

**Sagebrush Ecosystem Program**

201 Roop Street, Suite 101  
Carson City, Nevada 89701  
Telephone (775) 684-8600  
Facsimile (775) 684-8604

www.sagebrushheco.nv.gov



**Kacey KC**, Program Manager  
**Sheila Anderson**, Forestry/Wildland Fire  
**Melissa Faigeles**, State Lands  
**Kelly McGowan**, Agriculture  
**Lara Niell**, Wildlife

**STATE OF NEVADA**  
**Sagebrush Ecosystem Program**

**SAGEBRUSH ECOSYSTEM COUNCIL**  
**STAFF REPORT**  
**MEETING DATE: June 23, 2015**

**DATE:** June 19, 2015  
**TO:** Sagebrush Ecosystem Council Members  
**FROM:** Sagebrush Ecosystem Technical Team  
Telephone: 775-684-8600  
**THROUGH:** Kacey KC, Program Manager  
Telephone: 775-684-8600, Email: kaceykc@sagebrushheco.nv.gov  
**SUBJECT:** Nevada and Northeastern California Greater Sage-Grouse Land Use Plan Amendment and Final Environmental Impact Statement (LUPA/FEIS) – Protest Period and Governor’s Consistency Review

---

**SUMMARY**

The purpose of this item is to discuss moving forward with the protest period and Governor’s Consistency Review for the LUPA/FEIS. Valid protest issues are limited to violations of applicable statutes, regulations, or BLM policies. The Governor’s Consistency Review is intended to allow the Governor to identify, provide recommendations, and, if possible work to resolve inconsistencies between the LUPA/FEIS and State or local plan, policies, or programs. Remember that the Forest Service does not have a Governor’s Consistency Review so all items specific to their plan need to be addressed in the Protest Period. The protest deadline is June 29, 2015 and the Governor’s Consistency Review deadline is July 29, 2015.

**PREVIOUS ACTION**

**July 30, 2013.** The Council adopted the Sagebrush Ecosystem Strategic Detailed Timeline, which included review of the DEIS.

**November 18, 2013.** The Council directed the SETT to compile comments on the DEIS and submit them on behalf of the Sagebrush Ecosystem Program for the State.

**December 18, 2013.** The Council discussed possible comments to be developed on specific sections of the DEIS.

**January 8, 2014.** The Council discussed draft comments on the DEIS submitted by the SETT and directed the SETT to develop a cover letter to accompany the comments.

**January 24, 2014.** The Council submitted comments on the DEIS to the BLM and USFS.

**May 14, 2015.** The Council discussed the upcoming release of the FEIS and were interested in the differences with the State Plan and the preferred alternative.

**June 20, 2015.** The Council voted to move forward with the protest of the LUPA/FEIS.

### **DISCUSSION**

At the June 12, 2015 meeting, the SETT presented to the SEC differences between the proposed plan in the LUPA/ FEIS and the State Plan/ Alternative. After discussion, the SEC voted to move forward with the protest of all the items presented. For this agenda item, the SETT has prepared proposed protests for these items for SEC deliberation. The SEC may choose to move forward with all, some, or none of these items and/or direct the SETT to develop protests on additional items. The SEC may also choose to direct the SETT to move forward with developing these or additional items as recommendations for consideration during the Governor’s Consistency Review.

The items presented today are in a rough draft form. This was done to allow the SEC as much review time as possible before the meeting. Major concepts should be the focus of discussion. In addition, Council should provide input on relevant applicable statutes, regulations, or BLM policies that can be referenced to strengthen arguments for the protest. Issues with grammar, “word-smithing”, and formatting can be fixed by the SETT before the final document is sent to the BLM and USFS.

### **POSSIBLE MOTION**

“Motion to authorize the protest of {...} issues, direct the SETT to develop a final protest document including these issues, and authorize the Chairman to sign the protest document.”

And/or

“Motion to direct the SETT to develop recommendations for the Governor address {...} issues in the Governor’s consistency review period.”

### **Attachments:**

**1:** Draft Proposed LUPA/FEIS Protest Issues

## Adaptive management and hard trigger response

**Statement of issues: Population Growth Rate Calculations for Triggers.** Significant new information was added to the FEIS that was not included in the DEIS regarding Adaptive Management Triggers. The incorrect citation for *Coates et al 2014* does not allow access to the technical reference for the rate of change calculations methods. The *Coates et al. in prep* citation also does not provide access to the technical background that was used to derive the soft and hard trigger calculations. The correct citation should be included.

Coates, PS, BJ Halstead, EJ Blomberg, B Brussee, KB Howe, L Wiechman, J Tebbenkamp, KP Reese, SC Gardner, ML Casazza. 2014. A hierarchical integrated population model for greater sage-grouse (*Centrocercus urophasianus*) in the Bi-State Distinct Population Segment, California and Nevada: U.S. Geological Survey Open-File Report 2014-1165, 34p. doi: 10.3133/ofr20141165 [Open\_File\_Report]

There was no opportunity to review or comment on these methods and procedures prior to the FEIS and there is no way to access the scientific literature that supports the method for modeled growth rates. A large range in the rate of change needed to reach a hard trigger for an individual lek (0.01-0.15) is quite different from the rate of change needed to reach a hard trigger for a lek cluster or BSU (0.10). The interpretation of these numbers, the methods for setting the trigger values, and the rationale for widely different trigger values are unclear and warrant a sufficient period of time to allow an independent review of the proposed adaptive management triggers.

**Relevant part(s) of the plan amendment:**

Population Growth Rate Calculations for Triggers p. 2-80 to 2-82)

**Statement of why the State Director's decision is believed to be wrong:** Adaptive management is a critical component of the LUPAs. All future management decisions will be tied to adaptive management. The additional information inserted into the FINAL EIS is based on newly developed and highly technical analyses procedures that have not been adequately reviewed or analyzed in the FEIS. This constitutes a significant change which warrants a supplemental EIS in order to allow for public comment and review.

## **Allowance of other unspecified mitigation systems**

**Statement of issue:** The preferred alternative allows for the development and use of other applicable mitigation systems in addition to the Nevada Conservation Credit System (CCS). The SEP remains concerned with the lack of detail surrounding the process for creating other applicable mitigation systems and, more importantly, the lack of detail surrounding the level of rigor for these alternative systems. The SEP understands that there is a need to account for existing signed agreements (i.e. the Barrick Bank Enabling Agreement), as well as the need for flexibility in the unlikely event that the CCS is not able to fulfill mitigation requirements. However, the allowance of multiple mitigations systems, absent specific detail requiring that alternative mitigation systems achieve at a minimum the same level of conservation gain, creates a “mitigation shopping” atmosphere diminishing the ability to achieve landscape level conservation gain. The SEP is also concerned that the FS alternative fails to mention the CCS.

**Relevant part(s) of the plan amendment:** The SEP is pleased with the addition of multiple references in the BLM’s Plan to the use of the Conservation Credit System based on CA review comments submitted. The areas still requiring stronger language are in Chapter 2, page 2-26, Action SSS9a; and Chapter 2, page 2-51, Action LOC 4. Similar language is absent from the FS alternative.

