of Wyoming. They haven't, I don't remember somebody identifying that they're a participant previously. And after I finish this introduction will go to the phone in case they decided to join us. National Audubon, Western Watersheds, Western Exploration Company and Wyoming Coalition of Local Governments. So with that, who wants to start that dialogue. What was issue? What are the concerns? What's the solution space? Suggestions?
0:05:37	Jody	Maybe we could start with compensatory mitigation subject recognizing what Allen just said, that it flows into both sides of minerals—locatable and leasables.
0:05:50	Allen	Let's start to see if there's someone else who joined us on the phone.
0:05:57	Jody	Can you guys hear us? Okay. All right. Esther, are you on?
0:06:04	Unidentified	There is still an issue with people apart from the phone. And then there's a lot of paper rustling going on right by the speaker. Which kind of drowned people out. I was not able to hear a lot of the last section.
0:06:15	Jody	Oh, I'm so sorry. I have no explanation. OK, well, we'll do our best. Just so you know, there are no papers near the speaker, but so it's really an odd thing that's happening here.
0:06:31	Steve	It's just little sounds are getting heavily magnified. I'm not sure what it is, but it's.
0:06:38	Jody	Well, I wish our voices would be magnified, like the papers. Okay, So what, we'll try and keep our minimum us rustling papers in this room and again, just... Was that you, Steve?
0:06:54	Steve	Yeah.
0:06:54	Jody	Just feel free to let us. Now, wait a minute. I can't hear John. We're picking on John today or Greta sometimes has a soft voice. So, let's try and speak out. Is there anybody else from the groups that Allen just mentioned? Petroleum. Wyoming Petroleum. (Unidentified) Esther just texted me, she will be calling in. (Jody) Okay. Thanks. Anybody else? Okay. All right.
0:07:31	Allen	So, we started the conversation about compensatory mitigation. And that's listed as a management approach. Do we wanna start there?
0:07:51	Nada	This Nada Culver with Audubon, and I think our objections focused on a couple of things, but one of the main issues was the change from a net conservation gain standard to no net loss standard and our concern that that was a lot more meaningful than the Forest Service seemed to think it was. There was a sentence about no biological difference in the plans and from going back to us, it was a big difference where no net loss was primarily looking at numbers of acres, and if you had yes, you could have more acres than equal amount restored. But net gain was really focused on functional habitat and improving the amount of functional habitat that was available. So, to us, that was a really important and meaningful change. We have advocated for a number of reasons why you should stick with net conservation gain in the states where you removed it and also highlight the fact that that is such a big change it did require some actual NEPA analysis,

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		not just a statement that it seemed like no difference to you. That was a pretty big issue for us again, not just as it applies to locatable minerals, but as a broader component of the plans and something that the Fish and Wildlife Service have focused on in its finding in 2015 of the species no longer warranted listing. This was an element of the plans that they highlighted. So, we felt it was really important that it continue to function well.
0:09:33	Steve	I would just like to echo that when we reviewed the 2015 plans and thought about the non-warranted findings that this was actually one of the important safeguards, backstops, if you will, that gave us more confidence that this whole process would work. And so, this is very important to us, as well.
0:10:03	Allen	Anybody else have something to add? I suspect that there's some strong connection to the state plans so it'd be good to hear from the states before we go there, Laura do you?
0:10:23	Laura	I just wanted you to know that we're all aware of the U. S. Fish and Wildlife Service actually withdrew the mitigation policy for net gain, noting potential takings concerns on whether there's a sufficient nexus between the governments demand and projects harmful effects under the Koontz v. St. John River Water Management case. So the suggestion that Project Proponent can be required to do more than just compensate for harm they are causing, at least raised questions for Fish and Wildlife Service.
0:10:56	Nada	I just point out that Judge Du in her decision, when she upheld most of the Plan in Nevada, didn't require more environmental analysis for the sage brush focal areas, specifically addressed the net gain standard and did find that was acceptable and made sense. I think we're talking about something different than the FWS policy here we're talking about the way these plans were set. And getting back to Steve Holmer's point, why the idea being that this was a species that was already warranted for listing. As the court pointed out that the point here was that the agencies were allowing degradation to occur for multiple use purposes. But the degradation for sage grouse habitat should be counter active, counteracted. This was challenged already and not found to be arbitrary and capricious, and I think there's a good reason for that. At a minimum, we think the difference is still meaningful, and I think what you're saying, Laura, kind of backs that up it is a meaningful change in it should have been analyzed.
0:12:06	Laura?	I did want mention since you brought up Judge Du decision. One of our concerns in 2015 was we went from no net loss to net gain, getting no opportunity for public comment. And we objected to that. And Judge Du did not reverse, the agency said it was not a meaningful difference.
0:12:26	Cody	This is Cody with the Coalition of local governments. I guess I just have a question right up front and at least in Wyoming, the language says that new or the old, depending you look at it. No net loss mitigation standards provide a quote unquote, were linked acres and equivalency or uplift for the species. And I guess my question is, what's the difference between net conservation gain and uplift for the species? Is it not a substantively different concept? Or



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		do we just find new words that affect the same net conservation gain standard?
<b>0:13:08</b>	John	Okay, so this is another one of those one's that I think there's a lot of dust up over it. Um, I'll read the net conservation gain definition from 2015: the actual benefit or gain above baseline conditions. And then it refers to those anthropogenic disturbances in the monitoring report, but the actual benefit or gain above baseline condition. And if I switch over to no net habitat loss in the current proposal, is defined as retaining an equivalent amount of state or sage-grouse habitat after a proposed action that is equal to or above baseline conditions that existed before the proposed action. I mean, I heard you that there's some discussion about how much space there is between those two. Again, functionally, the way we approached it, what we wanted to do is make sure there was a state based third-party compensatory mitigation frameworks that were effective and useful. The way we did that, or try to support the state-based frameworks is to make sure we were aligned in our definitions with them. So if Nevada said Net conservation gain, we used the terms net conservation gain. If Utah, Wyoming etcetera use no habitat loss, we used no net habitat loss, and that's where Nada was coming at it. I'd like to hear more, I'm just giving you the reasoning here, we looked at these things as functionally equivalent biologically but pretty loaded, you know, from a human perception point of view, I thought we worked through it, but maybe we didn't.
<b>0:15:06</b>	Allen	As you read that quickly, John, I had a hard time telling the difference between the two definitions. So that's me. What's up? Tell me more. Obviously, it's not landing Steve or Nada where you would like. So, I'm interested in hearing some more. As in, do you have a suggestion about language? And if it's to go back to whatever the 2015 said, I mean, I'm fine with that. That's where I'm looking for. Help me understand.
<b>0:15:54</b>	Nada	I'll start then Steve can jump in and others. Yeah, I think our immediate suggestion was to go back to the 2015 requirement for the net conservation gain because it again is better suited when we're looking at a species that's on the edge than trying to come down to this acre for acre requirement and part of it does tie into compensatory mitigation that the concept is you're trying to always end up with benefit for the species. And when we were looking at acre to acre, that doesn't account as much for the fact that we don't always know that these mitigation measures are gonna work. We don't necessarily have a way to come back and ask for more. So, I think the idea is to make sure they're functionally uplifting the species. If that's a better term, functional uplift. I think we use that in the Plan in Colorado for BLM, sage grouse plan in Colorado we use similar terms. (Jackie) What was that term again? (Nada) Net uplift.
<b>0:16:57</b>	John	This is another one of those cases where I think we know a little bit more when we looked at the state mitigation plans they always provide because they account for uncertainty. Utah, even at its worst is going to be multiplied by four. Nevada has a big, complicated calculation and they always rolled

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		into quality of habitat. All the state plans do that. So, they kind of already doing that in our minds. But we're not demanding that they do that. Maybe that's part of the difference.
0:17:33	Nada	But, that's your job. I think that's what we're saying is that you as the Forest Service, similar to other agencies, you're setting the standard that's going to apply here. I think the way that you want to set out the compensatory mitigation framework, the way you pulled in each state plan in so much detail was really helpful. I think we actually said a lot of nice things about it in our objection. So, I understand what you're getting at. I think our main focus has been what the Forest Service's obligation is to put in its management plan. Seeking consistency with the states is fine, and obviously more functional, because we're gonna look to state agencies in large part for a lot of data and permitting, etc. So, I think that's not the objection. Objection is, is it the standard itself what that trickles down to when working with the states, even if we have a slightly different standard [inaudible].
0:18:39	Greta	I would also like to point out the change of standard five, at least in Idaho, drops GHMA from the requirement for any mitigation. And that's about 350,000 acres. So that's a big deal. That's 350,000 acres that you're not requiring any offsetting on and that I don't think was disclosed sufficiently or discussed the backs of that. I think that there's some real discrepancies between what the DEIS said about how to implement standard five versus the deletion of standard five in the final replacement by standard six. So, I think that there's some real concerns, in addition to changing the mitigation from local conditions being the ceiling instead of the floor in terms of whether we're doing benefit or net benefit or loss. And that's important, obviously the most important consideration. But there's also some technical details that kind of glossed over. It doesn't apply to as many acres as it used to.
0:20:04	John	Can I address that a little bit? There's a there's a little bit of there's more going on here, this is even controversial from the conservation biology and how you focus your efforts. So what we're doing in Idaho, we did the same thing in Wyoming, and Bob Budd knows this quite well, so the idea is really tier your management. So, we're looking at our PHMAs, essentially as the SFAs, as the best of the best. And any development that's gonna happen. We want to make sure it's pushed out, and this is the way the state plans are, so that change aligned with Idaho better. We did the same thing in Wyoming, and so the idea is, if you have equal, if you require compensatory mitigation on both GHMA and PHMA from the developer's point of view there's no difference between those two. And we know biologically in GHMA, if you're gonna have anything happen, push it there. But the way the plans were written before it said in both GHMA and PHMA may require this compensation, so there was no incentive to stay out of PHMA. And again, I mean, let us know what you think about that. But that's the context of tiering, having stuff outside of sage grouse habitat some lesser stuff in GHMA and even less most protective PHMA, so it's set up to tier. That's why that happened the way.

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0:21:23	Greta	I think that Forest Service should be focusing on pushing impacts outside of HMA, period. And so, you're sort of the other restrictions that are in PHMA should be disincentive for development, I guess, if that's what you're, if that's what you're looking for. I'm less interested in disincentivizing development that I am in proactively giving that species what it needs and I think the mitigation policy, as it existed, tried to improve and expand habitat for the bird on Forest Service lands. Whereas, now it's kind of like, um, status quo as okay.
0:22:10	Steve	Just to add into that, I'm looking at the text, as you know, the idea to create this uplift of the species but the no net loss standard is basically just status quo, in keeping things where they are. And the idea is that conservation is recognizing that, you know, wherever you see the baseline, it needs to be listed that we need to do some restoration, that bird in the habitat are in trouble, as indicated by the listing. So, I think that net conservation benefit is just the idea that we needed to put something back.
0:22:45	Laura	I just want to point out, as far as moving projects around, some of them just can't be moved, there's a mineral resource, locatable mineral or body is where it is, and that's true of other resources that come out of the ground as well. So, while the preference is to look to avoid PHMA. Sometimes that's not possible. I also have heard the difference between no net loss and net gain, described as net gain is no net loss plus one. And while I think even that potentially could have some takings implications, I think that, you know, plus one has a lot less taking implications on something much greater than that. I just wanted to raise because that explanation was so simple and sort of helped clarify that there might not be as big a difference as we might be making in it. I think that bears itself out in the details of some of the state plans as well. But to suggest that you can ever extract from someone who has a property right to make use of or develop a resource over a project and require that they do more than compensate for the harm they are causing. I think how serious constitutional implications.
0:24:06	Allen	Oh, thanks, Josh. I was just thinking about what the states might have to say.
0:24:12	Josh	As far as the question about not having mitigation in GHMA, I think the Forest Service is doing just what you wanted them to do and focusing on the PACs, which is the PACs are priority and important habitat within Idaho and so that's one main thing they're following exactly what you'd like them to do as far as following the priority areas for conservation. And the no net loss standard, I agree based on the governor's lawsuit and what happened to us in 2015 is there was an undefined; No one knew what net gain was. Your definition of that net gain and someone else's definition net gain. There was no, the boundary wasn't set or the definition wasn't set what net gain was. So your definition of gain might be 4:1, someone else's definition of net gain might be 1.1. This at least gives us and allows us to work with our habitat quantification tools that that we worked on with BLM, FS and the state of Idaho together as well as NGOs such as TNC and ICO to come up with a tool that looks functional acres and you can offset those functional acres. And so, if something happens here, we can offset that you can put it in the best

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		place for grouse to benefit them. And also, I think you talk about cumulative effects quite a bit. I think you forget about all the restoration Forest Service and other groups are doing out there. And so, I think that defined no net loss and focusing on PHMA and IHMA follows the PACs. I think they're justified in going that direction. I mean, they're taking the science and the PACs and moving them forward. And they have a defined standard of no net loss that people can say, yep, I met it because I had this many functional acres and I'm offsetting with this many functional acres, as opposed to an undefined net gain standard.
<b>0:26:23</b>	Allen	So, Josh, Allen Rowley here and then I'll go to Bob. Does Idaho define that? This is not a stump you question.
<b>0:26:38</b>	Josh	The number of functional acres? Our habitat quantification tool looks that the functionality of the habitat and based on that tool tells you the because every site is different. So, the number of functional acres that comes out, i.e. debits you offset that with you offset that with credits and they're defined in each way based on each case scenario based on functionality of the habitat. Some habitat is more functional than another habitat.
<b>0:27:13</b>	Bob	I just wanted throw a little history here because there's a lot of things that led to this that have nothing to do with what states are doing. In Wyoming, we didn't change a thing. Our habitats. Our framework mitigation framework is the same as it was 2015 but we had secretarial orders coming out. We had legal opinions on what terminology meant. And that conservation gain was bastardized by all those processes. So, trying to find a way to retain what we have, I think every state has a standard that is, that achieves net gain, and most of them are pretty significant. Utah you are 4:1. We're 5:1. That is in place and never changed, but we're all kind of looking for okay, how do we achieve that without using three words that somehow got bastardized. And so, in Wyoming we changed to habitat assurance, but it didn't change the outcome. I'd hate to see us get mired down in something that we all had to scramble to figure out how to retain, what is a common, I believe, a common goal. Yeah, and argue over the three words. The common goal is still being maintained in all of these plants. And frankly, it's a very aggressive goal and achieves everything. Uplift and everything that was quoted in the objection. So, it was frustrating for everybody, not least of which was FS after BLM. But that's the reality.
<b>0:28:53</b>	Mary?	We've actually have had conversations about exactly this. I agree with you that the word has become problematic. So let...fine. Let's walk away from that that word. And I think that, you know, in our objection, I think that the state is doing great. I think what we're trying to say is FS start stepping in, say you, you will enforce what the states are doing. You have a role to play, and we want to see that in the plan. Yeah, I don't want to fight over three words. It's not worth it. It's become political. But we want uplift. We want the FS to recognize that it has the authority to require uplift or to acknowledge.
<b>0:29:16</b>	Bob	Just John, I thought that's what we did achieve at least in our plan it does say FS rule. Am I off? That was the intent.

