



October 3, 2025

Submitted via BLM eplanning

William Groffy
Acting Director
Bureau of Land Management
U.S. Department of the Interior
1849 C Street NW, Room 5646
Washington DC 20240

Re: Notice of Significant Change: “Opportunity to Comment on Changes to the Proposed Resource Management Plan Amendment for the Greater Sage-Grouse Rangewide Planning,” 90 Fed. Reg. 42607 (Sept. 3, 2025) (<https://eplanning.blm.gov/eplanning-ui/project/2016719/570>)

Dear Acting Director Groffy:

The American Petroleum Institute (API), American Exploration and Production Council (AXPC), North Dakota Petroleum Council (NDPC), and the Utah Petroleum Association (UPA) (collectively, the Associations) appreciate this opportunity to provide comments in response to the Bureau of Land Management’s (BLM’s or Bureau’s) Notice of Significant Change entitled “Opportunity to Comment on Changes to the Proposed Resource Management Plan Amendment for the Greater Sage-Grouse Rangewide Planning” (Revised RMPA), published at 90 Federal Register 42,607 (Sept. 3, 2025). The Associations and their members have historically been active participants in the development of Resource Management Plans and Plan Amendments for the greater sage-grouse (GRSG). The Associations have consistently urged the Bureau to be guided by sound science in considering measures to conserve GRSG on BLM-managed lands and to ensure that any such measures are well-grounded in BLM’s legal authority and respect existing commitments to leaseholders and others.

As discussed in the attached comments, the Associations support many of the amendments reflected in the Revised RMPA, particularly those that represent efforts to promote greater deference to and consistency with state programs for the conservation of the GRSG. Even beyond this rulemaking, the Associations are deeply appreciative of the Trump Administration’s continued focus on reforming federal regulations and policies to expand energy production on federal lands while also balancing environmental stewardship principles. However, the Revised RMPA continues to have a number of significant flaws. In particular, the Associations are concerned about the continued reliance on BLM’s primary proposed tool for adaptive

management, *i.e.*, the Targeted Annual Warning System (TAWS). While in some portions of the revised text BLM suggests that it will give greater weight to state adaptive management approaches, a close examination demonstrates that this is true only for Wyoming, and that in other states BLM will “coordinate” with state representatives but will ultimately rely on TAWS, an unproven and unreliable platform which has significant potential for false watches and warnings that will unnecessarily disrupt activities on federal lands. The Associations have other remaining concerns that are discussed in the attached comments.

As always, the Associations and their members stand ready to work collaboratively with the Bureau on these important matters. Thank you for your kind attention to these comments.

Sincerely,



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Comments Submitted by the American Petroleum Institute (API), American Exploration and Production Council (AXPC), North Dakota Petroleum Council (NDPC), and the Utah Petroleum Alliance (UPA)

BLM's Proposed Changes to the Proposed Resource Management Plan Amendment for the Greater Sage-Grouse Rangewide Planning

90 Fed. Reg. 42,607 (September 3, 2025)

October 3, 2025

Table of Contents

I. Executive Summary 1

II. The Associations’ Interests in the Revised RMPA Rulemaking..... 1

III. Relevant Legal Framework: In Establishing GRSG Protections, BLM Should Continue to Look for Ways to Align Federal Land Management with the Multiple Use Mandate of FLPMA..... 3

IV. The Associations Support Many of the Revisions Made to the Proposed GRSG RMPA..... 4

V. The Associations Have Continuing Concerns Regarding BLM’s Proposed Approach to Adaptive Management and its reliance on the Targeted Annual Warning System..... 5

A. BLM has made inconsistent statements regarding its approach to adaptive management but ultimately continues to rely on the problematic TAWS and neighborhood clusters for adaptive management..... 5

B. TAWS remains in need of substantial revision or replacement. 6

C. Adaptive management should not apply to GHMA. 9

D. BLM needs to provide specific information to the public regarding the Western Governors Association Sage-grouse Conservation Task Force and its members’ recommendations..... 10

