



December 17, 2013

*(Sent via U.S. Mail and electronic transmission)*

James Winfrey  
Humboldt-Toiyabe National Forest  
1200 Franklin Way  
Sparks, NV 89531  
FAX: 775.355.5399  
Email: [jwinfrey@fs.fed.us](mailto:jwinfrey@fs.fed.us)

Re: Comments on Greater Sage Grouse Bi-State Distinct Population Segment Forest Plan Amendment DEIS

Dear Mr. Winfrey:

This correspondence will act as the scoping comments of the Blue Ribbon Coalition, a national trail-based recreation group, regarding the Greater Sage-Grouse Bi-State Distinct Population Segment Forest Plan Amendment's Draft Environmental Impact Statement (DEIS). This document shall not supplant the rights of other BRC agents and organizational or individual members from submitting their own comments and the agency should consider and appropriately respond to all comments received. For purposes of this comment document, the Greater Sage-Grouse will be referred to hereafter as the Grouse.

In our January 28, 2013 scoping comment letter, BRC stated it had reviewed all the relevant literature and issues concerning the current planning process undertaken by the BLM and its National Greater Sage-Grouse Planning Strategy (Charter). We also reviewed current OHV/ORV literature and statistics from the USDA Forest Service as it applies to use trends and to management on the ground. These trends cross directly over to the BLM and can be used to justify sound management techniques for motorized recreation regardless of the differing Code of Federal Regulations (CFR's) that govern each agency.

BRC concluded the Grouse has been intensively studied for the last 60 years and there are a number of factors that have been identified as major contributors to the decline of the species. These include but are not limited to:

Habitat destruction/modification thru urbanization/fragmentation  
Introduction of invasive plant species  
Intrusion of Juniper ecotype  
Wildfire and fire management including prescribed burns  
Predation  
Fragmentation from fences, power-lines, roads and other infrastructure  
Hard and liquid mineral leases and development  
Grazing  
Wild horse/burro management  
Disease (including West Nile Virus (WNV))

In reviewing the available literature and studies listed in our January 28, 2013 letter, BRC noted there is scant to little information anywhere related to the effects of motorized recreation on the Grouse and there are no definitive studies to that effect cited anywhere in the database. Particularly considering the intense scrutiny and collective scientific energy expended on this species, BRC concludes that motorized recreation in any of its forms does not have a significant impact on the Grouse. The USFWS listing petition decision supports this as well. Motorized recreation and/or OHV/ORV are barely mentioned and mostly anecdotal in nature. However, BRC does understand that OHV-related site-specific research may be needed to fine tune vehicle-based recreation on roads, trails, and areas so that future Grouse-friendly motorized access is assured.

#### **IMPLICATIONS FOR VEHICULAR RECREATION – A COMMON SENSE STRATEGY**

In response to the listing decision and as the lead agency, the BLM, where most of the Grouse habitat is located, issued its National Greater Sage-Grouse Planning Strategy (Charter) and subsequent Instruction Memorandums (IM), along with various FAQ sheets, range maps and other incidental publications.

The production of a National Environmental Policy Act (NEPA) document and subsequent Environmental Impact Statement/Supplemental Environmental Impact Statement (EIS/SEIS), when completed, will guide future management decisions for the Grouse and its sage based habitat. Because of the size of the landmass involving current Grouse habitat and distribution, the BRC considers the production of this NEPA document to be a major landscape level decision. The subsequent Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) will affect motorized recreation in the 11 states where the Grouse currently occurs (both East and West planning units).

In addition the BLM has published 2 Instruction Memorandums (IM) dated 12/22 and 12/27 2011 that will provide *“interim conservation policies and procedures for BLM field level operations”*. These will also have the potential to greatly affect/impact all aspects of motorized recreation, from traditional camping, hunting and fishing access to access for photography, bird watching, mountain bicycling, boating, cross country skiing and wilderness areas. Most of all, these IM’s could have a serious negative impact on casual OHV use and permitted special events such as enduros, trials, hare-scrambles and dual sport rides to name a few. All forms and aspects of motorized recreation...off-highway/off road motorcycle, dual sport/adventure sport motorcycle, ATV, SBS, OSV, 4WD and even all street legal vehicles...may be affected if the IM’s are interpreted in the wrong manner in a “one size fits all” decision.

