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October 1, 2019 USDA Forest Service

Attn: Chris French, Objection Reviewing Officer

210 14th Street, SW,

EMC-PEEARS, Mailstop 1104,

Washington, DC 20250

Nora Rasure Regional Forester

Intermountain Region Federal Building

324 251h Street

Ogden, UT 84401 Dear Mr. French,

As the state association representing all 17 of Nevada's counties, the Nevada Association of Counties (NACO) would like to express appreciation for the efforts the United States Forest Service (USFS) has taken to work with NACO and individual counties during this Land Management Plan Amendment process for the Greater Sage-grouse. Nevada's counties play a unique role in conservation and management of the Greater Sage-grouse. To that end, NACO appreciates the USFS commitment to collaboration, coordination, and communication with NACO and its associated members. Below NACO presents the remaining concerns of its members.

On December 20, 2018 NACO submitted comments to U.S. Forest Service on the Greater Sage Grouse Proposed Land Management Plan Amendments and Draft Environmental Impact Statement (DEIS) for the Intermountain and Rocky Mountain Regions. NACO timely submitted suggested modifications, general comments, and outlined priority issues for the USFS to address in its final LMPA and EIS.1 NACO submitted 62 technical, document-specific comments on the Draft Environmental Impact Statement (DEI S).2 NACO submitted 45 technical, document specific comments to the Administrative Final Environmental Impact Statement Furthermore, NACO provided scoping comments and participated in a host of Cooperating Agency meetings

throughout the collaborating process.

NACO submits this letter in response to the USFS's Draft Record of Decision (R.O.D.) and Land Plan Management Amendment (LMPA) for National Forest Service Land in Nevada on the Humboldt-Toiyabe National Forest released on August 2, 2019. NACO is an authorized entity.³ The specific objections contained in this letter relate to previously submitted comments regarding the proposed activity.⁴ 36 C.F.R. 218.B(c)&(d).

Protest Issue 1: Detrimental Noise Level Determination

Parts of the Plan Being Protested:

Greater Sage-grouse General GRSG GEN-ST-009-Standard

NACO's Interest in Filing this Objection

Noise limitations on unauthorized activities, or activities pending authorizations can have significant impact on the ability of a county to provide administrative or emergency functions. For example, maintaining roads, or trails could result in temporary exceedance of this Standard.

Previous Documentation Addressing the Issue

NACO suggested a modification to the above-ambient noise threshold in its Document-Specific Comments to the Greater Sage Grouse Draft Record of Decision and Land Plan Management Amendment. Specifically, regarding Table 2-7, at page 2-23, NACO suggested that GRSG-GEN-ST- 009-Standard be modified to read: "Do not authorize new surface disturbing and disruptive activities that create permanent or long-term and sustained detrimental noise levels..."

Why NACO is Objecting to Director's Decision

NACO appreciates the clear exception for previously authorized activities. However, it remains concerned about the impact the 10dBa threshold will have on Counties' ability to expand or improve infrastructure, or conduct administrative functions, including any functions or services not yet authorized. NACO also is concerned that no language is included to create exceptions for activities that have not been authorized, but which nevertheless may be essential. Language similar to, or identical to the language of GRSG-LR-ST-15-Standard would be helpful here. For instance, language creating an exception for public health, public safety, re-authorizations or renewals, and routine administrative functions.

Footnote:

¹ Nevada Association of Counties (NACO) Comments to the U.S. Forest Service on the Greater Sage-grouse Proposed Land Management Plan Amendments (LMPA) and Draft Environmental Impact Statement (DEIS) for the Intermountain and Rocky Mountain Regions. (December 20, 2018).

²Jd.

³ 36 C.F.R. 218.2

⁴ 36 C.F.R. 218.S(c)&(d)

Protest Issue 2: Three Percent Anthropogenic Disturbance Cap/Application to BSU

* Boundaries

Parts of the Plane Being Protested:

Greater Sage-grouse General GRSG-GEB-ST-005-Standard

NACO's Interest in Filing this Objection
This standard has the potential to impose significant restrictions on routine county functions. Furthermore, NACO seeks assurances that the anthropogenic disturbance cap standard is grounded in the best available science.

