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RE: 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).

Dear Mr. Magaletti,

As the state association for all 17 of Nevada's counties, the Nevada Association of Counties ("NACO") greatly appreciates the opportunity to provide comment on the Bureau of Land Management's ("BLMs") Draft Resource Management Plan (RMP) Amendment and Draft Environmental Impact Statement (DEIS) for the Nevada and Northeastern California Greater Sage-Grouse (GRSG) Planning Area. 83 Fed. Reg. 19800 (May 04, 2018). NACO engaged throughout the Greater Sage-Grouse Plan Amendment Process finalized in 2015 at 80 Fed. Reg. 57633 (Sept. 24, 2015), the recently cancelled Sagebrush Focal Area Mineral Withdrawal at 82 Fed. Reg. 47248 (Oct. 11, 2017), as well as in this current process. The information provided by NACO and its member counties during those National Environmental Policy Act ("NEPA") processes are hereby incorporated by reference

including NACOs scoping comments and Administrative Draft EIS comments provided during this NEPA process.

NACO thanks the BLM for developing state-specific plan amendments—they are imperative to achieve the goal of sage-grouse conservation, as each state's geography, governmental capacity, and wildlife management plans and programs are different. Further, a plan amendment is required in the State of Nevada. A plan amendment is required where there is new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan or by court order. 43 U.S.C. § 1701(a)(5); 43 C.F.R. § 1610.5-5. Since 2015, there has been new science and data, revised policy, and a court order that requires this action. On March 31, 2017, the United States District Court for the District of Nevada held that the BLM violated NEPA by failing to prepare a supplemental Environmental Impact Statement (EIS) for the Nevada and Northeastern California Greater Sage-Grouse Resource Management Plan (RMP) Amendment in Nevada. The Court Order described in the Notice of Intent is a result of a lawsuit filed by nine of NACO's member counties, Humboldt, Eureka, Elko, White Pine, Lincoln, Washoe, Pershing, Churchill, and Lander Counties.[1]

Additionally, the Federal Land Policy and Management Act ("FLPMA") requires that BLM conduct land management based on multiple use and sustained yield so that their various resource values are utilized in the combination that will best meet the present and future needs of the American people and that balances diverse resource uses. 43 U.S.C. §§ 1701(a)(7), (a)(12), 1702(c), 1712(a); see 43 C.F.R. §§ 1601.0-1610.8 (2006). FLPMA's multiple use directive informs Secretarial Order (SO) 3349, issued on March 29, 2017, ordering agencies to reexamine practices "to better balance conservation strategies and policies with the equally legitimate need of creating jobs for hard-working Americans families."

Imperative County Needs

Throughout the substantive comments provided by NACO, the changes most imperative to counties are those that enable counties to carry out administrative functions that provide critical, mandated public health and safety services to the local communities we serve. The 2015 Record of Decision and Approved Resource Management Plan Amendment ("ARMPA") imposed inflexible restrictions that pose unique challenges for counties' ability to provide these services to their communities. To facilitate these administrative functions, that serve communities and protect the Greater Sage Grouse species, there must be a mechanism to make common sense changes. Please see the attached County Needs

[1] These comments are made in good faith with the aim to provide collaborative, thoughtful and substantive information to help inform decision-making on this important issue. This engagement does not waive any of the rights of NACO's nine-member counties in the ongoing litigation *W. Expl., LLC v. United States DOI*, 250 F. Supp. 3d 718 (D. Nev. 2017).

Document for an outline of these services and impacts to delivering these services from the proposed DEIS.

Fortunately, many of these challenges are easily resolved. During the cooperating agency process, several of the examples provided in the County Needs Document were discussed at length. As a result, all the agencies present proposed solutions that would better achieve consistency with county purposes as well for greater sage-grouse conservation, and counties agreed that these proposed changes would strike a more appropriate balance. NACO believes that much of the language in the DEIS 'Management Alignment Alternative' reflects this discussion, and NACO would like to thank the BLM for their efforts and willingness to find solutions to concerns and issues that counties raised.

In our scoping comments, NACO identified our priority issues that should be addressed in this plan amendment process. The DEIS proposes to address or partially address some of these issues, and detailed comments have been provided in the attached Comment Table. NACO reserves the right to supplement or revise comments in the future based on additional clarifications, new information and further revisions to this EIS and/or the Nevada Greater Sage-grouse Conservation Plan.

Importance of Working with Counties and Responding to County Needs and Concerns

Existing laws and regulations direct the BLM to develop unique solutions with counties, such as those that address the various concerns raised by counties during the cooperating agency process, and as described in the aforementioned and attached County Needs Document. FLPMA recognizes that federal, state, and local government must work together to meet and satisfy objectives to benefit the public and the communities they serve, and Section 202(c)(9) of FLPMA, 43 U.S.C. § 1712(c)(9), and the BLM's implementing regulations are "designed to protect the interests of local governments whenever federal agencies develop or implement federal land use plans." *Yount v. Salazar*, 2013 WL 93372, at *14 (D. Ariz. Jan. 8, 2013). State and local governments have expertise in and sovereign powers over land use planning, and FLPMA honors fundamental federalism principles by allowing the BLM to develop unique solutions and engage in cooperative efforts with local governments to solve local problems, that balance the needs of the species and local communities. Specifically, counties hold a broad range of proprietary interests, including the ability to enforce land-use regulations;[2] enforce powers of revenue collection and taxation;[3] protect natural resources from harm;[4] contest "harm caused by the disruption of local comprehensive planning";[5] and assert injury to its proprietary interests where, as here, "land

[2] *Scotts Valley Band of Pomo Indians of Sugar Bowl Rancheria v. United States*, 921 F.2d 924, 928 (9th Cir. 1990)
[3] *Colorado River Indian Tribes v. Town of Parker*, 776 F.2d 846, 848-49 (9th Cir. 1985)
[4] *Fireman's Fund Ins. Co. v. City of Lodi*, 302 F.3d 928, 944 (9th Cir. 2002)
[5] *American Motorcyclist Association v. Watt*, 534 F. Supp. 923 (C.D. Cal. 1981)

management practices of federal land could affect adjacent" land.[6] Such injuries from federal land management practices include economic injury from an erosion of tax revenue, and especially injury to management and public safety interests from interference with county land use plans; management of roads; and provision of emergency and non-emergency public services.[7]

FLPMA and NEPA require the BLM to involve State and local officials and the BLM may accept their advice and reconcile duplication or inconsistencies during the development and revision of land use plans, land use guidelines, rules, and regulations for the public lands. 43 U.S.C. § 1712(c)(9); 43 C.F.R. §§ 1610.3, 1601.4; 40 CFR §§**1502**.16(c), 1506.2(d)); BLM Manual H- 1601-1 –Land Use Planning Handbook, I.E.1 (03/01/05); American Motorcyclist v. Watt, 534 F. Supp. 923 (1981). The BLM is further required to coordinate land use, inventory, planning, and management activities with the land use planning and management programs of other Federal, state, and local governments. Id. NEPA and its implementing regulations also require the BLM to reduce duplication with State and local procedures and to reconcile possible conflicts between the proposed action and the objectives of federal, regional, and local land use plans, policies and controls for the area concerned. 40 CFR §§1502.16(c), 1506.2(d)); See 40 C.F.R. §1506.2

NEPA's Regulations also require that the BLM minimize rapid, disruptive social change that BLM planning decisions may cause by setting forth a clear mitigation hierarchy: (1) Avoiding the impact altogether by not taking a certain action or parts of an action; (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation; (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (5) Compensating for the impact by replacing or providing substitute resources or environments. 40 CFR §1508.20.

