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# Appendix C

Response to Comments on the Draft Land Use Plan  
Amendment/Environmental Impact Statement



# **APPENDIX C**

## **RESPONSE TO COMMENTS ON THE DRAFT LAND USE PLAN AMENDMENT/ENVIRONMENTAL IMPACT STATEMENT**

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### **C.1 INTRODUCTION**

After publishing the Draft Land Use Plan Amendment (LUPA)/Environmental Impact Statement (EIS), the Bureau of Land Management (BLM) and Forest Service held a 90-day public comment period to receive comments on the Draft LUPA/EIS. The BLM and Forest Service received written comments on the Draft LUPA/EIS by mail, email, and submissions at the public meetings and oral comments transcribed at public meetings. Comments covered a wide spectrum of thoughts, opinions, ideas, and concerns. The BLM and Forest Service recognize that commenters invested considerable time and effort to submit comments on the Draft LUPA/EIS and developed a comment analysis methodology to ensure that all comments were considered, as directed by National Environmental Policy Act (NEPA) regulations.

According to NEPA, the BLM and Forest Service are required to identify and formally respond to all substantive public comments. The BLM and Forest Service developed a systematic process for responding to comments to ensure all substantive comments were tracked and considered. Upon receipt, each comment letter was assigned an identification number and logged into the BLM's comment analysis database, CommentWorks, which allowed the BLM and Forest Service to organize, categorize, and respond to comments. Substantive comments from each letter were coded to appropriate categories based on the content of the comment, retaining the link to the commenter. The categories generally follow the sections presented in the Draft LUPA/EIS, though some relate to the planning process or editorial concerns.

Comments similar to each other were grouped under a topic heading, and the BLM and Forest Service drafted a statement summarizing the issues contained in the comments. The responses were crafted to respond to the comments, and, if warranted, a change to the EIS was made.

Although each comment letter was diligently considered, the comment analysis process involved determining whether a comment was substantive or nonsubstantive in nature. In performing this analysis, BLM and Forest Service relied on the Council on Environmental Quality's (CEQ) regulations to determine what constituted a substantive comment.

A substantive comment does one or more of the following:

- Questions, with a reasonable basis, the accuracy of the information and/or analysis in the Draft LUPA/EIS
- Questions, with a reasonable basis, the adequacy of the information and/or analysis in the Draft LUPA/EIS
- Presents reasonable alternatives other than those presented in the Draft LUPA/EIS that meet the purpose and need of the proposed action and address significant issues
- Questions, with a reasonable basis, the merits of an alternative or alternatives
- Causes changes in or revisions to the proposed action
- Questions, with a reasonable basis, the adequacy of the planning process itself

Additionally, the BLM's NEPA Handbook (H-1790-1) identifies the following types of substantive comments:

- Comments on the Adequacy of the Analysis: Comments that express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate are substantive in nature but may or may not lead to changes in the Proposed LUPA/Final EIS. Interpretations of analyses should be based on professional expertise. Where there is disagreement within a professional discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the manager responsible for preparing the EIS (Authorized Officer) does not think that a change is warranted, the response should provide the rationale for that conclusion.
- Comments That Identify New Impacts, Alternatives, or Mitigation Measures: Public comments on a Draft EIS that identify impacts, alternatives, or mitigation measures that were not addressed in the

draft are substantive. This type of comment requires the Authorized Officer to determine whether it warrants further consideration. If it does, the Authorized Officer must determine whether the new impacts, new alternatives, or new mitigation measures should be analyzed in the Final EIS, a supplement to the Draft EIS, or a completely revised and recirculated Draft EIS.

- Disagreements with Significance Determinations: Comments that directly or indirectly question, with a reasonable basis, determinations regarding the significance or severity of impacts are substantive. A reevaluation of these determinations may be warranted and may lead to changes in the Final EIS. If, after reevaluation, the Authorized Officer does not think that a change is warranted, the response should provide the rationale for that conclusion.

Comments that failed to meet the above description were considered nonsubstantive. Many comments received throughout the process expressed personal opinions or preferences, had little relevance to the adequacy or accuracy of the Draft LUPA/EIS, represented commentary regarding resource management and/or impacts without any real connection to the document being reviewed, or were considered out of scope because they dealt with existing law, rule, regulation, or policy. These comments did not provide specific information to assist the planning team in making changes to the alternatives or impact analysis in the Draft LUPA/EIS and are not addressed further in this document. Examples of nonsubstantive comments include the following:

- The best of the alternatives is Alternative D (or A, B, or C).
- The preferred alternative does not reflect balanced land management.
- More land should be protected as wilderness.
- BLM needs to change the Taylor Grazing Act and charge higher grazing fees.
- I want the EIS to reflect the following for this area: no grazing, no logging, no drilling, no mining, and no Off-Highway Vehicles (OHVs).
- More areas should be made available for multiple uses (e.g., drilling, OHVs, and right-of-ways [ROWs]) without severe restrictions.

Opinions, feelings, and preferences for one element or one alternative over another, and comments of a personal and/or philosophical nature, were all read, analyzed, and considered. However, because such comments are not substantive in nature, the BLM and Forest Service did not include them in the report and did not respond to them. While all comments were reviewed and considered, comments were not counted as “votes.” The NEPA public comment period is neither considered an election, nor does it result in a representative sampling of

the population. Therefore, public comments are not appropriate to be used as a democratic decision-making tool or as a scientific sampling mechanism.

Comments citing editorial changes to the document were reviewed and incorporated.

Copies of all comment documents received on the Draft LUPA/EIS are available by request from the BLM's Nevada and California State Offices. Comments received by mail, email, and at meetings, or delivered orally during the public meetings, are tracked by commenter name and submission number.

### **C.1.1 Campaign Letters**

Several organizations and groups held standardized letter campaigns for the Greater Sage-Grouse (GRSG) effort through which their constituents were able to submit the standard letter or a modified version of the letter indicating support for the group's position on the BLM and Forest Service LUPA actions. Individuals who submitted a modified standard letter generally added new comments or information to the letter or edited it to reflect their main concern(s). Modified letters with unique comments were given their own letter number and coded appropriately. All commenters who used an organization's campaign letter were tracked in the BLM and Forest Service commenter list and are available from the BLM and Forest Service upon request.

### **C.1.2 How This Appendix is Organized**

This appendix is divided into three main sections. The first section, Introduction, provides an overview of the comment-response process. The second section, Issue Topics, Responses, and Comments, is organized by the primary topic and then by specific issue subtopics that relate to an aspect of NEPA, the BLM and Forest Service planning processes, or specific resources and resource uses. For example, all comment summaries that relate to aspects of the alternatives fall under the heading, "1.2.2 Alternatives." This includes subsections such as Design Features and Best Management Practices, the Elimination Criteria, and any of the alternatives. Comments summaries and responses for baseline information (such as the information found in **Chapter 3**, Affected Environment) and impact analysis (**Chapter 4**) are found under the respective resource topic. For example, comment summaries and responses related to the affected environment and impact analysis on cultural resources are under the "Cultural Resources" heading. Each topic or subtopic contains a statement that summarizes all substantive comments received on that topic or subtopic and the BLM's and Forest Service's response to the summary statement. Excerpts of all substantive comments are posted on the project website: [http://www.blm.gov/nv/st/en/prog/wildlife/greater\\_sage-grouse.html](http://www.blm.gov/nv/st/en/prog/wildlife/greater_sage-grouse.html)

The terms preliminary priority management area (PPMA) and preliminary general management area (PGMA) were used in the Draft LUPA/EIS to describe the relative prioritization of areas for GRSG conservation. These are BLM and Forest Service terms used to differentiate the degree of managerial emphasis a given area would have relative to GRSG. As the BLM and Forest Service moved from a Draft EIS to a Proposed LUPA/Final EIS, such prioritizations are no longer “preliminary” in nature. As such, they have been replaced with the terms Priority Habitat Management Area (PHMA) and General Habitat Management Area (GHMA). Comments on the Draft LUPA/EIS referred to PPMA and PGMA. As such, the summary statements also use these terms. However, responses use the terminology used in the Proposed LUPA/Final EIS (PHMA and GHMA).

The third section, Commenter Lists, provides the names of individuals who submitted unique comment letters (not campaign letters) on the Draft LUPA/EIS. Commenters are listed alphabetically by the organization name or commenter’s last name.

## **C.2 ISSUE TOPICS, RESPONSES, AND COMMENTS**

### **C.2.1 NEPA**

#### **General NEPA**

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##### *Summary*

Commenters assert that the Draft LUPA/EIS does not comply with the statutory requirements of the National Environmental Policy Act, and subsequent related case law that combined require agencies involved in preparing environmental documentation to take a “hard look” at the effects of a proposed action, use scientifically sound information, and consider the possible conflicts of a proposed action with other laws, regulations, and planning processes.

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##### *Response*

The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed decisions. As the EIS analyzes land use planning-level decisions, which by their nature are broad in scope, the requisite level of data and information is more generalized in order to apply to a wide-ranging landscape perspective. Although the BLM and the Forest Service realize that more data, and more site-specific data, could always be gathered, the baseline data used in the EIS provide the necessary basis to make informed land use plan-level decisions.

The BLM and the Forest Service considered the availability of data from all sources, adequacy of existing data, data gaps, and the type of data necessary to

support informed management decisions at the land-use plan level. The data needed to support broad-scale analysis of the Nevada and northeastern California LUPA planning area are substantially different than the data needed to support site-specific analysis of projects. The LUPA/EIS data and information is presented in map and table form and is sufficient to support the broad-scale analyses required for land use planning.

Additionally, the BLM and the Forest Service used the most recent and best information available that was relevant to a land use planning-level analysis, including the Baseline Environmental Report ([BER]; Manier et al. 2013). The BER assisted the BLM and the Forest Service in summarizing the effects of their planning efforts at a range-wide scale, particularly in the affected environment and cumulative impacts sections. The BER looked at each of the threats to GRSG identified in the US Fish and Wildlife Service’s “warranted but precluded” finding for the species. For these threats, the report summarized the current scientific understanding, as of the BER’s publication date (June 2013), of various impacts on GRSG populations and habitats. The report also quantitatively measured the location, magnitude, and extent of each threat. These data were used in the planning process to describe threats at other levels, such as the sub-regional boundary and WAFWA Management Zone scale, to facilitate comparison between sub-regions. The BER provided data and information to show how management under different alternatives may meet specific plans, goals, and objectives.

The BLM and the Forest Service consulted with, collected, and incorporated data from other agencies and sources, including but not limited to the US Fish and Wildlife Service, the Nevada Department of Wildlife, and the California Department of Fish and Wildlife. Additional information provided by state and local governments regarding socioeconomics also support the analysis in **Chapters 4 and 5**.

As a result of these actions, the BLM and the Forest Service gathered the necessary data essential to make a reasoned choice among the alternatives analyzed in detail in the Draft LUPA/EIS, and provided an adequate analysis that led to disclosure of the potential environmental consequences of the alternatives (see **Chapter 4**, Environmental Consequences and **Chapter 5**, Cumulative Effects). As a result, the BLM and the Forest Service have taken a “hard look,” as required by the NEPA (see 40 CFR 1502.16), at the environmental consequences of the alternatives in the Draft LUPA/EIS to enable the decision maker to make an informed decision.

As noted in more detail in responses to issue statements identified elsewhere in the report, the BLM and Forest Service have complied with the myriad applicable laws, policies, and guidance in developing the LUPA/EIS. **Section 2.5**, Management Common to All Alternatives, of the Draft LUPA/EIS, states that all alternatives would comply with state and federal laws, regulations, policies, and

standards, and implement actions originating from laws, regulations, and policies. Additionally, in **Section 1.8.1**, Planning Criteria, of the Draft LUPA/EIS, the BLM has a criterion stating that all alternatives would comply with existing laws, regulations, and policies. The BLM and Forest Service have reviewed all actions in the Proposed LUPA/Final EIS and found them to be consistent and within the bounds of all required laws, regulations, and policies. Further details regarding BLM and Forest Service compliance with state, county, and local plans and policies can be found in **Section 5.2**, Consistency with Other State, County, or Local Plans, of this report.

## **Public Notification**

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### *Summary*

The BLM and Forest Service gave inadequate notice to the public about the intent to amend the Land Use Plan and in a manner that identifies the negative impacts on the regional and local economies and cultures.

### *Response*

The BLM and Forest Service provided public notification as required by CEQ 40 CFR 1500-1508, and BLM 43 CFR 1600-1610. A press release was issued in July 2011 announcing a strategy to conserve GRSG and protect its habitat, followed by additional press releases in December 2011. Pursuant to NEPA requirements (40 CFR 1501.7) and BLM Planning Regulations (43 CFR 1610.2 and 1610.4-1), a Federal Register Notice of Intent (NOI) was published on December 9, 2011 announcing the beginning of a 60-day scoping period. The public was invited to participate in scoping meetings throughout the planning area and provide comments during the scoping period, which was scheduled to end on February 7, 2012 but was extended to March 23, 2012. The NOA for the Draft LUPA/EIS was published on November 1, 2013 (78 *Federal Register* 65701, 65702).

Throughout development of this LUPA/EIS, the BLM and Forest Service have provided information through numerous methods, including the Internet, news releases, and social media. Specifically, between July 2011 and April 2014, 19 press releases related to GRSG were issued. They covered a variety of topics, including policy, deferral of parcels in oil and gas lease sales, comment periods, and public workshop announcements. In addition, periodic updates were scheduled in 2014 and 2015 to keep the public up-to-date on the preparation of the Proposed LUPA/Final EIS and were posted to the website.

Contact information is provided on the project website, and interested parties have been encouraged to contact the BLM if they wish. In addition, after the Draft LUPA/EIS was issued the BLM and Forest Service held seven workshops in December 2013 to provide information and answer questions about the Draft

LUPA/EIS. The meetings were announced through press releases to local television, radio, and newspapers.

Potential impacts on local economies and cultures are analyzed in the **Section 4.20**, Socioeconomics and Environmental Justice, of the Proposed LUPA/Final EIS.

### **Cooperating Agency Relationships**

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#### *Summary*

The BLM and Forest Service did not coordinate with local agencies that would be adversely economically affected by the actions considered in the Draft LUPA/EIS. Additionally, the BLM and Forest Service did not coordinate with Elko County on the development of the Draft LUPA/EIS.

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#### *Response*

Both the CEQ and BLM planning regulations define cooperating agency status, including what it is, who is eligible to become a cooperating agency, and how the lead agency should invite participation as a cooperating agency (40 CFR 1501 and 1508; 43 CFR 1601.0-5). Cooperating relationships are limited to government entities, state agencies, local governments, tribal governments, and other federal agencies that have jurisdiction by law or special expertise. Additionally, per the regulations and BLM and Forest Service policy, there is no coordinating agency status (see “BLM Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners,” pages 21 and 31, respectively). To be a cooperating agency, the local agency must meet the eligibility criteria set out in the regulations and policies. The specific role of each cooperating agency is based on jurisdiction by law or special expertise, which is determined on an agency-by-agency basis and identified in the Memorandum of Understanding.

Cooperating agency relationships are described in the Proposed LUPA/Final EIS in **Section 6.3**, Cooperating Agencies. In December 2011, the BLM and Forest Service sent letters to 54 local, state, federal, and tribal representatives inviting them to be cooperating agencies for the LUPA/EIS process. In total, 23 agencies and 10 tribes agreed to participate on the Draft LUPA/EIS as designated cooperating agencies. Of those, 20 agencies and 4 tribes have signed Memoranda of Understanding with the BLM’s Nevada or California State Offices (see **Table 6-1**, Cooperating Agencies in **Chapter 6**, Consultation and Coordination).

In addition to the BLM invitations to a wide variety of agencies to participate as cooperating agencies, DOI regulations (43 CFR 46.225(c)) require the BLM, as lead agency, to consider any request by a government entity to participate as a

cooperating agency (“BLM Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners,” pages 8-9). From the time that the Notice of Intent was published and throughout the development of the LUPA/EIS, an agency could notify the BLM requesting cooperating agency status.

All agencies participating as cooperating agencies have been given opportunities to participate during various steps of the planning process, including regular briefings, requests for input on draft alternatives and the administrative Draft LUPA/EIS, and identification of issues and data during scoping and the Draft LUPA/EIS comment periods, as required by 40 CFR 1503.2 and 40 CFR 1506.10. Further, coordination will continue with cooperating agencies in order to identify consistency issues and to be compliant with the relevant laws and regulations. Based on the coordination efforts described above, the BLM and Forest Service have met the legal and regulatory requirements for coordination to date, as described in **Chapter 6**, Consultation and Coordination.

Section 202 of FLPMA requires the BLM and Forest Service, to the extent consistent with the laws governing the administration of the public lands, to coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other federal departments and agencies and of the states and local governments within which the lands are located. The BLM has complied with its requirements to coordinate the development of the Nevada and Northeastern California Sub-regional LUPA with other federal agencies, state and local governments, and Indian tribes pursuant to 43 CFR 1610.3-1. Further, prior to approval of the proposed resource management plan, the BLM will adhere to the consistency requirements of its planning regulations at 43 CFR 1610.3-2.

The BLM and Forest Service considered the proposed alternative submitted by Elko County, but eliminated the plan from detailed analysis. See **Section 2.11.2**, Elko County Plan, for additional information.

## **Range of Alternatives**

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### *Summary*

The comments were focused on several issues related to the alternatives presented in the Draft LUPA/EIS:

1. Commenters believed that the preferred alternative does not meet the stated purpose and need.
2. Commenters felt that the alternatives were all largely the same, and that the BLM and Forest Service needed to provide more distinction (range) between the alternatives.
3. BLM and Forest Service need to consider the alternatives presented by Cooperating Agencies and Environmental Organizations, including county

proposed alternatives, the GRSG Recovery Alternative, and alternatives for the listing of the species or not listing the species.

4. The Draft LUPA/EIS fails to fully account for federal regulatory mechanisms that are currently in place and adequately address the threats to the species.

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*Response*

In accordance with NEPA, the BLM and Forest Service have discretion to establish the purpose and need for action (40 CFR 1502.13). CEQ regulations direct that an EIS "...shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 CFR 1502.13). Also, under the CEQ regulations, the BLM and the Forest Service are required to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act [NEPA]." (40 CFR 1501.2(c)). The breadth or narrowness of the purpose and need statement has a substantial influence on the scope of the subsequent analysis. The purpose and need statement provides a framework for issue identification and will inform the rationale for alternative selection. The range of alternatives developed and analyzed in the Proposed LUPA/Final EIS are intended to meet the purpose and need and address the issue, thereby providing a basis for eventual selection of an alternative in a decision (BLM NEPA handbook and Forest Service Handbook 1909.15 – National Environmental Policy Act Handbook Chapter 10 – Environmental Analysis). The Proposed LUPA/Final EIS considered cooperating agency input provided on the Draft LUPA/EIS within the stated purpose and need of this planning effort.

As stated in the LUPA/FEIS in **Section 1.1**, Introduction, the BLM and the Forest Service prepared the Nevada LUP amendment with an associated EIS to be applied to lands with GRSG habitat. This effort responds to the USFWS's March 2010 'warranted, but precluded' Endangered Species Act listing petition decision, which stated that existing regulatory mechanisms in BLM and the Forest Service land use plans was inadequate to protect the species and its habitat. The range of alternatives, including the preferred alternative and its components, focus on areas affected by threats to GRSG habitat identified by the USFWS in the March 2010 listing decision. Formulated by the planning team, the preferred alternative represents those goals, objectives, and actions determined to be most effective at resolving planning issues, balancing resource use at this stage of the process, and meets the stated purpose and need for action. While collaboration is critical in developing and evaluating alternatives, the selection of a preferred alternative remains the exclusive responsibility of the BLM and Forest Service. See **Section 2.7**, Considerations for Selecting a Preferred Alternative, in the Proposed LUPA/Final EIS for further details.

The BLM and Forest Service considered a reasonable range of alternatives during the GRSG planning process in full compliance with NEPA. CEQ regulations (40 CFR 1502.1) require that the BLM and Forest Service consider reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. While there are many possible alternatives or actions to manage public lands and GRSG in the planning area, the BLM and Forest Service fully considered the management opportunities presented in the planning issues and criteria developed during the scoping process to determine a reasonable range of alternatives. In addition, question 2a of the Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations states that an EIS is required to examine all reasonable alternatives rather than all alternatives (CEQ 40 Questions). As a result, six alternatives were analyzed in detail in the Draft LUPA/EIS that best addressed the issues and concerns identified by the affected public. The range of alternatives in the Draft LUPA/EIS represented a full spectrum of options that address the issues of GRSG protection, including a no action alternative (current management, Alternative A) up to a conservation of all occupied GRSG habitat within the Nevada and Northeastern California Sub-region (Alternative C). Additional alternatives suggested that fit within the range of alternatives are considered to have been adequately analyzed and were not addressed separately.

As described in **Section 1.4**, Planning Process, of the Draft LUPA/EIS, the Nevada and Northeastern California GRSG LUPA/EIS planning team employed the BLM and Forest Service planning process to develop a reasonable range of alternatives for the LUPA. The BLM and Forest Service complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for this Draft LUPA/EIS, including seeking public input and analyzing reasonable alternatives. The alternatives include management options for the planning area that would modify or amend decisions made in the BLM field and district office and forest district LUPs, as amended, to meet the planning criteria, to address issues and comments from cooperating agencies and the public, or to provide a reasonable range of alternatives. Since this is a plan amendment to address GRSG conservation, many decisions from the existing LUPs are acceptable and reasonable.

Public input received during the scoping process was considered to ensure that all issues and concerns would be addressed, as appropriate, in developing the alternatives. The planning team developed planning issues to be addressed in the LUPA, based on broad concerns or controversies related to conditions, trends, needs, and existing and potential uses of planning area lands and resources. Additionally, the five resulting action alternatives (Alternatives B, C, D, E, and F) in the Draft LUPA/EIS offered a range of possible management approaches for responding to planning issues and concerns identified through public scoping, and to maintain or increase GRSG abundance and distribution in the planning area. While the goal is the same across alternatives, each alternative contains a

discrete set of objectives and management actions and constitutes a separate LUPA with the potential for different long-range outcomes and conditions. Each alternative was analyzed to determine the relative effects and impacts on GRSG as well on other lands uses, resource constraints, and socioeconomics.

The relative emphasis given to particular resources and resource uses differs as well, including allowable uses, restoration measures, and specific direction pertaining to individual resource programs. When resources or resource uses are mandated by law or are not tied to planning issues, there are typically few or no distinctions between alternatives. Meaningful differences among the six alternatives are described in **Section 2.8**, Comparison of Alternatives, in the Draft LUPA/EIS.

As part of the alternatives development process, only alternatives that are considered practical and feasible from a technical and economic standpoint were considered for analysis in the Draft LUPA/EIS (CEQ 40 Questions). Some alternatives were considered but eliminated from analysis for a variety of reasons. See **Section 2.6**, Alternatives Eliminated from Detailed Analysis in the Draft LUPA/EIS, for explanations of these alternatives and why they were eliminated from consideration.

Based on this alternative development process, the BLM and Forest Service considered input from cooperating agencies, environmental organizations, and the public. As described in **Section 2.4.2**, Alternative B in the Draft LUPA/EIS, the BLM and Forest Service used the GRSG conservation measures in A Report on National Greater Sage-Grouse Conservation Measures (NTT 2011) to form BLM and Forest Service management direction under Alternative B, which is consistent with the direction provided in BLM Washington Office Instruction Memorandum 2012-044 (the BLM and Forest Service must consider all applicable conservation measures developed by the NTT in at least one alternative in the land use planning process).

