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Organization: Eureka County, NV

Title: Natural Resources Manager

Comments: Parts To Which The Objection Applies:

\* Interagency Coordination, p. 30

\* Findings Required by Laws and Regulations, p. 33

\* Compliance With The Procedural Requirements of The Planning Rule, p.35

Statement of Issues:

USFS has the obligation to strive for consistency with local plans, laws, policies, and controls to the maximum extent possible and explain in the EIS any decision to override these land use plans, policies or controls for the area nor describe the extent to which such inconsistencies will be reconciled. The Final EIS and the LMPA do not meet this obligation. The following USFS mandates, without limitation, were not met: National Forest Management Act, 36 CFR 219.4(b)(1), 36 CFR 219.4(b), 40 CFR 1502.16, 40 CFR 1506.2, and March 16, 1981, Memorandum for Federal NEPA Liaisons, Federal, State, and Local Official and Other Persons Involved in the NEPA Process, Questions 23b and 23c.

USFS has the obligation to strive for consistency with State and local plans, laws, policies, and controls to the maximum extent possible and explain in the EIS any decision to override these land use plans, policies or controls for the area. USFS did not adequately address these inconsistencies. We wish to engage USFS in the dialogue necessary to ensure that USFS and Eureka County meet these obligations of various laws and regulations. USFS is obligated, when inconsistencies arise, to meet with local governments in order to work towards consistency. This did not happen on and has been very limited on this EIS process. We request that USFS adequately coordinate its efforts with Eureka County.

Eureka County respectfully requests USFS comply with these obligations and resolve the continuing inconsistencies Eureka County has identified by considering the proposed language offered throughout Eureka County's comments submitted through the process and meet with Eureka County to resolve the inconsistencies.

Eureka County provided over 40 pages of comments on the Draft EIS in a referenced attachment to our letter dated 1/3/19 specifically outlining "Inconsistencies with [Eureka County] Plans, Policies, and Programs." Eureka County also requested changes to the Cooperating Agency MOU with USFS to address this issue that USFS did not adopt as referenced in our letter dated September 6, 2018 (attached).

Parts To Which The Objection Applies:

\* Greater Sage-Grouse General, GRSG-GEN-DC- 002-Desired Condition

Statement of Issues:

\* GRSG-GEN-DC-002-Desired Condition does not clarify that county administrative activities, existing infrastructure, and emergency services all qualify as "authorized uses" in both priority and general habitat.

Through the process, USFS folks expressed verbally that anthropogenic disturbances does NOT include county administrative infrastructure and/or existing range improvements. Failure to include clarification of this under GRSG- GEN-DC-002-Desired Condition will complicate management moving forward. We request written clarification to match USFS verbal clarification during the process.

Eureka County specifically commented on this and made this exact request in our comment letter on the DEIS of 1/3/19.

Parts To Which The Objection Applies:

\* Greater Sage-grouse General, GRSG-GEB-ST- 005-Standard

Statement of Issues:

This standard has the potential to impose unjustified and arbitrary significant restrictions on routine county functions and land uses. The anthropogenic disturbance cap standard is not grounded in the best available science.

The LMPA cites several appendices and figures to try help clarify the 3% cap (p. 51). However, none of the references offer any clarification for the methodology, sources, studies, or science used for the 3% formulation. USFS may have considered some available science in formulating the 3% disturbance cap, without reference to the material or methodology, it is impossible to determine whether it was the best available science. Furthermore, there is concern that the LMPA does not describe how the 3% cap would be adjusted if and when a BSU boundary changes (which is highly likely to occur).

USFS must reconsider this cap to determine if this cap aligns with new policy and case law and consistency in application of such a rigid cap.

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

Parts To Which The Objection Applies:

\* Greater Sage-grouse General, GRSG GEN-ST- 009-Standard

Statement of Issues:

Noise limitations are not based on best available science. Noise limitations on already authorized activities, or activities pending authorizations can have significant impact on the ability of a county to provide administrative or emergency functions (e.g., maintaining roads, accessing gravel pits, etc.) could result in temporary exceedance of this Standard.

"Noise levels at the perimeter of the lek should not exceed 10 A- weighted Decibels (dBA) above ambient noise." This management action came out of the NTT Report which mischaracterizes the conclusion of the literature it cites (e.g. Blickley (2012)). Blickley found that sage-grouse tolerated, and even showed no signs of behavior variation, when noise levels were increased by 30 dBA. The noise levels of the studies relied on in the LMPA reached 70 dBA.

It remains unclear the impact the 10dBA threshold will have on our ability to expand or improve infrastructure, or conduct routine administrative functions, including any functions or services not yet authorized.

There is no language 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 are imperative to include here. For instance, language creating an exception for public health, public safety, re-authorizations or renewals, and routine administrative functions would be appropriate.

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

#### Parts To Which The Objection

Applies:

\* Wind and Solar, GRSG- WS-ST-022-Standard and GRSG-WS-ST-023- Standard

#### Statement of Issues:

Solar and wind energy developments are treated differently and seem to preclude use of compensatory mitigation for net-conservation gain.

Solar and wind energy developments are treated differently where solar is not allowed in general habitat, yet wind is. Wind-energy development is arguably more impactful than solar and not all solar development is the same. It is also not stated that such developments could be allowed if they can meet the "net conservation gain" standard.

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

#### Parts To Which The Objection Applies:

\* Greater Sage-grouse Habitat, GRSG-GRSGH- GL-030-Guideline

Statement of Issues: Unjustifiably requires use of native species in habitat restoration and enhancement efforts not considering or using best available science.