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0:29:40	John	Well, no, I mean the definitions is how I read it... and by using your plans and again this one that things at stake, what it says in WY, in most states, it says, prefer to use... that we can't just adopt their plan. We have to say.... So, what? Okay, the way this would work, a proponent would come and they create alternatives and we say, encourage the use of the state plans in the strongest language we can without requiring using the state compensatory mitigation. Then the deciding officials going to see an alternative with compensatory mitigation using the Wyoming plan. They could see one doing something else, and they could see another do something else. And they should be looking at the state plan and choosing that as an alternative that provides a compensatory mitigation. So, we keep it as much as we could to the states to address that concern. But we didn't do it to the point of many of you are saying and adding that word uplift or something like that in there. So again, I thinking about this functionally we did it. It was all the pieces were in place, just like Bob's saying, but we didn't explicitly. It was like one of the sleeping dogs lie. It's gonna happen with uplift, and we're afraid of blowing the whole thing up over those three words. But this is this is still useful. Understand? I mean, we can still figure out how to navigate that better where the teeth or more explicit. I guess.
0:31:05	Cody	Just a quick clarification. I heard a statement about the FS has the authority to do and trailed off and didn't hear the rest of it. Could somebody clarify that?
0:31:18	Unidentified	That was Mary Green.
0:31:20	Mary	The Forest Service has the authority to require and enforce compensatory mitigation.
0:31:26	Cody	Would you mind citing that for me.
0:31:29	Unidentified	Sure. Absolutely. Judge Du decision that there's no issue with compensatory mitigation and under. So we have this issue with BLM too, it's on federal lands. They have the authority to say we will enforce state requirements of compensatory mitigation.  (Laura) I disagree that Judge Du's decisions, supports that the U.S. FS has legal authority to enforce compensatory mitigation. There was a challenge in that case, but there were a lot of issues. And if you have the order in front of you and you can show the language, we can take a look at it during a break.
0:32:08	Allen	Just a minute.
0:32:09	John	No, I'm getting intimidated with all these lawyers here.
0:32:13	Allen	So, I am not. [laughter]
0:32:19	Allen	I want to change the dialogue of, you know, I'll see your hypothetical case and raise you two by citing something else. Instead go to, I heard from the States. So, Carmen and Sindy, if you wanted to speak unique to Utah and J.J. or maybe Colby could talk about Nevada, maybe. Right? I just want to give you space. It sounds like states have a higher, have a high bar for mitigation. And what I heard in Mary's comment whether we have the authority, or not I have some other attorneys, I'm also not afraid of intimidated. We'll work with them. What's the language that would provide that certainty you're

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		asking for? Do you have a specific suggestion to guide away from require net gain because we've already discarded the confusion with that word—set of words. Is there something specific that you would look for to go, yep, we nailed it? Because I just heard a signal, we plan to work with the States, but we haven't been very deliberate or as clear.
0:33:36	Nada	So, in our objection, we actually went through and identified places where we thought it could be clear that the Forest Service would be requiring compensatory mitigation while recommending and seeking consistency with the States. Because I think the statement was in there that the FS has the authority, and right now that's in place. And that was already in the plans repeatedly. So, I think we were just looking to make it clearer that, this is the standard the FS is gonna apply it. We're gonna try to use the state standards, if something happens in the States and they that standard never gets elaborated, or it's not clear, or it gets changed that standard would still be in the FS plan. That was the idea in general. And we accept that as a principal, regardless of whether you guys were using net conservation gain or whatever nicer words we used across the board, or if you were doing that mix you have right now of no net loss and net gain. So, I think we did try to be clear with just a few tweaks in the appendices. Clarify at the beginning of each appendix or each ROD or wherever you wanna put it now. That the Forest Service is setting up the standard before going to the state plans. But recognizing as long as it was our meeting the Standard and above, that's what people will work with. And then I think what them not using their conservation gain. I think we've talked about something like a net functional uplift or whatever you guys are comfortable with. That language appeared in John's definition.
0:35:21	Cody	Cody again with the coalition, the kind of reiterate there, we also have said that in on our objections pretty clear statutory and regulatory framework for the exact opposite position. And you know, we also kind of crafted a remedy. I just want to make sure that I'm on record, please, when considering, um, you know whether to fashion a net conservation gain or some hybrid of that, that we've also proposed discrete language to what I think is standard 23 or guideline, no standard 23 in Wyoming.
0:36:05	Allen	All right, so thank you, Cody. Nada, for that clarification. Part of that I heard, is a bit of a go fetch, back to me. It's in the objection letter. So, I was looking for I didn't I felt some space for clarity that we could all get behind. And, I was just looking to see if I could make that a little more complete. And so, we've got some references to do a double blind retrieve in the duck marsh we'll go find it.
0:36:48	Mary	Mary Darling, Custer County. Just want to go on record that I agree that in no net loss is a measurable, effective way to deal with this definition is clear.
0:37:04	Allen	Thank you. Um, Carmen or Sindy, you didn't talk about Utah I wanna give you space if there's something you want to add.
0:37:11	Unidentified	Well, this discussion has been great. The projects had been going on for the last several years. Regardless of what we might be arguing. We've been using 4:1, we've been using 5:1, there has been net gain in the projects that

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		have been going on for the last several years, so I know we're arguing over the exact wording, but in the meantime, projects are giving lift. So that's the only thing I want to add.
0:37:48	Allen	Thanks. And what are...so some of those being conducted by the Division of Oil, Gas and Mining in Utah. We may not be, we the FS, may not be engaged in because they're not a National Forest System managed lands. And how would those show up in our monitoring?
0:38:13	John	So again, once again, I'm dying to give you this thing. I'm waiting for us to come in. There is a table. I mean, if we want to get the projector, I kind of show the nascent, what it looks like. (Jody) No. We're not doing that. (John) I'm volunteering. So, there's a table that shows every decision on the forest for the last five years. Most of them are not applicable, obviously. But if they are, it says: Okay, were there stipulations? or was there compensatory mitigation, or was there anything required? All the ones I've seen, it's avoid and minimize and noise restrictions. That's what's happening. There hasn't been a need to even engage this program anyway. So, yes, that will be in the report. The other thing that's in the report. Speaking to the acreage stuff, this one table. I want a double check numbers, but in all the region's we've done about 500,000 acres of habitat improvements for sage grouse, with everything from taking down fences, to road closures, to whatever. So, there's a lot, and I wish I could show you, that's going on the ground that's positive. Relative to benefit and uplift and all those things, that's not necessarily connected directly to this compensatory mitigation thing. And we'll see that. I wish I had it for today.
0:39:33	Jody	When do I think you're gonna have it?
0:39:34	John	I'm starting to bend arms now. There might be some things missing. I won't to have the habitat trigger analysis for Utah until the middle of January. But we'll leave that to be determined and have all the other trigger stuff that we have been on the other hand can. So, I'll get a report by the end of the by the end of December, get you what we have for this year, and then we can update that I think will be useful. We're gonna need to roll it into any analysis we do. And they'll be really useful for discussions for folks here. So, we'll have something within a couple weeks.
0:40:12	Jody	So just so you know, we'll give him a break, in case something happens because Christmas is cancelled. Look for something by the middle of January. Okay, let's not push him so far. But I will make sure you get it copy, and then a link to the maps that we were looking at yesterday and those on the phone. But we won't forget about you, but I just don't want him not having Christmas. (Greta) I apologize for not having more details on this, but what I understand is that the only state in the Forest Service plan with the state standards require compensatory mitigation to the same standard as a federal requirement was Nevada. And so, Idaho, Wyoming, Utah and Colorado all have weaker mitigation requirements for compensatory mitigation then the federal plans did. And at least in Utah, the 4 to 1 is a voluntary participation

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		and so to the extent that we're relying on the state compensation plans, we should ensure that those were actually not just voluntary. That those are enforceable mitigation as well. If the Forest Service's relying on that; the state plans. (Unidentified) They're voluntary and they're working.
0:42:08	John	And again, from the FS, it's not. We're talking about exceptions, but that bar is, if you degrade habitat, you gotta create more credits. So, it's not a voluntary. It's not required everywhere all the time. But it is required if our deciding official is gonna approve the project, you've got to go to a state or something and show that you created those credits. So, it is required there.
0:42:43	Allen	Thanks, everybody.
0:42:47	Nada	(Jody) Nada, did you get everything you need to have out of this conversation? You got compensatory mitigation? (Nada) Yes, thank you. I just want to clarify, Laura, you raise the issue of the Constitution. I don't think I don't think we were suggesting this would only apply to existing rights. This is just part of the structure of the plans. A lot of these provisions would be as part of project approvals. I think that's a really important time to negotiate whether voluntary [inaudible] or required. I'm not looking for a takings case. I really appreciate all of these conversations.
0:43:31	Allen	Okay. There's another on this team, about renewable energy siting, which would be wind farms and solar farms and just save space. If there's additional information people want to bring into the room about those? (J.J.) Eureka County, for the record, still seeking clarification on the wind and solar. Okay, page 2-89 wind and solar. In general habitat, solar is not allowed at all, and yet wind is. Is there some way...we're just asking for justification? Why? (Allen) Yeah, yeah, we could talk about that. John, this feels like you've got your fingertips. (John) Bring it up right now. (J.J.) Just for full disclosure, solar is becoming a bigger issue out there in some of our valleys in Nevada as we look to retire farm ground for water reasons. And, it is general habitat because even though there's power lines, roads, and everything else so we're a little bit concerned about what's going on. I'd rather have solar than a bunch of wind mills to be honest with you.
0:45:02	John	I can say we based some of what we're doing there on a big analysis that BLM did that flocked into Nevada, the wind and solar thing. But I need to dig a little bit around. I don't have a good answer for you right now.
0:45:16	Jennifer	And that was carry over from the 2015 and so what I could find was looking at the BLM solar programmatic EIS, and where they had the solar energy development zones and it was like mostly concentrated Southern end. And that was tiered off the BLM and I just incorporated that because that was the only guidance I had, you see, because this was just something that had already been developed in 2015.
0:45:57	J.J.	I don't see a lot of solar development in Eureka County's piece of forest world, but it's confusing.



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0:46:05	Josh	In the Idaho plan, I think there was some jumbling of the words or what not when you were developing 24 and 25. We're all right with in PHMA do not authorize new wind and solar. That's good. It's the best of the best. Let's leave it that way. But IHMA on the next one, you have do not authorize. But, then you say the authorization must comply with 006. So, you're kind of saying don't authorize anything, but then it can apply with that project screening criteria. So those two things don't jive.
0:46:46	Allen	Thank you. So, Amy, Jennifer and John, you guys are tracking that pretty specific suggestion about the document. Thanks. (Amy) Got it. (Allen) Thank you. All right
0:47:08	Jody	Should we talk about transmission lines? Do you guys want that as part of this. (Greta/Nada) I don't think so—not prepared.
0:47:23	Allen	Okay. The other points that were raised include discretionary activities, economic feasibility, and if there's anything else people want to talk about waivers, modifications, and exceptions. So economic feasibility piece. So, what were you thinking about there? You know, when you take a long objection letter and put it into a bullet point there's much left to my imagination.
0:48:03	Laura	All right, Laura Granier, here with Western Exploration. The point was just, multiple use under 219.8, economic sustainability, economic feasibility. Which says should also do socio-economic analysis factor in and then specifically, you know, relative to locatable minerals, there can never be requirements imposed that would render a project uneconomic. Make it so that the locatable minerals can't interfere with the rights of the 1872 Mining Act.
0:48:41	Allen	Are you suggesting that we should have a standard or guide that triggers us to review some economic feasibility? Or how would we implement your concern?
0:48:59	Laura	I think it just always has to be considered as part of the analysis. I think you you've done that here. I think that was lacking in 2015 frankly, from the record, at least from the administrative records from 2015 decisions, there was socioeconomic analysis done that actually revealed a very significant impact that was just ignored. And so, really the point being, it's among the factors that have to be included according to your regulations. So, I don't think it's...I'm not sure I would identify a trigger. I just think it always has to be part of your balancing approach.
0:49:50	Allen	Yeah. Good to hear that description. Thank you. Huh? Anything else on waivers, modifications and exceptions that didn't cover yesterday? That we want to go a little further on. (Jody) Why not go back to discretionary activities? You guys had a lot to say about that.
0:50:06	Laura	I think we adequately covered that in our comments. I think the document, actually as it is, does a nice job of identifying when requirements apply to discretionary versus non-discretionary activities. Again, we are just making the point on locatable minerals issue and what came to apply.

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0:50:56	Esther	Actually, in our objection we included, I don't know if this is on this topic or a part of this discussion. One of our questions had to do with, um, use of the Wyoming compensatory mitigation framework. Um, under attachment A of the RODs, there's in the GRST-TDDDMA-025 management approach, there was new language inserted into that, that talked about if after avoidance and minimization the proposed projects still exceed the stips., that you would include an alternative using the Wyoming mitigation, compensatory mitigation framework. And that was something new. We thought it was not clear. And we didn't think that there was sufficient guidance that went along with that, too. You know how that used and why that's used there? And it was also something that was inserted between the draft and the final EIS. Can you explain that a little? How that works, it seems to, it seems to be pointing somewhat to the Forest Service to divert from the States' compensatory mitigation framework.
0:52:17	Allen	So, Allen, Allen Rowley here. While, John and Jennifer process that detailed reference you just gave. The way you read it, I jumped to the conclusion of the opposite. It was us trying to embrace the Wyoming plan. So, now I'm a little confused.
0:52:43	John	We share your confusion because what this does is management approach that outlines the process to indeed use the Wyoming's framework to calculate credits. That's what it says. Is that what you understood to say?
0:52:57	Esther	No, it's confusing to us because I believe in the draft, it said to use the framework. But then in this one, if you have added a phrase to include an alternative. So, there was some confusion on our part of what that means.
0:53:13	John	Okay, that's good. So again, we're getting sort of NEPA things. This is what I was dancing around before little. We can't just say we can't be pre-decisional and say: You shall use the Wyoming to calculate. You gotta create a number of alternatives that the deciding official would choose from. And this creates that process that says, deciding official, include an alternative that uses the Wyoming mitigation framework. That's about as strong as we can get without making a decision before making a decision. And that's why the language is that way.
0:53:47	Esther	You have to go through a process of alternatives when you've avoided minimized to the extent possible. And if you're looking at dealing with compensatory mitigation, you have to go through alternative to decide what to use?
0:54:03	John	So yes, again, any future decision is gonna have to go through a NEPA process. So, if a proponent comes in and wants to drill or do something. they're going to have to submit the proposal. We'll have to consider few NEPA alternatives, one of which will, could include, will include compensatory mitigation. Presumably, it would also show avoiding, minimizing all these ways to do it. They could site it someplace different as an alternative. They could site it in a specific place and use compensatory mitigation as an alternative. So, there'll be various alternatives that would be assessed, and we'd choose the right one. So again, everyone is gonna have in any specific decision...here's the process to use, but you're gonna have to

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		consider alternatives and go through NEPA, include a public comment, and all that kind of thing.
0:54:54	Esther	Okay, Thank you.
0:54:57	Bob	We have the same issue with BLM and it really comes down to an authority question. So, you can't take away the line officers' authority to evaluate, but you certainly, and I think this hit middle ground with it, it points to the fact you've got a framework that it's been, you know, ours now is now being legislated, but that it is in place and that's one you have to look at. The others would be, the example that's used is if a line officer felt that that was inadequate or it does not address a particular issue. They could raise that question from a programmatic way. That will go to Linda at the BLM and say, "hey, we don't think you caught effects". Then they start that dialogue and find out what was the appropriate mitigation. But what John said is right, it's an authority issue. We don't have any control.
0:55:49	Jody	Does that make sense, Esther?
0:55:55	Esther	Yes, thank you.
0:56:00	Jody	Anybody else on the phone have anything on this particular issue or anything else?
0:56:13	Esther	Are you covering exceptions now? To fluid Minerals or are you covering that this afternoon?
0:56:25	Jody	To fluid minerals...
0:56:26	Esther	It's on that list for this afternoon so I'll just wait a little bit.
0:56:30	Nada	Because the waivers, I have the same confusion. Waivers modifications, exceptions is in this part of the agenda, but it only applies to list of leasables it is not locatables.
0:56:39	Jody	Okay, so I will take complete blame for that. I left it in the wrong section. We could do it now we're gonna run out of time because I think it's gonna be a really interesting conversation. Why don't we just...Could we save that one until after lunch? Esther does that work for you?
0:56:59	Esther	Yes, that absolutely works for me.
0:57:03	Jody	Thanks. I really just need you to [inaudible] Yeah.
0:57:17	Allen	Yeah, coal and phosphate in Idaho as I was reading this. There were some objections raised around. Well, both too restrictive and not being specific enough about our management of the coal resource, and the phosphate resource in Idaho. That was taking several pages of objections and giving it some highlights. (Jody) Greta that was your stuff. (Greta) I'm sorry. I don't... [inaudible].
0:57:53	Jody	(Jody) You don't have to. We're not gonna make you talk about something if you don't want to. (Greta) Well, I think it was later, you know, just to say a coalition of groups of lots of people worked on these with different areas of expertise. Yeah, I know...I guess it's was the main concern was that GHMA was taken out of the proposed guideline revisions for non-energy leasable minerals and that phosphate mining, at least an Idaho, there's some phosphate mining in GHMA Forest Service lands and there is a concern that sage grouse are