During scoping for the Nevada and Northeastern California GRSG Draft LUPA/EIS, individuals and conservation groups submitted management direction recommendations for protection and conservation of GRSG and its habitat, including the GRSG Recovery Alternative and proposed disturbance cap. The recommendations, in conjunction with resource allocation opportunities and internal sub-regional BLM and Forest Service input, were reviewed in order to develop BLM and Forest Service management direction for GRSG under Alternative C (Draft LUPA/EIS, **Section 2.4.3**, Alternative C).

Alternative D incorporates adjustments to the NTT report (NTT 2011) to provide a balanced level of protection, restoration, enhancement, and use of resources and services to meet ongoing programs and land uses, and was developed in full cooperation with the cooperating agencies, taking note of the agencies' concerns with socioeconomic issues.

Alternative E is based on the State of Nevada's Conservation Plan for GRSG in Nevada and would apply to all BLM-administered and National Forest System lands in Nevada. The State of California did not submit a proposal for a complete alternative and as such, Alternative E would only apply to BLM-administered and National Forest System lands in Nevada.

In **Section 2.6**, Alternatives Eliminated from Detailed Analysis, of the Draft LUPA/EIS, the Elko County Alternative was analyzed but not considered in detail in the Draft LUPA/EIS primarily because it is contained within the existing range of alternatives (see **Section 2.11.2**, Elko County Plan in the Proposed LUPA/Final EIS).

Whether the GRSG is determined for listing by the USFWS is outside the jurisdiction of the BLM and Forest Service and beyond the scope of this EIS. As noted in the purpose and need, the BLM and Forest Service are considering conservation measures intended to protect the species and its habitat. As such, the BLM and Forest Service did not develop alternatives based on the USFWS listing the species under the ESA (see **Section 1.5.4**, Issues Eliminated from Detailed Analysis Because They Are Beyond the Scope of the LUPAs (and Therefore Not Addressed in the LUPAs)).

The BLM and Forest Service is currently in full compliance with existing laws, rules, regulations, and policy, including BLM Manual 6840, Special Status Species Management, and rangeland health regulations, found at 43 CFR 4180.2. As discussed in the USFWS listing decision, these current existing regulatory mechanisms have not been sufficient to prevent GRSG habitat loss or population declines. See **Section 2.6**, Alternatives Eliminated from Detailed Analysis, for an explanation on why an alternative based on current BLM and Forest Service management was considered but excluded from detailed analysis.

### **Best Available Information Baseline Data**

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#### *Summary*

**Issue 1:** Commenters expressed concern about lack of site-specific data, especially from local sources, including ranchers. Commenters stated science and methodology relied upon by the agencies in completing the Draft LUPA/EIS is flawed and incomplete. The agencies' heavy reliance on the incomplete Ecological Site Descriptions (ESDs) and the inadequate disclosure that the relevant variables were incomplete falls well short of NEPA's requirements.

**Issue 2:** Commenters stated the No Action Alternative is incorrect. The agencies have artificially deflated the No Action Alternative.

**Issue 3:** Commenters stated the GRSG habitat maps are inaccurate. The BLM and Forest Service do not provide a quantitative definition of preliminary priority habitat. BLM and Forest Service's current definition of preliminary

priority habitat is not only vague and inconsistent but also overly broad. GRSG habitat maps should be amended in the RMPs based on site-specific data.

**Issue 4:** Commenters stated the Draft LUPA/EIS does not properly address the benefits of livestock grazing in relation to GRSG habitat conservation.

**Issue 5:** Commenters also requested that the BLM and Forest Service provide a clearer definition of “valid existing rights.”

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*Response*

**Response 1:** The CEQ regulations require an environmental impact statement to “succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues” (40 CFR 1502.15). Additionally, this EIS is a programmatic NEPA effort to conserve GRSG and its habitat across a broad geographic area. As such, the BLM and the Forest Service described the current conditions and trends in the affected environment broadly, across a range of conditions, appropriate to program-level land use planning actions.

The BLM and the Forest Service complied with these regulations in describing the affected environment. The requisite level of information necessary to make a reasoned choice among the alternatives in an EIS is based on the scope and nature of the proposed action. The analysis provided in **Chapter 3, Affected Environment**, and various appendices in the Proposed LUPA/Final EIS is sufficient to support, at the general land use planning-level of analysis, the environmental impact analysis resulting from management actions presented in the Proposed LUPA/Final EIS.

As specific actions come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. Site-specific concerns and more detailed environmental descriptions will be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions.

**Response 2:** The agencies did not artificially deflate the information for the no action alternative. The information is taken directly from the existing land use plans. All alternatives are subject to existing laws, even the no action alternative (see **Section 1.4 Planning Process**; **Section 1.5.1, Development of Planning Criteria**; and **Section 1.6, Relationship to Other Policies and Plans** in the

Proposed LUPA/Final EIS). The no action alternative is fully analyzed in the Proposed LUPA/Final EIS; however, the purpose and need for this effort responds to the USFWS's 2010 finding that existing regulatory mechanisms in existing land use plans are inadequate to protect the species; therefore, the no action is not sufficient to meet this purpose and need.

**Response 3:** The BLM and Forest Service National Greater Sage-Grouse Planning Strategy is a framework for identifying two categories of GRSG habitat: priority habitat and general habitat.

**Figure 1-2** in the Proposed LUPA/Final EIS identifies GRSG habitat areas in Nevada. This map is a planning support tool that incorporates the best available data (lek observations, telemetry locations, survey and inventory reports, vegetation cover, soils information, and aerial photography) into a statewide preliminary spatial view of GRSG habitat. This tool provides resource managers with broad-scale information to guide conservation and land use planning efforts in the context of GRSG management at the landscape scale (1:100,000).

GRSG habitat mapping used in the Draft LUPA/EIS was derived from the Nevada Department of Wildlife (NDOW) GRSG Habitat Categorization data. The data were spatially intersected with Nevada Land Status data, and lands managed by BLM and Forest Service were extracted from the results. The NDOW Category 1 – Essential/Irreplaceable Habitat and Category 2 – Important Habitat were combined to create the PPH areas (bright pink). The NDOW Category 3 – Moderate Importance Habitat, is shown as the PGH areas (blue). The NDOW Category 4 – Transitional Range, Category 5 – Unsuitable Habitat, and non-habitat areas are not shown. The habitat categorization analysis was performed only for areas within the GRSG population management units (PMUs) identified by the Governor's GRSG Conservation Team (2002).

This map provided information for the BLM and Forest Service GRSG planning process and was used in the development of the Draft LUPA/EIS alternatives. This map was a starting point in the process, and the boundaries of the areas are expected to change. Additional details are provided in **Section 3.2** of the Proposed LUPA/Final EIS as well as the NDOW White Paper on BLM and US Forest Service Preliminary Habitat Map, available on the BLM Nevada web site.

For the Northeast California/Northwest Nevada GRSG population, California BLM used a mapping methodology based on the Doherty modeling (Doherty et al. 2011), including the 100 percent breeding bird density core regions, or all known active leks with appropriate buffering (6.4 kilometers [4 miles] for 25 percent and 50 percent kernels, 8.5 kilometers [5.3 miles] for 75 percent and 100 percent kernels). Areas were modified by local knowledge of seasonal range use, known connectivity, and vegetative and natural barriers. In California, extensive radio telemetry information was available, providing a direct footprint

of GRSG use areas. All mapped habitat within California and California-managed lands in northwestern Nevada are included as PHMA and GHMA.

Information regarding the revised habitat mapping used for the Proposed LUPA/Final EIS, including total acres of each habitat type, is included in **Sections 1.1.2** and **2.4.3** and **Appendix A** of the Proposed LUPA/Final EIS.

**Response 4:** Both the BLM's and Forest Service's planning processes allow for analysis and consideration of a range of alternatives in the Draft LUPA/EIS that identify and incorporate conservation measures to conserve, enhance, and restore GRSG habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was recommended. The Draft LUPA/EIS includes alternatives that provide a greater and lesser degree of restrictions in various use programs, but would not eliminate or invalidate any valid existing development rights. For example, livestock grazing levels vary by alternative.

**Response 5:** Valid existing rights refer to authorized resource uses that will not be affected by this planning effort and are defined in the glossary in **Chapter 8**.

## **GIS Data and Analysis**

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### *Summary*

**Issue 1:** Commenters requested project-level maps and project-level mitigation.

**Issue 2:** Commenters questioned the delineation of the planning area boundary, in particular for Esmeralda County.

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### *Response*

**Response 1:** The decisions under consideration by the BLM and the Forest Service are programmatic in nature. In accordance with applicable law and policy, as the decisions in this RMP are implemented, the BLM will review the location and scope of project-level proposals and the extent to which they would include GRSG habitat. The scope of the analysis was conducted at a regional, programmatic level; the decisions in the plan are at a land use planning level, therefore project-level information is out of scope for this planning effort.

**Response 2:** The planning area is the geographic area within which the BLM and Forest Service will make decisions during a planning effort and includes the BLM Tonopah Field Office, which overlaps with Esmeralda County. A planning area boundary includes all lands regardless of jurisdiction; however, the BLM and Forest Service will only make decisions on lands that fall under the BLM's and Forest Service's jurisdiction (including subsurface minerals).

Unless the State Director determines otherwise, the planning area for a LUPA is the geographic area associated with a particular field office (43 CFR 1610.1(b)). State Directors may also establish regional planning areas that encompass several field offices and/or states, as necessary. For this environmental impact statement, decision areas are those public lands and mineral estates within the planning area that are encompassed by all designated habitat (which includes priority habitat, general habitat, and other habitat).

### **Indirect Impacts**

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#### *Summary*

**Issue 1:** Commenters requested project-level impacts, especially regarding mitigation costs.

**Issue 2:** Commenters stated the No Action Alternative is incorrect. The agencies have artificially deflated the No Action Alternative.

**Issue 3:** Commenters questioned why current regulatory mechanisms are inadequate.

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#### *Response*

**Response 1:** As the decisions under consideration by the BLM and the Forest Service are programmatic in nature and would not result in the authorization of site-specific activities on public lands (e.g., the BLM is not approving an Application for Permit to Drill to start drilling), the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from on-the-ground changes. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse. The analysis identified that mitigation costs would be higher from undertaking anthropogenic disturbance activities within PHMA and GHMA. The agencies' mitigation strategies allow for one year to complete a more specific mitigation plan. The actual costs will be determined at the site-specific level during implementation.

**Response 2:** As stated in the Draft LUPA/EIS, the BLM and the Forest Service are preparing LUP amendments with associated EISs for LUPs applied to lands with GRS habitat. This effort responds to the USFWS's March 2010 'warranted, but precluded' Endangered Species Act listing petition decision, which stated that existing regulatory mechanisms in BLM and the Forest Service land use plans were inadequate to protect the species and its habitat; GRS populations are currently declining, showing that current regulatory mechanism are inadequate.

The plan amendments will focus on areas affected by threats to GRS habitat identified by the USFWS in the March 2010 listing decision. The two primary threats to sagebrush habitat are infrastructure from energy development in the eastern portion of the species' range and conversion of sagebrush habitat to annual grasslands due to wildfires in the western portion of the species' range. To address the threats, BLM and Forest Service are considering a range of changes in management of GRS habitats to avoid the continued decline of populations and habitats across BLM-administered and National Forest System lands. This purpose and need provides the appropriate scope to allow the BLM and the Forest Service to analyze a reasonable number of alternatives to cover the full spectrum of potential impacts.

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### **Cumulative Impact Analysis**

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#### *Summary*

The Draft LUPA/EIS does not adequately analyze cumulative effects from past, present, and reasonably foreseeable future actions.

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#### *Response*

The BLM and the Forest Service thoroughly explained its consideration and analysis of cumulative effects in the Draft LUPA/EIS in **Chapter 5**, Cumulative Impacts. The Draft LUPA/EIS considered the present effects of past actions, to the extent that they are relevant, and present and reasonably foreseeable (not highly speculative) federal and non-federal actions, taking into account the relationship between the proposed alternatives and these reasonably foreseeable actions. This discussion summarizes CEQ guidance from June 24, 2005, stating that “[g]enerally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions.” This is because a description of the current state of the environment inherently includes the effects of past actions. Information on the current conditions is more comprehensive and more accurate for establishing a useful starting point

for cumulative effects analysis. The BLM and the Forest Service explicitly described their assumptions regarding proposed projects and other reasonably foreseeable future actions. On National Forest System lands, reasonably foreseeable actions are those that would occur under their current land use plans from a broad-scale perspective.

The BLM and the Forest Service have complied fully with the requirements of 40 CFR 1508.7 and prepared a cumulative impact analysis based on the broad nature and scope of the proposed management options under consideration at the land use planning level.

The Draft LUPA/EIS contains a qualitative discussion of cumulative effects at the WAFWA Management Zone scale, which set the stage for a more quantitative analysis to be contained in the Proposed LUPA/Final EIS. As part of the cumulative effects analysis process completed for each WAFWA management zone, additional quantitative cumulative analysis was added to the Proposed LUPA/EIS in **Chapter 5**, Cumulative Impacts.

## **Mitigation Measures**

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### *Summary*

1. The BLM and Forest Service need to include a monitoring, mitigation, and adaptive management plan/framework in the Proposed LUPA/Final EIS that will include specific criteria for determining GRSG conservation success and how the disturbance percentages will be calculated.
2. The BLM and Forest Service need to define when mitigation would be used and have enough specificity in the mitigation and monitoring plans to implement them in development actions.

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### *Response*

Mitigation and monitoring frameworks were introduced in the Draft LUPA/EIS in **Chapter 2** and in **Appendices D** and **E**. An Adaptive Management strategy was also introduced in **Chapter 2** of the Draft LUPA/EIS. A more detailed mitigation strategy, monitoring framework, and adaptive management strategy have been incorporated into the Proposed Plan in **Chapter 2** of the Proposed LUPA/Final EIS and in **Appendices I, E, and J**, respectively.

Mitigation will be applied to all implementation actions/decisions that take place on federal lands within GRSG habitat during the life of this plan. As described in the Proposed LUPA/Final EIS, all permitted/authorized disturbance activities would result in a net conservation gain, subject to valid existing rights (see **Appendix F**). Mitigation has been further defined as Regional Mitigation and is

described in **Section 2.7.3** in the Proposed LUPA/Final EIS. The Regional Mitigation Framework was developed to follow the BLM's Regional Mitigation Manual MS-1794, Forest Service Handbook FSH 1909.15, and CEQ 40 CFR 1508.20.

The Mitigation Framework, through the mitigation hierarchy, guides the BLM and Forest Service. The hierarchy direction is to 1) avoid impacts entirely by not taking a certain action or parts of an action, 2) if unable to avoid, minimize impacts by limiting the degree or magnitude of an action or parts of an action, and 3) if avoidance or minimizing is not possible, compensate impacts associated with future implementation actions. If residual impacts on GRSG from implementation-level actions remain after applying avoidance or minimization measures, then compensatory mitigation projects will be used to offset the residual impacts in an effort to achieve the land use plan goals and objectives. As articulated in **Appendix I** in the Proposed LUPA/Final EIS, compensatory mitigation will occur on sites that have the potential to yield the greatest conservation benefit to the GRSG, regardless of land ownership. These sites should be sufficiently "durable." According to BLM Manual Section 1794, durability is defined as "the administrative, legal, and financial assurances that secure and protect the conservation status of a compensatory mitigation site, and the ecological benefits of a compensatory mitigation project, for at least as long as the associated impacts persist."

Specific mitigation strategies, based on the framework, will be developed by regional teams (at the WAFWA Management Zone level) within one year of the issuance of the Record of Decision. These strategies will guide the application of the mitigation hierarchy to address GRSG impacts within that WAFWA Management Zone. The WAFWA Management Zone Regional Mitigation Strategy will be applicable to BLM and Forest Service lands within the zone's boundaries. Subsequently, the BLM and Forest Service NEPA analyses for implementation-level decisions that might impact GRSG will include analysis of mitigation recommendations from the relevant WAFWA Management Zone Regional Mitigation Strategy(ies).

The Monitoring Framework in **Appendix E** in the Proposed LUPA/Final EIS outlines the methods that the BLM and Forest Service will use to monitor and evaluate the implementation and effectiveness of the planning strategy and the land use plans to conserve the species and its habitat. The regulations for the BLM (43 CFR 1610.4-9) and the Forest Service (36 CFR 219.12) require that land use plans establish intervals and standards, as appropriate, for monitoring and evaluations, based on the sensitivity of the resource to the decisions involved.

Implementation monitoring results will provide information to allow the BLM and Forest Service to evaluate the extent that the decisions from the agencies' LUPs to conserve GRSG and their habitat have been implemented. Effectiveness

monitoring will provide the information to evaluate whether BLM and Forest Service actions achieve the objective of the planning strategy (BLM IM 2012-044) and the conservation measures contained in the land use plans to conserve GRSG populations and their habitats.

Monitoring efforts will include data for measurable quantitative indicators of sagebrush availability, anthropogenic disturbance levels, and sagebrush conditions. This information will assist the BLM and the Forest Service with identifying whether or not they are achieving their land use plan goals and objectives, reaching an adaptive management soft or hard trigger, as well as providing information relative to the disturbance cap. Specifically, habitat degradation (percent of human activity in a biologically significant unit), habitat availability (percent of sagebrush in a biologically significant unit), and habitat degradation intensity (density of energy facilities and mining locations) will be gathered to inform the disturbance cap objective. See the Proposed Plan GRSG Screening Criteria (Actions SSS 1 through SSS 3).

The BLM and Forest Service will use the data collected from monitoring (**Appendix E** in the Proposed LUPA/Final EIS) to identify any changes in habitat conditions related to the goals and objectives of the plan. The agencies will use the information collected through monitoring to determine when adaptive management triggers are met.

Adaptive management is a systematic approach for improving resource management by learning from management outcomes. An adaptive approach involves exploring alternative ways to meet management objectives, anticipating the likely outcomes of alternatives based on the current state of knowledge, implementing one or more of these alternatives, monitoring to learn about the impacts of management actions, and then using the results to update knowledge and adjust management actions accordingly.

Incorporating adaptive management into the Proposed LUPA/Final EIS will ensure a degree of certainty that the decisions in the plan will effectively contribute to the elimination or adequate reduction of one or more threats to the greater GRSG and its habitat. The adaptive management approach incorporates a set of triggers in the plan, a soft and hard trigger. In collaboration with the BLM, USFWS, Forest Service, USGS, and states of Nevada and California, these triggers were developed to inform the BLM and Forest Service as to when the federal agency needs to respond (take action) to address a declining trend in GRSG or GRSG habitat figures.

Soft triggers represent an intermediate threshold indicating that management changes are needed at the project/implementation level to address habitat and population losses. Hard triggers represent a threshold indicating that immediate action is necessary to stop a severe deviation from GRSG conservation goals and objectives as set forth in the BLM and Forest Service plans. The adaptive management soft and hard triggers and land use planning responses to these

triggers are described and analyzed fully in this Proposed LUPA/Final EIS (see **Section 2.7**, Adaptive Management).

## C.2.2 FLPMA

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### Summary

Alternatives in the Draft LUPA/EIS, particularly Alternatives C and F, failed to comply with the multiple-use mandates found in the BLM's FLPMA and the Forest Service's Multiple-Use Sustained-Yield Act because they are overly focused on protecting GRSG and GRSG habitat.

### Response

The BLM's FLPMA (Section 103(c)) defines "multiple use" as the management of the public lands and their various resource values so that they are used in the combination that will best meet the present and future needs of the American people. Accordingly, the BLM and Forest Service are responsible for the complicated task of striking a balance among the many competing uses to which public lands can be put. The BLM's multiple-use mandate does not require that all uses be allowed on all areas of the public lands. The purpose of the mandate is to require the BLM to evaluate and choose an appropriate balance of resource uses, which involves tradeoffs between competing uses. The FLPMA also directs the BLM to develop and periodically revise or amend its RMPs, which guide management of BLM-administered lands, and provides an arena for making decisions regarding how public lands would be managed and used.

Consistent with the Multiple-Use Sustained-Yield Act of 1960 (16 USC 528–531), the Forest Service manages National Forest System land to sustain the multiple use of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land. Resources are managed through a combination of approaches and concepts for the benefit of human communities and natural resources. Land management plans guide sustainable, integrated resource management of the resources within the plan area in the context of the broader landscape, giving due consideration to the relative values of the various resources in particular areas. The Forest Service is required by statute to have a national planning rule. The Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, requires the Secretary of Agriculture to issue regulations under the principles of the Multiple-Use Sustained-Yield Act of 1960 for the development and revision of land management plans.

The Proposed LUPA/Final EIS is a targeted amendment specifically addressing goals, objectives, and conservation measures to conserve GRSG and to respond to the potential of its being listed (see **Section 1.3**, Purpose and Need). Both the Forest Service's and BLM's planning processes allow for analysis and

consideration of a range of alternatives in the Draft LUPA/EIS that identified and incorporated conservation measures to conserve, enhance, and restore GRSG habitat and to eliminate, reduce, or minimize threats to this habitat to ensure that a balanced management approach was recommended. The Draft LUPA/EIS and Proposed LUPA/Final EIS include alternatives that provide a greater and lesser degree of restrictions in various use programs but would not eliminate or invalidate any valid existing development rights.

Additionally, the BLM and the Forest Service developed the Nevada and Northeastern California Draft LUPA/EIS with involvement from cooperating agencies (see **Section 6.3**, Cooperating Agencies/Entities including NDOW, CDFW, the SETT, other federal agencies, and other state, local and tribal agencies/governments) to ensure that a balanced multiple-use management strategy to address the protection of GRSG while allowing for utilization of renewable and nonrenewable resources on the public lands is developed.

### **Consistency with Other state, County, or Local Plans**

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#### *Summary*

The Draft LUPA/EIS process did not comply with the BLM's requirements to be consistent with other federal, state, local, and tribal plans and policies. Commenters specifically noted that BLM's goals, objectives, and management actions are inconsistent with the Nevada Rangeland Monitoring Handbook (NCE 2006), Pershing County, Nevada Land Use Planning, specifically the Pershing County Natural Resources Land Use Plan (County Plan) and the Pershing County Master Plan, the State of Nevada's Sagebrush Ecosystem Program, the 2011 Nye County Comprehensive Master Plan and the Elko County GRSG Plan, Lincoln County's policy of "no net loss" of AUMs within the County, the Lincoln County Lands Acts, the Ely Resource Management Plan (the prohibition on disposals within PHMAs and GHMAs is in conflict with both), Lander County's GRSG strategy, and the Eureka County Master Plan and other plans, policies, and controls.

Additionally, the BLM and Forest Service failed to note in the Draft LUPA/EIS what if any effort has been completed to resolve inconsistencies between the LUPA and state, local, and tribal plans.

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#### *Response*

The BLM's land use plans must be consistent with officially approved or adopted resource-related plans of Indian tribes, other federal agencies, and state and local governments to the extent that such plans and policies are consistent with federal law and the purposes, polices, and programs of federal law (see 43 CFR 1610). The BLM and Forest Service have worked closely with state and local governments during preparation of the Draft LUPA/EIS. The Draft LUPA/EIS

lists the cooperating agencies actively involved in the planning process in **Section 6.3**, Cooperating Agencies/Entities. As described in **Chapter 6**, Consultation and Coordination, the BLM and Forest Service coordinated with the state, county, and tribal government cooperating agencies to review the range of alternatives associated with the Draft LUPA/EIS and identify potential inconsistencies between the alternatives and each agency's applicable plans. This allows the state, local, and tribal cooperating agencies to use their special expertise regarding the familiarity with their own state, local, or tribal plans. On the local level, it is a county's responsibility to accurately identify and communicate any inconsistencies between that county's plan and the proposed alternative.