These laws and regulations clearly permit the BLM to better align with and mitigate impacts to State and local government planning needs with the understanding that "socioeconomic impacts are usually indirect and largely fall on communities and local government institutions, by definition located outside BLM-managed lands," and "some mitigation strategies are within the BLM's control, (such as regulating the pace of mineral exploration and development to minimize rapid, disruptive social change)..." BLM's NEPA Handbook h1790-2008 at page 62. This is why the BLM may "cooperate with responsible officials to the fullest extent feasible" to reduce such impacts and further align their plans with State and local plans and needs. BLM's NEPA Handbook h1790-2008 at page 62, citing the BLM Handbook of Socio-Economic Mitigation, IV-2. NACO believes that preserving and

[6] *Douglas County v. Babbitt*, 48 F.3d 1495, 1501 (9th Cir. 1995). See also *City of Sausalito v. O'Neill*, 386 F.3d 1186, 1197 (9th Cir. 2004)
[7] *Sausalito*, 386 F.3d at 1198-99.

balancing socioeconomic impacts is vital to the preservation of the species. State and local governments will be on the front lines of mitigating species and habitat preservation it is critical that these communities be allowed to flourish and thrive to not only serve the citizens of the locality but to implement these programs.

Conclusion

In summary, NACO appreciates the BLM moving forward with a Nevada-specific Plan Amendment. NACO opposes the No-Action Alternative for a multitude of reasons documented in previous comments and previously referenced court proceedings. NACO generally supports the Management Alignment Alternative, and our remaining concerns or areas in need of additional clarification have been documented in the attached Specific Comment Table. As such, NACO stands ready and expects to participate and provide additional input as necessary to resolve any outstanding issues. Thank you for considering these comments. If there is any additional information NACO can provide, or questions we can answer, please do not hesitate to contact me directly at dstapleton@nvnaco.org.

Attachments to this letter include:

- Specific Comment Table
- SFA Attachment
- County Needs Document

Respectfully,

Dagny Stapleton
Executive Director

DS/vwg

Cc:
Brian Sandoval, Governor
Bill Dunkelberger, Nevada Forest Supervisor, U.S. Forest Service
Brian Steed, Deputy Director for Programs and Policy and Acting Director, Bureau of Land Management
Nevada Sagebrush Ecosystem Council

U.S. Senator Dean Heller
U.S. Senator Catherine Cortez Masto
U.S. Congressman Mark Amodei
U.S. Congresswoman Jackie Rosen

Nevada Association of Counties (NACO) Document Specific Comments to the:
Nevada and Northeastern California Greater Sage-Grouse Draft Resource Management Plan Amendment and Environmental Impact Statement

Color Key: Suggested additional or changed language is in green
Suggested deletions in red
Quotes from scientific studies in blue

EXECUTIVE SUMMARY

Chapter	Page	Paragraph / Line / Figure / Table	Comment
Acronyms and Abbreviations	V	16	HMA – Habitat Management Area should be defined in the Glossary as **The spatial extent of sage-grouse management in Nevada** in order to be consistent with the Nevada Greater Sage-grouse Conservation Plan. The HMA should also be mapped so that it clearly represents the overall boundary (perimeter) of the combined Habitat Management Areas (all categories) adopted by the State of Nevada in December of 2015. This distinction is important to align mapping, particularly as it regards modeling updates and new BSU / Lek Cluster designations that influence allocation decisions, mitigation requirements and Adaptive Management plans and processes.
ES-1	ES-1	P 1	This comment is universal to the document. There should be a greater emphasis on the past, current and future contributions of "Local Partners" in sage-grouse conservation efforts. County governments, local area work groups, conservation districts, NGOs, etc. have been involved in sage-grouse conservation for decades and are integral to implementation of conservation moving forward.
ES-1	ES-1	P 2	The last sentence of the paragraph talks about "…providing economic opportunity to local communities". While this speaks to the influence of public lands on local economies, it doesn't account of the importance of the BLM's multiple use mandate that is so important to local customs and culture in addition to their economies.
ES-1	ES-2	P 1, Lines 1-2	In addition to the provided list, the BLM's efforts through the Management Alignment Alternative also seek ways of incorporating additional/new information and ever-evolving "best available science" in an effective and efficient manner. These points should be added to this paragraph / sentence.
ES-3.1	ES-3	Table ES-2	For "Modifying Habitat Management Area Designations" it should be made clear here and throughout the document that the mapping is based on habitat and use modeling that is continually evolving through incorporation of new data and information. This better sets the context for the need to "adjust" HMA Categories now and into the future.

ES-3.1	ES-4	Table ES-2	For "Modifying Habitat Objectives", Bullet 1, this sentence should include "**…as well as the current ecological state of the site**".
ES-3.3	ES-7	P 1, Bullet 2	NACO would like to re-iterate its disagreement with not carrying forward "predator control" for further analysis. While BLM may not directly carry out Predator Control actions, it should work with partners who do, particularly in degraded habitat (recovering burns, areas of PJ encroachment, etc.) where predators are having a disproportionate impact on local populations.
ES-3.3	ES-7	P 2, Bullet 8	NACO struggles with including "Recreation" under "resource topics dismissed from detailed analysis", given public land recreation's direct link with access to public lands and the potential changes to Comprehensive Travel Management. At a minimum, this linkage should be acknowledged.
ES-5	ES-9	Table ES-4, Management Alignment Alternative	This column states that *As the boundaries are updated, the allocations associated with each Habitat Management Area (Table 2-1 in Chapter 2) would be adjusted to match the newest Habitat Management Area boundaries (Coates et al. 2016).* However, Coates et al. 2016 didn't adopt the Sage-grouse Management Area (SGMA) boundaries, the State of Nevada did when it approved its Habitat Management Category Mapping in December 2015. Is the BLM suggesting that the SGMA boundaries will change, or the habitat classifications (priority, general and other) within the SGMAs, or both? NACO would advocate for maintaining the SGMA boundaries since those have been previously set and approved by the State, and then updating the categories within the boundaries as appropriate. This clarification must be made to provide consistent mapping that has alignment between the State, BLM and USGS (Coates et al) mapping products.
ES-4	ES-9	Table ES-4	**No Action Alternative: See Sagebrush Focal Area Attachment** **Management Alignment Alternative:** Paragraph 1: BLM will need to verify this, but NACO believes that Coates et al 2016 identifies BSU boundaries, and the State of Nevada through its Sagebrush Ecosystem Council established Habitat Management Areas / SMGAs (see above comment). Paragraph 3: In this alternative "net conservation gain" needs to be updated to be consistent with the State Plan definition. Paragraph 4: Revise to read "…metrics for tracking changes ***and mitigating impacts*** in habitat quality and quantity ***by providing equivalent number of functional habitat acres*** over time is…"

ES-4	ES-9 through ES-11	Table ES-4	Counties still assert that the socioeconomic impacts analysis was never adequately completed for the 2015 ARMPA and by extension for the No Action Alternative. The analysis failed to calculate a detailed economic and fiscal impacts to counties, among other flaws. The University of Nevada, Reno has begun working on a Socioeconomic Baseline Data collection process for the entire State, and as part of that process will be performing a socioeconomic as well as fiscal impacts analysis for the greater sage-grouse plans. These models and the analysis will be conducted irrespective of the BLM's timeline and will not likely be completed during this process. Counties request that the BLM work with UNR during this analysis. The EIS needs to make it clear that this analysis is only focused on SFA changes. As it reads now, it makes it look like the Management Alignment Alternative would somehow facilitate mining activity. Mining activity would not increase in most of the state under the Management Alignment Alternative.