This has occurred in the past when elements of the motorized recreation community were not included in the planning process. BRC is very concerned that may well be the final outcome if the motorized recreation community members are not involved in this planning process from the beginning. We also believe that rather than the broad sweep of the brush as thusly painted in the most recent IM's and summaries of said, a more **"common sense"** approach (already suggested for adoption by BLM in other Grouse Management Strategy documents) needs to be implemented in order to minimize the affects/impacts on both the Grouse and the recreating public.

In order to accomplish this **"common sense"** approach to management, local land managers at the Ranger District and Field Office level need to be heavily involved with the motorized public to establish achievable goals for protection of the Grouse (lek /nest disturbance, wintering areas and sage habitat degradation) and to mitigate potential affects upon recreation through closure of existing, inventoried and managed routes. These types of closures should always be viewed as the most extreme measure to undertake after all other management techniques and measures have failed. Under the IM's, the BRC believes that sound, proven OHV management techniques can allow the agency to protect the Grouse and habitat and to provide for responsible, family oriented OHV/ORV recreation, regardless of which form it takes.

Part of this process is to determine time and use regulations that minimize real conflicts between the recreating public and the Grouse. BRC notes that hunting of the Grouse is still allowed in at least 8 of the 11 states where it is found and that by setting reduced seasons and bag limits, the Grouse is not considered at risk and that hunting can still occur. The same can be said for motorized access and use.

For example, Grouse leks are concise, well-established, historic areas that can last for decades. Add to this that the leks are mostly in use for strutting/mating during crepuscular hours and that motorized recreation is generally NOT undertaken during those hours...the two can be successfully separated. BRC also notes the BLM, like the Forest Service, state, county, local and tribal land management agencies is also moving towards a mostly "designated route" planning effort for use of roads and trails that are compatible for motorized recreation use and we support that concept. Except for OSV winter use, where snowpack allows, BRC recognizes that unauthorized/unmanaged cross country travel can be damaging to both wildlife and habitat.

The local Ranger District and Field Office level recreation planners and managers are the best suited to work with the motorized stakeholders to establish a manageable, designated, user and nature friendly route network for motorized access. This includes access roadways away from paved highways, high clearance routes for pickups, jeeps and other 4WD vehicles that can be shared under combined use by other OHV/ORV categories such as trail bikes, ATV/SBS and or OSV in the winter. Lesser used but just as important to the motorized community are rural 2 track routes that may see little use throughout the year, ATV width trails and trail bike single track width routes. Routes that are duplicitous or fill no need or are illegally established may be considered for closure and rehab. The desired condition is an adequate system/mixture of routes of suitable length and skill levels that follow Best Management Practices (BMP) established by Best Available Science (BAS).

BRC commends the agency(s) for identifying the concept of limiting OHV use to existing and/or designated roads and trails as a primary strategy to help protect Bi-State Sage Grouse habitat. BRC believes this is the appropriate method by which to "minimize" environmental impacts.

BRC also commends the agency for its comprehensive review of the recreation activities that occur in the amendment area. It is noted that said activities are mostly dispersed and do not rely on developed facilities and use is year-round and consists of varied activities including hiking, mountain biking, OHV riding, camping, hunting, and scenic touring. Day use is high, and there are very few developed facilities. Areas of concentrated use occur at popular destinations. Heavy public OHV use occurs in the north part of the Pine Grove Hills. There are many motorized special events, mostly in June. The Walker ATV Jamboree is particularly popular, with participation doubling from year to year. BLM permitted events include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. These are described in further detail on pages 24-25 in the DEIS.