The BLM and Forest Service work to find a balance among uses and needs as reflected in these local government plans and have done so in the preparation of the Draft LUPA/EIS; a list of these plans can be found in the Proposed LUPA/Final EIS in **Section 1.6**, Relationship to Other Policies, Plans, and Programs. The BLM and Forest Service are aware that there are specific state or local laws relevant to aspects of public land management that are discrete from, and independent of, federal law. However, BLM and Forest Service are bound by federal law. As a consequence, there may be inconsistencies that cannot be reconciled. The FLPMA requires that BLM's land use plans be consistent with state and local plans "to the extent practical." In a situation where state and local plans conflict with federal law, there will be an inconsistency that cannot be resolved. Thus, while state, county, and federal planning processes, under FLPMA, are required to be as integrated and consistent as practical, the federal agency planning process is not bound by or subject to county plans, planning processes, or planning stipulations.

While the BLM is not obligated to seek consistency, the agency is required to describe the inconsistencies between the proposed action and the other plans, policies, and/or controls within the EIS, so that the state and local governments have a complete understanding of the impacts of the Proposed LUPA on state and local management options. This information has been updated in the Proposed LUPA/Final EIS in **Section 1.6**.

The BLM and Forest Service coordinates with cooperating agencies commensurate with each agency's recognized jurisdiction or expertise. In areas where the States of California and Nevada have clear jurisdiction, such as wildlife populations, the BLM and Forest Service have worked closely with that state agency. In cases where a county or agency has expertise, such as local county socioeconomic information, the BLM and Forest Service have worked closely with the group to incorporate the information into the EIS.

In the process of developing the Proposed LUPA/Final EIS, the BLM and Forest Service solicited input from the cooperating agencies regarding consistency of

the administrative draft Proposed Plan with applicable local, state, tribal, and other planning documents.

**Chapter 6** of the Proposed LUPA/Final EIS identifies the inconsistencies between the Proposed Plan and the state, county, and tribal plans.

### **C.2.3 Other Laws**

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#### *Summary*

The Draft LUPA/EIS does not clearly describe how proposed management actions would comply with other laws, including the General Mining Law, the Taylor Grazing Act, the Public Rangeland Improvement Act, the Energy Policy Act of 2005 and Energy Policy and Conservation Act of 2000, other multiple use mandates (e.g., Multiple-Use Sustained Yield Act of 1960, Forest and Rangeland Renewable Resources Planning Act of 1974, National Forest Management Act of 1976), other federal agency regulations (e.g., Federal Regulatory Energy Commission), and state laws (e.g., Nevada Water Laws).

#### *Response*

The Management Common to All Alternatives sections in the Draft and Proposed LUPA/Final EIS documents state that all alternatives would comply with state and federal laws, regulations, policies, and standards, and implement actions originating from laws, regulations, and policies. Additionally, in **Section I.5.I**, Development of Planning Criteria, the BLM and Forest Service has a criterion stating that all BLM and Forest Service alternatives would comply with existing laws, regulations, and policies. The BLM and Forest Service have reviewed all actions in the Proposed LUPA/Final EIS for compliance with required laws, regulations, and policies.

### **C.2.4 Greater Sage-Grouse**

#### **NTT Report/Findings**

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#### *Summary*

Commenters contended that findings contained in the NTT report are based on science that is flawed, arbitrary, outdated, and narrowly focused. Commenters also assert that the NTT report contains technical errors, does not comply with existing laws, and has not undergone adequate peer review.

#### *Response*

A National Technical Team (NTT) was formed as an independent, science-based team to ensure that the best information about how to manage GRSG habitat is

reviewed, evaluated, and provided to the BLM and the Forest Service in the planning process. The group produced a report in December 2011 that identified science-based conservation measures to promote sustainable GRSG populations. The report was used as the basis for at least one alternative, which is consistent with the direction provided in BLM Washington Office Instruction Memorandum 2012-044. The NTT report cited 122 references, including papers published in formal scientific literature such as *Journal of Wildlife Management*, *Conservation Biology*, *Biological Conservation*, *Wildlife Biology*, *BioScience* and others, as well as graduate theses and dissertations, conservation strategies, the USFWS 2010 finding, and others representing the best available science.

### **Conservation Objectives Team (COT) Report**

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#### *Summary*

Commenters had two distinct views regarding the COT report. One group considered the report overly biased and not representative of the best available information. The other group suggested the Draft LUPA/EIS was not fully consistent with and did not completely meet the COT report conservation objectives and therefore requires additional management actions or clarification to address those deficiencies.

#### *Response*

In March 2012, the USFWS initiated a collaborative approach to develop range-wide conservation objectives for GRSG to inform the 2015 decision about the need to list the species and to inform the collective conservation efforts of the many partners working to conserve the species. In March 2013, this team released the Conservation Objectives Team (COT) report based upon the best scientific and commercial data available at the time that identifies key areas for GRSG conservation, key threats in those areas, and the extent to which threats need to be reduced for the species to be conserved. The report serves as guidance to federal and state agencies and others in focusing efforts to achieve effective conservation for this species.

Throughout the development of the Proposed LUPA/Final EIS, the BLM and Forest Service worked with the USFWS and state agencies to develop a proposed plan that fully addresses each of the threats identified in the COT report to the extent possible. Effects on GRSG from each of the identified threats are analyzed in **Section 4.4** of the Proposed LUPA/EIS.

## **Policy Guidance**

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### *Summary*

Commenters expressed concern about the lack of consideration of BLM Manual 6840 in the Draft LUPA/EIS, particularly in the alternatives. In addition, commenters questioned the formation of alternatives based on the NTT report and why the NTT report was included, especially since the IM has expired and has not been reissued.

### *Response*

While the Proposed LUPA/Final EIS does not mention BLM Manual 6840 specifically, **Section 1.5**, Development of Planning Criteria, in the Proposed LUPA/Final EIS states that “the approved LUPA will comply with BLM direction...and all other applicable BLM policies and guidance,” which would include BLM Manual 6840. The analysis responds to the objectives of BLM Manual 6840, which are to: 1) preserve the ecosystem upon which species depend, and 2) initiate proactive conservation measures that minimize listing of the species under the ESA.

For further details related to how and why the NTT was used in alternative development, see the response in **Section 7.1**, NTT Report above.

BLM is implementing IM 2012-044 through the GRSG planning effort. When an IM expires without being superseded, it can still be applicable and provide guidance to the BLM. The fact that IM 2012-044 expired does not mean the BLM has no authority to continue to analyze the conservation measures identified in the NTT Report. The BLM is appropriately considering and evaluating the measures in the NTT Report, in addition to any other relevant science, through the GRSG planning process.

## **Range of Alternatives**

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### *Summary*

Commenters pointed out inconsistencies and suggested clarifications to the alternatives related to GRSG, including:

- Clarifying the definition of no unmitigated loss
- How maps would be revised over time
- Whether site-specific assessments would be conducted at the project level
- Adding more description to the No Action Alternative

- Framing the analysis according to threats rather than BLM and Forest Service programs

Commenters also questioned the accuracy and application of the maps and habitat mapping criteria. Commenters did not feel that management actions provided regulatory certainty.

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Response

As noted above, **Section 2.4.1** of the Proposed LUPA/Final EIS describes how the Nevada and Northeastern California GRSG LUPA/EIS planning team employed the BLM and Forest Service planning process to develop a reasonable range of alternatives for the Draft LUPA/EIS and Proposed LUPA/Final EIS and worked closely with the State with assistance from the USFWS.

Meaningful differences among the seven alternatives are described in **Table 2-13**, Comparative Allocations Summary by Alternative by Acres Allotted, and in **Section 2.10**, Detailed Description of Alternatives, of the Proposed LUPA/Final EIS.

The following have been included in the Proposed LUPA/Final EIS to provide specificity/clarity: goals, objectives, management actions, and RDFs (consistent with applicable law) to address predator control and predation on GRSG (**Chapter 1** and **2**), noise and seasonal restrictions for both construction and long-term implementation of land use activities (**Chapters 2** and **3** and **Appendix K**), additional management actions for fences (**Chapter 2**), no net unmitigated loss (**Chapter 2** and **Alternative 1**), lek buffers were revised based on a review of the best available science (**Chapter 3**, Biology and Life History), and the 3 percent disturbance cap has been further explained in the Proposed LUPA/Final EIS (**Appendix F**). **Section 1.5.1**, Development of Planning Criteria, in the Proposed LUPA/Final EIS provides general guidance for special status species, but it does not provide language relative to specific conservation actions for specific species. Monitoring and mapping has also been clarified in the Proposed LUPA/Final EIS (**Appendix E**), and a description of the habitat mapping process for each alternative is presented in **Section 2.10**, Detailed Description of Alternatives.

The Proposed Plan contains a mechanism that allows for evaluation of circumstances on case-by-case basis at the site-specific scale that would be addressed via subsequent project-level NEPA analysis. Site-specific projects are not identified in the broad-scale plan, but there are several restoration actions included in the Draft LUPA/EIS and in the GRSG, Vegetation, and Wildfire management actions in the Proposed Plan. Language has been added to **Chapter 1** of the Proposed LUPA/Final EIS to clarify that impacts from military overflight are outside the scope of the Proposed LUPA/Final EIS. **Chapter 4** of

the Proposed LUPA/Final EIS includes analysis of noise-related impacts on GRSG from ground-based operations.

**Table 2-1** displays a crosswalk between USFWS/COT identified threats to GRSG within the BLM's and Forest Service's resource program areas. The GRSG analysis in **Chapter 4 (Section 4.1)** also contains a crosswalk table of resource programs impacting GRSG by threat. The BLM and Forest Service manage their lands by resource program area. The crosswalk tables assist the public in determining where the analysis of each threat is covered under each by program area.

The protocol for developing maps and calculations based on GRSG habitat in the Proposed LUPA/Final EIS is identified in **Appendix A**.

Allocations identified under the alternatives were based on GIS calculations in the decision area and provide the certainty of application in a designated area. Some threats (such as Fires and Invasives) apply approaches for dealing with threats during the implementation phase.

### **Best Available Information Baseline Data**

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#### *Summary*

Commenters suggested new or additional literature for the BLM and Forest Service to consider and suggested re-interpretations of some of the literature cited in the Draft LUPA/EIS. Topics commenters were concerned about included:

- Adaptive Management
- Predation and perch discouragers
- GRSG habitat requirements
- Noise
- Use of Rangeland Health Assessments
- Disease
- Hunting
- Monitoring protocol
- How population size is measured
- Impacts from mineral development and grazing

Commenters were also concerned about GRSG habitat mapping, including how and when the habitat map would be updated and whether it would be done on a site-specific basis; the use of the updated maps in the Nevada Conservation

Plan; and the accuracy of the maps. Commenters also cautioned the BLM and Forest Service against using the maps for site-specific purposes.

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### *Response*

A description of the habitat mapping process is presented in **Appendix A** and the Adaptive Management section of the Proposed LUPA/Final EIS in **Chapter 2**.

The BLM and the Forest Service considered the availability of data from all sources, adequacy of existing data, data gaps, and the type of data necessary to support informed management decisions at the land use plan level. The data needed to support broad-scale analysis of the planning area are substantially different than the data needed to support site-specific analysis of projects. The Draft LUPA/EIS data and information were presented in map and table form and were sufficient to support the broad-scale analyses required for land use planning. The analysis in the Proposed LUPA/Final EIS is thus supported.

Of the suggested studies and references put forth by the commenters, the BLM reviewed them to determine if they: 1) presented new information that would need to be incorporated into the Proposed LUPA/Final EIS; 2) were references already included in the Draft LUPA/EIS; or 3) provided the same information as already used or described in the Draft LUPA/EIS. The BLM determined that several of these references contained new or relevant information (e.g., regarding noise impacts, predation, and GRSG habitat characteristics), and subsequently clarified the analysis and updated the references cited in **Chapter 7** of the Proposed LUPA/Final EIS. In some cases, the additional literature was essentially the same as the sources used in the Draft LUPA/EIS or did not provide additional relevant information and was therefore not incorporated in the Proposed LUPA/Final EIS. The new information incorporated into the Proposed LUPA/Final EIS does not present a significantly different picture of the impacts, and the information submitted/used in the Proposed LUPA/Final EIS would not result in impacts that were not previously considered and analyzed within the spectrum of the alternatives in the Draft LUPA/EIS.

### **Impact Analysis**

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#### *Summary*

Commenters identified the negative impacts on GRSG from resource use management, including livestock grazing, wild horses and burros, and hunting. Commenters also submitted suggestions for improving or strengthening the impact analysis for GRSG in several areas, including:

- Improving the summary of the effects of conservation measures

- Increasing the geographic area of the effects analysis
- Describing the impacts from conversion of private lands
- Describing the impacts from fire, roads, noise, and fences
- Analyzing the effects of minerals and the relation to disturbance caps/no unmitigated loss
- The relevance of lek buffers
- Providing a more detailed analysis of Alternative A

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*Response*

The Proposed LUPA/Final EIS provides an updated and expanded discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. The Draft LUPA/EIS discussed the linkage of public and private lands and the potential for increased disturbance on private lands. Additionally, GRSG mapping for Alternative D gave “checkerboard” GRSG habitats a lower priority designation (i.e., general habitat or non-habitat), where appropriate. Examples of updated discussion can also be found in the following sections of the Proposed LUPA/Final EIS: **Sections 4.4.2, 4.13.5 through 4.13.10, 4.14.5 through 4.14.10, 4.15.1**, and throughout **Chapter 5**. As required by 40 CFR 1502.16, the Draft LUPA/EIS provided a discussion of the environmental impacts of the alternatives, including the proposed action, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Draft LUPA/EIS provided sufficiently detailed information to aid in determining whether to proceed with the preferred alternative or make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1.

Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). The Draft LUPA/EIS and Proposed LUPA/Final EIS contain only planning actions and do not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific

analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known.

The Draft EIS used the most recent science, which shows burning and/or manipulation of sagebrush is not beneficial in occupied GRSG habitats and that retention and restoration of existing GRSG habitats should be the highest priority (see Baker 2011 and Connelly et al. 2011). The Proposed LUPA/Final EIS was subsequently updated with the most recent science available. The new information does not present a significantly different picture of the impacts, and the information submitted/used in the Proposed LUPA/Final EIS would not result in impacts that were not previously considered and analyzed within the spectrum of the alternatives in the Draft LUPA/EIS.

### **Cumulative Impact Analysis**

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#### *Summary*

The cumulative effects analysis is deficient, as it should include areas beyond the Nevada and northeastern California decision area and the analysis was deficient for hunting, predation, and West Nile virus. Positive impacts on GRSG should be included, as well as the GRSG conservation measures implemented on the Modoc National Forest.

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#### *Response*

As described above, the BLM and Forest Service analyzed cumulative effects in the Draft LUPA/EIS. The BLM and Forest Service expanded and quantified cumulative impacts for the Proposed LUPA/Final EIS. **Chapter 5** in the Draft LUPA/EIS and Proposed LUPA/Final EIS considers the impacts on the environment that results from the incremental impacts of the Proposed LUPA/Final EIS when added to other past, present, and reasonably foreseeable future actions (federal or non-federal). This discussion summarizes CEQ guidance from June 24, 2005, stating that “[g]enerally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions.” This is because a description of the current state of the environment inherently includes the effects of past actions. Information on the current conditions is more comprehensive and more accurate for establishing a useful starting point for cumulative effects analysis. The BLM and the Forest Service explicitly described their assumptions regarding proposed projects and other reasonably foreseeable future actions. On National Forest System lands, reasonably foreseeable actions are those that would occur under their current land use plans from a broad-scale perspective. The BLM and Forest Service have complied fully with the requirements of 40 CFR 1508.7 and prepared a cumulative impact analysis based on the broad nature and scope of the

proposed management options under consideration at the land use planning level.

The BLM and Forest Service understand the potential threat to GRSG from the West Nile virus and have made reference to it in **Chapter 4** of the Draft LUPA/EIS and Proposed LUPA/Final EIS under the impact analysis for GRSG and GRSG Habitat (see **Sections 4.4.2** and **4.4.10** in the Proposed LUPA/Final EIS). Additionally, development of artificial ponds can increase the likelihood of the creation of pools of standing water, which can serve as mosquito breeding habitat, increasing the ability for West Nile virus to spread into landscapes otherwise not at risk to the pathogen (Walker and Naugle 2011). To prevent the spread of the West Nile virus, the Draft LUPA/EIS specifically addressed the design of artificial water impoundments to prevent mosquito breeding habitat. **Appendix D**, Required Design Features, of the Proposed LUPA/Final EIS addresses this threat.

The Forest Service identified 21 National Forests that would be included in the sub-regional EIS efforts. The Modoc National Forest was not included in this list for the following reasons. Although the Modoc National Forest was historically important to GRSG, there are currently no active strutting grounds (leks) on the Modoc National Forest. Much of the GRSG habitat on the Modoc National Forest has been lost to western juniper encroachment, and only one strutting ground remains for the population that is located off of forest lands. In addition, the Modoc National Forest contributed only a small amount of GRSG habitat to the 75 percent Breeding Bird Density data layer (Doherty et al. 2010). Hence, it was decided not to include the Modoc National Forest in the Nevada and Northeastern California Sub-regional EIS planning area. The Modoc National Forest is planning on revising its LUP, which will consider management and restoration guidance for GRSG. In addition, the Forest Service is involved in conservation efforts focused on restoring habitats for GRSG on federal lands in this area, which also includes the Modoc National Forest.

Additional information on hunting of GRSG within the Nevada and Northeastern California Sub-region has been added to **Chapter I, Section I.5.2** of the Proposed LUPA/Final EIS. Actions in the Proposed Plan were developed that contained elements of the predation actions identified in the State of Nevada's Greater Sage Grouse Conservation Plan (State of Nevada 2014).

### **Mitigation Measures**

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#### *Summary*

Commenters stated that the success of mitigation and sagebrush restoration is limited and the BLM and Forest Service should not use a broad-scale map as a

basis for site-specific mitigation. Mitigation should be feasible and consistently applied.

Commenters also requested clarification and/or revisions to various mitigation measures, including the mitigation banking program and several BMPs/RDFs.

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*Response*

The Mitigation, Monitoring, and Adaptive Management strategies were described more fully in **Chapter 2** and **Appendices D, E, and L** of the Draft LUPA/EIS. The Mitigation Strategy and Monitoring Framework have been updated in the Proposed LUPA/Final EIS (see **Section 2.7**, Adaptive Management, Monitoring, and Mitigation, and **Appendices D and E**). Additionally an Avoid, Minimize, and Apply Compensatory Mitigation Flowchart has been added in **Appendix J** to visually describe the process of application for net conservation gain. The Nevada Conservation Credit System, which is an option for compensatory mitigation in the Proposed Plan, is described in **Appendix L** of the Proposed LUPA/Final EIS. All authorizations to the extent consistent with applicable law will be required to mitigate and to achieve the net conservation gain standard.

The Draft LUPA/EIS contains planning actions and does not include site-specific implementation actions. Maps would be used for broad-scale planning purposes only. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses and maps will tier to the plan-level analysis (EIS) and expand the environmental analysis when more specific information is known.

Mitigation would be consistently applied according to the BLM Draft Regional Mitigation Manual (BLM MS-1794).

The BLM describes RDFs as state-of-the-art mitigation measures. The aim of RDFs is to protect wildlife, air quality, landscapes, and other natural resources. BLM's policy is that all Field Offices will require RDFs to the extent consistent with applicable law in NEPA documents to mitigate anticipated impacts on surface and subsurface resources. RDFs are not "one size fits all." The actual practices and mitigation measures best suited for a particular site are evaluated through the NEPA process and vary to accommodate unique, site-specific conditions and local resource conditions. RDFs have been updated and revised in the Proposed Plan (see **Appendix D**).

## C.2.5 ACECs

### Range of Alternatives

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#### Summary

BLM has not provided sufficient details regarding relevance and importance criteria such as population numbers and critical needs in the specifically identified areas, or consideration for other administrative designations besides ACECs to manage GRSG habitat.

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#### Response

In general, when determining the Relevance values for a potential ACEC, a wildlife resource consists of but is not limited to habitat for endangered, sensitive, or threatened species or habitat essential for maintaining species diversity. Specific population numbers are not identified as a requirement for a Relevance value. Population numbers are not identified for Importance values, which requires that the resource have a substantial significance and value to satisfy this criterion. Importance values require that the resource have special worth, consequence, meaning, distinctiveness, or cause for concern. Other values can include:

- Sensitive, endangered, threatened, or vulnerable to adverse change
- Warrants special protection to satisfy national priority concerns or mandates of FLPMA

**Section 1.3**, Purpose and Need of the Draft LUPA/EIS and Proposed LUPA/Final EIS provide the rational for the critical need to protect GRSG populations. Within the range of alternatives, the Draft LUPA/EIS presented and analyzed management actions to protect GRSG, some of which included ACECs. For example, Alternatives C and F proposed to establish ACECs for the protection and management of the GRSG. Alternative E has identified GRSG habitat where management would be applied as Sage-Grouse Management Areas (SGMAs), not ACECs. Alternatives B, D, and the Proposed Plan identify areas as PHMA and GHMA, which in effect are not designations such as an ACEC but still contain similarly specific management prescriptions to manage and protect GRSG and its habitat. Management prescriptions under the Proposed Plan are also applied to SFAs, which will additionally protect GRSG and its habitat. All of these management actions provide similar and equal protections for GRSG.

### **Best Available Information Baseline Data**

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#### *Summary*

BLM should consider designating priority habitat areas as potential ACECs since the habitat within these areas meet with ACEC Relevance and Importance criteria.

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#### *Response*

One of the alternatives (Alternative C) included and analyzed in the Draft LUPA/EIS and Proposed LUPA/Final EIS does identify PHMA as potential ACECs. Alternative F also proposes ACEC designations in PHMA. Management prescriptions under the Proposed Plan are also applied to SFAs, which will additionally protect GRSG and its habitat.

### **C.2.6 Climate Change**

#### **Range of Alternatives**

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#### *Summary*

Commenters requested the BLM and Forest Service provide a definition of “drought” and suggested that a management action related to drought be eliminated because it would be impossible to implement.

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#### *Response*

A definition of “drought” has been added to the Proposed LUPA/Final EIS glossary in **Chapter 8**, and management actions D-VEG-D 2 and D-VEG-D 3 from the Draft LUPA/FES, which included specific management related to drought, were carried forward in the Proposed Plan as part of the Proposed LUPA/Final EIS (see, for example, Proposed Plan Objective CC 2). The BLM has and will continue to implement drought management policies.

The BLM and the Proposed Plan follows a current policy on drought. The BLM monitors changing vegetative conditions, including changes that may result from drought and other climate-related impacts.

### **Best Available Information Baseline Data**

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#### *Summary*

Commenters questioned the accuracy of the information included in **Chapter 3** and its ability to support the impact analysis in **Chapter 4**.

Commenters also stated that BLM needs to ensure the assumptions used for impact analysis are consistent with and supported by the baseline climate change analysis in **Chapter 3**.

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*Response*

As described above, the BLM and Forest Service complied with NEPA requirements regarding the use of best available information and relevant information on which to base decisions. For example, the BLM and Forest Service used the Baseline Environmental Report (Manier et al. 2013) to identify and inform current landscape conditions. The climate change forecasts used in **Chapter 3** help determine the future baseline conditions for the planning area. These forecasts were analyzed in the Central Great Basin Ecoregional Assessment and used the same models as the 2007 Intergovernmental Panel on Climate Change Fourth Assessment Report. The accuracy of the use of climate change models is discussed in **Chapter 3**. The analysis in **Chapter 4** displays how management actions would allow resources and programs to adapt to these forecast changes.

The assumption in **Chapter 4** related to water availability and climate change has been revised to be consistent with the **Chapter 3** baseline analysis.

***Impact Analysis***

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*Summary*

Commenters stated that the Draft LUPA/EIS incorrectly concludes that impacts on climate change under Alternative E would be the same as Alternative A. Commenters argue the impacts are different because Alternative E constrains resource use and would decrease greenhouse gas emissions associated with particular uses.

