
Appendix K

USFWS Biological Opinion



United States Department of the Interior

Pacific Southwest Region FISH AND WILDLIFE SERVICE

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Memorandum

To: Acting State Director, Nevada State Office, Bureau of Land Management,
Reno, Nevada
Forest Supervisor, Humboldt-Toiyabe National Forest, Reno, Nevada
Regional Forester, Region 4, U.S. Forest Service, Ogden, Utah

From: Field Supervisor, Reno Fish and Wildlife Office, Reno, Nevada

Subject: Informal Consultation for the Nevada and Northeastern California Greater Sage-Grouse Land Use Plan Amendment/Environmental Impact Statement

This memorandum transmits the U.S. Fish and Wildlife Service's (USFWS) concurrence on the effects to species listed under the Endangered Species Act of 1973, as amended (ESA; 16 USC 1531 *et seq.*), from actions associated with the U.S. Bureau of Land Management's (BLM) and U.S. Forest Service's (USFS) (collectively referred to as the action agencies) proposed Nevada and Northeastern California Greater Sage-Grouse Land Use Plan Amendment (LUPA) and accompanying Final Environmental Impact Statement (FEIS). Pursuant to the provisions of section 7 of the ESA, in a memorandum and accompanying Biological Assessment (BA; BLM and USFS 2015a, entire) dated and received by our office on May 8, 2015, the action agencies requested concurrence with their determination that implementation of the proposed LUPA may affect, but is not likely to adversely affect, Webber's ivesia (*Ivesia webberi*), a species listed as threatened under the ESA, and its designated critical habitat.

In their May 8, 2015, memorandum and accompanying BA, the action agencies also determined that implementation of the LUPA will have no effect on the species listed in Table 1, below. The USFWS acknowledges these no effect determinations.

On June 15, 2015, the action agencies submitted a revised BA in response to USFWS requests for clarification as to the effects of the proposed action on Webber's ivesia and its designated critical habitat (BLM and USFS 2015b, entire). This revised BA forms the basis of our evaluation of the action agencies' request for section 7 consultation.

TABLE 1. ESA-listed species and designated critical habitats for which the action agencies have rendered determinations of no effect associated with their implementation of the Nevada and Northeastern California LUPA (the proposed action).

Species	Status
Mammals	
Gray wolf (<i>Canis lupus</i>)	Endangered
Birds	
Western yellow-billed cuckoo (<i>Coccyzus americanus</i>)	Threatened
Western yellow-billed cuckoo proposed critical habitat	
Amphibians	
Oregon spotted frog (<i>Rana pretiosa</i>)	Threatened
Oregon spotted frog proposed critical habitat	
Fish	
Big Spring spinedace (<i>Lepidomeda millispinis pratensis</i>)	Threatened
Big Spring spinedace critical habitat	
Bull trout (<i>Salvelinus confluentus</i>)	Threatened
Bull trout critical habitat	
Clover Valley speckled dace (<i>Rhinichthys osculus oligoporus</i>)	Endangered
Cui-ui (<i>Chasmistes cujus</i>)	Endangered
Desert dace (<i>Eremichthys acros</i>)	Threatened
Desert dace critical habitat	
Hiko White River springfish (<i>Crenichthys baileyi grandis</i>)	Endangered
Hiko White River critical habitat	
Independence Valley speckled dace (<i>Rhinichthys osculus</i>)	Endangered
Lahontan cutthroat trout (<i>Oncorhynchus clarkii henshawi</i>)	Threatened
Lost River sucker (<i>Deltistes luxatus</i>)	Endangered
Lost River sucker critical habitat	
Modoc sucker (<i>Catostomus microps</i>)	Endangered
Modoc sucker critical habitat	
Pahrump poolfish (<i>Empetrichthys latos</i>)	Endangered
Railroad Valley springfish (<i>Crenichthys nevadae</i>)	Threatened
Railroad Valley springfish critical habitat	
Shortnose sucker (<i>Chasmistes brevirostris</i>)	Endangered
Shortnose sucker critical habitat	
Warm Springs pupfish (<i>Cyprinodon nevadensis pectoralis</i>)	Endangered
Warner sucker (<i>Catostomus warnerensis</i>)	Threatened
White River spinedace (<i>Lepidomeda albivallis</i>)	Endangered
White River spinedace critical habitat	
White River springfish (<i>Crenichthys baileyi baileyi</i>)	Endangered
White River springfish critical habitat	
Invertebrates	
Carson wandering skipper (<i>Pseudocopaedese unus obscurus</i>)	Endangered
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	Threatened
Vernal pool fairy shrimp critical habitat	
Plants	
<i>Fritillaria gentneri</i> (Gentner's fritillary)	Endangered
<i>Tuctoria greenei</i> (Greene's tuctoria)	Threatened
<i>Tuctoria greenei</i> critical habitat	
<i>Orcuttia tenuis</i> (Slender Orcutt grass)	Threatened
<i>Orcuttia tenuis</i> critical habitat	

