



American Exploration &  
Mining Association

10 N Post St. Ste. 305 | Spokane WA 99201-0705  
P. 509.624.1158 | F. 509.623.1241  
info@miningamerica.org | www.miningamerica.org

*Formerly the Northwest Mining Association*

## **Sweeping Land Use Restrictions and Prohibitions in BLM/USFS Draft EISs for Sage-Grouse Threaten U.S. Mining and the Economy in 11 Western States**

### ***Unprecedented Attempt to Limit Multiple-Use on Public Lands - the Spotted Owl on Steroids***

- **Background:** The Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) draft Land Use Plan Amendments (LUPA)/draft Environmental Impact Statements (EIS) Preferred Alternatives in Nevada, Idaho, Utah, Montana and Wyoming endorse land use restrictions and prohibitions that will severely impede and even prohibit a wide range of responsible uses of nearly 60 million acres of public lands with sage-grouse habitat in 11 western states.
  - BLM and USFS are inappropriately using concerns about a potential listing of the Greater Sage-grouse as a threatened or endangered species under the Endangered Species Act to assert a need for widespread land use restrictions – including withdrawing over 17 million acres from operation of the US Mining Law.
- **BLM/USFS have exceeded their statutory authority by proposing actions that fail to comply with the National Environmental Policy Act (NEPA) and violate:**
  - The Federal Land Policy Management Act (FLPMA)
  - The General Mining Laws
  - The Mining and Minerals Policy Act of 1970
  - The National Forest Management Act (NFMA)
  - The Endangered Species Act (ESA)
  - The Data Quality Act
- **The preferred alternatives are not based on the best available science and commercial data.** BLM continues to rely on *A Report on National Greater Sage-Grouse Conservation Measures* released on December 21, 2011 from the Sage-Grouse National Technical Team (NTT Report) despite at least two independent studies that demonstrate it is based on flawed science, methodological bias and a lack of reproducibility; mischaracterizes previous research; contains substantial errors and omissions; lacks independent authorship and peer review; includes invalid assumptions and analysis, and inadequate data.
  - **Two subsequent reports prepared by the USGS and the USFWS (other DOI agencies) undermine the one-size-fits all approach in the NTT Report.**
- **The agencies' focus on new regulatory mechanisms instead of better implementation of available regulatory mechanisms and private conservation efforts with assurances suggests that the real purpose is NOT sage-grouse conservation. Rather, the so-called conservation measures are designed to:**
  - Find another way to implement the draconian land use restrictions in the aborted Wild Lands Policy and Secretarial Order 3310.
  - Dramatically reduce and even prevent mining, energy development (both conventional and renewable), grazing, and multiple-use of public lands.

- **The conservation measures in the DEISs are more draconian than the restrictions that would result from an ESA listing of the species**
  - They inappropriately focus on regulating anthropogenic activities to reduce threats to sage-grouse habitat despite evidence that these uses have a relatively minor and sometimes beneficial impact on sage-grouse and ignore the No. 1 threat: WILDFIRE AND INVASIVE SPECIES.
- **The conservation measures in the DEISs elevate sage-grouse conservation above other resources in contradiction of the Federal Land Policy and Management Act of 1976 (FLPMA) §102(12) which states:**

*The Congress declares that it is the policy of the United States that the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the Mining and Minerals Policy Act of 1970.*

- **Further restricting access to important mineral deposits and energy resources will result in thousands of lost jobs and an increased reliance on foreign sources of critical & strategic minerals and energy.**
  - The DEIS documents are fatally flawed because they do not analyze this impact.
- **Because Greater Sage-grouse habitat covers nearly 60 million acres in 11 western states, the proposed land use restrictions and prohibitions will cause economic devastation to communities across the west – just like the Spotted Owl caused in the Northwest but on a much larger scale.**
  - The DEIS documents are fatally flawed because they do not analyze this impact
- **Congress needs to assert its legislative and oversight authority to determine:**
  - If the 2010 Warranted But Precluded determination, the 2011 NTT Report and the 2013 COT Report represent the best available science and commercial data and comply with the Data Quality Act;
  - Why BLM is ignoring Manual 6840, *Special Status Species Management* (December 2008) and developing a new set of conservation measures and regulatory mechanisms without explaining whether Manual 6840 is inadequate;
  - Why BLM has reneged on Secretary Salazar's promise to the western Governors to give interim management authority to state plans that receive USFWS concurrence.
- **Congress must prohibit BLM/USFS from finalizing the EIS and amending Land Use Plans covering 11 western states, and USFWS from making a listing decision until the above questions have been answered.**
  - Congress should demand a general consensus on what constitutes Best Available Science for both Greater Sage-grouse populations and Greater Sage-grouse habitat conservation.
- **Congress must not allow the court-ordered September 2015 listing determination deadline in the backroom settlement of the multi-species lawsuit to force a premature decision that is based on poor science, insufficient evidence of the conservation achievements throughout the west, and a legally flawed NEPA analysis to amend the Land Use Plans.**

**AEMA Policy Statement:** We share the goal of conserving the Greater Sage-grouse to make an ESA listing unnecessary. However, the BLM/USFS proposed sage-grouse conservation measures will severely reduce mineral exploration and development and other multiple-uses of public lands by upending federal land management statutes through administrative fiat to nullify the multiple use mandate in FLPMA and rights under the Mining Law to enter, use, and occupy public lands to explore for and develop minerals.