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*Response*

The Proposed LUPA/Final EIS includes updated impact analysis under Alternative E to clarify the climate change impacts associated with that alternative. **Chapter 4** specifically states that Alternative E does not outline specific management actions but is expected to result in fewer impacts on climate change than Alternative A.

## **Cumulative Impact Analysis**

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### *Summary*

Commenters argue that the Draft LUPA/EIS does not adequately address the cumulative effects of climate change on GRSG or its habitat, including the cumulative effects of livestock grazing on atmospheric greenhouse gas concentrations and the likelihood that climate change will increase the prevalence of invasive weeds.

### *Response*

Assessing the impacts of grazing on greenhouse gas concentrations and the potential for climate change to increase the prevalence of invasive weeds is outside the scope of this document. The Proposed LUPA/Final EIS addresses the potential effects on GRSG and its habitat from grazing and invasive species as well as impacts associated with global climate change throughout **Chapters 4 and 5** and include sections dedicated to climate change analysis (see **Sections 4.19 and 5.18**). The Proposed LUPA/Final EIS includes strategies to address potential climate change effects (see Proposed Plan Objectives CC 1 and 2, and Action CC 1 and 2).

### **C.2.7 Cultural Resources**

No comments are associated with this issue.

### **C.2.8 Fire and Fuels**

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### *Summary*

Clearly define how readjustment of resources to provide suppression for GRSG habitat would be coordinated with the local fire departments. Nevada Rural Electric Association requests the flexibility to fight wildfire that threaten their infrastructure within authorized ROWs and requests application of the Rangeland Fire Protection Association model to all Draft LUPA/EIS alternatives.

### *Response*

The Proposed Plan has specific goals, objectives, and actions for coordination and collaboration with federal, tribal, state, local governments, as well as associations sanctioned through either California or Nevada states that meet fire standards for effective and efficient wildfire response (see for example, the Proposed Plan Goal SSS 1, Action SSS 6 and Action WFM 5).

## **Range of Alternatives**

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### *Summary*

The preferred alternative must include provisions for habitat restoration and methods to procure the funding to complete the projects. There is a need for active management in tree removal because without disturbance, woodlands will continue to expand, mature, and close. Prioritize restoration in seasonal habitats that limiting GRSG distribution and/or abundance and where factors causing degradation have already been addressed. Where it will achieve GRSG habitat objectives, passive restoration approaches should be favored over active methods. Include statement regarding no burning in less than 12-in precipitation zones.

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### *Response*

Active and passive fire management varies based on a site-specific basis and specific variables in that area. Exclusively passive restoration is considered in Alternatives C and F. As part of the Proposed Plan, the BLM and Forest Service planning units (Districts and Forests), in coordination with the USFWS and relevant state agencies, would complete and continue to update GRSG Landscape Wildfire and Invasive Species Habitat Assessments to prioritize at-risk habitats, and identify fuels management, preparedness, suppression and restoration priorities necessary to maintain sagebrush habitat to support interconnecting GRSG populations. These assessments and subsequent assessment updates would also be a coordinated effort with an interdisciplinary team to take into account other GRSG priorities identified in this plan. **Appendix G** describes a minimal framework example and suggested approach for this assessment. The Proposed Plan and **Appendix G** (FIAT) also discuss the full range of fuels techniques that include both passive and active restoration. Alternative B in the Draft LUPA/EIS and the Proposed LUPA/Final EIS would restrict prescribed burning for areas that receive less than 12 inches of precipitation a year. Alternative D in the Draft LUPA/EIS and the Proposed LUPA/Final EIS addresses the management of conifer encroachment and addresses management of invasive woodlands that threaten GRSG because these habitats do not support GRSG. In the Proposed LUPA/Final EIS, the BLM provides a criteria-based approach for prescribed fire in GRSG habitat (Action WFM-HFM 5). The Forest Service Plan is more restrictive and does not generally allow for prescribed fire burning in less than 12 inch precipitation zones.

## **Best Available Information Baseline Data**

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### *Summary*

Commenters suggested that BLM needed to support their information in the affected environment chapter with additional references. Commenters also provided several new/additional references that BLM should consider in the EIS.

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### *Response*

**Chapter 3**, Affected Environment, of the Draft LUPA/EIS and Proposed LUPA/Final EIS provide the appropriate information for the scope and scale of the project (see **Section 2.1**, NEPA Baseline Information of this report). However, upon BLM and Forest Service reviews and public comment suggestions, some sections in Chapter 3 have been updated and revised to include clarifications or new information. The new information does not present a significantly different picture of the impacts, and/or that the information submitted/used in the PRMP would not result in impacts that were not previously considered and analyzed within the spectrum of the alternatives in the DEIS.

Chapter 3 in the Proposed LUPA/Final EIS has been revised throughout to include additional reference support, including the information presented by commenters, and was revised to clarify criteria used for the baseline assessments in several program areas.

Additionally, the BLM and Forest Service reviewed many of the suggested studies and references put forth by the commenters, to determine: (1) if they presented new information that would need to be incorporated into the Proposed LUPA/Final EIS, (2) were references already included in the Draft LUPA/EIS, or (3) if the references provided the same information as already used or described in the Draft LUPA/EIS. The BLM found that the majority of the studies and references put forth by commenters were already included or provided the same information as used in the DEIS.

Based on this review, the following are examples of the new documentation supporting the Proposed LUPA/Final EIS Wildland Fire Management analysis:

- Chambers, Jeanne C.; Pyke, David A.; Maestas, Jeremy D.; Pellant, Mike; Boyd, Chad S.; Campbell, Steven B.; Espinosa, Shawn; Havlina, Douglas W.; Mayer, Kenneth E.; Wuenschel, Amarina. 2014. 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-GTR-326. Fort Collins, CO: US Department of Agriculture, Forest Service, Rocky Mountain Research Station. 73 p.

- Chambers, Jeanne C. and Mike Pellant. 2008. "Climate Change Impacts on Northwestern and Intermountain United States Rangelands." *Rangelands* 30(3):29-3.
- Fire and Invasives Assessment Team. 2014. Greater Sage-Grouse Wildfire, Invasive Annual Grasses and Conifer Expansion Assessment (Fire and Invasives Assessment Tool [FIAT]). June 2014. 43pp.
- Miller, Richard F., Jeanne C. Chambers, David A. Pyke, Fred B. Pierson, and C. Jason Williams. 2013. A Review of Fire Effects on Vegetation and Soils in the Great Basin Region: Response and Ecological Site Characteristics. Gen. Tech. Rep. RMRS-GTR-308. Fort Collins, CO: US Department of Agriculture, Forest Service, Rocky Mountain Research Station. 126 p.
- Miller, Richard F.; Chambers, Jeanne C.; Pellant, Mike. 2014. A field guide for selecting the most appropriate treatment in sagebrush and piñon-juniper ecosystems in the Great Basin: Evaluating resilience to disturbance and resistance to invasive annual grasses, and predicting vegetation response. Gen. Tech. Rep. RMRS-GTR-322. Fort Collins, CO: US Department of Agriculture, Forest Service, Rocky Mountain Research Station. 66 p.
- The Science Analysis of the National Cohesive Wildland Fire Management Strategy. 2015 Internet Website: <http://cohesivefire.nemac.org/> Accessed on March 16, 2015

The BLM's consideration and analysis of the aforementioned studies that were incorporated into the analysis of the Proposed Plan would not change the impacts analysis in a way not already considered in the DEIS.

## **Impact Analysis**

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### *Summary*

Commenters argued that placing more limitation on mineral development will not indirectly decrease risk of fire; this assumptive unsubstantiated statement and should not be include in the Proposed LUPA/Final EIS document. Commenters stated the LUPA/EIS should include citations/information detailing how development of mineral resources introduces additional ignition sources.

Commenters stated the LUPA/EIS should clarify how the elimination of cross-country travel will show significant changes in human caused ignition or a reduction of invasive grasses.

Commenters also stated that the impacts on fire and fuels management under Alternate E would not be the same as under Alternative A because Alternative E provides for the use of livestock grazing for fuels reduction.

Clarify what is meant by “sagebrush cover will be maintained or increased to cover at least 70 percent of the land.”

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*Response*

The assumption that reducing mineral activity (DEIS page 4-127) is based on Shlisky et al 2007, which shows a correlation between mining and risk of wildfire by introducing new ignition sources. Regarding the correlation between cross-country travel and fire, see **Section 4.8.3** of the Draft LUPA/Final EIS. Alternative E would use livestock grazing when appropriate as a management tool to improve GRSG habitat quantity and quality or to reduce wildfire threats. Based on a comprehensive understanding of seasonal GRSG habitat requirements, and in conjunction with the need for flexibility in livestock operations, Alternative E includes timely, seasonal range management decisions to meet vegetation management objectives. This includes fuels reduction, but no AUMs would be reduced.

As FRCCs are improved over the planning period, there should be movement toward a natural fire regime and a reduced risk of uncharacteristic wildfire. Vegetation would become more resistant and resilient and less likely to lose key ecosystem components after a disturbance. This could decrease fire size, intensity, and management costs. Compared to Alternative A, there would be more areas improving FRCCs.

Increasing or maintaining sagebrush cover so that at least 70 percent of the land cover provides adequate sagebrush habitat to meet sagebrush needs is an objective identified in the NTT report and included as a vegetation objective in the Proposed LUPA/Final EIS (Objective VEG 1).

**Mitigation Measures**

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*Summary*

Emergency response to wildfires should be included in the plan and should include the use of air tankers. Additionally, the Rangeland Fire Protection Association model should be applied to all Draft LUPA/EIS alternatives.

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*Response*

The Proposed LUPA/Final EIS in **Chapter 2** of the BLM Proposed Plan Action WFM-SU 9 states that the BLM would use retardant and mechanized equipment

to minimize burned acreage during initial attack. Similarly, under the Forest Service Plan: GRSG FM-GL-015 Guideline provides for this requirement.

Action WFM 5 in the Proposed LUPA/Final EIS identifies that BLM and the Forest Service will coordinate and collaborate with federal, tribal, state, and local governments and associations sanctioned through either California or Nevada that meet fire standards for effective and efficient wildfire response. Associations as used in this action are the same as Rangeland Fire Protection Associations.

### C.2.9 Fish and Wildlife

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#### Summary

Adequate predator control measures need to be undertaken to limit predator populations as part of this decision.

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#### Response

Alternative E in the Draft LUPA/ EIS addressed predator control; however, predator population control itself was included in Chapter I of the Draft LUPA/EIS under Issues Eliminated from Detailed analysis. The Proposed LUPA/Final EIS includes an objective and four management actions to address predation of GRSG in the Proposed Plan. Additional clarification regarding predator population control has also been added to **Section 1.5**, Development of Proposed Land Use Plan Amendment.

### C.2.10 Other Special Status Species

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#### Summary

Intensive GRSG management may have unintentional effects on other species outside of PPH/PGH.

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#### Response

The Draft LUPA/EIS discussed this topic (see **Section 3.5**, Fish and Wildlife and Special Status Species in the Draft LUPA/EIS) and addresses impacts on SSS in **Section 4.7**. This topic is also addressed through the Biological Assessment for Section 7 Consultation with the USFWS (**Appendix W**). In addition, the Forest Service developed a Biological Evaluation (see **Appendix Q**) of this Proposed LUPA/Final EIS). Effects on other species would be evaluated at the site-specific level during implementation.

## Impact Analysis

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### Summary

Single-species management will put GRSG and sagebrush habitat above other habitats mainly conifer and associated species.

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### Response

The purpose of this planning effort is to identify and incorporate appropriate GRSG conservation measures. **Sections 3.3**, Vegetation, and **Section 3.5**, Fish, Wildlife, and Special Status Species, in the Proposed LUPA/Final EIS discuss the use of sagebrush habitat by other species. These sections describe the general impacts on sagebrush ecosystems that would apply to all sagebrush-dependent species. **Appendix Q** further describes how management actions for the conservation of GRSG relate to other sensitive species, including those associated with sagebrush habitats. The Proposed LUPA/Final EIS also identifies acres of conifer treatment through the VDDT (**Appendix M**), and the FIAT (**Appendix G**) establishes a process for identifying priority areas for treatment. Management considerations for sensitive species will continue to follow current BLM and Forest Service policy. Further, vegetation treatments will be analyzed through the NEPA process at the site-specific project level.

## C.2.11 Lands and Realty

### Range of Alternatives

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#### Summary

Commenters requested clarification or recommended specific changes to proposed management.

Commenters requested that BLM exempt all utility corridors from GRSG restrictions.

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#### Response

The BLM and Forest Service complied with NEPA and the CEQ implementing regulations at 40 CFR 1500 in the development of alternatives for this Draft LUPA/EIS, including seeking public input and analyzing reasonable alternatives. The alternatives include management options for the planning area that would modify or amend decisions made in the field/district office and forest LUPs, as amended, to meet the planning criteria, to address issues and comments from cooperating agencies and the public, or to provide a reasonable range of alternatives.

Management actions included in the Draft LUPA/EIS for the co-location of new infrastructure within existing ROWs, corridors, or communication lease areas are intended to reduce the amount of surface disturbance in GRSG habitat and concentrate new development in habitat areas already affected by anthropogenic activities.

The BLM and Forest Service recognize that co-location is not feasible or appropriate in all circumstances, particularly for new power lines. Under all alternatives in the Proposed LUPA/Final EIS, the BLM and Forest Service would continue to review proposed infrastructure projects on a case-by-case basis within and outside GRSG habitat. Management actions include the co-location of new ROWs or Forest Service Special Use Authorizations (SUAs) within existing ROWs or SUAs to achieve net conservation gain in PHMAs. The Proposed LUPA/Final EIS analyzes management actions and the placement of new ROWs in corridors (see, for example, Proposed Plan Actions LR LUA 1 through LR LUA 3).

### **Best Available Information Baseline Data**

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#### *Summary*

The Draft LUPA/EIS does not reference all relevant studies, policies, or regulations related to lands and realty actions (e.g., conversion of GRSG habitat to agricultural lands). Commenters suggested that the BLM and Forest Service should have considered several additional references in their analysis related to the relationship between GRSG and transmission lines. For example, commenters noted the Draft LUPA/EIS did not include studies that found underground power lines have more environmental impacts than overhead power line placement.

Commenters also requested clarification on specific terminology used in the lands and realty analysis.

#### *Response*

The CEQ regulations require an environmental impact statement to “succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The description shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues” (40 CFR 1502.15). Additionally, the Nevada and Northeastern California Greater Sage-Grouse LUPA/EIS is a programmatic NEPA effort to conserve GRSG and its habitat across a broad geographic area. As such, the BLM and Forest Service described the current conditions and

trends in the affected environment broadly, across a range of conditions, appropriate to program-level land use planning actions.

Before beginning the Nevada and Northeastern California LUPA/EIS and throughout the planning effort, the BLM and the Forest Service considered the availability of data from all sources, adequacy of existing data, data gaps, and the type of data necessary to support informed management decisions at the land use plan level. A National Technical Team (NTT) was formed as an independent, science-based team to ensure that the best information to manage the GRSG is reviewed, evaluated, and provided to the BLM and the Forest Service in the planning process. The group produced a report in December 2011 that identified science-based management considerations to promote sustainable GRSG populations. The NTT is staying involved as the BLM and the Forest Service work through the strategy to make sure that relevant science is considered, reasonably interpreted, and accurately presented, and that uncertainties and risks are acknowledged and documented.

A baseline environmental report, *Summary of Science, Activities, Programs, and Policies That Influence the Range wide Conservation of Greater Sage-grouse (Centrocercus urophasianus)* (referred to as the BER), was released on June 3, 2013, by the US Geological Survey. The peer-reviewed report summarizes the current scientific understanding about the various impacts on GRSG populations and habitats and addresses the location, magnitude, and extent of each threat. The BER report does not provide management options. The report is being used by the BLM and the Forest Service in its efforts to develop regulatory mechanisms and improve conservation efforts of the GRSG and its habitat to reduce the potential for listing it under the Endangered Species Act. The data for this report were gathered from BLM, Forest Service, and other sources and were the “best available” at the range-wide scale at the time collected.

In March 2013, a team of State and USFWS representatives released the COT Report based upon the best scientific and commercial data available at the time that identifies key areas for GRSG conservation, key threats in those areas, and the extent to which they need to be reduced for the species to be conserved. The report serves as guidance to federal land management agencies, State GRSG teams, and others in focusing efforts to achieve effective conservation for this species.

Additionally, GRSG conservation measures in *A Report on National Greater Sage-grouse Conservation Measures* (NTT 2011) were used to form BLM and the Forest Service management direction under at least one alternative, which is consistent with the direction provided in BLM Washington Office Instruction Memorandum 2012-044.

The BLM and the Forest Service complied with CEQ regulations in describing the affected environment and when providing scientific justification for the nature and types of impacts described in **Chapter 4**, Environmental

Consequences. Of the suggested studies and references put forth by the commenters, the BLM and Forest Service reviewed them to determine if they presented new information that would need to be incorporated into the Proposed LUPA/Final EIS, were references already included in the Draft EIS, or if the references provided the same information as already used or described in the Draft EIS. The BLM and Forest Service determined that the new information provided by the commenters does not present a significantly different picture that would change the analysis, and/or that the information submitted/used in the Proposed LUPA/Final EIS would not result in analysis that was not previously considered in the Draft LUPA/EIS.

While land use planning-level decisions are broad in scope, the BLM and Forest Service did perform a thorough review of the EIS's baseline data relevant to lands and realty when preparing the Draft LUPA/EIS. The Proposed Plan includes information to provide the necessary basis to make informed land use plan-level decisions. See **Section 2.1**, Changes Between Draft LUPA/EIS and the Proposed LUPA/Final EIS for changes related to the lands and realty program.

Regarding conversion of BLM-administered and National Forest System lands for agricultural use via the Desert Lands Entry Act, the Draft LUPA/EIS precluded disposal of PPH in the land tenure section; the Proposed LUPA/Final EIS precludes the disposal of PHMA and GHMA. For Desert Lands Entry actions, lands have to be identified for disposal. Therefore, no Desert Lands Entry actions would be allowed under the Proposed LUPA/Final EIS in PHMA or GHMA.

While the placement of power lines underground may result in greater short-term GRSG habitat disturbance, over the long term and following appropriate reclamation of the surface above underground lines, there would be less surface disturbance.

A definition of 'no longer in service' was not included in the Draft LUPA/EIS, but a definition for "no longer in use" is included in the Proposed LUPA/Final EIS in **Chapter 8**, Acronyms and Glossary.

The Proposed LUPA/Final EIS includes management actions for the placement of infrastructure. These parameters have been determined through scientific studies (see, for example, **Table 2-6**, GRSG habitat objectives in the Draft LUPA/EIS, which has been updated and is now **Table 2-2**, Proposed Habitat Objectives for GRSG, in the Proposed LUPA/Final EIS).

The Proposed LUPA/Final EIS includes a definition of "utility-scale" in the **Chapter 8** glossary. A facility that generates 20MW or more of electricity is considered utility-scale.

## Impact Analysis

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### Summary

Commenters had concerns regarding proposed management actions in the Draft LUPA/EIS related to new and existing ROW development, particularly the comparative benefits for GRSG habitat from underground versus overhead power line placement, and the technical and financial barriers associated with undergrounding or locating new power lines and communication infrastructure in or adjacent to existing ROWs, and potential limitations on the expansion of existing infrastructure.

Commenters noted that the BLM and Forest Service did not fully analyze the adverse and beneficial direct and indirect effects of proposed lands and realty and renewable energy management actions identified in the Draft LUPA/EIS. For example the relationship between lands and realty management and the fire and fuels program, consistency with the Solar PEIS, and long- and short-term impacts.

Commenters also noted that the BLM and Forest Service did not adequately address the effects on lands and realty from biofuel activities.

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### Response

As discussed in the Draft LUPA/EIS, the placement of power lines underground may result in greater short-term GRSG habitat disturbance, but over the long term and following appropriate reclamation of the surface above the underground lines, there would be less surface disturbance. Considerations of costs associated with undergrounding are solely within the purview of the Nevada and California Public Utilities Commissions and are outside the scope of the LUPA/EIS.

The Draft LUPA/EIS and Proposed LUPA/Final EIS provide adequate discussions of the environmental consequences, including the cumulative impacts, of the presented alternatives. **Section 4.9**, Wildland Fire and Fire Management and **Section 4.13**, Lands and Realty, in the Proposed LUPA/Final EIS analyze the effects of lands and realty on fire management. As required by 40 CFR 1502.16, the Draft LUPA/EIS and Proposed LUPA/Final EIS provide a discussion of the environmental impacts of the alternatives, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. The Draft LUPA/EIS and Proposed LUPA/Final EIS provides sufficiently detailed information to aid in determining whether to proceed with the preferred alternative or make a reasoned choice among the other

alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1.

Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Plan+Planning). The Draft LUPA/EIS contained only planning actions and did not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions.

The placement of power lines underground may result in greater short-term GRSG habitat disturbance, but over the long term and following appropriate reclamation of the surface above underground lines, there would be less surface disturbance. Application of RDFs and reclamation standards address invasive weeds during construction activities, such as undergrounding power lines.

Under the Proposed LUPA/Final EIS, PHMA and GHMA would be managed as exclusion for solar energy development consistent with the Solar Programmatic EIS (PEIS). Areas where solar variance zones identified in the Solar PEIS overlap GRSG habitat would also be managed as exclusion areas even though they were not excluded in the PEIS. The relationship between fire and fuels is addressed in **Chapter 4** in the Proposed LUPA/Final EIS (see Shlisky 2007). The BLM and Forest Service are not creating incentives for the creation or facilitation of a biomass industry; any incentivization of biofuels is outside the scope of this LUPA/EIS.

The application of anti-perch devices for existing structures would be evaluated at the time of ROW renewal or amendment on a case-by-case basis.

BLM added the definition of distribution lines, which is included in the Proposed LUPA/Final EIS **Chapter 8**, Glossary. Impacts from transmission and distribution lines vary and would be analyzed on a case-by-case basis. Appropriate mitigation and RDFs for the type of infrastructure would be imposed on all ROWs within GRSG habitat depending on findings from the environmental analysis for the project.

## Cumulative Impact Analysis

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### Summary

Commenters stated that the Draft LUPA/EIS does not consider the cumulative impacts from the Mt. Hope EIS or wind energy projects at China Mountain and the Diamond Range. The Draft LUPA/EIS does not provide additional information on projects that are reasonably foreseeable future actions.

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### Response

The BLM and the Forest Service thoroughly explained its consideration and analysis of cumulative effects in the Draft LUPA/EIS in **Chapter 5**. The Draft LUPA/EIS considered the past actions to the extent that they are relevant, as well as present and reasonably foreseeable (not highly speculative) federal and non-federal actions (see **Table 5-39**). The cumulative effects analysis in the Draft LUPA/EIS was completed for each of the alternatives using the reasonably foreseeable actions. As such, the BLM and the Forest Service have complied fully with the requirements of 40 CFR 1508.7 and prepared a cumulative impact analysis based on the broad nature and scope of the proposed management options under consideration at the land use planning level. The Draft LUPA/EIS considered past actions, to the extent that they are relevant, and present and reasonably foreseeable (not highly speculative) federal and non-federal actions, taking into account the relationship between the proposed alternatives and these reasonably foreseeable actions.

In addition, the Draft LUPA/EIS contained a qualitative discussion of cumulative impacts at the WAFWA Management Zone level, and the Proposed LUPA/Final EIS contains a quantitative discussion based off of additional information, including information from GRSG planning efforts in adjacent sub-regions.

