



## BOARD OF COUNTY COMMISSIONERS

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January 28, 2016

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Re: Concerns and comments of proposed changes to the Nevada and California Greater Sage Grouse Bi-State Distinct Population Segment Land Use Plan Amendment and Final Environmental Impact Statement.

To: Neil Kornze, Director of the United States Bureau of Land Management  
John Ruhs, Director for Nevada BLM  
Bill Dunkelberger, Forest Supervisor Humboldt-Toiyabe National Forest

The local government of Lyon County, Nevada has several concerns regarding the four amendments that were published in the Federal Register on Friday, November 13, 2015. Lyon County did participate in reviewing and submitting comments to the original DEIS regarding the BSSG.

Although Lyon County has no regulatory authority over BSSG Local Area Working Groups, livestock grazers and related stakeholders, we do have a vested interest per our Public Lands Policy to insure and maintain a working relationship with Federal Land Management Agencies. Additionally, through coordination, collaboration and communication with public land agencies, Lyon County has a significant interest and responsibility in maintaining and sustaining our County's economic impact from federally managed lands. Maintaining historic multiple use on public lands is critical to Lyon County's future.

Per the BLM Notice in the Federal Register 80 FR 70253

#### ***1. Identifying disturbance levels within the BSSG Habitat***

Habitat availability can be assessed at the landscape scale without imposing disturbance caps that would interfere with the Bi-State Action Plan process. The Notice states “Concerns were raised by the public that the BLM action was not adequate to protect BSSG and its habitat. Disturbance levels identified in the Final EIS will require site-specific project mitigation to insure no unmitigated net loss of habitat. This requires assessing habitat availability at the landscape scale.”

Disturbance caps provide a questionable incentive to disturb areas that have not been disturbed. For example, an area with existing disturbance is better suited for co-location, but the disturbance cap would prohibit a project where the preferred location would exceed the percentage of disturbance. Instead, the project would only be approved in an area with no disturbance. The resulting project would be placed in an area less well suited for both the builder and the Bi-State Sage Grouse. Lyon County also  
Has concerns that an increase in disturbance caps could be implemented at future dates without cause.

The FEIS does not provide enough information to inform the public how disturbance is defined and will be implemented. The FEIS does not cite to science or explain the activities that would trigger the disturbance caps. Realistically, depending on the time of year and habitat, a herd of cows walking across a field could invoke the disturbance cap. The BLM must define what does and does not constitute a disturbance and how that disturbance will be calculated: treatments to improve habitat, recreation facilities (e.g., campgrounds, day use areas, scenic pullouts, trailheads, etc.), fire, activity on private land, wild horse and burros, and travel are all important factors that should be further analyzed.

If activity on private land triggers a disturbance, then this might confine grazing to private land which would concentrate the impacts to private land. This is a backdoor regulation of private property because it changes how private landowners are allowed to act. If activity on private property is used to measure disturbance levels, then this will create an increased impact.

Ground-truthing or the proverbial “boots on the ground,” must be a tool and process that remains available for local area working groups and impacted stakeholders especially on private property.

While biologists can identify habitat, the ecological site analysis is a range specialist’s job.

The disturbance cap requirements create extreme uncertainty for ranchers. The only guarantee a rancher has is an allotment management plan. A rancher with priority habitat on an allotment must ask the agency if they have habitat, where it is, and compare that with the grazing plan to determine early on where they might encounter conflicts.

If grazing is greatly reduced because of these disturbance caps, then the BLM must also

analyze impacts to vernal pools. Ranching and Sage-grouse habitat are known to have a symbiotic relationship, especially with respect to vernal pools. Depending on grazing allotment management by the federal land management agencies and livestock grazers, the economic impact from grazing in Lyon County averages 9-11 million dollars per year.

The BLM must also analyze the effects of wild horses, must assess the economic impact to counties from the implementation of the proposed action, and must also analyze regulatory takings as a result of the disturbance caps.

Lyon requests clarification on the following: Is the disturbance cap calculated by the desired habitat conditions, or by the actual condition of the land? Knowing that the habitat value varies, who will measure the ecological value of each site? How will the BLM ensure that the desired objectives for each ecological site are achievable? Can local partners help meet these objectives?

