North Dakota Greater Sage-Grouse

Resource Management Plan Amendment and Environmental Impact Statement

Substantive Comments on the Draft RMPA/EIS

US Department of the Interior
Bureau of Land Management
June 2015

BLM

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SUBSTANTIVE COMMENTS ON THE NORTH DAKOTA GREATER SAGE-GROUSE DRAFT RMPA/EIS

After publishing the North Dakota Greater Sage-Grouse Draft Resource Management Plan Amendment (RMPA)/Environmental Impact Statement (EIS), the US Department of the Interior, Bureau of Land Management (BLM) conducted a public comment period from September 27, 2013, to January 13, 2014. The BLM received written comments by mail, e-mail, and submission at the public meetings. Comments covered a spectrum of thoughts, opinions, ideas, and concerns. The BLM recognizes that commenters invested considerable time and effort to submit comments on the Draft RMPA/EIS and has developed a comment analysis methodology to ensure that all comments were considered as directed by the National Environmental Policy Act (NEPA) regulations.

According to NEPA, the BLM is required to identify and formally respond to all substantive public comments. The BLM 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 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 RMPA/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 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, the BLM relied on the Council on Environmental Quality's 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 RMPA/EIS
- Questions, with a reasonable basis, the adequacy of the information and/or analysis in the Draft RMPA/EIS
- Presents reasonable alternatives other than those presented in the Draft RMPA/EIS that meet the purpose and need of the proposed action and addresses 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 RMPA/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 RMPA/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 RMPA/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."
- "The 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 drilling, no mining, and no off-highway vehicles (OHV)."
- "More areas should be made available for multiple uses (drilling, OHVs, right-of-ways [ROW)]) 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 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. The Proposed RMPA/Final EIS has been technically edited and revised to fix typographic errors, missing references, definitions, and acronyms, and other clarifications as needed.

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

Campaign Letters

Several organizations and groups held standardized letter campaigns for the National Greater Sage-Grouse Planning Strategy 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 RMPA 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 commenter list and are available from the BLM upon request.

How This Report is Organized

This report is organized by the primary topic and then by specific issue subtopics that relate to an aspect of NEPA, the BLM planning processes, or specific resources and resource uses. For example, all substantive comments that relate to aspects of NEPA fall under the heading "**1**, NEPA". This includes subsections such as cooperating agencies, range of alternatives, and Geographic Information Systems (GIS) data and analysis. You can find the comments related to Greater Sage-Grouse under the "**3**, Greater Sage-Grouse" heading. Each topic or subtopic contains the substantive comments identified for that topic area. See sample below.

1.1 Cooperating Agency Relationships ← Topic or subtopic name

Unique CommentWorks database code → ***Comment Number: NDSG-14-0007-8***

Comment Excerpt Text:

Substantive comment extracted from comment letter → Page 4-116 states that "standards would be developed with the state and local objectives would be developed at the field office in partnership with North Dakota Game & Fish Department and USFWS." There appears to be a misprint in this sentence; we assume that standards would be developed by amending state and local objectives at the field office level by BLM staff working with North Dakota Game & Fish Department and USFWS. We question USFWS' involvement in this process, as the sage-grouse is not a listed species and USFWS has no authority over BLM land-use decisions.

They layout of this report corresponds with **Appendix L**, Response to Comments on the Draft Resource Management Plan Amendment/Environmental Impact Statement, of the Proposed RMPA/Final EIS, available on the project website: https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=36811.

Note: In the North Dakota Greater Sage-Grouse Draft RMPA/EIS, Alternatives B, C, and D delineated priority habitat (PH) and general habitat (GH). In the Proposed RMPA/Final EIS, PH has been changed to priority habitat management areas (PHMA) and GH has been changed to general habitat management areas (GHMA). The boundaries of these areas have not changed. Similar to the Draft RMPA/EIS, the areas delineated as PHMA and GHMA would be the same under Alternatives B, C and D, and the Proposed Plan Amendment in the Final EIS. Because the public comments refer to the Draft RMPA/EIS, the terms PH and GH may be used in the comments.

1. NEPA

1.1 Cooperating Agency Relationships

Comment Number: NDSG-14-0007-8

Comment Excerpt Text:

Page 4-116 states that "standards would be developed with the state and local objectives would be developed at the field office in partnership with North Dakota Game & Fish Department and USFWS." There appears to be a misprint in this sentence; we assume that standards would be developed by amending state and local objectives at the field office level by BLM staff working with North Dakota Game & Fish Department and USFWS. We question USFWS' involvement in this process, as the sage-grouse is not a listed species and USFWS has no authority over BLM land-use decisions.

1.2 Range of Alternatives

Comment Number: NDSG-14-0004-7

Comment Excerpt Text:

We recommend that BLM add an alternative which analyzes the impacts, using the best available science, of management requirements that are less restrictive than the NSO stipulations in PPH and CSU in PGH as described in the Preferred Alternative or the imposition of no leasing as described in Alternatives B and C.

1.3 Best Available Data

Comment Number: NDSG-14-0003-2

Comment Excerpt Text:

The following new information related to sage-grouse and sagebrush steppe was published during preparation of the ND DRMPA/EIS and should be considered in the plan, as appropriate.

1. Beschta, R. L., D. L. Donahue, D. A. DellaSala, J. J. Rhodes, J. R. Karr, M. H. O'Brien, T. L. Fleischner, C. Deacon-Williams, Cindy. 2012. Adapting to climate change on western public lands: addressing the ecological effects of domestic, wild, and feral ungulates. Environmental Management, available at http://fes.forestry.oregonstate.edu/sites/fes.forestry.oregonstate.edu/files/PDFs/Beschta/Beschta2012EnvMan.pdf.

- Domestic livestock and other ungulates alter vegetation, soils, hydrology, and wildlife species composition and abundances that exacerbate the effects of climate change on western landscapes. Removing or reducing livestock grazing across large areas of public land would alleviate a widely recognized and long-term stressor and make ecosystems less susceptible to the effects of climate change.

2. Knick, S. T., S. E. Hanser, K. L. Preston. 2013. Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range, U.S.A. Ecology and Evolution, available at http://onlinelibrary.wiley.com/doi/10.1002/ece3.557/pdf.