VI. Other Concerns 10

A. BLM has not clarified its approach to compensatory mitigation and should defer to the states..... 10

B. BLM should take additional steps to address the issue of predation..... 10

C. BLM needs to revisit the elimination of the categorical exclusion for pinyon-juniper management..... 11

VII. Conclusion 11

I. Executive Summary

The Associations support several revisions in BLM's Revised RMPA including strengthened coordination between BLM and state authorities, the elimination of the new Primary Habitat Management Area with Limited Exceptions category, and the opening up of rights-of-way in General Habitat Management Areas in Nevada and California. However, the Associations urge BLM to consider further necessary revisions in the Revised RMPA, including (1) not utilizing the problematic Targeted Annual Warning System (TAWS) for adaptive management purposes, (2) deferring to states on compensatory mitigation, (3) taking further steps to address predation, and (4) revisiting the elimination of the categorical exclusion for pinyon-juniper management.

TAWS is methodologically flawed and required further development before making it an integral part of an adaptive management system. As it stands, the use of TAWS to trigger watches and warnings – coupled with BLM's approach to responding to those watches and warnings – creates a substantial risk of unjustified operational restrictions pending causal factor analyses. BLM's reliance on this flawed system and failure to adequately address the Associations' concerns contravene the Department of Interior's "Gold Standard of Science" directive. The Associations recommend that BLM drop the use of TAWS in favor of state-defined spatial analysis units and thresholds and consider issuing an RFI for alternative, reproducible methodologies with probabilistic outputs. In the meantime, BLM can await further development of TAWS.

Additionally, the Associations urge BLM to defer to states on compensatory mitigation and reinstate the pinyon-juniper category exclusion, among other recommendations to address previously raised concerns with GRSG management. Overall, the Revised RMPA should further strengthen state coordination and promote science-based land management.

II. The Associations' Interests in the Revised RMPA Rulemaking

API is a national trade association representing nearly 600 member companies that operate throughout the United States and are involved in all aspects of the oil and natural gas industry, including exploration, development, production, transportation, refining, and marketing. Many of our members operate on federal lands, including onshore areas managed by the Bureau of Land Management (BLM). For many years, API has worked collaboratively with the Department of the Interior (DOI) and its agencies, including BLM, to help provide for the continued safety of industry workers, protection of the environment, and proper economic development of resources in fulfillment of federal law. API members support responsible energy development on federal lands consistent with the multiple use mandate found in the Federal Lands and Policy Management Act of 1976 (FLPMA) and other applicable federal laws and regulations.

The American Exploration and Production Council (AXPC) is a national trade association representing the leading independent oil and natural gas exploration and production companies in the United States. AXPC companies produce some of the cleanest and safest oil and natural gas in the world, while supporting millions of Americans in high-paying jobs and investing a wealth of resources in our communities. Dedicated to safety, science, and technological advancement, our members strive to deliver affordable, reliable energy while positively impacting the economy and the communities in which we live and operate. As part of this mission, AXPC members understand and promote the importance of ensuring positive environmental and public-welfare outcomes and

responsible stewardship of the nation's natural resources. It is important that regulatory policy enables us to support continued progress on both fronts through innovation and collaboration. AXPC works with regulators and policymakers to create sound, fact-based public policies that enable responsible development of America's vast oil and natural gas resources in order to meet domestic and global energy demands.

Established in 1952, the North Dakota Petroleum Council (NDPC) is the trade association and primary voice for the oil and gas industry in North Dakota. NDPC represents more than 550 companies involved in all aspects of the oil and gas industry, including oil and gas production, refining, pipeline development and operation, transportation, mineral leasing, consulting, legal work, and oil field service activities in North Dakota, South Dakota, and the Rocky Mountain Region. The mission of NDPC is to promote opportunities for open discussion, lawful interchange of information, and education concerning the petroleum industry; to monitor and influence legislative and regulatory activities on the state and national level; and to accumulate and disseminate information concerning the petroleum industry to foster the best interests of the public and industry.

The Utah Petroleum Association (UPA) is a statewide oil and gas trade association established in 1958, representing companies involved in all aspects of Utah's oil and gas industry. UPA members range from independent producers to midstream and service providers, as well as major oil and natural gas companies widely recognized as industry leaders driving technological advancements that lead to environmental and efficiency gains. UPA members operate extensively on federal lands and have a long history of stewardship and conservation.