The BLM and Forest Service identified existing wind energy ROW applications, including the China Mountain project, in **Table 5-39** of the Draft LUPA/EIS. A decision on the China Mountain wind project has been temporarily deferred. All proposed development plans will be reviewed for consistency with the amended land use plan.

The Mt. Hope EIS relates to a mineral development project and is addressed in the minerals section. The Mt. Hope record of decision was issued in 2012. Development at the mine site and of the ancillary transmission line is currently on hold.

As of the date of this Proposed LUPA/Final EIS issuance, the BLM has not received a development application for a potential wind project on the Diamond Range.

## **Mitigation Measures**

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### *Summary*

Commenters noted that mitigation requirements for new electrical transmission infrastructure identified in **Appendix A**, Required Design Features, of the Draft LUPA/EIS did not properly consider site-specific applications or benefits to GRSG; did not incorporate relevant information from the Avian Power Line Interaction Committee; did not differentiate types of mitigation between transmission and distribution lines; and may not be feasibly implemented due to costs.

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### *Response*

The BLM and the Forest Service complied with NEPA by including a discussion of measures that may mitigate adverse environmental impacts of the alternatives in the Draft LUPA/EIS. See 40 CFR 1502.14(f), 1502.16(h). Potential forms of mitigation include: 1) avoiding the impact altogether by not taking a certain action or parts of an action; 2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; 3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; 4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or 5) compensating for the impact by replacing or providing substitute resources or environments (40 CFR 1508.20). Not taking action, such as differentiating types of mitigation between transmission and distribution lines, is only one of many potential forms of mitigation. The BLM and the Forest Service must include mitigation measures in an EIS pursuant to the NEPA; yet the BLM and the Forest Service have full discretion in selecting which mitigation measures are most appropriate, including which forms of mitigation are inappropriate.

Additionally, site-specific concerns and more detailed environmental descriptions will be addressed when project-level reviews are tiered to the analysis in this EIS (40 CFR 1502.20, 40 CFR 1508.28). In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for any site-specific actions. Mitigation has been further defined as a Regional Mitigation Strategy and is detailed in **Appendix I** of the Proposed LUPA/Final EIS. The strategy is incorporated in the Nevada and Northeastern California Greater Sage-Grouse Proposed LUPA/Final EIS and was developed to achieve a net conservation gain to the species by implementing conservation actions. Regional mitigation is a landscape-scale approach to mitigating impacts on resources. This involves anticipating future mitigation needs and strategically identifying mitigation sites and measures that can help achieve the greatest conservation benefit for GRSG and its habitats.

If impacts on GRSG or its habitat from authorized land uses remain after applying avoidance and minimization measures, then compensatory mitigation projects will be used to fully offset impacts to achieve conservation benefits. Any compensatory mitigation will be durable, timely, and in addition to that which would have resulted without the compensatory mitigation.

Specific mitigation strategies, based on the strategy, will be developed by regional teams within one year of the issuance of the Record of Decision and be consistent with the BLM's Regional Mitigation Manual MS-1794, Forest Service Handbook FSH 1909.15, and CEQ regulations at 40 CFR 1508.20.

Required design features, consistent with applicable law, are included in **Appendix D** of the Proposed LUPA/Final EIS. In the Draft LUPA/EIS, RDFs varied across the alternatives, and the analysis reflected the differences under each alternative. While the types of mitigation would be similar for distribution and transmission lines, specific mitigation strategies would vary for these two different lines and would be analyzed on a case-by-case basis. Appropriate mitigation and RDFs for the type of infrastructure would be imposed on all new, renewed, or amended ROWs within GRSG habitat depending on findings from the environmental analysis for the project. Recommendations from the Avian Powerline Study would be applied at the site-specific implementation level as appropriate.

## C.2.12 Leasable Minerals

### Range of Alternatives

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#### Summary

The BLM and Forest Service should provide additional detail and/or revisions regarding leasable minerals alternatives, including provisions for an appeal process associated with SSUS-3 (see **Appendix G** in the Draft LUPA/EIS), requiring reclamation instead of restoration, and specifying an NSO buffer distance. All priority habitats should be found unsuitable for coal leasing to provide regulatory certainty.

Commenters asserted Alternative B management (specifically application of the 3% disturbance cap) is inappropriate for existing leases, and mitigation requirements prior to disturbance are not within BLM's jurisdiction, as mitigation cannot be required as a term of a lease.

Commenters noted that restoration is too rigorous of a standard to meet, and the term should be replaced with reclamation with the type of plant community specified at the time of the bond development.

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*Response*

The establishment of an appeal process is outside the scope of work for this document. The Draft LUPA/EIS is consistent with current BLM and Forest Service RDFs for restoration (see RDFs incorporated as part of the Proposed Plan). These planning decisions are not taking away any appeal/administrative processes or creating any new processes. Plan decisions are protestable, and site-specific decisions would be subject to any applicable regulatory administrative process that is provided.

Restoration will continue to be used in the Proposed LUPA/Final EIS. The purpose of the Proposed LUPA/Final EIS is to improve GRSG and its habitat and may require more rigorous actions land used in previous land use plans.

Lek buffer distances in the Proposed Plan alternative of the Proposed LUPA/Final EIS include those identified in the USGS Report “Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review” (Open File Report 2014-1239) (see **Appendix A**). Additionally, the Proposed LUPA includes an NSO stipulation; it would be applied for leases within PHMAs at the time of leasing only, but would not be applied to existing oil and gas leases that did not include a No Surface Occupancy stipulation at the time of leasing. No waivers or modifications to an oil and gas lease NSO stipulation would be granted, apart from two criteria whereby the Authorized Officer may grant the exception. See the Proposed Plan management actions in **Chapter 2** of the Proposed LUPA/Final EIS.

According to 43 CFR 3461.2-1(a) (1), the BLM shall apply the unsuitability criteria to all coal lands with development potential identified in the comprehensive land use plan. There are no lands with coal development potential identified in the planning area; therefore, the unsuitability criteria are not applied.

The 3% disturbance cap for all land ownership within PHMA does not affect valid existing rights. Existing disturbance would be calculated towards the cap but would not operate to preclude existing rights (see **Appendix F**). Where a proposed fluid mineral development project on an existing lease could adversely affect GRSG populations or habitat, the BLM will work with the lessees, operators, or other project proponents to avoid, reduce, and mitigate adverse impacts to the extent compatible with lessees’ rights to drill and produce fluid mineral resources. The BLM will work with the lessee, operator, or project proponent in developing an APD for the lease to avoid and minimize impacts on GRSG or its habitat and will ensure that the best information about the GRSG and its habitat informs and helps to guide development of such federal leases. Additional information for application of and calculations for the disturbance cap can be found in **Appendix F** of the Proposed LUPA/Final EIS.

### **Best Available Information Baseline Data**

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#### *Summary*

Commenters suggested additional literature for the BLM and Forest Service to consider, including in the Proposed LUPA/Final EIS. Topics of concern included noise, geothermal resources, and hydraulic fracturing.

The BLM and Forest Service need to forecast the number of wells expected to be drilled in PHMA and GHMA under each alternative.

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#### *Response*

As noted in **Section C.2.1**, Baseline information in this report, the CEQ regulations require an environmental impact statement to “succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration.”

The affected environment provided in **Chapter 3** and the RFD appendix in the Draft LUPA/EIS were sufficient to support, at the general land use planning-level of analysis, the environmental impact analysis resulting from management actions presented in the Draft LUPA/EIS.

Hydraulic fracturing would not increase the number of exploration wells. It is used to enhance production. Therefore, this technology would not modify the RFD scenario in the Draft LUPA/EIS.

The Proposed LUPA/Final EIS (**Appendix P** and **Table 3-51**) also includes updated information on geothermal potential. Based on the new information, the Proposed LUPA/Final EIS includes a revised RFD for geothermal.

Noise-related impacts on GRSG habitat are analyzed in the Draft LUPA/EIS and have been further refined in the Proposed LUPA/Final EIS. Impacts on mineral development from noise mitigation measures (e.g., buffers/set-backs) have been further addressed in the Proposed LUPA/Final EIS based on the management actions in the Proposed Plan.

The number of new wells anticipated in the planning area is described in **Appendix P**, Oil and Gas RFDs of the Draft LUPA/EIS. New wells would be precluded in PHMAs under Alternatives B, C, and F. The Proposed Plan would include an NSO restriction in PHMA.

## **Impact Analysis**

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### *Summary*

The BLM and Forest Service should provide a quantitative context for impacts. Commenters also had concerns about the impacts on fluid mineral development from NSO stipulations without modifications, waivers, and exceptions.

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### *Response*

Quantitative context for current and future disturbance associated with fluid minerals can be found in **Appendix P**, Oil and Gas RFDs of the Draft LUPA/EIS.

The Proposed LUPA/Final EIS would apply an NSO stipulation to PHMA with exceptions. GHMA would be managed under moderate constraints (controlled surface use and timing limitations). These stipulations are analyzed throughout **Chapter 4** of the Proposed LUPA/Final EIS, including within **Section 4.15.1**, Fluid Minerals and in the other program areas. The rationale for the NSO stipulation without waivers, exceptions, or modifications is part of Alternative D in the Draft LUPA/EIS and Proposed LUPA/Final EIS; however, the range of other alternatives allows for exceptions, modifications, or waivers.

## **Cumulative Impact Analysis**

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### *Summary*

The cumulative impacts analysis is incomplete and inconsistent with other sections of the Draft LUPA/EIS.

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### *Response*

The Draft LUPA/EIS considered the past actions to the extent that they are relevant, and present and reasonably foreseeable (not highly speculative) federal and non-federal actions (see **Table 5-39**). The cumulative effects analysis in the Draft LUPA/EIS was completed for each of the alternatives using the reasonably foreseeable actions. In addition, the Draft LUPA/EIS contained a qualitative discussion of cumulative impacts at the WAFWA Management Zone level, and the Proposed LUPA/Final EIS contains a quantitative discussion based off of additional information, including information from GRSG planning efforts in adjacent sub-regions.

This discussion summarizes CEQ guidance from June 24, 2005, stating that “[g]enerally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the

historical details of individual past actions.” This is because a description of the current state of the environment inherently includes the effects of past actions. Information on the current conditions is more comprehensive and more accurate for establishing a useful starting point for cumulative effects analysis. The CEQ interpretation was accepted by the Ninth in *NW Envtl. Advoc. v. Nat’l Marine Fisheries Serv.*, 460 F.3d 1125, 1141 (9th Cir. 2006). The BLM and the Forest Service explicitly described their assumptions regarding proposed projects and other reasonably foreseeable future actions. On National Forest System lands, reasonably foreseeable actions are those that would occur under their current land use plans from a broad-scale perspective.

The Proposed LUPA/Final EIS has addressed cumulative impacts analyses that were incomplete and inconsistent with other sections of the Draft LUPA/EIS.

### **Mitigation Measures**

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#### *Summary*

Off-site mitigation is not a viable conservation strategy, as evidenced by research in Wyoming. Commenter notes that Alternative B would require mitigation prior to leasing. Commenter noted that disturbance cap may drastically curtail mineral development in the affected areas, thereby restricting the ability to develop according to existing lease terms (per BLM form 3100-11).

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#### *Response*

The BLM considers off-site mitigation a viable tool in the GRSG conservation strategy to facilitate mineral development.

The alternatives considered in the Proposed LUPA/Final EIS do not contemplate pre-leasing mitigation, as this is not a land use planning-level decision.

The Draft EIS and the Proposed Plan in the Proposed LUPA/Final EIS provides management actions for existing leases. The 3% disturbance threshold does not apply to valid existing leases.

### **C.2.13 Livestock Grazing**

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#### *Summary*

Multiple commenters stated that permanent retirement of grazing privileges is not authorized without Congressional action.

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*Response*

FLPMA grants the Interior Secretary the authority to make land use planning decisions, taking into consideration multiple use and sustained yield, areas of critical environmental concern, present and potential uses of the land, relative scarcity of values, and long-term and short-term benefits, among other resource values (43USC 1711 Sec 201 (a)). 43 CFR § 4100.0-8 provides that the BLM shall manage livestock grazing on public lands in accordance with applicable land use plans. Further, the BLM may designate lands as “available” or “unavailable” for livestock grazing through the land use planning process (H-1601, Land Use Planning Handbook, Appendix C). A decision to make lands unavailable to grazing is not permanent. It is subject to reconsideration, modification, and reversal in subsequent land use plan decisions.

The Taylor Grazing Act requires that the Secretary “make such rules and regulations ... [and] do any and all things necessary ... to insure the objects of ... grazing districts, namely, to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury [and] to provide for the orderly use, improvement and development of the range” (43 USC § 315a).

FLPMA grants the Interior Secretary the authority to make land use planning decisions, taking into consideration multiple use and sustained yield, areas of critical environmental concern, present and potential uses of the land, relative scarcity of values, and long-term and short-term benefits, among other resource values (43USC 1711 Sec 201 (a)). 43 CFR § 4100.0-8 provides that the BLM shall manage livestock grazing on public lands in accordance with applicable land use plans. Actions taken under land use plans may include making some or all of the land within grazing districts unavailable for grazing during the life of the plan as well as imposing grazing use restrictions, limitations, or other grazing management-related actions intended to achieve such goals and objectives (H-1601, Land Use Planning Handbook, Appendix C).

Proposed management addressing the voluntary relinquishment (i.e., retirement or cancellation) of grazing privileges is included in the Proposed LUPA/Final EIS.

**Range of Alternatives**

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*Summary*

Commenters requested that at least one alternative allow for expanding or retaining the current level of livestock grazing. Others stated that reduced utilization should be examined. Several commenters felt that grazing restrictions would violate BLM’s multiple-use mandate, and that grazing can help, rather than harm, GRS habitat.

Some California commenters pointed out that California grazing permittees are already subject to guidelines to protect GRSG, developed by the Northeast California Sage-Grouse Working Group. Therefore they oppose the guidelines in Alternative D, and suggest that California allotments be removed from the geographic scope of Nevada and Northeastern California Proposed LUPA/Final EIS. In addition, multiple commenters claimed that the proposed grazing restrictions infringe on use of existing water rights under Nevada water law, and should be revised.

Commenters pointed out the difference in type and quantity between domestic cattle and wild horses and burros, and that they constitute different types of threats to GRSG habitat. Some commenters were concerned about the imposition of one-size-fits-all rangeland health standards and habitat objectives, imposed without consideration for local conditions.

Commenters suggested specific implementation-level actions to further protect GRSG habitat and requested details on implementation-level management.

Several commenters were also concerned that an adaptive management strategy for grazing was not identified in detail in the Draft LUPA/EIS.

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*Response*

As noted above, the Nevada and Northeastern California GRSG LUPA/EIS planning team employed the BLM and Forest Service planning process to develop a reasonable range of alternatives for the LUPA. Alternative A (No Action Alternative) analyzes a continuation of grazing at its current level. Livestock grazing is identified by USFWS as a threat to GRSG in the March 23, 2010 Federal Register Notice, and therefore it is addressed in this Draft LUPA/EIS. An alternative that would increase the amount of livestock grazing in GRSG habitat was considered but eliminated from detailed analysis because there are currently no science-based studies that demonstrate increased livestock grazing enhances or restores GRSG habitat (see **Section 2.11.3** in the Proposed LUPA/Final EIS). Existing regulatory mechanisms, including the fundamentals for rangeland health, would continue to provide the basis for managing grazing in GRSG habitat. However, the preferred alternative provided additional consistency in application of rangeland health standards relative to GRSG habitat, as well as additional guidance for prioritizing land health assessments and review of grazing permits to ensure that grazing management is compatible with attainment of GRSG habitat objectives within the planning area. In addition, RDFs would be adopted consistent with applicable law to reduce effects of range improvements and livestock trailing across public lands. Grazing use would be modified when it is identified as the cause for not meeting GRSG objectives. The intent of the land use plan amendment is to change management under all resource programs, where necessary, to benefit GRSG habitat.

Standards and Guidelines include examination of causal factors for Standard factor 8 of Rangeland Health Standards in determination.

Unless the State Director determines otherwise, the planning area for an RMP is the geographic area associated with a particular field office (43 CFR 1610.1(b)). The geographic scope of this planning effort includes the Northeast California grazing allotments; if habitat assessments indicate that GRSG habitat in those areas is meeting objectives, few changes are likely to be made to grazing conditions for those permits.

Implementation of all decisions in the Proposed LUPA/Final EIS will comply with Nevada State Water Law and valid existing rights.

The *Impacts from Wild Horses and Burros* subsection of **Sections 4.3.4** through **4.3.9** of the Draft LUPA/EIS identifies the impacts (in both type and magnitude) on GRSG habitat from wild horses and burros, while the *Impacts from Livestock Grazing* subsection of **Sections 4.3.4** through **4.3.9** of the Draft LUPA/EIS identify the impacts on GRSG habitat from domestic livestock.

The Standards for Rangeland Health in NV and CA (**Appendix K** of the Draft LUPA/EIS) were established in cooperation with local RACs and approved by the Secretary of the Interior. The proposed habitat objectives for GRSG and the guidelines for establishing allowable use levels if not meeting those objectives were developed based on the most current science (including USGS, NDOW, and Connelly and Hagen's GRSG habitat standards) and would be used to assess rangeland health of allotments prior to granting or renewing grazing permits. A toolbox of permit conditions and conservation measures such as RDFs (consistent with applicable law) would be available to District Managers when granting or renewing grazing permits, as applicable for each individual allotment within priority habitat.

Implementation-level decisions will be made at the district/forest level through the appropriate site-specific NEPA process. The Proposed LUPA/Final EIS provides guidelines, processes, and protocols, but does not make implementation-level decisions or analyze the impacts from such decisions.

Neither the Draft LUPA/EIS nor the Proposed LUPA/FIES include adaptive management hard or soft triggers for livestock grazing. The Proposed LUPA/Final EIS includes a suite of livestock grazing management strategies for achieving GRSG objectives.

### **Best Available Information Baseline Data**

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#### *Summary*

Multiple commenters requested that the Proposed LUPA/Final EIS discuss the difference between permitted and actual AUM use.

Commenters also recommended the use of the Nevada and California Rangeland Monitoring Handbook for monitoring guidelines and procedures. One commenter noted a discrepancy in the data in Tables 3.33 and 3.31 with regards to the acres meeting land health standards. Another commenter identified that the Appendix K, Livestock Grazing (Table K-1) data does not provide any date(s) that the rangeland health categories were assigned.

Commenters also stated that Section 2.4, Table 2.1 incorrectly lists grazing as a threat to GRSG habitat.

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Response

As detailed above, before beginning the Draft LUPA/EIS and throughout the planning effort, the BLM and the Forest Service considered the availability of data from all sources, adequacy of existing data, data gaps, and the type of data necessary to support informed management decisions at the land use plan level.

The Proposed LUPA/Final EIS has been updated to include language referencing the Nevada Rangeland Monitoring Handbook.

**Chapter 8** of the Proposed LUPA/Final EIS has also been updated to include definitions of “actual use” and “permitted use.”

Data in **Table 3.31**, Acres of Allotments Not Meeting Land Health Standards in GRSG Habitat, has been reviewed and revised as necessary in the Proposed LUPA/Final EIS.

The dates associated with the information used for the rangeland management category assessment is identified in **Tables 3-28** and **3-29** in the Proposed LUPA/Final EIS.

Livestock grazing is identified by USFWS as a threat to GRSG in the March 23, 2010 Federal Register notice and the COT Report (USFWS 2013), and therefore it is addressed in this Draft LUPA/EIS. As noted in the 2010 Federal Register notice, there is little direct evidence linking grazing practices to population levels of GRSG; however, given the widespread nature of grazing, the potential for population-level impacts cannot be ignored. The *Impacts from Livestock Grazing* subsections of **Sections 4.3.4** through **4.3.9** of the Draft LUPA/EIS identify the impacts on GRSG habitat from domestic livestock use. The Proposed LUPA/Final EIS includes a suite of management actions dealing with livestock grazing actions for achieving GRSG objectives (see **Chapter 2**, Action LG 5 in the Proposed LUPA/Final EIS).

## Impact Analysis

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### Summary

Several commenters requested detailed quantitative impact analysis for each alternative. Multiple commenters noted that Alternative A has ongoing range management regulations that have adversely affected livestock grazing (both AUMs and economic benefits), and those impacts should be discussed in the Proposed LUPA/Final EIS. Multiple commenters also stated that the conclusion that Alternatives B, D, and E would cause no further reduction in actual livestock use (and therefore no economic impact) is unsupported. Multiple commenters noted that the adverse economic impacts of Alternative C were not sufficiently developed, and/or were underestimated. One commenter noted that the road closures associated with every alternative would interfere with grazing, and this should be discussed in the Proposed LUPA/Final EIS. Some commenters were concerned that the impact analysis on livestock grazing from riparian, wetlands, and water resources was not adequate.

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### Response

Impacts on livestock grazing from current management are addressed in **Section 4.9.4** of the Draft EIS. This level of analysis is sufficient to support this broad land use planning-level analysis (see response to **Section 2.1**, NEPA impacts analysis, for additional details).

The Proposed LUPA/Final EIS includes analysis of the impacts from management actions on livestock grazing, including socioeconomic impacts. This information on impacts serves to assist the decision maker in making an informed decision on the selection of an Approved Plan, and also serves to provide the public an opportunity to understand the impacts of the proposed planning decisions. The socioeconomic tables in the Proposed LUPA/Final EIS analyze land use planning-level changes under all alternatives to billed AUMs (see **Section 4.20**).

While only Alternatives C and F propose land use planning changes to AUMs, all of the alternatives could potentially adjust AUMs through implementation-level decisions if rangeland health standards and GRS objectives are not being met.

No road closures have been proposed during this land use planning process; however, during travel management implementation planning, road closures may be proposed and will be analyzed in subsequent analysis. It is important to note that any road closures would be evaluated during implementation-level planning and that closures may not apply to all uses (i.e., administrative access).

Implementation of all decisions in the Proposed LUPA/Final EIS will comply with Nevada State Water Law and will not infringe upon valid existing rights.

## **Cumulative Impact Analysis**

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### *Summary*

Issues that commenters requested be added to the cumulative impacts discussion included: past declines in grazing and AUM utilization and the loss/fragmentation of habitat as unprofitable ranches are sold on the private market.

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### *Response*

As discussed above, the Draft LUPA/EIS considered the present effects of past actions, to the extent that they are relevant, and present and reasonably foreseeable (not highly speculative) federal and non-federal actions, taking into account the relationship between the proposed alternatives and these reasonably foreseeable actions and past actions. Information on the current conditions is more comprehensive and more accurate for establishing a useful starting point for cumulative effects analysis. The Draft LUPA/EIS contains only planning actions and does not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions.

**Section 5.21** in the Proposed LUPA/Final EIS recognizes the already challenging conditions for operators of ranches and grazing operations. The baseline used to assess economic impacts of alternatives through grazing takes into consideration a 10-year average of billed AUMs, thus taking into consideration past trends.

The economic impacts analysis for grazing in **Chapter 4** in the Proposed LUPA/EIS includes the potential closure of ranches under Alternative C. This was done by adjusting AUM losses in public lands to consider the possible losses of AUMs in state or private lands as well, based on estimates from Torell et al. (2014), as explained in **Appendix V**, Economic Impact Analysis Methodology.

Site-specific analysis of grazing use is conducted as part of the land health assessment process. The Proposed LUPA/Final EIS provides the necessary information to make informed land use plan-level decisions. Specifically, a more comprehensive list of cumulative projects, past and future, has been developed and used to support a more detailed analysis of cumulative impacts.

## **Mitigation Measures**

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### *Summary*

Multiple commenters noted that as designed, Alternative D is not flexible enough to allow for adaptive management, and suggested a 10-year plan to meet

habitat objectives. Adaptive management techniques should be specifically described in the Proposed LUPA/Final EIS.