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		unprotected because GHMA wasn't included in the plan. That's the best I can do.
0:59:01	Jody	Good. Thanks. Here's one last one. It's really fun—because I had to figure out what they were talking about.
0:59:10	Allen	Yeah. So, there was one objection raised about employee camps. I would read that as oil field worker camps and where the site goes.
0:59:19	Unidentified	That was not me. [Some chatter] [Confusion on objection author/comment]
0:59:50	Jody	(Jody) Wanna talk about employee camps? (Greta) No, you know, it says they're basically that change makes that more discretionary. That's a concern we have with all of the plan that keeps coming up. Where there's discretion, we're concerned about sage grouse.
1:00:10	Allen	And, Esther and Laura. Well, Esther, with petroleum, you might have more insight into this. Laura has talked about reminding us of the need for economic feasibility. It's part of asking, that's part of our routine as we analyze projects. How big of a deal is that with the petroleum industry, the location of the employee camps? So that's not a setup question. Esther, that's not a setup question. It's me asking for understanding of sensitivity.
1:00:54	Esther	Sure, and I really don't. I'm sorry. I don't have an answer for you, really on that.
1:01:03	Laura	So I wanted to clarify my comment earlier, as I listened, I realized I might have conflated two issues in your question relative to your land management planning, which is what I thought you were mentioning. I think economics are always important balancing factor for a locatable minerals project. It's absolutely critical that every step of the way to be sure that we're not stepping in front of all of the 1872 mining law.
1:01:37	Allen	Okay, and then so the fluid the state is handled differently. We can talk about that later this afternoon.
1:01:47	Jody	Right? Esther, you're gonna be on the phone this afternoon.
1:01:51	Esther	Yes, I am.
1:01:52	Allen	Good. Scheduled to 12:30.
1:02:06	Jody	I think we should have an hour and a half lunch. Wouldn't that be great idea? Let's do it.
1:02:13	Allen	I'm good. I want to check on the phone. Steve Holmer, you haven't spoken up recently and I wanted to make sure that we're not ignoring people on the phone. The suggestion in the room to be clear is break now and come back at 1:30.
1:02:31	Jody	1:30 time that we had scheduled.
1:02:34	Allen	1:30 the focus would be management of the fluid resource is fluid estate, fluid minerals.
1:02:44	Steve	You bet it...this is Steve Holmer and I'll be back when you all start up again.
1:02:50	Jody	All right, well,
1:02:51	Jody	Thanks for joining us and persevering and go have a good lunch.

## Transcription of December 11 – 1:30-3:30

Time	Speaker	Content
0:00:00	Jody	I am assuming that's leasing oil and gas, all that good stuff. So, do we have any questions? Anything that we haven't covered this morning or do we need to do a do-back or a do over or a Mulligan or whatever you want to call it? Are we okay? Hopefully, what time is it? Esther will be on because I know this is one of her things. So just now 1:30 so, do we have any new people? Are we all okay? Nobody from BLM.
0:00:39	Braden?	They couldn't make it. Quincy texted me and apologized, but said he would like to be involved. (Jody) From here on out? Yeah just keep him in the loop. Okay, at least they know that we care. (laughter) Allen should get the credit for that. Um, okay, let's talk about oil and gas.
0:01:06	Allen	Alright, leasable and fluid minerals. The bullets in the agenda are a mix of broader scale - all plans, all states, and site-specifically. So just call out yesterday, Bob talked about it was in the disturbance cap conversation of Wyoming, the hypothetical case of a number of well pads in this case per section or 640 acres per square mile. And Bob described this...what's built into the Wyoming plan are the one site per 640. So that's again a Wyoming plan specific. Then there's also the same bullet talks about the national technical team report as well as closing lands to exploration. So, both those I think are well, let me say that the one for 645 is very site specific in Wyoming. Other states may not have anything, something quite like that. And then the rest of the bullet is actually is range wide. Noise restrictions again vary a little bit by state. We have stipulations, and we have a specific case just for you about the Anthro Mountain and some objections there. Um, let's see. It seems like there's more from this morning to carry over. We covered...
0:02:53	Jody	Well, remember Nada was pointing out that the compensatory mitigation crossed over both.
0:03:00	Allen	Yes, fill in this gap. So we can, if you promise not to go into the spin cycle, in debate. We should have space to talk about that some more. If you thought about it over lunch in terms of the conversation about mitigation.
0:03:17	Jody	The other issue that tends to kind of go throughout the entire amendment would be the disturbance caps because it's not just. We talked a little bit about it before, for sure here. And then, of course, we're gonna want to talk about noise restrictions this afternoon too.
0:03:41	Jen	Then it was also, this is Jen. This is the last, the waivers, modification, and exceptions, that was the. (Jody) Right, and that's another crossover
0:03:50	Allen	Probably the place it fits best quite frankly. (Jody) They should never really split them out at all. (Allen) So in terms of objectors in this the whole afternoon session, in terms of lumping it all together. National Audubon Society, Western Watershed, Wyoming Coalition of Counties, Custer County, Humboldt County, Nevada Association of Counties, Eureka County, Wyoming Coalition of Government already mentioned and Wasatch Audubon in addition to the National Audubon. So with that, um, who wants to start that conversation.

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0:04:33	Jody	You want to focus on surface occupancy?
0:04:35	Allen	I think we should probably start there. With what you all were collectively concerned about in terms of surface occupancy. I would say there are. There's no, um, mineral withdrawal that was not proposed in the '19 decision. Even though I bring that up because fluids are a little different, but I just wanted to clear the air with that. So what's left for the agency decision is the framework, as I understand it, for the Forest Service is the management of the surface estate and stipulations we would put on oil and gas development to protect surface estate, and that the downhole activities. The on-the-ground work is the jurisdiction of Bureau of Land Management oversimplification but I think it works. So any ideas?
0:06:10	Greta	Greta I really hate doing this to you but I feel like in this particular issue.
0:06:15	Greta	Oh, you know, that's fine. I think, this is Greta Anderson, our objection pretty well spelled out what our concerns were and I also feel like you captured the objection, almost verbatim here so yeah. I don't know that there's anything you need to talk about unless you have questions about our recommendations
0:06:43	Jody	It's useful and it has been useful at least in my perspective. I don't know about the rest of the room. And I know Allen for you, to kind of, if not to regurgitate what you wrote us because you are right we've got it all as a group just to hear because sometimes you, when you're talking, you really feel, just what your bottom line is. So it's really useful to hear that from you. If you would be willing to at least summarize a little bit of what your concerns are, I know it is exhausting.
0:07:17	Greta	No, sure. But you know, as with many portions of the plan it seems that the changes were all unilaterally headed towards more resource exploitation and more opportunities for development within sage brush ecosystems. There were changes with lek buffers and areas where the no surface occupancy standards were weakened. There were, and I am getting into the fluid mineral stipulations, which have a lot of specificity. I think Western Watersheds project generally believes that this is a, and our coalition believes that this is a big threat to sage grouse into the extent that the Forest Service can provide durable standards to protect key areas.
0:08:28	Greta	Or priority habitat important area. I'm not using the HMA acronyms, I am just saying, you know, important to the species habitats. I think that's what we're objecting to is the changes that we perceive the weakened protections that were in the 2015 plans.
0:09:01	Jody	Okay Allen you need to get your counties to talk
0:09:20	Allen	So the...John and Jennifer, how might you describe the direction in the draft decision around priority habitat management areas? PHMA's when it comes to the fluid estate.
0:09:46	John	That's good. It's based on the management area. This was a little confused in the comment that refers to buffers. What we say, and the PHMA there is no surface occupancy. Um, It's one more, it's pretty clear. I am not sure is there other things you might want to flesh out?
0:10:13	Allen	Well, because it ties to comment from the county about. It's not clear to them, what that impact might be to the development of the fluid estate. So what

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		<p>effects analysis has been done, I am trying to paraphrase for the county for any other feedback you might have. Tell me more about that question. Is it about an analysis that's not clear or are just asking for something besides NSO?</p> <p>(J.J.) So from the Nevada side, Humboldt, NACO, Eureka, our objection on the noise was more related, wasn't really related around fluid minerals, if you will. It was noise, and we gotta go fix the road that washed out it's gonna be a disturbance. We're gonna be above 10. As we gotta put that back in for public safety. And there wasn't really an avenue that we can see in here for that exception. And that was our objection to that. We need something there. This is where it got lumped, but...</p>
0:11:25	Jody	Noise is in the back. (J.J.) right.
0:11:27	Allen	But it got lumped into minerals, right? (J.J.) That's how it got lumped. (Jody) Noise is a weird one too,
0:11:29	J.J.	I know, but that was our concern, right?
0:11:33	Unidentified	Right, more specifically in Nevada. So I won't get into too much into details, of the Nevada ROD. But, um, you know, in one place, you'll have enumerated exceptions for activity that was previously authorized, say within the last 10 years, etc. Then when it comes to noise restrictions, it seems that certain exceptions are enumerated. But clearly, there would be administrative functions that exceed the noise restriction. So, not a huge ask. Maybe just either an explanation of how those aren't, in fact, intention. Or how maybe we are not perceiving or misperceiving attention or a contradiction or additional language expressing, how certain administrative or emergency functions can be excepted from the noise cap, basically the ten decibel cap. Like the example J.J. was saying from Eureka is if your road washes out and that road provides regular access. And it just happened to be during the nesting season, you're gonna go out and blade that road to provide necessary access. That blading is going to be louder than 10 decibels.
0:13:04	Allen	So that's actually an example is helpful for me. So appreciated.
0:13:09	J.J.	And by all means. I mean, if we need to put it, we're not gonna do it until 10 o'clock in the morning. Okay, we can make arrangements to that so we're not just disrupting them on the lek, but we got we're still gonna be noisy at some point for a few days when we are getting that done. We're not going to go do it in the middle of the night, unless it's a major emergency.
0:13:25	Jennifer	This is Jen Purvinve, should we read this? So that everyone knows what we're talking about from the noise perspective? Because you just you just said something. This is Nevada, I am reading about it. This is standard nine. Do not authorize new surface disturbing and disruptive activities that create detrimental noise levels at a perimeter of an active or pending lek during leking generally March 1st to May 15 from 6 p.m. to 9 am. And then we have a definition.
0:13:55	J.J.	And if there was an emergency, for whatever reason we had, you know, like I said, we had to do it. If it was regular maintenance, we're not gonna do it

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		<p>during those time periods. If we had to do something, we might have to do it during that time. I don't know when it's going to wash out, I don't know when somebody is gonna have an accident. Whatever the case might be and we gotta get out and divert around it.</p> <p>(John) Here is something that we're gonna add to that discussion to again. This is one of these things when it was envisioned, most of the noise stuff literature you're talking about pumps, compressors, all that kind of things. So that's what was what we're envisioning with it, right? Maybe that's not enough. Maybe, you know, maybe it's just right, but we weren't thinking about an ATV driving down the road or whatever, but that's where it goes and people in terms. The thing is, no matter how precise would try to write it, it could still be interpreted for some scary place, whichever way. I think we try to fix a little more, Um, in Idaho we talk about new infrastructure facilities. It's really more about loud stuff. Maybe we have to clarify what, where it's gonna land relative to discing or ATV's or road maintenance or whatever. We had hope everybody would do the right thing and not disturb. That's all I can say, that's where we're coming from. So maybe we need more discussion.</p> <p>(J.J.) In the true state plan we have a variance for this kind of stuff for the local government, and it didn't translate over to this, of course we just did that month or so ago.</p> <p>(Unidentified) I think in our comments and I am not married to this, we suggested that you add into standard nine, activities that would create a more permanent and long term would sustain noise levels, I think captures more say fluid or mineral extraction. Something temporary like a temporary county function. I would have to take a look.</p>
0:16:00	J.J.	<p>Because there are other things. We run large gen sets and stuff at times, for lights and that kind of thing. When we're doing this, It's noisy, you can't help it.</p>
0:16:12	Mary	<p>This is Mary Darling from Custer County. What does the forest service do? They have road maintenance that's extremely noisy when they have blades down? So how do you handle that?</p>
0:16:39	Mary	<p>(laughter) We don't do it.</p> <p>(Mary) They used to have roads, used to. That's a good idea. We were not in that meeting today. In the meeting another day. I didn't go there. [inaudible]</p> <p>(John) So yeah, again, it was approached differently in different states where it uses, in Idaho it uses the word sustained noise. I mean, that's what they were aiming at. In Nevada they did it with a management approach because again, the way this also happens some of the reasons you see these differences, is working with the local Humboldt-Toiyabe. They know the ground, we all suggest a means of getting to where we want be relative to the noise or something. And they wanted. They thought the management approach, which says no. And here the hard thing about noise is the science is doing, oh, all sage grouse stuff. The science is doing this constantly. You know, there's 15 papers a year, and again, this is the flexibility issue is to try enough to build enough flexibility is so new so we can adapt as science goes. That's one of the overall things is when you put a number down and the science changes, you're</p>



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		<p>stuck with that number for 20 years or however many years, these things will be in effect, so stick with noise. They created that that room in a management approach in Nevada. Other one's talked about consistent, sustained noise. Again, we can have discussions about that because someone's going always going to say What do you mean by sustained, what do you mean by that? So maybe again it needs more thought. I'm not sure, we have thought a lot about it, and it's a hard one to get to.</p>
0:18:02	Allen	<p>So beyond, a question for the whole group, beyond the emergency situation public access for the folks that live up South Fork of Fish Creek and the need to get out to town. So that's an imaginable... I can imagine that scenario popping up somewhere in the intermountain west. There's also then we could expand that and say, Well, we're going to operate outside of leking season for a larger road heavy maintenance reconstruction project on the county road, and it includes a gravel source with a crushing operation on National Forest System lands. Short term, not sustained, but it might be 30 or 45 days. And then we have the compressor station that's gonna run as long as the wells are wet, or producing. Um, so in there is there, is this a space for the local technical team to help decide where on that continuum to operate? That's an open ended question. Because the compressor station feels like it's clear to all of us. Well, I'll stop speaking for all of you. The compressor station feels clear to me where it lies. The emergency fix the road up South Fork of Fish Creek feels clear to me where it lies. There's this gray place in the middle where John has tried to use some words. Sustainable, nonemergency, longer term, I don't know. You know, English language is imperfect there. Is a role for a technical, local technical team to sort through. It's just a question, because I know I would expect people are looking for some assurance that it's not an open-ended decision. People are looking for some certainty, and there's a process piece in the way.</p> <p>(Bob) I could give you an interpretation that we would have in Wyoming and, I don't know the technical team would feed into that. It's a permit condition that would, a stipulation that would be put on a permit that says during this time period and these hours, you cannot exceed 10 decibels above ambient, and that's cumulative of all of that. In other words, it's not 10 per Reagan and 10 per Linda. It's 10 total. So the company would come in, eyes wide open and say, all right, if we're gonna drill a well, which is sustained noise. We need to get outside that rhythm, and that's what they do. It's so it really it is a permit condition to us, the same as many other permit conditions.</p>
0:21:15	John	<p>Okay, and that's the way it's operating in effect, especially in Wyoming. In PHMA, do not authorize new projects that create, so it's really based on some authorization that's moving forward, not on some of these other potential scenarios.</p>
0:21:32	Greta	<p>I would note that one other change in the Nevada standard is changing it from unoccupied lek to just an active or pending lek, and so that basically means that the noise standard only applies to Leks. It reduces occupied as once in 10 years. Pending is in active within the last five years. So we're basically writing off protecting leks that haven't been active in the last five years. You're</p>