- Sage-grouse require sagebrush-dominated landscapes containing minimal levels of anthropogenic disturbance. Ninety-nine percent of remaining active sage-grouse leks were in landscapes with less than 3 percent disturbance within 5 km of the lek, and 79 percent of the area within 5 km was in sagebrush cover.

3. Patricelli, G. L., J. L. Blickley, S. L. Hooper. 2012. The impacts of noise on greater sage-grouse: a discussion of current management strategies in Wyoming with recommendations for further research and interim protections. Unpublished report. Prepared for the Bureau of Land Management, Lander Field Office and Wyoming State Office, Cheyenne and Wyoming Game and Fish Department; available at http://www.wy.blm.gov/jio-papo/papo/wildlife/reports/sage-grouse/2012sgNoiseMon.pdf.

- Maximum noise levels from land use and development allowed under the Wyoming state sage-grouse core area policy near sage-grouse leks and other habitat are untested, may be difficult to measure, and may be too

high to support sage-grouse conservation within and outside core areas.

4. Reisner, M. D., J. B. Grace, D. A. Pyke, P. S. Doescher. 2013. Conditions favouring Bromus tectorum dominance of endangered sagebrush steppe ecosystems. Journal of Applied Ecology, available at http://onlinelibrary.wiley.com/doi/10.1111/1365-2664.12097/pdf.

- Cattle grazing exacerbates cheatgrass (Bromus tectorum) dominance in sagebrush steppe by decreasing bunchgrass abundance, shifting and limiting bunchgrass composition, increasing gaps between perennial plants, and trampling biological soil crusts. Grazing was also not found to reduce cheatgrass cover, even at the highest grazing intensities.

5. Copeland, H. E., A. Pocewicz, D. E. Naugle, T. Griffiths, D. Keinath, J. Evans, J. Platt. 2013. Measuring the effectiveness of conservation: a novel framework to quantify the benefits of sage-grouse conservation policy and easements in Wyoming. PLoS ONE 8(6): e67261. doi:10.1371/journal.pone.0067261. Available at www.plosone.org/article/fetchObject.action?uri=info%3Adoi%2F10.1371%2Fjournal.pone.0067261&representation=PDF.

- Modeling indicates that the Wyoming sage-grouse core area conservation strategy, fully applied, plus $250 million invested in targeted conservation easements, would slow, butnot stop projected sage-grouse population declines in the state. The Wyoming core area policy prohibits or restricts surface occupancy within 0.6 miles of sage-grouse leks, generally limits development to one site per 640 acres, and limits cumulative surface disturbance to 5 percent per 640 acres in core habitat.

6. Taylor, R. L., J. D. Tack, D. E. Naugle, L. S. Mills. 2013. Combined effects of energy development and disease on greater sage-grouse. PLoS ONE 8(8): e71256. doi:10.1371/journal.pone.0071256. Available at http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0071256.

- The predicted cumulative impact of dense fluid minerals development (3.1 wells/km2) and West Nile virus outbreaks on greater sage-grouse quadrupled inactivity at leks in northeast Wyoming compared to the individual impacts of development or disease. Noting the deleterious effects of cumulative impacts on sage-grouse, the researchers concluded that "conservation measures should maintain sagebrush landscapes large and intact enough so that leks are not chronically reduced in size due to energy development, and therefore vulnerable to becoming inactive due to additional stressors." They also advised "placing new developments outside of core [habitat] areas has the greatest likelihood of sustaining [sage-grouse] populations."

7. Blickley, J.L., K. R. Word, A. H. Krakauer, J. L. Phillips, S. N. Sells, C. C. Taff, J. C. Wingfield, G. L. Patricelli. 2012. Experimental chronic noise is related to elevated fecal corticosteroid metabolites in lekking male greater sage-grouse (Centrocercus urophasianus). PLoS ONE 7(11): e50462. doi:10.1371/journal.pone.0050462.

- Anthropogenic noise from energy development and roads can cause greater sage-grouse to avoid otherwise suitable habitat and increase stress responses in birds that do remain, which could affect disease resistance, survival and reproductive success. The effects of noise from many common activities in the sagebrush biome significantly expands the human footprint on the landscape and impacts on sage-grouse.

8. Howe, K. B., P. S. Coates, D. J. Delehanty. 2014. Selection of anthropogenic features and vegetation

characteristics by nesting Common Ravens in the sagebrush ecosystem. Condor 116: 35-49.

- The proximity of transmission lines was, among other factors, predictive of nest location for common ravens in/near sagebrush steppe. The research supports other findings that transmission lines subsidize ravens, a predator of sage-grouse.

Comment Number: NDSG-14-0015-2
Comment Excerpt Text:
The BLM should ensure that new information on connectivity from new studies including the USGS Range-Wide Genetic Connectivity of Greater Sage-Grouse Populations study (http://fresc.usgs.gov/research/researchPage.aspx?Research_Page_ID=123) is incorporated and appropriate conservation measures are adopted in the RMPA.

1.4 GIS DATA AND ANALYSIS

Comment Number: NDSG-14-0004-6
Comment Excerpt Text:
The RMPA/DEIS indicates "This plan amendment addresses GRSG habitat within the BLM North Dakota Field Office (NDFO). The BLM Montana State Office has mapped this habitat preliminarily, in coordination with the North Dakota Game and Fish Department." [Emphasis added] The rationale for designating only preliminary habitat is unclear since both priority and general habitats have already been mapped. Moreover, BLM does not explain how and when the habitat designations will be finalized. Figure 3.1 and Figure 3.2 depict both PPH and PGH as simply wide swaths of contiguous land across 3 counties. BLM needs to justify in the RMPA/DEIS the manner and basis for refining (and finalizing) these PPH and PGH data moving forward.

Comment Number: NDSG-14-0007-3
Comment Excerpt Text:
The rationale for designating only preliminary habitat is unclear, since both priority and general habitat have already been mapped. How and when will the habitat designations be finalized?