BRC commends the agency for its review of the route network. As noted on page 25 of the DEIS, there are about 11,605 miles of travel routes (designated roads and trails) in the amendment area. Neither agency has designated open OHV “play areas” in the amendment area. On Forest Service lands, no off-road driving is allowed; the BLM does allow some cross-country travel. Existing travel routes on BLM have not been completely evaluated through a travel management planning process and have not been completely “designated”. The current OHV designation for much of the BLM managed land in the amendment area is “open” to unrestricted cross-country travel. Approximately 45,000 acres along the Pine Nut Crest are currently designated as limited to designated routes; however, the travel management process has never been completed for this area. The Burbank Canyons Wilderness Study Area (13,395 acres), located at the southern end of the Pine Nut Mountain Range, was closed to motorized use in the 1980s through a Federal Register notice. A small portion (25,000 to 30,000 acres) of the Pine Nut Range includes lands that limit motorized use to existing routes through the 2009 Omnibus Act. The rest of the public lands in the Pine Nuts are designated open to OHV.

The DEIS also states that over the years there have been temporary restrictions on motorized use in the Pine Nuts related to recent fires. Recent fire perimeters or portions of burned areas have a “limited to existing routes” restriction on them. Typically they remain in effect for 2 years after posted in the Federal Register.

There are no public lands in Alpine County designated open to motorized use. The Alpine County Plan Amendment (2007) either limited motorized use to designated routes or closed it. A small area, between 250 to 300 acres near Harvey’s Place reservoir has been closed to all public access (both motorized and nonmotorized uses). Travel management has not been completed for Alpine County.5

Of the designated travel routes (roads and trails) within the amendment area, 388 miles pass through active sage grouse leks and 58.4 through inactive leks.

BRC appreciates agency management direction (including development of standards) as stated in the DEIS. The proposed OHV management prescriptions in the DEIS’s preferred alternative (PA) have already identified the need to eliminate cross-country travel in the project area where BLM lands are “open” to cross-country travel.

The PA also states on page 29 of the DEIS, that while recreation special use permits would still be granted depending on need and other factors, mitigation or restrictive measures could be placed on types, locations, and timing of activities to ensure consistency with the proposed amendment. Group events could be subject to timing limitations, which could limit the ability of some participants to attend. For example, many recreation events for which permits are issued on public land take place on June 7. In June the grouse are on nests and brood rearing. If the proposed activity poses a threat, the event may be moved or timing changed in order to the meet standard 2b to reduce impacts during this period. It is possible that organizers may decide not to hold their event if they cannot hold the event at a particular time. This would represent a reduction in opportunity for participants who would otherwise have been attending such events each year. However, there are many acres of BLM and Forest Service land outside of the amendment area that would be available for these types of events. Current events are evaluated and modified if necessary under the existing interim direction for both agencies, so it is expected that changes to existing events would be minor.

As you know, the U.S. Fish and Wildlife Service's Proposed Rule (PR) to Designate Critical Habitat for the Bi-State Distinct Population Segment (DPS) for the Greater Sage-Grouse - 78 Fed.Reg. 64328-64355 - was published on Oct. 28, 2013.

In total, approximately 755,960 hectares (1,868,017 acres) fall within the boundaries of the proposed critical habitat designations in Carson City, Lyon, Douglas, Mineral, and Esmeralda Counties, Nevada, and Alpine, Mono, and Inyo Counties, California. If this PR is finalized, it would extend the Act's protections to this DPS's critical habitat.

In order to enhance critical habitat, inhibit degradation, and avoid unwarranted impacts to historic OHV recreation including permitted events in proposed unit lands, BRC is recommending the FS (and BLM) review – and adopt as appropriate - the following (and proven) OHV management prescriptions into the FEIS and Record of Decision.

**OHV Management Guideline One:** Limit Use to Existing and/or Designated Roads and Trails

**Overview:** On Forest Service lands, no off-road driving is allowed; the BLM does allow some cross-country travel. Existing travel routes on BLM have not been completely evaluated through a travel management planning process and have not been completely “designated”. The current OHV designation for much of the BLM managed land in the amendment area is “open” to unrestricted cross-country travel. Approximately 45,000 acres along the Pine Nut Crest are currently designated as limited to designated routes; however, the travel management process has never been completed for this area. A small portion (25,000 to 30,000 acres) of the Pine Nut Range includes lands that limit motorized use to existing routes through the 2009 Omnibus Act. The rest of the public lands in the Pine Nuts are designated open to OHV.