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		shortening the amount of time that you consider a lek worth protecting. And that was a change in the plan that wasn't analyzed.
0:22:15	J.J.	Greta, it actually pulls in pending, leks. So I disagree with that. It's actually more protective.
0:22:21	Greta	I, I understand that it could be.
0:22:25	J.J.	No, it will.
0:22:26	Greta	It doesn't say that in the plan.
0:22:29	J.J.	Pending. It says. but by definition pending isn't protected in '15. Wouldn't wouldn't have been included in '15 but it is in the changes.
0:22:40	Greta	I understand. I am also concerned that we're letting go of occupied. (J.J.) Occupied is active. (Greta) Occupy is once in the last 10 years. Pending is, pending is an active within the last five years. So my read of that is that you're not applying if there hasn't been activity in the last. Oh, I know what you're saying, wait a minute...I have to, like, draw this out for myself because we saw that change when we saw the time frames changing and it seemed like that was reducing protections.
0:23:25	J.J.	But it was, I think it's pulling them in. So is the way we interpret it.
0:23:38	Greta	I need to draw myself a picture. With my lek. (J.J.) We are fine with it. (Greta) Yeah, here I am with my lek (laughter). Someone else can draw the picture and try to understand it that way
0:23:42	Allen	That's actually helpful in terms of understanding, and then maybe I've got it wrong. having the same understanding. So thanks for bringing it up.
0:23:50	Jody	Somebody want to use the whiteboard to draw a lek? (J.J.) Can't write or draw, forget it.
0:23:57	Allen	There's some someone on the phone wanna participate in the conversation?
0:24:06	Steve	Well, this is Steve here. I don't really have a lot to contribute in terms of some of the technical details, but I say there is a broader concern because there has been a strong push to increase the amount of production, and so I think that that's just, you know, makes you know some of these mitigating efforts all the more relevant. And, um, there's also been a number of internal directives within the agency to really focus on resource output. So there's just, you know, I guess, a general concern about you know that the balance maybe getting lost in all that and what we're seeing in the details of this plan don't help. So I guess just trying to think about that broader picture and maintaining balance and perhaps tilting the balance back a little bit might be appropriate right now.
0:24:57	John	If I could add one other sort of clarification on this, it's John again, um again in this and again, the motivation, I just wanna make this clear. There hasn't been motivation on sage grouse to do anything but the conservation and do this more efficiently. Hasn't been more about getting more cut or resources out. That hasn't been the pressure on us. I just wanna make that clear. But where this gets really difficult with active, pending, occupied, every state has got a different definition of what they consider these things. And that has been a navigational problem. We should re look at this. You might be right. I'm not

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		sure for frankly, because when we look at these, I know what the intent was. But all the definitions kind of get muddled up there because it's a biologist coming out from different angles. So...
0:25:49	Greta	Well and I think the important thing to note is the Forest Service has the opportunity to write the definition that it needs for its plans and, you know, But the way that I see this is you're writing off anything that has been has not been occupied in, er, has not had anything in over six years or five years. You're basically protecting the things that hasn't had any males in the last five years unoccupied as no longer being, stipulations are being applied. So I don't know, that's just Nevada and you don't remember what other states say but that was our concern. Okay. And we think that in terms off, you know, looking at sage grouse trajectories where you do have a long term, you know, cycling species writing off habitat after six years, isn't it a very good method.
0:26:44	Jody	So just to intersperse here. I think all of everybody at the table will understand finally how important this meeting really is. Because he told us the intent, what he thought it meant. You told us what you read, and then all of a sudden it's like, oh you know what we need to fix that, because, and to me, that's happened more than once this week, so I think this is valuable, this is where it will go.
0:27:17	John	And to add on that too, and this is why we have to think about it. It's not written...it's not writing it off. The thing was, is if anybody sees a bird there again, if you see a bird in the last five years, it's back on. So again about intent, and I know words matter, but maybe we didn't say what we meant. But the point is, is not close things down if there's no birds there. That was the idea really.
0:27:40	Greta	Well and my counterpoint to that would be allowing, you know, disturbing noise that's gonna keep it from being occupied again is writing it off. You're preventing that life from being reoccupied if you allow the disturbance that will cause the grouse to avoid it, so.
0:28:09	John	The nice thing is, in some of the other states, they don't drop in, occupied or whatever they it's in the management area, you know, it's
0:28:16	Greta	Right, absolutely, and I think the Forest Service should look at, you know, drawing the line where the line needs to be drawn for the grouse. Not, where states want it to be drawn for their industries.
0:28:33	John	Yeah, we're navigating against, you know, for preport. The state is the agency that's managing the bird and to the best as we can to be in alignment what we are trying to do is align as we can with the biologist and speak the same language as much as we can with the local biologists that are managing the birds of that local scale. And again, maybe we hit hard. Maybe we missed it and completely understand what you're saying. But again, that's our intent is just to try to get us all speaking the same language towards the right direction. That's why these differences of words they're happening.
0:29:08	Mary	Mary Darling Custer County. What is the best available science at this time for a new noise disturbance on sage grouse? (J.J.) All over the place. Noise. Depending on how they study their methods. (Mary) Is there anything anybody can cite?

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0:29:23	Bob	We're a little ahead of ourselves. There will be a paper that will be out, Ambrose et al. probably February, I don't know when he is going to have it finished. I talked to him in September, he was still working on it, that actually I think will help with this. What we've done to get where we are in Wyoming is we've consulted with largely with Ambrose and with others and have said, where are within the range where we should be in his answer was Yes, but they haven't published a paper yet, so we are kind of trying preordain a little bit what we have learned in the last bit and that is a reality.
0:30:02	John	To directly answer it, so we've been basing our stuff. We gotta Patricelli paper that we've been basing on. But we've been trying to give us enough room because we know, a bunch of stuff is being done and coming out and again it is how do you adapt as you go, but still have some teeth and numbers in it? And that's what we've been struggling with on that one. But we've got down there's science.
0:30:32	Allen	Anything else about noise? Duly noted this? I didn't hear much feedback about this notion of, careful with the word, but that emergency to fix the road up the South fork at fish creek when it washes out because people are up there and actually need to come to town. So, I didn't hear anybody voice opposition to that. I, um, in full disclosure, I'm concerned that we all have the same understanding on that. I pointed out to me that gray scale of if it's black and white at one end is the compressor station. At the other end, I put the emergency. There's a bunch of gray in the middle. I was looking for some help finding a line there, and I didn't get any hard feedback on that. Just my observation. I'm ready to move on. That's where I leave it.
0:32:02	Greta	This is Greta again and I'm sorry but I just want to circle back. That the occupied, active, pending lek terminology comes into play. Also, in grazing fence construction and livestock, infrastructure projects. And when those are allowed to be conducted, at least in the Nevada plans. So, I hope we can work that out.
0:32:24	Allen	And that's specifically for the construction activity as how would you describe it.
0:32:35	Steve	(Greta) Yeah, under grazing. This is Steve again. I guess this whole conversation it strikes me that we really need to probably need to be thinking more about avoidance and not waiving standards for the sage brush focal areas for the prior years of conservation for allowing leasing in the PHMA. I just feel like we're gonna, if we just kind of keep pushing these limits. I just don't see how we're gonna really bring grouse back.
0:33:07	Allen	Okay. Thanks, Steve. So I do want to circle back to one other point. I mentioned this earlier, and this is let's put it out one more time to talk about. Some county objectors described that they don't think the 2019 EIS discloses an analysis of how many acres of No surface occupancy that through the application of no surface occupancy, how many acres are now not available because it's not practical to get there with directional drilling or something. So we have isolated parcels with NSO and don't have and there's no way to get

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		there. That's how I think I interpret that. So I'm curious if we got that right and what that analysis looks like.
0:34:16	Jody	Not ringing a bell.
0:34:25	Allen	Okay. All right. I'm good.
0:34:36	Cody	I guess I'll chime in quickly. This is Cody, with the Coalition, you've articulated our objection accurately. And I'm not exactly sure what I can offer at this point to move the needle, that's why I was a little bit hesitant to jump in there.
0:34:56	Allen	Okay, that's fair. That's fair. John, a question mark there?
0:35:02	John	Yeah, a question so relative to that. So the NSO is...all PHMA is NSO. So is your question. So that's the analysis is the acres of PHMA is the acres of NSO. But we don't know where every, all the resources are. Is that your question is like, what, is there anything that can't get to by directional drilling or something?
0:35:26	Allen	That 's how I...
0:35:27	John	And we wouldn't do that, the answer to that, until leases are proposed. I guess.
0:35:40	Jody	So here's the issue that he brought forward, the inter-relationship between the closed areas, acres and the NSO acres include significant cumulative and connected impacts. But they don't feel they were analyzed.
0:35:59	Cody	To the extent that there is a gap there, which we think there is between. You know, there's areas can't be accessed that if there's an NSO, and there's, um, closed boundaries, how those two designations interact together. If there are mineral acres that can't be accessed, then we need to know how many acres. And if you can't, I guess, come to a hard figure than that gap needs to be stated. As far as I can tell from, between the maps, map 2-4 and the analysis that 115 in chapter four. I'm not sure there's a statement of that figure or a negative statement that you guys can't come to that figure.
0:36:58	John	Yeah, my guess is we'll probably have to conclude that so all PHMA is no surface occupancy, and we could assume that there is some subset of that that can't be accessed, but we don't know what that number is and we wouldn't until projects are proposed.
0:37:13	Allen	So, Cody or Esther if you're on the phone, is there, some information? Some modeled number from industry we could use to do that kind of analysis, that you might suggest?
0:37:34	Esther	Um, you know, that's not something that's out there, that was not something that was brought to my attention, but I know it can happen because we're dealing with it on other issues. So sorry I can't help you with that, but maybe Cody has a better answer.
0:37:52	Cody	I don't, I mean, it's more of can we resolve the gap rather than, you know, I don't necessarily have figures or data to fill that gap.
0:38:06	Allen	Okay, so my question was, Go ahead Ester
0:38:12	Esther	I actually do have a question. I keep hearing someone saying that all PHMA is NSO that that's not the case in Wyoming.
0:38:29	Bob	I was gonna make the same correction. It's not NSO, um, it's restricted. But my concern with the with the question that's being raised is you're actually trying to prove it. We have never to my knowledge, Esther, you can correct me but we have not had a company come and say that because of sage grouse they

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		cannot access their mineral there. They may have to find a different way to do it. I mean, we've looked at numerous technological advances, to allow them access mineral in a much more efficient way than when we started this in 2007. But that would be something that would rise immediately to the governor's level if we were restricting their right to get to the mineral. So I don't think it's a real situation occurred. It may be something you could analyze on paper, but I'm not sure how you even analyze it. Given the mixed ownership of lands and our jurisdiction. Private, private, private/fed, that you know all that. I don't think I don't know that you can even analyze it Esther, am I missing something.
0:39:37	Esther	No, I think you're right. It happened on a couple of different types of issues. Mainly coal conflict has stranded parcel, and, some migration corridor parcel deferrals has ended up stranding some, but that never happened in sage grouse.
0:40:01	Allen	Okay, Thanks for that, Bob. I was actually thinking through the what analysis would look like there's so many hypotheticals. I didn't know where to turn. So that's why I went to Cody and Esther for ideas. Thanks for sharing the Wyoming experience. That was helpful.
0:40:22	Esther	But I do wonder, um, you know, just as far as like on the coal conflict issues there in the BLM plans, you know, there's a remedy where you can require a review, or request a review of the parcel to see if something can be done. I don't know if that can happen in this instance. I'm just throwing that out there.
0:40:45	Allen	And, Esther, I wonder about coal as well, there is a difference. The approach to coal in the Thunder Basin area of Wyoming, the strip-mining approach is pretty different from the subsidence hard rock mining approach that happens in Utah by the Greens Hollow. I think that's the name of that population right down by that Sufco mine. Just very different effects and different issues. So again, the conversation of isolation of the resources, just a complicated Rubik's cube. (Bob) It's also beyond the scope of this.
0:41:51	Nada	Okay, um, before we totally leave NSO I just did want to circle back for one second because we didn't have all the detail out on the conversations before.
0:41:59	Allen	Okay, let me let me wrap this up and I am going to turn back. So there's a process piece here. With the feedback, Cody, you raised the, spoke about this issue. There's an opportunity for you to withdraw your specific objection on this point which could help us in terms of paperwork in keeping records the straight. And it's your call. So, I don't know what more you need, to reach that conclusion that that's yours. But I want to give that option out as we wrestled at the ground I heard other voices chime in. So mull that over and Jodi can talk to you off line about some of the specifics there. But I wanted to put that out.
0:42:56	Cody	Thanks.
0:42:56	Nada	So, yeah. This is Nada I just speaking. I just wanted to make sure, you know, we talk generally about the NSO issue, and I just wanted to float it again for John in our, in our objection, we have been really specific about some of the ways the exceptions were broadened between the draft and the final by state. And we thought that was concern and those needed to be addressed because, for instance, and from the Colorado plan, the considerations for

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		<p>anthropogenic disturbance caps and the Northwest Colorado original plan that there's one disturbing surface disturbing activity per section disappeared and in Idaho eliminated the requirement for the population to be stable for increasing over the last three years. And Nevada required, eliminated the requirement, that habitat suitability had to be determined by and this was your words but maybe there's a reason you took them out: "A qualified biologist with greater sage-grouse experience" it was weird to see that leave, and in Utah it eliminated the requirement that any exception that was granted must also include provisions for controlled surface use and it's timing limitations. Which to us those are important if we're gonna be granting exceptions in more habitat now, which, as we talked about yesterday, we are. It's really important that we have in Wyoming these expanded GHMA from just exceptions to waivers and modifications. Again it's just.</p> <p>(Braden) We can revisit in Utah. we can revisit that I think. You know we drop the exception so narrow, we thought, is it really even going to happen. First off, I think I will put it out there, that if we want to look at that as an action item, we're willing to visit with constituents with our biologists just so that we can still live with it. Thanks.</p> <p>(Nada) Thanks, Braden. This is Nada speaking, I think that's a lot of what we're looking for is just to understand. What we've appreciated about the Forest Service plan in general was it was more detailed on what the exceptions would be and um, to lose any of that specificity it's concerning. These were some good provisions that were in the draft on how we can grant exceptions and we'd like to see them carried back in.</p>
0:45:14	Allen	<p>So thank you. And I respond to that qualified biologist in terms of having been managing a piece of real estate, you know? Where is, where's your union card? You know, how do I know? That seemed like ill defined, well intended. So, I would ask for it not to be written down because I don't want to do with it, so thanks for that feedback. I get the message, some level of trust in experiences.</p>
0:45:48	Nada	<p>Right and that was just the Nevada one. It's just, I think the Utah one particularly would be helpful to have CSU guiding it.</p>
0:46:01	Allen	<p>Seems like there's a process piece here with this conversation about, um, some objection review processes I've been in. We've identified specific homework assignments for the objectors, and this felt like maybe an opportunity here.</p> <p>(Nada) Wait, who gets the homework me or you? (laughter)</p> <p>(Allen) So sorry about the metaphor. Let me say in terms of... Braden had the right answer. If someone does it in a vacuum, it of course it will be perfect in their eyes. So, we're looking for more eyes, so, yeah, I think you have a...</p> <p>(?) Do you not have a process?</p>
0:46:57	Braden	<p>So our Office of Oil, Gas and Mining usually they would actually , that's why I'm saying we could revisit this because we usually do a permit, we're gonna put in some type of stipulations anyway to the permit. So our division of wildlife, our oil/gas and mining folks will probably say hey let's just put in the stimulations anyway, so that's why there might have been some folks saying hey, that's just</p>

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		another burden on top of that. But the more we think about how we permit these activities anyway, at the state level, our plans to say they require some type of stipulation and conditions.
0:47:33	Jody	If you do that, if you guys work together and get that sorted out is that going to change what we say in the forest service plan? (Braden) It might be your impact analysis, would probably be a little different if we analyze it. (Jody) Okay, I just need to know.
0:47:48	Allen	I thought it would show up differently in a standard a guide or management approach. That that's the surety that people are asking. Did I get that right? Yeah...
0:48:06	Jody	So, I think it's important in this section to understand that there's truly two sides. I mean there's always two sides to the issues or there wouldn't be an issue. This one definitely, there's a lot of people have been really quiet. But, what we read in the objections, there's a whole bunch of folks that are worried there shouldn't be any stipulations. Because that is going to by de-facto, eliminate any oil and gas development by so many restrictions. Then we got, of course, what you guys submitted, which is we didn't do any effects analysis on the changes between draft and final on these exceptions. So I just want to make sure that everybody understands when we get to the final that the balance seems between these two very different approaches. But I love that, to fix that so that we could.
0:49:04	Greta	Well I've got a lot that I can suggest for Utah (laughter) (Braden) We will have to talk. Come over. John has to be there too and you can sit down.
0:49:15	John	Again as you consider, this would be super helpful. But you got to remember the reason we got into the bind originally too is as we were trying to implement. We're like, Okay, team of sage grouse experts. Okay, who's an expert? Okay, then I know what we meant is a qualified biologist. They were like, now what do we mean about that? So we ended up going down rat holes, as you guys know this. I mean, as you try to fix stuff, you end up creating a whole bunch of other problems. And that's what we struggled with here, just, you know, in all honesty. So if anybody can add, I love what you guys were saying, because if there's more eyes looking at it might help us end on some of these rabbit holes.
0:49:52	Unidentified	I appreciate that I think that's really a good point. Also our concerns are in in the fix because of rat holes that we lost some. Some, um, I'm blanking the word. Some. Accountability. (John) That's never been the intent. Yes, so our concern there is that in getting ready in terms of a qualified biologist, which I agree, and this is probably not the sword I want to fall on. Exactly that we are worried about. But just the fix is still having a clarification and consistency.
0:50:23	Braden	I felt like they just didn't want me in the room. No Braden, you are not a qualified biologist. They wanted me out of the room. So.