Native species are expensive, often difficult to obtain, and don't always compete well with non-desirable invasive species. As such, use of native species can often limit the size and effectiveness of a habitat enhancement or restoration project. Desirable non-native species that are more readily available, more cost effective, and more competitive with non- native annual grass species (medusahead and cheatgrass) and provide a similar ecological functionality should also be encouraged for use. The USDA Agricultural Resource Service's Great Basin Rangeland Research Center in Reno has volumes of research that must be used to identify science and monitoring data to support this approach.

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

#### Parts To Which The Objection Applies:

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Greater Sage-grouse Habitat, GRSG-GRSGH- GL-032-Guideline

#### Statement of Issues:

Does not address nexus between treatments and appurtenant water rights and State Water Law.

Any vegetation treatments involving water (i.e. springs and seeps) must be consistent with Nevada Water law.

For instance, a fencing project may be completed to benefit vegetation, but it also may change use of the water source by livestock which could conflict with an existing water right. A sentence could be added to this guideline that reads, "Treatments would be consistent with State Water Law and, where appropriate, the Forest Service will work collaboratively with water right holders to implement such projects."

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

Parts To Which The Objection Applies:

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Livestock Grazing, entire section

Statement of Issues:

Does not require cooperation or collaboration with affected grazing permittees.

There are many Standards and Guidelines which have actions associated with them that do not have explicit collaborative interaction requirement with the affected grazing permittee.

There should be specific language added to each, or a new overarching Guideline added, that requires and memorializes a cooperative and collaborative interaction with affected grazing permittees to address livestock grazing issues.

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

Parts To Which The Objection Applies:

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Livestock Grazing, GRSG- LG-GL-042-Guideline

Statement of Issues:

Use of the term "restricted" could have unintended consequences. Depending on site conditions, it might not always be possible, or necessary to stay 2.0 miles away from a lek. Eureka County suggests replacing "restricted" with "avoided unless site-specific conditions dictate otherwise."

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

Parts To Which The Objection Applies:

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Fuels Management, RSG- FM-GL-049-Guideline

Statement of Issues: Unjustifiably requires use of native species in fuel breaks not considering or using best available science.

Fire and invasive species continue to pose the highest threat to Sage-grouse and its habitat. Native species are often expensive, difficult to obtain, and don't always compete well with invasive species. Especially for fuel breaks, science has borne out that beneficial non-native species work best (e.g., crested or Siberian wheatgrass, forage kochia, etc.). Desirable non-native species that are more readily available, more cost effective, and more competitive with non-native annual grass species (medusahead and cheatgrass) and provide a similar ecological functionality should also be encouraged for use.

Counties bear the most immediate socioeconomic impacts of rangeland fires in Nevada. Rangeland fires continue to profligate across the Great Basin as a result of insufficient landscape restoration, proliferation of fire-conducive invasive species, and reductions in grazing and buildup of fuel. The USDA Agricultural Resource Service's Great Basin Rangeland Research Center in Reno has volumes of research that must be used to identify science and monitoring data to support this approach.

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

Parts To Which The Objection Applies:

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Fuels Management, RSG- FM-GL-051-Guideline

Statement of Issues:

Use of the term "restricted" could have unintended consequences and impact sage grouse indirectly.

There are situations where cross- country travel may be warranted to aggressively attack wildfire or address other emergency circumstances. The term "restricted" should be reconsidered and changed to "avoided."

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

Parts To Which The Objection Applies:

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Roads/Transportation, entire section

Statement of Issues:

Travel and road restrictions and decisions are not required to be coordinated with counties, including decisions impacts county-claimed roads. This impacts local communities by interfering with county obligations to provide regular and emergency services and impacts on county roads on NFS lands that have not been adjudicated in federal court. . 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 mineral exploration.

Any road closures, seasonal or otherwise, must be coordinated with the local government. Many Forest Service roads provide access to private lands (including water rights) or are critical for administrative functions and

important land uses (i.e. weed treatments, fuels reduction, grazing, etc.) USFS has no authority to impose restrictions, including closures, on pre-forest- reserve county roads. As such, Eureka County requests adding a sentence that the respective County would be consulted and coordinated with prior to any road closures or travel restrictions and that USFS does not have jurisdiction on non- USFS, pre-forest-reserve roads. Also, exceptions must be provided to allow for County emergency services and administrative functions.

Eureka County specifically commented on this and made these exact requests in our comment letter on the DEIS of 1/3/19.

We do appreciate USFS engagement with us through this process. We acknowledge that many positive changes occurred due to USFS accepting many of our comments and suggestions. The outstanding issues outlined in this Objection are easily overcome, in our opinion, if we actively coordinate and strive for consistency in a cooperative and collaborative way. We look forward to our engagement with USFS through this objection process to find common-ground on these remaining issues.

Respectfully,

J.J. Goicoechea, DVM, Chairman Eureka County Board of Commissioners

Enclosures (36 CFR 219.54(b)):

[bull] January 5, 2018 Eureka County scoping comment letter on the 2017 USFS Notice of Intent to Amend Land Management Plans for Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statement; 82 Fed. Reg. 55346 (Nov. 21, 2017).

[bull] August 6, 2018 Eureka County scoping comment letter on the 2018 Supplemental Notice of Intent to Prepare an Environmental Impact Statement; Notice of Updated Information Concerning the Forest Service Greater Sage-Grouse Land and Resource Management Plan Amendments; 83 Fed. Reg. 28608 and 30909.

[bull] Signed Memorandum of Understanding (MOU) with USFS establishing County as a Cooperating Agency

[bull] September 6, 2018 Eureka County letter highlighting concerns with Cooperating Agency MO

[bull] January 3, 2019 Eureka County comment letter on Greater Sage-grouse Proposed Land Management Plan Amendments (LMPA) and Draft Environmental Impact Statement (DEIS) for the Intermountain and Rocky Mountain Regions