**Previous comments submitted or discussed for the record:** See attached. The SEP did not comment on this in the DEIS CA review process, as the language in the preferred alternative selected in the DEIS stated “Action D-SSS-AM 8: The BLM and Forest Service would coordinate with the Nevada Sagebrush Technical Team on the application of the Conservation Credit System (once it is established) for mitigation of activities that disturb GRSG habitat within Nevada where the application of the mitigation would occur on or the credit would be applied to disturbance on Public or National Forest Lands” (DEIS, page 100).

**Statement of why the State Director’s decision is believed to be wrong:** The State of Nevada solidified our commitment to the conservation of sagebrush ecosystems for obligate species, in Nevada Statutes in 2013, with the creation of the Sagebrush Ecosystem Council, the Sagebrush Ecosystem Technical Team, and a mandate to create a mitigation banking system. After a two day public workshop in December 2014, the Sagebrush Ecosystem Council unanimously adopted the Nevada Conservation Credit System. The development and adoption of the CCS included extensive input from the United States Fish and Wildlife Service, Bureau of Land Management and US Forest Service. The CCS is a rigorous, scientifically based mitigation program that achieves net conservation gain for the Greater Sage-grouse. In addition, the CCS is a system that is transparent and consistently applied in each mitigation situation. Multiple mitigation banking systems that cannot be shown to be equitable in rigor and methodology based on best available science create challenges when trying to quantify benefits across landscapes and thus provide no certainty of application to US Fish and Wildlife Service per their Mitigation Framework.

Moreover, the CCS is a rigorous mitigation system based on the best available science. The system was created with input from the Technical Review Group comprised of

leading scientific experts in Nevada. The CCS represents the best available science, which BLM is required to use when making decisions by the BLM Land Use Planning Handbook and BLM NEPA Handbook.

According to 43 CFR 1610.3-1 (d) and 43 CFR 1610.3-2 (a) the BLM shall ensure that resource management plans are consistent with officially approved or adopted resource related plans of State governments, however the LUPA is inconsistent with the State Plan. The BLM has failed to follow 43 CFR 1610.3-1 (d) by failing to identify where inconsistencies exist between the LUPA and State Plan and “provide reasons why the inconsistencies exist and cannot be remedied.” Furthermore, though the State has provided written comments throughout the planning process detailing the inconsistencies between the State Plan and the LUPA, the BLM has failed to document how these inconsistencies were addressed and, if possible, resolved as required under 43 CFR 1610.3-1 (f) and FLPMA Sec 202 (c) (9) (43 USC 1712).

We would request the Nevada CCS language be strengthened to be the primary (excluding existing signed agreements) and/or the bar for which others have to demonstrate how they are equitable and comparable. We also request the Forest Service include similar language in their plan section to give strength to Nevada’s CCS.

## Issues Being Protested

### BLM and USFS Habitat Objectives/ Desired Conditions

**Issue 1. Consistency.** BLM Proposed Habitat Objectives are inconsistent with USFS Seasonal Habitat Desired Conditions. There are discrepancies in the FEIS between the BLM proposed habitat objectives (Table 2-2) and the USFS habitat desired conditions (Tables 2-5 and 2-6). This is significant change from the DEIS, where there was one set of desired conditions for both agencies (DEIS Table 2-6). Having separate objectives for the two agencies defeats the USFWS need for consistency in regulatory mechanisms in GRS habitat across jurisdictional boundaries. Differences in desired conditions lead to inconsistent management and conservation outcomes for public lands and national forest system lands.

Within the USFS proposed plan the Seasonal Desired Conditions in Tables 2-5 and 2-6 are notably different for ecoregion 341 (Intermountain semi-desert and desert) and ecoregion 342 (Intermountain semi-desert). Although the intent of having two tables to provide more site specific information relative to different site potential, the tables are inconsistent in the habitat indicators used as well as the conditions described and result in even more inconsistency issues within the same agency.

One of the regulatory mechanism deficiencies identified by the USFWS in the 2010 finding was a lack of *consistency* in the way that acres of habitat conditions were compiled, interpreted, and reported. This factor was a primary impetus for initiating the plan amendment process.

Each of the three habitat objectives/desired condition tables in the FEIS are inconsistent with the 2014 Nevada Sage-grouse Conservation Plan (State Plan). Table 4-1 in the State Plan was developed by a team consisting of representatives from the USFWS, NDOW, USFS, USGS, and BLM and were reviewed by the SEP Science Advisory Committee. Table 4-1 provides a concise description of characteristics that represent habitat conditions that sage-grouse are using most successfully in Nevada and can be used consistently by BLM and USFS.

### Parts of the Plan Being Protested

Tables 2-2 *Proposed Habitat Objectives for Greater Sage-grouse (BLM)*

Tables 2-5, and 2-6 *Seasonal Habitat Desired Conditions for Greater Sage-grouse, Ecoregions 432 and 341 (USFS).*

### Explanation of Why the State Director's Decision is Wrong.

Different proposed plans and associated management actions for BLM and USFS do not meet the purpose and need for the Land Use Plan Amendments to develop consistent range-wide conservation objectives and to inform the collective conservation efforts of all partners.

The Content of Tables 2-2, 2-5 and 2-6 and their scientific references are sufficiently different than the corresponding Table 2-6 in the DEIS and warrant additional public review. The FEIS should have been released as a Supplemental EIS to allow for required public participation.

NEPA requires BLM and USFS to use the best available science for planning and management. It is reasonable to conclude that the best available science would result in consistent descriptions of desired habitat objectives and conditions for greater sage-grouse.

**Issue 2. Erroneous use of Table 2-2 Desired Habitat Objectives for establishing livestock grazing management guidelines.** The majority of the habitat objective parameters in Table 2-2 (sagebrush

height, sagebrush cover, conifer encroachment, sagebrush extent, annual grass cover, proximity of tall structures) cannot be achieved or modified through livestock grazing practices. The proposed plan includes Livestock Grazing Actions that mandate specific modifications to permit terms and conditions if habitat objectives are not met. The Desired Habitat Objectives are inappropriate to use as the basis for making range management decisions. BLM policy is to manage public land grazing to achieve the fundamentals of rangeland health as indicated by soil and site stability, hydrologic function and biotic integrity (<http://www.blm.gov/nv/st/en/prog/grazing.html>). Rangeland health assessments do not incorporate the desired habitat condition parameters.

### **Parts of the Plan Being Protested**

Table 2-2

Action LG 4 (p. 2-39)

Action LG 5 (p. 2-40)

Action LG 8 (p. 2-41)

Action LG 10 (p. 2-41)

WHB 2 (p. 2-43)

### **Explanation of Why the State Director's Decision is Wrong.**

The proposed plan for livestock grazing is based on erroneous assumptions and faulty analyses that misapplies the use of Indicators of Rangeland Health to determine if habitat objectives are being met. Specifically, Action LG4 directs the BLM to *complete land health assessments in PHMA and GHMAs to identify whether or not GRSG habitat objectives (Table 2-2) are being met*. The seventeen indicators of rangeland health do not provide interpretation or evaluation of the Desired Habitat Objectives. Most of the vegetative parameters included in the desired habitat objectives are not controlled by grazing use. There are no monitoring procedures included in the LUPs to evaluate Desired Habitat Conditions and no nexus between the proposed actions and the desired habitat results.