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0:50:40	Jody	So again because of part of the process that Allen was talking about is homework, that means follow up. That means me being involved, too, just to make sure that we don't lose anything, make sure that John gets what he needs. And then we make sure that all of you get to be, at least take a look, at what we came up and then from there, Allen, we will all talk and figure out what the next step would be mean, that's just one tiny little thing that we're talking about. But that's kind of a process.
0:51:16	Allen	It's an important process. Last spring was involved in one. Boy, during this conversation disagreement on some land management plan allocations and the management direction for that allocation and groups that were really close, they actually had a meeting already on the calendar. I said great. Make this, if you will make this a topic of your meeting you already have scheduled, Um, after that meeting a week or so after that meeting, let us know your consolidated recommendation. And we were able to put that in my set of instructions to the region or the Forest in this case.
0:52:06	Jody	Yeah. There's nothing procedurally wrong with inviting John to your conversation, or you got the two of you can do it. It was like he said, if you just come up with something, hand it over, and then we will figure out a way to share with everybody.
0:52:22	Allen	I would add. That same meeting there was one topic was about some very specific language that we talked about in the afternoon. That evening, the parties met, came back the next morning with the proposal and the objectors were like, "Great thank you." That went right in the instructions because everybody looked at it and said yeah, that's what we're looking for. That's the value of this.
0:52:56	Josh	Josh Uriarte, State of Idaho. I was just looking at a little bit what you said as far as, we took away three year average and I don't think we did. So looking at the standard 67 it refers you back to 006, 006 you go through the things, but you also gotta remember that um, minerals, fluid minerals, all those different things have to be in conformance with number 19 in PHMA, which talks about the three year population standard. So they're not going to skip the land use special authorization standard when they're looking at oil and gas. And so we still have. We still have that in there as far as 16. Sorry, special use authorization. So in PHMA still must meet the three year period of population levels and so we're definitely still trying to be, as you know, even with oil and gas as minimal as it may be an Idaho. I mean, I know this is a different problem. You know, I hope we're focused on fire basically, but we still have the thing in there that we want in PHMA we want to be thoughtful, to watch out for the three year average. And so all those things blend together. It's kind. We didn't want to repeat ourselves over and over and over again, so we linked back to 006 but you still gotta look at special use authorization for lands and realty, which has the three-year population standard that you were referring to. That, you said, was taken out.
0:54:26	Nada	So what I was looking at was the language that would be included with the lease that gets issued.

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0:54:36	Josh	<p>Will still be a land special use authorization that will go with the lease, so they'll have to have, under my understanding unless John and Jennifer tell me different. But I think with the land special use authorization. I'd go with something with the lease.</p> <p>(John) Well, it says Land special use authorizations in PHMA must meet these following criteria and if the population trend for greater sage grouse If it doesn't meet the criteria t doesn't...</p> <p>(Josh) And it's not going to be with the lease because the project won't happen. So I think we still have the protection. I don't think we stripped them at all. I think there still there, especially in PHMA that you mean that everyone's really.</p> <p>(Nada) That's what the NSO stipulations are.</p> <p>(Josh) Yep and the NSO is there and everything. In the Idaho plan and I don't think we stripped it out.</p> <p>(Braden) Going back to homework. Sorry as far as timelines Like how much time we have, like holiday season?</p>
0:55:39	Jody	Well, we gave John some extra time because he had to have Christmas right?
0:55:39	Multiple	<p>(Jody) How about, end of, middle of January. Do you guys think that's reasonable to talk and meet?</p> <p>(Braden) You know, if we are willing to talk about it must have been back and forth so that the Sindy's been over here to do a good job of capturing, so we are gonna go back. Look at all this way to talk and say yeah, let's meet. We can talk about whatever we need to talk about</p>
0:56:08	Allen	It does, that could be part of tomorrow morning in terms of reaching some clarity. Seeing, I don't know if I have enough notes, to yard up to close with next steps through the fog here. What can we see work todo?
0:56:24	Nada	We'll probably need to exchange email address. Yeah. Yeah. CC John and I and we will make sure it happens.
0:56:52	Allen	I am going through my notes here to try and call out other things around fluid minerals and I think it all blends together, you know. It's all connected. It's fluid.
0:57:11	Jody	Esther, are you still on the phone?
0:57:13	Esther	I am. I'm here.
0:57:14	Jody	What are we missing here?
0:57:15	Jody	What do you wanna talk about Fluid minerals?
0:57:19	Esther	Well, there were a couple of things remaining on our objections. One was the exception standards for a fluid mineral leasing stips. And I know that you've said several times that you can't just say, oh, we're going to do what the state says. But, we found it to be substantially different your standards from what is required by the state. So we have, you know, requested that more alignment with the state take place in that process
0:57:54	Allen	And Ester that's specifically about your request is about the what process we have for granting exceptions?
0:58:03	Esther	Correct.
0:58:05	Allen	So you want to describe that a little bit more for all of us here. What you're...if you have more details?

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0:58:15	Esther	Sure. I mean, you have it pretty well spelled out in your book here, or in the guide book. There were a couple of standards that you're process filled out. They required an environmental record of review which we felt was a duplicative process. And it would have to show that determining it would have to determine that granting an exception would not, impair the function or utility of the site. And that doesn't relate to our executive order, which is based more on statewide population. And there is an exception process within our framework that we use.
0:59:17	Allen	In that functionality of the site, Ester, Allen Rowley asking again for clarity. Is about the sage grouse site, the Lek site or about the location where the mineral extraction happens?
0:59:33	Esther	I don't know. You'd have to tell me that.
0:59:37	John	Okay. So maybe Bob can chime in on this because we took great aim to try to make sure we were aligned. I thought we were aligned with State. Well, so there's a detail I'm missing.
0:59:57	Jody	Esther, could you just read us that standard? (John) Which one is it? That we are talking about.
1:00:13	Esther	So it's, hold on, just a second, sorry. It's actually, it's in the attachment D of the ROD, where it talks about the fluid mineral stipulations. And then it goes through the exception process on all of those, and it's pretty standard across all of those exceptions. And so that's what we were talking about. And I think you mentioned something else and you're right. You put it as attachment F, I think, to the final or D. I'm sorry. We had it as attachment D of the ROD and you listed it as appendix G to the final EIS. And we had suggested the language change. Actually, sent you a suggested language revision for that. We also, in our objection letter, we laid, we actually spelled out, basically the five step process that the State goes through to show that there is a rigorous process that takes place through the state. You know to grant exceptions.
1:01:27	John	So the forest looks, in the exceptions, if I pull out the stipulation and again the stipulations are things that our management approaches, and maybe there's some ability that...
1:01:40	Esther	Wait, I'm not hearing you.
1:01:42	John	Sorry. So the stipulations again.
1:01:47	John	So it sounds like you're looking at the Wyoming stipulations and within those the stipulations are designed. We went to some struggling about whether or not to put stipulations. Stipulations are best done, really, on a project-by-project basis and when you know what's on the ground. We put these in too as much as we could... to decrease any uncertainty we try to outline as best as we could. That would overall cover why we got to where we, you know, what we expect we will see going forward. That's why I put them in. We had a problem with the stipulation Number two in Wyoming, because there's some potential places where we could come into weird places with conflict with the state that we haven't worked through. And it's gonna have to be case-by-case, so it's harder to write a more general one. But it's I think it's clear in these stipulations, where it says the Forest Service in coordination with the state agency determines the granting exception will not adversely impact

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		<p>population. The Forest Service will coordinate with the state wildlife agency to consider the Wyoming compensatory mitigation framework. And we refer to the state repeatedly in our stipulations in order to try to make that crosslink. Again, we can't be pre-decisional, but we try to emphasize that relationship with the state. And I think Bob, I thought we were in line. But if there is more specifics of where we're out of alignment we'll have to figure that out. Yeah. [Inaudible] Oh, yeah. Please.</p>
1:03:19	Bob	<p>I agree with John. You worked a long time to get this to where they lined up. I need, Ester I need to get back with you, because I'm not finding the record or review requirement.</p>
1:03:29	Jennifer	<p>May I speak to that? This is Jennifer Purvine. It's in stipulation number five, planning number five. And it says the authorized officer may grant an exception if the environmental record review determines that the action, yada, yada, yada. and that is the Forest service NEPA process, and we can, that it is mandatory. That is not duplicative. That is required to do it with a NEPA process.</p>
1:03:54	Esther	<p>And so I think a part of this goes down to the issue, of the utility of the site. And I think that that that causes a problem because we're based more on a statewide population standard than a site-specific standard.</p>
1:04:17	Allen	<p>I might suggest, Bob, Esther and Cody, with Jennifer and John, a bit of a caucus amongst yourselves to, walk, I feel like we're talking past a couple things here, Esther. And want to help us, help everybody have the same understanding. And if we reach that and there's still an objection, I mean, I'm good with that. I'm just having a hard. As I'm listening, I hear us coming at this from a bunch of different angles.</p> <p>(Bob Budd) I'll see Ester tomorrow. Let she and I start this and see if we can't make sure, because I think based on my read we are mixing exceptions modifications and there's different language that may lead you to get some, let me get with Ester tomorrow and see. Okay.</p> <p>(Jody) And then follow up maybe with me or John and.</p> <p>(Allen) And that will go in the same bucket Esther of as I just described if, as I described earlier, if that resolves your objection and then there's a process, you could help us out in terms of paperwork. If you want to withdraw that piece, I'm not suggesting the whole thing. It just helps tidy up the paperwork and helps us understand that we met and resolved an issue. So I want to give you space to do whatever, whatever you're comfortable with. Okay. Thank you for that.</p>
1:05:56	Cody	<p>This is Cody again with the coalition. I have a follow up question to my earlier comment to help me determine whether withdraw is practical or necessary or not. You know, if you guys have a map that shows where land were closed mineral development and then you have another map that shows adjacent acres that are NSO. Is it impossible or reasonable to add language into FEIS that it shows kind of what the maximum amount of minerals could not be reached by virtue of that NSO being adjacent to the closed acres? Or is there some type of disclosure that could be added?</p>

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1:06:40	Allen	Thanks, Cody. I don't I don't believe we know the answer to that, yet. Yeah, yeah, I'm just scratching my head on how we go about solving that question. (Cody) Yeah that's fine. (Allen) Okay. All right, which is next, Jody. I kinda lost track as I was listening
1:07:22	unidentified	Let's talk about Anthro Mountain (laughter)
1:07:38	unidentified	Oh gosh
1:07:42	Greta	(Jody) Alright, let's let Greta display her concerns about it. (Braden) No go for it, I can tell you the back story of Anthro. [inaudible] (Greta) Okay, well, we were concerned that the restrictions of Anthro mountain that were specific in 2015 plans were removed. But some of the specific restrictions were not actually, um, didn't carry over to the PHMA designation. So Anthro got moved it out of its kind of own separate bucket, and lumped in with PHMA and it's losing some of the standards that had applied to when it was Anthro, we're concerned about that. This area is pretty important for connectivity for isolated sage grouse populations. And we thought that it needed the extra levels of protection that the 2015 plans offered. So what was, what's the rationale for dropping that?
1:08:44	John	I guess this a question, a Forest Service question, Right?
1:08:48	John	Yeah, and it wasn't dropped the rationale.
1:08:51	John	So the actual alternative that was examined was to actually drop it. That's what the state proposed was dropping Anthro Mountain out. There's a good analysis in there where the decision had to be made on the planning unit. Whether or not, is this, how important is this population relative to persistence of viability on the planning unit? And there are other birds, the state argued, there are other birds on the planning unit. There are a lot of other birds in the state. But this was an important enough place, that sort of the safe thing is to keep it protected, right? To keep the restrictions on it. What was odd about it, again, some of these things we tried to clarify part of purpose in need of this was to clarify and make these plans more efficient, understandable and those protections for Anthro, for essentially this equivalent protection, almost some of them are the exact same as what you get in PHMA. So, what we did is just a simple that's idea of simplifying the plans Anthro Mountain got rolled into PHMA. So, it stayed with its protections as PHMA rather than called out as another confusing thing. It was just an idea of simplification was the intent.
1:10:04	Greta	Okay, but when it switched to PHMA it lost the standard's phased approach to development, project related activities and vehicle access stipulations, one disturbance per square mile, closed with drilling. Those aren't in PHMA and the other one was, Anthro Mountain HMA designation included siting density and operational conditions of the approvals, that aren't applicable to existing fluid lease, fluid mineral leases in PHMA outside of the Anthro HMA. The FEIS does admit that if it's not retained, oh this was about the Utah alternative, I'm sorry. And what, that there's something like half of the Leks in the state are on...