The Associations' member companies have a direct interest in how BLM plans to manage lands with respect to the greater sage-grouse (GRSG) and its habitat. These companies hold valid existing leases and are interested in future oil and natural gas leasing, exploration, and production activities in areas that will be directly affected by BLM's management decisions. As such, our members are committed to science-based federal wildlife conservation measures to protect the GRSG that are identified through environmental analysis performed under federal laws such as the National Environmental Policy Act (NEPA) and other applicable federal and state laws. For example, members of the Associations operate pursuant to well-developed state programs benefiting the GRSG, such as the Wyoming Executive Order on Greater Sage Grouse, that demonstrate oil and gas development's successful coexistence with wildlife conservation. These efforts help protect wildlife while balancing the multiple uses of federal land in the manner in which Congress intended.

Given these significant interests, the Associations and their members have historically been active participants in the development of resource management plans (RMPs), including amendments to RMPs to address the greater sage grouse.¹ The Associations have also participated

¹ For example, API has provided comments on: the December 2011 *Notice of Intent to Prepare Environmental Impact Statements and Supplemental Environmental Impact Statements to Incorporate Greater Sage Grouse Conservation Measures Into Land Use Plans and Land Management Plans*, 76 Fed. Reg. 77008 (Dec. 9, 2011); the December 27, 2011 *Report on National Greater Sage-Grouse Conservation Measures*; the October 2017 *Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements or Environmental Assessments*, 82 Fed. Reg. 47248 (Oct. 11, 2017); and the November 2021 *Notice of*

in earlier stages of the current RMP amendment process, submitting comments and filing a protest with respect to the amendments.² Throughout, the Associations have consistently urged the Bureau to be guided by sound science in considering measures to conserve GRSG on BLM-managed lands and to ensure that any such measures are well-grounded in BLM’s legal authority and respect existing commitments to leaseholders and others.

Oil and natural gas exploration and development on federal lands and waters provide enormous benefits to our nation and its citizens—for our economy, our environment, and our national security. Recognizing the importance of domestic oil and gas production, in Executive Order 14154, *Unleashing American Energy*, President Trump announced that it is the policy of the United States “to encourage exploration and production on Federal Lands and waters...to meet the needs of our citizens, and solidify the United States as a global energy leader long into the future[.]”³ In Executive Order 14156, *Declaring a National Energy Emergency*, President Trump further established energy production as a national priority, ordering federal agencies to exercise all lawful authorities “to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy sources, including...on Federal lands.”⁴

Given the vital importance of energy production on public lands, overreaching land management regulations could place our domestic energy supply at risk. The Associations appreciate this Administration’s recognition of the importance of these federal land management concerns and supports BLM in the efforts it has undertaken thus far to restore balance in federal land management and promote energy production by prioritizing multiple-use access, including BLM’s proposed rescission of the 2024 Public Lands Rule.⁵

III. Relevant Legal Framework: In Establishing GRSG Protections, BLM Should Continue to Look for Ways to Align Federal Land Management with the Multiple Use Mandate of FLPMA

The existing legal and regulatory framework provides robust conservation and environmental protection for BLM lands. Congress established FLPMA’s Multiple Use Framework to guide BLM’s management of federal lands. Under FLPMA, Congress specifically instructed that federal lands must be managed “on the basis of multiple use and sustained yield unless otherwise specified by law.”⁶ In FLPMA, Congress expressly defined key terms like “multiple use” and “sustained yield.”⁷ As reflected in the definition of “multiple use,” the Multiple

Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Environmental Impact Statements, 86 Fed. Reg. 66331 (Nov. 21, 2021).

² API, NDPC, UPA and other trade associations submitted comments in response to BLM’s March 2024 *Notice of Availability: Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning*, 90 Fed. Reg. 18963 (Mar. 15, 2024), including comments on areas of critical environmental concern submitted on May 14, 2024, and comments on the balance of the Draft RMP Amendment and EIS submitted on June 12, 2025. API, AXPM, NDPC and other associations also submitted a protest on December 16, 2024 with respect to several aspects of the Proposed RMP Amendment and Final EIS.

³ 90 Fed. Reg. 8,353 (Jan. 20, 2025).

⁴ 90 Fed. Reg. 8,433, 8,434 (Jan. 29, 2025).

⁵ 90 Fed. Reg. 43,990 (Sept. 11, 2025).

