AMERICAN BIRD CONSERVANCY

Shaping the future for birds

December 14, 2015

Colleen Sievers
Project Manager
Bureau of Land Management
Carson City, NV 89701

Dear Ms. Sievers,

On behalf of American Bird Conservancy, thank you for this opportunity to comment on proposed conservation measures for the Bi-State Greater Sage Grouse distinct population segment in the Carson City and Tonopah Field Office Resource Management Plan Amendments. The changes proposed by the Bureau of Land Management are consistent with management prescriptions adopted by the U.S. Forest Service and necessary to provide the very small Bi State grouse population with a lessened risk from habitat loss or degradation.

Disturbance Levels: American Bird Conservancy (ABC) agrees that the proposed disturbance caps are the absolute minimum needed to preserve remaining Bi-State grouse habitat. We remain concerned that there has no analysis provided detailing how close the habitat currently is to meeting the caps, or if development of valid existing rights would exceed the caps. There is also analysis indicating that 90% of the remaining population leks are found in areas with 1% disturbance or less (Knick et al 2013), raising concern that the proposed 3% and 1.5% cap for Pine Nut are too high (see comment letter from Western Watersheds Project).

Tall Structures: ABC agrees with this change to establish a 4-mile buffer from active and pending leks. We urge the Bureau to adopt language agreed to by the Forest Service to not install tall structures that could serve as predator perches "or decrease the use of an area" within 4 miles of an active or pending lek.

Restriction for new high-power transmission lines: ABC agrees and appreciates this proposed change to establish an exclusion area in Bi State habitat for new transmission lines. The grouse's avoidance of tall structures, and the high degree of fragmentation and disturbance a new line would create make this a responsible and necessary policy.

Habitat Connectivity: ABC agrees with this proposed change to provide stronger management direction to maintain and develop habitat connectivity. The Bi State habitat is heavily fragmented with populations separated by non-habitat. This direction can help guide restoration efforts and to identify potential avoidance areas as future development projects.

Lack of Sagebrush Focal Areas: ABC is concerned that Sagebrush Focal Areas were not designated as part of the Bi-State RMPs. This is significant for two management areas in particular, mineral withdrawal, and prioritization of NEPA analysis for grazing permit renewals. ABC urges that all Bi-State habitat be managed as Sagebrush Focal Areas, proposed for mineral withdrawal and prioritized for grazing allotment renewals. We also request that fluid mineral not be leased in Bi-State habitat or within four miles of a lek.

Thank you again for this opportunity to comment on the proposed Resource Management Plan changes. Attached are ABC comments on the Forest Service Final EIS and draft Record of Decision which we request be included as part of this comment.

Sincerely,

Steve Holmer
Senior Policy Advisor
American Bird Conservancy

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Shaping the future for birds

April 6, 2015

Reviewing Officer Nora Rasure
Regional Forester
Intermountain Region USFS
324 25th Street
Ogden, UT 84401
Objections-intermtn-regional-office@fs.fed.us

Dear Reviewing Officer Rasure,

Thank you for this opportunity to comment. With this letter, American Bird Conservancy is objecting to the Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment Final Environmental Impact Statement and Draft Record of Decision.

American Bird Conservancy (ABC) is interested in conserving this distinct population segment of Greater Sage-Grouse, and submitted comments on the draft EIS and revised draft EIS, a copy of which is attached. In our comments we specifically requested that the final plan be based on the best available science, and that sage grouse habitat reserves be designated.

On March 12, a group of preeminent sage grouse scientists sent a letter to the Secretaries of Interior and Agriculture expressing concern "that federal agencies appear to be abandoning science-based conservation measures reflected in the published scientific literature..." A copy of this letter is included in our comments. We are concerned that the final EIS and Draft ROD do not reflect the best available science and should be modified to conform to the scientists' recommendations.

The ROD's proposed standards and guidelines often do not follow the best available science and overall do not provide for adequate conservation measures needed to protect this population. In many instances the needed standard was analyzed and included on the conservation alternative C, but then not chosen in the final decision. In other cases, standards need to be modified to provide additional protection, and some proposed guidelines need to be changed to standards to ensure their implementation and effectiveness.