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		<p>(Multiple) Not the state...            (Greta) On the Ashley are there. And so we were concerned about, um, reducing protections on behalf of the Anthro Mountain leks and how that relates to the lack of viability analysis from the bird on the forest.</p>
1:11:31	John	<p>So viability is addressed in that there's a couple paragraphs in there that do address. And that's how it got the decision on this or pre-decision, or where we are, um, and again historically, the way Anthro fell in, it was identified early on 2015 there was adjacent right next to that area, um, some minerals. There was a decision just before right next to that area. So what they did for ease is just rolled in those points that you were bringing up from previous NEPA into that Anthro part because of an adjacent area. So, our intent again was to keep protections in Anthro, um, because of the potential importance of that population on the Ashley. And the simplest way to do that was to provide all the PHMA protections. There was no... we looked at PHMA as protected lands, and that's sort of a standard of protection. And now that standard of protection rolled onto Anthro instead of doing what the state said, and just remove all protections. I mean, that's the history and context of it. Of how it ended up where it ended up.</p>
1:12:41	Braden	<p>There were some leases in 2015 that were still existing valid leases, they expired. We looked at that and said, well, that NEPA no longer applies to these leases anymore. The State's position was, "Hey, Anthro is not part of our HMA strategy" We've never, you know, there's a lot of talk of line connectivity because there's a lot of misinformation out there about Anthro. We've got collar data in a VHF and GPS collar that shows, you know, there is not a lot of genetic interchange from Anthro and other populations. That was big discussion we had. When Forest Services looks at Anthro, "Hey, this is important for connectivity." And the birds they were finding were birds they have the same genetic markers with birds from Box Elder County. We were saying our birds from Box Elder County do not fly to Anthro; they never had. We had translocated from 1960 to 1985 hundreds of birds down on the Anthro and some BLM adjacent. So, the cross paper that was being relied on some kind of connectivity failed to account for the fact. They've now put out a statement. Hey, we didn't look at all these samples that BYU had from translocation back in the 50's and 60's. They failed to account for all that when they said this just place was so important for connectivity as a hub. Which our data does not show that at all, you know, there's not interchange between those populations. So that was, and the other thing was the state when they looked at all the leases that were already out there back 2012 we were going through our state, we were like, this place has had a lot of disturbance. Our plan is let's protect the 96% of the area that hasn't been disturbed in the state. So we didn't include it. So our state position to this day is Anthro is heavily developed, don't protect it. But Forest Service is bound to different rules and regulations. And so, as they look at, they have to look at the Ashley Forest. We look at the whole area, say we got BLM land, state land without Anthro there is still viability. So, we could still say there's plenty of birds in the area, we are going to have viability, we did it. We sent a long paper to John and our</p>

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		biologist said, "yeah, we don't look at it just only on the Ashley forest. We look at it as that entire landscape right there." They look at it differently than we do. So in the end Forest Service analysis, which we're still kind of beating the table, and say, but they didn't listen to the state. This is a good example. Look person, we want to align with the state, but we also need to make a protection. So PHMA allows him to try to align with the state when they really, in this case, they didn't, but they maintained protections and simplified management. We can talk, I am more than welcome to have a meeting once again if you want to sit down and talk about it, and kind of include the data the numbers. There's a bigger story here we can read in an EIS.
1:15:01	Greta	Thank you.
1:15:34	Allen	That was helpful, for me. That bigger story, appreciate transparency just what really happened? Cool.
1:15:52	Jody	So we talked about noise earlier on, but did we really hash it out? Is that all you guys wanted to say about noise? Given the fact that it's not just about. Yeah, okay that's funny. Uh, (laughter) not just about, you know oil and gas and minerals we get it. Noises. It's noises. So is there more than you wanted to discuss about noise? Because we saw it as a pretty important issue that a lot of you brought up.
1:16:30	Mary	This is Mary Darling, Custer County. I think that the concern is the extrapolations and what it can be applied to. We mentioned roads, and road maintenance, emergency service, other administrative activities and with a lot of past road maintenance there were exceptions for administrative emergency when counties worked with the Forest Service. We don't see any of that in the EIS. We just don't want to get in trouble down the road with people saying we violated these standards and guidelines for noise by going into an area on doing things that are above the 10 decibels. But we're doing them for emergency purposes or other county administrative purposes. We just wanted some clarification so we don't get caught in the middle.
1:17:19	Allen	Okay.
1:17:40	Cody	I guess I was hesitant to really dive into the noise issue, primarily because, I'm not too sure that the vulnerabilities that we've identified with the NTT report with Blakely study with Patricelli follow-up can be resolved in a meeting. So, you know, I understand how the metric works. I'm fairly clear on how it will be applied. I'm just not sure to what extent the language could be resolved, currently.
1:18:24	Allen	Thanks, Cody. That's more than fair terms of describing the view, um, I would observe Greta has said some similar, raised similar concerns about here is the issue and unresolved of disagreeing of the agency stance on the issue. And I think I heard you just describe noise in a similar vein from the different angle. (Cody) Uh hum. (Allen) Got it, read the papers. I have a different, a different decision you would offer. That's fair.
1:19:05	Jody	I've also heard, was it you Braden that said another study is coming out soon, so it's almost like this is to be continued, this conversation.

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1:19:18	Greta	I think, this is Greta, I think that it does. Um, I think we need to be careful that we're not trying to see how low we can go with our standards all the time. I think were, sage Grouse is in enough of a crisis and sage grouse habitat as disappearing fast enough. That I think if we're constantly looking at how little we have to do to protect the bird, we're missing all that we could do to protect the bird.
1:19:56	John	I would like to add, to that if I can, Greta too, and I, that's the approach we're taking, the approach we've been taking is to be really about efficiency and effectiveness and being able to do these things. So, the approach has not been able to rush to do as little as possible, the approach is to be able to do as much as we can with the resources, you know, be as most effective and efficient as we can. That's really been our whole purpose of this. It's not been lowering bars or anything. It's, I mean, that that's where it's come from. It's how we most efficiently use the resources we have and not to negate what you're saying. But that's what, that's what we've been trying to do. It would be in line with what you're saying.
1:20:44	Jody	I think if you look at all the requested remedies from all of you who tells the story of today's noise issue. Custer County eliminate it completely. Modified it from Humboldt County. Wait for the new science from Wyoming Coalition; go back to 2015 from the Western Watersheds...So. I think between all of it, there's more that we need to do.
1:21:08	Braden?	A comment that came up that I kept thinking too yesterday. It seems like a lot of folks want to just point to, you know, our favorite science. Like I know that I got my favorite scientist or studies I go and point to. The hard thing I feel like, is the science is always changing and I love how you point back to 2013 and it was, and before 2013 it was NTT then it was COT. You know and it was almost like Steve Hansen was giving a presentation at one point on this, that we all felt like the science stuff was COT report and we got it. But then as he said, "No, there's been hundreds of studies since then," that, you know, the federal, estate, we don't look at it. And so, I guess there's one task as we take a holistic approach and NGO that we don't look at. Let's take everything from pre-NTT, NTT, COT and then up to now. Because I think there's just been so much money and investment in new good science and research. So and it didn't stop, you know, research doesn't just stop in 2015. I think that's one of the asks that we would have in the state. We could all, everyone embrace, like a lot of states out there let's look at the methods and just say, let's look at them all then not just stop at NTT or COT. So that's just an ask; that better to look back at the best science. But I wasn't here for that part, that's just I keep hearing we have our favorite studies.
1:22:35	Allen	Okay, there's another objection here that was raised about tracking all waivers, exceptions and modifications. And that's a nod back to the monitoring report we already talked about with John. How is that? So open ended question for you, John. The monitoring report we've been doing since the September 2015 decision, that's tracking, that's been post that. How do you describe it in the Draft 2019 decision? You were planning to continue that monitoring reporting format, I suppose, we haven't been real clear about that.



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		Now it would be... since it was part of an objection or requested remedy that we track that.
1:23:33	John	So, the monitoring structure is there zero change between 2015 and 2019. But what we've done is simplified it. In the 2015 there is, like a 30-page appendix on monitoring that was very difficult to read. So, what we did is boiled it down to a two page of these are the things that we're gonna monitor and these are how we're gonna monitor them. A lot of those elements are GIS level working with BLM, the disturbance amounts are really broad landscape scale. However, what we did is, in based on some of these conversations, is that I put appendices into this in a report. And there's been two so far that '16 and '17 and this one we're working on now is rolling all the years together because we had a gap. So now this one's gonna have '15, '16, '17, '18, '19 and overall together with appendices that also go and describe every decision, as I said. And it will point out what kind of if there's been an exception made. And it will have a summary table, just about exceptions. How many wherever and you can look at the project. So far, I don't have any exceptions. Ironically, almost all the things that have been done is mitigating through avoiding and noise restrictions on when they're doing activities in order to time around noise or timing restrictions. But there aren't exceptions or anything, but they will get a nice full report on all of that. So we're kind of ahead of the game already.
1:25:12	Allen	Nada, that was a concern you all had raised. And is there more about that Monitoring? There's something left undone there? You haven't seen a report yet, so, we're gonna give space for that (laughter) Homework. But something else you'd want to describe there.
1:25:29	Nada	Yeah, this is Nada, that sounds awesome. And what we had asked for was some way to track what was happening. Because this is the biggest use of the no surface occupancy stipulations, kind of ever. Which I think is why I see the industry concerned about it, too. It's just to use the NSOs of this scale, is surprising and new, but it was an alternative to closing lands to leasing. So that's why you've seen such concern when there are exceptions of. (Allen) Right. (Nada) We hear a lot we don't grant exceptions to NSO. Well, you've never used them on this scale before. So, in terms of the NSO in particular, about the general stipulations we were really interested in being able to track what was happening.
1:25:33	Allen	Yeah, okay.
1:26:16	John	And people can get a feel for what we have. I'm tailoring in a little bit more, but the first 2 years you have those reports. So you can at least look at the decision monitoring. And we have it tabled out where you can see which decisions were made and whether or not they are in alignment with the, with the plans. And this year, I just put a little more detail in so we're gonna... exceptions, we are going to explicitly look at that.
1:26:40	Allen	Okay. Very good. Esther, Cody or Steve, anything you'd like to bring into the room here?
1:27:03	Cody	Not that I can think of, no.
1:27:06	Allen	Okay, as I go through this...

Time	Speaker	Content
1:27:09	Steve	I guess, the issue I bring up, the standards of the state of Wyoming are, in our view, not up to the best available science. So one outcome could be to raise those standards up to a reasonable level. So that that's definitely my concern about the fluid minerals, is the whole state framework. I don't know if there's going to be time to talk about that, but the mining in Nevada and just the level of disturbance in Colorado I think are issues worth noting.
1:27:49	Allen	So now is now is the time Steve to bring that up. Tell me more about, we have a conversation about the disturbance caps and how it's calculated in Wyoming yesterday. Bob Budd who has the most, I think maybe had the most history, has gone to another activity. We still have a number of folks, other folks from Wyoming here to talk about that. Same with Nevada, we have a number of folks still here. So when you talk about standards in Wyoming, I think of offsetting from leks, disturbance cap, a number of sites per 640 acres. Those were three, and noise, that come to mind right away. Are there others you'd want to specifically call out?
1:28:56	Steve	No, I think that that is precisely those key issues. And just because it's such an important population, you know, having some stronger standards could be hugely beneficial to the to the conservation of species. And then if we want to go on the issue in Nevada, is that part of the overall, sage grouse conservation strategy there was to be a mineral withdraw, and this was to be focused on the sage brush focal areas. And this would have had a particularly beneficial effect in some areas in Nevada. And so there was concern about that part of the plan falling away, and just, you know, the whole issue of compensatory mitigation. Part of that discussion was about the fact that there are some projects where you don't have a real opportunity to do on-site mitigation and restoration, and you really do have to think about off sites options when you're, you know, leasing for mining development. So, that was a special consideration for Nevada. And looking at the monitoring report, and just level of disturbance in Colorado, everything is slowly...all the units all the BSU units are over 1% and some getting close to 2%. And there was just a big jump in the roan unit over the last couple of years. So there's concern that things were really, looking pretty close to the edge in Colorado right now.
1:30:38	J.J.	(Allen) Okay, thanks. (J.J.) So if I can from Nevada, just we have a conservation credit system in the state plan in place. So we heard earlier that we're the only state that you know, per the paperwork, that does it that way and we disagree. But that's okay, because I chaired that counsel and I pushed that through on those credits. Likewise, if you actually look at the total acres disturbed. Nevada has the lowest percentage of disturbance of any of the states that we're talking about here today. So, I'm not gonna sit here and say that mining doesn't have impacts in certain places, but it is a lot less impact than it is being made out to be.
1:31:25	Laura	That was very well documented in the mineral potential report and the EIS process that was done on the proposed mineral withdrawal. I think it was, you know, something like 0.1% of lands were disturbed within federal lands relative to mining. So, it was with determination, was that the impact was

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		negligible. Which was why the withdrawal was not necessary and frankly, not even justifiable given a significant economic impact it would have.
<b>1:31:33</b>	Cody	I have a quick question about the conservation credit, do you feel like that working effectively?
<b>1:32:06</b>	J.J.	<p>It is. In fact, we have a mining company this week that is actually doing in private purchase transaction of credits so that we will have a net gain there in the next two days, most likely. Yes, it is working. We have credits available, and we need to put new solicitations out last week for additional funding of \$2 million by the state of Nevada, to put credits on the ground. And we did, vote to go forward as a council with funding more of those projects creating more credits. So, the projects are on the ground, and we're waiting for projects to come in and purchase them. So, we are seeing an uplift now in habitat.</p> <p>(Allen) With out getting into somebody's personal business. Is one of those companies mining gold?</p> <p>(J.J.) Yes, one is mining gold.</p> <p>(Allen) All right I've got, I'm just curious.</p> <p>(J.J.) It's not on lands administered by you guys.</p> <p>(Allen) No, I. Right.</p> <p>(J.J.) They are mining gold. I was thinking about.</p> <p>(Allen) They're a little bit west of Folklife Festival.</p> <p>(J.J.) They are west of that. A little bit farther west than that too though.</p> <p>(Allen) Okay, All right. It's where you would expect, that's all. I was just curious how it's evolved. John?</p>
<b>1:33:27</b>	John	<p>I just want to add a little bit, just to orient Steve a little bit, too. It's just kind of make sure if we're having discussions that we're focusing on what Forest Service can do as well. Because of withdrawal, one gets mixed up. We made the recommendation. It's out of our hands. Colorado, I've got 1400 acres of PHMA in the whole state of Colorado, and we never had any SFA in Colorado. So, if we can at least focus, really, on our, I think we have mostly done that here. But the withdrawal stuff, if you've got a solution for what we could do instead, I mean, that's what we're looking for. But again, we're getting tied into other people's decisions and blamed for it, and I just like to get out of that.</p> <p>(Allen) Okay.</p> <p>(J.J.) I'm used to it, it's okay (laughter). You'll get used to it John, that's okay. Just because I'm used to it, doesn't make a right. (laughter)</p>
<b>1:34:41</b>	Jody	<p>I think it's break time, and then when we come back we'll summarize. And then come up with a plan for tomorrow. Because I think there should be options. If you are all kind of sick of all of this, and you don't want to come back tomorrow then we can say, oh well. But I think that there's a whole bunch of people that need to sit down, come up with, all right, what's next? I got some homework to do. We've got some people that are gonna meet. We're gonna look into some stuff. All before we get to the point of what are we gonna do about these objections? and what are we gonna do as we move forward? You know, with whatever that is going to look like. So over the break,</p>

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		think about it. I would love to see you all again at 9 o clock in the morning so we can come up with a game plan.
<b>1:35:33</b>	J.J.?	So I'll just say, and I am only speaking for myself, not counsel...I think, but we're open to whatever, but I know there are others that have to travel tonight for other things. So, the more we can get done this afternoon, I think it'd be very beneficial to us all. (Allen) Let's do a game plan tonight. Then? Some are leaving tonight. Okay. I'll do whatever I have to do. I have a bigger group if possible. So I won't be like John. What the hell did you do? It's your fault (laughter)
<b>1:36:01</b>	Jody	If we can manage, the more we can get done tonight for those of you who were planning on coming in, you still can, like we talked about. Then we have, you know, do whatever we can in the morning or you could go Christmas shopping. I mean, there are definitely... it's not a bad thing. No matter what we decide to do. (Allen) Cool. When do you want us back?
<b>1:36:26</b>	Jody	Let's just keep it to 15 minutes and that's it.