The 2014 Nevada Greater Sage-grouse Conservation Plan correctly points out that desired habitat conditions should not be used to conduct land health assessments and are not regulatory, but are intended to help guide planning for current and future management using adaptive management as part of the process. According to 43 CFR 1610.3-1 (d) and 43 CFR 1610.3-2 (a) the BLM shall ensure that resource management plans are consistent with officially approved or adopted resource related plans of State governments, however the LUPA is inconsistent with the State Plan. The BLM has failed to follow 43 CFR 1610.3-1 (d) by failing to identify where inconsistencies exist between the LUPA and State Plan and "provide reasons why the inconsistencies exist and cannot be remedied." Furthermore, though the State has provided written comments throughout the planning process detailing the inconsistencies between the State Plan and the LUPA, the BLM has failed to document how these inconsistencies were addressed and, if possible, resolved as required under 43 CFR 1610.3-1 (f) and FLPMA Sec 202 (c) (9) (43 USC 1712).

**Issue 3. Incomplete use of available science to establish vegetation management actions.** The desired habitat objectives and desired habitat conditions were based on select biological research that described seasonal habitat needs for GRSG. The habitat indicators used are not consistent with the indicators of rangeland health and do not consistently incorporate allowance for variability in ecological state and site potential. Describing one set of narrow conditions as the universal standard against which all landscapes and all land uses are to be evaluated is inappropriate and inconsistent with the best

available science of range ecology and management, and inconsistent with the Nevada Range Monitoring Handbook which BLM has adopted in Nevada.

**Parts of the Plan Being Protested**

2.6.2 Objective SSS1. (p. 2-17)

Objective VEG 3 (p. 2-27)

Action VEG 2 (p. 2-27)

Action VEG 6 vii, viii, ix (p. 2-28)

Action VEG 7 (p. 2-28)

Objective VEG-RH 1 (p.2-31)

Objective VEG-RH 3 (p. 2-32)

Action WFM-HFM 13 (p. 2-37)

**Explanation of Why the State Director's Decision is Wrong.**

Many strongly stated commands that direct management to “meet, restore, reestablish, and achieve” the narrowly focused habitat objectives, for sagebrush height and cover for example, cannot realistically be achieved through management alone. Changes in livestock management will not restore herbaceous understory in brush-dominated areas if the understory has been depleted. Forb abundance and diversity are extremely variable between sites and between years and are predominantly influenced by winter and spring climatic conditions not by management practices. Unrealistic expectations in the LUPAs that cannot realistically be accomplished because ecological and physiological process were not considered when they were written leaves the BLM and USFS vulnerable to litigation and in a very weak position for counter-arguments regarding compliance with their own plans.

It is recommended that the BLM/FS incorporate language from the 2014 Nevada Greater Sage-grouse Conservation Plan that accurately points out that vegetation community responses to management techniques can be highly variable and may take years to reach desired conditions, if that transition pathway is even possible. Management actions to achieve such objectives can be used as guidelines, while taking into account ecological site potential and state and transition models.



**Issue or issues being protested:**

The Sagebrush Ecosystem Program protests actions which restrict or exclude certain land use allocations, including:

- Fluid Minerals Development – Designating SFAs and PHMAs as open to fluid mineral leasing subject to No Surface Occupancy (NSO) without waiver, modification, or exception
- Wind Energy Development – Designating PHMAs as wind energy development ROW exclusion areas on BLM land and PHMAs and SFAs on FS land
- Solar Energy Development – Designating PHMAs and GHMAs and solar energy ROW exclusion areas
- Locatable Minerals Mining – Recommending for withdrawal SFAs under the General Mining Law of 1872, as amended
- Nonenergy Leasable Minerals Mining – Designating PHMAs as closed areas
- Salable Minerals Mining – Designating PHMAs as closed areas on BLM land and SFAs and PHMAs on FS land
- Recreation – No new recreation facilities in PHMAs on BLM lands and SFAs, PHMAs, and GHMAs on FS lands
- All development activities (Disturbance Cap) – Implementation of the Disturbance Management Protocol (DMP), which creates an anthropogenic disturbance cap of 3% of PHMA within the Biologically Significant Unit (BSU) and proposed project analysis area

**Statement of the part or parts of the plan being protested:**

- Fluid Minerals Development – BLM : ch 2, sec 2.6.2, pg 2-25, Action SSS-5; ch 2, sec 2.6.2, pg 2-48, Action UFM 2 and Action UFM 3; FS: – ch 2, sec 2.6.3, pg 2-71, GRSG-M-FMUL-ST-091-Standard and pg 2-72, GRSG-M-FMUL-ST-093-Standard
- Wind Energy Development – BLM : ch 2, sec 2.6.2, pg 2-45, Action LR-WD-1; FS: ch 2, sec 2.6.3, pg 2-63, GRSG-WS-ST-027-Standard
- Solar Energy Development – BLM: ch 2, sec 2.6.2, pg 2-45, Action LR-IS-1; FS: ch 2, sec 2.6.3, pg 2-63, GRSG-WS-ST-026-Standard
- Locatable Minerals Mining – BLM: ch 2, sec 2.6.2, pg 2-25, Action SSS-5; ch 2, sec 2.6.2, pg 2-45, Action LR-LW 1; ch 2, sec 2.6.2, pg 2-50, Action LOC-2
- Nonenergy Leasable Minerals Mining – BLM: ch 2; sec 2.6.2, pg 2-51, Action NEL 2
- Salable Minerals Mining – BLM: ch 2, sec 2.6.2, pg 2-51, Action SAL 2; FS: ch 2, sec 2.6.3, GRSG-M-MM-ST-115-Standard
- Recreation – BLM: ch 2, sec 2.6.2, pg 2-54, Action REC 3; FS: ch 2, sec 2.6.3, pg 2-70, GRSG-R-GL-078-Guideline
- All development activities (Disturbance Cap) – BLM: ch 2, sec 2.6.2, pg 2-20, Action SSS 2; FS: ch 2, sec 2.6.3, pg 2-60, GRSG-GEN-ST-004-Standard; Appendix F

**A concise statement explaining why the State Director's decision is believed to be wrong:**

These actions are in direct conflict and inconsistent with the State of Nevada's 2014 Nevada Greater Sage-Grouse Conservation Plan (State Plan). The State Plan does not allow for exclusion zones or disturbance caps, but instead provides an "avoid, minimize, mitigate" process to address impacts from anthropogenic disturbances (pages 12 – 18, 61 – 66, 69 – 70 State Plan). The State contends that these additional restrictions are not needed if the "avoid, minimize, mitigate" process is adhered to, including the complete adoption of the Conservation Credit System.

According to 43 CFR 1610.3-1 (d) and 43 CFR 1610.3-2 (a) the BLM shall ensure that resource management plans are consistent with officially approved or adopted resource related plans of State governments, however the LUPA is inconsistent with the State Plan. The BLM has failed to follow 43 CFR 1610.3-1 (d) by failing to identify where inconsistencies exist between the LUPA and State Plan and "provide reasons why the inconsistencies exist and cannot be remedied." Furthermore, though the State has provided written comments throughout the planning process detailing the inconsistencies between the State Plan and the LUPA, the BLM has failed to document how these inconsistencies were addressed and, if possible, resolved as required under 43 CFR 1610.3-1 (f) and FLPMA Sec 202 (c) (9) (43 USC 1712).