Proposed Action

The BLM and USFS have prepared amendments to their respective land use plans (LUPs) in response to the USFWS's March 2010 "warranted but precluded" finding for greater sage-grouse (GRSG; *Centrocercus urophasianus*), which determined that existing regulatory mechanisms (including but not limited to BLM and USFS LUPs) were inadequate to conserve this species. As with other planning efforts being conducted across the 11-state range of GRSG, the purpose of the Nevada-Northeastern California LUPA is to amend applicable LUPs in order to identify and incorporate appropriate conservation measures to conserve, enhance, or restore GRSG and its habitat. As such, the Nevada and Northeastern California LUPA amends the following land use plans (BLM and USFS 2015c, p.1-4):

- BLM California Resource Management Plans (RMPs):
 - Alturas
 - Eagle Lake
 - Susanville
- BLM Nevada RMPs:
 - Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area
 - Carson City Consolidated
 - Elko
 - Ely
 - Shoshone-Eureka
 - Tonopah
 - Wells
- BLM Management Framework Plans:
 - Paradise--Denio
 - Sonoma Gerlach
- USFS Land and Resource Management Plans (LRMPs):
 - Humboldt
 - Toiyabe

The Nevada and Northeastern California LUPA (hereafter, merely "LUPA") is focused on conserving, enhancing, and restoring the sagebrush ecosystem that GRSG depend upon in order to maintain or increase their abundance and distribution. The LUPA recognizes a planning area encompassing the broader geographic area, regardless of land ownership, within which BLM and USFS will make decisions pertaining to BLM- and USFS-administered lands. The planning area for the LUPA covers all or a portion of 13 counties in northern Nevada and portions of 4 counties in northeastern California (BLM and USFS 2015c, pp. 1-12 – 1-13 and Figure ES-1). While this planning area consists of all lands regardless of ownership, decisions resulting from the LUPA would apply only to BLM- and USFS-administered lands (BLM and USFS 2015c, Figure 1-3). For these lands, the LUPA establishes goals and objectives, allowable uses and management actions necessary to support GRSG habitat objectives, found in Tables 2-2, 2-5 and 2-6 of the LUPA (BLM and USFS 2015c, pp. 2-18 – 2-19 and 2-57 – 2-60). These LUPA determinations will guide future land management actions and subsequent site-specific implementation actions to meet BLM and USFS multiple-use and sustained-yield mandates, while sustaining land health.

The LUPA establishes three categories of GRSG habitat, listed here in order of their conservation value to GRSG: Priority Habitat Management Areas (PHMA; 10,296,100 acres), General Habitat Management Areas (GHMA; 6,516,700 acres), and Other Habitat Management Areas (OHMA; 6,498,000 acres). The LUPA also recognizes Sagebrush Focal Areas (SFA; 2,797,400 acres), which represent a subset of PHMA that contains recognized strongholds for GRSG having the highest densities of GRSG and other criteria important for the species. Although the LUPA planning area includes other BLM- and USFS-administered lands not allocated as habitat management areas for GRSG, the LUPA does not establish any additional management direction for these lands, which will continue to be managed under the existing, underlying LUP applicable to any given area. Thus, the LUPA establishes additional management direction for a total of 23,310,800 acres (PHMA, GHMA, and OHMA) currently under BLM and USFS management. It is these lands which represent the action area for this section 7 consultation (BLM and USFS 2015c, Figure ES-2).

The LUPA affords the highest level of protection for GRSG in the most valuable GRSG habitat, with land use allocations that limit or eliminate new surface disturbance in PHMA and minimize disturbance in GHMA. The LUPA does not propose changes to allowable uses or new management actions in habitat mapped as OHMA. However, the LUPA proposes Required Design Features (RDFs; Appendix D of the LUPA) that would apply when conducting certain activities in GRSG habitat (PHMA, GHMA and/or OHMA, depending on the given RDF) on BLM-administered lands. These RDFs establish minimum specifications to mitigate adverse impacts to GRSG, and represent the only means by which the LUPA would affect activities in GRSG habitat mapped as OHMA. In the evaluation that follows, we specifically acknowledge those RDFs relevant to the action agencies' effects determination for Webber's ivesia and its critical habitat, and our concurrence.