Comment Number: NDSG-14-0009-2
Comment Excerpt Text:
The BLM seems to have adopted the PPH and PGH mapped in coordination with the NDGFD as the PH and general habitat (GH) referred to throughout this Draft RMPA/EIS. Clarification is needed on whether the PH and GH referred to throughout the document are the ultimate boundaries. If so, the BLM needs to release the data which supports the drastically restrictive 5.3 mile buffer surrounding leks delineating the PH and the scientific justifications for the conservation measures on the GH.

1.5 MITIGATION MEASURES

Comment Number: NDSG-14-0004-11
Comment Excerpt Text:
We are concerned that the agencies are in the process of finalizing a monitoring framework (Appendix E) based upon the flawed COT report. We question how such a framework can be adopted without adequate disclosure and justification in the RMPA/DEIS.

Comment Number: NDSG-14-0012-4
Comment Excerpt Text:
The reasons why a habitat suitability assessment would not be developed for Alternatives B and C were not discussed in the DEIS. Assessing the habitat suitability for GSG seems to be a reasonable (perhaps critical) first step to developing a robust and effective mitigation strategy for land use decisions, particularly for decisions involving resources like energy development where the BLM has limited discretion to influence.

Comment Number: NDSG-14-0021-1
Comment Excerpt Text:
it is not clear from this discussion how complicated collaboration across jurisdictional boundaries will occur, especially given that 31 percent of the planning area is private lands. Is this collaboration linked to Appendix E description of the Mitigation Implementation Team for the Management Zone 1 Western Association of Fish and Wildlife Agencies?

2. Federal Land Policy and Management Act

Comment Number: NDSG-14-0002-3

Comment Excerpt Text:

The BLM must ensure that oil and gas development is not unreasonably limited in the Greater Sage-grouse Draft RMPA and DEIS. Under FLPMA, mineral exploration and development is specifically defined as a principal or major use of the public lands. 43 U.S.C. § 1702(l). FLPMA requires the BLM to foster and develop mineral activities, not stifle and prohibit such development.

Comment Number: NDSG-14-0004-4

Comment Excerpt Text:

FLPMA requires BLM to foster and develop mineral activities, not stifle and prohibit such development. It does not appear this was one of the agencies' goals when preparing the RMPA/DEIS. Rather it is clearly evident that the agencies are intent upon limiting what it considers to be a damaging presence on federal lands.

Comment Number: NDSG-14-0004-9

Comment Excerpt Text:

Because BLM is essentially establishing a new rule to require compensatory mitigation, in ways it sees fit without consideration of need or lease rights, it is evident that BLM believes it has authority to unilaterally modify its current commitments to operators with respect to APDs, leases, rights-of-way or approved projects to require compensatory mitigation. This is clearly contrary to FLPMA, further, it signals BLM is willing to place greater importance on aesthetic resource values over other uses, such as minerals and other commodity development.

Comment Number: NDSG-14-0007-2

Comment Excerpt Text:

The BLM's proposed amendments to the RMP threaten to shift the primary use of lands within grazing districts from livestock grazing to sage-grouse preservation, which would be in violation of the Taylor Grazing Act and the Federal Land Management Policy Act.

3. Greater Sage-Grouse

3.1 NTT Report/Findings

Comment Number: NDSG-14-0002-1

Comment Excerpt Text:

We disagree with BLM's inappropriate reliance upon the NTT report as its principal guiding document, particularly for oil and gas leasing and operations, as it failed to utilize a systematic cataloging and quantitative evaluation to determine the type, extent and effectiveness of mitigation measures currently employed by the oil and gas industry.

Comment Number: NDSG-14-0002-2

Comment Excerpt Text:

Overall, the BLM places undue importance on the December 21, 2011, Report on National Greater Sage-grouse Conservation Measures developed by the BLM's Sage-grouse national technical team ("NTT"). As demonstrated in the attached report by Dr. Rob Ramey, the BLM science and conservation measures contained therein are not based on sound or reliable science. In fact, it appears the BLM developed onerous mitigation measures and then attempted to justify the same by any means necessary. In other words, the BLM selected the conservation measures it wanted to impose first and then attempted to find science to justify those restrictions rather than identifying appropriate mitigation measures based on scientific study. ConocoPhillips requests the BLM review, in its entirety, its reliance on the NTT Report to ensure that only the most appropriate science is utilized.

Comment Number: NDSG-14-0004-1

Comment Excerpt Text:

the NTT report is clearly biased as evidenced by its assertion that oil and gas "impacts are universally negative and typically severe," particularly since the NTT utilized little or no useful and site-specific data upon which to base its conclusions.

Comment Number: NDSG-14-0009-1

Comment Excerpt Text:

Not only does the NTT report rely on older research, it fails to consider technological advancements in extracting oil and gas. The report was conducted with a foregone conclusion and selectively presents "scientific" information to support overly burdensome conservation measures that are not based on local conditions.

3.2 COT REPORT

Comment Number: NDSG-14-0004-10

Comment Excerpt Text:

the COT report fails to meet the best available science standard of the ESA and the standards of objectivity, utility and transparency required by the Data Quality Act.

Comment Number: NDSG-14-0004-2

Comment Excerpt Text:

Instead, the COT report chose to limit its recommendations to restrictions on activities that have never been demonstrated to cause a population decline. The COT report's recommendation to regulate nonthreatening activities combined with its disregard of a major, actual threat to GRSG demonstrates a clear lack of scientific integrity in the COT report. It is also important to recognize that there is no evidence of any reproducible, quantitative methodology used in assigning rankings to threats in each population and GRSG management zone. The ranking of threats in the COT report appears to be entirely subjective.

Comment Number: NDSG-14-0004-3

Comment Excerpt Text:

BLM should carefully reconsider its reliance on the COT report in the RMPA/DEIS. To do otherwise would be inconsistent with the ESA, the Data Quality Act (DQA) and current Presidential and Interior Department memoranda and orders.

Comment Number: NDSG-14-0012-1

Comment Excerpt Text:

The use of intentional prescribed fire in GSG breeding and winter habitat is specifically discouraged in the COT Report. We request the DEIS be modified for all Action Alternatives to eliminate the use of prescribed fire to align management actions with Conservation Measure 2 (COT Report, p. 40) and describe the effectiveness of other means to retain and restore healthy sagebrush communities within all Action Alternatives.