Moreover, exclusion of these land uses over vast expanses of public lands violates the definition of "multiple use" as defined in FLPMA Sec 103 (c) (43 USC 1702) and fails to take into account "the long-term needs of future generations for renewable and non-renewable resources." Where there are competing resource uses and values in the same area, Section 103(c) of FLPMA (43 USC 1702) requires that the BLM manage the public lands and their various resource values so that they are utilized in the combination that will best meet multiple use and sustained yield mandates. Similar provisions are provided under NFMA for multiple-use management of Forest Service lands.

**Comments addressing the issue(s) that were submitted during the planning process:**

See attachment

## **Livestock Grazing Section**

### **Issue #1**

**Statement of Issue** – Livestock as a causal factor

#### **Relevant part(s) of the plan amendment**

Chapter 2, pages 39 and 40, Actions LG 1 and LG 5: “if not meeting, or making progress towards meeting land health standards, as associated with not meeting GRSG habitat objectives and grazing is “a” significant causal factor”

#### **Previous comments submitted or discussed for the record**

Please see attached.

#### **Statement of why the State director’s decision is believed to be wrong**

- Given all potential variables, “the” significant causal factor should be identified before corrective action is taken.
  - The methods for determining the causal factor need to be clearly outlined and should be agreed upon by the potentially affected parties. On-going monitoring for all potential causal factors needs to be implemented so this determination can be identified clearly and quickly. The affected parties should be involved in the process to determine significant causal factor.
  - The SEC is not in favor of a process that may indiscriminately or wrongfully employ measures that could negatively affect livestock producers without sufficient cause. Using the word “a” instead of “the”: may lead to that end. This could also lead to an inability to address other significant agents contributing to the cause.

### **Issue #2**

**Statement of Issue** – Land health assessments, renewals and modifications of livestock grazing permits/leases that include lands within SFAs and PHMAs

#### **Relevant part(s) of the plan amendment**

Chapter 2, pages 39-40, Actions LG 1, 3, 4 and 5

#### **Previous comments submitted or discussed for the record**

Please see attached.

#### **Statement of why the State director’s decision is believed to be wrong**

- The habitat objectives are, in most cases, the highest bar established for Sage-grouse habitat.
  - The SEC agrees with using a table like 2-2 as a compilation of literature to describe desired habitat values and to inform establishing site specific resource objectives along with using ecological site descriptions; the current state in the relevant state and transition model; and other considerations from law, policy and adopted plans. However, it does not agree with its exclusive use as a management measurement indicator that triggers action or reaction, substituting for planned management,

especially if those measurements have not been consistently applied over consecutive years in a site-specific implementation plan.

- LG 1 should be enhanced with more tools for proper grazing management (see below) and divided into two actions. As it currently is written, it provides guidance for renewing permits, leases, and developing allotment management plans, but combines this with language about taking immediate actions that should be considered interim to allotment management planning as described in FLPMA
- The full range of livestock grazing management tools developed by the SEP and included in the State plan are not included as options for improving grazing management and accomplishing resource objectives in LG 1. The emphasis in LG 1 (3 or 4 of 6 options listed) is reduction or elimination of grazing use. Only one addresses season or timing of use and it does not address duration of the grazing period which affects frequency of grazing on individual plants (State Plan Section 7.5 Management Action 1.1.4). Yet LG 1 is used as the action to address long-term problems in permits, leases, and plans and is referenced as such in LG actions 5 and 9.
- LG 1 does not address distribution of livestock use within a pasture which is often the biggest problem or biggest opportunity in large pastures and is not addressed well by reduction in livestock numbers (State Plan Section 7.5 Management Action 1.1.4).
- LG 1 does not address the importance of cooperative planning that engages with permittees to develop solutions for meeting resource objectives (State Plan Section 7.5 Management Action 1.1.2 and 18).
- LG 1 does not address temporary nonrenewable use (TNR), forage production enhancement, weed control, prescribed grazing, off-site water development by the water rights holder, shrub and pinyon/juniper control, livestock salting/supplementing, riparian pastures and herding (State Plan Section 7.5 Management Action 1.1.4.5)
- LG 1 does not address authorizing "...new water development for diversion from spring or seep sources only when sage-grouse habitat would not be net negatively affected by the development." (State Plan Section 7.5.1.1.6 and addressed in State Plan Section 7.5 Management Action 1.1.7)
- LG 1 does not address "the design of any new structural range improvements and the location of supplements (salt or protein blocks) to enhance sage-grouse habitat or minimize impacts in order to meet sage-grouse objectives (State Plan Section 7.5 Management Action 1.1.10 and 11)
- LG 1 does not "Consider all options to allow responsible management of livestock grazing on an allotment before any voluntary withdrawal of a grazing permit is considered, in conformance with the multiple use

sections of the Taylor Grazing Act.” (State Plan Section 7.5 Management Action 1.1.4.14)

- LG 1 does not consider weather variability including drought (State Plan Section 7.5 Management Action 1.1.4.16) or excessively wet years that create residual fuels (State Plan Section 7.5 Management Action 1.1.4.20)
- LG 1 does not consider variation in the timing of use in specific areas among years to allow full recovery over the course of a grazing planned cycle (State Plan Section 7.5 Management Action 1.1.4.17 and 21).
- LG 1 does not explicitly “promote and implement proper livestock grazing practices that promote the health of the perennial herbaceous vegetation component. Perennial grasses, especially, are strong competitors with cheatgrass (Booth et al. 2003; Chambers et al. 2007; Blank and Morgan 2012). Field research has demonstrated that moderate levels of livestock grazing can increase the resiliency of sagebrush communities, reduce the risk and severity of wildfire, and decrease the risk of exotic weed invasion (Davies et al. 2009 and Davies et al. 2010).” (State Plan Section 7.5 Management Action 1.1.4.19)
- It is unclear in LG 3 if the intent is to allow the BLM to make adjustments to livestock grazing on an annual basis or only during the renewal period based upon these measurements.
  - It is unclear in LG 3 that the original potential for many ecological sites is currently irrelevant because it is not attainable and that potential should refer to potential phases within the existing state.
  - It is suggested but not specified that temporary nonrenewable use (TNR) forage use could be permitted as a “defined responses that will allow the authorizing officer to make adjustments to livestock grazing that have already been subjected to NEPA analysis.” To meet or continue to meet habitat objectives (State Plan Section 7.5 Management Action 1.1.20).
  - Where permit renewal has not been completed as required and where land health assessments standards are not being met, a phased approach to allow permittees the opportunity to trend towards, or to continue a current trend towards, meeting the State’s table of desired habitat conditions should be allowed over a several year period.
- Concerns with LG 4 revolve around using the habitat objectives table as a management tool, the process used to establish the land health assessment reviews, language addressing the removal of livestock within 3-7 days, and standards that may be unattainable or very difficult to obtain within table 2-2.
- The SEC is very concerned about the potential impacts to permittees and to sage-grouse. This may be compounded by the order and manner in which land health assessments will be conducted.
  - If permits have not been reviewed in 10 years, or longer, will they immediately be held to these new objectives and standards? Will this

happen in a manner that creates regulatory dissension and not the good will and optimized solutions that can come from communication and cooperation? This and other related issues are also identified in our responses to the establishment of the SFA.

