



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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To: Farmington District Office, All Employees

From: District Manager

Subject: Bureau of Land Management (BLM) Special Status Plant Species (SSPS) –
Brack's Cactus and Aztec Gilia

Program: Special Status Plant Species

Purpose: This IM provides guidance on habitat management of Brack's cactus (*Sclerocactus cloverae* ssp. *brackii*) and Aztec gilia (*Aliciella formosa*), two BLM Sensitive Plant Species, for ground-disturbing projects on BLM-managed lands.

Policy/Action: BLM Special Status Species Management Manual 6840 provides policy and guidance for the conservation of BLM Sensitive Species and their associated habitats. Proactive conservation measures are necessary to ensure that actions authorized, funded, or carried out by the BLM meet objectives of the 6840 manual. This will minimize the likelihood of and the need to list any sensitive species as threatened or endangered under the Endangered Species Act. The Bureau's policy is to conserve habitat and maintain the viability of Brack's cactus and Aztec gilia by (1) determining the extent of these species within their mapped habitat prior to ground-disturbing projects; and (2) working with project proponents to eliminate or minimize negative impacts to Aztec gilia and Brack's cactus habitat. This policy applies to all ground disturbing projects in the SSPS suitable habitat (attachment 1).

Project Planning

- a. Due to the seasonality of plant visibility/viability, project proponents are encouraged to develop a plan prior to initiating surface-disturbing activities to accommodate SSPS survey timeframes and to locate projects in areas with the least potential for impacts to SSPS, their habitat, and other resources of concern. Coordination with BLM staff early in the process is critical for success. This planning will inform the proposed project and plant survey location.

- i.* This includes involving BLM Farmington Field Office (FFO) specialists in project planning, such using current data to locate other BLM protected resources (through available GIS layers, for example).
- ii.* Moving proposed projects outside of SSPS suitable habitat, or in areas of less-suitable (potential) habitat.
- iii.* If plants are found within suitable habitat (making it occupied habitat), plans should be flexible to minimize direct impacts to the identified plants.
- iv.* All actions taken to avoid or minimize impacts should be well documented prior to application submission to allow thorough analysis during the development of the EA (or applicable NEPA document).

Submitting planning and survey documentation prior to or at time of notice or application to BLM (e.g. via NOS) could help speed the BLM application process. Minimization and avoidance efforts should be discussed at BLM FFO NEPA meetings and/or project on-site meetings and be included in NEPA analysis, with coordination from a BLM biologist, if necessary.

- b.* If a proponent's project proposal does not adequately avoid or minimize impacts to BLM SSPS habitat, or if the BLM can determine a more suitable method to minimize impacts to habitat, the BLM may develop and analyze an additional alternative for the NEPA analysis.
- c.* Unit plans, Master Development Plans (MDP) and Plans of Development (POD) should incorporate SSPS habitat avoidance/minimization (mitigation). The FFO will provide appropriate GIS data to project proponents to help them develop PODs or other project plans that would conserve SSPS habitat.
- d.* Habitat Conservation Areas (HCAs): HCAs are areas of Brack's cactus suitable habitat that contain or exhibit the specific components or constituents necessary for SSPS plant persistence. BLM encourages creation of volunteer HCAs within a lease or unit. Within lease areas, units, or MDPs, permittees and lease holders would voluntarily set aside areas for no ground disturbance:
 - i.* A comprehensive plan creating HCAs is strongly encouraged (but not required) to reduce conflict and expedite proposed projects
 - ii.* Would aid in achieving mitigation and avoidance
 - iii.* Cross-country ROWs would be discouraged.
 - iv.* Avoid habitat fragmentation within HCAs by limiting new disturbance within or immediately adjacent to existing infrastructure.

II. Plant/Habitat Surveys

Prior to authorizing any surface-disturbing action within mapped suitable habitat (see attachment 1) for SSPS, BLM requires a survey (see attachment 2) for plants/habitat within and near the proposed project area (PPA). To help reduce habitat fragmentation, BLM encourages that plant surveys be completed during the initial planning phase prior to the submission of an NOS or other application.

- a. **Personnel:** Individuals conducting SSPS surveys must have (1) a minimum of one year of experience conducting sensitive plant surveys; (2) demonstrated experience in SSPS identification and identifying habitat quality (e.g. prior work history or academic experience); and (3) GPS skills to document survey routes and SSPS locations. Alternatively, unqualified individuals may perform fieldwork with direct supervision by a qualified individual. The FFO will develop and maintain a list of qualified contractors who meet these requirements.
- b. **Survey Timing:**
 - i. Proposed projects adjacent to existing Rights of Ways or infrastructure (for example, project has no cross country and minimal habitat disturbance), surveys can occur year-round as long as plants and habitat are visible throughout the PPA (no snow on ground).
 - ii. Proposed projects not adjacent to existing ROWs and infrastructure will require surveys from April 15 to September 30.
 - iii. Within any established HCA, surveys will be conducted during the flowering and fruit season of May 1 – July 30.
- c. **Survey Buffers**
 - i. A buffer distance of 30 meters from edge of proposed disturbance is part of the potential impact area and needs to be surveyed and considered in avoidance and minimization (PPA = footprint plus 30m). Project proponents are encouraged to expand survey area when cacti or suitable habitat are found in order to place or relocate proposed disturbance. Results of any biological survey should be submitted to the BLM at the earliest possible stage for review.
 - ii. PPA surveys should place emphasis on habitat rather than individual plants. Surveys will map and describe the habitat throughout the area of disturbance and buffer areas. This description should include: soil type, elevation, aspect, associated vegetation and general characteristic of the area.
 - iii. Survey transects will be 2~3 meters in width (see attachment 2).