Multiple commenters urged BLM and the Forest Service to schedule and monitor rangeland health standard assessments, perhaps by developing Allotment Management Plans in coordination with permittees.

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*Response*

The Proposed LUPA/Final EIS includes a suite of management actions dealing with livestock grazing actions for achieving GRSG objectives (see **Chapter 2**, Action LG 5 in the Proposed LUPA/Final EIS). **Chapter 2**, Action LG 4 in the Proposed LUPA/Final EIS provides the priority order for completing land health assessments in GRSG habitat. District-specific adaptive management techniques or Rangeland Health Standards assessments would not be appropriate to include in the Proposed LUPA/Final EIS; these schedules, assessments, and monitoring protocols and responsive actions would be developed during implementation of the planning decisions at the district level, in coordination with local stakeholders and permittees.

### **C.2.14 Locatable Minerals**

#### ***Range of Alternatives***

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*Summary*

Commenters stated that the BLM should include additional management actions (including mitigation measures or withdrawal) to ensure that relocation of GRSG due to mineral extraction is not permanent. Biologists should address how mitigation would minimize the loss of PHMAs in the GRSG section of the report. The Draft LUPA/EIS includes management actions to restore locatable mineral sites to original topography; commenters asserted this is not feasible.

Management for locatable minerals under Alternatives B, C, and F is inconsistent with the II RMP goals, Mining Law, Manual 6840, and BLM's multiple-use mandate under FLPMA. Commenters assert an inconsistency between **Table 2-5**, Description of Alternative Actions, and **Table 2-8**, Summary of Environmental Consequences.

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*Response*

Subject to valid existing rights and applicable law, the management actions for locatable mineral development will be implemented as necessary through NEPA compliance on a site-specific basis. The Draft LUPA/EIS does not include management actions requiring locatable mineral sites be restored. Restoration

of locatable mineral sites may occur on a case-by-case basis. The Draft LUPA/EIS considered a broad range of alternatives that considers different restrictions on locatable mineral development. Recommended withdrawals are included in Alternatives B, C, and F and the Proposed Plan. Under the Proposed Plan, sagebrush focal areas (SFAs) would be recommended for withdrawal. Additionally, mitigation measures considered are outlined in **Appendix I**. Proposed management under Alternatives B, C, and F are consistent with the applicable mining laws and multiple-use mandates, but there is a range of effects on locatable minerals. The BLM and Forest Service have reviewed and revised **Table 2-17**, Summary of Environmental Consequences, as appropriate, so that it is consistent with the proposed management actions in **Table 2-15**, Description of Alternative Actions in the Proposed LUPA/Final EIS.

### **Best Available Information Baseline Data**

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#### *Summary*

Commenters stated that the Draft LUPA/EIS did not include a thorough discussion of geology.

Commenters stated that the Draft LUPA/EIS incorrectly describes the potential effects on GRSG habitat from locatable mineral development by analyzing the full claim area where development could occur, which is likely to be a larger area than the area of actual approved disturbance caused from activities.

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#### *Response*

A mineral potential report is not required for land use planning efforts. The BLM has collated sufficient information to support the analysis in this broad-scale planning document. A detailed description of geology is not necessary to make an informed decision in this land use planning effort. As required by NEPA, the baseline information used in the Draft LUPA/EIS was based on the best available regional information. Mineral documentation is based on current plans of operations and interest, which limited the amount of baseline geology information available for the Draft LUPA/EIS.

The mining plan area boundary is the only feasible area to use for analysis of impacts due to mining at this level of land use planning. Locatable mineral operators may decide to develop their entire claim. GRSG is a landscape-level species accompanied by a programmatic LUPA/EIS for all of Nevada and a portion of California. Specific detail about the portion of each claim that is developed is not appropriate in this planning effort. Actual disturbance from proposed mining operations would be analyzed and permitted in accordance with BLM surface management regulations on a site-specific basis.

## **Impact Analysis**

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### *Summary*

Commenters stated that the Draft LUPA/EIS did not comply with general mining laws and other applicable agency policies related to mineral development, which allow for environmentally responsible mineral development with appropriate mitigation.

Commenters stated that the Draft LUPA/EIS did not address impacts from regulations limiting routes and ROWs; various restrictions placed on mineral activity, for each alternative, are not analyzed or compared; and additional analysis is needed to fully address the impacts of locatable minerals.

Commenters stated that the Draft LUPA/EIS should not close lands from mineral entry until after mineral development potential has been assessed.

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### *Response*

The General Mining Law of 1872, as amended, allows for access for environmentally responsible mineral development. There are standards in place that allow the BLM to regulate the nature of access and development to prevent unnecessary or undue degradation. The BLM and Forest Service also have the authority to recommend lands for withdrawal from locatable mineral entry. As discussed in **Section 4.15.2** in the Proposed LUPA/Final EIS, impacts on locatable mineral development/access would vary and depend on site-specific conditions. Projects would be analyzed on a case-by-case basis.

Under the General Mining Law of 1872, as amended, mining claimants are guaranteed access to their locatable mineral claims, subject to approval of a plan of operations. ROWs to access mining claims are usually included as part of the plan of operations and are subject to site-specific NEPA analysis.

The Proposed LUPA/Final EIS proposes recommending SFAs for withdrawal from locatable mineral entry, while other alternatives recommended all PHMA and/or GHMA for withdrawal. Prior to withdrawal, a mineral potential report would be completed as required by agency regulations and policies.

## **Cumulative Impact Analysis**

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### *Summary*

The BLM should clarify the total number of acres proposed for immediate and future withdrawal within the planning area and in Idaho, Montana, Oregon, and Utah and the cumulative impacts of those withdrawals across the sub-regions.

*Response*

Due to the variation in types of minerals and occurrence and development potential across the range, and the types of data available for the planning area compared to the entire GRSG range, cumulative impact analysis across the entire GRSG range would not provide meaningful, appropriate analysis. The total number of acres proposed for withdrawal under certain alternatives is included in each of the Great Basin sub-region Draft LUPA/EISs. The Draft LUPA/EIS has met the NEPA/CEQ requirements for cumulative impacts analysis in each of the respective sub-regional EISs. Information explaining the rationale behind the chosen geographic extent of the cumulative impact analysis area has been added to **Section 5.14.2, Locatable Minerals**, of the Proposed LUPA/Final EIS.

The cumulative effects analysis prepared for the three WAFWA Management Zones in the Nevada and Northeastern California Sub-region have been included in **Chapter 5** of the Proposed LUPA/Final EIS. **Tables 5-22 and 5-34** in the Proposed LUPA/Final EIS portray the acres recommended for withdrawal in Management Zones IV and V..

Past, present, and reasonably foreseeable future actions and conditions within the cumulative impact analysis area that have affected and will likely continue to affect locatable minerals are existing and planned locatable mineral operations within the planning area but outside of the decision area (see **Table 5-39**). Locatable mineral resources are associated with the geological formations or units they are found within, which are typically localized and do not encompass large areas. Additionally, not all geological formations contain mineral resources, or mineral resources could be found only in a portion of a certain geological formation. To provide context for where interest in locatable mineral development is most likely within the planning area, the BLM has assessed the locatable mineral occurrence potential throughout the planning area (see **Section 3.13, Minerals**). Assessment of locatable mineral occurrence potential in the planning area allows impact analysis to focus on those areas withdrawn or recommended for withdrawal from locatable mineral entry that are actually likely to have locatable mineral resources and interest in their development. While areas outside of the Utah Sub-region may be recommended for withdrawal from locatable mineral entry as a result of decisions in other sub-regional LUPAs, expanding the cumulative impact analysis to include additional sub-regions would both dilute and inflate the impacts on locatable mineral development. Expansion of the cumulative impacts analysis area would dilute the impacts because the acres withdrawn or recommended for withdrawal across the GRSG range under the proposed plan would be minute compared to the total acreage of the range. On the other hand, expansion of the cumulative impacts analysis area would inflate the impacts because many of the acres withdrawn or recommended for withdrawal across the GRSG range do not actually have locatable mineral resources that would be impacted. While data on

locatable mineral occurrence potential are available for the planning area, similar data are not available across the GRSG range. Therefore, adding up areas withdrawn or recommended for withdrawal from locatable mineral entry beyond the planning area without accounting for where such entry is foreseeable would provide a less accurate picture of the cumulative impacts on locatable mineral development.

### **Mitigation Measures**

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#### *Summary*

The BLM needs to clarify the meaning of “effective mitigation.”

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#### *Response*

The Proposed LUPA/Final EIS includes a mitigation strategy as an appendix (**Appendix I**). See **Appendix I** for further description of mitigation requirements.

### **C.2.15 Disturbance Cap**

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#### *Summary*

Commenters questioned the science behind the 3% disturbance cap. Comments included statements ranging from there is insufficient science to support the cap to request for consideration of additional science that does support the cap.

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#### *Response*

Current literature establishes a relationship between disturbance and GRSG occupancy and persistence. The 3% disturbance cap was derived from several scientific papers, including Holloran 2005, Walker et al. 2007, Doherty et al. 2008, Doherty et al. 2011 and Naugle et al. 2011a, b. Based on these studies and professional judgment from the NTT, the 3% cap was developed. Two additional papers (Kirol 2012 and Knick 2013) in particular establish thresholds of disturbance related to development and GRSG persistence. Additional guidance for implementation of and calculations for the disturbance cap has been added to the Proposed LUPA/Final EIS in **Appendix F**.

## **C.2.16 Recreation**

### **Range of Alternatives**

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#### *Summary*

The BLM should consider using seasonal and temporal closures and/or noise regulations to reduce impacts of recreation on GRSG.

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#### *Response*

During subsequent implementation-level travel management planning, new travel management plans would evaluate vehicle routes and determine the need for permanent or seasonal road closures and mode of travel (e.g., motorcycle, ATV, and UTV) restrictions, including noise levels and speed. Travel management plans would not typically include noise levels. The Proposed LUPA/Final EIS would limit motorized travel to existing routes.

Noise restrictions in the Proposed LUPA/Final EIS are described in **Appendix K**, GRSG Noise Protocols. The impacts of noise on GRSG are analyzed in **Chapters 4** and **5**.

### **Best Available Information Baseline Data**

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#### *Summary*

The BLM should cite their sources that relate to OHV, recreational facilities, and hunting impacts on GRSG.

The BLM should cite scientific literature related to the impacts of recreation on GRSG, including low-impact recreation (such as hiking and camping).

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#### *Response*

Recreation use was not identified as a threat by the USFWS in its 2010 Listing Decision. See **Section 4.4.2**, Nature and Types of Effects of the Proposed LUPA/Final EIS, which identifies recreation as having negligible or no impact on GRSG.

### **Impact Analysis**

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#### *Summary*

The BLM should specify which permits will be allowed and include more than OHV race permits in impact analysis.

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*Response*

The type of Special Recreation Permits (SRPs) that would or would not be approved requires additional site-specific/project-level NEPA analysis and is outside the scope of this document. As described above, the Draft LUPA/EIS provides an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives.

Recreation was not identified as a threat to GRSG in the USFWS 2010 listing determination. As such, very few decisions affecting recreation are being considered in the Proposed LUPA/Final EIS. Given that the BLM and Forest Service are considering few decisions affecting recreation management, the level of analysis required to adequately assess the impacts of those decisions is minimal. Those decisions that would impact recreation, such as restrictions on SRPs, are analyzed in **Section 4.11** of the Proposed LUPA/Final EIS.

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**Cumulative Impact Analysis**

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*Summary*

The BLM should address the issue of hunting of GRSG. The BLM should consider trailheads where existing roads are closed and converted to non-motorized trails.

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*Response*

As described in **Section 1.5.2** of the Proposed LUPA/Final EIS, the Nevada Department of Wildlife and California Department of Fish and Wildlife manage hunting; hunting is not addressed in this planning effort because it is outside the scope of the EIS. Additional information on hunting within the Nevada and Northeastern California Sub-region is also included in **Section 1.5.2**.

The Proposed LUPA/Final EIS includes management (e.g., Proposed Plan Action REC 3) regarding trailheads.

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**C.2.17 Salable Minerals**

**Range of Alternatives**

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*Summary*

The BLM and Forest Service should implement site-specific criteria related to salable minerals.

The BLM and Forest Service should add existing Nevada Department of Transportation (NDOT) material sources to the state and federal road easements exemption language.

Open pit mines should be prohibited in Alternative D because there is no way to re-establish the pre-existing contours of an open pit mine.

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*Response*

Salable minerals management is a discretionary action for the BLM, and authorizing the sale of permits would be in conformance with the Proposed LUPA/Final EIS and existing regulations. The GRSG screening criteria in Proposed Plan Objective SSS 4 and Actions SSS 1 through SSS 4 would dictate the placement of new mineral material sites in GRSG habitat. Site-specific activities carried out in conformance with this plan, once approved, would be required to result in a net conservation gain for GRSG and its habitat (see **Section 2.6.2** in the Proposed LUPA/Final EIS).

In the Proposed LUPA, all PHMA would be closed to new mineral materials development. Proposed Plan Action SAL 4 addresses access to mineral sites for federal, state, tribal, county, and public needs.

## **C.2.18 Socioeconomics and Environmental Justice**

### ***Best Available Information Baseline Data***

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*Summary*

BLM must revise the socioeconomic baseline analysis to include current economic data particularly related to livestock grazing, mining, tax revenues, and unemployment. Certain sectors and existing resources were inaccurately characterized, including geothermal energy development in Churchill County, livestock grazing (generally and for Eureka County and Modoc County, specifically), and mining (Eureka County and Elko County). The relationship between billed and active AUMs is misleading; the BLM needs to better explain the factors that contribute to those differences. The discussion on interest groups and communities of place is confusing and hard to follow. BLM did not reference or evaluate several relevant existing studies (citations provided in comments). BLM did not disclose the revenues generated (to NDOW) from hunting GRSG.

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*Response*

BLM and Forest Service used the best available data at the time the Draft LUPA/EIS was prepared. Most data are from 2010 and provide a snapshot of data at the time. BLM does not expect the difference in impacts across

alternatives to be meaningfully altered by updating the baseline. However, the BLM and Forest Service expanded and updated the baseline information for the Proposed LUPA/Final EIS to the extent needed to support an expanded discussion of the geographic distribution of impacts and to more accurately capture long-term trends in employment and economic activity. The BLM and Forest Service also reviewed the data used to characterize economic activity for clarity and adequate description of the geographic areas to which they refer. This included an expanded discussion of billed and active AUMs and the factors determining their different values in **Appendix V** of the Proposed LUPA/Final EIS. The BLM and Forest Service added information related to geothermal development in **Chapter 3** and clarified the mining labor earnings data and adjustments incorporated in this data for place of residence.

BLM and Forest Service reviewed the suggested studies and references put forth by the commenters, and incorporated to the extent that they presented information that would need to be incorporated into the Proposed LUPA/Final EIS. The studies referenced by commenters were incorporated into the analysis for the Proposed LUPA/Final EIS and did not present any new information not previously considered in the Draft LUPA/EIS.

## **Impact Analysis**

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### *Summary*

Commenters stated that the economic analysis is overly simplistic and incomplete. Potential losses are portrayed in a much broader context than the environmental impacts. The economic analysis does not evaluate impacts of management common to all alternatives. Alternative A should consider the impacts of a listing. The economic impacts of Alternatives C, D, and E are identical and not different than Alternative A (emphasis on leasable and locatable minerals); this is not consistent with descriptions of management alternatives in Chapter 2. Elko County contains 40 percent of GRSG habitat in Nevada but was not included as one of the greatest impacted counties under Alternative C; how is that possible? Specific studies cited [in Elko County comments] should have been considered and used in the economic analysis. The analysis lacks a meaningful comparison of direct economic and nonmarket value impacts across alternatives. The analysis neglects losses of quality of life.

An explanation of why counties were aggregated for economic analysis is not clear. Focusing on planning area-level impacts and not adequately reviewing effects on individual counties undermines the true impact on the “social structure of local communities and to the economy of the western economy.”

Socioeconomic-related comments provided in the context of other program areas are as follows:

Lands and Realty: The cost of reworking transmission line routes is passed onto the customer. The Draft LUPA/EIS “requires new and existing power lines” in PHMA and PPGA to be buried. The result will be increased cost, reduced reliability, and longer outages to Nevada customers. Leaming (2011) is cited regarding impacts on Elko County related to lands and realty management decisions.

Grazing: Economic impacts on livestock grazing were underestimated and the analysis was inadequate and inaccurate (various studies cited). Specific insufficiencies in the analysis include failure to consider the impact of the lack of alternative forage to replace the loss of AUMs; short-term or seasonal restrictions/rest could impact the viability of ranching operations; value per AUM is incorrect; using billed AUMs in the analysis leads to inaccurate results; property value impacts associated with permits were not addressed; economic impacts under Alternative D are understated; and there is a lack of recognition of the interrelationship of public and private grazing.

Recreation: Elko County disputes that recreation activity would be generally unaffected under Alternative D. Elko County requests impacts on recreation be quantified for Alternatives B through F. Economic impacts on OHV use need to be more fully analyzed. Hunting of GRSG generates revenue for the Nevada Department of Wildlife (NDOW) and business for small towns. Road closures can have significant impacts on Nevada Outfitters and Guide Association (NOGA) members’ ability to conduct their business and have real economic impacts.

Minerals (general): Socioeconomic analysis of the impacts of withdrawals of lands from mineral development is lacking. “Mining” is omitted from Appendix O of the Draft LUPA/EIS. Costs associated with required design features should be included on a per-acre basis.

Minerals (locatable): Economic impacts analysis under Alternatives B, C, D, E, and F is inadequate and misleading; no quantitative or “even semi-quantitative analysis” was completed. Description of management alternatives reveals “substantial” differences with respect to locatable minerals across alternatives. Draft LUPA/EIS must evaluate the economic impacts on the following entities: individual claim owners, large and small companies that own and develop mining claims, Nevada counties, the State of Nevada, and the US Department of the Interior.

Minerals (leasable): Based on a review of management alternatives associated with leasable minerals, the impact under Alternatives C, D, and E would not be the same under Alternative A. Reasonably Foreseeable Development Scenario is not accurate.

Wind Energy: Quantitative analysis of economic impacts associated with wind energy development needs to be included.

Fire and fuels management: Alternatives B, C, and F will subject residents, communities, and local governments to increased risk of catastrophic fire; removal of livestock grazing would expand fire fuels.

Tax Revenues: BLM needs to analyze the impacts on state and local government tax revenues, particularly in the case of mineral exploration and development. BLM failed to analyze the tax base implications of the potential acquisition of private lands by the federal government under Alternative C.

Environmental Justice: The BLM failed to take a hard look at the impacts on Tribal interests.

Non-Market Value (NMV): Several citations are provided to support the need to analyze NMV of livestock grazing in contrast to BLM's current conclusion that these values are uncertain.

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*Response*

The requisite level of information necessary to provide an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives is to aid in determining whether to proceed with the preferred alternative or to make a reasoned choice among the other alternatives in a manner such that the public could have an understanding of the environmental consequences associated with the alternatives, in accordance with 40 CFR 1502.1. The discussion of environmental consequences should include the proposed action, cumulative impacts, any adverse environmental effects that cannot be avoided should the alternatives be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented (40 CFR 1502.16).

Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29; Forest Service Handbook 1909.12 – Land Management Planning). The Draft LUPA/EIS contains only planning actions and does not include any implementation actions. As specific actions that may affect the area come under consideration, the BLM and the Forest Service will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be offered the opportunity to participate in the NEPA process for implementation actions.

In response to comments, the BLM and Forest Service revised the impact analysis as follows: a) the analysis of the impacts of management alternatives was revised to ensure that impacts from each management alternative are sufficiently addressed for proper understanding by decision makers and the public and in similar level of detail as the analysis of consequences for other resource areas; b) BLM and Forest Service reviewed the suggested studies and references put forth by the commenters and incorporated them to the extent that they presented information or issues that would need to be included in the Proposed LUPA/Final EIS and that had not previously been considered in the Draft LUPA/EIS; c) BLM and Forest Service expanded the “Summary of Economics Impacts” and “Summary of Social Impacts” in **Section 4.20**. Additional direct comparison of management alternatives is located in **Section 2.12**, Summary of Environmental Consequences; d) BLM and Forest Service expanded the discussion of social impacts to include a broader discussion of potential impacts on the quality of life; and e) additional discussion of impacts on counties was included where possible and appropriate.

In addition, on impacts from management actions affecting: f) lands and realty: a discussion of the potential impacts of power line restrictions on energy ratepayers was included; g) grazing: the impact of management alternatives on AUMs was revised to account for a scenario where closures of seasonally used public lands lead to greater annual losses of AUMs. In addition, an expanded discussion of the potential ranch-level costs as well as social impacts of the loss of public lands for grazing was included; h) recreation: the discussion of the socioeconomics of management alternatives through recreation was revised to ensure that the consequences of differences among management alternatives were appropriately explained; i) minerals: the discussion of the potential socioeconomic impacts of the effects of management alternatives on mining was expanded; j) wind energy: the discussion of the potential socioeconomic impacts of the effects of management alternatives on wind energy was expanded; and k) fire and fuels management: the uncertainty regarding the potential socioeconomic impacts of fire and fuels management is noted.

BLM considers that several aspects commented on are appropriately addressed in the Draft LUPA/EIS at this planning stage. In particular, the treatment of non-market values in this Draft LUPA/EIS is consistent with BLM guidance (see BLM IM 2013-131). Only those non-market values that could reasonably be expected to be meaningfully affected by the choice of management alternatives were discussed. In addition, the environmental justice analysis explicitly discusses interests of Native American tribes and responds to particular concerns as expressed during scoping. Impacts on tax revenues are discussed to the extent possible at this planning stage.

## **Cumulative Impact Analysis**

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### *Summary*

There is a lack of a meaningful socioeconomic cumulative analysis related to mining throughout the range of the GRSG in Wyoming, Montana, Idaho, Utah and Nevada that could be affected by various planning efforts. BLM needs to analyze the agencies' ability to fund proposed management under the different alternatives, simultaneously recognizing non-federal funds and resources for GRSG conservation actions. Impacts on non-public lands need to also be considered.

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### *Response*

As noted in **Section 5.2.15**, Locatable Minerals, above, due to the variation in types of minerals and occurrence and development potential across the range, and the types of data available for the planning area compared to the entire GRSG range, cumulative impact analysis across the entire GRSG range would not provide meaningful, appropriate analysis. The Draft LUPA/EIS has met the NEPA/CEQ requirements for cumulative impacts analysis in each of the respective sub-regional EISs. Information explaining the rationale behind the chosen geographic extent of the cumulative impact analysis area has been added to **Section 5.14.2**, Locatable Minerals, of the Proposed LUPA/Final EIS.

The cumulative effects analysis prepared for the three WAFWA Management Zones in the Nevada and Northeastern California Sub-region have been included in **Chapter 5** of the Proposed LUPA/Final EIS.

Costs and differences in program costs across alternatives have not been quantified at this landscape-level planning effort, as explained in **Section 4.20**, Socioeconomics and Environmental Justice. Impacts on non-public lands are considered by resource in **Chapter 4** of the Proposed LUPA/Final EIS, to the extent possible.

## **C.2.19 Soil Impact Analysis**

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### *Summary*

Commenters suggested an impact on biological soil crust associated with livestock grazing, which could result in an increase in the amount of cheatgrass.

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*Response*

Additional analysis was added to **Sections 4.5.3** and **4.17.3** of the Proposed LUPA/EIS based on Reisner et al. (2013). However, the new information and analysis does not present a new picture of management or impacts than what was included in the Draft EIS.

**C.2.20 Travel Management**

***Range of Alternatives***

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*Summary*

Commenters were divided between additional restrictions on route access, noting that BLM should not close or restrict any access or travel through areas, and suggesting that more routes should be closed through important habitat areas pending BLM's inventory and subsequent travel and transportation analysis.