CHAPTER 1

Chapter	Page	Paragraph / Line / Figure / Table	Comment
1	1-3	3-4	**Please revise to read:** ...coordinate the land use planning process **with the land use planning and management plans, policies, and programs** of other Federal**, state, and local governments**. **Explanation:** This more accurately describes the mandate of and is almost verbatim of FLPMA 43 USC 1712(c)(9). The section as is does not include local governments and only focuses on "plans" and omits "inventory" and "management" which are both mandates in FLPMA as well. *Accord* FLPMA § 202(c)(9): State, local, and tribal "**land use planning and management programs**… statewide outdoor recreation **plans**… approved land **resource management programs**… land use **plans**… **plans germane** in the development of land use **plans**… land use **programs**… local **plans**." The NEPA Regulations also speak to consistency at 40 CFR §1502.16(c) "This section [Environmental consequences] shall include discussions of: (c) Possible conflicts between the proposed action and the objectives of federal, regional and local (and in the case of a reservation, Indian tribe) **land use plans, policies and controls** for the area concerned. (See §1506.2(d))." See 40 CFR §1506.2(d) Elimination of duplication with State and local procedures, "…Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law." **See County Needs Attachment** pages 1-3.
1	1-3	7	**Please remove the term:** "restoring" and replace it with "managing" **Explanation:** This effort is about conserving and managing the species, not restoring. The terms "conserve/manage" is encompassing and the term "restore" arguably connotes restoring birds to their historic range/numbers which is impossible given the development and urbanization that has occurred in many historically occupied areas.
1	1-3	2-10	It is crucial that BLM ensure the Purpose and Need is based on legal authorities and requirements. This section could better bolster the legal foundation for any changes that flow from this EIS, including an explanation of the Court Order.

1	1-7	Bullet 2	BLM must ensure that any clarifications are founded in previously completed analyses. If adequate analysis cannot be cited to support the clarification, then BLM must complete that analysis in this EIS.
1	1-8	Table 1-2, Row 2, Removing SFAs	Please add a reference to the District Court of Nevada's Order.
1	1-8	Table 1-2, Row 3, Adaptive Management	We appreciate the effort of the BLM to be more consistent with DOI Guidance on Adaptive Management, and also the inclusion of "local partners" throughout the process. Add a bullet to read "Utilize collaborative and consensus-based processes with stakeholders, appropriate state and local agencies, and authorized land uses when developing and implementing management responses to any trigger met or surpassed." **See County Needs Attachment**
1	1-8	Table 1-2, Row 5, Mitigation	NACO supports bullet 1 NACO suggests a revision of the second bullet so that it reads, "Provide consistency in application of mitigation, quantification and tracking of mitigation actions." **See County Needs Attachment**
1	1-8	Table 1-2, Row 6, Seasonal Timing Restrictions	Bullet 3: NACO supports inclusion of this bullet and would suggest adding, "time sensitive administrative functions that serve a public purpose." **See County Needs Attachment**
1	1-9	Table 1-2, Row 7, Modifying Habitat Objectives	NACO supports Bullet 1, and would suggest a minor addition, "**…and current ecological state of the site**." Add a bullet to read "Clarify that Habitat Objectives are actually desired outcomes expressed as goals (not truly objectives) consistent with BLM Planning Handbook (H-1601-1) p. 12." **See County Needs Attachment**
1	1-9	Table 1-3, Row 1, Modifying Lek Buffers	NACO still asserts that any use of lek buffers and associated modifications must be included for analysis in this EIS, not left for clarification through plan maintenance, because lek buffers were not fully analyzed in the previous EIS nor provided for public review and consideration.

			Based on the Administrative Record from the previous EIS, lek buffers were initially discussed during August 2014 agency meetings. The USGS was directed to do a "quick literature search to harvest the latest research results on buffers to contrast with what we currently have in our administrative draft proposed plans." WO_0000196. In September 2014, Deputy Assistant Secretary Jim Lyons acknowledged the failure to use "best available science" in analyze lek buffers in the DEIS. WO_0001457. Additionally, a DOI biologist expressed concerns that "the way the buffers have been written into the document as [required design features] really makes them management measures not analyzed in the drafts" and "avoiding the NEPA process by including un-analyzed management actions in an appendix". WO_0048001. Finally, the Solicitor's office had concerns about the new studies requiring an SEIS: "It will be important for the agency to have a record showing how it evaluated the USGS studies and why it determined that a supplemental analysis was not warranted." GBR_0010440, GBR_0010453. If BLM believes this issue was properly analyzed with no supplemental analysis previously, BLM needs to cite to the previous analysis and document it here. **See County Needs Attachment**
1	1-9	Table 1-3, Row 1, Modifying Lek Buffers	Regardless of whether BLM analyzes lek buffers in this EIS or wishes to pursue this as a clarification issue, NACO supports the change from "apply lek buffers" to "utilize the lek buffer-distances." Based on the discussion below, at a minimum, the new language for SSS 2(D) and SSS 3(C) should be revised to read "In undertaking BLM management actions [in PHMA and GHMA], and consistent with valid and existing rights and applicable law in authorizing third-party actions, the BLM will utilize the ***general*** lek buffer-distances ***and guidance*** identified in the USGS' Open File Report 2014-1239 to establish the evaluation area around leks that will be used to analyze impacts during project specific NEPA, ***including logical and scientifically justifiable departures based on local data, topography, and other factors***, in accordance with Appendix B. This EIS must document that the cited USGS OFR 2014-1239 report recognized that the area around a lek that is sensitive for sage grouse is not always a simple "radii" buffer and that "logical and scientifically justifiable departures…based on local data and other factors may be warranted when implementing buffer protections…" (p. 2). The USGS report states that "We do not make specific management recommendations but instead provide summarized information, citations, and interpretation of findings available in scientific literature. We also recognize that because of variation in populations, habitats, development patterns, social context, and other factors, for a particular disturbance type, ***there is no single distance that is an appropriate buffer for all populations and habitats across the sage-grouse range***" (p. 1, emphasis added). The report

			clarifies that that impacts to leks are due to "influence of roads and infrastructure with topography and habitat conditions (visibility and audibility)…" (p. 6). In simple terms, even if within a lek buffer, if a human disturbance cannot be seen nor heard by sage grouse on the lek because of topography and other natural conditions, that area of the lek buffer could be clipped from the buffer. In the previous Administrative Record, the principal author of the USGS lek buffer report recognized the importance of locality in cautioning that the results of his literature search conducted for BLM to justify the new lek buffers did not provide a "simple, one-size-fits-all solution that was based solely on science" explaining that many of the complications are not "specified biologically" explaining that "scientific results will not provide all answers needed to" render the BLM's desired outcome: In the end, trying to balance political and conservation desires and needs with what we understand to be the basic biological requirements of the species of concern (sage-grouse in this case) is the hard work…our collective ability to "respect biological requirements" for conservation while allowing for nuances based on social impetus (e.g., NSO or closure of seasonal habitats in one state versus strict use of buffers and seasonal closures/limits in another state could both be viable options for protection of nesting habitat) that can incorporate local understanding and social needs is the task at hand." WO_0035879. Also, as referenced in the Administrative Record, there was addition of the new and universally applicable 1.2-mile buffer zone for fences that was not supported by the USGS report. In an April 2015 e-mail between Michael Bean, Sarah Greenberger, and Jim Lyons: "…the USGS report identifies only certain types of fences in certain types of terrain as a collision risk. By imposing a buffer requirement for all types of fences in all types of terrain, the BLM will impose a restriction for which the report offers no basis…If we want to anchor our plans in the USGS report, then the way to do that is to require that new fences (of the types described in the report) be placed at least 1.2 miles from leks ***in flat or rolling terrain*** . . . that is probably ***better than the alternative of lumping all fences together***, regardless of type and location." WO 29247, WO 29250 (emphasis added). Despite the acknowledgement that the universal 1.2-mile buffer requirement for all fences does not adhere to the recommendations of the 2014 USGS study, it continues to be a requirement that has no scientific basis. In discussing roads, the USGS Report includes the following observations: "…it is important to recognize that . . . not all roads have the same effect…the influence of individual roads or networks of roads on sage-grouse habitat use and demographic parameters remains a research need. This is a good example of the challenge associated with making clear interpretations of the effect area (and therefore, a definitive buffer distance) for these types of infrastructure" (pp. 5-8). The USGS Report does not recommend uniform or prescriptive lek

