

### Comment Form

<b>Document Title</b>	Nevada and Northeastern California Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement
<b>Date (mm/dd/yy)</b>	07/17/2018
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**Review Importance:**

- No color --- Minor and alignment comments
- Grey --- Substantive comments
- Green highlight --- SETT requests specific SEC review

Chapter	Page	Section and Sentence	Comment
ES	ES-8	ES.4 Bottom of Second to Last Paragraph in the Section	<p><u>“In addition, DOI and the BLM are evaluating whether the implementation of a compensatory mitigation standard on public lands is appropriate and consistent with applicable legal authorities. We request public comment about how the BLM should consider and implement mitigation with respect to the Greater Sage-Grouse, including alternative approaches to requiring compensatory mitigation in BLM land use plans.”</u></p>
2	2-3 2-17	2.3.2 2.6	<p>The revocation of the Secretary’s Order 3300 and withdrawal of Memorandum-37039 which provided the BLM with authority to require widespread landscape scale mitigation has widespread ramifications for mitigation activities in the State of Nevada. While the SETT realizes the state of uncertainty the BLM finds itself in with respect to mitigation authority, we request that in accordance with the office of the Solicitor’s M-37046 memo, language be added in the EIS that acknowledges BLM’s authority to require mitigation in case-specific circumstances, under already existing authorities, and depending on the type of authorizing action. The SETT also requests that the BLM recognize the requirement the State has regarding mitigation in the Sage Grouse Management area found in the Consolidated State Plan on page 18, “Mitigation will be required for all anthropogenic disturbances impacting sage-grouse habitat within the SGMA.”</p>

ES	ES-8, 2-3	ES.4 Large Middle Paragraph, 2.3.2 Second Paragraph	<p>“...clarifying the BLM’s commitment to use the State of Nevada’s Habitat Quantification Tool to quantify human disturbance calculations for mitigation...”</p> <p>SETT note: We had an issue with the word “Clarifying”. The SETT request the use of the word “solidifying” instead of clarify.</p>
1 And in References	1-12	1.6.1 First Bullet	<p>Update reference to refer to the 2016-2021 SCORP.  <a href="http://parks.nv.gov/forms/Nevada_Comprehensive_Outdoor_Recreation_Plan_2016-2021.pdf">http://parks.nv.gov/forms/Nevada_Comprehensive_Outdoor_Recreation_Plan_2016-2021.pdf</a></p>
F	F-1 through F-4	F-1 through F-4	<p>The Nevada CCS requires mitigation in all three habitat types (PHMA, GHMA, and OHMA), and the BLM identifies potential mitigation to occur in PHMA and GHMA. The SETT recommends that “PHMA, GHMA, and OHMA, collectively GRSG habitat” be included throughout the Appendix F rather than “GRSG and its habitat”.</p>
2	2-07	Habitat Management Area Designations Flexibility	<p>Throughout the document, when the Habitat Quantification Tool (HQT) is referenced, the SETT recommends using “the most current Habitat Quantification Tool (HQT) version”.</p>
2	2-10	Mitigation First Paragraph	<p>3.1.2 of State Plan is ‘Avoid, Minimize, Mitigate’ (See “Avoid, Minimize, and Compensate,” in Management Alignment Alternative).</p> <p>“Avoid, Minimize, and Compensate” is the BLM policy, as also outlined in Appendix F, page F-1, third and last paragraph.</p> <p>We request that the BLM adopt Nevada’s language, “Avoid, Minimize, and Mitigate.”</p>
2	2-10	Mitigation Second Paragraph	<p>The <b>most current</b> HQT version should be adopted by the BLM as the quantification tool. (Could this be included with the plan maintenance section, along with updating maps and science?)</p>
2	2-11	Mitigation	<p>The SETT requests the following language, “calculated as mitigated with the equivalent HQT result.” to replace the following language, “calculated using the HQT would be mitigated with the equivalent number of functional acres regardless of mitigation method.”</p>