Commenters also had concerns regarding management actions that would limit new road construction or hinder the ability to maintain existing routes because of the potential of upgrading the route from one category to another.

Commenters were concerned about access for permitted activities, maintenance of infrastructure, and public health and safety.

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*Response*

All alternatives in the Proposed LUPA/Final EIS, with the exception of Alternative A (No Action Alternative), include management actions that limit motorized travel to existing roads and trails in PHMA.

Route selection:

During subsequent implementation-level travel management planning, new travel management plans would evaluate vehicle routes and determine the need for permanent or seasonal road closures and mode of travel (e.g., motorcycle, ATV, and UTV) restrictions, including noise levels and speed. Implementation-level travel management planning will include public involvement.

The route selection process will be completed as subsequent implementation-level planning using current travel management policies and will include public and local agency involvement.

New road construction:

New road construction was addressed in the Draft LUPA/EIS under Action D-LR-W 4: New ROW authorizations would be evaluated on a case-by-case basis.

If new road construction is necessary, minimize impacts on GRSG habitat through application of RDFs and other mitigation measures. Proposed Plan Actions CTTM 4 and CTTM 5 address the construction and upgrading of roads.

Temporary routes would be addressed during implementation-level project evaluation. Temporary routes are generally not constructed during vegetation treatments.

Route Maintenance:

Routine maintenance of a primitive road would not upgrade the classification to a road.

Definitions for “Road,” “Primitive Route,” and “Trail” were added to the Proposed LUPA/Final EIS.

Roads are linear routes managed for use by low-clearance vehicles having four or more wheels, and are maintained for regular and continuous use.

Primitive roads are linear routes managed for use by four-wheel drive or high-clearance vehicles. They do not normally meet any design standards.

Trails are linear routes managed for human-powered, stock, or OHV forms of transportation or for historical or heritage values. Trails are not generally managed for use by four-wheel drive or high-clearance vehicles.

Permitted Uses:

Needs for administrative access to valid existing rights, grandfathered uses, or permitted activities would be taken into consideration during site-specific NEPA analysis. Restrictions applied to recreational OHV use may not apply to permitted administrative uses.

**Best Available Information Baseline Data**

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*Summary*

The BLM needs to include an update to **Chapter 3** that indicates which field offices have current travel management plans. Commenters suggested additional studies to be included in the Draft LUPA/EIS, such as Lyon and Anderson 2003 and Blickley and Patricelli 2012.

*Response*

**Chapter 2** contains language stating that lands in the planning area managed by the California BLM, Ely (Nevada) District Office, and Forest Service have current travel planning.

Traffic and acoustic impact comments are from studies related to oil and gas exploration. These impacts would be considered during implementation-level travel planning.

Of the suggested studies and references put forth by the commenters, the BLM and Forest Service reviewed them to determine if they presented new information that would need to be incorporated into the Proposed LUPA/Final EIS, were references already included in the Draft LUPA/EIS, or if the references provided the same information as already used or described in the Draft EIS. The BLM and Forest Service determined that the new information provided by the commenters does not present a significantly different picture that would change the analysis, and/or that the information submitted/used in the Proposed LUPA/Final EIS would not result in analysis that was not previously considered in the Draft LUPA/EIS.

### **Impact Analysis**

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#### *Summary*

Commenters questioned the scientific accuracy and references that support much of the impact analysis provided on travel management, including specific requests to provide the studies that support analysis statements.

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#### *Response*

As described above, the Proposed LUPA/Final EIS provides an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. Further, as described above, the BLM used the most recent and best available information that was relevant to a land use planning-level analysis. Impact analysis included in the Draft LUPA/EIS and Proposed LUPA/Final EIS was prepared in accordance with the BLM Travel and Transportation Handbook H-8342 (BLM 2012) and BLM Manual 1626 (BLM 2011).

Land use plan-level analyses are typically broad and qualitative rather than quantitative or focused on site-specific actions (BLM Land Use Planning Handbook H-1601-1, Chapter II, A-B at 11-13 and Chapter IV, B at 29). The Draft LUPA/EIS contains only planning actions and does not include any implementation actions. A more quantified or detailed and specific analysis would be required only if the scope of the decision included implementation actions. As specific actions that may affect the area come under consideration, the BLM will conduct subsequent NEPA analyses that include site-specific project and implementation-level actions. The site-specific analyses will tier to the plan-level analysis and expand the environmental analysis when more specific information is known. In addition, as required by NEPA, the public will be

offered the opportunity to participate in the NEPA process for implementation actions.

The Proposed LUPA/Final EIS includes analysis in **Section 4.12.10**, Travel and Transportation Management, in response to management actions for the Proposed Plan. In addition, the Proposed Plan applies GRSG screening criteria to proposed disturbances in GRSG habitat, requires a three percent disturbance cap on anthropogenic disturbances, and requires the application of RDFs (see **Chapter 2, Actions SSS 1 through SSS 4** in the Proposed LUPA/Final EIS).

### **Mitigation Measures**

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#### *Summary*

The BLM should adopt the invasive species-related prevention/education program found at <http://playcleango.org/>.

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#### *Response*

The BLM and Forest Service reviewed the measures provided by commenters on playcleango.org. The measures were found to be similar to those already provided in **Appendix A**, RDFs and BMPs, in the Draft LUPA/EIS (and now provided in **Appendix D**, RDFs of the Proposed LUPA/Final EIS). Results from reviewing the impact analysis confirmed that the outcomes from the suggested mitigation measures would be the same as those described in the Draft LUPA/EIS; therefore, no change is needed.

### **C.2.21 Tribal Interest**

#### **Consultation Requirements**

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#### *Summary*

BLM did not provide sufficient opportunities for tribes to consult or cooperate. BLM did not respond to submitted tribe comments from June 25, 2013.

The Fort McDermitt Paiute and Shoshone Tribe requests a Nation to Nation and Government to Government consultation with the NV-BLM to have meaningful Consultation on matters related to GRSG. The Tribe believes that there will be severe and irreparable environmental impacts from the proposed project and they have significant concerns about the proposed degradation of cultural resources and losses to their living community.

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*Response*

BLM provided tribes the opportunity to comment and participate in the development of the EIS through government-to-government consultation and as a cooperating agency. These efforts were detailed in **Table 3-87** in the Draft LUPA/EIS. Tribal concerns were specifically listed in **Chapter 3** of the Draft LUPA/EIS (**Section 3.18**), to be brought forward in the analysis detailed in **Chapter 4 (Section 4.17)**. For example, the Summit Lake Paiute Tribe noted that access to GRSG strutting grounds during lekking in order to observe behaviors was critical to continuing tribal traditional practices. The Draft LUPA/EIS, therefore, noted that those alternatives that would result in reductions of GRSG numbers could decrease tribal opportunities to observe lekking behavior, and, conversely, those alternatives that would result in maintaining or increasing GRSG numbers would either maintain or increase tribal opportunities to observe lekking behavior. These discussions were completed for each of the alternatives analyzed in the Draft LUPA/EIS (see **Section 4.17**). In addition, the Wildlife section of the Proposed LUPA/Final EIS contains a specific statement that the ROD does not preclude tribal observations of lekking behavior. Tribes that hold grazing permits were concerned that reductions in AUMs could harm tribes economically. **Section 4.17** then noted that no reductions in AUMs were anticipated under Alternatives A, B, D, E, and F, and thus no economic harm to tribes would be anticipated. **Section 4.17** also noted that it was only under Alternative C that AUMs may be reduced, thereby potentially causing economic harm to tribes that hold grazing permits (p. 4-281). All of these discussions have been retained in the Proposed LUPA/Final EIS. Finally, **Table 6-2**, Tribal Consultation and Outreach for the Nevada and Northeastern California Sub-region Greater Sage-Grouse Proposed LUPA/Final EIS, reports the agencies' tribal consultation and outreach efforts since between the release of the Draft LUPA/EIS and the approval of the Proposed LUPA/Final EIS. The Proposed LUPA/Final EIS also includes actions related to tribal interests (see Proposed Plan Actions TI 1 through 3).

The BLM and Forest Service recognize the tribal sovereignty of federally recognized indigenous tribes as well as the laws that clarify the relationship between the federal government and Native American Tribes and the requirement to conduct consultation. The BLM and Forest Service initiated government-to-government consultation with the Fort McDermitt Paiute and Shoshone Tribe in December 2011. In addition, they were invited to participate in the planning effort as a cooperating agency but chose not to sign a formal MOU. Formal government-to-government consultation continued in 2012 with face-to-face meetings with the BLM in June and July and with the Forest Service in June and November of 2013. The BLM and Forest Service are committed to continue formal consultation with all federally recognized Native American Tribes in the GRSG conservation efforts.

During the development of the Proposed LUPA/Final EIS, the Nevada State Historic Preservation Office (SHPO) provided an electronic letter stating that because there are no ground-disturbing activities associated with this planning process, SHPO does not believe there is a need for consultation.

## **Impact Analysis**

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### *Summary*

The Draft LUPA/EIS fails to identify, consider, and evaluate the economic development, jobs, and taxes that support local services for the tribe, and how these interests might be impacted. Additionally, the Draft LUPA/EIS should recognize tribal transportation plans, changes in land status, ROWs, and projects approved prior to the Draft LUPA/EIS.

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### *Response*

The BLM and Forest Service would not require the ROW grant holder to retrofit existing power lines until the ROW grant is up for renewal. BLM ROWs are issued on a term basis (10/20/30 year terms). Once the term is up, the BLM may renew the ROW and determine additional terms and conditions based on current policies and guidance (43 CFR 2807).

Withdrawals of federal lands are authorized pursuant to FLPMA and are processed through an application process. Terms established for legislative withdrawals are made at the discretion of Congress.

New road construction is addressed in Action D-LR-W 4: New ROW authorizations would be evaluated on a case-by-case basis. If new road construction is necessary, approval would minimize impacts on GRS habitat through application of RFDs and other mitigation measures.

The Draft LUPA/EIS stated (**Section 4.17.2**) that many of the “effects on tribal interests are general and unquantifiable in nature.” These types of impacts were analyzed in **Section 4.17.3**, where it was noted, for example, that future fluid mineral leasing within PPH/PGH habitats could reduce GRS numbers and impact tribal observations of lekking behavior. Nevertheless, the alternatives analyzed in the Draft LUPA/EIS were of various levels of complexity. Some alternatives, such as Alternative A, were silent on a number of critical issues, and therefore the impacts of this alternative on tribal interests remains unknown for those issues. In contrast, the preferred alternative, Alternative D, was not silent on a single critical issue analyzed in the Draft LUPA/EIS, and therefore the preferred alternative contained the full suite of analysis on tribal interests. In addition, the Environmental Justice section of the Draft LUPA/EIS specifically details the potential economic impact of each alternative on tribal

grazing interests. These analyses have been retained in the Proposed LUPA/Final EIS.

### **Cumulative Impact Analysis**

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#### *Summary*

Commenter expressed concern about the ability to expand tribal lands for conservation of GRSG and its habitat.

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#### *Response*

The Proposed Plan Action LR-LT 1 of the Proposed LUPA/Final EIS allows for disposal and acquisition of lands for the conservation of GRSG habitat as long as those actions provide for the net conservation gain to GRSG. Expansion of tribal lands would require Congressional approval and is outside the scope of this analysis.

### **C.2.22 Vegetation Sagebrush**

#### **Range of Alternatives**

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#### *Summary*

Multiple commenters were concerned with vegetation-related issues such as piñon-juniper expansion, sagebrush management, and cheatgrass control. Commenters expressed general concern with the source of information, level of detail, and ability of management actions presented in **Chapter 2** to conserve GRSG habitat.

Commenters also noted that some of the alternatives presented in **Chapter 2** did not adequately address the relationship between vegetation management and livestock grazing management.

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#### *Response*

The Proposed Plan made some adjustments based on the comments, such as developing new vegetation treatment objectives centered on leks and protection measures for old juniper trees and old-growth juniper stands (**Chapter 2**). Other suggestions are not land management plan decisions. All the relevant actions were considered in the range of alternatives. The Draft LUPA/EIS already included some requests concerning allowable treatment methods, priority juniper phases to treat, and use of native species in restoration efforts in Alternative D; these were carried into the Proposed Plan. Other suggestions were contained in other alternatives in the Draft EIS, such as establishing sagebrush “reserves” (Alternatives C and F) and limiting the use of

fire in low-elevation sagebrush (Alternatives B, C, E, and F). Some recommendations are project-level decisions, such as specific locations for vegetation treatments, whether to use prescribed fire, and the length of rest from grazing following treatment. Some suggestions were not feasible or too vague to address. For example, defining “dominance” for invasive plant species depends on the species and ecological site under consideration.

Based on continued coordination between the BLM, Forest Service, and cooperating agencies, the Proposed LUPA incorporates vegetation and GRSG habitat objectives that follow the Sage-Grouse Habitat Assessment Framework Technical Reference-6710-1. In all SFAs and PHMA, the desired condition is to maintain a minimum of 70 percent of lands capable of producing sagebrush with 10 to 30 percent sagebrush canopy cover. The attributes necessary to sustain these habitats are described in Interpreting Indicators of Rangeland Health (BLM Tech Ref 1734-6).

The BLM and Forest Service analyze the relationship between vegetation management and grazing management in the Proposed LUPA/Final EIS based on those actions brought forward for the proposed alternative. The Proposed LUPA/Final EIS also analyzes the effects of proposed livestock grazing on vegetation management. However, specific management actions were not added to the Proposed LUPA/Final EIS to address grazing management as a vegetation management tool.

### **Best Available Information Baseline Data**

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#### *Summary*

BLM needs to consider additional literature in the Proposed LUPA/Final EIS as a basis for the alternatives and analysis. BLM incorrectly interpreted the literature cited in the Draft LUPA/EIS. BLM needs to provide rationale and sources of information to support the alternatives, affected environment, and impacts analysis within the Proposed LUPA/Final EIS (e.g., for ecological site and reference state concepts, VDDT modeling, and utilization levels).

#### *Response*

As described above, the BLM and Forest Service considered the availability of data from all sources, adequacy of existing data, data gaps, and the type of data necessary to support informed management decisions at the land use plan level.

As a result of these actions, the BLM and Forest Service gathered the necessary data essential to make a reasoned choice among the alternatives analyzed in detail in the Draft LUPA/EIS. The BLM and Forest Service used the available data to provide an adequate analysis that led to an adequate disclosure of the

potential environmental consequences of the alternatives. For example, the VDDT outputs were added to the Proposed LUPA/Final EIS (see **Appendix M**) and additional analysis supported by Chambers et al. (2014) and the FIAT.

## **Impact Analysis**

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### *Summary*

BLM has failed to analyze or has incorrectly analyzed impacts on vegetation in the Draft LUPA/EIS, particularly related to pinyon-juniper expansion, sagebrush management, and cheatgrass control.

BLM needs to substantiate the claim that a reduction in grazing would result in increased fuel loads and increase the frequency of wildfire on the landscape and should evaluate whether it is better to manage for higher levels of vegetation, which would lead to higher fire probability or manage for less canopy spacing to reduce fire start potential.

### *Response*

As described above, the Draft LUPA/EIS provides an adequate discussion of the environmental consequences, including the cumulative impacts, of the presented alternatives. **Chapters 4 and 5** of the Proposed LUPA/Final EIS address VDDT, and a VDDT appendix is included in the Proposed LUPA/Final EIS (see **Appendix M**).

Site-specific analysis of vegetation projects will be conducted at the implementation level and is not part of a planning-level decision.

The Proposed LUPA/Final EIS analyzes, under Alternatives C and F in **Chapter 4**, the effects of reducing livestock grazing on fine-fuel loading and subsequent wildfire risk.

## **Mitigation Measures**

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### *Summary*

BLM and Forest Service need to highlight preventative measures to mitigate natural disturbances and increase vegetation resilience and health. The BLM and Forest Service need to provide more detail regarding its vegetation monitoring program. Citations should be provided where necessary to support proposed mitigation measures.

*Response*

Mitigation and monitoring have been further defined as a Regional Mitigation Framework and National Monitoring Framework, detailed in **Appendix I** and **E**, respectively of the Proposed LUPA/Final EIS. The frameworks are incorporated in the Nevada and Northeastern California GRSG Proposed LUPA/Final EIS and were developed to achieve a net conservation gain to the species by implementing conservation actions. Regional mitigation is a landscape-scale approach to mitigating impacts on resources. This involves anticipating future mitigation needs and strategically identifying mitigation sites and measures that can help achieve the greatest conservation benefit for GRSG and its habitats.

If impacts on GRSG or its habitat from authorized land uses remain after applying avoidance and minimization measures, then compensatory mitigation projects will be used to fully offset impacts to achieve conservation benefits. Any compensatory mitigation will be durable, timely, and in addition to that which would have resulted without the compensatory mitigation. Specific mitigation strategies, based on the framework, will be developed by regional teams within one year of the issuance of the Record of Decision and be consistent with the BLM's Regional Mitigation Manual MS-1794, Forest Service Handbook FSH 1909.15, and CEQ regulations at 40 CFR 1508.20. Mitigation measures for specific projects are implementation-level decisions and will be included in site-specific analysis, which is outside the scope of this EIS.

### **C.2.23 Vegetation Riparian**

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*Summary*

Commenters stated that the BLM and Forest Service should not rely on incomplete Ecological Site Descriptions (ESDs). Also, the BLM and Forest Service should recognize that management needs for riparian areas are often site specific and that a one-size-fits-all approach is not supported by science and in the literature. BLM and Forest Service also need to incorporate principles of adaptive management into livestock grazing strategies for riparian areas.

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*Response*

Although not complete, ESDs are in the process of being developed for riparian areas and wetlands. In 2011, the NRCS issued draft guidelines for lotic areas (NRCS 2011, see discussion of this topic in **Section 4.6.5**, Alternative B, Impacts from Riparian Areas and Wetland Management). Use of ESDs, where available, will result in more site-specific and more appropriate objectives and management actions for riparian habitats. No changes were made to the Proposed LUPA/Final EIS.

Meeting standards for rangeland health can be achieved through a variety of livestock grazing strategies, including use of adaptive management techniques. Adaptive management consists of refinements to the management strategy based on annual analysis of monitoring information relative to short-term events and indicators (Wyman et al. 2006). Where monitoring demonstrates that standards are not being met and livestock are the causal factor, principles of adaptive management provide for adjustments in management strategies where appropriate. Annual indicators of livestock grazing impacts on riparian areas, including measurements of residual vegetation (stubble heights) and/or riparian plant utilization, may indicate a need to employ rest or deferment from grazing. Once progress is being made towards meeting GRSG habitat objectives, adaptive management and/or other site-specific management strategies can continue to be employed. Specific allotment-level adaptive management approaches would be defined at the site-specific level through appropriate NEPA. No changes were made to the Proposed LUPA/Final EIS.

### **Range of Alternatives**

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#### *Summary*

Commenters stated that the BLM and Forest Service should not use stubble height as a habitat objective in riparian areas and should develop more appropriate riparian management objectives.

Commenters stated that in addition, PFC is an inappropriate measurement of GRSG habitat suitability.

Commenters stated that the BLM and Forest Service must establish widths for riparian management zones. A requirement of a 1/2-mile buffer around riparian areas and leks for livestock supplements and handling facilities is inadequate to protect GRSG.

Commenters stated that Draft LUPA/EIS should establish a timeframe for meeting goals and objectives for riparian areas.

Commenters stated that the BLM and Forest Service do not provide statistics for condition of riparian areas.

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#### *Response*

Where monitoring demonstrates vegetation objectives are not being met and livestock are the causal factor, a range of management options provide for adjustments in management strategies where appropriate. In terms of applicability of stubble height requirements to various site conditions, consideration is provided for “site capability and potential.” Application of

stubble height criteria occurs at the implementation level and considers site-specific conditions.

The Proper Functioning Condition (PFC) assessment protocol addresses the basic processes that sustain water tables and riparian plant communities. If a riparian area is not functioning properly, then it is likely the biological processes, such as creation of suitable habitat, will be impaired. The PFC protocol is designed to help establish and prioritize management, monitoring, and restoration activities and to provide a focused and effective foundation for determining resource goals and identified resource values (Prichard et al. 1998, Dickard et al. 2014). Use of this process optimizes management of GRSG habitat through a sequential set of steps, which include: determination of resource values; development and prioritization of goals and actions; collection of baseline data and establishment or modification of objectives; implementation of planned actions and effectiveness monitoring, including updating PFC status; and implementation of adaptive management actions (Dickard et al. 2014). No changes have been made to the Proposed LUPA/Final EIS.

Brood-rearing habitat objectives are identified and have been clarified in **Table 2-2** (formerly Table 2-6 in the Draft LUPA/EIS). An updated version of the table is included in the Proposed LUPA/Final EIS.

Management actions in the Proposed Plan are designed to meet riparian vegetation objectives. The timeframe within which those objectives are met is dependent on a number of variables, such as funding and weather/climate conditions (e.g., drought or flood).

All available data for condition of riparian areas across the planning area are summarized in **Table 3-12 of the Proposed LUPA/ Final EIS**. These data, which include riparian acreages, miles of stream, and number of assessments, are expressed as percent of lotic and lentic riparian areas meeting goals. Refer to **Section 3.4**, Riparian Areas and Wetlands, of the Proposed LUPA/Final EIS for a discussion of these findings.

### **Best Available Information Baseline Data**

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#### *Summary*

The BLM and Forest Service provided insufficient sources regarding riparian baseline information.

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#### *Response*

Comprehensive PFC data are not available on a sub-regional level but are displayed where available.

## **Impact Analysis**

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### *Summary*

Commenters asserted that the BLM and Forest Service relied on incorrect assumptions, especially in regards to fluid mineral leasing, when conducting the impact analysis on grazing and riparian area management. The LUP requirements for avoiding disturbance within 400 feet of riparian areas or water ways should provide adequate protection of riparian habitats. The BLM and Forest Service provided no basis for the conclusions in the Draft LUPA/EIS and need to quantify impacts on riparian areas.

The BLM and Forest Service should incorporate additional literature to improve the impact analysis in the Draft LUPA/EIS.

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### *Response*

Potential impacts on riparian areas and wetlands as a result of oil and gas exploration and/or development are typically project specific. Measures to mitigate or reduce identified impacts depend on feasibility and can vary by area or by project. Although avoidance of disturbance within 400 feet of riparian areas is referenced in BLM 1987a and BLM 2005e, these documents provide general guidance for consideration of riparian and wetland habitats as a result of activities associated with leasable minerals management. Depending on the project, it is not always practical or possible to avoid disturbance to riparian areas. For example, it is often necessary to cross drainages with access roads or with the actual pipeline itself. A discussion of potential impacts that have been identified through recently completed environmental analyses for oil and gas projects within the planning area has been added to the Proposed LUPA/Final EIS in **Section 4.6.2**.

Based on the kinds of potential impacts identified for recent projects in the planning area and on the fact that disturbance to riparian areas can always be avoided or mitigated, we assume that impacts will be less for alternatives that close more acres to fluid minerals leasing in comparison to Alternative A.

Additional literature has been reviewed and additional references and corresponding analysis incorporated into the Proposed LUPA/Final EIS.

## **C.2.24 Water**

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### *Summary*

Commenters stated that the BLM must comply with Nevada Water Rights and the plan should not threaten private water rights.

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*Response*

The Proposed LUPA/Final EIS includes discussion of how the protection of GRSG will comply with state water law and continue to recognize valid existing water rights. See **Section 2.3** of this comment report for a more detailed explanation of the Draft LUPA/EIS's compliance with FLPMA and other local, state, and federal plans and policies.

**Best Available Information Baseline Data**

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*Summary*

Commenters stated that the Proposed LUPA/Final EIS should include the number of miles of 303(d)-listed streams located within PHMA and the miles/acres not supporting the Propagation of Wildlife beneficial use water quality standard.