**Prescription:** Prohibit cross-country travel in the unit. Limit OHV use to existing use where travel plans have not yet been completed and restrict OHV use to designated roads and trails where travel plans have been completed. Casual driving and use of existing or designated trails should be considered a diffuse disturbance with no long-term effects.

## **OHV Management Guideline Two** – Limited Operating Period for OHV Permitted Events

**Overview:** According to the Forest Service, there are many motorized special events on unit lands, mostly in June. These include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. Leking occurs between March 1 and May 15.

**Prescription:** Between March 1 and May 15, prohibit OHV events from using routes that pass through an active lek. Impose a time of day restriction (after 10 a.m.) for routes that pass within ¼ mile of an active lek.

## **OHV Management Guideline Three** – OHV Sound Restriction

**Overview:** Although there are not studies specifically focused on the noise effects of OHV use on the Grouse, there are OHV noise studies related to the Northern Spotted Owl (specifically OHV events) and other wildlife. At least one project, shows that noise levels could affect the breeding success of the owl. BRC believes that noise impacts to wildlife must be when managing routes for OHV use. Land managers in states including Nevada that do not have any statewide OHV sound laws should consider adopting sound laws for special management areas or units that have been designated as critical habitat. (40 CFR, Chapter 1, Section 201.158)

**Prescription:** Adopt the 2003 California State OHV Sound Law which states, “Sound emissions of competitive off-highway vehicles manufactured on or after January 1, 1998, shall be limited to not more than 96 dBA, and if manufactured prior to January 1, 1998, to not more than 101 dBA, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable. Sound emissions of all other off-highway vehicles shall be limited to not more than 96 dBA if manufactured on or after January 1, 1986, and not more than 101 dBA if manufactured prior to January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable.”  
Link to CA Sound Law - [http://ohv.parks.ca.gov/?page\\_id=23037](http://ohv.parks.ca.gov/?page_id=23037)

## **OHV Management Guideline Four** – Invasive Species

**Overview:** Cheatgrass and medusahead have become the most problematic of the exotic annual grasses within the Sage-grouse Conservation Area” (Miller et al. 2011) OHVs can inadvertently spread invasive/noxious weeds including cheatgrass and medusahead. It is important that vehicles be weed-free before travelling off-highway. Thoroughly washing the OHVs will ensure that the seeds are removed and will help mitigate the spread of noxious weeds.

**Prescription:** Adopt and promote an invasive species related prevention/education program based on the tenets at - <http://playcleango.org/>

**Conclusion:**

BRC strongly feels that the agency's goals and objectives to protect the Bi-State Sage Grouse habitat can be met without severely limiting or restricting responsible managed motorized recreation uses within the planning area. Thank you for this chance to comment and we look forward to assisting in the NEPA planning process as it moves forward.

Sincerely yours,

*Don*

Don Amador  
Western Representative  
BlueRibbon Coalition, Inc.  
555 Honey Lane  
Oakley, CA 94561  
Office: (925) 625.6287  
Email: [brdon@sharetrails.org](mailto:brdon@sharetrails.org)

cc: Senator Dean Heller  
Senator Harry Reid  
Congressman Mark Amodei  
Alpine County Board of Supervisors  
Carson City Board of Supervisors  
Douglas County Board of Commissioners  
Elko County Board of Commissioners  
Esmeralda Board of Commissioners  
Lyon County Board of Commissioners  
Mono County Board of Commissioners  
Nevada Sagebrush Ecosystem Council





December 17, 2013

*(Sent via U.S. Mail and electronic transmission)*

Public Comments Processing  
Attn: FWS-R8-ES-2013-0042  
Division of Policy and Directives Management  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive, MS 2042-PDM;  
Arlington, VA 22203.

**RE: Proposed Rule to Designate Critical Habitat for the Bi-State Distinct Population Segment**

Dear USFWS:

This correspondence will act as official comments of the Blue Ribbon Coalition (BRC), a national trail-based recreation group, regarding the U.S. Fish and Wildlife Service's Proposed Rule (PR) to Designate Critical Habitat for the Bi-State Distinct Population Segment (DPS) for the Greater Sage-Grouse. 78 Fed.Reg. 64328-64355 (Oct. 28, 2013). This document shall not supplant the rights of other BRC agents and organizational or individual members from submitting their own comments and the agency should consider and appropriately respond to all comments received. For purposes of this comment document, the Greater Sage-Grouse will be referred to hereafter as the Grouse.