- LG 5 incorporates many of the concerns listed above.
  - The avoidance of concentrated livestock turnout within 4 miles of a lek is excessive in two ways: 1.) The State plan calls for avoidance of repeated concentrated turnout because of potential problems with consistent seasonal impacts. Moving the location of concentrated turnout could be an expression of well-planned grazing management that seeks optimum grazing effects with recovery. 2.) The distance is excessive. The State plan calls for three miles not four. (State Plan Section 7.5 Management Action 1.1.17)
  - The distances (buffer and avoidance areas) are not consistent with those in the State Plan.
  - Implementation of the strategies in LG 5 is a real cause for concern for the SEC. While many, if implemented when livestock grazing is identified as “the” significant causal factor, may lead to habitat improvements, some could be detrimental or contribute to the potential of significant wildfires.
  - While “considering no grazing from May 15 – Sept. 15 in riparian areas and wet meadows” as a tool for providing recovery and maintenance of riparian functions and habitat values, it is rarely needed when a diversity of other tools are employed as called for in State Plan Section 7.5 Management Action 1.1.5. It is recommended that these tools are incorporated in the proposed plan.
  - Publications, such as the Swanson S., S. Wyman and C. Evans accepted and in final review. Practical Grazing Management to Maintain or Restore Riparian Functions and Values. J. Rangeland Applications should be used when establishing best available science when addressing livestock management principles for riparian areas.
  - Each strategy should be analyzed holistically within the operational management of the allotment(s) and private holdings of the producer.
- The language addressing the removal of livestock is of particular concern to the SEC. The 3-7 day time period is not reasonable and puts an undue burden and expense on the permittee.
  - Moving livestock can be one of the most costly processes to a livestock owner.
  - Removal from an entire allotment prior to attaining established AUMs could lead to the potential of catastrophic fire and may not be addressing the resource or management issue creating the impact.
  - Stubble and grass height requirements must take into consideration the grazing management plans (rest, rotation, duration, timing, etc.) of the

entire allotment(s). For example, some pastures may receive heavier utilization at a certain time of the year or throughout the year and then rested to achieve a rotational balance or to satisfy the goals for targeted grazing.

### **Issue #3**

**Statement of Issue** – The use of Table 2-2 throughout the Livestock Grazing section in Chapter 2

#### **Relevant part(s) of the plan amendment**

Chapter 2, page 39-43

#### **Previous comments submitted or discussed for the record**

Please see attached.

#### **Statement of why the State director's decision is believed to be wrong**

- While there are many similarities, Table 2-2 is not consistent with the State's Table 4-1 Desired Habitat Conditions in either context or content.
  - The application of table 2-2 as livestock grazing standards is of grave concern to the SEC.
  - Many of the objectives/desired conditions are the most desirable conditions that can be attained given natural conditions and authorized uses. They often represent observed conditions in a small unique area, but are applied to whole pastures or landscapes. Many of which may take years of management and maintenance to achieve.
  - Current permittees should not be held responsible for acts of nature, historical grazing practices or any other natural or man caused events that happened in the past, but still show the effects today. Adequate time should be allowed to develop recovery plans and implement new management strategies or restoration activities. Progress happens best through communication and cooperation using planned adaptive management.
  - As in the State's Plan (Section 4 introduction) stronger consideration for the table's use as a guideline to maintain or trend towards desirable habitat conditions should be considered.

### **Issue #4**

**Statement of Issue** – Application and Implications of enforcing grazing restriction dates, removal of livestock, and minimum stubble heights.

#### **Relevant part(s) of the plan amendment**

Chapter 2, pages 40-41, Action LG 5

#### **Previous comments submitted or discussed for the record**

Please see attached.

#### **Statement of why the State director's decision is believed to be wrong**

- Rangeland Ecologists from the University of Nevada, Reno (at the most recent Science Work Group meeting) discussed that the seasonal restrictions and

restrictive removal dates (3-7 days) in this section would be detrimental not only to private meadows, but to the livestock producer as well. This restriction takes away the ability to utilize the full allotment and should be addressed with a locally derived “Allotment Management Plan that allows for appropriate rotational use and protection of riparian areas while utilizing upland areas that remain a fuel source.” The unintended consequence of this restrictive management is increased fuels, decreased flexibility needed to optimize management of whole landscapes including private meadows and poor management at the allotment level.

## **Issue #5**

**Statement of Issue** – Determining land health assessments

### **Relevant part(s) of the plan amendment**

Chapter 2, page 41, Livestock Grazing, Action LG 8 and throughout where land health assessments are required or necessary

### **Previous comments submitted or discussed for the record**

Please see attached.

### **Statement of why the State director’s decision is believed to be wrong**

- Where these assessments are mentioned, a sentence should be added to include: “Rangeland Health Assessments will be conducted by qualified personnel. (As required by “Interpreting Indicators of Rangeland Health. V.3. Technical Reference 1734-2 (2000)).”

## **Statement of Issue – Vegetative treatments and rest from livestock grazing**

### **Relevant part(s) of the plan amendment**

Chapter 2, page 43, Livestock Grazing, Action LG 20

### **Previous comments submitted or discussed for the record**

Please see attached.

### **Statement of why the State director’s decision is believed to be wrong**

- Blanket restrictions on grazing do not allow for certain prescriptive applications that would allow for grazing as a means of adaptive management.
  - If a seeding is not successful, and cheatgrass is present, in the second year when cheatgrass is most likely to become dominant, targeted grazing could be used during the treatment period to reduce competition and enhance recruitment of subsequent seeding efforts.
  - Grazing may be part of the vegetative treatment/management plan.
  - Livestock grazing could be greatly beneficial in reducing and maintaining fuel loads within fire breaks, green strips, etc.
  - Also, recent literature cites that dormant season grazing may decrease wildfire probability (Dormant season grazing may decrease wildfire probability by increasing fuel moisture and reducing fuel amount and continuity, International Journal of Wildland Fire, June 04, 2015, K.W. Davies et al.)



**Issue#6**

**Statement of Issue** – The proposed plan provides for voluntary relinquishments of permit or lease in relation to livestock grazing

**Relevant part(s) of the plan amendment**

Chapter 2, page 43, Livestock Grazing, Action LG 21

**Previous comments submitted or discussed for the record**

Please see attached.

**Statement of why the State director's decision is believed to be wrong**

- The State Plan promotes a no-net loss of AUMs
  - The SEC encourages that these be used, at a minimum, to offset losses incurred by permittees due to fire, drought, regulation or other mandated changes that require the removal of livestock.
  - With fire and invasive plants being the highest threats identified within the State Plan, the SEC recommends that these units continue to be utilized and maintained in a manner that works to reduce these threats. Strategic and targeted AUM utilization is a known tool that can work to reduce these threats as well as potentially increase sage-grouse habitat values when implemented and managed properly.

**2.6.3 Forest Service Proposed Plan Amendment****Issue #1**

**Statement of Issue** – Water developments are needed in many places in Nevada to improve the distribution of water for livestock grazing management and to improve distribution of livestock within pastures.