## Transcription of December 11 – 3:45-4:45

Time	Speaker	Content
0:00:02	Jody	You guys on the phone. You still there?
0:00:06	Cody	You've got Cody
0:00:07	Jody	Cody, what a trooper. Hi Steve. Esther, you still hanging in there? No, She gave up on us. Drew's back. Missed a few conversations. We're now getting to the end of the day, and we're probably going to start kind of doing some mapping out of what's next after all of this. Allen's gonna lead us through, what he thinks he has heard and you guys can chime in if you think he missed something. We're also trying to make a decision as a group. Who wants to meet in the morning and who's going home and who's gonna go holiday shopping? So that's kind of where we're at right now. So for the next hour, hour and 1/2 we're gonna get through all that and hopefully we'll know what we're gonna do.
0:01:13	Allen	So you know, in the Oscars when they start thanking all those people and they tell you never to do that because you'll leave somebody out. Well I didn't listen to that; I don't watch the Oscars. So what I'm gonna do instead, is call out some things I heard, and I gave you that example because I'll probably leave something off the list. But I want to just reflect through my notes of the last two days, of what I've heard. And Mary and I talked and there's another issue that we would bring in probably tomorrow morning. Let me go through this list and turn it over to a specific objection that Custer County raised to get that in the room. I'll go over this list to plant the seeds with all of you about additional work into the future. So I might summarize, I heard a lot of concern that the change from the 2015 plan to the 2019 plan, people felt we lost certainty, assurances, accountability and weakened many of the standards and guides. That our effects analysis, some have proposed to the baseline of habitat we started too low. We didn't look far enough back to conditions over time. Some comments that we haven't engaged the counties strong enough, robust enough, often enough. In the comment back that, well, each state constitution is different. States don't always speak for counties. They're their own government. So there's that disconnect on how we engage with them. The range of alternatives that were described in the '19 plan is more narrow than many would like and are wondering about what are some of those alternatives that were in the '15 plan? Why weren't they analyzed in a little more detail so that we could have more disclosure and comparison and contrasting within the document, past documents with this current proposed action?
0:03:46	Unidentified	Not entirely. I think we were saying that the 2015 alternatives can't be used this one, because that purpose and need has changed so much.
0:03:56	Allen	Understood. And you all pointed out, there were some alternatives in the 2015 plants that were more protective of sage grouse and wondered, how could we capture some of the higher level of protection and carry that forward in '19? There was a conversation where I think we had agreement around explicit commitment to consult through this local technical themed process, so that—I think this is connected to some of this conversation about modifications. So that more people were in the room, and not just

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		<p>for FS but Fish and Wildlife Service, state agencies, public and other, that that would be helpful addition into some of the direction. A commitment I think we made, well I made, is we'll send all of the objectors this monitoring report that John Shivik has talked about multiple times every day in every session. And Jody suggested a mid-January timeframe, I'll be a little less firm on the timeframe until we finish our conversation because there's work to do; that the region is doing anyway. This morning we also had a conversation that tied us back to the concern of how to engage counties and grazing permittees. That there's an ask for a way to make the commitment for coordination and communication with local government and permittees. How to make it more durable and broader than what's occurring now. We also had a robust conversation about three words I won't use and instead talk about functional uplift of the species, that we, I felt like there's clarity that we can get to there that clarity and assurance. [Cough] Excuse me. Of what we're really talking about, and I didn't hear, I don't have a proposal of exactly what those words are, but it was a productive conversation. I would call out, specifically State of Utah and Audubon willing to work together on some exceptions of how you frame that out. So, thank you. A conversation with Esther with the Wyoming Petroleum Association around some confusion of the stipulations in marrying up the Forest Service requirement for analysis under the National Environmental Policy Act with some of the other, with a Wyoming state plan. And Bob Budd agreed to take on that con... start that conversation with Esther. To one, get a common understanding and engaging with us to see if that, if that resolved their concerns. In a similar vein, Cody, with Coalition of Wyoming Counties, is looking for some additional analysis or our map, is how he specifically described it of the juxtaposition of lands that are closed to mineral entry and lands that where no surface occupancy would be applied to ask the question, are there parcels that have been isolated part of the mineral estate, isolated, and not accessible? And it's not clear, how and if we can do that kind of analysis, but I want to say that something he asked for, that we should probably take a look and see. Can we do it or not? Um, so that's two days in seven minutes.</p>
<b>0:08:47</b>	Jody	<p>We talked a lot about range. (Allen) We did talk about range.</p>
<b>0:08:49</b>	Jody	<p>We talked about how cows are not considered disturbance because...</p>
<b>0:09:00</b>	Allen	<p>Oh and I, I should have started this piece. That that's right. There's question about whatever the Forest plan amendment says, whether you agree or disagree, it's not clear how we're implementing that at the project scale with range NEPA, or actually, that's a little too vague. There were people that said we're not implementing because we're not doing enough site-specific analysis of range permits, range allotment management plans. So, there's a lack of certainty or accountability that whatever we said in the plan actually ever gets done on the ground. So that's the stuff that we talked about.</p>

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0:09:44	Jody	We heard loud and clear that we spent a lot of time telling you all that, wait until we do the NEPA on the ground. We heard back, maybe, okay but are you gonna do enough robust NEPA to actually give us the right information and be involved with the public.
0:10:10	Greta	That's true for other issue areas as well, where they're using categorical exclusions that we know have a chance to participate.
0:10:19	Jody	We're not restricting that just grazing. We have that on the bin.
0:10:26	Allen	So that's my summary. I just wanted put that out and again. I know I might have missed some higher-level actions. (Jody) Noise. Noise being one of those.
0:10:40	J.J.?	I can think of one thing we talked about, the counties and engagement. I think that needs to include a body like this as well. Not just county engagement, I mean, and it needs to be more often or I should say sooner. If we did this, maybe 30 days ago, we could have been 30 days down the road and maybe another meeting to get some of our homework done and help you guys get a better record.
0:11:09	Jody	So, to me, that's the kind of conversation we should have, either for the next hour with Allen or some of us in the morning as we move forward. How can we take this and move forward? [inaudible]
0:11:27	Allen	So, with that opening, if there's something you think I missed, that you want to put in the room right now just to plant a seed for what we do next. Now's your chance. Not that you'll...you'll get another chance for sure to do that. Then I turned to Mary to bring up the one issue we haven't talked about, I know Custer County is interested in, and then we can turn to next steps in the process; which would include part of tomorrow. What, if anything, how do we operate? So, Mary?
0:11:59	Mary	My computer went down. I have language proposed. It's coming up.
0:12:09	J.J.?	Okay, while we are waiting on that. Maybe, what are your guys next steps? Maybe help us all understand? Or you're gonna go ahead, go back, formulate written responses to these objections, and then we will look at those? I think that would help me understand. What else would you talk about?
0:12:23	Jody	So, there's the process, black and white process. And then there's a process that as group, and as Allen and the responsible officials they want to expand on the process. I'll use that word. The basic process from here would be we will go back, finish the draft reviews the technical team is doing right now. Read the transcript. Or, I would read the transcript over and over again and bring out more issues. Give it back to the review team. It would take another month or two to do all that. In the meantime, they would start having meetings, feeding up here's what we heard. Here's what your experts are saying and he would make a decision. The response would have instructions associated with them, if need be. That would go to the responsible officials and they would actually have to do whatever he says they have to do based on everything he's heard. What the perceived weaknesses might be of this process. They have to do all that before

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		<p>decisions can be signed. So that's probably a few months down the road. That's the clean process. Again, there might be extra steps that he wants to add in to that. Does that answer your question?</p>
<b>0:13:56</b>	Allen	<p>So, without all the little hypothetical stuff, let me describe some we've done. A recent case, the technical review of what was in the document page-by-page and the objections to inform, hmm, where are the disconnects? As well as the meeting with the objectors and out of that, in one case? No, I mean, they really did answer the questions, so they didn't, the objectors didn't like the answer. Got it, that's different than, we at least followed the process and it was all disclosed. So that's one. Another one I have talked about, is that example of two groups with differing opinions, one evening came back the next day with a suggested language for the record of decision, and then the objector's group was like "Whoa, that's great! That works for all of us." So that became a simple instruction to the, back to the unit. Hey, use this language the objectors came back with Thursday morning. Another example I talked about earlier, just a reminder of a group getting together coming with some suggested language that we bring back to the entire group--meeting had to be scheduled out there in advance. We withheld. We held off sending the instructions until that meeting happened and we have the results.</p>
<b>0:15:32</b>	Jody	<p>That's usually a phone call instead of making everybody fly in.</p>
<b>0:15:40</b>	Allen	<p>So that's the range of things that can come out. One of those, the example I gave, where I think we got it right, didn't take long. The other example where people needed time to have this additional reading and make some recommendations, that actually took quite a bit of time for folks to come together, wrestle with it. It was a gnarly issue.</p>
<b>0:16:06</b>	Jody	<p>So that's a good point. Also, that the timeframes with the regular objections that you have on the ground, the NEPA that we do on the ground because we do NEPA on the ground. They're very strict in the timeframes that we have, 75 days, and we're done. 219 objections, we take as long as we need to, to get it right. If we have to keep coming back to the well, so to speak, we can do that. So, there's no... and I can tell you right now this this particular process is taking longer than 90 days, our original 90 days is done. So, we're basically, Allen is basically extending into the future. No deadline there. But I keep you posted as we move along. Here is where we are at in the process, so you don't give up on us.</p>
<b>0:17:08</b>	Allen	<p>I wanna add on that point, actually, in this state, on a different project, I'm aware of anyway. Through the objection process, there was another site-specific study we all agreed to do. So, the conversation started in October, if I remember the story right, and it was the next summer field season where the study was completed. So, in that example, which you might say is a rare, is not the norm, the decision wasn't made until after that field stuff, because people the group, including the agency, agreed, "Yeah, we are missing some data", so there's an example of that. So, I'm gonna give you the whole range of expectations, not in terms of, I'm not foreshadowing where we end up. I just want to say, we have space to work through. I will</p>



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		also say you all probably feel the same way. I was too broad. I would say it this way, when I start a project, I would like to finish it and I believe that's my desire. You know, I started remodeling a house once, and I bought load of lumber the day I moved in and the week I was moving out, I bought another load of lumber. We don't want to repeat that, because you want to finish a project. Right? So, and I think that's true for all of you who have been engaged and invested time, speculate and certainly true for the folks who worked on the project. They have other things they'd like to check off. So that's tension in the system that we discussed. Lots of sunshine.
0:19:15	Jody	So, the bottom line, for all of us is be flexible. We want to get it right. Whatever right looks like, and that's the problem, right?
0:19:30	Allen	I hope that's helpful. Mary, how's the HP doing?
0:19:38	Mary	Pretty good. So, Mary Darling, Custer County. My issue we had to do with predator control. That I know FS is not directly responsible for management of predators. But at times, predators can be more than 50% of the cause for decline of sage grouse. And for young sage grouse could be more than 80%. There are studies, Mooringham[?] 2007 and others about this significant effect. So, Custer County is concerned that there's just too little being looked in relation to predators. And as we reduce grazing, we reduce predator control that federal agencies are doing, as well as state agencies, we have an impact on sage grouse that is not being discussed, but it's very causal factor for a lot of these declines. We're going to see major declines. We know there's a predator-prey cycle that happens with these birds, and for that reason we wanted to make sure that there's language that triggers coordination with APHIS at the federal level, and with the states so that we are maintaining habitat and then looking at what else is triggering the declines. So, FS has already addressed, thank you, mitigation, such as anti-perch devices, you can bury power lines. We talked about guy wires. We haven't talked about things like trash control, but things that could be put into permits that the Forest Service issues. Discouraging use of certain structures as dens for mammal predators, rabbits, rodents, etcetera. They can get the eggs and the young sage grouse. So, we just thought that there is stipulations that could be put in permits that will help, especially with raven predation. I see in tortoise permits, a lot of information about how you could reduce ravens. Trash is a big one, and I don't see that in these sage grouse documents. So, we just want to make sure that we're doing everything we can to keep the balance and not have predators get to the point where they're causing the decline. But they're not being addressed, and then we're going to great lengths to prohibit other activities. They won't help because they're not the issue.
0:22:37	Allen	Thanks. Do you have, without going through your objection in detail, do you have some examples of some of those stipulations?
0:22:47	Mary	Well, so we go back to the anti-perch devices that you already have in there. Bury old power lines; to eliminate perches; trash control; discouraging any type of infrastructure that can create a den for a mammal; Removal of road-killed animals that attract predators and then raven nests

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		can be removed. So those are some of the ones I've seen in other states, management of other animals and permits for other animals such as tortoises.
0:23:35	Greta	There's also quite a bit of research about ravens being subsidized by livestock infrastructure. And there's also one way of preventing predation impacts is to allow residual hiding cover. Sufficient cover. So, before we look at necessarily trying to manage predators, look at the things and grazing, I believe, is one of the main, is a big problem for increasing predation.
0:24:20	Allen	The livestock infrastructure, I think, just say a little bit more. I think I remember a conversation with a biologist in southern Idaho about a connection there. Just refresh my memory what that was about, you know?
0:24:35	Greta	Well, some of it is perches, and, you know, even fence posts, some of it is the effects of exposure. A lot of it is the effects of exposure.
0:24:53	J.J.	(Allen) Okay, Okay. Thanks. (J.J.) So, Allen, a thing along that too. It's not a problem everywhere, but pinion juniper, you know, I think Josh you mentioned 4%, Nevada state plan is 3% is what we would like to see no more than 3%. You can take all of fence posts down in most of Nevada and you are still gonna have a tree every quarter mile, or every three feet in some places. So, pinion juniper is something else, I think it needs to be a little bit broader. And again, our state plan, you've seen it, John. We went around and around of what it is. You know, we talked about no more than 3% pinion juniper, sage brush cover of greater than or equal to 20% with 30% total shrub cover. 30% or greater shrub covers. You're right, it's sage brush, shrubs and remove that stuff about the horizon as much as you can. Things that tends to be over three meters is what Coates, I believe, his last data and study was in '94. Things higher than three meters.
0:26:02	Jody	Mary, if you're a chance when you get back. Just google, if you can find a couple of examples of land management agency projects that did that. Just send them to me—you have my email.
0:26:25	Steve	On the predator control, there has been some work in campgrounds and recreation areas. It is really about controlling trash and having the proper kind of bins. This is stuff where I believe the kind of stipulations that you're looking for are already probably in existence. There's been a lot of work out for the Marbled murrelet on coastal recreation and campgrounds on public lands in the Northwest. I know that this materials is available.
0:27:02	John	Okay, that helped. I was just thinking about the context of what the amount is because predators is actually referred to quite a bit. I mean, from the basics of the desired conditions and lateral concealment was all about concealment. That defensive kind of approach to it. Tall structures as in the grazing area. Tall structures that's every area where else perch deterrent and then relative to PJ; we've got objectives still a carry over from 2015, of habitat objectives that include pinion juniper removal and that kind of stuff does have that. So again. So, if my mind right now, is there an acknowledgement that we are doing a lot along that line that you'd like to

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		see some more stuff with trash for example? is that what? Or is the point is we're not doing enough?
0:27:49	J.J.?	I think you're making big strides, I really do. It's the need to continue. It's been a long time making progress. You guys are. The BLM has acknowledged it. We still do got some substance out there, those landfills and those are a big thing; again, that's outside of your guys jurisdiction. That's something we collectively need to work on.
0:28:12	Jody	So, John, correct me if I'm wrong, Mary, but I heard her say was rather than no rather than, but we put restrictions on a lot of other things, and we analyze a lot of other stuff. If we don't at least look at some other things that was adding to the demise or decline. We're not fully looking at the whole picture. Oh, we might be overly impacting one activity because it's not. Right? (Mary) Correct.
0:28:49	J.J.	I think this is another great places for the two secretaries to get their heads together and interior talk about, "Hey, guys at fish. What are you looking at?" Oh, you guys have wildlife services. They got US Fish and Wildlife. Those two agencies have to work together on this stuff, and I think that's something we've been missing. Where to best get that I know, there was a meeting, I think it was down at Bakersfield or Bishop or something recently where they had a big conversation about ravens and Mojave fly-way looking and about how the birds migrating up. And they're getting into Southern Idaho, Oregon and the problems as they come across Nevada. That conversation is happening, what we need to do to keep those transient/transitional birds from becoming a problem?
0:29:43	Allen	All right. Thanks. So I shared with you my high-level points in what I thought were some specific asks on our part and with some of some others identified they're gonna work on.
0:30:08	Braden?	As far as a remedies, so f folks come back and say, "Hey, you want to take a harder look at this? And reanalyze?" How often does the FS do an SEIS or another reanalyzing during these objection processes? And is that a thing that happens often? What to expect? Hypothetically.
0:30:30	Jody	Are you talking about doing a supplement inside the objection process?
0:30:33	Braden	Yeah, so, like we didn't take a hard look. So, say you come back to say what we did take a hard look. Go back.
0:30:40	Jody	So, here's how that would work. And I'm not saying this is how it would work. Hypothetical. This is how this works. If we find that there is a fatal flaw and then we need to actually do some additional analysis and which would mean more NEPA, as opposed to something that you could fix with an Errata or its supplemental information report. We would provide some instructions to responsible officials and we would be done. And they would have to do supplement outside the objection process. Because with a supplement, basically what you're doing is started the NEPA process again. So, then you start over, do more public engagement. You do more public comment. On and on. Then you have another objection process, and then