Previous Documentation Addressing the Issue

NACO requested that the USFS provide further information as to how the standard was developed, and for documentation of the best available science that supports it.⁵ The DEIS Table 2-7 Proposed Action, pages 2-81 and 2-82, GRSG GEN-ST-ODS-Standard also failed to elaborate on the science supporting the 3% cap.

Furthermore, NACO requested clarification as to how such a cap would be adjusted if BSU boundaries should change.⁶

Why NACO is Objecting to the Director's Decision

The LMPA cites several appendices and figures to help elucidate features of the 3% cap.⁷ However, none of the figures referenced offer any clarification for the methodology, sources, studies, or science used for the 3% formulation. While NACO does not doubt USFS considered available science in formulating the 3% disturbance cap, without reference to the material or methodology, it is difficult to determine whether it was the best available science. Furthermore, NACO reiterates its concern over how the 3% cap would be adjusted if and/or when a BSU boundary changes. NACO appreciates the exception for projects that may be approved because they result in a net conservation gain. NACO also appreciates the exception for exceeding the 3% cap in existing designated utility corridors if the site specific NEOA analysis indicates a net conservation gain.

Protest Issue 3: Coordination and Consultation with Respective County

Parts of the Plan Being Protested:

Roads/Transportation

GRSG-RT-GI-072 Guideline to GRSG-RT-MA-077 Management Approach

NACO's Interest in Filing this Objection

Travel restrictions impact local communities by interfering with county obligations to provide regular and emergency services. These impacts include interference with road maintenance, provision of public safety services, impediments to landowner access to their private property, and prohibiting the travel of ranchers, hunters, recreationists, and exploration geologists.

Footnote:

5 Nevada Association of Counties (NACO) Comments to the U.S. Forest Service on the Greater Sage-grouse Proposed Land Management Plan Amendments (LMPA) and Draft Environmental Impact Statement (DEIS) for the Intermountain and Rocky Mountain Regions. (December 20, 2018) at 4.

6 Id.

7 See Pg 51 at GRSG-GEN-ST-005-Standard (referring to, Attachment C-Glossary and ROD, Attachment H, Figure H-2, or FEIS, Appendix d, Figure D-2)

Previous Documentation Addressing the Issue

On December 20, 2018, NACO submitted comments on the Greater Sage Grouse LMPA and Draft Environmental Impact Statement for the Intermountain and Rocky Mountain Regions. NACO requested that language be added to the LMPA that requires consultation and coordination be conducted with the respective county prior to any road closures or travel restrictions, and that any road closures, seasonal or otherwise, must be coordinated with the local government.

Despite NACO's proposed consultation and coordination requirement, the LMPA does not require the proposed coordination or consultation.

NACO's Document Specific Comments to the LMPA and DEIS addressed Chapter 2 Table 2-7 Proposed Action, page no. 2-104 & 2-105, GRSG RT-GL-083-Guideline of the DEIS and LMPA. NACO requested that any road closures, seasonal or otherwise, must be coordinated with the local government. ⁸ NACO specifically requested that a sentence be added so that the respective county would be consulted and coordinated with prior to any road closures or travel restriction. NACO also requested an exception be included to allow for County emergency services and administrative functions.

Why NACO is Objecting to Director's Decision

The Director's decision to approve the LMPA's standards, guidelines, and management approaches relating to Roads and Transportation will have a detrimental impact on affected counties abilities to conduct routine administrative functions traditionally under the immediate control of counties, such as weed treatments, fuel

reductions, grazing etc. Some USFS roads provide access to private lands and water rights.

GRSG-RT-ST-073-Standard in particular is both vague, and overbroad. For instance, it implicitly prohibits activities that would otherwise be permitted simply because of that activity's mere proximity to a lek. This standard makes it unclear as to whether minor and minimally disruptive activities that would comply with 3% disturbance cap, or be under the dBa threshold would be prohibited. If so, the rationale is unclear, and the USFS could prohibit even minor, minimally disruptive trail, or road maintenance during seasons in which such maintenance is a priority.