2	2-12	Allocation Exception Process	<p>Proponents planning mitigation, resulting in a net conservation gain, may likely receive an exception. For land uses in which mitigation to achieve a net conservation gain is already required or anticipated, this exceptions process seems like an authorization to develop with no additional obstructions to develop than what may already be intended.</p> <p>The SETT recommends more specifics and definitions pertaining to the exceptions criteria. For example, “location of the proposed authorization” does this include the project footprint or the analysis area as well? What are the criteria for “lacks ecological potential to become suitable habitat”? Is the HQT to be used to determine direct, indirect, and cumulative impacts? What is the definition of “habitat fragmentation”? How would de minimis impacts be determined? The SETT requests further clarification, potentially in an appendix.</p>
Glossary	Glossary -03		Missing Definition of OHMA.
B	B-01	Third Bullet	There is a lot of new research concerning tall structures, specifically powerlines, which demonstrate impacts of tall structures are well beyond 2 miles. Indirect impacts, particularly from raven predation, that capitalize on powerlines can significantly affect nest success as females are moving on and off nests/leks. The SETT requests the BLM incorporate the new research to extend to some point beyond 2 miles.
B	B-1	B.1	The BLM is committing to follow the State’s avoid, minimize, mitigate process in this document. Thus, if it is not possible to avoid or mitigate, the next step will be mitigation, not exemption from mitigation. The processes developed in the bullets seem to fit in under the “avoid” and “minimize” processes and not as exemptions to mitigation. Request more clarifying language.
B	B-2	Top bullet	Even though the term “best available science” is included, language tying the BLM’s determination to a qualified biologist or accepted methodology would be preferable.
B	B-2	Two middle bullets	Language should be added tying these determinations and decisions to qualified people using acceptable methods. Even though GHMA is not PHMA, metapopulation dynamics will rely heavily on connectivity through GHMA, thus it needs to be clear that these projects will not just be “waved” through because it is GHMA.
C	C-06	RDF LR-LUA 1 and Onward	Font change in the “Yes” and “No” boxes.

D	D-04	D.5.1	What imagery would be used to calculate sagebrush cover? How and what will be used to calculate 'baseline data' (time period, extent, etc.) for sagebrush cover? 'Baseline Data' should be clarified.
D	D-04	D.5.2	What statistical methods or models will be used to calculate sagebrush cover change, and are those methods sensitive enough to detect a 2% decline with inherent variation observed in the statistical analysis that is used for this purpose?
D	D-04	D.5.2	How will this analysis be conducted? How often? What tools (if GIS based) will be used for conducting the analysis? Citations should be used (if available) for determining % decline. Detailed methods need to be established prior to analyzing habitat triggers to avoid variability and provide greater consistency.
D	D-04	D.6 Step 1	What if habitat data are not available during the fall of each year, or if there are consistent and significant delays in obtaining habitat data annually, how will that be addressed? There is a concern if habitat triggers are not identified due to the inability to collect and analyze habitat data in the expected time frame.
D	D-05	D.6 Step 2	The individual lek scale identified by USGS hierarchical population modeling is not included within the causal factor analysis area, only the lek cluster and BSU are included.
D	D-05	D.6 Step 2	If the analysis cannot be completed with existing data, who will fund the analysis? Some of the answers to the questions being asked to determine causal factor could take extensive time to extrapolate. Establishment of a funding pool should be considered to pay for the population trigger analysis.
D	D-05	D.6 Step 2	The SETT recommends that other local partners include grazing permittee(s), and other county or city natural resource advisors as cooperators in the causal factor analysis and management response (included in Steps 2&3).
D	D-05	D.6 Step 2	The SETT recommends that the report developed in Step 2 may include recommendations for additional analyses or data collection.
D	D-06	D.6 Step 4	The SETT recommends that district or field offices will collaborate with federal, state, or other local partners to implement project specific management responses in step 4.
D	D-06	D.6 Step 5	The SETT recommends that district or field offices will collaborate with the same group convened in Steps 2 & 3 to continue to monitor the lek (population only), lek cluster, or BSU in which the trigger was reached.
D	D-06	D.6 Step 5	Population monitoring is addressed, but who will conduct and fund habitat monitoring? What happens if monitoring is not conducted?

