

Comment Form

Document Title	DRAFT Supplemental Environmental Impact Statement, Greater Sage-Grouse 2020
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Section	Page	Topic	Comment
1.1 4.5.3	1-4 4-43 - 4-44	Compensatory Mitigation	Through the State of Nevada’s Regulations NAC 232.400-480, effective October 30, 2019, offsite mitigation for anthropogenic disturbances on public lands is no longer voluntary and must be completed through the Sagebrush Ecosystem Program’s Conservation Credit System. Additionally, there is a Memorandum of Understanding between the Bureau of Land Management in Nevada and California and the State of Nevada’s Department of Conservation and Natural Resources and Department of Wildlife dated August 22, 2019 that outlines the partnership and responsibilities between the BLM and the State in regards to incorporation into NEPA review, land-use authorization process, and implementation of the Conservation Credit System. Since this plan encompasses most of Nevada and a small portion of California, this writing should not be boilerplate for an entire region but specific and contemporary to Nevada and NE California to reflect the commitments of the BLM to require projects to meet all State and Local laws and regulations, including the requirement to complete compensatory mitigation requirements through Nevada’s Conservation Credit System and the approval from the Governor appointed, Sagebrush Ecosystem Council.
2.6	2-20	Detailed Comparison of 2019 Alternatives	Replace what was removed (red): “The proposed activity would be determined a routine administrative function conducted by federal, state or local governments, including prior existing uses, authorized uses, valid existing rights and existing infrastructure (i.e., rights-of

		Management Alignment Alternative-Allocation Exception Process Item V.	way for roads) that serve a public purpose <u>and would have no adverse impacts on Greater Sage-Grouse and its habitat, consistent with the state’s mitigation policies and programs.”</u>
2.6	2-18	Detailed analysis of 2019 alternatives	<p>“In all Greater Sage-Grouse habitat, before authorizing third-party actions that result in habitat loss and degradation within the State of Nevada, the BLM will complete the following steps, in alignment with the State of Nevada’s Greater Sage-Grouse Conservation Plan (2014, as amended), including avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions:”</p> <p>The SETT recommends changing “in all Greater Sage-Grouse habitat” to “within 6 km of sage grouse habitat” in order to reflect the anthropogenic disturbance indirect impacts which may have relevance to projects that are less than or equal to 6km outside of habitat.</p>
2.6	2-19	Detailed analysis of 2019 alternatives – Mitigation issue	<p>“The BLM would not deny a proposed authorization in Greater Sage-Grouse habitat solely on the grounds that the proponent has not proposed or agreed to undertake voluntary compensatory mitigation. “</p> <p>In Nevada, mitigation in GRSG habitat is not voluntary. It is required by state regulation, and the proposed language presents ambiguity in the enforcement of compatibility with state requirements. The SETT recommends clarifying that mitigation is only voluntary if there are no direct and indirect impacts to GRSG habitat.</p>
2.6	2-20	Detailed analysis of 2019 alternatives – Allocation Exception Process	<p>The proposed plan amendment granting exceptions states: “In cases where exceptions may be granted for projects with a residual impact, voluntary compensatory mitigation consistent with the State’s management goals could be one mechanism by which a proponent achieves the RMPA goals, objectives, and exception criteria.”</p> <p>This language is concerning to the SETT because the above language seems to conflate what the BLM views as voluntary compensatory mitigation vs. what is required by state law. The BLM has stated within this plan (see comment above) that it will not deny projects if voluntary mitigation is not offered, however under the exception allocation process it states that voluntary mitigation can be used to achieve RMPA goals.” This creates the possibility (or certainly the perception) that projects may proceed regardless of mitigation status. The SETT requests clarifying language indicating the inability for projects to proceed if state requirements for mitigation are not met.</p>

Appendix B	B-27		<p>“In cases where exceptions may be granted for projects with a residual impact, voluntary compensatory mitigation consistent with the State’s mitigation policies, and programs, <u>and regulations</u> such as the <u>State of Nevada’s Executive Order 2018-32</u> (and any future regulations adopted by the State of Nevada regarding compensatory mitigation, consistent with federal law)”</p> <p>The SETT recommends adoption of the tracked changes above and the replacement of the language highlighted with the codified regulation which is Nevada Administrative Code (NAC) 232.400 – 232.480 in both sections ii and v., and elsewhere in the document where the Executive Order is cited.</p>
Appendix B.6.3	B-27		<p>The COT objectives for energy development will be ineffective if the allocation exception process regarding mitigating residual impacts remains unclear with respect to voluntary mitigation and the ability of the BLM to enforce mitigation requirements. For example, the COT objective states “should be designed to ensure that it will not impinge upon stable or increasing Greater Sage-Grouse population trends” but if the BLM allows a project to proceed without mitigation on the opinion that mitigation in sage-grouse habitat is voluntary, projects will continue to impede the ability of the CCS to improve GRSG population trends. The SETT strongly recommends the clarification of language regarding voluntary mitigation reflected in the comments above.</p>