⁶ 43 U.S.C. § 1701(a)(7).

⁷ *See id.* § 1702(c).

Use Framework requires BLM to consider a variety of factors when managing public lands:

The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.⁸

The Associations appreciate that the Trump Administration is seeking to adhere to the Multiple Use Framework, which accounts for the fact that public land use must be multifaceted and still meet present resource needs. As such, the Multiple Use Framework ensures that conservation and environmental protection are considered in connection with every use of public lands. In drafting and amending RMPs, BLM should ensure continued adherence to this Multiple Use Framework, as mandated by Congress.

IV. The Associations Support Many of the Revisions Made to the Proposed GRSG RMPA.

The Associations appreciates and supports many of the changes in the Proposed GRSG Resource Management Plan Amendment (Revised RMPA). For example, the Associations support BLM’s intent to enhance coordination with state GRSG authorities. The latest proposed revisions would strengthen coordination between BLM and state authorities in the management of GRSG populations and habitats and represent an appropriate accommodation by BLM of state programs in light of state expertise and authority for protecting and managing wildlife populations. For example, the Associations support the modification of habitat management area (HMA) boundaries in Utah to address the State’s concerns. The updated HMA boundaries in Utah reflect a collaborative effort between BLM and the State to address the inconsistencies identified during the Governor’s consistency review.⁹

This type of collaborative approach ensures that management decisions are informed by the best available science and local knowledge, leading to more appropriate and effective conservation actions. The previously proposed GRSG RMPA did not sufficiently promote federal-state coordination, creating the potential for conflicts with or disruption to current state efforts, such as state compensatory mitigation programs. The revisions now proposed alleviate to some

⁸ *Id.* § 1702(c) (emphasis added).

⁹ Revised RMPA at 24.

extent (but do not eliminate) these concerns.

In addition, the Associations support the elimination of the Primary Habitat Management Area (PHMA) with Limited Exceptions category.¹⁰ This was a new regulatory category for land management proposed by BLM that was not discussed in the Draft Environmental Impact Statement (EIS) but was inserted into the Final EIS without any vetting by cooperating state and local agencies. Removing this new category does not come at any environmental cost as PHMA with Limited Exceptions was essentially an area of critical environmental concern (ACEC), and ACECs can be added at any time. As such, this new category was unnecessary and created potential inconsistencies with state and local plans.

The Associations also support the opening up of rights-of-way in General Habitat Management Areas (GHMAs) in Nevada and California. The Revised RMPA proposes to open GHMAs in Nevada and California to major rights-of-way (ROW) authorizations, subject to minimization measures and compensatory mitigation.¹¹ This revision helps align BLM management in Nevada with management in California and addresses state requests for clearer guidelines that support development in low-impact areas. This balanced approach facilitates responsible development while still prioritizing GRS conservation.

V. The Associations Have Continuing Concerns Regarding BLM’s Proposed Approach to Adaptive Management and its reliance on the Targeted Annual Warning System.

A. BLM has made inconsistent statements regarding its approach to adaptive management but ultimately continues to rely on the problematic TAWS and neighborhood clusters for adaptive management.

The Associations continue to have significant concerns regarding BLM’s approach to adaptive management, particularly as they relate to BLM’s reliance on the United States Geological Survey’s (USGS’s) Targeted Annual Warning System (TAWS) and the proposed RMPA’s Updated Adaptive Management Language for Table I.¹² Several of the Associations have already expressed these concerns in their June 2024 comments on the Draft RMPA and EIS and in its December 2024 protest concerning the Proposed RMPA and Final EIS. However, these concerns have not yet been adequately addressed especially with regard to TAWS’s susceptibility

¹⁰ Revised RMPA at 9.

¹¹ Revised RMPA at 21.