D	D-07	D.7	The SETT recommends defining a minimum time period in which a trigger response can be removed. The SETT recommends this should be equivalent to the length of time it took to result in a slow or hard trigger at the identified scale (e.g. slow trigger of two years of slow warnings must demonstrate two years of the population above the slow destabilizing and decoupling threshold).
F	F-01	F.1 Last Paragraph	<p>“...or cannot be rectified through reclamation (i.e. residual impacts)...”</p> <p>The glossary for appendix F defines residual impacts as “Impacts that remain after applying avoidance and minimization mitigation; also referred to as unavoidable impacts.”</p> <p>Why is reclamation mentioned in this section since it is likely to occur at time of closure? Is the intent here to distinguish term debits from permanent debits? Or is the intent to suggest that unsuccessful reclamation efforts will also require mitigation in addition to term/temporary impacts? It could also be interpreted to suggest that anthropogenic disturbances that require reclamation may not have to mitigate during the term of disturbance.</p> <p>The SETT also sees two different timelines that would be used according to the different ways the term “residual impacts” is being used. “Impacts that remain after applying avoidance and minimization mitigation” would be mitigated for immediately. The sentence, “If direct, indirect, or cumulative impacts from an authorized activity remain after applying avoidance and minimization measures, or cannot be rectified through reclamation (i.e., residual impacts),” would be mitigated for at the termination of a project.</p> <p>This statement needs to offer more clarity, and the SETT requests clear articulation that what cannot be rectified through reclamation would represent a permanent disturbance within the State’s Conservation Credit System and permanent debits would need to be sourced.</p>
F	F-01 F-03	F.1 Last Paragraph F.2 Compensatory Mitigation Siting (Second Dash)	How will reinforcement of timely, durable, and additional mitigation be upheld; particularly the durability component on proponent-driven mitigation on public lands? The SETT recommends further development of the concept. Durability of habitat over the term of disturbance is a significant component of the CCS. Clarification on this concept will need to be developed when addressing proponent-driven mitigation.
F	F-02	F.2 Compensation	The CCS requires mitigation for the duration of project plus 10 years.

F	F-02	F.2 Compensation	The SETT recommends the use of financial instruments to increase durability in a majority of cases (unintentional and intentional loss) when proponent driven compensatory mitigation is conducted on public land?
F	F-02	F.2 Impact and Compensatory Mitigation Project Valuation Guidance	The SETT recommends the establishment of protocols and responsibility for reporting on compensatory mitigation projects that occur outside the CCS.
F	F-02	F.2 Impact and Compensatory Mitigation Project Valuation Guidance	The SETT recommends removal of the word ‘common’ in first dash.
F	F-02	F.2 Impact and Compensatory Mitigation Project Valuation Guidance	The SETT requests additional language clarifying how the intent, method of analyzation, or who and how an “upward adjustment of the valuation” will be conducted.
F	F-02	F.2 Compensatory Mitigation Options	Use of the HQT to quantify outcomes should be incorporated on all compensatory mitigation projects to enable a comparative analysis of net conservation gain (Second bullet).  Does such a mitigation/conservation fund exist and who would hold/distribute and calculate the necessary funds to meet the obligation in comparison to using the CCS? (bottom of page)
F	Through out	Throughout	The SETT recommends addressing how net conservation gain will be accomplished or reported if projects with valid existing rights move forward with mitigation efforts that are not commensurate with direct, indirect, cumulative, and permanent impacts.

F	F-1	F.1, First sentence	<p>“The BLM applies mitigation in a hierarchical manner: first seeking to avoid, then minimize, then rectify, then reduce or eliminate the impacts over time, and only then consider compensatory mitigation,...”</p> <p>The SETT is uncomfortable with the statement “eliminate impacts over time” in this context. Impacts eliminated over time still need to be addressed with term debits within the CCS. Any impacts not effectively avoided still need to be mitigated for. Language reflecting this view is requested.</p>
F	F-1	F.1, second paragraph	<p>“...application of the mitigation hierarchy and the development of compensatory mitigation would be done in close coordination with the proponent, cooperating agencies (e.g., NDOW, Sagebrush Ecosystem Technical Team [SETT], and local governments)...”</p> <p>The SETT plans to streamline the Avoid process in the state plan with the BLM process and thus requests details in this section regarding when the SETT will be included in the BLM avoid process. We request that the SETT be included in the earliest planning and project development stages.</p>
F	F-2&3	Compensatory Mitigation Options	<p>How would net conservation gain be demonstrated in proponent driven projects? Tying this determination to experts in the field (e.g., as determined by a qualified agency or biologist) may be beneficial here.</p>
F	F-3	Compensatory Mitigation Siting	<p>The SETT requests the following statement is inserted as a new bullet at the end of this list:</p> <p>“Although Federal agencies have yet to allow CCS credit projects to be sited and developed on public lands to serve as compensatory mitigation, the BLM will continue to work with the SETT to ensure fulfillment of this objective in the near future.”</p>