**Relevant part(s) of the plan amendment**

Chapter 2, page 65, Livestock Grazing, GRSG-LG-ST-042

**Previous comments submitted or discussed for the record**

Please see attached.

**Statement of why the State director's decision is believed to be wrong**

- There are many times when newly constructed water developments would not directly benefit sage-grouse, but would also not directly or indirectly harm sage-grouse unless accompanied by other management that is inconsistent with this document. This standard is inconsistent with optimal multiple use management.

**Issue #2**

**Statement of Issue** – Inconsistencies between federal agencies' seasonal habitat grazing guidelines and habitat objectives/desirable conditions tables.

**Relevant part(s) of the plan amendment**

Chapter 2, page 66, Table 2-8

**Previous comments submitted or discussed for the record**

Please see attached.

**Statement of why the State director's decision is believed to be wrong**

- The proposed table was not a part of the DEIS, as such, the public or CAs have not had sufficient time to review or provide comment.
  - Significant changes and additions to the table were made after the DEIS was released and the public and CAs did not have adequate time to review or provide feedback.
  - Comments made by the SEP during the LUPA CA review process were not adequately addressed or justified.
  - USFS and BLM tables addressing grazing guidelines/desired conditions/habitat objectives are not consistent with one another. If these tables and guidelines are established with the best available science and are primarily focused on maintenance, enhancement, or protection of Sage-grouse habitat conditions, they should be consistent.
  - The SEC appreciates the challenges associated with establishing these guidelines for desired habitat conditions/objectives. The SEC recommends that the federal agencies use similar language to introduce these tables and describe how they will be used as a part of an adaptive management process to achieve the desired conditions.

**Issue #3**

**Statement of Issue** – Grazing allotments, pastures, or portions of pasture closures.

**Relevant part(s) of the plan amendment**

Chapter 2, page 66, GRSG-LG-GL-045

**Previous comments submitted or discussed for the record**

Please see attached.

**Statement of why the State director's decision is believed to be wrong**

- The State Plan promotes a no-net loss of AUMs
  - The SEC encourages that these be used, at a minimum, to offset losses incurred by permittees due to fire, drought, regulation or other mandated changes that require the removal of livestock.
  - With fire and invasive plants being the highest threats identified within the State Plan, the SEC recommends that these units continue to be utilized and maintained in a manner that works to reduce these threats. Strategic and targeted AUM utilization is a known tool that can work to reduce these threats as well as potentially increase sage-grouse habitat values when implemented and managed properly. Any “bank” or “reserve” should be managed in a manner that promotes the effective and responsible utilization of forage resources. They should not be made so burdensome to utilize that they effectively remain closed to livestock grazing.

**Issue #4**

**Statement of Issue** – There is no action in the proposed plan on the use of riparian fencing to restrict damage to riparian meadows by wild horses and burros.

**Relevant part(s) of the plan amendment**

Chapter 2, page 69, Wild Horse and Burro

**Previous comments submitted or discussed for the record**

Please see attached.

**Statement of why the State director's decision is believed to be wrong**

- Wild horses and Burros are drawn to water as are cattle. Prolonged use can create problems with riparian conditions. Fencing of riparian areas that still provide access to water outside of the fence is a viable tool for riparian management. These fences can take the form of exclosures or riparian pastures that are only available to horses for grazing during specified periods that vary in season and duration as needed for optimum sage-grouse and other habitat conditions. The proposed plan should include a management action that provides for such tools.

## **Statement of Issue –Map update process**

The SEP protests that adoption of revised sage-grouse habitat maps may have to occur through land use plan amendment.

## **Relevant part(s) of the plan amendment**

Page 2-85:

### *BLM Adaptive Management Actions*

Action AM-1: As site-specific GRSG data (habitat assessments, lek counts, telemetry, etc.) is collected, the information will be included into future modeling efforts using the “*Spatially Explicit Modeling of Greater Sage-Grouse Habitat in Nevada and Northeastern California*” (Coates et al. 2014) to reflect the most up-to-date spatial representation of GRSG habitat categories. Through plan maintenance or plan amendment, the updated modeling efforts may be adopted and appropriate allocation decisions and management actions will be applied to PHMA, GHMA, and OHMA. Future modeling efforts to incorporate site-specific GRSG data will utilize the same modeling methods (as described under *Methods and Results* in Coates et al. 2014) used to develop the current Nevada and Northeastern California Sub-regions’ GRSG habitat management categories. The addition of site-specific GRSG data will allow for the refinement of the spatial representation of the GRSG habitat management categories.

## **Previous comments submitted or discussed for the record**

The SEP did not previously comment on this item because the language that was provided in the DEIS and in the CA version of FEIS provided a process to update maps which directly incorporated revised maps into the formal documents for the Land Use Plan Amendment. See below for actions specified in the DEIS and CA version of the FEIS.

### DEIS

Alternative D was indicated as the preferred alternative:

Page 93

*Action D-SSS-AM 1: Establish a protocol for incorporating new science and changes over time, to update and keep State-wide habitat maps current.*

Page 119

*Action D-SSS-OPM 3: Establish a protocol for incorporating new science and changes over time, to update and keep State-wide habitat maps current.*

### CA version FEIS

Page 2-85 Lines 2-7

### *BLM Adaptive Management Actions*

*Action AM 1: Update the Nevada GRSG habitat map based on new, peer reviewed science and monitoring information and using the protocol identified in **Appendix O**. Evaluate and adjust GRSG habitat categorization and use management boundaries, based on the results of map updates through plan maintenance or plan amendment, as appropriate.*

- Appendix O outlined the process for updating the maps. This appendix makes no mention of requiring a Land Use Plan Amendment to do so and has specific language that indicates a land use plan amendment is not needed to incorporate revisions.

*“e) Formal Update of Habitat: The updated maps will become part of the formal documents of the Land Use Plan Amendment and will be distributed to field units for use in future projects and those current projects that have yet to formally initiate the NEPA process.”*

- There is language in this CA FEIS that indicates “or plan amendment”. However, the wording is unclear as the map updates would show the habitat categorization and boundaries. When referencing Appendix O for more clarification, it is very explicit that updated maps will become part of the formal documents of the Land Use Plan Amendment.

**Statement of why the State director’s decision is believed to be wrong**

Throughout the EIS process, the BLM/FS have sought to incorporate the most current habitat mapping efforts based on the best available science. Appendix A of the FEIS (specifically the Introduction) speaks to this. In versions leading up to the FEIS, the preferred alternative in the DEIS and the proposed plan in the CA version of the FEIS indicated that updates based on the best available science would be incorporated.

The decision to update maps through a land use plan amendment conflicts with the stated goals of utilizing the best available science for land use decisions. The Land Use Plan Amendment process is lengthy and at times infrequent due to staff resource constraints. Requiring a plan amendment each time the map is updated to incorporate the most recent information and best science will result in out of date maps that will not provide for the most appropriate management of sage-grouse.

The methods that were outlined in Appendix O of the CA version of the FEIS provide the same framework as were used to develop the maps in the FEIS, but allow for direct incorporation of new data to better reflect conditions on the ground as change occur over time. It is recommended that the wording relevant to the CA version of the FEIS, specifically Appendix O, be used in the proposed plan, that specifically indicates that updates to the maps be incorporated through plan maintenance.