The BLM and USFS have determined that their implementation of the LUPA's direction within the following program areas has the potential to adversely affect Webber's ivesia or its critical habitat:

- Treatment of nonnative, invasive plant species
- Management of livestock grazing
- Management or development of roads and Off-Road Vehicle (ORV) use
- Fire suppression activities

The LUPA proposes beneficial management actions to address nonnative, invasive plant species and modified fire behavior in PHMA and GHMA. The proposed management actions will control or limit further spread of nonnative, invasive plant species, treat existing infestations, and reduce fire risk from existing infestations. Specifically, with regard to these actions, the LUPA proposes to:

- Action VEG-ISM 1: *Prevent the establishment of invasive species into uninvaded areas in PHMAs and GHMAs through properly managed grazing and by conducting systematic and strategic detection surveys, data collection, mapping of these areas, and engagement in early response efforts to contain and eradicate if invasion occurs.*
- Action VEG-ISM 2: *Control the spread and introduction of Nevada Department of Agriculture and California Department of Food and Agriculture listed noxious weeds and undesirable nonnative plant species.*

- Action VEG-ISM 7: *Treat sites in PHMAs and GHMAs that contain invasive species infestations through an Integrated Pest Management (IPM) approach using fire, chemical, mechanical, and biological methods based on site potential in accordance with Fire and Invasive Assessment (FIAT) matrix.*
- Action WFM-HFM 10: *Design fuels treatments to protect sagebrush ecosystems, modify fire behavior, restore ecological function, and create landscape patterns that most benefit PHMAs and GHMAs and promote use by GRSG.*
- Action WFM-HFM 12: *Use burning prescriptions that minimize undesirable effects on vegetation or soils (e.g., minimize killing desirable perennial plant species and reduce risk of annual grass invasion) in PHMAs and GHMAs.*

In addition to proposed management actions, the LUPA proposes this RDF when conducting treatments of nonnative, invasive plant species in all GRSG habitats (PHMA, GHMA, and OHMA):

- RDF Gen 12: *Control the spread and effects of nonnative, invasive plant species (e.g., by washing vehicles and equipment) minimize unnecessary surface disturbance. All projects would be required to have a noxious weed management plan in place prior to construction and operations.*

When specifically conducting treatments of nonnative, invasive plant species in areas occupied by, or designated critical habitat for, Webber's ivesia, the following additional avoidance and minimization measures (conservation measures) would apply:

- Avoidance of treatment methods that would harm Webber's ivesia, like aerial spraying
- Use of a backpack sprayer to prevent herbicide drift
- Application of mechanical and chemical treatments when Webber's ivesia is dormant
- Pre-treatment surveys to identify and mark nonnative, invasive plant locations and provide efficiency in relocating and treating these areas

With regard to livestock grazing, the LUPA proposes management actions to reduce adverse effects from improper livestock grazing in PHMA and GHMA, but does not authorize additional grazing. If GRSG habitat objectives are not being met in these areas, the LUPA authorizes changes to currently-permitted, ongoing grazing that could include: reduction in livestock numbers, additional periods of rest, temporary closure, and modifications to the duration/intensity of grazing. Specifically, the LUPA proposes:

- Action LG 1: *When renewing term grazing permits or leases, or when revising or developing new allotment management plans within PHMAs and GHMAs, if not meeting, or making progress towards meeting land health standards, as associated with not meeting GRSG habitat objectives, and grazing is a significant causal factor, adjust permits and take actions prior to the start of the next grazing season by implementing management strategies, including the addition of one or more of the following (not in priority order):*
 - *Season or timing of use*
 - *Numbers of livestock (includes temporary nonuse or livestock removal)*
 - *Intensity of use*
 - *Type of livestock (e.g., cattle, sheep, horses, llamas, alpacas, and goats)*

- *Extended rest or temporary closure from grazing through BLM administrative actions*
 - *Make allotment unavailable to grazing*
- *Action LG 5: If results from a land health assessment indicate that GRSG habitat objectives are not met in SFAs, PHMAs, or GHMAs and grazing is a contributing factor, and until appropriate modifications (Action LG 1) are incorporated through the permit renewal process, implement management strategies that may include the following:*
 - *Provide periods of rest or deferment during critical growth periods of key vegetation species*
 - *Limit grazing duration and intensity to allow plant growth sufficient to meet GRSG habitat objectives*
 - *Consider any temporary projects that could mitigate livestock impacts (e.g., temporary fencing or temporary water hauling locations;*
 - *Removing livestock within 3-7 days for the remainder of the grazing year once the allowable use levels are reached*
 - *In mountain big sage habitat, the allowable percent utilization is 40 % herbaceous key species and/or 35 % shrub key species.*
 - *In Wyoming Basin big sage habitat, the allowable percent utilization is 35% herbaceous key species and/or 35 % shrub key species.*
 - *In black sage habitat, the allowable percent utilization is 35% herbaceous key species and/or 35 % shrub key species.*
- *Action LG 7: In pastures where post livestock removal use monitoring results in utilization levels that exceed allowable use levels, and livestock are identified as an influencing factor, reduce AUMs grazed the following year accordingly. AUMs cannot be applied to another pasture.*
- *Action LG 21: In PHMA and GHMA, rest areas that have received vegetative treatments from livestock grazing until resource monitoring data verifies the treatment objectives are being met and an appropriate grazing regime has been developed. Any livestock grazing temporary closures or other management changes for the purpose of a vegetation treatment would be done through the grazing decision, prior to treatment.*
- *Action LG 23: After grazing rest associated with vegetation treatments in PHMAs and GHMAs, monitor annually for a minimum of 5 years to ensure project objectives are being maintained.*

The LUPA does not propose RDFs applicable to grazing (whether in PHMA, GHMA or OHMA); therefore, the LUPA would not affect the ongoing management of grazing in OHMA.