			buffer distances and instead presents a range of lek-buffers. The USGS report does not support the categorical 1.2-mile buffer requirement for all fences. Site specific factors need to be taken consideration such as line of site between the lek and project, topographical relief, quality of site-specific habitat, current bird activity, probability of sage-grouse nesting within the entire radius area, duration of the project/use and project/use intensity. NACO will provide proposed language on this same issue in our review of Appendix B below. **See County Needs Attachment**
1	1-9	Table 1-3, Row 2, Changing Requirements for RDFs	NACO will provide specific comments on this worksheet in our review of Appendix C below.
1	1-11	20	The topic of "Habitat assessment framework" should be carried forward for analysis, given that there has been much talk of encouraging or requirement the use of the State of Nevada's HQT to quantify impacts and mitigations to habitat. **See County Needs Attachment**
1	1-11	24-25	Hunting and predator control should be analyzed in the EIS. BLM previously argued and is adopting by reference that the issues or hunting and predator control are outside of their jurisdiction and authority. It is impossible to holistically frame management without analyzing the cumulative effects and recognizing their role. Also, the agencies with jurisdiction by law and special expertise on the issue of hunting and predation are cooperating agencies (e.g., FWS, NDOW, counties). It is not an issue of whether or not BLM can implement predator control, but it is an issue of the magnitude of predation as a factor in causing the decline in sage-grouse populations that needs to be in the analysis to provide perspective on how effective management actions under the authority of BLM will be in sustaining sage-grouse populations and habitats. The BLM NEPA Handbook speaks to "expanding the scope of a NEPA analysis to consider connected and cumulative actions of all cooperating agencies into a single document improve overall interagency coordination" (p. 112). Also, the CEQ regulations speak to streamlining and eliminating duplication while satisfying NEPA (40 CFR 1506.2(b)). CEQ guidance is clear that even items not under full or even partial control of BLM/USFS must still be analyzed when connected and when a major component. As highlighted in the BLM NEPA Handbook (H-1790-1) and mandated by law, the EIS must "rigorously explore and objectively evaluate all reasonable alternatives" (40 CFR 1502.14(a) and NEPA Sec. 102(2)(C)(iii)) and "study develop, and describe

			appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources" (NEPA Sec. 102(2)(E)). Of note is that "[i]n determining the alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of implementing an alternative. 'Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable…' (Question 2a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981)'" (BLM NEPA Handbook p. 50). Further, CEQ provides guidance on framing "relevant, reasonable mitigation measures" even if they are outside the jurisdiction of the agency Question 19ba, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981). Further, "while some mitigation strategies are within the BLM's control…most mitigation strategies require action by other government entities—typically cities, counties, and State agencies….the relevant, reasonable mitigation measure are likely to include mitigation measure that would be carried out by other Federal, State or local regulatory agencies or tribes. Identifying mitigation outside of BLM jurisdiction serves to alert the other agencies that can implement the mitigation. (BLM NEPA Handbook p. 62). It is very clear in CEQ regs (specifically 1502.14(f) and 1502.16(h)) that speak to mitigation irrespective of jurisdiction. Also, the CEQ FAQ 19b is very clear in presenting the CEQ guidance related to this exact issue (in which guidance has been in place since 1981): 19b. "How should an EIS treat the subject of available mitigation measures that are (1) outside the jurisdiction of the lead or cooperating agencies, or (2) unlikely to be adopted or enforced by the responsible agency? A. All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies. Sections 1502.16(h), 1505.2(c). This will serve to [46 FR 18032] alert agencies or officials who can implement these extra measures, and will encourage them to do so. Because the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation. However, to ensure that environmental effects of a proposed action are fairly assessed, the probability of the mitigation measures being implemented must also be discussed. Thus, the EIS and the Record of Decision should indicate the likelihood that such measures will be adopted or enforced by the responsible agencies. Sections 1502.16(h), 1505.2. If there is a history of non-enforcement or opposition to such measures, the EIS and Record of Decision should acknowledge such opposition or non-enforcement. If the necessary mitigation measures will not be ready for a long period of time, this fact, of course, should also be recognized."

			Just because hunting and predation are outside of BLM jurisdiction does not mean that the analysis and subsequently identified mitigation are unnecessary or not required. How can BLM address all connected GRSG impacts and actions without analyzing predators and hunting effects and identifying proper mitigation? The full picture will not be answered and the analysis falls short in disclosing what can be done, holistically, to address GRSG conservation. It can be demonstrably argued that predation, previously identified as a USFWS-identified threat is a significant issue and that analysis of this issue is necessary to make a reasoned choice between alternatives, especially since the Nevada State Plan includes scientifically-based predator control. Predation and predator control are significant issues that should be analyzed. **See County Needs Attachment**
1	1-12	2-3	While the resource topics of "Wildland Fire and Fire Management" and "Wild Horse and Burros" are suggested for dismissal from detailed analysis due to no potentially significant impacts from actions in this EIS, proper management of these two issues is still a top priority for local government. Further, ***an additional 10,000 horses have been born in Nevada, and over 1 million acres of wild land have burned since 2015 with additional impacts (not counting the ½ million + acres that have already burned this fire season).*** NACO recognizes the rationale provided here why additional analysis will not occur for Wild Horses and Burros (WHB). However, the provisions and management decisions related to WHB in the previous process have not been adhered to. The EIS should address this issue and be frank and propose real, actionable solutions to the WHB issue that were not identified in the previous EIS. The previous EIS failed to acknowledge that WHB remain on the public lands on a year-round basis and are not managed for the benefit of the rangeland resource that supports their very existence. Only their numbers are attempted to be controlled, but with minimal success. There typically are no rest periods for the range in HAs or HMAs, riparian areas nor wetland meadows. Numbers control is all that the BLM have available to them today to effectively manage horses, and Congress has again placed prohibition on how BLM can use funding to address excess on-range WHB. In addition, any attempts to restore rangelands to benefit GRSG within HMA's is improbable due to the restrictions that would be applied when attempting to protect a new seeding or defer use from an area for a period of time to allow for natural regeneration. Fencing and other structural improvements would also become a real challenge. Given the actual performance record of BLM and the exceedingly out-of-control numbers, how will the actual corrections be brought about that the previous EIS proposed? Beyond excuses for not having enough resources, what confidence can there be that BLM will not continue to practice the management process of