3.3 RANGE OF ALTERNATIVES

Comment Number: NDSG-14-0003-1

Comment Excerpt Text:

The Sage-Grouse Recovery Alternative, though based on the NTT report recommendations, makes additional and stronger management prescriptions for a number of land uses and related effects in sage-grouse range, including livestock grazing, vegetation management, invasive plants, and fire management. The recovery alternative is a reasonable, scientifically sound and complete management alternative that the BLM should analyze in the ND DRMPA/EIS.

Comment Number: NDSG-14-0012-2

Comment Excerpt Text:

If sagebrush habitat in the study area (presumably the same habitat now delineated as PH and GH in the DEIS) is limited due to a lower natural site capability or site potential compared to other parts of the GSG range, then it is unclear to the Service why the BLM would propose shrub/sagebrush management objectives for Alternatives B and C at a higher shrub canopy cover than the PH and GH can support. However, if the BLM is proposing to simply manage sagebrush at a lower suitability for GSG under Alternative D, as it appears, then we have significant concern with this approach in the absence of sound reasoning. We could not find any justification for this approach nor could we find an analysis of effects on GSG from the BLM managing non-winter, shrub/sagebrush canopy cover at eight percent.

Comment Number: NDSG-14-0012-7

Comment Excerpt Text:

Based on the information presented in the DEIS, the Service found little difference in the likely biological outcomes associated with Alternatives B and C. It appears the key difference between Alternatives B and C is the administrative designation of an ACEC associated with Alternative C. However, throughout the document extensive reference is made that the distinguishing feature between Alternatives B and C is that management actions and allowable uses provided in Alternative B within PH are expanded in Alternative C to include the GH. The Service found that the discussion of the biological benefits associated with including an additional 80 acres (the total amount of GH on BLM surface lands) in Alternative C compared to Alternative B were indiscernible. If the BLM believes there is measureable biological merit or value on the basis of the 80 acres of GH habitat, the Service believes additional discussion is necessary to make this readily apparent.

Comment Number: NDSG-14-0014-10

Comment Excerpt Text:

Blickley et al. (2012) played back recorded continuous and intermittent anthropogenic sounds associated with natural gas drilling and roads at leks. For 3 breeding seasons, they monitored sage grouse abundance at leks with and without noise. Peak male attendance (i.e., abundance) at leks experimentally treated with noise from natural gas drilling and roads decreased 29% and 73%, respectively, relative to paired controls. Decreases in abundance at leks treated with noise occurred in the first year of the study and continued throughout the experiment. Intermittent noise had a greater effect than continuous noise. Female attendance averaged a decrease of 48%; male attendance averaged a decrease of 51%. Road noise leks decreased by 73% versus control leks; drilling noise leks decreased 29% versus control leks. There were residual effects of noise after the treatment ceased. These researchers concluded that sage grouse do not habituate to noise impacts over time. With these findings in mind, the BLM should apply a limit of 32 dBA at 0.25 mile from the lek.

Comment Number: NDSG-14-0014-15

Comment Excerpt Text:

Kaczor (2008) found that a residual stubble height of 10.2 inches best provided for the habitat needs of nesting sage grouse in South Dakota. The RMP should include at least one alternative that targets a residual summer height of 18 cm to 10.2 inches throughout sage grouse nesting habitat during the nesting season.

Comment Number: NDSG-14-0014-16

Comment Excerpt Text:

The National Technical Team Report prescribes a number of conservation measures for sage grouse General Habitat, the lands outside priority habitat. These include avoidance for the purposes of rights-of-way and enhanced riparian area protections, for example. The North Dakota RMP amendment, however, focuses sage grouse conservation measures under Alternative B (based on NTT recommendations) on Priority Habitat. DEIS at ES-12. Under current BLM policy, the agency must fully consider implementing the recommendations of the National Technical Team in at least one alternative, and this direction applies to General Habitats. This shortcoming should be addressed in the Final EIS, and General Habitats should be accorded the protections necessary to maintain viable populations of this BLM Sensitive Species.

Comment Number: NDSG-14-0014-17

Comment Excerpt Text:

We are concerned that the BLM has not fully considered the Sage-grouse Recovery Alternative or the National Technical Team recommendations in full, and has not provided sufficient explanation for why this has occurred. In particular, measures to protect sage grouse wintering habitat are almost entirely absent from all alternatives, and there is no impacts analysis for permitted activities on wintering sage grouse and their habitats.

Comment Number: NDSG-14-0014-19

Comment Excerpt Text:

The BLM has also not considered protections for sage grouse for lands outside Priority Habitats, and has not fully considered NTT or Sage-grouse

Recovery Alternative measures proposed for sage grouse general habitats. What will be the impact of permitted activities on grouse populations that fall outside the Priority Habitats under this plan? The DEIS is silent on this matter. The DEIS does not provide sufficient detail in its analysis to determine the impacts of permitted activities on sage grouse under either alternative.

Comment Number: NDSG-14-0014-2

Comment Excerpt Text:

The Preferred Alternative would no percentage limit on anthropogenic disturbance in the planning area. DEIS at 2-34. We would ask the BLM to apply the findings of Knick et al. (2013), which concluded in relevant part that 99% of the active leks in the study area (encompassing the entire western range of the greater sage grouse) were surround by habitat with 3% surface disturbance or less. See Attachment 1. We would ask the responsible official to consider the findings of Kirol (2012), which found for his study area in Wyoming that surface disturbance greater than or equal to 4% of the land area had a significant negative impact on greater sage grouse brood rearing habitat. See Attachment 2. We would ask the responsible official to consider the findings of Copeland et al. (2013), which found that if all of the State of Wyoming sage grouse policy provisions (which include a 5% disturbance cap calculated using a Disturbance Density Calculation Tool) were implemented fully and to the letter, that a 9 to 15% decline in greater sage grouse populations would still occur statewide, including a 6 to 9% decline within designated Core Areas (where the 5% disturbance cap would be applied). In light of these findings, a 3% limit on human-caused disturbance of sagebrush habitats should be applied on a square-mile section-by-section basis in both Priority and General Habitats.