In total, approximately 755,960 hectares (1,868,017 acres) fall within the boundaries of the proposed critical habitat designations in Carson City, Lyon, Douglas, Mineral, and Esmeralda Counties, Nevada, and Alpine, Mono, and Inyo Counties, California. If this PR is finalized, it would extend the Act's protections to this DPS's critical habitat.

**BACKGROUND**

In April 2010, the U.S. Fish and Wildlife Service (USFWS) published its **Listing Decision for the Greater Sage-Grouse**. Fed. Reg. 03052010 The Service stated, "[w]e find that listing the Greater Sage-Grouse (*Centrocercus urophasianus*) range wide is warranted, but precluded by higher priority listing actions." *Id.* at Page One. On a scale of 1-12 for listing priority as established by the agency...1 being the most critical and 12 being the least, the Grouse was assigned a listing priority number of 8. Currently there are hundreds of species being considered for listing under the ESA. USFWS has established a target date

of 2015 to fully address the status of the Grouse. They have further stated that the threat of extinction of the Grouse is unlikely given the size of its current range, even though over 50% of its historic range has been lost over time. Finally, USFWS stated, “[w]e will develop a proposed rule to list the Greater Sage Grouse as our priorities allow.” *Id.* at Page One. These observations and the warranted by precluded finding are topics of dispute, but the Service’s decision and strategy as outlined above has survived legal challenge thus far. See, Memorandum Decision dated Feb. 2, 2012 in *Western Watersheds Project v. U.S. Fish and Wildlife Service*, Case No. 10-CV-229-BLW (D.Idaho).

BRC has reviewed relevant literature and issues concerning the current planning process undertaken by the BLM and its National Greater Sage-Grouse Planning Strategy (Charter). We have also reviewed current OHV/ORV literature and statistics from the USDA Forest Service as they apply to use trends and to management on the ground. Given the similarity of sagebrush-steppe grouse habitat across jurisdictional boundaries, these materials and resulting conclusions cross directly over to the BLM and can be used to justify sound management techniques for motorized recreation regardless of the differing Code of Federal Regulations (CFR’s) that govern each agency.

**Major documents and literature reviewed include:**

**2010 Proposed Rules (Federal Register) USFWS on petition to list the Greater Sage Grouse populations**

<http://www.fws.gov/mountain-prairie/species/birds/sagegrouse/FR03052010.pdf>

**Known and Predicted Impacts to Greater and Gunnison Sage-grouse and Lesser and Greater Prairie-chickens**

[http://www.fws.gov/windenergy/docs/Sage\\_grouse\\_and\\_Prairie\\_chickens.pdf](http://www.fws.gov/windenergy/docs/Sage_grouse_and_Prairie_chickens.pdf)

**BLM Documents and Resources (general listing)**

[http://www.blm.gov/wo/st/en/prog/more/sagegrouse/documents\\_and\\_resources.html](http://www.blm.gov/wo/st/en/prog/more/sagegrouse/documents_and_resources.html)

**12/22/2011 Greater Sage-Grouse Interim Management Policies and Procedures**

[http://www.blm.gov/wo/st/en/info/regulations/Instruction\\_Memos\\_and\\_Bulletins/national\\_instruction/2012/IM\\_2012-043.html](http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2012/IM_2012-043.html)

**12/27/2011 BLM National Greater Sage-Grouse Land Use Planning Strategy**

[http://www.blm.gov/wo/st/en/info/regulations/Instruction\\_Memos\\_and\\_Bulletins/national\\_instruction/2012/IM\\_2012-044.html](http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2012/IM_2012-044.html)

**Breeding densities of Greater Sage-Grouse across the range**

[http://www.blm.gov/wo/st/en/prog/more/sagegrouse/documents\\_and\\_resources/greater\\_sage-grouse0.html](http://www.blm.gov/wo/st/en/prog/more/sagegrouse/documents_and_resources/greater_sage-grouse0.html)