RECOMMENDED CHANGES TO STANDARDS AND GUIDELINES

B-AR-G-01 is too permissive of disturbance by stating "whenever possible." C-AR-G-01 should be made standard and applied to require the use of existing developed routes to minimize disturbance footprint of ROWs.

B-AR-G-02 is too permissive of disturbance because there is no overall disturbance cap. C-AR-S-01

should be applied because it provides for the 3% disturbance cap recommended by scientists (NTT 2011: 7).

B-AR-G-03 has no basis in science and should be replaced with C-AR-S-03 which does not authorize off-highway vehicle events. Allowing for off-road vehicle rallies within 4 miles of leks during breeding season is likely to cause displacement of grouse and should not be allowed. Moreover, given the large number of off-road vehicle events detailed in the FEIS on pages 57 and 58, the cumulative impact allowed under the proposed would likely be severe.

B-LUSU-S-04 is too permissive by allowing for excessive disturbance of active leks. C-LUSU-S-05 is the more protective standard and should be used.

B-Wild-S-03 is too permissive in allowing disturbance caused by habitat restoration projects. While often desirable, these projects can have significant impact on grouse. C-Wild-S-04 provides for a 3% total disturbance cap within most Bi-State habitat and this standard is supported by best available science. C-Wild S-05 provides for a 1.5% disturbance cap for the Pine Nut Mountains Population Management Unit and this is the standard that should be applied based on the best available science.

B-Wild-S-06 does not sufficiently assure impacts will be fully mitigated. C-Wild-S-03 requires site-specific mitigation and no net loss of habitat due to project disturbance; a more restrictive standard that better assures mitigation will be effective.

B-Wild-S-07 does not authorize soil-disturbing uses for a minimum of two annual growing cycles or until desired habitat conditions are met. The 3% and 1.5% disturbance caps proposed in C-Wild-S-04 and S-05 should be added to this standard.

B-RP-S-01 does not provide adequate guidance or assurance of implementation to maintain bi-state habitat. The language should be modified to "shall include terms, conditions, and direction that comply with or maintain desired conditions."

NOTE ON RANGE PERMITTING: Attached is a letter from conservation groups to the Secretary of the Interior outlining necessary steps to immediately implement grazing modifications to provide for adequate regulatory mechanisms. This direction in the final ROD needs to be modified to require immediate implementation. It should be noted that the Forest Service has a history of immediately implementing new management standards, while the BLM permit renewal process raises concern that improved grazing practices will not be applied on that portion of the range it manages.

B-RP-S-02 does not follow best available science or the proposed desired range condition by requiring residual grass stubble height of just 4-6 inches and only in riparian and wet meadows, but does not require any minimum stubble height in other sagebrush habitats. The standard should be changed to 7 inches and be applied to all brood rearing habitat.

B-RI-S-03 is too permissive of disturbance with its proposed 2 mile standard. This standard should be modified to within 4 miles of a lek.

B-LUSU-S-10 is too permissive of disturbance because the structures themselves cause habitat abandonment regardless of whether or not ant-perching devices are installed. C-RI-S-01 would better serve grouse conservation by removing all range improvements greater than 8 feet tall.

B-Weed-S-01 is too permissive of disturbance without the addition of a 3% disturbance cap. The 3% and 1.5% disturbance caps proposed in C-Wild-S-04 and S-05 should be added to this standard.

B-Weed G-01 is likely to worsen the cheatgrass problem rather than reduce it. That is because grazing has been linked to the spread of cheatgrass. This guideline should be made a revised standard that prohibits use of grazing to reduce cheatgrass.

B-Min-G-07 is too permissive of disturbance. Best available science supports no leasing at all in bi-state habitat. The C-Min-S-04 that requires no-surface occupancy stipulations without exceptions, modifications, or stipulations is an improvement, but this standard also falls short of the scientist's recommendations.