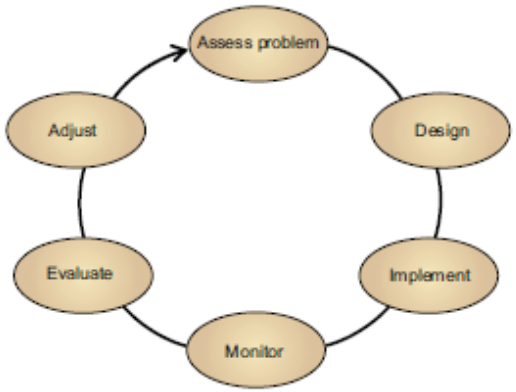
			"do as we say, not as we do"? BLM should not “target” the uses of public land that are easy-picking without first addressing the mismanagement of the uses that are under the primary jurisdiction of the BLM itself. The BLM’s failure to properly manage WHB has created a situation, in many cases, where the burden is now on the other users of the land, primarily wildlife (including GRSG) and ranchers, to pay the price for BLM’s shortfall. **See County Needs Attachment**

CHAPTER 2

Chapter	Page	Paragraph / Line / Figure / Table	Comment
2.3.2	2-3	P 2	Where deemed appropriate in this section, NACO suggests adding language that reads, "…allowance for ground truthing presence of GRSG habitat before a final implementation decision is made…" **Please See County Needs Attachment**
2	2-3	P 2	Revise to read "…based on the most updated best available science ***and habitat data***…." See explanations above regarding plan maintenance.
2	2-3	P 2	The sentence should include "…revision and simplifying an allocation exception process to allow for the consideration of projects **(, public health / safety and administrative functions that serve a public purpose)** within designated Habitat Management Areas…".
2	2-5	Table 2-1	Table 2-1 lists a suite of Land Use Plan Allocations and terms such as "retain (land tenure), avoidance, exclusion, open with minor/major stipulations, limited, closed and not available" regarding allocations within mapped PHMA, GHMA, and OHMA. The State Plan does not contain similar allocations restrictions, and therefore this table is inconsistent with the State Plan. NACO appreciates and support the footnote added for the Management Alignment Alternative, and would request that the footnote specifically indicate ground-truthing of modeled habitat. **See County Needs Attachment.**
2	2-6	Table 2-2, Issue 1, Modifying Habitat Management Area Designations Sub-issue 1, Conform to management	**No-Action Alternative:** The BLMs continued reliance on the same maps that it published in the previous LUPA process is highly flawed. These maps are based on analysis described in Coates et al 2014, which has since been updated (Coates et al 2016). Therefore, the use of the previously published maps does not meet the standard of utilizing the "best available science". In the document abstract, Coates et al 2016 specifically lists the updates that were made between 2014 and 2016, by stating: *These updates include: (1) adding radio and GPS telemetry locations from sage-grouse monitored at multiple sites during 2014 to the original location dataset beginning in 1998; (2) integrating output from high resolution maps (1–2 m2) of sagebrush and pinyon-juniper cover as covariates in resource selection models; (3) modifying the spatial extent of the analyses to match newly available vegetation layers; (4) explicit modeling of relative*

		areas identified by the States	*habitat suitability during three seasons (spring, summer, winter) that corresponded to critical life history periods for sage-grouse (breeding, brood-rearing, over-wintering); (5) accounting for differences in habitat availability between more mesic sagebrush steppe communities in the northern part of the study area and drier Great Basin sagebrush in more southerly regions by categorizing continuous region-wide surfaces of habitat suitability index (HSI) with independent locations falling within two hydrological zones; (6) integrating the three seasonal maps into a composite map of annual relative habitat suitability; (7) deriving updated land management categories based on previously determined cut-points for intersections of habitat suitability and an updated index of sage grouse abundance and space-use (AUI); and (8) masking urban footprints and major roadways out of the final map products.* Given the above updates, the BLM should NOT rely on the Coates et al 2014 mapping data for any Alternative as it is clearly out of date. NACOs concern with reliance on this out of date and incomplete mapping product is specifically with update #8 listed in Coates et al 2016. The BLMs current maps include: Cities (i.e. City of Winnemucca), Towns (i.e. Town of Eureka), Highways (i.e. US Highway 50), and important County Roads and existing infrastructure (i.e. Humboldt County Landfill). The allocation decisions associated with these flawed maps has resulted in direct harms and potential future harms to local government in its required administrative function and resulted in inconsistent implementation of the LUPA. **Management Alignment Alternative:** The BLM needs to better explain its alignment with State-approved maps for the overall perimeter of Sage-grouse Management Category Areas (SGMCA) as well as management area categories within that perimeter: PHMA, GHMA, and OHMA. Please keep in mind that SGMCA is defined on Page 10 of the State Plan as **"The spatial extent of sage-grouse management in Nevada…"** and SGMCAs were approved by the State through its Sagebrush Ecosystem Council with technical input from NDOW and the SETT. The management area categories within the SGMCA perimeter were developed by USGS (Coates et al 2016). The BLM should adopt the SGMCA mapping approved by the Nevada Sagebrush Ecosystem Council in December 2015. This mapping was developed utilizing the analysis completed and described by Coates et al 2016, including additional refinement by the scientific experts associated with the Nevada Department of Wildlife and the Nevada Sagebrush Ecosystem Technical Team. The BLM should consult with both to better describe and document the refinements that were made between the Coates et al 2016 product and the maps adopted and dated December 2015.

			NACO completely agrees and supports that statement made in Paragraph 2 and 3. The approach of ground-truthing is supported by both Coates et al 2014 and Coates et al 2016 in the following statements made in the Conclusion section: *The power of this approach rests within the map output that can be downscaled back to the local level that may help inform specific, "on the ground", habitat-management decisions.* ***However, it is important to recognize that field data and other sources of information should be used in conjunction with inferences from this model.*** (Coates et al 2014) **[emphasis added]** In the third paragraph, consider revising "based on Stiver et al." to "such as Stiver et al." BLM must not limit themselves to <u>just</u> Stiver et al. 2015 when there may be other scientifically appropriate methods to use for ground truthing through RMPA implementation. **See County Needs Attachment**
2	2-7	Table 2-2, Issue 1, Modifying Habitat Management Area Designations Sub-issue 2, Habitat management area designations flexibility	**No-Action Alternative:** Once again, NACO would stress that this alternative's reliance on Coates et al 2014 relies on outdated information, and not "best available science" as described in the above comments. **Management Alignment Alternative:** NACO generally supports this approach, and would emphasize the need to include two key factors in any mapping update: 1. Input from local government, including but not limited to: Counties, Conservation Districts and Local Area Work Groups (established specifically for local Sage-grouse Conservation Efforts); and, 2. Mapping updates should incorporate any new information derived from project-specific ground-truthing and/or exemption decisions made since the last update. While NACO supports the streamlined process for incorporating such updates through "plan maintenance", there may be occasion where such changes are warranted through a more formal plan amendment process. As such, NACO suggests incorporating language from No-Action Alternative, **that reads** "Through plan maintenance or plan amendment/revision, as appropriate…". There should be a clear description of the conditions under which plan maintenance is appropriate for map revisions versus plan amendment/revision. For instance, Coates et al 2016 states, *because only 6.5 and 8.5 percent area classified as habitat and management category changed between studies,* ***the updated maps represent model refinements base on better input data rather than a complete mapping overhaul***. (page 18) **[Emphasis added]**

			To address these comments, please revise the language in the second paragraph to read "The review and refinement process would be scientifically based ***and occur through the Nevada Sagebrush Ecosystem Program process which would*** include review and input from the SETT, NDOW, BLM, USFS, and USFWS ***and local government agencies, especially related to local knowledge, and approval from the SEC***." Add "when appropriate" to read "…through plan maintenance, when appropriate." It should also be clear that BLM is not pre-decisional in that every change in the management designations would be through plan maintenance; BLM must leave room for changes be made through a plan amendment when necessary (and plan maintenance is not appropriate).
2	2-8	Table 2-2, Issue 2, Removing Sagebrush Focal Area Designations	**No-Action Alternative:** NACO is adamantly opposed to the No-Action Alternative and inclusion of the Sagebrush Focal Area Designations in any future management. **See Sagebrush Focal Area Attachment.** **Management Alignment Alternative:** NACO supports complete removal of the Sagebrush Focal Area Designation as proposed under this Alternative.
2	2-8 and 2-9	Table 2-2, Issue 3, Adaptive Management	**No-Action Alternative:** The Adaptive Management Framework described in No-Action Alternative and contained in Appendix J of the current LUPA is NOT Adaptive Management as described by the DOIs own guidance document, see Figure 1.1 below from DOI 2009.  **Figure 1.1.** Diagram of the adaptive management process.