Comment Number: NDSG-14-0014-20

Comment Excerpt Text:

BLM should consider the following recommendations from this state plan as minimum standards for grouse conservation which the BLM may surpass in stringency but not fall short of:

- Discontinue permitting energy development (including oil and gas exploration, surface mining, and wind development) within the core sage-grouse area (when valid existing rights do not apply)
- No surface occupancy within habits that are classified as medium and high use areas (Figure 6).
- No surface occupancy within 4 miles from an active lek.
- Development should not exceed 1 well pad/sq. mile.
- Utilize directional drilling and unitized development. To the extent technologically practicable, develop multiple wells from single pads by employing directional or horizontal drilling technologies.
- Use remote sensing equipment to monitor well production and minimize noise associated with traffic.
- Pipe oil and/or water to off -site storage facilities. Pipelines should be placed along existing roadways.
- Remove and reclaim all discharge or water impoundments.
- No new construction of roads in sage-grouse core area.
- No development of new roads within critical sage-grouse habitats (Figure 6).
- No development of new roads within 2 miles of a sage-grouse lek.
- Close all secondary roads (e.g. two-tracks) within critical seasonal habitats.
- No recreational OHV use within sage-grouse seasonal habitats (year-round).
- If valid existing rights require construction of a new road avoid critical habitat.
- Re-vegetate with native plant species beneficial to sage-grouse (seed mixture must contain Wyoming Big sagebrush seed).

- Close and re-vegetate travel ways in sage-grouse habitats where appropriate.
- No new [power] lines in critical sage-grouse habitat.
- If valid existing rights exist transmission lines should be buried within critical sage grouse habitats (Figure 6).
- Minimize use of pesticides and herbicides within 1 mile of known grouse nesting areas, leks, or brood-rearing areas.

Comment Number: NDSG-14-0014-5

Comment Excerpt Text:

The agencies should implement a standard within the plan to address a measurable stubble height that must remain throughout the nesting season in grouse nesting habitat. In light of the elevated importance of residual grass to provide cover in habitats averaging only 10% sagebrush cover (Herman-Brunson 2007, Kaczor 2008), we recommend using the 10.2-inch residual stubble height standard.

Comment Number: NDSG-14-0014-8

Comment Excerpt Text:

Under the Preferred Alternative, there is no limit to the amount of cumulative disturbance allowed in sage grouse core habitat. Upper limits on surface disturbance of all types should be required. The three percent disturbance threshold is the only science-based disturbance percentage cap known to conserve sage grouse long-term.

3.4 BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NDSG-14-0004-13

Comment Excerpt Text:

The population estimates for sage-grouse in ND are inconsistently reported throughout the document. There appears to be a 51 percent reduction in male sage-grouse between the data cited by Garton et al (2011) and a study done in 2012. The RMPA/DEIS needs to disclose how many males existed in ND in 2012. Additionally, the 2012 source for the population estimate needs to be cited and the suspected cause of this population reduction.

Comment Number: NDSG-14-0007-4

Comment Excerpt Text:

The population estimates for sage-grouse in North Dakota are inconsistent throughout the documents, with a huge disparity between the Garton et al study and the study done in 2012. How many males were in North Dakota in 2012, and what was the source for the population estimate?

Comment Number: NDSG-14-0007-5

Comment Excerpt Text:

data suggests that the birds in North Dakota and Montana belong to the same population, analyses of population and trends should encompass the birds on both sides of the border, as the border does not appear to be relevant to sage-grouse ecology or habitat and analyzing one without the other seems to be arbitrary.

Comment Number: NDSG-14-0012-5

Comment Excerpt Text:

The amount of disturbance, as measured either by land disturbance (Alternatives B and C) or acoustic disturbance (Alternative D) in the baseline was not reported in Ch. 3 of the DEIS, so the Service finds it impossible to compare the effectiveness of these disturbance thresholds. In addition, the three percent disturbance criterion did not include either spatial and/or temporal scales. Thus the Service was unable to verify the conservation value of the above-stated measures associated with fluid mineral development in PH and GH.

Comment Number: NDSG-14-0014-1

Comment Excerpt Text:

In the North Dakota RMP Amendment DEIS, BLM also failed to map and present sage grouse wintering habitat as part of the baseline information requirement. Text on Affected Environment with regard to sage grouse habitat also failed to discuss the winter habitat needs of the birds, in spite of clear scientific evidence that impacts to sage grouse by oil

and gas development on winter ranges can have profound effects on the birds (Walker 2008).

Comment Number: NDSG-14-0014-11

Comment Excerpt Text:

Table 1 presents some of the important differences in management prescriptions between the Wyoming State Core Area strategy, the North Dakota Preferred Alternative, the NTT report, and the best available science on sage grouse ("Grouse Ecology"). <Table 1 questions the methodology used to create the preferred alternative rather than using the Wyoming State Core Area strategy, the NTT report, and Grouse Ecology (best available science/peer reviewed research).>

Comment Number: NDSG-14-0014-18

Comment Excerpt Text:

There is a notable absence of baseline information in the DEIS on wintering habitats, and the lack of impacts analysis leaves open the question of how heavily wintering sage grouse will be affected by permitted activities under the new RMP, and what effect this will have on the viability of sage grouse populations both inside and outside Priority Habitats.

Comment Number: NDSG-14-0015-1

Comment Excerpt Text:

BLM could clarify if the PH as delineated includes winter concentration areas as it is described DEIS at 3-7 as well as corridors.

3.5 IMPACT ANALYSIS

Comment Number: NDSG-14-0001-3

Comment Excerpt Text:

As indicated in APLIC's September 26, 2013 comments regarding the Buffalo Field Office Draft Resource Management Plan, recent studies suggest the effect of energy infrastructure on sage grouse may be overstated. As such, many of the proposed restrictions and conditions for BLM ROW use may be unnecessary. Echoing APLIC s position, stipulations for sage grouse should not include any mitigation requirement unless it is based on valid science, not anecdotal evidence or casual observation. Further, the science should be specific to the sage grouse, not surrogate species such as the prairie chicken.

Comment Number: NDSG-14-0004-12

Comment Excerpt Text:

Obviously, predation is a critical issue that must be fully considered directly in the Environmental Consequences and associated management actions of the RMPA/DEIS.