**A Report on National Greater Sage-Grouse Conservation Measures Produced by Sage-Grouse National Technical Team**

[http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information\\_Resources\\_Management/policy/im\\_attachments/2012.Par.52415.File.dat/IM%202012-044%20Att%201.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2012.Par.52415.File.dat/IM%202012-044%20Att%201.pdf)

**Research Problem Analysis For Greater Sage-Grouse In Oregon**

[http://sagemap.wr.usgs.gov/Docs/ODFW\\_Prob\\_Analysis.pdf](http://sagemap.wr.usgs.gov/Docs/ODFW_Prob_Analysis.pdf)

**The History and Current Conditions of the Greater Sage-Grouse in Regions with Energy Development**

[http://bogc.dnrc.mt.gov/PDF/Final%20Greater%20Sage%20Grouse%20White%20Paper3-15-07%20\(2\).pdf](http://bogc.dnrc.mt.gov/PDF/Final%20Greater%20Sage%20Grouse%20White%20Paper3-15-07%20(2).pdf)

**Off-Highway Vehicle Recreation in the United States, Regions and States:  
A National Report from the National Survey on Recreation and the Environment  
(NSRE) 2005**

[http://www.fs.fed.us/recreation/programs/ohv/OHV\\_final\\_report.pdf](http://www.fs.fed.us/recreation/programs/ohv/OHV_final_report.pdf)

**Aug 7, 2008 News Releases from the Southern Research Station: Outdoor Recreation  
Increasing among American Adults**

<http://www.srs.fs.usda.gov/news/341>

BRC concludes the Grouse has been intensively studied for the last 60 years and there are a number of factors that have been identified as major contributors to the decline of the species. These include but are not limited to:

- Habitat destruction/modification thru urbanization/fragmentation
- Introduction of invasive plant species
- Intrusion of Juniper ecotype
- Wildfire and fire management including prescribed burns
- Predation
- Fragmentation from fences, power-lines, roads and other infrastructure
- Hard and liquid mineral leases and development
- Livestock Grazing
- Wild horse/burro impacts and/or management
- Disease (including West Nile Virus (WNV))

In reviewing the available literature and studies listed above, BRC has also noted there is scant to little information anywhere related to the effects of motorized recreation on the Grouse and there are no definitive studies to that effect cited anywhere in the database. Particularly considering the intense scrutiny and collective scientific energy expended on this species, BRC concludes that motorized recreation in any of its forms is not a significant threat to the Grouse. The USFWS listing petition decision supports this as well. Motorized recreation and/or OHV/ORV are barely mentioned and mostly anecdotal in nature. However, BRC does understand that OHV-related site-specific research may be needed to fine tune vehicle-based recreation on roads, trails, and areas so that future Grouse-friendly motorized access is assured.

While the impacts to Grouse are negligible, motorized recreation on both BLM and Forest Service lands, has become meaningfully and increasingly important. OHVs, ranging from motorcycles to ATVs to stock 4WD vehicles, provide not only meaningful but necessary access to much of the BLM "road" system. Virtually all recreationists rely on some level of "OHV access" to meaningfully visit BLM lands. Additionally, many visitors, including BRC members, find vehicle-based recreation to be rewarding and enjoyable. Not only is such recreational access and use legitimate, but an increasingly dominant use of the public lands managed for a burgeoning human population that values such lands less for commodity extraction/production and more for recreational and aesthetic values.

National OHV economic impacts may conservatively exceed 10 billion dollars/year (in 2004 alone the economic effects in CA were 4.5 billion USD) and a more recent OHV study done in AZ contributes another 3.3 billion USD. The need to manage this major OHV recreational use by the public has been historically addressed by the federal land management agencies such as the BLM and the FS, as well as by state, county, local and tribal agencies. The current trend for summer motorized recreation management leans heavily on a "designated travel" strategy, where cross-country travel is discouraged or forbidden except as specifically authorized.

## IMPLICATIONS FOR VEHICULAR RECREATION – A COMMON SENSE STRATEGY

BRC supports a “**common sense**” approach (already suggested for adoption by BLM in other Grouse Management Strategy documents) to be implemented in order to minimize any effects/impacts on both the Grouse and the recreating public.