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*Response*

There is no definition of what water quality measures are used to determine if a water is meeting the beneficial use for propagation of wildlife, and it is difficult to determine which specific water quality constituents could impact GRSG. The database for 303(d)-listed water bodies identifies the threats (water quality impacts) to the primary beneficial use of that water body. If wildlife is a secondary beneficial use, the dataset would not identify the specific water body. Thus, a query of streams that are not meeting water quality standards that have a beneficial use to wildlife could underrepresent the extent of the impact on GRSG.

**Impact Analysis**

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*Summary*

Commenters stated that the BLM needs to better analyze impacts on water resources from minerals management.

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*Response*

The Proposed LUPA/Final EIS has been revised to:

- Include additional analysis under Alternative C
- Clarify confusing language under Alternative E
- Revise the Alternative F impact analysis from mineral resources on water resources section in **Chapter 4**

- Include additional analysis related to impacts on water resources from Wild Horses and Burros and Fluid Minerals in **Chapter 4**

### **Cumulative Impact Analysis**

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#### *Summary*

Commenters requested that the BLM and Forest Service clarify how the plan will integrate existing drought management guidelines and requirements.

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#### *Response*

The Proposed LUPA/Final EIS is consistent with the BLM Nevada Drought Management Handbook and national policy related to drought management. For added clarification, a definition of drought has been added to the Proposed LUPA/Final EIS glossary.

### **C.2.25 Wild Horse and Burros**

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#### *Summary*

Commenters stated that the Draft LUPA/EIS failed to comply with the FLPMA and WFRHBA by restricting wild horses. Commenters also stated that the preferred alternative would give the BLM too much discretion to reduce AMLs or zero out HMAs, which would violate the BLM's legal mandate to protect WHB. One commenter stated that "Table 2.1 appears to suggest that feral horse and burro are not subject to reductions in population."

The majority of the commenters stated that grouping livestock and wild horses and burros together in the plan and the equal reduction in forage under the alternatives was not appropriate based on the fact that only 12 percent of the GRS habitat overlapped with HMAs.

Commenters also identified that passages from the WFRHBA were misquoted or edited not to reflect the intent of the act and requested revision to the text.

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#### *Response*

The BLM protects, manages, and controls wild horses in accordance with the Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971 (Public Law 92-195, as amended), the purpose of which is to "manage wild horses and burros within herd management areas (HMAs) designated for their long-term maintenance, in a manner designed to achieve and maintain a thriving natural ecological balance (TNEB) and multiple use relationships." The FLPMA directs the BLM to manage wild horses and burros as one of numerous multiple uses and sustained yield, including mining, recreation, domestic grazing, and fish and

wildlife. It also required a current inventory of wild horses and burros. Additional guidance is found in 43 CFR 4700, Protection, Management, and Control of Wild Free-roaming Horses and Burros. The BLM does not manage for feral horses and burros.

Adjusting AML does fall within the legal mandate of the BLM to protect WHB. Through the BLM's program of monitoring and analysis of data, AMLs have been established and will continue to be adjusted based on the analysis of data and the achievement of management goals and objectives, including rangeland health standards and GRSG habitat objectives. AMLs can be adjusted based on the limitations and capability of the range, including the four habitat components (cover, water, space, and forage), while managing for healthy populations of WHBs in balance with other uses and resources (including GRSG).

Proposed management actions for livestock are separate from those for wild horse and burros (see **Table 2.4**, Description of Alternative Goals and Objectives in the Draft LUPA/EIS and **Table 2-14**, Description of Alternative Goals and Objectives, in the Proposed LUPA/Final EIS). The proposed reduction of AUMS for both domestic livestock and wild horses and burros under Alternative C would increase the potential to achieve the necessary and targeted GRSG habitat management goals to the benefit of GRSG and other native wildlife species. Reducing overall AUM allocations (permitted use for livestock and AMLs for wild horses and burros) would reduce the level of competition and utilization on key perennial grasses, which should allow increased residual plant material for improved nesting and protective cover while increasing overall vegetative health.

The relevant WFRHBA text has been revised in the Proposed LUPA/Final EIS as appropriate.

### **Best Available Information Baseline Data**

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#### *Summary*

Commenters stated that there was insufficient discussion in **Chapter 3** of the Draft LUPA/EIS of the impacts of wild horses and burros on rangeland health and that the Draft LUPA/EIS failed to provide data that demonstrates the different impacts of wild horse and burros and domestic livestock on rangeland health.

Commenters were also concerned that the National Academy of Sciences' 2013 recommendations for reform of federal wild horse management program were not used in this Draft LUPA/EIS.

Comments also identified an error within the **Chapter 3** WHB map and questioned the sources of data used in the Draft LUPA/EIS.

*Response*

Discussion of the impacts on wild horses and burros is included in **Section 4.8** of the Proposed LUPA/Final EIS. Discussion of the influence of wild horses and burros on rangeland health is included in **Chapter 3**, Vegetation of the Draft LUPA/EIS.

The National Academy of Sciences report has been considered in the development of the Proposed LUPA/Final EIS, and actions appropriate to the land management planning level are included. Findings of the National Academy of Sciences would also be considered during site-specific NEPA actions.

Regarding the specific comment that identified that there were errors within the **Chapter 3** wild horse and burro map, the map has been thoroughly reviewed and the area covered by the identified Townships and Ranges are actually within the New Year's Lake Historic HA administered by the California BLM. The BLM has reviewed citations in the Draft LUPA/EIS and revised them as appropriate for the Proposed LUPA/Final EIS.

**Impact Analysis**

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*Summary*

Commenters stated that the BLM failed to analyze the impacts of reductions in forage allocations on wild horses and burros.

Commenters were also concerned that the analysis of impacts on GRSG from wild horses and burros was not distinguished from livestock, which inaccurately skews the impacts.

Commenters also identified contradictions in the document such as where the document states that "Under all alternatives, no direct change would occur to areas allocated as HMAs/WHBTs for wild horses and burros," and then the report proceeds to summarize how parts of alternative would restrict wild horse and burro usage in their own federally designated habitats.

*Response*

Reductions in AMLs are analyzed in **Section 4.8** of the Proposed LUPA/Final EIS. Definitions for AMLs and AUMs are included in **Chapter 8** of the Proposed LUPA/Final EIS.

The USFWS identified grazing as a threat in the NTT and COT report but did not specifically delineate between livestock and wild horse and burro grazing. However, in the development of the Draft LUPA/EIS, BLM did analyze impacts on wild horse and burro and domestic livestock grazing separately and also

analyzed the impacts on GRSG from wild horse and burro and domestic livestock grazing separately. Impacts on GRSG from wild horse and burro and domestic livestock grazing are identified in **Section 4.3** of the Draft LUPA/EIS. Impacts on wild horses and burros from GSRG management strategies are identified in **Section 4.7** of the Draft LUPA/EIS.

Text in the wild horse and burro impact section has been reviewed and the relationship between allocation and management actions clarified in the Proposed LUPA/Final EIS, **Section 4.8**.

Under Alternative F, in contrast, AMLs would be directly reduced by 25 percent for all HMAs within PHMA and GHMA. This would result in a reduction of the established AMLs for all HMAs that are located entirely or partially within mapped occupied GRSG habitat. As a result of AML reduction under Alternative F, costs of wild horse and burro management would increase, due to a need for additional horse gathers for removal and/or population growth suppression (PGS) treatments.

#### **C.2.26 Wilderness Areas/Wilderness Study Areas**

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##### *Summary*

The implementation of Secretary Salazar's Secretarial Order No. 3310, Section 5(d) and compliance with BLM's Manuals 6310 and 6320 will conflict with the Department of the Interior, Environment and Related Agencies Appropriations Act of 2014.

##### *Response*

Secretarial Order 3310 (issued in December of 2010) was never implemented, as the Department of Defense and Full-Year Continuing Appropriations Act of 2011 (PL 112-10) prohibited the use of funds to implement the Secretarial Order during fiscal year 2011. The primary direction under Secretarial Order 3310 was the designation of "Wild Lands" that were to be derived from wilderness characteristics inventories. Since that time, BLM has provided additional policy in 2012 in the form of Manuals 6310 and 6320, which excludes any designation of "Wild Lands" but continues to provide direction for the inventory of public lands for wilderness resources under FLPMA Sections 201 and 202, which is considered appropriate under the Appropriations Act of 2014.

However, this is a land use plan amendment related to GRSG; therefore, consideration of wilderness characteristic management actions is outside the scope of this planning process and is not carried forward for detailed analysis in the Proposed LUPA/Final EIS.

## Range of Alternatives

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### Summary

BLM wilderness management plans and the establishment of lands with wilderness characteristics through Manual 6320 in current and future land use plan revisions should be considered as a means to provide protection for the GRSG and habitat.

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### Response

The management of lands with wilderness characteristics is outside the scope of this planning effort. This plan does not make any decisions regarding the management of lands for protection of wilderness characteristics; however, there may be beneficial impacts to managing lands with wilderness characteristics for purpose of GRSG conservation (see **Section 4.16** in the Proposed LUPA/Final EIS).

Wilderness management plans provide general guidance in the management of the designated area through compliance with the Wilderness Act and policies provided in BLM Manual 6340—Management of Designated Wilderness. Direction for the management of Threatened and Endangered Species and Restoration—Vegetation Management is provided in Manual 6340; it is Wilderness Act policy on wilderness that the wilderness resource is the priority. Other resource actions are subordinate to the preservation of wilderness, and any actions proposed for other resources such as threatened and endangered species can be conducted but at levels minimal enough to preserve the threatened and endangered species but with minimal impact on wilderness characteristics.

BLM is required by policy through Manual 6320 to consider lands with wilderness characteristics for the management and protection/preservation of those characteristics during a land use plan revision. However, this is a land use plan amendment related to GRSG; therefore, consideration of wilderness characteristic management actions is outside the scope of this planning process and is not carried forward for detailed analysis in the Proposed LUPA/Final EIS. These lands are considered for the wilderness characteristics that they contain, as well as size, naturalness, outstanding opportunities for solitude, and/or outstanding opportunities for primitive unconfined recreation. Threatened/endangered or sensitive plant/animal species are not wilderness characteristics; rather, they are supplemental values that are not necessary for the determination of wilderness character. The decision to manage or not manage the wilderness characteristics in any lands with wilderness character area is based upon analysis of all resource use needs and public benefits.

### **Best Available Information Baseline Data**

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#### *Summary*

All lands with wilderness characteristics that overlap with GRSG habitat represent good opportunities for GRSG conservation and should be analyzed to see how managing those lands to protect wilderness characteristics would coincide with GRSG conservation.

The Draft LUPA/EIS needs to consider management of lands with wilderness characteristics in the scope of this process and needs to discuss ongoing lands with wilderness characteristics inventories and any potential conflict with the implementation of Secretarial Order 3310.

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#### *Response*

The focus of management of wilderness characteristics is upon the protection/preservation of wilderness characteristics: size, naturalness, outstanding opportunities for solitude, and/or outstanding opportunities for primitive unconfined recreation. The preservation of GRSG habitat within lands with wilderness characteristics would be a secondary benefit, not the primary benefit of any decision to manage wilderness characteristics. Management decisions on activities within lands with wilderness characteristics are not as stringent as those for WSAs or designated wilderness.

The primary direction under Secretarial Order 3310 was the designation of “Wild Lands” that were to be derived from wilderness characteristics inventories. BLM Manuals 6310 and 6320 excludes any designation of “Wild Lands” but continues to provide direction for the inventory of public lands for wilderness resources under FLPMA Sections 201 and 202, which is considered appropriate under the Appropriations Act of 2014.

### **Impact Analysis**

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#### *Summary*

Commenters requested clarification regarding how the BLM adapts wilderness management plans to provide opportunities to protect and increase GRSG habitat where vegetation treatments are limited or disallowed.

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#### *Response*

Wilderness management plans provide general guidance in the management of the designated area through compliance with the Wilderness Act and policies provided in BLM Manual 6340–Management of Designated Wilderness.

Direction for the management of Threatened and Endangered Species and Restoration–Vegetation Management is provided in Manual 6340; it is Wilderness Act policy on wilderness that the wilderness resource is the priority. Other resource actions are subordinate to the preservation of wilderness, and any actions proposed for other resources such as threatened and endangered species can be conducted but at minimum levels (enough to preserve the threatened and endangered species but with minimal impact on wilderness characteristics). However, this is a land use plan amendment related to GRSG; therefore, consideration of wilderness characteristic management actions is outside the scope of this planning process and is not carried forward for detailed analysis in the Proposed LUPA/Final EIS.

### C.2.27 Predation

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#### Summary

Commenters stated that the BLM and Forest Service failed to consider the threat of predation on GRSG or needed to consider additional information about predation on GRSG.

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#### Response

In the USFWS 2010 Listing Decision (75 *Federal Register* 13910), the USFWS stated “Based on the best scientific and commercial information available, we conclude that predation is not a significant threat to the species such that the species requires listing under the Act as threatened or endangered.” The USFWS acknowledged that increasing patterns of landscape fragmentation are likely contributing to increased predation on the species and identified two locations where predators may be limiting GRSG populations because of intense habitat alteration and fragmentation. One of the two locations identified is within the Nevada and Northeastern Sub-region in Northeastern Nevada.

As stated in **Sections 1.5, 3.5, and 4.3** of the Draft LUPA/EIS, adding management actions specifically to remove predators is outside the scope of this amendment. However, the BLM has authority to manage the habitat and has provided numerous management actions to address predation risk across the range of alternatives. Additional management goals, objectives, and actions as well as RDFs were added to the Proposed Plan (see for example, Proposed Plan Objective PR 1 and Actions PR 1 through PR 4).

### C.2.28 Noise

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#### Summary

Commenters refute the Patricelli study used to determine that low-frequency mining noise does not diminish as it traveled away from its source.

Other commenters state that BLM needs to consider the Patricelli et al. study that suggests new dB(A) levels for interim protections. The BLM also needs to include additional information in **Chapter 3** regarding the relationship between the ambient sound environment and life-cycle requirements for nesting, breeding, and avoiding predation.

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Response

The BLM and the Forest Service complied with CEQ regulations in describing the affected environment. Changes in the Proposed LUPA/Final EIS to the Amstrup and Phillips (1977) research were made in **Chapter 4** under Locatable, Leasable, and Salable Minerals Management. The following literature was also added to the noise discussion in **Chapter 4**:

- Blickley, J. L., Blackwood, and G. L. Patricelli. 2012a. Experimental Evidence for the effects of chronic anthropogenic noise on abundance of GRSG at leks. *Conservation Biology* 26:461-471.
- Blickley, J. L., K. R. Word, A. H. Krakauer, J. L. Phillips, S. N. Sells, J. C. Wingfield, and G. L. Patricelli. 2012b. Experimental chronic noise exposure is related to elevated fecal corticosteroid metabolites in lekking male GRSG (*Centrocercus urophasianus*). *Plos ONE* 7:e50462.

### C.3 COMMENTER LIST

Abdalla, Abdelmoez	Baughman, Mike	Boeger, Karen
Allan, Dave	Bear, Allie	Boies, Steve and Robin
Allan, Susan	Beattie, Jane	Boles, Steve
Allen, Shirley	Beeson, C. Dwight	Bradford, Bang
Amador, Don	Benes, Michelle	Branscomb, Bruce
Bailey, George	Bengochea, Gary L.	Brasher, DeEllen
Ballard, Scott	Benson, Robert and Sandra	Brennan, Michael
Ballard, Thad	Betes, Melissa	Brennan-Petitt, Maureen
Barlow, Mark	Black, Beth	Brinkerhoff, Stacey
Barnes, Tom	Black, William D	Brown, Elaine
Barnett, Cindy	Blackburn, Gary	Bruinsma, Richard
Bartell, Darla	Blanchard, DA	Bryan, Dennis
Bartell, Edward	Bloyed, Darin	Buell, Jim
Bartell, Robert	Bodker, Greg	Bullock, Dean

Bunch, Beth	Curtis, Sean	Falen, John
Bunquet, Wanda	Dahl, Jonathan	Ferrigan, James J.
Bunyard, John and Susie	Dahl, M. Jonathan	Fitch, Clay R.
Buzzetti , Rachel	Dalton, Brad	Fite, Katie
Buzzetti, Mitch	Danser, D. A.	Foiles, Lauren
Byrne, Michael	Davis, Kyle	Fontaine, Jeff
C/O Budd-Falen Law, Joe Hemphill	Davis, Russ	Frank-Churchill, Maurice
Cain, Alan	DeForest, Kathleen	Frey, Leon
Caine, Alan	Deist, Bill	Frisby, Bradford V.
Calabrese, Renato	Delia Scholes, Edward Newbold	Fulstone, Fred
Calkins, Lawrence	DeMulder, Dave	Gardner, Cliff
Carey Cockrell, Debra Anne	Depaoli, Ed	Garrett, Jennifer
Carey, Carolyn	Depaoli, Edwin	Gatzke, James
Carver, James	DeSoto, Randi	Gerber, A. Grant
Casey, Marvin & Edie	Diebold, Tony	Gerber, Travis W.
Cavallo, Janet	Dietrich, Katharine	Gerber, Zachary
Clark, Catherine	Drozdooff, Leo	Giesinger, Chad
Clark, Christopher W.	Duerr, Naomi and Herb	Goicoechea, J. J.
Clark, Randy and Cindy	Dufurrena, Linda	Goicoechea, Julian
Cleveland, Gaylord	Dupree, Gale	Gooch, Scott R.
Cockrell, Will & Debra	Dutson, Richard	Gottschalk, Michael and Marian
Collins, Susan	Eckstein, Ron and Jan	Gourley, Kathy
Conley, Ken	Elder, Joel W.	Grace, Gene
Connelley, James E.	Elkins, Rebecca	Gracian
Conner, Teresa T.	Ellis, Mark G.	Granier, Laura
Connor, Michael J.	Ellison, John	Gregg, Kathleen
Coombs, Duane	Ellison, Peter K.	Gregory, Lynn
Courtney, Willey	Erquiaga, Carl	Gustavson, Donald G.
Cowan, William	Erquiaga, Gene & Wynarda	Hadder, John
Creechley, Dot	Espil, Brent	Hagge, William
Crowley, Tim	Espinosa, Shawn	Hall, Keith
Culver, Nada	Evans, Shane	Hall, Steve B.

Hansen, Keith	Kennedy, Eric C.	Maher, Steve and Amorita
Hanson, Rhonda	Kircher, Joe and Paula	Malone, Patrick
Hapgood, Norma	Kline, Diana	Manji, Neil
Harison, Josh	Koch, Edward D.	Marshall, Zane L.
Hart, Kerry	Koehler, Steven	Martin, Walter
Hartley, Dale and Michelle	Krenka, Henry	Martyn Goforth, Kathleen
Hartman, Stephen D.	Kresge, Jerry	McClerkin, Johnny and Dawn
Heil, Ken	Kryder, Levi	McClintick, Cris
Hemphill, Craig	Kula, Chris	McGarva, Jared
Henderson, Don	La Bate, Ron	McNeill, H. G.
Hennessy, Eileen	La Point, Peggy	Mertens, Jeannie
Heston, Gerald S.	Labrum, Richard	Michelle and Sophie
Heverly, Debra	Lampros, John	Miller, Marilyn
Higbe, Ed	Landstom, Katherine	Molvar, Erik
Hill, John	Langsdorf, Michelle	Montero, Leonard
Hodges, Bennie	Lanier, Rhonda	Mori, Sam
Hooper, Scott	Lassiter, Debbie	Morrison , Lanny
Hubbell, Richard	Lee, Kevin & Amy	Morrison, Isaac
Hummel, Mel	Leinassar, Marianne	Moseley, Claire M.
Jackson, John C.	Lightsoot, Art	Mosley, John
Jaksick, Todd	Liguori, Sherry	Mrowka, Rob
James, Hank	Lister, Bevan	Myers, Charlie L.
Jeffries, Michael C.	Little, David & Bonnie	Nappe, Tina
Jellison, Cary	Lockard, Brian	Naveran, Jim and Raylene
Johnson, Larry	Lockwood, Eleanor	Neff, David
Johnson, Redge	Lowry, Daniel	Neilsen, Steve
Johnson, Rodney	Luttrell, David	Nelson, Richard
Johnson, Teri	Lutz, Wendi	Nelson, Stephen C.
Jones, Chuck	Lynch, Janet	Netherton, Sharon
Juetten, Susan	Lynne, Marjorie	Niendorf, John
Kaleta, Donald and Dolores	Lytle, Ken	O'Connor, Carita
Keesey, Tim	Mach, Craig	Oldfield, Justin

Oster, Sherry	Schieron, Nanette	Steve, Central
Owens-DeMulder, BJ	Schlup, Marci L.	Stevenson, Ronald
Papez, Luke C.	Schultz, Brad	Stewart, John
Paris, Mark	Schweigert, Robert N.	Stix, David
Paris, Rama	Seal, Jette	Stockham, Arlo
Parks, Buck	Seal, Thom	Stovall, Judy
Parks, Jerry	Seddon, Klara	Strickland, Rose
Patrice, Gordon	Sendelbach, Barbara	Struhsacker, Debra W.
Pauley, Trish	Shaddrick, David	Swanson, Sherman
Phillips, Bill	Shaw, Chris	Sweeney, Mike
Powell, Randy	Shirley, Jim	Taschereau, Linda
Ranf, Dan	Sicking, Joe	Taylor, Duane
Rankin, Wayne	Simkins, Connie	Taylor, James
Ratliff, Chris	Skaer, Laura	Therault, Brion
Redd, Robert	Slough, S. Wallace	Thomlinson, John
Redfern, Richard	Smart, Tildon	Thompson, Warren
Reed, Nancy	Smell, Cara	Thorne, Sara
Reinhart, Kimberly	Smith, Byron	Tingey, Orson
Renner, Ira	Smith, Clay	Tomera, Kevin
Reynolds, Ann	Smith, Gerald	Tomera, Paula
Reynolds, Ray	Smith, Julian C.	Tomera, Pete
Rhoads, Sharon	Smith, K. K.	Torell, Ron
Rodriguez, Shammy	Smith, Randy	Tueller, Paul T.
Rogers, James	Snyder, Kyle	Tuma, Matthew
Rogers, Patrick C.	Southern, Thomas L.	Uhalde, Brookyn, Alex, Jessica, & Leslie
Rookstool, Brian	Spates, Georgeanne	Ure, Therese A.
Rovner, Jeffrey	Spear, Nelson	Van Horn, Valerie
Rowley, Randy	Spivak, Randi	Van Kleeck, Kathy
Roy, Suzanne	Spratling, Boyd	Venturacci, Randy
Sacrison, Ralph	St. Clair, Rondey and Virginia	Vesco, Vanse
Salicchi, Darlene	St. Louis, Robert	Vincent, Renee
Salvo, Mark	Steitz, Jim	Vitrano, Paul

Volker, Stephan C.	Williams, Richard	Wolf, Wylin and Lili
Wadsworth, Charmane	Williams, Tom	Wood, Ramsey
Waldock, Elizabeth	Wills, James S.	Woollums, Cathy S.
Watkins, Kathleen	Wilson, April Marie	Wosick, Larry
Whipple, Chuck	Wilson, Bill	Wright, Jay
Whitaker, Randall	Wilson, Dennis R.	Young, Christopher E.
White, Jeff	Wilson, Gary	Youngberg, Lyman
Whitman, Frank	Wilson, Jeffrey	Younkin, Brenda
Wilkinson, Fred	Wilson, Walter	Zimmerman, John R.
Wilkinson, Judy	Wines, Buster	Zimmerman, Ross
Williams, Jean	Winrod, Jay C.	Zocco, Rachelle
Williams, Marta	Witherspoon, Tony	

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