III. Avoidance, Mitigation, Transplanting

To establish a metric and document where and how minimization of impacts is occurring, existing policy requires mitigation of negative effects to natural resources due to proposed actions (internal and external). Specific resources are identified in the Farmington Resource Management Plan (RMP; December 2003) BLM Special Status Species. Mitigation follows the directive identified in Council on Environmental Quality (CEQ) NEPA regulations (40 CFR 1508.20) (See attachment 3):

- a. Impacts to SSPH habitat will first be **avoided** by altering the project design or location if there are appropriate and practicable measures to avoid impacts. If impacts cannot be avoided, then impacts will be **minimized** through project modifications and permit

conditions if there are appropriate and practicable measures to reduce impacts (See attachment 3).

- b. When the Authorized Officer deems appropriate, transplanting may be implemented as a mitigation technique, with concurrence from the New Mexico State Office (NMSO).
- c. BLM will only consider transplanting as a form of mitigation when other alternatives or minimization proposals would still result in harm to plants/habitat.
- d. Project proponents must submit a transplant plan to FFO prior to the authorization of any transplant effort. These plans should include a detailed description of when and how the transplanting would occur.
- e. The transplant plan will be reviewed and authorized by the NMSO.
- f. Transplanting will only be approved if the effort is led by a professional horticulturist.
- g. Transplanting Aztec gilia will not be authorized.

Timeframe: This policy is effective immediately and will be followed for all project applications received after the date of policy issuance.

For project applications affecting Brack's cactus habitat that were received prior to the date of policy issuance, but not approved by the BLM, the following requirements will apply:

- a. If surveys for these projects have already been completed, the proposed project will continue to follow the previous "Interim Guidance for Brack's Cactus" (IM # NMF000-2014-010)
- b. Conformance with this policy will be included and documented in reclamation plans, Surface Use Plans of Operation (SUPO), and Plans of Development (POD). For projects that affect SSPS that were approved and implemented by the BLM prior to the date of policy issuance, the following will apply: Monitoring of previous transplant success will be done according to the associated state forestry permit requirements for the project.

Budget Impact: Once this policy is implemented, the BLM anticipates that permit approval times will shorten. Project proponents will be responsible for the direct costs of surveys and mitigation measures for externally proposed projects. Proper and early planning should decrease cost in the long term. The BLM will be responsible for the direct costs of surveys and mitigation measures for internally proposed projects. The BLM also may have some costs associated with research and similar activities.

Background: Habitat loss and fragmentation are the primary direct threats to Brack's cactus (*Sclerocactus cloverae* ssp. *brackii*) and Aztec gilia (*Aliciella formosa*), two BLM Sensitive Species and included under State of New Mexico endangered plant species list. Habitat fragmentation could have a negative impact on the genetic diversity and vigor of the species due to restrictions of pollinator access and seed dispersal. The primary sources of habitat fragmentation are the increased number of access roads, pipeline and other utility ROW, and long-term surface disturbance from oil and gas development within suitable habitat. Guidance regarding Bureau of Land Management (BLM) Sensitive Species is contained within BLM Manual 6840, Special Status Species. The manual directs that sensitive plants be managed consistent with species and habitat management objectives in land use and implementation plans

to promote their conservation and to minimize the likelihood and need for listing under the Endangered Species Act (ESA). Overall authority for sensitive species policy is the Federal Land Policy and Management Act (FLPMA), and as such, BLM holds the ultimate responsibility of conservation of sensitive plants on lands it administers. Further authority comes from BLM Manual 1745 - Introduction, Transplanting, Augmentation, and Reestablishment of Fish, Wildlife, and Plants and Council on Environmental Quality (CEQ) NEPA regulations (40 CFR 1508.20).

Contact: Questions regarding this policy may be referred to the Farmington District Manager, at 505-564- 7618.

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Attachments

- 1 - Map of SSPH Suitable Habitat (1 pg.).
- 2 - Survey Protocols for Brack's Cactus/Management Measures for Sensitive Plants (4 pgs).
- 3 - Detailed Minimization and Mitigation Measures for BLM/FFO Special Status Plant Species (6pgs).

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