In order to accomplish this “**common sense**” approach to management, local land managers at the Ranger District or Field Office level should be heavily involved with the motorized public to establish achievable goals for protection of the Grouse and to mitigate potential affects upon recreation. The literature supports focused travel prescriptions to address lek /nest disturbance, wintering areas and habitat degradation. Closure of existing, inventoried and managed routes should always be viewed as the most extreme measure to undertake after all other management techniques and measures have failed. BRC believes that sound, proven OHV management techniques can allow the agency to protect the Grouse and habitat and to provide for responsible, family oriented OHV/ORV recreation.

Part of this process will likely be to determine time and use regulations that minimize any real conflicts between the recreating public and the Grouse. BRC notes that hunting of the Grouse is still allowed in at least 8 of the 11 states where it is found and that by setting reduced seasons and bag limits, the Grouse is not considered at risk and that hunting can still occur. A similar approach would seem even more defensible for continuation of motorized access and use.

For example, Grouse leks are concise, well-established, historic areas in regular and predictable use for decades. Leaks are mostly, if not almost entirely, in use for strutting/mating during crepuscular hours. Motorized recreation is generally NOT undertaken during those hours. Sound management, informed by common sense, might thus focus on strategies whereby Grouse activity and vehicular travel can be successfully separated. BRC also notes the BLM, like the Forest Service, state, county, local and tribal land management agencies, is moving toward a “designated route” strategy for managing use of roads and trails. We support that concept. BRC recognizes that unauthorized/unmanaged cross country travel by certain vehicle types in certain seasons/circumstances can be damaging to some wildlife and/or habitat.

The local Ranger District or Field Office level recreation planners and managers are best suited to work with specialists and engaged interests, including the motorized stakeholders, to establish a manageable, designated route network for motorized access that accommodates the needs of humans will enhance protection for Grouse. This includes access roadways away from paved highways, high clearance routes for pickups, jeeps and other 4WD vehicles that can be shared under combined use by other OHV/ORV categories such as trail bikes, ATV/UTV and/or OSV in the winter. Lesser used but just as important to the motorized community are rural 2 track routes that may see little use throughout the year, ATV width trails and trail bike single track width routes. Routes that are duplicitous or fill no need or are illegally established may be considered for closure and rehabilitation. The desired condition is an adequate system/mixture of routes of suitable length and skill levels that follow Best Management Practices (BMP) established by Best Available Science (BAS).

## **Designation of 4 Units as Critical Habitat**

BRC does not believe there is a need for the Service to designate approximately 1,868,017 acres in four units as critical habitat for the Bi-State DPS of greater sage-grouse, all of which are considered currently occupied. The four units proposed as critical habitat correspond to the four populations recognized by the Western Association of Fish and Wildlife Agencies (WAFWA), which include: (1) Pine Nut, (2) North Mono Lake, (3) South Mono Lake, and (4) White Mountains.

BRC is concerned the PR related to recreation standards and the transportation system may have severe impacts on OHV recreation - including permitted events - particularly as it occurs on existing/designated roads and trails.

In order to enhance critical habitat, inhibit degradation, and avoid unwarranted impacts to historic OHV recreation including permitted events in proposed unit lands, BRC is recommending the Service review – and adopt as appropriate - the following (and proven) OHV management prescriptions.

### **OHV Management Guideline One:** Limit Use to Existing and/or Designated Roads and Trails

**Overview:** On Forest Service lands, off-road driving is now almost entirely prohibited. The BLM does allow some cross-country travel. This is because some areas on BLM lands, such as active sand dunes, may be determined to be appropriate for “off route” travel. Also, transition to a formal “designated route” strategy has been a higher priority on the National Forest System, and BLM is not as far along in this travel management planning process. The current OHV designation for much of the BLM managed land in the amendment area is “open” to unrestricted cross-country travel. Approximately 45,000 acres along the Pine Nut Crest are currently designated as limited to designated routes; however, the travel management process has never been completed for this area. A small portion (25,000 to 30,000 acres) of the Pine Nut Range includes lands that limit motorized use to existing routes through the 2009 Omnibus Act. The rest of the public lands in the Pine Nuts are designated open to OHV, regardless of whether use should, or even has, occurred in the entirety of these areas.