Comment Number: NDSG-14-0012-6

Comment Excerpt Text:

The decision framework for allowable uses and management actions within these program areas relies largely on mitigation, a disturbance cap of three percent for construction activities, a 4.0 mi buffer around GSG leks for siting new right-of-ways, and the consideration of lek size, proximity, and topography to ameliorate the effects of new fences and range management structures. However, the DEIS did not provide compelling information indicating infrastructure development decisions guided by the proposed conservation measures would be effective at providing for the conservation needs of GSG over the long term.

Comment Number: NDSG-14-0012-8

Comment Excerpt Text:

As presented, the Service found the discussions under Sections 2.4.5,3.14,4.2.6,4.3.6,4.5.6, 4.13.1, (and other sections), Tables 2-3 and 2-5, and Appendix D presented little information regarding the added regulatory control that may lead to the amelioration of specific threats. For example, the comparison of ACEC indicators by alternative (Table 4-25) indicates that a 50 percent reduction in grazing in the Big Gumbo area results in "relevant" GSG protection in the largest contiguous block of BLM-administered lands (pg. 4-119). Given that grazing is identified as a present, but localized threat in the COT report (i.e., not a widespread threat), the BLM should explain how and why reduced grazing in the Big Gumbo area translates to meaningful biological benefits for GSG under Alternative C compared to Alternatives B and D. The discussion should also report the key

information in Chapter 3 that was used as evidence to indicate grazing is currently a threat in the Big Gumbo area, presumably rendering that GSG habitat as unsuitable, and how reducing the grazing AUMs to 3,731 would ameliorate the threat from grazing.

Comment Number: NDSG-14-0014-19

Comment Excerpt Text:

The BLM has also not considered protections for sage grouse for lands outside Priority Habitats, and has not fully considered NTT or Sage-grouse Recovery Alternative measures proposed for sage grouse general habitats. What will be the impact of permitted activities on grouse populations that fall outside the Priority Habitats under this plan? The DEIS is silent on this matter. The DEIS does not provide sufficient detail in its analysis to determine the impacts of permitted activities on sage grouse under either alternative.

Comment Number: NDSG-14-0016-6

Comment Excerpt Text:

Fences have now been found to be a major source of sage grouse mortality yet no analysis of current effects of this mortality on populations and habitat fragmentation has been provided in the EIS.

Comment Number: NDSG-14-0021-2

Comment Excerpt Text:

The Draft RMPA/DEIS adequately describes climate conditions and climate change, in general, under Existing Conditions and Cumulative Impacts. However, the EPA recommends that the FEIS describe the effects of Climate Change on GRSG populations for both of these sections of the report.

3.6 CUMULATIVE IMPACT ANALYSIS

Comment Number: NDSG-14-0015-4

Comment Excerpt Text:

The BLM should also address cumulative impacts from West Nile virus combined with disturbance from other sources in the environmental consequences section.

3.7 MITIGATION MEASURES

Comment Number: NDSG-14-0014-14

Comment Excerpt Text:

In Wyoming and Montana, coalbed methane wastewater retention and infiltration reservoirs have been implicated in increasing populations of Culex tarsalis mosquitoes, which are vectors of the West Nile virus which is deadly to sage grouse and other BLM Sensitive Species. The North Dakota RMP Amendment should include a moratorium on the construction of such reservoirs, and the surface disposal of coalbed methane wastewater generally, which has a negative impact on surface water quality and can kill cottonwood gallery woodlands through inundation.

4. FIRE AND FUELS

4.1 RANGE OF ALTERNATIVES

Comment Number: NDSG-14-0012-1

Comment Excerpt Text:

The use of intentional prescribed fire in GSG breeding and winter habitat is specifically discouraged in the COT Report. We request the DEIS be modified for all Action Alternatives to eliminate the use of prescribed fire to align management actions with Conservation Measure 2 (COT Report, p. 40) and describe the effectiveness of other means to retain and restore healthy sagebrush communities within all Action Alternatives.

5. LANDS AND REALTY

5.1 BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NDSG-14-0001-1

Comment Excerpt Text:

Table 3-4, Transmission Lines within GRGS Habitat, includes a footnote indicating transmission lines greater than 115 kilovolts (kV) are assumed to have a 656-foot-wide footprint. The ROW for 230-kV transmission lines is only 125 feet, while 345-kV ROW width is 150 feet. Further, given the un-guyed, single-pole steel structures typically used by Basin

Electric for new transmission line construction, the permanent disturbance is limited to only a few square feet at each structure location. As such, transmission line acreages (and thus impacts or effects) may be grossly overestimated in the DEIS.

Comment Number: NDSG-14-0017-1

Comment Excerpt Text:

The land in the plan identified as "Division of State Lands" is mislabeled. The correct designation is "school trust land" which are administered by the ND Department of Trust Lands. This land is managed in trust solely for the financial benefit of the trust beneficiaries. In most cases in the planning area the trust beneficiaries would be the schools grades K-12. Any references to state land in the draft plan and EIS should be changed to "school trust land" to recognize the unique trust status of these lands (labeling it as "state land" is incorrect and misleading).

5.2 Impact Analysis

Comment Number: NDSG-14-0017-2

Comment Excerpt Text:

On page 2-18 it states that eliminating grazing ". . would require extensive fencing to segregate it from private lands to prevent unauthorized grazing." School trust lands would also have to be fenced out because even if grazing was not allowed on a tract of Federal land, school trust lands would continue to be leased for grazing to produce income for the schools of North Dakota.

6. Leasable Minerals

6.1 Best Available Information Baseline Data

Comment Number: NDSG-14-0004-14

Comment Excerpt Text:

The BLM needs to consider results of studies conducted by Ramey et al (2011) and Taylor et al (2007) in addressing the effects of oil and gas development on GRSG and GRSG habitat in ND.

Comment Number: NDSG-14-0014-3

Comment Excerpt Text:

It is curious that all alternatives assume that each new well will be constructed on its own pad (DEIS at Table 4-1); a one pad per section limitation in Alternatives B and C should result in multiple wells being drilled from a single pad in many cases. Please explain why BLM assumptions include that every well will be drilled on a new pad under all alternatives.