The LUPA proposes management actions to address road development and ORV use in PHMA and GHMA, but does not authorize new roads. Specifically, in these areas, the LUPA proposes:

- *Action LR-WD 3: Designate GHMAs as ROW avoidance for utility-scale commercial wind energy facilities (i.e., facilities that generate 20 megawatts or more). In OHMAs apply Action SSS 4 (Directive to apply RDFs).*
- *Action CTTM 2: In travel management plans that have been completed and are being implemented (e.g., Northeastern California plans), continue to limit motorized travel to designated routes in PHMAs and GHMAs. In areas where travel planning has not been*

completed, limit motorized travel to existing routes in PHMAs and GHMAs until subsequent implementation level travel planning is completed and a designated route system is established.

In addition, the LUPA proposes these RDFs for road development and ORV use in GRSG habitats (PHMA, GHMA, and OHMA) found on BLM-administered lands:

- RDF Gen 1: *Locate new roads outside of GRSG habitat to the extent practical.*
- RDF Gen 3: *Limit construction of new roads where roads are already in existence and could be used or upgraded to meet the needs of the project or operation.*
- RDF LR-LUA 1: *Where new ROWs associated with valid existing rights are required, co-locate new ROWs within existing ROWs or where it best minimizes impacts in GRSG habitat. Use existing roads or realignments of existing roads to access valid existing rights that are not yet developed.*

The LUPA proposes the following management actions to address how fire suppression activities are conducted in PHMA and GHMA, with the goal of reducing the size and impact of wildfires in such areas:

- Action WFM-SU 5: *During periods of multiple fires, ensure line officers prioritize decisions by coordinating with resource advisors.*
- Action WFM-SU 6: *To the extent possible, locate wildfire suppression facilities (e.g., base camps, spike camps, drop points, staging areas, and helicopter bases) in areas to avoid disturbing PHMAs and GHMAs. These include disturbed areas, grasslands, roads and trails, or in other areas with existing disturbance or minimal sagebrush cover.*
- Action WFM-SU 10: *Minimize unnecessary cross-country vehicle travel during fire operations in GRSG habitat.*

In addition, the LUPA proposes the following RDF applicable to fire suppression activities in GRSG habitats (PHMA, GHMA, and OHMA) on BLM-administered lands:

- RDF WFM 1: *Power-wash all firefighting vehicles, including engines, water tenders, personnel vehicles, and all-terrain vehicles (ATVs), prior to deploying in or near GRSG habitat to minimize the introduction and spread of undesirable and invasive plant species.*

The proposed action, a LUP decision that defines goals and objectives (desired outcomes), allowable uses and management actions necessary for the conservation of GRSG, is unlike a typical project in that it does not set in motion specific on-the-ground, environment-impacting activities. However since the LUPA does represent a final agency action, the BLM and the USFS have reviewed the general nature of impacts that could potentially occur from the LUPA, including how they potentially affect listed species. At the planning level, there is only sufficient information to generally evaluate the potential impacts of the LUPA on species protected under the ESA and the circumstances or planning and operational constraints that may reduce those potential impacts. The same analytical constraints apply to the action agencies' BA and this USFWS response, especially since the LUPA does not specifically act as the decision document for future, site-specific projects. Future site-specific actions would occur at the project level, guided by the LUPA proposed management actions. As affirmed in the BA, when implementing the LUPA in areas occupied by or designated as critical habitat for federally listed species,

management would be further guided by BLM Manual 6840, Special Status Species Management, and USFS Manual Chapter 2670, Threatened, Endangered, and Sensitive Plants and Animals. These manuals establish broad agency direction to avoid adverse effects to, and facilitate the recovery of, listed species and designated critical habitats for such species.

