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

1 message

CCDOWebmail, BLM\_NV <blm\_nv\_ccdowebmail@blm.gov>  
To: Colleen Sievers <csievers@blm.gov>

Mon, Dec 21, 2015 at 8:37 AM

----- Forwarded message -----

From: **Scott Smith** <sjsmith2824@gmail.com>

Date: Sun, Dec 20, 2015 at 5:40 AM

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

To: [blm\\_nv\\_ccdowebmail@blm.gov](mailto:blm_nv_ccdowebmail@blm.gov)

Good Day,

As a member of the OHV community, I have reviewed the documents and it is unclear exactly what changes are being proposed for OHV activity. There is language discussing possible impacts associated with 4 mile lek buffers for OHV riding, as well as seasonal restrictions from March 15 to June 30 for OHV permitted events. These changes have no scientific support and would severely impact OHV riders.

Because the documents are not clear, I strongly oppose any restrictions on OHV use beyond those disclosed in the DEIS. I recommend adoption of the sage-grouse related OHV management prescriptions that were proposed by the BlueRibbon Coalition in their December 17, 2013 comment letter (attached).

Respectfully,

Scott Smith  
PO Box 290067  
Phelan, CA 92329

Sage\_Grouse\_BRC\_Humboldt.T.DEIS.Final.12.17.13.pdf  
368K



December 17, 2013  
(Sent via U.S. Mail and electronic transmission)

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

Dear Mr. Winfrey:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Conclusion:**

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

Sincerely yours,

*Don*

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Esmeralda Board of Commissioners  
Lyon County Board of Commissioners  
Mono County Board of Commissioners  
Nevada Sagebrush Ecosystem Council

