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January 13, 2016

DELIVERED VIA ELECTRONIC MAIL

Attn: Colleen Sievers
Project Manager
BLM Carson City District Office
5665 Morgan Mill Road
Carson City, NV 89701

**RE: Nevada and California Greater Sage Grouse Bi-State Distinct Population
Segment Land Use Plan Amendment**

Dear Ms. Sievers:

Douglas County has reviewed the proposed changes and offers the following comments for your consideration.

I.

The BLM's newly proposed Pine Nut Mountains PMU anthropogenic disturbance cap should be eliminated entirely for the following reasons:

1. Anthropogenic Disturbance Cap

The BLM is changing the Proposed Plan as it was set forth in the Plan Amendment and Final EIS, to set a total anthropogenic disturbance of not more than 1.5 percent of the total Bi-State Sage Grouse ("BSSG") habitat on Federal lands within the Pine Nut Mountains Population Management Unit ("PMU") boundaries. The majority of the Pine Nut Mountains PMU is located within Douglas County. Accordingly, Douglas County is surprised by and opposes this drastic new proposal.

2. The BLM's New Proposal Circumvents Public Process and Successful Collaborative Efforts

The BLM's newly proposed Pine Nut Mountains PMU anthropogenic disturbance cap appears to have been made solely in response to issues raised during the protest period. The BLM has failed to provide adequate explanation regarding the need for the newly proposed Pine Nut Mountains PMU

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anthropogenic disturbance cap. The BLM has also failed to provide adequate explanation regarding the interpretation and implementation of the newly proposed Pine Nut Mountains PMU anthropogenic disturbance cap. Moreover, the BLM's new proposal disregards the public process leading up to the Final Plan Amendment and Final EIS. This new proposal circumvents what has heretofore been a successful federal, state, and local collaborative effort by the Pine Nut Mountains PMU Local Area Working Group ("LAWG"), culminating in the adoption of the Bi-State Action Plan. Therefore, the BLM's newly proposed Pine Nut Mountains PMU anthropogenic disturbance cap should be eliminated entirely because it circumvents public process and a successful collaborative effort.

3. The BLM's New Proposal Is Unduly Restrictive and Prevents Future Flexibility

The proposed boilerplate disturbance cap is unduly restrictive and removes future flexibility. Douglas County has existing and future needs that should be addressed on a project by project basis. Such projects should be assessed based on their merit, public benefit, and actual impact. Our public land managers require the flexibility to make informed decisions on a project by project basis, and should not be unduly restricted by a programmatic solution that fails to take the actual facts into account. Therefore, the BLM's newly proposed Pine Nut Mountains PMU anthropogenic disturbance cap should be eliminated entirely because it is unduly restrictive and fails to provide our land managers with the flexibility they need to make smart public lands decisions.

II.

If, however, the BLM's newly proposed Pine Nut Mountains PMU anthropogenic disturbance cap is not eliminated entirely, it should be amended in the following ways to remove ambiguity and provide additional clarity:

4. An Anthropogenic Disturbance Baseline Should Be Set

It is unclear how an anthropogenic disturbance cap would be calculated and implemented. It is also unclear whether existing anthropogenic disturbances would count against the BLM's proposed disturbance cap. If the BLM implements an anthropogenic disturbance cap, the BLM should clearly set forth an anthropogenic disturbance baseline that accounts for all existing conditions, all existing anthropogenic disturbances, and all valid existing rights. Only after such an anthropogenic disturbance baseline is determined should any additional future anthropogenic disturbances be counted toward any anthropogenic disturbance cap.

5. Any Anthropogenic Disturbance Cap Should Be Calculated Based on All Land Ownership, Not Just Federal Land Ownership

Any anthropogenic disturbance cap should be calculated based on all BSSG habitat within the Pine Nut Mountains PMU, regardless of ownership. The BLM's current proposal appears to calculate the anthropogenic disturbance cap based only on Federal lands within the Pine Nut Mountains PMU. The Secretary of the Interior recently allocated funding for the federal acquisition of more than 14,500 acres of private land in the Pine Nut Mountains PMU. Also, thousands of acres of private land have already been protected in perpetuity by conservation easements in the Pine Nut Mountains PMU. Although these conservation easement properties are privately owned, the resources and associated sage grouse habitat are permanently protected and should be given credit. Moreover, as stakeholders continue to implement the Bi-State Action Plan, additional properties will

be acquired and/or permanently protected. Accordingly, all BSSG habitat in the Pine Nut Mountains PMU should be used to calculate any anthropogenic disturbance cap, regardless of ownership.

6. Anthropogenic Disturbance Should Be Defined As “Human-Created Infrastructure”

The BLM currently defines Anthropogenic Disturbance as, “human-created features . . . that include but are not limited to paved highways, graded gravel roads, transmission lines, substations, oil and gas wells, geothermal wells and associated facilities, pipelines, landfills, agricultural conversion, homes, and mines.” Use of the term “features” in this definition is vague and ambiguous. It is unclear whether “features” would be interpreted to encompass disturbances such as human started wildfire, livestock grazing, fuels management activities, habitat restoration activities, etc., all of which are human-created, to some degree. All of the examples specifically set forth by the BLM are examples of human created infrastructure. Therefore, the BLM’s definition of anthropogenic disturbance should expressly replace “human-created features” with “human-created infrastructure.”

7. Any Reference to a BSSG Lek Should Mean “Active” Leks

The BLM currently defines Anthropogenic Disturbance as being within 4.7 miles of a lek. It is unclear whether this definition includes historic leks that are no longer existing. Therefore, the BLM’s definition of Anthropogenic Disturbance should expressly refer to “active lek.”

8. Any Anthropogenic Disturbance Cap Should Be Applied Equally

The BLM proposes a total anthropogenic disturbance cap in the Pine Nut Mountains PMU at no more than 1.5% of the total BSSG habitat. The disturbance cap in other PMU’s has been set at 3%, twice the disturbance level provided for in the Pine Nut Mountains PMU. The BLM justifies this disparity by stating that a higher presence of risk factors exists in the Pine Nut Mountains PMU. The presence of higher risk factors, however, does not justify the imposition of a more restrictive disturbance cap. Rather, the presence of higher risk factors merely supports enforcement of reasonable disturbance cap. Therefore, Douglas County requests fair and equitable treatment, and the implementation of a reasonable disturbance cap that equally applies to all of the BSSG PMU’s.

9. Any Anthropogenic Disturbance Cap Should Include a Mitigation Strategy

It is unclear whether the BLM’s anthropogenic disturbance cap includes a mitigation strategy. Given the vast amount of BSSG habit in the Pine Nut Mountains PMU, the BLM’s proposed anthropogenic disturbance cap is incredibly restrictive and will have significant future consequences in Douglas County. Therefore, it is absolutely imperative that any anthropogenic disturbance cap include a mitigation strategy that provides habitat disturbance mitigation credits and incentives for the preservation, enhancement, and restoration of BSSG habitat

III. Conclusion

In conclusion, the BLM’s newly proposed Pine Nut Mountains PMU anthropogenic disturbance cap should be eliminated entirely. If the anthropogenic disturbance cap is not eliminated entirely, then it should be amended as recommended above.

Douglas County appreciates the opportunity to comment in this process, and looks forward to continuing to work with the BLM to address these important issues.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug N. Johnson", written over a horizontal line.

Doug N. Johnson, Chairman