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December 21, 2018

Director (210)
Attention: Protest Coordinator, WO-210
P.O. Box 71383
Washington, D.C. 20024-1383

RE: Nevada Association of Counties (NACO) Protest of the Nevada and Northeastern California Greater Sage-grouse Proposed Resource Management Plan Amendment (RMPA) and Final Environmental Impact Statement (FEIS)

Dear Director,

As the state association representing all 17 of Nevada's counties, the Nevada Association of Counties (NACO) would like to express our sincerest thanks for the effort the Bureau of Land Management's Nevada State Office has taken to work with NACO and individual counties during the Proposed Plan Amendment process for the Greater Sage-grouse. The Proposed Plan Amendment showcases this collaborative effort by highlighting conservation efforts put forth by local partners such as counties, local area working groups, and conservation districts as well as fostering cooperation and coordination with local governments via use of local data, consideration of local land use plans, and inclusion of local entities in the BLM's Adaptive Management process. NACO is encouraged by these efforts and is confident that the BLM and Nevada's counties can work together to ensure conservation of this species and its habitat.

NACO has engaged with the BLM throughout the plan amendment process and while the BLM has been receptive of most of NACO's comments and requests for clarification, there

are two protest issues that we would respectfully request be considered prior to the final draft. These issues form the basis of our protest and are outlined in detail below.

Protest Issue 1: Allocation Exception Process and Land Tenure:

Parts of the Plan Being Protested:

- Chapter 2: Tables 2-1 2-2; and,
- Appendix A: Figure 2-12b.

NACO's Interest in Filing This Protest: Public lands are inextricably tied to the economy and culture in Nevada, and counties rely on land acquisition for community development and civic uses. NACO believes the current guidance in regard to Land Tenure has the potential to negatively impact our associated counties.

Previous Documentation Addressing this Issue: On December 1, 2017, NACO informed the BLM during the scoping process that areas identified for disposal to implement Congressional Acts have been removed from Land Tenure Maps and requested the maps be updated with consideration of Congressional Acts to ensure these parcels are recognized for disposal¹. Likewise, on August 1, 2018, NACO again expressed concerns regarding the inability to 1) acquire land for disposal that is erroneously mapped as habitat or 2) carry out Congressional Acts due to errors in the Land Tenure maps. For example, Eureka County had lands identified for disposal in the No Action Alternative that totaled 766,300 acres -- all of which were removed from disposal in the NVLMP apparently based on erroneous mapping that identified certain portions of those areas as PHMA². On August 1, 2018 and September 10, 2018, NACO also requested clarification regarding the allocation exception process and opportunities for exceptions to land tenure in cases where compensatory mitigation can offset any impacts³.

Statement Explaining why the State Director's decision is Believed to be Wrong: The current language in the Proposed Plan Amendment regarding exceptions for land tenure is too vague and leaves room for uncertainty for those implementing the plan. Therefore, NACO has concerns that lands already approved for disposal through previous RMPs, Congressional Actions, or cases where no Sage-grouse habitat occurs, or impacts can be offset through compensatory mitigation will not be authorized for disposal. The language in the Proposed Plan Amendment needs to be clear enough that those responsible for

¹ Nevada Association of Counties (NACO) Scoping Comments on Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements or Environmental Assessments. 82 Fed. Reg. 47248 (Oct. 11, 2017)

² Nevada Association of Counties (NACO) Comments to the Bureau of Land Management's (BLMs) Nevada and Northeastern California Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, May 2018 (DEIS)

³ Nevada Association of Counties (NACO) Cooperators Comments Form: Nevada and Northeastern California Greater Sage-Grouse Preliminary Draft Proposed Resource Management Plan Amendment and Final Environmental Impact Statement – Submitted September 10, 2018

implementation feel comfortable discussing and authorizing exceptions for land tenure allocations.

Per our August 1, 2018, comments, NACO recommends revising the current language to the allocation exception for land tenure on page 2-21 and 2-22 of the Proposed Plan Amendment as follows (proposed changes follow in *italics*):

vi. Exceptions to lands that are identified for retention in Figure 2-12b would be considered for disposal or exchange if they were identified for disposal through previous planning efforts, either as part of the due process of carrying out Congressional Acts (e.g., the respective Lincoln and White Pine County Conservation, Recreation, and Development Acts) or the agency can demonstrate the disposal, including land exchanges, would have no direct, indirect or cumulative impacts on Greater Sage-Grouse and its habitat, *including allowance of mitigation to provide equivalent number of functional habitat acres.*

Per NACO's comments submitted on August 1, 2018, and September 10, 2018 as well as the August 28, 2018, Cooperating Agency meeting, NACO requests the addition of a footnote to Figure 2-12b which reiterates the footnote already in Table 2-1 of the Proposed Plan Amendment. That footnote should state:

Under the Management Alignment Alternative and the Proposed Plan Amendment, site specific projects would not need to conform to these allocation decisions if they meet one of the criteria outlined under the "Allocation Exception Process" management direction.

The addition of this footnote on the land tenure map would clarify when the allocation exception process applies to land tenure.

Finally, NACO requests that it be clear that the footnote to Figure 2-1 on page 2-6 applies to Column's 3 and 4 by adding an "*" to the "Management Alignment Alternative*" and Proposed Plan Amendment*".

NACO believes these revisions will strengthen the current intent of the allocation exception process for land retention and help to clarify any uncertainty or confusion related to exceptions for land retention during implementation of the Proposed Plan Amendment.

Protest Issue 2: Socioeconomic Impacts

Parts of the Plan Being Protested: Section 4.4 Incomplete or Unavailable Information, Page 4-10.

NACO's Interest in Filing This Protest: Page 4-10 of the Proposed Plan Amendment states there is incomplete or unavailable information regarding social or economic effects specific to counties. NACO recognizes data is not currently available to assess how the Greater Sage-grouse plans will impact local economies. Such an analysis is essential for counties to understand how proposed plans will impact local economies. NACO recognizes and sincerely

appreciates the BLM's partnership with the University of Nevada, Reno, the U.S. Forest Service and counties to create a Socioeconomic Baseline Data Collection for all counties in the state. NACO encourages the development and use of this tool as it will be valuable during implementation of this plan and during future planning efforts.

Conclusion

Thank you for your consideration of these important issues. We applaud the BLM's willingness to coordinate with individual counties, NACO and all interested parties in the preservation and conservation of Sage-Grouse habitat. If there is any additional information we can provide, or questions we can answer, please do not hesitate to contact me directly at dstapleton@nvnaco.org.

Respectfully,

Dagny Stapleton
Executive Director

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Enclosures:

Nevada Association of Counties (NACO) Scoping Comments on Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements or Environmental Assessments. 82 Fed. Reg. 47248 (Oct. 11, 2017) – Submitted December 1, 2017

Nevada Association of Counties (NACO) Comments to the Bureau of Land Management's (BLMs) Nevada and Northeastern California Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement, May 2018 (DEIS) – Submitted August 1, 2018

Nevada Association of Counties (NACO) Cooperators Comments Form: Nevada and Northeastern California Greater Sage-Grouse Preliminary Draft Proposed Resource Management Plan Amendment and Final Environmental Impact Statement – Submitted September 10, 2018

Cc:

Office of Governor Brian Sandoval
Nevada Sagebrush Ecosystem Council and Technical Team