Comment Number: NDSG-14-0014-4

Comment Excerpt Text:

Please consider the following studies which directly address the threshold of well density at which impacts to sage grouse occur: Holloran (2005), Doherty (2008), Walker et al. (2007), Taylor et al. (2012), and Copeland et al. (2013). Attachments 3, 4, 5, 6, and 7, respectively. Each of these studies find significant declines of sage grouse populations as well densities exceed one pad per square mile, and some of these studies indicate negative effects on sage grouse at lower wellpad densities.

6.2 Impact Analysis

Comment Number: NDSG-14-0004-15

Comment Excerpt Text:

Moreover, many the NTT BMPs plainly ignore that a variety of valid existing rights are held throughout the planning area. It is crucial for BLM to acknowledge these rights and honor them, regardless of the BMPs selected for implementation. BLM must also acknowledge that it does not have the legal authority to require unilateral implementation of these measures on existing lease holdings.

Comment Number: NDSG-14-0004-5

Comment Excerpt Text:

Chapter 2, page 2-6, BLM indicates "existing fluid mineral leases are managed through conditions of approval (COA)." We urge BLM to clearly explain in the Final EIS that valid existing lease rights are inviolable and cannot be modified by the new RMPA/DEIS.

6.3 MITIGATION MEASURES

Comment Number: NDSG-14-0004-8

Comment Excerpt Text:

While heliportable drilling for seismic operations can be a useful BMP in certain, limited situations, there are abundant and equally effective BMPs that allow for the same or similar impact mitigation in Sage-grouse habitats which the BLM fails to even mention, much less analyze.

Comment Number: NDSG-14-0012-3

Comment Excerpt Text:

However, the Service believes the mitigation effectiveness associated with existing, undeveloped oil and gas leases in PH and GH is highly uncertain for two reasons: 1) the lack of discussion in the DEIS regarding the compensatory mitigation requirements that would be placed on new oil and gas developments (i.e., general timing and delivery mechanisms as well as monitoring that may be associated with habitat-based mitigation/performance standards) and 2) the decision to not classify PH and GH habitat suitability for GSG for Alternatives B and C.

7. LIVESTOCK GRAZING

Comment Number: NDSG-14-0006-1

Comment Excerpt Text:

Animal Unit Month (AUM) is problematic as defined in the DEIS as it is a definition typically used for billing purposes, rather than for stocking decisions. To be used appropriately for stocking decisions, the measurement requires adjustments to adequately account for differences in cow/calf size, cow/calf forage consumption, and the lactating status of a cow.

Comment Number: NDSG-14-0007-2

Comment Excerpt Text:

The BLM's proposed amendments to the RMP threaten to shift the primary use of lands within grazing districts from livestock grazing to sage-grouse preservation, which would be in violation of the Taylor Grazing Act and the Federal Land Management Policy Act.

7.1 RANGE OF ALTERNATIVES

Comment Number: NDSG-14-0005-1

Comment Excerpt Text:

In the RMPA/EIS, the BLM describes the purpose and need as follows: "Inadequacy of regulatory mechanisms was identified as a significant threat in the USFWS finding on the petition to list the GRSG." RMPA/EIS at 1-3. As applied to livestock grazing and range management, this statement is inaccurate and misleading, causing the BLM to develop alternatives for amending the RMP with respect to livestock grazing and range management without actually establishing a true purpose and need.

Comment Number: NDSG-14-0007-1

Comment Excerpt Text:

In the RMPA/EIS (RMPA/EIS, 1-3), the BLM stated, "Inadequacy of regulatory mechanisms was identified as a significant threat in the U.S. Fish and Wildlife Service's finding on the petition to list the Greater Sage-Grouse." This is inaccurate as applied to livestock grazing and range management. In its 2010 listing decision, the USFWS stated that it lacked "the information necessary to assess how [the implementation of rangeland health assessments] affects sage-grouse conservation," and, more specifically, existing "RMPs, AMPs and the permit renewal process provide an adequate regulatory framework." Therefore, it is inappropriate for the BLM to develop alternatives designed to change current regulations without first understanding and quantifying the effectiveness of the current framework.

Comment Number: NDSG-14-0016-1

Comment Excerpt Text:

Considering the presence of endangered, special status, and sensitive species in the planning area, a no grazing alternative and 50% reduction from actual use in permitted grazing should be included within the reasonable range of alternatives for the DRMPA/DEIS. Whereas the current DRMPA proposes a 50 percent reduction in part of the planning area, it does not identify how this change

compares to recent actual use or whether it merely removes paper cows.

Comment Number: NDSG-14-0016-11

Comment Excerpt Text:

The BLM always prioritizes bovines, and it is concerning that the vegetation treatments could be designed to benefit livestock instead of sage-grouse. Also, the BLM substantially weakens the habitat parameters by adopting those of the State of North Dakota instead of peer-reviewed scientific literature. Id. The DRMPA/DEIS fails to provide any rationale for this weakening or comparison among the two standards.

Comment Number: NDSG-14-0016-4

Comment Excerpt Text:

A recent study published in the Journal of Applied Ecology concludes that livestock grazing contributes to the domination of some western landscapes by cheatgrass, an invasive grass that both destroys sage-grouse habitat and increases the frequency of wildfire.32 To mitigate the spread of cheatgrass, the study suggests maintaining and restoring bunchgrasses and soil crusts, two ecological features that are quickly degraded under the hooves of livestock. Such mitigation would require the decrease or elimination of livestock grazing in the affected areas. Anderson and Inouye33 found that viable remnant populations of native grasses and forbs are able to take advantage of improved growing conditions when livestock are removed. They found further that despite depauperate and homogenous conditions of permanent plots in 1950, after 45 years of no livestock grazing, vegetation had been anything but static, clearly refuting claims of long-term stability under shrub dominance. Mean richness per plot of ALL growth forms increased steadily in the absence of domestic livestock grazing. Grasses and forbs increased significantly. This information should be integrated into the "No Grazing" or "Reduced Grazing" alternatives and, given these findings, the BLM should analyze the impacts of long-term authorized grazing and its impacts on sagebrush communities and obligates compared to the impacts of removing livestock and allowing these communities to recover naturally.