			This is particularly true of the Hard Trigger response that automatically implements a host of allocation decisions that may or may not be warranted based on the cause of reaching a hard trigger. Once the hard trigger responses are implemented there is no iterative implementation or path for reversing those automatic implementations. The scale of the response is also not well defined. Particular aspects of the Adaptive Management Approach not included that are currently under No-Action Alternative, and as described in DOI 2009 include: • Assessment of Problem (particularly on Hard Trigger Response as there is no casual factor analysis); • Design (particularly on Hard Trigger Response as responses are "hard wired" in at the RMP level); • Monitor; • Evaluate; and, • Adjust As such, the BLM should reject No-Action Alternative, and ensure that all Adaptive Management Process components listed in Figure 1.1 above are incorporated into Management Alignment Alternative, and Appendix D of this document. **Management Alignment Alternative:** NACO supports the BLM's adoption of the State's Adaptive Management Plan as approved by the Sagebrush Ecosystem Council at its July 17, 2018 meeting.
2	2-10	Table 2-2, Issue 4, Mitigation	**No-Action Alternative:** The No Action Alternative remains ambiguous in its definition and application of "Net Conservation Gain" and has no consistent way of quantifying impacts and applying mitigation. As such, NACO opposes the No-Action Alternative. **Management Alignment Alternative:** The first paragraph must clarify, for consistency sake, if the BLM is implementing an "avoid, minimize and compensate" or "avoid, minimize and mitigate", and better define what it means in terms of the difference between "compensate" and "mitigate" and how these would be applied. The State is very clear in terms of requiring mitigation of all anthropogenic disturbance as determined through the CCS. Since the BLM has stated it cannot require mitigation in all circumstances, and that it cannot require use of the CCS, then the BLM needs to be clearer in terms of how it is "aligning" with the State Plan.

			In paragraph 2, NACO supports utilizing the State's Habitat Quantification Tool (HQT) as a consistent means of tracking changes to habitat quantity and quality. The BLM references the State's "net conservation gain" standard, but to fully align with the State, the BLM must also adopt the State's definition where "Net conservation gain is defined as the State's objective to ***maintain*** the current quantity and quality of sage-grouse habitat within the Service Area at the state-wide level by protecting existing sage-grouse habitat or by mitigating for loss due to anthropogenic disturbances. Mitigation requirements are determined by the Conservation Credit System. This objective will be measured by the credit to debit ratio." Currently, it is unclear as to whether the BLM is proposing to adopt this definition ad apply this standard. Please clarify. Paragraph 3 is very ambiguous in terms of the statement that "…mitigation would be considered subject to the federal regulations governing the authorization…" whereas the State is very clear in that "Mitigation will be required for all anthropogenic disturbances impacting sage-grouse habitat within the Service Area." Clarification needs to be provided in terms of how the BLM plans to align with the State Plan in circumstances where "…federal regulations governing the authorization…" do NOT allow for or mandate 'mitigation' following avoidance and minimization, and such authorizations should be clearly disclosed. In paragraph 4, for consistency sake, NACO supports the use of the State's HQT and/or CCS to determine mitigation that meets the State's objective to "…maintain the current quantity and quality of sage-grouse habitat…" when it is determined that additional mitigation, in addition to avoidance and minimization actions, would be required in order to actually "maintain the current quantity and quality of GRSG habitat".
2	2-12	Table 2-2, Issue 5, Allocation Exception Process	**No-Action Alternative:** NACO does not support this approach as it is inconsistent with the Nevada Sage-grouse Conservation Plan as well as County Master Plans, inconsistent among allocations, and does not clearly provide exceptions for the following: county emergency response; issues related to public health and safety; and, standard administrative functions performed by local government for public benefit. **See County Needs Document (also attached) for specific examples, including the Baker Water Tank, Washoe County Middle School, Humboldt County Landfill, the Town of Eureka, and others.** **Management Alignment Alternative:** NACO generally supports this alternative and greatly appreciates the inclusion of items iii., iv., v., and vi.

			i. Consider revising "based on Stiver et al." to "such as Stiver et al." BLM must not limit themselves to just Stiver et al. 2015 when there may be other scientifically appropriate methods to use for ground truthing through RMPA implementation. ii. Please change "net conservation gain" to "an equivalent number of functional acres", or simply adopt the State's definition of "net conservation gain". Please see our previous comment about the non-alignment between BLM and the State Plan on definition of "net conservation gain." 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 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 that the disposal, including land exchanges, would have no direct or indirect adverse impact on conservation of the GRSG, (**please add): including allowance of mitigation to provide equivalent number of functional habitat acres.** **Explanation for request:** NACO believes that land disposals should also be allowed if compensatory mitigation can be achieved in a manner that meets a functional acre equivalent as per standards imposed on other 3rd party projects. Why does Management Alignment Alternative only allow potential exceptions to PHMA and GHMA? Please add OHMA as well. **See County Needs Attachment**
2	2-15	Table 2-2, Issue 6, Seasonal Timing Restrictions	**No-Action Alternative:** NACO does not support this approach as there is no exception for the following: county emergency response; issues related to public health and safety; and, standard administrative functions performed by local government for public benefit. There is also no ability to provide an exception for activities within a 4-mile buffer of leks, even if topographic, vegetative or existing infrastructure are resulting in no impact to the lek. **Management Alignment Alternative:** NACO generally supports this alternative and greatly appreciates the added ability to modify or remove seasonal timing restrictions based on factors that would allow needed activity while not having long-term negative impacts to GRSG. Neither the No-Action nor Management Alignment Alternative have any language recognizing that all these timing restrictions are to avoid visibility and audibility impacts to sage-grouse. The

			exceptions do not seem to account for the primary factor influencing visibility and audibility: topography. Please add to the end of the sentence in (i)(b) in Alt B "or local data, topography, and other factors reduce visibility and audibility impacts to sage grouse." NACO would also **request addition of an item iii** that would read the same as v from the section on Allocation Exception Process in regard to carrying out normal administrative functions of the benefit of the public.: **iii. The proposed action would be determined a routine administrative function conducted by State or local governments, including prior existing uses, authorized uses, valid existing rights and existing infrastructure (i.e. rights-of-way for roads) that serve such a public purpose.** **See County Needs Attachment for specific examples, including the Baker Water Tank, gravel pit access, emergency road maintenance, and others.**
2	2-15 & 16	Table 2-2, Issue 7, Modifying Habitat Objectives	**No-Action Alternative:** NACO does not support this approach as it does not allow for incorporation of the best available science that has emerged since or will emerge after a ROD is signed. **See County Needs Attachment for specific examples, with special attention towards the information regarding Pinyon and Juniper encroachment mapped as habitat from Churchill and Lander Counties.** Additionally, the Habitat Objectives themselves are not achievable in all areas of GRSG range, particularly in those areas that have crossed an ecological threshold that prevents the site from being restored to pre-settlement ecological potential. Setting objectives that are not achievable violates the BLMs own planning handbook. The process does not include any explicit coordination with local agencies. BLM is required to also coordinate with local agencies. Local agencies often have imperative data and information for this process. **Management Alignment Alternative:** NACO generally supports this alternative and greatly appreciates the ability to incorporate best available science moving forward as well as the clarification in paragraph 2 as to how objectives are to be viewed and implemented. The following suggested revisions are intended to strengthen this alternative. NACO would ask that the University of Nevada, Reno (UNR) College of Agriculture, Biotechnology and Natural Resources (CABNR) as well as UNR Cooperative Extension be added