## **No mitigation requirement in OHMAs**

**Statement of issue:** The FEIS does not require mitigation in Other Habitat Management Areas (OHMAs).

**Relevant part(s) of the plan amendment:** Chapter 2, page 2-25, Action SSS-4 stating “In OHMAs, authorized/permitted activities are implemented adhering to the RDFs described in Appendix D, consistent with applicable law.”

**Previous comments submitted or discussed for the record:** See attached. This was not commented on in the DEIS period as this issue was not specifically addressed in the DEIS.

**Statement of why the State Director’s decision is believed to be wrong:** The 2014 Nevada Greater Sage-grouse Conservation Plan (State Plan) requires mitigation for anthropogenic disturbances in OHMAs (the State Plan calls OHMAs General Management Areas (GMAs)). This includes mitigation in 7,620,000 additional important sage grouse acres, determined by the best available science to be moderately suitable habitat for sage-grouse in areas of estimated low space use. These areas are spatially important to sage-grouse and thus through the CCS may require an appropriate amount of mitigation.

According to 43 CFR 1610.3-1 (d) and 43 CFR 1610.3-2 (a) the BLM shall ensure that resource management plans are consistent with officially approved or adopted resource related plans of State governments, however the LUPA is inconsistent with the State Plan. The BLM has failed to follow 43 CFR 1610.3-1 (d) by failing to identify where inconsistencies exist between the LUPA and State Plan and “provide reasons why the inconsistencies exist and cannot be remedied.” Furthermore, though the State has provided written comments throughout the planning process detailing the inconsistencies between the State Plan and the LUPA, the BLM has failed to document how these inconsistencies were addressed and, if possible, resolved as required under 43 CFR 1610.3-1 (f) and FLPMA Sec 202 (c) (9) (43 USC 1712).

Moreover, the BLM and FS adopted the habitat modeling methods described in Coates et al. 2014. These methods have been peer reviewed and published in a USGS open file report. These methods represent the best available scientific information. The BLM and FS are failing to use the best available scientific information in their decisions as required by the BLM Land Use Plan Handbook and BLM NEPA Handbook by arbitrarily choosing to exclude the use of portions of the modeling product.

We would request the BLM and Forest Service adopt mitigation requirements in the OHMAs/GMAs.

## **Travel and Transportation Management**

On this issue, the SETT requests guidance from the SEC as to which parts of the plan the SEC may want to protest, if any. Some possible areas of concern are listed below:

### **2.6.2 BLM Proposed Plan Amendment**

All actions reference back to SSS 1-SSS 4. This portion of SSS 2 is unclear how it would affect road closures.

Action SSS 2: In PHMAs, the following conditions would be met in order to minimize and mitigate any effects on GRSG and its habitat from the project/activity:

- Seasonal restrictions will be applied during the period specified below to manage discretionary surface-disturbing activities and uses on public lands to prevent disturbances to GRSG during seasonal life-cycle periods:

- In breeding habitat within 4 miles of active and pending GRSG leks from March 1 through June 30
  - Lek—March 1 to May 15
  - Lek hourly restrictions—6 p.m. to 9 a.m.
  - Nesting—April 1 to June 30
- Brood-rearing habitat from May 15 to September 15
  - Early—May 15 to June 15
  - Late—June 15 to September 15
- Winter habitat from November 1 to February 28

The seasonal dates may be modified due to documented local variations (e.g., higher/lower elevations) or annual climatic fluctuations (e.g., early/late spring, long/heavy winter), in coordination with NDOW and CDFW, in order to better protect GRSG and its habitat.

#### *Corridors*

##### *Minor ROWs, Permits, and Leases*

Action LR-LUA 19: In PHMAs and subject to valid existing rights, authorize new road ROWs only when necessary for public safety or administrative access, or if it would create no new surface disturbance. Chapter 2, Page 2-47

#### *Comprehensive Travel and Transportation Management*

Action CTTM 3:...In PHMAs and GHMAs, close to motorized travel those roads, primitive roads, and trails not designated in travel management plans. Chapter 2, Page 2-53

### **2.6.3 Forest Service Proposed Plan Amendment**

Roads/Transportation section

GRSG-RT-ST-081-Standard: In PHMAs, GHMAs, and SFAs, do not conduct or allow new road or trail construction (does not apply to realignments for resource protection) except when necessary for administrative access, public safety, or to access valid existing rights. If necessary to construct new roads and trails for one of these purposes, construct them to the minimum standard, length, and number and avoid, minimize, and mitigate impacts. 2-70

GRSG-RT-ST-082-Standard: Do not construct or allow road and trail maintenance within 2 miles of the perimeter of active leks during lekking (March 1 to May 15) from 6 p.m. to 9 a.m. 2-70

GRSG-RT-GL-089-Guideline: In PHMAs, GHMAs, and SFAs, during breeding and nesting (March 1 to June 30), consider seasonal road closures on motorized travel routes with high traffic volume, speeds, or noise levels 2-71



## **Sagebrush Focal Areas (SFAs)**

### **Issue #1 – SFA delineation methods**

#### **Statement of Issue**

The SEP protests the lack of clarity in the method of delineation of the SFAs.

#### **Relevant part(s) of the plan amendment**

Chapter 2, page 2-2 to 203

Chapter 2, page 2-25, Action SSS 5: Designate SFAs, as shown on **Figure 2-5** (2,797,400 acres).

#### **Previous comments submitted or discussed for the record**

See attached. The SFAs were not included in the DEIS; therefore the SEP did not provide comments in that comment period.

#### **Statement of why the State director's decision is believed to be wrong**

The methods provided for delineation of the SFAs are not explicit and therefore not transparent nor scientifically defensible. The section on page 2-2 to 2-3 indicates what types of areas they represent, but does not provide methods or the “scientific tools” to develop such. If this section is intended to provide the methods, it is not clearly written. The Nevada Management Categories (Coates et al. 2014) and the NDOW Habitat Categorization methods are both referenced, but prioritization in these tools do not line up with the delineation of the SFAs. The paragraph on page 2-11 references the reader to the U.S. FWS letter dated October 27, 2014. This letter provides more detail as to the input layers considered in the development of the SFAs. However again, an explicit method is not clearly outlined. In reviewing these input layers (Doherty et al 2010, Knick and Hanser 2011, Chambers et al. 2014, ownership boundaries), the Sagebrush Ecosystem Program did not come to a consistent delineation with the SFAs.

We request the BLM and Forest Service do not use the SFA delineations. If SFAs are determined to be necessary, the BLM and FS need to revisit the methods of delineation and provide more robust quantitative methods in the FEIS.

Doherty, K.E., J.D. Tack, J.S. Evans, and D.E. Naugle. 2010. Mapping breeding densities of greater sage-grouse: A tool for range-wide conservation planning. BLM Completion Report. Interagency Agreement # LLOPG00911.

Chambers, J.C.; D. A. Pyke, J.D. Maestas, M. Pellant, C.S. Boyd, S.B. Campbell, S. Espinosa, D.W. Havlina, K.E. Mayer, and A. Wuenschel. 2014b. Using resistance and resilience concepts to reduce impacts of invasive annual grasses and altered fire regimes on the sagebrush ecosystem and greater sage-grouse: A strategic multi-scale approach. Gen. Tech. Rep. RMRS ~~320~~ Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 73p.