Programmatic plans are considered permissive in that they allow, but do not authorize or approve, any site-specific projects or actions. They are much like zoning ordinances under which future decisions are made. Decisions at the LUP level establish goals and objectives, identify the types of activities that are allowed or prohibited in specific areas, may specify management standards and minimum habitat condition goals either unit-wide or for specific areas, and may establish a monitoring and evaluation program. The BA does not analyze site-specific actions, and reiterates throughout that the effects determinations therein should not be assumed to apply to site-specific projects. In the future, during project-level environmental planning and analysis, site-specific actions will continue to be analyzed to identify possible effects on listed species and areas designated as critical habitat for such species. Site-specific analysis of such actions may identify a potential for adverse effects to listed species or their critical habitats, even though the programmatic BA may have determined no effect from the implementation of the LUPAs programmatic direction to conserve GRSG. As part of any future project-level environmental analysis, specific conservation measures and strategies may be developed to avoid or minimize any potential for adverse effects to listed species or designated critical habitats, as the details of the site-specific proposed actions become available.

The LUPA, associated section 7 consultation activities, and this USFWS concurrence response do not change the responsibility of the BLM and USFS to consult on site-specific projects as they are developed in the future. Even if future actions are consistent with the LUPA, if those actions may affect any listed species, or designated critical habitat for such species, the BLM and USFS bear the responsibility to consult with the USFWS under section 7 of the ESA to ensure their actions are not likely to jeopardize those species or destroy or adversely modify designated critical habitat. Further, this consultation on the program direction provided in the LUPA to conserve GRSG is to be considered in the context of already-existing LUPs and any associated consultations on those existing LUPs. This consultation does not substitute, or replace the need for, consultations on existing LUPs. The action agencies' effects determinations, and the USFWS's concurrence, have been issued with this context in mind. The USFWS recommends that a copy of this memorandum be retained in agency files pertaining to the LUPA as well as previously-completed LUPs and associated consultations, for future reference.

Effects to Webber's ivesia and its Critical Habitat

Webber's ivesia is a member of the Rosaceae (rose family), and is a low, spreading, perennial forb up to 9.8 inches across with greenish-gray foliage and dark red, wiry stems (Figure 1). The inflorescence is flat-topped, in a head-like or head-shaped cluster, with 5–15 flowers per group. Flowers are about 0.4 inches across and bright yellow with 5 stamens and petals that are much smaller than the sepals. The whole plant becomes reddish-tinged late in the season. Flowering typically begins in May and extends through June.



FIGURE 1. Webber's ivesia (*Ivesia webberi*) – Sarah Kulpa, USFWS.

Webber's ivesia was listed as a threatened species on July 3, 2014, with a total of 2,170 acres of designated critical habitat (USFWS 2014a and 2014b). There are 16 known, extant populations of the species, and 16 critical habitat units (Figure 2).

Webber's ivesia and its designated critical habitat are confined to approximately 359 of the 23,310,800 acres of PHMA, GHMA and OHMA habitat that comprise the action area for this consultation. Webber's ivesia and its critical habitat do not occur in areas mapped as PHMA; therefore, provisions of the LUPA pertaining to PHMA (and the subset of PHMA that is identified as SFA) will have no effect upon the species or its critical habitat. Rather, within the action area, Webber's ivesia and its critical habitat are confined to areas mapped as GHMA (88 acres) or OHMA (271 acres) habitat. Thus, it is the provisions of the LUPA that may be implemented in GHMA or OHMA which carry a potential for adverse effects to Webber's ivesia or its critical habitat.

More specifically, 5 of the 16 known *Ivesia webberi* populations (populations 2, 3, 9, 10, and 11) and 5 of the 16 Webber's ivesia critical habitat units (units 2, 3, 9, 10, and 11) occur on lands allocated as either GHMA or OHMA (BLM and USFS 2015b, Figure 2). Webber's ivesia populations 3 and 11, and 88 acres of critical habitat (units 3 and 11), occur on BLM-administered lands mapped as GHMA. Webber's ivesia and its critical habitat do not occur on any USFS-administered lands mapped as GHMA. Within OHMA, Webber's ivesia populations 2, 9, and 11, and 271 acres of critical habitat (units 2, 9, and 11) occur on both BLM and USFS lands. Below we identify the specific LUPA provisions that could adversely affect the species or its critical habitat, and describe the conservation measures (as stated in the BA and LUPA) that will avoid or minimize this potential for adverse effects.