**Prescription:** Prohibit cross-country travel in the Unit. Limit OHV use to existing use where travel plans have not yet been completed and restrict OHV use to designated roads and trails where travel plans have been completed. Casual driving and use of existing or designated trails should be a priority for outreach and, when established, law enforcement, so as to be properly considered a diffuse disturbance with no significant or long-term effects.

### **OHV Management Guideline Two** – Limited Operating Period for OHV Permitted Events

**Overview:** According to the Forest Service, there are many motorized special events on Unit lands, mostly in June. These include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. Lek use by Grouse occurs between March 1 and May 15.

**Prescription:** Between March 1 and May 15, prohibit OHV events from using routes that pass through an active lek. Impose a time of day restriction (prohibiting use before 10 a.m.) for routes/areas within ¼ mile of an active lek.

### **OHV Management Guideline Three** – OHV Sound Restriction

**Overview:** Although there are not studies specifically focused on the noise effects of OHV use on the Grouse, there are OHV noise studies related to the Northern Spotted Owl (specifically OHV events) and other wildlife. At least one project shows that noise levels could affect the breeding success of the owl. BRC believes that noise impacts to wildlife will become an increasing priority when managing routes for OHV use. Land managers in states including Nevada that do not have any statewide OHV sound laws should consider adopting sound laws for special management areas or units that have been designated as critical habitat. (40 CFR Chapter 1, Section 201.158)

**Prescription:** Adopt the 2003 California State OHV Sound Law which states, “Sound emissions of competitive off-highway vehicles manufactured on or after January 1, 1998, shall be limited to not more than 96 dBA, and if manufactured prior to January 1, 1998, to not more than 101 dBA, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable. Sound emissions of all other off-highway vehicles shall be limited to not more than 96 dBA if manufactured on or after January 1, 1986, and not more than 101 dBA if manufactured prior to January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable.” Link to CA Sound Law - [http://ohv.parks.ca.gov/?page\\_id=23037](http://ohv.parks.ca.gov/?page_id=23037)

### **OHV Management Guideline Four** – Invasive Species

**Overview:** “Cheatgrass and medusahead have become the most problematic of the exotic annual grasses within the Sage-grouse Conservation Area.” (Miller et al. 2011) Page 5 -*Response of Sage-grouse to Cheatgrass and Pinyon/Juniper Encroachment* - Nevada Society for Range Management Great Basin Community College – Elko, NV January 10, 2013. OHVs can inadvertently spread invasive/noxious weeds including cheatgrass and medusahead. It is important that vehicles be weed-free before travelling off-highway. These concerns can be easily addressed through relatively simple guidelines. For example, thoroughly washing the OHVs will ensure that the seeds are removed and will help mitigate the spread of noxious weeds.

**Prescription:** Adopt and promote an invasive species related prevention/education program. An example of an established protocol is found at <http://playcleango.org/>

**Conclusion:**

BRC strongly feels that if a critical habitat designation is warranted the agency's goals and objectives to protect the Bi-State Sage Grouse habitat can be met without severely limiting or restricting responsible managed motorized recreation uses within the planning area. This is an important conservation issue where the agencies and engaged interests can create a win-win for the Grouse and a wide array of FS/ BLM recreationists and visitors. Thank you for this chance to comment, and we look forward to further participation in this management challenge.

Sincerely yours,

*Don*

Don Amador  
Western Representative  
BlueRibbon Coalition, Inc.  
555 Honey Lane  
Oakley, CA 94561  
Office: (925) 625.6287  
Email: [brdon@sharetrails.org](mailto:brdon@sharetrails.org)

cc: Senator Dean Heller  
Senator Harry Reid  
Congressman Mark Amodei  
Alpine County Board of Supervisors  
Carson City Board of Supervisors  
Douglas County Board of Commissioners  
Esmeralda Board of Commissioners  
Elko County Board of Commissioners  
Lyon County Board of Commissioners  
Mono County Board of Commissioners  
Nevada Sagebrush Ecosystem Council