¹² Revised RMPA at 2.

to false alarms.¹³ By failing to adequately address the notable flaws and concerns with TAWS, BLM runs afoul of the Department of Interior’s restored “Gold Standard of Science.”¹⁴

BLM now states that it has taken steps to “better align the BLM’s adaptive management process with state policies and programs to manage sage-grouse populations.”¹⁵ BLM has done just that with respect to Wyoming, but its approach to adaptive management in other states is much different. In those states, BLM says that it will “participate in and implement the most recent State adaptive management process,” but also indicates that it will implement an “adaptive management framework outlined in Appendix XX in coordination with state-level interagency adaptive management teams.”¹⁶ The first statement suggests that BLM plans to leverage or defer to state adaptive management processes such as those in Nevada and Utah, just as it has done in Wyoming. However, the second statement indicates that in states other than Wyoming, BLM will implement the adaptive management framework outlined in Appendix XX, a framework that relies on TAWS analyses rather than state-based population trend analyses. In the Updated Adaptive Management Language, BLM also relies on its own habitat and population thresholds and responses rather than those used by the states, despite the fact that it is the states that are responsible for monitoring and maintaining GRSG populations and BLM should be deferring to the states in making these assessments and determining appropriate responses.¹⁷

B. TAWS remains an analytical method in need of substantial revision or replacement.

The Associations and other interested stakeholders have previously documented the significant methodological and practical issues with TAWS, which remain unaddressed by BLM. As discussed in detail by API and other trade associations in their June 2024 comments on the Draft RMPA/EIS, TAWS is an analytical method that requires further research and development before it can be potentially used to guide management of greater sage-grouse populations. As discussed further in Appendix A to the June 12, 2024 comments,¹⁸ the TAWS approach ignores prevalent data, relies upon problematic assumptions and non-transparent methodologies, and lacks an effective process for addressing false alarms. Among the key issues with the use of TAWS as a regulatory mechanism with real-world consequences are the following:

¹³ In its response to the comments on the Draft EIS, BLM sought to minimize concerns about TAWS by stating that it is “one tool” that is “used to start a conversation about adaptive management” and that TAWS does not require a specific on-the-ground response. Final EIS, App. 22 at 22-12. Yet this response ignores the fact that, as discussed further below, TAWS is susceptible to false watches and warnings. It also ignores the fact that given the way BLM has structured its use of TAWS, these “false alarms” will trigger restrictions and cause unnecessary disruption while a causal factor analysis is conducted, a process that could take significantly longer than BLM acknowledges. BLM’s Protest Resolution Report largely ignores concerns raised about TAWS and its proposed use by the Bureau.

¹⁴ See Secretary of the Department of Interior, Order 3441, “Implementing the Requirements of Executive Order 14303, *Restoring Gold Standard Science*” (May 23, 2025). Among other things, the use of TAWS raises issues with respect to open science/data sharing and peer review, areas where DOI has acknowledged that there is ample room for improvement.

¹⁵ Revised RMPA at 1.

¹⁶ *Id.* at 2.

¹⁷ *Id.* at 2.

¹⁸ API, NDPC, UPA, and other associations’ June 12, 2024 Comments re: “Notice of Availability: ‘Draft Resource Management Plan Amendment and Environmental Impact Statement for Greater Sage-Grouse Rangewide Planning’ 89 Fed. Reg. 18963 (Mar. 15, 2024)” (“June 12, 2024 Comments”).

- TAWS lacks a probabilistic assessment as to how reliable each “watch” or “warning” assignment is. Such an assessment would allow managers, decision makers, and the public to evaluate the confidence of those assignments.
- TAWS currently has a two-year lag time between data being gathered and results being analyzed. In order to be a potentially useful adaptive management tool, TAWS instead needs annual analyses of the most current and complete data.
- TAWS also relies upon problematic “neighborhood clusters” and “climate clusters,” and improperly relies upon leks in assessing GRSG population levels. Radio tracking and genetic data show that both male and female GRSG move among leks or disperse to increase mating opportunities in response to local environmental conditions, disturbance, and density dependence. Thus, a decline at one or even a handful of leks is not necessarily an indication that the surrounding GRSG population has declined, as assumed by Coates et al. (2021, 2022). Inadequate sample sizes (*i.e.*, too few leks) inevitably lead to erroneous conclusions regarding neighborhood cluster trends.
- The structure of the system disregards a substantial amount of prevalent research. For example, the neighborhood clusters and climate clusters based on desktop GIS analyses are inconsistent with recent genetic data and analyses. Testing the presumptions regarding neighborhood and climate clusters on which TAWS is based against reveals that the clusters lack empirical support and that the TAWS clustering of leks need to be revised accordingly or scrapped altogether.¹⁹
- The TAWS approach ignores movement data from nine months of the year, as well as genetic data on long-distance migration and dispersal.²⁰
- Moreover, the TAWS approach fails to take account of oscillations in the population trends data. TAWS can produce different results regarding population trends based on the number of time periods (*i.e.*, oscillations) used in the analysis.²¹ Such a variance highlights further methodological flaws underlying the TAWS approach.

