Properly managed grazing activities are compatible with greater sage-grouse conservation and may improve habitat for greater sage-grouse. Properly managed rangelands are capable of sustaining robust greater sage-grouse populations and a diversity of plant species important to greater sage-grouse habitat. (USFWS Grazing Memo, Cagney, Bestelmeyer, etc.)

The State of Wyoming will collaborate with appropriate Federal agencies to: (1) develop appropriate conservation objectives; (2) define a framework for evaluating situations where greater sage-grouse objectives are not being achieved on Federal land, to determine if a causal relationship exists between improper grazing (by wildlife or wild horses or livestock) and greater sage-grouse conservation objectives; and (3) identify appropriate site-based action to achieve greater sage-grouse conservation objectives within the framework.

If grazing adjustments are believed necessary to achieve greater sage-grouse conservation objectives, coordination among land management agencies and permit/lease holders shall take place. Monitoring data used within the framework will, at a minimum: reflect 5 years of information, include rangeland health assessments and, require conclusion or action to be based on 3 out of 5 years of data (i.e., Y1-2-3, Y2-3-4, Y3-4-5). These requirements may be waived in case of a catastrophic event such as fire. Further, the State recognizes there is a distinction between conservation objectives and land health standards and that it is possible to achieve land health standards while not achieving greater sage-grouse conservation objectives and vice-versa. Federal agency’s participation in the implementation of this EO in no way precludes them from managing federal surface for rangeland health. (Don Simpson Letter)

The following are considered “de minimis” activities:

1. Existing animal husbandry practices (including branding, docking, herding, trailing, etc).
2. Existing farming practices and reclamation seeding (excluding conversion of sagebrush habitats to agricultural lands).
3. Properly managed grazing operations that utilize recognized management approaches (allotment management plans, Natural Resource Conservation Service grazing plans, prescribed grazing plans, etc.).
4. Construction of agricultural reservoirs, less than 10 surface acres and more than 0.6 miles from the perimeter of an occupied lek. Construction within 0.6 miles is allowed so long as it does not occur from March 15 to June 30, does not occur on the lek itself, and has a biological review.
5. Construction of aquatic habitat improvements, less than ten wetland or water surface acres, more than 0.6 miles from the perimeter of an occupied lek. Construction within 0.6 miles is allowed so long as it does not occur from March 15 to June 30, does not occur on the lek itself, and has a biological review.
6. Drilling and outfitting of agricultural or residential water wells (including tank installation, pumps, and agricultural water pipelines) more than 0.6 miles from the perimeter of an occupied lek.
Construction within 0.6 miles is allowed so long as it does not occur from March 15 to June 30, does not occur on the lek itself, and has a biological review. New tanks shall have escape ramps.

7. Other activities may be authorized within the 0.6 mile NSO with the application of appropriate seasonal stipulations, provided the resources protected by the NSO are not adversely affected. As an example, construction within 0.6 miles may be permitted so long as construction does not occur from March 15 to June 30, or does not on the lek itself, and has a biological review.

8. Electric utilities are obligated by regulation to serve customers with safe and reliable electric service; likewise, utilities must comply with agency sage-grouse protective stipulations. In order to allow electric utilities with the operational ability to provide and maintain service to its customers while affording adequate protection for sage grouse, distribution lines within 0.6 miles from an occupied lek are considered de-minimus provided that: (1) the utility shall not perform new construction of lines from March 15 to June 30; (2) such lines may not be construction on the lek itself; and (3) has a biological review; (4) for general and operational maintenance activities of existing distribution lines, the electric utility shall use appropriate/applicable BMPs for electric utilities (APLIC 2015). Coordination of ongoing activities with WGFD is encouraged.

9. New fencing more than 0.6 miles from the perimeter of an occupied lek. New fences or new stretches of fences, with high potential for collisions should be marked or be designed to minimize risk.

10. Maintenance of existing fence.

11. Irrigation (excluding the conversion of sagebrush habitats to new irrigated lands).

12. Spring development; if the spring is protected with fencing and enough water remains at the site to provide mesic (wet) vegetation. Fences should be constructed to be highly visible to sage grouse (i.e., buck-and-rail, steeljack, etc.) and/or marked to minimize collision potential.

13. Herbicide application within existing road, pipeline, and power line rights-of-ways, reclamation weed control, and adjacent to structures or other spot treatments Pesticide treatment for Grasshopper/Mormon cricket control following Reduced Agent-Area Treatments (RAATS) protocol. Other required or authorized pesticide treatments for state or county listed species or vector treatments for other diseases such as West Nile Virus. All treatments must be done in accordance with regulations and labels. Coordination with Weed & Pest Districts is strongly encouraged.

14. Preventative or required County road maintenance activities within the ROW (blading/smoothing, filling pot holes, graveling, culvert replacement, ROW maintenance, cattle guard maintenance, etc.) are considered “de minimis”. Road construction activities (vertical or horizontal realignment, roadway widening, new construction, bridge replacement, etc.) are not considered “de minimis” and may require completion of a DDCT analysis. (Pendleton, 2015)

15. Authorized or required cultural, paleontological, and biological resource and land surveys.