

Potential Strategy for Avoiding a Listing of *Penstomen*

1. Describe juxtaposition between *Penstomen*, high potential for energy development, and overall tar sand/oil shale resource. If we can show that the footprint of the plant and its habitat is outside of the zone of probable development, threats from energy development can be minimized. If there is overlap, then we will need to demonstrate how development will maintain habitat, connectivity, and pollinator persistence. Roads, invasive weeds, etc. will need to be fully addressed.
2. Describe other resource threats (grazing, ORV, and horticulture use) in relation to the plant and its habitat. Are there program/project design features that minimize environmental impacts and potential effects to the species?
3. Describe how BLM management provides for connectivity between *Penstemon* populations and maintains habitat for pollinators.
4. Describe conservation measures that ensure habitat maintenance into the future.
5. Highlight regulatory mechanisms within the existing management framework to ensure certainty in future BLM decisions that could affect the plant and its habitat.

Suggest Outline for BLM Response to *Penstemon grahamii* Proposed Rule

1. Salutation/Overview of BLM Response
2. Provide a general description of oil shale/tar sands resources, identification of high development potential area, identification of plant locations (show juxtaposition to provide context). Discussion of probable time frames for development, given current status of technology. [Intent is to bring a common level of understanding on the energy resource in relationship to *Penstomen*.]
3. BLM expectations of evolving technologies and economic certainty of resource development to support our development time frame discussion in #2 above.
4. Specific description of regulatory mechanisms in place to provide protections to *Penstomen*. This includes a discussion of conservation elements of existing RMPs, existing or proposed conservation strategies or plans, Best Management Practices/stipulations, ongoing inventories, etc. [Intent is to show adequate special management considerations are in place to protect the plant.]
5. Comments on information deficiencies/inaccuracies/corrections in the Federal Register notice [e.g., explain the significance of the ACEC despite there being no final ACEC plan—identify a time frame for completion].
6. Specific Response to information requests in the Federal Register:
 - a) Listing Decision
 1. Preliminary results from lease nomination on RDD
 2. Success of ongoing tar sand and oil shale development projects; in general and specifically in the Green River formation [Do we have information to show technology is sufficient to cause full-scale development of the resource?]
 3. Economic and technology analyses [tie to #2]