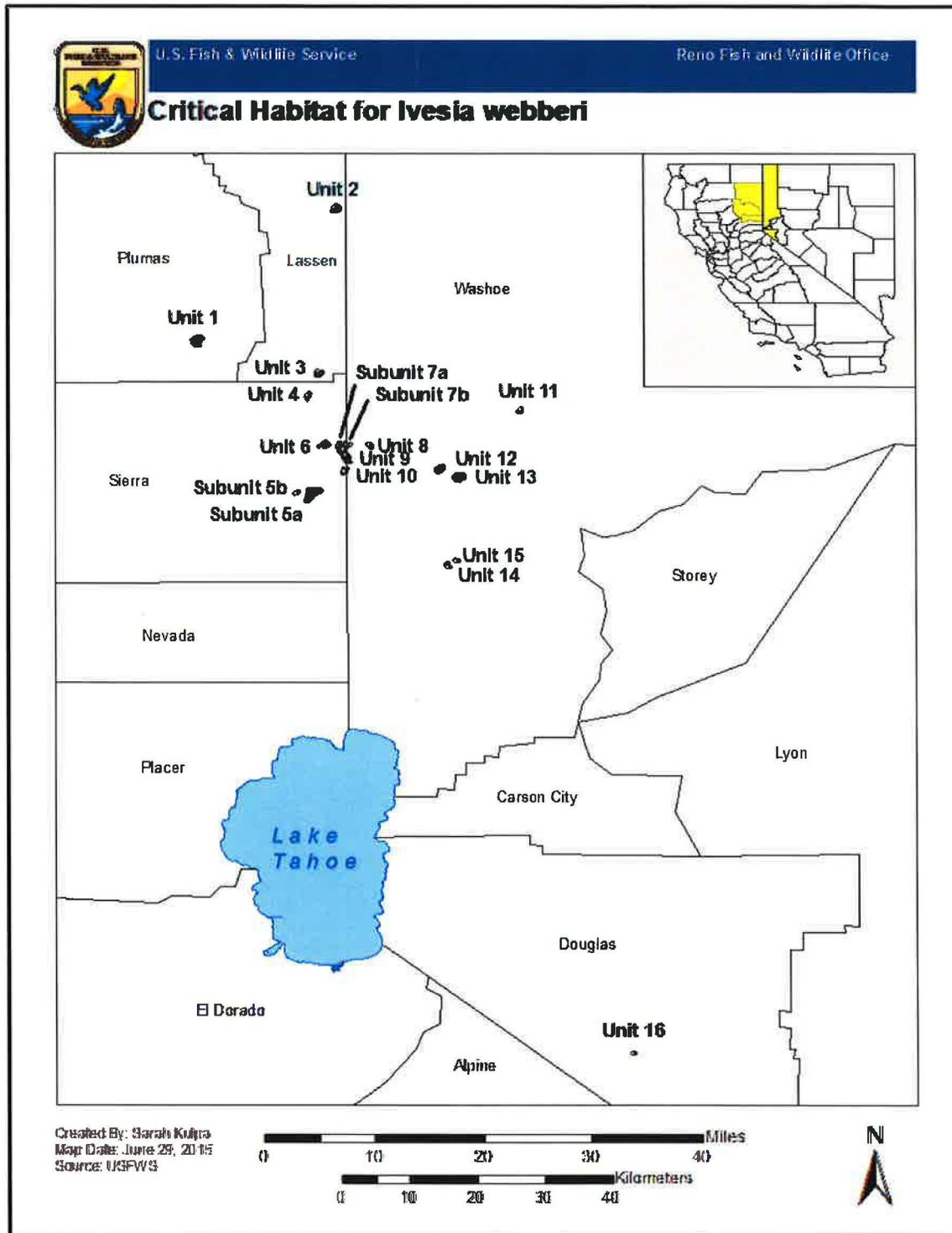


FIGURE 2. Critical habitat units for Webber’s ivesia (*Ivesia webberi*). Populations of the species occur within each critical habitat unit.

Adverse effects to Webber's ivesia or its critical habitat could occur when implementing provisions from the LUPA pertaining to the following activities:

- Treatment of nonnative, invasive plant species
- Management of livestock grazing
- Management of roads, rights-of-ways (ROWs), and Off-Road Vehicles (ORV)
- Fire suppression activities

In their BA, the action agencies reiterate that any possible effects from future, site-specific actions will be addressed in site-specific analyses at the project level, when reasonably certain, explicit actions are identified and proposed. They also determine that adverse effects to Webber's ivesia and its critical habitat would be highly unlikely to result from site-specific implementation of the LUPA, given the over-arching direction to avoid impacts to such species (and critical habitats) found in BLM Manual 6480 (Special Status Species Management) and USFS Manual 2672.1 (Sensitive Species Management). In the evaluation below, we describe the specific subset of LUPA-related activities that create a potential for adverse effects to Webber's ivesia or its critical habitat, and reiterate (from the BA and LUPA) those specific measures that would reduce this potential for adverse effects to insignificant or discountable levels.