B-Min-S-09 was not selected. Best science indicates that fluid mineral leasing should not be allowed at all. This standard should be modified to prohibit seismic exploration.

NOTE ON FLUID MINERALS SECTION: It is unclear if the proposed standards apply to existing leases, future leases, or both. Clarification and clear stipulations for existing leases is needed. For existing leases well pads should be limited to one per square mile, and a 3% overall disturbance cap.

B-Min-S-15 does not comply with best available science indicating there should be no mineral development in priority habitat. C-Min-S-13 does not allow new sale of mineral materials and should be adopted.

B-Min-S-16 would authorize expansion of existing sites despite best available science found in C-Min-S-14 indicating expansions should be prohibited.

B-Min-S-17 indicates permit renewals for existing sites will be subject to stipulations to reduce impacts, while the best science, expressed in C-Min-S-15 would not allow for continued sale of minerals at existing sites.

B-Min-S-18 requires site reclamation to meet bi-state habitat objectives. This standard should be modified to require reclamation of existing sites, and the continued sale of minerals should be prohibited as provided for in C-Min-S-15.

B-Min-S-19 provides for no net unmitigated loss at existing sites. C-Min-S-17 prohibits further expansions. These standards should both be included to require habitat mitigation at existing sites, and to prevent further expansions.

B-Min-S-21 requires mitigation for development of locatable minerals. Best science indicates that BLM should withdraw locatable minerals from priority habitat. We urge that C-Min-S-18 be adopted to meet best available science.

CHANGING GUIDELINES TO STANDARDS WILL IMPROVE EFFECTIVENESS AND PROVIDE CERTAINTY

There are proposed guidelines that turned into standards would greatly improve the effectiveness of the conservation plans and provide greater certainty of implementation. For example:

C-AR-G-01 should be made standard and applied to require the use of existing developed routes to minimize disturbance footprint of ROWs.

LUSU-G-01 should be a modified to a standard that requires powerlines to be buried.

LUSU-G-02 should be modified to a standard that requires colocation for valid existing rights. As drafted LUSU-G-02 conflicts with C-LUSU-S-01 which states that no new ROWs will be granted.

LUSU-G-05 should be modified to a standard to require permit holders of existing powerlines to install anti-perching devices during the right-of-way renewal process.

RI-G-01 should be modified to a standard that prohibits the installation of new fences unless to protect habitat or for human safety.

Min-G-03 should be modified to a standard that requires mitigation to offset all surface disturbances for valid existing rights.

Min-G-04 should be modified to a standard and include a limitation of one well pad per square and a total disturbance cap of 3%, and 1.5% for the Pine Nut Mountains population.

NEED FOR DESIGNATED PROTECTED AREAS AND GRAZING ALLOTMENT RETIREMENT

In ABC's comment, we requested that protected areas be designated to help anchor grouse conservation and provide a higher degree of certainty that grouse populations would persist over time. Research Natural Areas where management disturbances are not allowed should be designated in the Bodie and South Mono areas to preserve these larger, core populations and to ameliorate the extensive cumulative impacts that have resulted from past and ongoing management activities.

We are disappointed that no areas were designated for added protection or monitoring and disagree that designating RNAs would not serve the project's purpose and need. Additional protection for additional RNAs would only augment other management standards. Given the draft management standards do not comply with best available science, designating additional RNAs with no disturbances allowed may help compensate.

Attached is a letter from conservation groups to Department of the Interior staff working on grouse conservation issues. The letter was in response to a FWS letter urging the designation of so-called SuperPACs as part of the planning to provide a higher degree of protection for remaining grouse population strongholds. The letter is attached and we recommend that recommended standards for SuperPACs be adopted for all bi-state grouse habitat.

Similarly, there is a need to develop additional management options for grazing allotments that include the voluntary relinquishment and retirement of grazing allotments. The claim that additional NEPA analysis is needed to close allotments does not address the need to analyze how retirement as a management strategy may benefit grouse conservation. By ignoring this recommendation, the public has not been offered a complete range of management options to consider.

Sincerely,

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