NACO's request that USFS consult and coordinate with counties when considering the closure of roads, seasonal or otherwise, represents a modest proposal that would enhance communication between USFS and the affected counties, and allow flexibility in management decisions that pertain to roads, transportation, and public safety.

Protest Issue 4: Priority for Native Species in Habitat Restoration

Parts of Plan Being Protested:

Fuels Management:

GRSG-FM-GI -049-Guideline

NACO's Interest in Filing this Objection

Fire and invasive species continue to pose the highest threat to Sage-grouse and its habitat. NACO continues to support the use of desirable non-native, non-invasive plants in combination with native species for habitat restoration, as native species are often expensive, difficult to obtain, and don't always compete well with invasive species. Counties bear the most immediate socio-economic impacts of rangeland fires in Nevada.

Rangeland fires continue to proliferate across the Great Basin because of insufficient landscape restoration and proliferation of fire-conducive invasive species often resulting from previous fire. For instance, cheatgrass thrives in disturbed areas (e.g. burned areas), and serves as prime fuel for rangeland fires creating a vicious cycle of cheat grass, fire, more cheatgrass and more fire.

Footnote:

8 Id. at 8.

Previous Documentation Addressing the Issue

NACO's Document Specific Comments to LMPA and DEIS addressed USFS's preference for native species by citing USFS' Forest Manual's native Plant Material Policy published in the federal register on Feb. 13, 2008:

This policy does not discount the management use of non-native plant material. Non-native, non-invasive plant species may be used when needed: 1) In emergency condition to protect the basic resource values such as soil stability and water quality; 2) As an interim, non-persistent measure designed to aid in new establishment of native plants (unless natural soil, water and biotic conditions have been permanently altered); 3) In conditions and management situations where native plant species are not available; and 4) When working in permanently altered plant communities. Under no circumstance will invasive plant species be used.

NACO suggested that these conditions apply to nearly all disturbance-related alterations in sage grouse habitat in Nevada, particularly following catastrophic wildfire. Because of that, NACO submitted that these caveats be incorporated into all Standards, Guidelines and Management Approaches that suggest a sole or strong preference for the use of native plant materials, so that it is clear that non-native, non-invasive plant species are also available for use.

In its December 20, 2018 comments on the Greater Sage Grouse LMPA and Draft Environmental Impact Statement for the Intermountain and Rocky Mountain Regions, NACO strongly urged the USFS to consider the

use of prescribed fires and targeted grazing as useful tools for fire management.

Why NACO is Objecting to Director's Decision

GRSG-FM-GL-049-Guideline does little to limit the LMPA's blanket preference for native plant species. Instead, it recommends the use of native species "when available" and only considers non-native species when "timely" reestablishment of native plant materials is "not likely to occur". NACO believes that all tools (including desirable non-native plant species) need to be available to maintain ecological processes, particularly when native species are unavailable or unlikely to establish in marginal zones. Not taking these conditions into account could lead to further land degradation from erosion due to unprotected soil, or opportunistic invasion of cheatgrass or other invasive species due to a lack of competition.

Native species are expensive, often difficult to obtain, and don't always compete well with non[shy] desirable invasive species, particularly in marginal areas. Strict insistence on the use of natives can limit the size and effectiveness of a habitat enhancement or restoration projects. Desirable non-native species that are more readily available, more cost effective, more competitive with non-native annual grass species, and provide similar ecological functionality should also be accepted if not encouraged for their use. As before, NACO suggests the USFS work with the Agricultural Resource Service's Great Basin Rangeland Research Center in Reno to identify science monitoring data to support this scientifically sound approach.

Conclusion

We appreciate USFS's willingness to coordinate with individual counties, NACO, and affected stakeholders in the conservation of Greater Sage-grouse and its habitat. Thank you for incorporating many of the comments that Nevada's counties made throughout this process, and for your consideration of these few outstanding and important issues. If you have any questions, please do not hesitate to contact me at dstapleton@nvnaco.ore or by phone at (775) 883-7863.

CC: Senator Cortez Masto Senator Rosen Congressman Amodei Congressman Horsford Governor Sisolak

John Shivik, National Sage-grouse Coordinator, US Forest Service

William Dunkelberger, Forest Supervisor Humboldt-Toiyabe National Forest File