			to the list for the science team and professionals from both entities possess important professional knowledge as well as specific knowledge of the ecology found in the State of Nevada. While NACO appreciates having the ability to incorporate changes through "plan maintenance," for the same reasons stated in several locations above NACO suggests adding "or through a plan amendment as appropriate." NACO greatly appreciates and support the inclusion of Paragraph 2 in this alternative as this is the only way to properly develop site-specific and achievable objectives. NACO suggests adding two additional key components for developing site specific habitat objectives and those include: Disturbance Response Groups (DRGs) and the current ecological state of the site. Please revise the second paragraph to read "Table 2-2 Habitat Objectives would be implemented following this guidance: Table 2-2 Habitat Objectives are desired habitat conditions that are broad goals based on habitat selection that may not be achievable in all areas. Site-specific objectives ***will*** be based on ***the site's ecological potential informed by*** ecological site descriptions and associated state-and-transition models ***and the site's current ecological state. The use of Disturbance Response Groups may also be appropriate based on the scale of the particular project or application.***" NACO also suggests adding a citation to the MOU that BLM and other federal agencies signed with NRCS regarding update and use of ESDs. The following references also support the use and application of these tools: • BOLTZ, S., AND G. PEACOCK. 2002. Ecological sites: understanding the landscape. Rangelands 24:18-21. • BRISKE, D.D., B.T. BESTELMEYER, T.K. STRINGHAM, AND P.L. SHAVER. 2008. Recommendations for development of resiliencebased state-and-transition models. Rangeland Ecology & Management 61:359-367. • SOIL SURVEY DIVISION STAFF. 1993. Soil survey manual. Soil Conservation Service US Department of Agriculture Handbook 18. • STRINGHAM, T.K., P. NOVAK-ECHENIQUE, P. BLACKBURN, C. COOMBS, D. SNYDER, AND A. WARTGOW. 2015. Final report for USDA ecological site description state-and-transition models, Major Land Resource Area 28A and 28B Nevada. University of Nevada Reno, Nevada Agricultural Experiment Station Research Report 2015-01. p. 1524. Available at: http://www.cabnr.unr. edu/resources/MLRA.aspx.

			• STRINGHAM, T.K., P. NOVAK-ECHENIQUE, P. BLACKBURN, D. SNYDER, AND A. WARTGOW. 2015. Final report for USDA ecological site description state-and-transition models by disturbance response groups, Major Land Resource Area 25 Nevada. University of Nevada Reno, Nevada Agricultural Experiment Station Research Report 2015-02:572. Available at: http://www.cabnr.unr.edu/resources/MLRA.aspx. STRINGHAM, T.K., P. NOVAK-ECHENIQUE, D. SNYDER, S. PETERSON AND K. SNYDER. 2016. Disturbance Response Grouping of Ecological Sites Increases Utility of Ecological Sites and State-and-Transition Models for Landscape Planning in the Great Basin. Rangelands 38(6):371-378.
2	2-12 and 15-16	County Access and Ability to Provide Emergency Services	The 2015 ARMPA describes emergency access from the perspective of providing BLM access. The geographic scope of the travel restrictions is enormous, affecting roughly 13.9 million acres in northern Nevada as shown in Map 1, Exhibit 5, affecting nine Counties and covering more than 26% of six counties (Approximately 41% of Elko County, 44% of Eureka County, 27% of Humboldt County, 39% of Lander County, 39% of Washoe County, and 36% of White Pine County are blanketed by the travel restrictions). Yet there is no provision to allow continued access by the Counties or the State that have public health and safety responsibilities. Many County "routes" likely do not satisfy the 2015 ARMPA's definition of "existing road" or "valid existing rights." The Counties must keep roads in a safe condition at all times, so they can: 1) be used in an emergency; and 2) don't have hazardous conditions that could create an emergency. For example, the widespread travel restrictions in the 2015 ARMPA affect roughly 40 percent of all roads in Elko County including segments of nearly all of the 1,500 miles of roads that Elko County maintains. Approximately 1,958 miles of roads in Eureka County are located within areas where the NVLMP travel restrictions apply. The Counties' Plans rely on maintaining access to achieve conservation, for access to ranches, as routes to adjacent lands, and to provide emergency services. The existing travel restrictions interfere with the Counties' Plans and their obligations to maintain transportation systems, a core police power functions. Because the timing and location of emergencies are unpredictable, this necessitates year-round road maintenance to provide for both access and public safety – but the 2015 ARMPA prohibits or substantially restricts such access. For example, a recent public safety issue in White Pine County required replacement of a cattle guard on a road with a 50-mph speed limit. When the County notified the BLM, it did not immediately allow the repair but instead delayed it for several weeks to determine whether the 2015 ARMPA seasonal restrictions prohibited repair. See below. Similarly, the 2015 ARMPA seasonal restrictions placed on Eureka County's 45- year old gravel pit and Elko County's plans to pave a portion of the South Fork Reservoir road to save $112,000

			in annual road maintenance costs illustrates the NVLMP's interference with the Counties' obligations to maintain their roads year-round to protect the public and properly maintain the roads. The 2015 ARMPA compels adjudication of 2477 roads as a result of existing access restrictions under the 2015 ARMPA. This is because in order for the County to continue using its Unadjudicated 2477 roads under the 2015 ARMPA restrictions the Counties must undergo costly adjudication. The locations where travel is restricted are determined and shown on the ROD map for Comprehensive Travel and Transportation Management Proposed Plan (ROD Figure 2-13). The travel restrictions shown in ROD Figure 2-13 are just one layer in a system of multiple, layered, and overlapping restrictions that the NVLMP currently imposes. In addition to the travel restrictions, the other layers that also currently regulate travel by limiting road access, maintenance, and construction include: 1) the 3.1-mile lek buffer distance for "linear features (roads)", which is a year-round restriction; 2) the four-mile seasonal restrictions which apply in both PHMA and GHMA during every month of the year except for October; and 3) the three-percent disturbance cap within the Biologically Significant Units. Future travel management plans will merely memorialize these restrictions. The Counties cannot predict when an emergency road repair will be necessary but can predict that emergencies will occur, and that flexibility is needed to respond.
2	2-6, 12, & 15-16	Congressional Acts and Land Tenure	Counties have expressed issues with the Land Tenure maps and inability to ground truth, which has created challenges for (1) parcels needed for development that are not actually habitat; and (2) the inability to carry out Congressional Acts or obtain lands for public health and services purposes. The following describes a few of the examples in the **County Needs Attachment** to help explain why this is important: 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 of those areas as PHMA. During that process, the Agencies' suggested that disposal could take place under other authorities. If that is true, then what is the purpose of the NVLMP changing the designation? This change in status makes it more difficult for