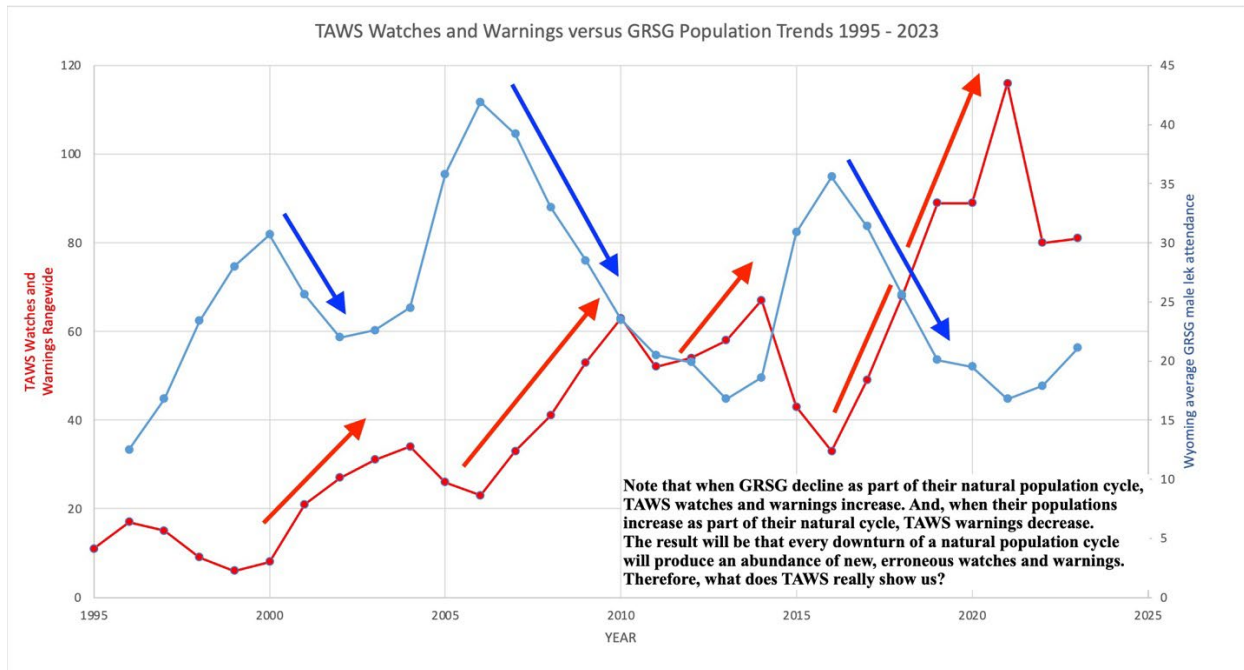
Because of these and other flaws, the TAWS approach carries a significant likelihood of false alarms, which will lead to uncertainty and delays. There are numerous examples of warnings being applied by TAWS to neighborhood clusters that otherwise showed an increasing population trend.²² Moreover, continued use of TAWS will result in an increased number of erroneous watches and warnings whenever there is a natural downturn in the cyclical GRSG population, as shown in the figure below.

¹⁹ See June 12, 2024 Comments, Appendix A at 33–35.

²⁰ See *id.* at 33.

²¹ See *id.* at 36.

²² See *id.* at 37–40.



These erroneous watches and warnings will result in wasted Bureau staff time, imposition of unnecessary restrictions, and consequently a waste of valuable state-directed conservation effort.

Issues associated with false alarms will be compounded by one of the key features of TAWS, i.e., the causal factor analysis. If a warning is triggered, further activity in the affected area may be shut down until a causal factor analysis is completed. However, BLM has failed to demonstrate that it will be able to complete causal factor analyses in response to such false alarms in a timely fashion. Furthermore, there is a low likelihood that causal factors can be determined with any degree of certainty due to the inherent complexity of ecosystems and the limited area and low number of leks in neighborhood clusters. As a result, TAWS will become a vehicle for imposing a freeze on development.