Nonnative, invasive plant species adversely affect Webber's ivesia and its critical habitat by increasing wildfire frequency, altering ecological function, competing with and displacing native plant species, and degrading Webber's ivesia habitat. The LUPA proposes management actions to treat nonnative, invasive species in PHMA and GHMA; the LUPA does not specifically propose such treatments in OHMA. Generally speaking, suppression and control of nonnative, invasive plant species is likely to benefit Webber's ivesia and its critical habitat; however, conducting treatments in close proximity to the species (or its critical habitat) could result in short-term adverse effects from the application of fire, chemical, mechanical, and biological methods (specifically, VEG-ISM 2 and 7). Within the action area, this potential exists in that subset of GHMA on BLM-administered lands that contains Webber's ivesia and its critical habitat. However, the following measures would avoid or reduce this potential to insignificant or discountable levels: avoidance of treatments that would harm Webber's ivesia, such as aerial spraying; use of a backpack sprayer to prevent herbicide drift; application of mechanical or chemical treatments during the dormant season for Webber's ivesia; and pre-treatment surveys to identify and mark nonnative, invasive plant locations and provide efficiency in relocating and treating these areas. Over the long-term, the application of fire, chemical, mechanical, and biological treatments to control nonnative, invasive plant species would benefit Webber's ivesia and its critical habitat. Furthermore, the LUPA proposes RDF *Gen 12*, which strives to reduce the spread of nonnative, invasive plant species through washing vehicles and equipment, minimizing unnecessary surface disturbance, and requiring noxious weed management plans for all projects. Application of this RDF throughout the action area would benefit Webber's ivesia and its critical habitat, by further reducing the spread of nonnative, invasive plant species.

Webber's ivesia and its critical habitat can be adversely affected by livestock grazing through the trampling and compaction of established Webber's ivesia plants or seeds, associated soils, and other native plant species that define the species' habitat. The LUPA does not authorize additional grazing; rather, the LUPA calls for additional conservation measures (i.e., actions *LG 1*, *LG 5*, *LG 21*, and *LG 23*, listed and described above) to ensure that ongoing grazing in PHMA

and GHMA is compliant with land health standards and GRSG-specific habitat objectives. If GRSG habitat objectives are not being met, the LUPA authorizes changes to currently-permitted, ongoing grazing that could include: reduction in livestock numbers, additional periods of rest, temporary closure, and modifications to the duration/intensity of grazing. To the extent that such measures are implemented within that subset of GHMA containing Webber's ivesia or its critical habitat, this could provide a small, contemporaneous benefit to this species by reducing ongoing, adverse effects due to livestock grazing. However, if implementation of these measures within PHMA or GHMA were to result in livestock grazing being relocated (either temporarily or permanently) into areas occupied by, or designated as critical habitat for, Webber's ivesia, this could represent an adverse effect. The action agencies have determined, and we concur, that this scenario is highly unlikely given existing agency directives (e.g., BLM Manual 6840 or USFS Manual 2672.1) to avoid adverse effects to listed species or their critical habitats. As with all future, site-specific actions taken to implement the programmatic direction in the LUPA, any possible effects from future proposed actions will be addressed in site-specific analyses once reasonably certain, explicit actions are identified and proposed. We expect such analyses will result in measures sufficient to reduce adverse effects to Webber's ivesia and its critical habitat to insignificant or discountable levels.

Roads, ROWs and ORVs can adversely affect Webber's ivesia and its critical habitat through the loss, degradation, and fragmentation of habitat. Roads can alter the hydrology of a site, and compacted surfaces can limit the expansion of Webber's ivesia populations. In addition, vehicles that venture from existing roads can compact soils, crush plants, and provide a means for nonnative, invasive plant species to invade otherwise intact habitats. However, the LUPA does not authorize new roads. Rather, the LUPA proposes to restrict new roads in PHMA and GHMA, and restrict ORVs to existing routes until travel management plans are completed. Furthermore, RDFs (*Gen 1*, *Gen 3*, and *LR-LUA 1*) will locate new roads outside of GRSG habitat, limit construction of new roads where roads are already in existence, and co-locate new ROWs within existing ROWs. Webber's ivesia and its critical habitat may benefit from these measures, if implemented within this species' habitat. However, if implementation of these measures within PHMA or GHMA for the benefit of GRSG were to result in roads or ORV use being relocated (either temporarily or permanently) into areas occupied by, or designated as critical habitat for, Webber's ivesia, this could represent an adverse effect. The action agencies have determined, and we concur, that this scenario is highly unlikely given existing agency directives (e.g., BLM Manual 6840 or USFS Manual 2672.1) to avoid adverse effects to listed species or their critical habitats. As with all future, site-specific actions taken to implement the programmatic direction in the LUPA, any possible effects from future proposed actions will be addressed in site-specific analyses once reasonably certain, explicit actions are identified and proposed. We expect such analyses will reveal measures sufficient to reduce adverse effects to Webber's ivesia and its critical habitat to insignificant or discountable levels.