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		you see me again. So that's how that works. But doing a supplement inside the objection process, no, no, no.
0:31:45	Allen	Thanks for asking.
0:31:52	Jody	But there's a lot of things that can be fixed between now; between the time that Region 2 and Region 4 get the instructions based on all this information, including the stuff that you guys want to bring to the table. You know that's gonna cause a lot of work for Jen and John and others. That remains to be seen. I mean, that that is all to be determined. But, we had to get here and hear, everybody, one more time.
0:32:30	Braden	Kathleen asked me, what's the best case and worst case given that we're waiting for Allen's report?
0:32:50	Jody	You guys look really tired.
0:32:59	Braden	It must have been a tough morning. I was in a great meeting this morning.
0:33:00		[Chatter]
0:33:14	Steve	Did I just hear you correctly saying that you are going to be starting a supplemental?
0:33:17	Everyone	No, no, no! (Jody) To be determined, way down the road.
0:33:30	Braden	We can strike that question from record.
0:33:34	Jody	Well, Steve is wrong.
0:33:37	Allen	It's just an honest question, and I think people are wondering. And so just in full disclosure, here's the range of possibilities, and there's a bunch of homework assignments that the agency has to finish before we make that determination. So, I'm open for additional dialogue you want to have. I don't know if there's much more I could speculate usefully about the future. We've committed to meeting tomorrow morning. The agency folks have work to do on this project, that we're going to do anyway. The question is how for you on the phone, and other folks, how you want to invest your time tomorrow? I think it's just the question, because I think we're gonna be here. So, let me start with the folks on the phone. If there's any ideas you have.... Ground we haven't covered. You want to make sure we get to today or want to save a block of time tomorrow morning. We have nine to noon tomorrow already reserved. Steve, Esther, Cody, anything else you want to bring up?
0:35:18	Cody	This is Cody. I don't have anything else that we could cover tomorrow.
0:35:22	John	(Allen) Okay, Thanks. (John) Would it be appropriate to ask how many people are leaving tonight? Any because of the baseline? So was everybody's still here tomorrow.
0:35:38	Jackie	J.J., you're leaving tonight?
0:35:40	J.J.	I'm in the air. I may, so I just kind of wait to see how things shook out. I've got about 10 hours of drive time tomorrow. So I'd like to break it in half.
0:35:53	Josh	Josh Uriarte, State of Idaho. We have to leave tomorrow night. (Someone corrects) Tonight. Tonight. We have to be at respectful workplace tomorrow. So, I guess I'd like to understand. I mean it's four o'clock. I mean, I'd like that if there are, I

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		would rather us get our discussions on the table now; so, I could be a part of them, rather than waiting tomorrow and missing out on conversations. So, I'd like to find out from folks what they plan on bringing up or how to go about it. Because we didn't drive five hours not to be a part of the conversation. So that's where I sit. So, I'd rather have the conversations now, if possible, but I don't have anything to bring up. So that's why. [chatter] If others have portions that they like to bring up that could potentially affect the Idaho plan, I'd like to be there to weigh in. [chatter]
<b>0:37:08</b>	J.J.	An alternative, I could call in tomorrow. That's some nice background noise.
<b>0:37:20</b>	Allen	Let that sit for a minute and I would ask other folks to chime in. And if there's something missing, we haven't gotten into the room. You want to get into the room so we get after Josh and J.J.'s question on how to invest their time.
<b>0:37:38</b>	Greta	Objections are all posted online, right? So, people within the room could also read each other's objections. And if there's a place where they feel they need more clarity, or that there's some opportunity within their understanding of the language that others have objected to, we could do that that way (Allen) By conference call in some way? I mean, I feel like at least Western Watersheds Project and our group went through every change and talked about what we saw the effects of being. I don't think it would be worth going through line by line of our objection here, but there's definitely more in the Idaho plan that we saw change that we're concerned with; and if you could read the objection and say, "Oh, yeah, you know, I completely agree with Western Watersheds Project on that. Let me call the Forest Service and let them know." That'd be great. [Laughter]
<b>0:38:55</b>	Allen	So, thanks. Let me make a proposal to all of you, as talked about that says, you know, with power of Google and the Internet. You all have access to that. There are two ways to proceed. One option is, you all commit to yourselves to read all the objections and reach out to the other objectors to have a conversation. That's option one. Option two is: You all read the other objections and circle back to Jody and say "I would like to have a conversation about this objection" by phone. And we would activate all the objectors to get that conversation done by conference call. So, two different choices there I think both there, okay, within our regulations. So, you all have a preference.
<b>0:39:59</b>	Jody	The first option kind of a weird one, because it would be great, and it's like it would be like a miracle if that happened. But you'd also still have to kind of circle back to us because for us to know what you all talked about decided.
<b>0:40:16</b>	Greta	I think that there shouldn't necessarily be wheeling and dealing among parties that isn't transparent.
<b>0:40:24</b>	Jody	Well, you can do that, actually. That would be okay. But what (Allen) He can't do. He can't do any wheeling and dealing. So that's why when he says I have to bring everybody back together, it's the truth. But remember the

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		example of Nada, you know, talking to Braden and you guys coming up with something. You guys talk to each other all the time and come up with ideas. But the point is you have to bring them back to us so that we can actually implement and then share them with rest so that that's you're right. That's how it gets dispersed out, either option.
<b>0:41:06</b>		[Chatter]
<b>0:41:18</b>	Allen	So, the option two is probably the easiest for you all to get your head around. And connected to that, is what was your reasonable time for you to share with Jody? "I have a question an idea around this objection." A lot homework on your side.
<b>0:41:39</b>	J.J.	Yes. I'll start. And you know, we've got, I won't speak for Colby because he is gone, but I will—because I sit on his board. We've got a meeting Friday with NACO, but that's not on agenda. So, we would have to agendaize something. Same with the county commission, I can get something on the agenda. If Eureka County wants to weigh in to look at, I'll work with our NRAC see if there's anything else, then I gotta coordinate with outside counsel, everybody else, but it's a couple weeks at best, before I can coordinate something.
<b>0:42:09</b>	Multiple	(Jody) It's the holidays. (J.J.) 24 <sup>th</sup> would work something like that. (Braden) Six o'clock in the 24th. [Chatter]
<b>0:42:27</b>	Jody	Let's clarify what we're looking for and you have all the objections that you guys spent oodles of time and money sending in, and we have gone through all those and we have tried, even though we didn't put them in the right topic areas, sometimes. We are looking at literally all of your stuff. But what we're, this is kind of interesting next step, we're now, and there actually was that other step where in theory, you all we're supposed to go to the Web site and read each other's objections in order to decide if you're gonna be an interested person or not. So, some of you may be ahead of the game. But what I'm thinking now with this next step, now add another step to the process, is basically now that you all sat down together and we've all listened to each other for a couple of days. Put your thinking cap on. Have a new lens when you're looking at some of these ideas? And I would totally recommend, there's a lot of stuff in all these objections. Cut to the chase, hit the remedies. The remedies...I gave you the remedies. The remedies are in the document I gave you. There are more remedies. And I could probably send those, too, if I didn't give you all of them line by line. It could definitely save some time. The background material is good, and it definitely explains some of the remedies. I mean, why would they want to do that? But, yeah, use a different lens. Say "Okay. All right, Idaho. OK, if you change that they could change that. Maybe we're all okay." So, it's an idea. So actually, his idea is actually kind of a mini new objection. But basically, it would be
<b>0:44:29</b>	Jody	an informal way of you communicating with me that I could communicate with them. And then we could put another conference call together sometime in January.

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0:44:43	Unidentified	Not new objections, because we're limited to the scope of the ones we already made. (Jody) Thank you. Yeah, nobody bring up anything new. Because that's really, really important.
0:44:55	Allen	So, shorter and punchier. You have reviewed all the objections you choose to. You have identified a specific objection you'd like to talk through. That would trigger a notification to Jody. Our action would be to schedule a conference call after that. So, it's that you've reviewed all the objections you choose to, and have identified an action that's the first due date I'd be looking for. What kind of time you need to accomplish it? You as an objector have reviewed all the other objections you choose to and have identified an objection you want to bring back to this group to talk through. When do you suppose you could be done with that?
0:45:56	J.J.	With the holidays and stuff, it might be 30 days before we have everybody on the same page. We have a NACO meeting Friday. I can't agendaize it.
0:46:07	John	I'll move that report along as fast as I can. I'll aim for somewhere late December to get that. So, people have something to look at. It might be in the initial draft as some numbers, and anything subject to change, but for the quicker you have that the better.
0:46:32	Jody	In fact, I wouldn't even bother doing the other piece.
0:46:35	John	Right? Maybe they just put it all on my shoulders. That's good.
0:46:47	Allen	So, I am action oriented, and I'm nervous about putting all of that on John. Well, I just wanted to put that in the room. You know, I'm not ...I'm not the only person here.
0:47:01	Braden	Allen, one other actions to maybe add to that, is that those who need to meet, to meet before a certain deadline. But I think you could put a deadline out there. Hey, like so we communicated to meet before January 15. Just sit down and talk through those issues. I think they have those deadlines of where we're gonna meet with your interested parties and objectors before the next meeting.
0:47:24	Jody	All right? Yeah. Let's come up with this schedule. A written schedule you all agreed to with understanding but I will be on vacation for the next 3 weeks. But I will read my emails. You need all know that on my signature block on my emails, you probably tried to call me and couldn't get a hold of me because I wasn't there at that phone number for two months. I will be there, and I will answer the phone because I usually live in Seattle, Washington. So I'll be available. You can email me but I'm truly not gonna be doing anything until the first of January. Let's start with that. This is all about me. So you committed to working with me and others.
0:48:23	Allen	You have a pen and you're ready to go?
0:48:36		[Chatter] All right.
0:48:42	Allen	So I have a couple in a vacuum... I'll just speed up the proposal process. All right. That we will send the monitoring report that we have by January 1. So, it may be draft. We had a lot of conversation about the value that may come from reviewing it. The individual meetings Braden and Nada talked about completed by January 15. And your report back to Jody about

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		interest in, a conference call. Complete back to your report back to Jody by, I'm toggling between 1-30 January 30th the 25th.
0:49:51	Jody	So, basically, if you're interested, not a requirement, I'm not gonna put a ding next to your name if you don't play this. Look and see if there's any other great ideas, anything you we could all fix together as a group by January 30th. I will send a note out. To make it as clear as possible.
0:49:55		[Inaudible chatter]
0:50:31	Allen	And then Jody and I, and Nora, and Jackie will figure out the details of the follow-up conference call to have that all objector conversation on whatever you identify.
0:50:48	Jody	If it turns out that none of you have any good ideas. We don't want to have a second conference call, we will communicate that, too.
0:50:59	Allen	Is that reasonable? We'll check with ...I would be a little more deliberate to make sure I hear from everybody. So, I'm just gonna go around the room for me rotating counterclockwise, giving people time buildup their answer. You okay with that?
0:51:19	Multiple	[Inaudible] [Checks for agreement around the room.]
0:51:49	Allen	Yeah, Okay.
0:51:58	Allen	Oh, the phone. Steve, if you're still on the phone?
0:52:04	Steve	You bet. Yeah, this process sounds fine. I looked forward to putting our team together and call
0:52:11	Allen	Esther or Cody. If you're still on the phone?
0:52:16	Cody	Yeah, this is Cody. We will participate.
0:52:18	Allen	Okay. Thanks.
0:52:22	Unidentified	Sure. Okay. I just said that. Yes, just Yes, he does. [Inaudible]
0:52:33	Allen	Bruce. Yeah. You guys were working together and...
0:52:37	Unidentified	Yes. Okay. Jody, I can't read. I'm gonna talk anyway. Of course. You said something about Utah and Audubon will talk and work together and do something by January 15th.
0:52:55	Unidentified	[chatter]
0:52:56	Jody	They're going to work together in January. John is not gonna have a holiday this year. He will get a monitoring report by January 1 done. It will a draft.
0:53:13		[Inaudible chatter] He will get a draft out.
0:53:50	Jody	Okay. So those of you that want to, or think that there's value in looking at the objections, one last time that are in the reading room in CARA. I will send you another link so you don't have to find it. Take one more look and see based on our talk conversations this week, maybe there's something here that we can all work on together and especially after we started thinking about the state plans. This could be fun.
0:54:30	Jody	Okay, so you guys get me, and I won't before next week. I will send you an email with some very simple format. With what you're thinking you would like to... you spotted something in Western Watersheds, or we spotted something in WEX like "Oh, yeah, you know what? That's not a bad idea."



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		<p>Get it to me by January 30. From there Allen, Jackie, and Nora, all of us will schedule another conference call and we'll do it again. Conference call with all this, all the objectors. That's the one thing that again you guys, it's perfectly okay for any of you to call each other. John or Jackie, might call somebody and say: I just really need to understand what you were talking about. Allen cannot talk to any of you guys without everybody else in the room. Part of the Sunshine Act Violation. We don't wheel and deal behind closed doors. There you go. Does that sound like a fair thing? And in the meantime, while this is going on, we will continue and finish up the original review of your objections and start working with Allen and the responsible officials. You need to be part of this schedule. When do we get your transcripts?</p> <p>(Jairo/Transcripts) I should be able to have transcripts by Tuesday, December 18<sup>th</sup>.</p> <p>(Jody) We should all applaud this man. Uh, okay.</p>
0:56:47	Jody	Anyways, you guys don't need to know all the stuff that has to be done, but there's a lot that we will take care of, and we'll put together. Start working through this together. What else?
0:57:01	Jody	Anything for all of you to know, no decisions are made on this or anything until we are done. Okay, Question. So are we meeting in the morning or not?
0:57:15	Unidentified	No
0:57:22	Allen	I didn't hear anybody that was ready to bring anything new table. That's what this last conversation was about. To give you space to do that. So, I, the agency folks are gonna be here anyway. We have work to do.
0:57:37	Bailey	That's a question that I have, because if you are gonna be here and then some parties show up and talk about what's going on in Wyoming. I certainly want to be part of that conversation. I think we all need to agree that we're not going meet. Or we need to agree that we all are going to meet.
0:57:55	Multiple	<p>[Group chatter]</p> <p>(Unidentified) Yeah. I don't trust Bailey coming in tomorrow.</p> <p>(Josh) I am under the assumption that no one is coming tomorrow.</p> <p>(Jody) Correct. If they do, we'll kick them out.</p> <p>(Unidentified) We'll leave word with security.</p>
0:58:26	Jody	Let me check on the phone. So you guys okay? So, Cody, Esther, Steve, the group as a whole has agreed that we're done with this particular meeting, and we'll just follow through with that calendar that I just went through. Does that work for you guys? Well it has to. I'm not calling you.
0:58:52	Steve?	I still do have some questions, and maybe homework department for the Forest Service, If we could have a better understanding of how this is gonna be different than what the BLM did, it could be helpful. And also understanding how the proposed NEPA rule might intersect with this. I mean, when I go through and I see a bunch of areas, and so just maybe

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		having somebody do a little crosswalk that could help us understand what the framer is gonna be moving forward.
<b>0:59:22</b>	Jody	Okay, I do know that a lot of what you just described is being done by the technical team that's doing the reviews, because those are the issues that you guys brought forward. So not quite ready to share all that yet. But I hear what you're saying, and we do have those issues. We will be responding. (Steve) Terrific. Okay. Um, Cody, are you still there?
<b>0:59:53</b>	Cody	Yep. Sounds great.
<b>0:59:54</b>	Jody	Okay. Easy going. Esther?
<b>1:00:00</b>	Drew	This is Drew. Esther got off, but I will inform her. (Jody) And you, you're okay with everything? (Drew) I am. Thank you.
<b>1:00:07</b>	Jody	All right. Thank you. Campbell County. All right, we're gonna sign off and thank you guys so much for putting up with audio.