Thus, TAWS is currently not *the best available science* for determining GRSG population trends. State data analysis and state-specific planning are best suited to address local conditions and less problematic than BLM adaptive management based on TAWS. After all, it is the states that have primary responsibility for managing (and monitoring) GRSG populations. While those using federal lands should be free to offer additional mitigation, BLM should not require mitigation above and beyond mitigation measures required by a state.

Even if the use of TAWS for regulatory purposes was justified, BLM’s proposed application of TAWS is problematic. For example, the Associations are concerned about the vagueness regarding the scale of “spatial analysis units” that will be used to evaluate habitat thresholds and plan responses. BLM’s choice of spatial analysis unit in the Revised RMPA is a well-justified concern because TAWS-based “neighborhood clusters” appear to be the BLM’s default spatial analysis units for the Bureau’s proposed population thresholds. The spatial analysis units relied upon need to be at a scale that is consistent with state plans as opposed to “neighborhood clusters,” which are highly localized and biologically unsound.

Moreover, the Associations note that the adaptive management habitat and population thresholds in the Revised RMPA have not substantially changed since the public release of the FEIS, except that habitat thresholds are proposed to be evaluated based on “spatial analysis units” while population thresholds are proposed to be evaluated based on TAWS “neighborhood clusters.” This creates unnecessary confusion for implementation of adaptive management protocols. Moreover, by continuing to use neighborhood clusters for population thresholds, BLM will be forcing itself into only using the flawed, neighborhood cluster approach in the future. To remedy this issue, the Associations suggest that the BLM use spatial analysis units for both habitat and population thresholds and that BLM defer to the states to define those units.

Rather than BLM retaining TAWS for states other than Wyoming as well as Colorado and Oregon (in order to be consistent with the already finalized Colorado and Oregon plans), the Associations recommend that BLM drop the use of TAWS and utilize local and regional population trend estimates and thresholds for adaptive management instead. There is no requirement in FLPMA that directs BLM to utilize range-wide data analysis or base local and state-level adaptive management and mitigation planning on such analyses. Determining GRSG population trends and developing appropriate responses is a task that is best left to the states with their local expertise. To the extent that BLM thinks that individual state adaptive management programs are underdeveloped, it should support – financially and otherwise – periodic refinement of those plans.

In addition, the Associations recommend that BLM issue a Request for Information for suggestions on alternative methodologies that would be superior to the current version of TAWS and would overcome its documented limitations. An improved, defensible methodology would have the potential to provide:

- More accurate assessments of GRSG population trends;
- Probabilistic assessments on the reliability of any “watch” and “warning” assignments, which would allow state and federal agencies to assess the validity of watches and warnings;
- Transparency in both methods and final data sets used in analyses; and
- The capability for results to be independently reproduced and verified by state agencies.

C. Adaptive management should not apply to GHMA.

While the Final EIS generally seems to suggest that adaptive management only applies to PHMA, there is text that also seems to allow BLM to respond to triggers in PHMA by imposing restrictions in GHMA.²³ That would obviously extend the reach of TAWS-based restrictions well outside of PHMA, representing a significant expansion of the TAWS approach. Such an expansion is unwarranted given the current limitations of TAWS discussed above.

²³ See Proposed RMPA/Final EIS at 2-48 (“If a reduction in the ability for the [PHMA] habitat to support GRSG occurs as a result of habitat impacts, additional restrictions may be necessary to preclude further habitat losses. Local responses to thresholds in GHMA can be considered if deemed necessary by the BLM and the appropriate state agency.”).

D. BLM needs to provide specific information to the public regarding the Western Governors Association Sage-grouse Conservation Task Force and its members' recommendations.

The Revised RMPA states that “BLM has closely coordinated with the Western Governors Association Sage-grouse Conservation Task Force (Task Force) to better align the BLM’s adaptive management process with state policies and programs to manage sage-grouse populations.”²⁴ The Associations respectfully request that BLM be transparent about the members of the Task Force who participated in the development of the Revised RMPA, their individual suggestions (particularly regarding retention of TAWS in adaptive management for states other than Wyoming, Colorado, and Oregon), and whether these suggestions were subsequently approved by the governors of the respective states.