***2. Adjusting buffers for tall structures near active or pending leks and #3, Adding a restriction for new high power transmission lines.***

These two amendments are of a particular concern to Lyon County. As part of the protest process based on public comments, BLM is proposing changes under Alternative C in the EIS. A four mile buffer distance for tall structures from active or pending leks could be problematic. Lyon County has concerns as to how four miles will be measured. Will it be a straight line on a map or will it be distance measured on the ground? Other than BLM addressing and clarifying buffer implementation, Lyon County has no issues with BLM "designating exclusion areas for new high-power ( $\geq 120\text{kV}$ ) transmission lines in BSSG habitat. Specifically, new high-power ( $\geq 120\text{kV}$ ) transmission line corridors, rights-of-way, facilities, or construction areas in habitat (outside of existing corridors) will not be authorized."

Because of terrain and natural landscapes, buffers should be determined by boots on the ground. Additionally Lyon County requests clarification on "pending leks" and how is that determined in the LUPA process. Is this consistent with management practices and prescriptions proposed by the USFS and BLM? Additionally, ***BLM proposes to adopt the action from Alternative C which states that tall structures, which could serve as predator perches, will not be authorized within 4 miles of an active or pending lek.*** Lyon County requests a position statement from BLM, USFS and US Fish and Wildlife Service as to predation threat, specifically ravens. The FWS did not find predation to be a driving factor for Bi-State DPS populations, but instead found that the "the impact is thought to be relatively low and localized at this time compared to other threats." During the comment period of the BSSG DEIS, ravens were consistently brought up by LAWG and stakeholders as a significant threat to the BSSG. It was even stated by US Fish and Wildlife Service that the raven population had increased 638-1000 %.

Per Lyon County Public Lands Policy 14.8: Lyon County recognizes the threat and impact of predation on wildlife species including the Bi-State Distinct Population Segment of Greater Sage Grouse and the Greater Sage Grouse population. As such, the county encourages coordination and cooperation between the federal land management agencies, state and county in reducing the threat of predation particularly by predators documented to have elevated populations.

These restrictions are likely to prevent common sense actions already authorized by the Bi-State Team. It does not make sense that the BLM would limit its own discretion for an issue that requires a permit anyway. These measures come at a high cost for little conservation gain where the Bi-State Action Plan already imposes restrictions per project.

#### **(4) Changing on-the-ground management for habitat connectivity**

Lyon County believes that habitat connectivity is not needed because the Bi-State Plan maps already include connective habitat. When considering connective habitat, the Bi-State Plan worked with Pete Coates's methods and the CPT to develop a map that included connective habitat which was labeled as priority habitat.

In fact, "The overarching principle of the Bi-State Action Plan depends on development of the Conservation Planning Tool (CPT) for science-based evaluation of the effectiveness of completed actions, quantifying population vital rates, confirming population risk assumptions, validating seasonal use areas and habitat maps, and **identifying priority locations for improving habitat connectivity** and expanding available use areas to reduce habitat-based risks." Further, the Bi-State Plan focuses "on protecting continuous blocks of unfragmented habitat, restoring historic habitat that has been impacted by pinyon-juniper encroachment and wildfire, reestablishing habitat connectivity, and securing permanent habitat conservation of important private lands."

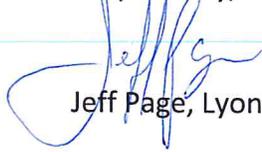
Between the DEIS and FEIS, somebody mapped connective habitat which added hundreds of acres of habitat to the map. Nobody knows how that happened, how it was added, or who added it. It appears as if it were drawn in at random. These changes should go through the Bi-State Team. Until we have access to scientific reports and an explanation for why these changes were needed, our comment is there is no such thing as connective habitat.

Lyon County requests that BLM define and clarify "habitat connectivity." If the land is not priority habitat, then making the connection will not be helpful. This regulation could impact local economy and recreation uses as well as other historic multiple uses.

Lyon County has worked diligently in establishing positive, result oriented relationships with federal land management agencies. Lyon County is committed to supporting and assisting with conservation measures and working towards preservation of the BSSG habitat and populations.

Lyon County appreciates the opportunity to submit comments regarding the aforementioned changes to the BSSG plan. As a member of the Nevada Association of Counties, Lyon County also supports the efforts and comments submitted by NACO.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jeff Page", is written over a horizontal line.

Jeff Page, Lyon County Manager