Comment Number: NDSG-14-0016-7

Comment Excerpt Text:

The paper, "A Blueprint for Sage-grouse Conservation and Recovery (Braun 2006) states "if livestock grazing is permitted on public rangelands, is to not exceed 25-30% utilization of herbaceous forage each year. Grazing should not be allowed until after 20 June and all livestock should be removed by 1 August with a goal of leaving at least 70% of the herbaceous production each year to form residual cover to benefit sage-grouse nesting the following spring." The DRMPA/DEIS does not adopt any such meaningful management parameters.

Comment Number: NDSG-14-0016-9

Comment Excerpt Text:

None of these alternatives compare the viability of administratively ending livestock grazing across the planning area, or adding immediate management changes or a mandatory schedule for the site-specific planning updates. The DRMPA/DEIS does not analyze a "No Grazing" alternative, contrary to the direction of IM MT-2012-042. DRMPA/DEIS at 1-11.

7.2 BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NDSG-14-0007-6

Comment Excerpt Text:

As stated on Page 3-50, "structural improvements may present a risk to Greater Sage-Grouse, particularly fences," even though, on Page 4-103, it states "range improvements lead to better livestock distribution and management, which would maintain or improve rangeland health and could benefit the forage base." This is conflicting information and needs to be reconciled.

Comment Number: NDSG-14-0016-10

Comment Excerpt Text:

Nowhere does the DRMPA/DEIS provide a thorough disclosure of existing management, as required by NEPA. Specifically, failing to indicate actual recent

livestock use on the 28 cattle allotments makes the preferred alternative unclear.

7.3 IMPACT ANALYSIS

Comment Number: NDSG-14-0007-7

Comment Excerpt Text:

Page 4-102 states that livestock grazing "is a 'diffuse' form of biotic disturbance that exerts repeated pressure over many years on a system." This language should be changed to say that grazing is beneficial to rangeland health. Davies et al. (2011) found that "appropriately managed grazing is critical to protecting the sagebrush ecosystem" and that "livestock grazing per se is not a stressor threatening the sustainability of the ecosystem. Thus, cessation of livestock grazing will not conserve the sagebrush ecosystem." The western ecosystem evolved with large-herbivore grazing, and losing public lands grazing would severely damage ecological balance (Burkhardt, 1995). Improving range science and management practices are bettering the condition of the range (CAST, 1996). Ranching on both public and private land "has been found to support biodiversity that is of conservation concern" (Knight, 2007). Areas with flourishing and diverse plant and wildlife populations are often found in their present state because of, and not despite, the practice of grazing (NRCS, 2004). Grazing improves greater sage-grouse habitat by increasing the quality and accessibility of forbs for sage-grouse (Neel 1980, Derner et al. 1994, Evans 1986).

8. SOIL

8.1 IMPACT ANALYSIS

Comment Number: NDSG-14-0016-8

Comment Excerpt Text:

Research such as the BLM's foundational Lusby60 paper and others, document major increases in erosion on grazed lands compared to ungrazed lands. Other impacts such as plant community degradation61 are also well documented. The EIS completely fails to address these issues and only considers grazing related construction activities in its erosion calculations

9. TRAVEL MANAGEMENT

9.1 RANGE OF ALTERNATIVES

Comment Number: NDSG-14-0014-9

Comment Excerpt Text:

BLM should require that nesting habitats be delineated, and that new road construction be sited at least 0.8 mile from leks, nesting habitat, and winter concentration areas. Within these areas, jeep trails should be used for access, and seasonal closures to motor vehicles should be applied during breeding, nesting, and wintering periods.

10. VEGETATION SAGEBRUSH

10.1 BEST AVAILABLE INFORMATION BASELINE DATA

Comment Number: NDSG-14-0016-12

Comment Excerpt Text:

The DRMPA/DEIS fails to take a hard look at the history of agency seeding of nonnative species and the predictable but unmitigated outcomes when those species become invasive or out of control.

Comment Number: NDSG-14-0016-4

Comment Excerpt Text:

A recent study published in the Journal of Applied Ecology concludes that livestock grazing contributes to the domination of some western landscapes by cheatgrass, an invasive grass that both destroys sage-grouse habitat and increases the frequency of wildfire.32 To mitigate the spread of cheatgrass, the study suggests maintaining and restoring bunchgrasses and soil crusts, two ecological features that are quickly degraded under the hooves of livestock. Such mitigation would require the decrease or elimination of livestock grazing in the affected areas. Anderson and Inouye33 found that viable remnant populations of native grasses and forbs are able to take advantage of improved growing conditions when livestock are removed. They found further that despite depauperate and homogenous conditions of

permanent plots in 1950, after 45 years of no livestock grazing, vegetation had been anything but static, clearly refuting claims of long-term stability under shrub dominance. Mean richness per plot of ALL growth forms increased steadily in the absence of domestic livestock grazing. Grasses and forbs increased significantly. This information should be integrated into the "No Grazing" or "Reduced Grazing" alternatives and, given these findings, the BLM should analyze the impacts of long-term authorized grazing and its impacts on sagebrush communities and obligates compared to the impacts of removing livestock and allowing these communities to recover naturally.

Comment Number: NDSG-14-0016-5

Comment Excerpt Text:

The BLM has admitted that cheatgrass is spreading in the project area. DRMPA/DEIS at 3-55; note these conclusions are based on data already five years old. The BLM has not admitted that livestock grazing is a cause of cheatgrass infestations, instead blaming the problem solely on drought. Id. The agency states, "If drought conditions persist, alteration of grazing management practices may be required." Id. A hard look at the current distribution of cheatgrass and the concurrent stressors of livestock and drought and their impacts on sage-grouse is warranted in this analysis; the DRMPA/DEIS fails to address these effects in a meaningful way and fails NEPA in so doing.

11. WATER

11.1 IMPACT ANALYSIS

Comment Number: NDSG-14-0014-6

Comment Excerpt Text:

We are concerned that the impacts analysis for each alternative contains only very general descriptions of differences in outcomes for riparian areas. Please include an analysis of how many acres/stream miles will be brought into Properly Functioning Condition, and how quickly, for each alternative.

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