VI. Other Concerns

A. BLM has not clarified its approach to compensatory mitigation and should defer to the states.

As discussed in the June 12, 2024 Comments, BLM’s authority to impose compensatory mitigation requirements does not stand on solid legal ground. FLPMA does not expressly authorize BLM to impose compensatory mitigation requirements on users of public lands. Moreover, the sources of authority to impose mitigation that BLM cited in its response to comments on the Draft RMPA/EIS in most cases have been or will be rescinded, including the Council on Environmental Quality’s NEPA implementing regulations, Executive Order 13990, and Secretarial Order 3398.²⁵

Thus, the Associations reiterate that the appropriate approach is to defer to the states on compensatory mitigation and align with state compensatory mitigation decisions, as opposed to adding additional mitigation requirements at the federal level.. Such an approach would make use of state expertise regarding GRSG conservation while avoiding questions regarding the extent of BLM statutory authority. This approach would be consistent with the intent of the Revised RMPA’s support of state GRSG conservation efforts.

B. BLM should take additional steps to address the issue of predation.

While BLM required project-level predator management plans in its Revised RMPA, the Bureau did not go far enough in addressing the well-documented, landscape-level threat of raven predation on GRSG eggs and chicks. While BLM acknowledges the predation threat, the Bureau has yet to address the extensive literature on this subject identified by API and has not adequately dealt with the threat.²⁶ While BLM takes the position that actions related to management of predator populations are beyond the scope of the RMPA and are the responsibility of state wildlife

²⁴ Revised RMPA at 1.

²⁵ See 90 Fed. Reg. 10,610 (Feb. 25, 2025); 90 Fed. Reg. 8,237 (Jan. 28, 2025); Secretarial Order 3418 (Apr. 16, 2021).

²⁶ See June 12, 2024 Comments at 18–19.

agencies and the U.S. Fish and Wildlife Service, there are still opportunities for BLM to aid in reducing predation levels through funding state efforts.

C. BLM needs to revisit the elimination of the categorical exclusion for pinyon-juniper management.

API previously provided comments on BLM’s Notice of Proposed Policy Revisions: “National Environmental Policy Act Implementing Procedures for the Bureau of Land Management (516 DM 11),” published at 89 Federal Register 14,087 (Feb. 26, 2024). In those comments, API urged BLM to withdraw its proposal to eliminate the categorical exclusions (CXs) for pinyon-juniper management from its NEPA procedures. The Associations support the use of CXs to facilitate BLM’s compliance with the requirements of NEPA. CXs can serve to incentivize projects with minimal environmental impacts, while at the same time helping to avoid unnecessary project days.

BLM’s proposed withdrawal of the pinyon-juniper management CX was premature in light of the ongoing planning processes concerning the management of GRS habitat. As such, BLM should now revisit its proposed withdrawal of the pinyon-juniper CX.

There is a substantial basis in the record to support that CX. BLM adopted the CX based on an extensive review and robust analysis of ten years’ worth of Environmental Assessments, several Environmental Impact Statements, and peer-reviewed literature.²⁷ BLM ultimately crafted the CX with a number of limitations, including specifying that the CX would not apply to cutting of old growth trees, pesticide applications, or the construction of roads or other new infrastructure, among other things.²⁸ BLM finalized the CX after completing its extensive analysis and considering 3,900 comments received in response to the proposed adoption of the CX.

Pursuant to the Executive Order on *Unleashing American Energy*, the Secretary of the Interior is to “undertake all available efforts to eliminate all delays” associated with permitting or approval processes associated with energy exploration and production on federal lands. One way for the Secretary to fulfill that mandate is to retract the proposal to eliminate a CX that is well supported.

VII. Conclusion

As detailed above, the Associations support many aspects of the Revised RMPA, particularly the greater deference to and coordination with state programs. In addition to finalizing such positive revisions, the Associations respectfully request that BLM reconsider the concerns highlighted above and make further revisions accordingly.

²⁷ BLM, *Pinyon Pine and Juniper Management Categorical Exclusion Verification Report* (Mar. 13, 2020).

²⁸ 85 Fed. Reg. 79,504 (Dec. 10, 2020).