Fire suppression activities can adversely affect Webber's ivesia and its critical habitat if the species (i.e., its plants or seeds) or its associated soils and other native plant species (plants or seeds) become trampled, compacted, buried, or uprooted by personnel or equipment. If fire suppression activities contribute to the spread of nonnative, invasive plant species, this can create additional adverse effects to Webber's ivesia or its critical habitat. However, the LUPA minimizes these effects by: ensuring that fire suppression activities will be adequately

coordinated with resource advisors capable of advising fire personnel as to the location of, and means of avoiding, special status plant species such as Webber's ivesia; avoiding (where feasible) PHMA and GHMA when conducting fire suppression activities; minimizing unnecessary cross-country vehicle travel, and designing ecologically-functioning fuel breaks. Furthermore, the LUPA proposes RDF *WFM 1*, which strives to reduce the spread of nonnative, invasive plant species by power-washing all firefighting vehicles prior to deploying in or near GRS habitat. Application of this RDF throughout the action area would benefit Webber's ivesia and its critical habitat, by further reducing the spread of nonnative, invasive plant species into this listed species' habitat. Additionally, local fire management plans prioritize protection of federally listed species (such as Webber's ivesia) second to life and property.

Conclusion

The USFWS has reviewed the proposed action and evaluation of effects as described in the action agencies' BA. We concur with your determination that the proposed action may affect, but is not likely to adversely affect Webber's ivesia and its critical habitat. Our concurrence is based upon:

1. Allocations, management actions and RDFs as described in the BA and LUPA;
2. Associated conservation measures, reiterated above from the BA, that would be expected to reduce the potential for adverse effects to Webber's ivesia when implementing the LUPA;
3. The action agencies' affirmation that implementation of the LUPA will continue to be guided by BLM Manual 6840, Special Status Species Management, and USFS Manual Chapter 2670, Threatened, Endangered, and Sensitive Plants and Animals, which direct the action agencies to avoid adverse effects to, and support the recovery of, listed species such as Webber's ivesia;
4. The action agencies' determination that future, site-specific implementation of the LUPA is not reasonably likely to result in activities being relocated into areas occupied by, or designated as critical habitat for, Webber's ivesia.

These measures collectively reduce the potential for adverse effects to Webber's ivesia and its critical habitat to levels we regard as discountable, or otherwise insignificant.

This response constitutes informal consultation under regulations promulgated in 50 CFR § 402, which establish procedures governing interagency consultation under section 7 of the ESA. As provided in 50 CFR § 402.16, consultation should be re-initiated if: (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered herein; (2) the agency action is subsequently modified in a manner that causes an effect to listed species or critical habitat not considered herein; or (3) a new species is listed or critical habitat designated that may be affected by the action.

Please reference File Number 2015-I-0447 in future correspondence concerning this consultation. If you have any questions or concerns about this consultation or the consultation process in general, please contact me or Sarah Kulpa at (775) 861-6300.



Edward D. Koch

cc: BLM Nevada State Office (Ruhs, Morales)
BLM Idaho State Office (Foss, Ralston)
BLM California State Office (Kenna)
BLM Washington Office, Washington, D.C. (Tripp)
BLM, Battle Mountain District Office (Furtado)
BLM, Carson City District Office (Thomas)
BLM, Elko District Office (Silvey)
BLM, Ely District Office (Herder)
BLM, Winnemucca District Office (Seidlitz)
BLM, Bruneau Field Office, Boise, ID (Thrift)
BLM, Jarbidge Field Office, Jarbidge, ID (Traher)
BLM, Alturas Field Office, Alturas, CA (Sylvia)
BLM, Eagle Lake Field Office, Susanville, CA (Collum)
BLM, Surprise Field Office, Cedarville, CA (Sylvia)
USFS, Humboldt-Toiyabe National Forest (Dunkelberger)
USFS, Ogden, UT (Stein, Rasure)
USFS, Pocatello, ID (Colt)
FWS, Pacific Southwest Regional Office (Region 8), Sacramento (Affonso)
FWS, Pacific Regional Office (Region 1), Portland (Brown, Salata)
FWS, Inter-Mountain Regional Office (Region 6), Denver, (Laye)
FWS, Klamath Falls, OR (Willy)
FWS, Bend, OR (Mauer)
FWS, Boise, ID (Schmidt)

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- [BLM and USFS] Bureau of Land Management and U.S. Forest Service. 2015b. Biological assessment for the Nevada and Northeastern California Greater Sage-Grouse land use plan amendment and final environmental impact statement. Bureau of Land Management, Nevada State Office, Reno, Nevada. June 15, 2015. 136 pp.
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- [USFWS] U.S. Fish and Wildlife Service. 2014a. Endangered and threatened wildlife and plants; threatened species status for *Ivesia webberi*. Federal Register 79:31878–31883.
- [USFWS] U.S. Fish and Wildlife Service. 2014b. Endangered and threatened wildlife and plants; designation of critical habitat for *Ivesia webberi*. Federal Register 79:32126–32155.

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