Knick, S.T., and S.E. Hanser. 2011. Connecting pattern and process in greater sage-grouse populations and sagebrush landscapes. Pp. 383  
J.W. Connelly (editors). Greater Sage- Grouse: ecology and conservation of a

landscape species and its habitats. Studies in Avian Biology (vol. 38), University of California Press, Berkeley, CA.

## **Issue #2 – SFA management action prioritization**

### **Statement of Issue**

The SEP protests the inconsistency of the prioritization of the SFAs for conservation actions with management prioritization outlined in the Nevada State Plan.

### **Relevant part(s) of the plan amendment**

- Chapter 2, page 2-2 to 2-3
- Chapter 2, page 2-25, Action SSS 5: Designate SFAs, as shown on Figure 2-5 (2,797,400 acres). SFAs will be managed as PHMAs, with the following additional management:
  - ...
  - Prioritized for management and conservation actions in these areas, including review of livestock grazing permits/leases (see LG actions below)
- Action WFM 2: Prioritize fire operations and fuels management decisions in SFAs first, followed by PHMAs outside of SFAs in accordance with the implementation-level FIAT assessments, and then GHMAs for conservation and protection during fire operations and fuels management decision-making. When suppression resources are widely available, place maximum efforts on limiting fire growth in GHMAs as well.
- Action LG 2: The BLM will prioritize (1) the review of grazing permits/leases, in particular to determine if modification is necessary prior to renewal, and (2) the processing of grazing permits/leases in SFAs followed by PHMAs outside of the SFAs. In setting workload priorities, precedence will be given to existing permits/leases in these areas not meeting land health standards, with focus on those containing riparian areas, including wet meadows. The BLM may use other criteria for prioritization to respond to urgent natural resource concerns (e.g., fire) and legal obligations.
- Action LG 4: Complete land health assessments in PHMAs and GHMAs to identify whether or not GRSG habitat objectives (**Table 2-2**) are being met. The priority order for completing land health assessments in GRSG habitat is:
  - • Allotments containing SFAs that have never been evaluated;
  - • Allotments containing SFAs that have not been re-evaluated in 10 or more years;
  - • Allotments containing PHMAs that have never been evaluated;
- Action LG 11: Allotments within SFAs, followed by those within PHMAs, and focusing on those containing riparian areas, including wet meadows, will be prioritized for field checks to help ensure compliance with the terms and conditions of the grazing permits. Field checks could include monitoring for actual use, utilization, and use supervision.
- Action WHB 3: Complete rangeland health assessments for HMAs containing GRSG habitat using an interdisciplinary team of specialists (e.g., range, wildlife, and riparian). The priorities for conducting assessments are:
  - 1. HMAs containing SFA;
  - 2. HMAs containing PHMAs, which include riparian areas;
  - 3. HMAs containing only GHMAs;

- 4. HMAs containing sagebrush habitat outside of PHMAs and GHMAs mapped habitat;
- 5. HMAs without GRSG habitat.
- Action WHB 4: Prioritize gathers and population growth suppression techniques in HMAs in GRSG habitat, unless removals are necessary in other areas to address higher priority environmental issues, including herd health impacts. Place higher priority on herd areas not allocated as HMAs and occupied by wild horses and burros in SFAs, followed by PHMAs.

(NOTE: The U.S. Forest Service did not provide actions that define prioritization for management actions in SFAs).

**Previous comments submitted or discussed for the record**

See attached. The SFAs were not included in the DEIS; therefore the SEP did not provide comments.

**Statement of why the State director's decision is believed to be wrong**

Based on the work of Chambers et al. (2014), which is incorporated and referenced, throughout the FEIS, much of the SFA encompasses higher resistance and resilience areas of the planning region. This means, should disturbance occur in these areas they are more likely to recover on their own. Following the prioritization of Chamber et al. 2014, more proactive management actions (e.g., fire operations, vegetation management,) should be occurring in less resistant and resilient landscapes (See Table 4 in Chambers et al. 2014). Prioritizing management and conservation actions in some format is a very good approach for focusing conservation gains across very large landscapes; however, the delineation of the SFAs did not appropriately incorporate scientific tools such as concepts of resistance and resilience to be the main focus of prioritization for management actions.

The SEP recommends that management action prioritization should be analyzed and defined using science-based tools, e.g., resistance and resilience concepts described in Chambers et al. (2014).

Chambers, J.C.; D. A. Pyke, J.D. Maestas, M. Pellant, C.S. Boyd, S.B. Campbell, S. Espinosa, D.W. Havlina, K.E. Mayer, and A. Wuenschel. 2014b. Using resistance and resilience concepts to reduce impacts of invasive annual grasses and altered fire regimes on the sagebrush ecosystem and greater sage-grouse: A strategic multi-scale approach. Gen. Tech. Rep. RMRS ~~620~~ Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 73p.

## **Wild Horse and Burro**

### **Issue #1**

**Statement of Issue** – There is no action in the proposed plan on the use of riparian fencing to restrict damage to riparian meadows by wild horses and burros.

### **Relevant part(s) of the plan amendment**

Chapter 2, page 43-44, Wild Horses and Burros

### **Previous comments submitted or discussed for the record**

Please see attached.

### **Statement of why the State director's decision is believed to be wrong**

- Wild horses and Burros are drawn to water as are cattle and prolonged use can create problems with riparian conditions. Fencing with water available outside is a viable tool for riparian management. These fences can take the form of enclosures or riparian pastures that are only available to horses for grazing during specified periods that vary in season and duration as needed for optimum sage-grouse and other habitat conditions.

### **Issue #2**

**Statement of Issue** – Planning for wild horse and burro gathers, in coordination with population growth suppression practices, should be conducted in a manner that allows for management at the lower end of AML, as recommended in the State's Plan.

### **Relevant part(s) of the plan amendment**

Chapter 2, page 43, Actions WHB 2

### **Previous comments submitted or discussed for the record**

Please see attached.

### **Statement of why the State director's decision is believed to be wrong**

- Given their capability to increase their numbers by 18%-25% annually, resulting in the doubling in population every 4-5 years (Wolfe et al. 1989; Garrott et al. 1991), management should be directed at attaining and maintaining AMLs at the lowest levels, especially in Priority and General habitats.
- The SEC also encourages the continued and expanded use and development of effective forms of population growth suppression techniques will enable AML to be maintained for longer periods and reduce the frequency of gathers and associated cost and effort.
- These efforts should allow for greater flexibility in making management decisions during periods of natural disasters (fire, drought, etc.) when immediate action is necessary, but very difficult to achieve.

**Issue #3****Statement of Issue** – “Consider” removal or exclusion**Relevant part(s) of the plan amendment**

Chapter 2, page 44, Actions WHB 8

**Previous comments submitted or discussed for the record**

Please see attached.

**Statement of why the State director’s decision is believed to be wrong**

- If a consideration is made as to whether or not removal or exclusion is necessary, then the SEC recommends that additional language be included that would direct them to plan for and administer removal or exclusion activities sufficient to immediately address the emergency situation.
  - Regional EAs or other administrative procedures should be conducted prior to emergency occurrences. This would allow for these actions to be implemented expeditiously post emergency.