			the Counties to attempt to obtain these lands which interferes with their sovereign land use planning. Similarly, prior to the 2015 ARMPA, Washoe County worked with the Carson City BLM District to identify lands the county would like to acquire during preparation of the Resource Management Plan (RMP) for the district. The County-requested lands were shown on RMP maps as suitable for disposal until the LUPA eliminated some of the areas previously classified as suitable for disposal due the alleged presence of sage grouse habitat based on the very general 2015 ARMPA habitat maps. The "general" habitat in the LUPA maps comes close to the urban, suburban areas of the Truckee Meadows and has affected local entities from their ability to acquire BLM land for civic uses. This has already impacted Washoe County's ability to site a Middle School and a city cemetery for Sparks. Under the Lincoln County Land Act of 2000 ("LCLA") and Lincoln County Conservation, Recreation and Development Act of 2004 ("LCCRDA") (P.L. 106-298; PL 108- 424), the Secretary of Interior is directed to, jointly with the County, select and dispose of 90,000 acres and upon such sale pay five percent of proceeds to the State for general education and ten percent to the County for fire protection, law enforcement, public safety, housing, social service and transportation. Id. Similarly, the White Pine County Conservation, Recreation and Development Act of 2006 (P.L. 109-432) provides for the disposal of up to 45,000 acres of public lands with a similar distribution of funds to the State and County. The BLM, in coordination with the Counties prior to the 2015 ARMA, identified these lands for disposal. Lincoln County raised concerns that the proposed 2015 ARMA restrictions would interfere with this Congressionally directed sale. Yet the record was devoid of evidence of any attempt to evaluate the impacts of the 2015 ARMA's restrictions on such land disposal or to resolve the conflicts. Simply mentioning the Acts exist and stating the Agencies will not violate them did not resolve the issue because the 2015 Land Tenure maps removed them from consideration. Several other counties are proposing County Land Acts, and it is imperative that the Agency not undermine a fundamental purpose of these acts (conservation and economic development). Lincoln County Land Act of 2000 Lincoln County Conservation, Recreation and Development Act of 2004 White Pine County Conservation, Recreation and Development Act of 2006
2	2-16	Table 2-2, Issue 7,	**No-Action Alternative:** NACO does not support this approach as it does not allow for incorporation of the best available science that has emerged since or will emerge after a ROD is signed.

		Modifying Habitat Objectives	**See County Needs Attachment for specific examples, with special attention towards the information regarding Pinyon and Juniper encroachment mapped as habitat from Churchill and Lander Counties.** Additionally, the Habitat Objectives themselves are not achievable in all areas of GRSG range, particularly in those areas that have crossed an ecological threshold that prevents the site from being restored to pre-settlement ecological potential. Setting objectives that are not achievable violates the BLMs own planning handbook. The process does not include any explicit coordination with local agencies. BLM is required to also coordinate with local agencies. Local agencies often have imperative data and information for this process. **Management Alignment Alternative:** NACO generally supports this alternative and greatly appreciates the ability to incorporate best available science moving forward as well as the clarification in paragraph 2 as to how objectives are to be viewed and implemented. The following suggested revisions are intended to strengthen this alternative. NACO would ask that the University of Nevada, Reno (UNR) College of Agriculture, Biotechnology and Natural Resources (CABNR) as well as UNR Cooperative Extension be added to the list for the science team and professionals from both entities possess important professional knowledge as well as specific knowledge of the ecology found in the State of Nevada. While NACO appreciates having the ability to incorporate changes through "plan maintenance," for the same reasons stated in several locations above NACO suggests adding "or through a plan amendment as appropriate." NACO greatly appreciates and support the inclusion of Paragraph 2 in this alternative as this is the only way to properly develop site-specific and achievable objectives. NACO suggests adding two additional key components for developing site specific habitat objectives and those include: Disturbance Response Groups (DRGs) and the current ecological state of the site. Please revise the second paragraph to read "Table 2-2 Habitat Objectives would be implemented following this guidance: Table 2-2 Habitat Objectives are desired habitat conditions that are broad goals based on habitat selection that may not be achievable in all areas. Site-specific objectives ***will*** be based on ***the site's ecological potential informed by*** ecological site descriptions and

			associated state-and-transition models ***and the site's current ecological state. The use of Disturbance Response Groups may also be appropriate based on the scale of the particular project or application.***" NACO also suggests adding a citation to the MOU that BLM and other federal agencies signed with NRCS regarding update and use of ESDs. The following references also support the use and application of these tools: • BOLTZ, S., AND G. PEACOCK. 2002. Ecological sites: understanding the landscape. Rangelands 24:18-21. • BRISKE, D.D., B.T. BESTELMEYER, T.K. STRINGHAM, AND P.L. SHAVER. 2008. Recommendations for development of resilience based state-and-transition models. Rangeland Ecology & Management 61:359-367. • SOIL SURVEY DIVISION STAFF. 1993. Soil survey manual. Soil Conservation Service US Department of Agriculture Handbook 18. • STRINGHAM, T.K., P. NOVAK-ECHENIQUE, P. BLACKBURN, C. COOMBS, D. SNYDER, AND A. WARTGOW. 2015. Final report for USDA ecological site description state-and-transition models, Major Land Resource Area 28A and 28B Nevada. University of Nevada Reno, Nevada Agricultural Experiment Station Research Report 2015-01. p. 1524. Available at: http://www.cabnr.unr. edu/resources/MLRA.aspx. • STRINGHAM, T.K., P. NOVAK-ECHENIQUE, P. BLACKBURN, D. SNYDER, AND A. WARTGOW. 2015. Final report for USDA ecological site description state-and-transition models by disturbance response groups, Major Land Resource Area 25 Nevada. University of Nevada Reno, Nevada Agricultural Experiment Station Research Report 2015-02:572. Available at: http://www.cabnr.unr.edu/resources/MLRA.aspx. STRINGHAM, T.K., P. NOVAK-ECHENIQUE, D. SNYDER, S. PETERSON AND K. SNYDER. 2016. Disturbance Response Grouping of Ecological Sites Increases Utility of Ecological Sites and State-and-Transition Models for Landscape Planning in the Great Basin. Rangelands 38(6):371-378.

CHAPTER 3

Chapter	Page	Paragraph / Line / Figure / Table	Comment
3	3-1	14-16	BLM should qualify that much of the disturbance since 2015 is required to be mitigated and will not be a "net loss" and that wildfire resulting in much of the decreased sagebrush availability is undergoing rehab efforts meant to restore at least some of the sagebrush. It appears that the PHMA discussion is under a different timeline (2012-2015).
3	3-1	20-21	It is hard for BLM to argue that wild horse "data and information in the 2015 Final EIS" has not substantially changed. Wild horse herds in NV grow at 15-20% per year and compound. NACO represented counties are currently seeing active foaling right now resulting in 3 full years of population growth in most HMAs in sage-grouse habitat. This information is easily available through the BLM WHB Program.
3	3-1	3.1.1	Section 3.1.1 focuses only on sage-grouse literature since 2015. USGS reports referenced only focus on science since Jan 2015. Eureka County (and others) submitted volumes of peer reviewed scientific papers that existed in 2015 that the BLM either omitted or ignored in the prior LUPA process. Our comment letter on the prior EIS specifically referenced this data along with scientific sources and asked for them to be included. NACO asks that the BLM now consider and synthesize this previously-submitted data demonstrating the previous EIS being flawed and not based on the best available science, incorporated herein by reference. See Eureka County Comments on DEIS, filed January 29, 2014, at 55-62. This science must also be considered and incorporated. Eureka County provided pages of information regarding this previously omitted science. The late Kent McAdoo and Dr. Sherm Swanson also provided information about the many papers and studies BLM failed to include. Also, Dr. Bill Payne, Dean of UNR CABNR, provided a review highlighting the previous omission of **Nevada specific studies** on sage grouse and various land use impacts to sage grouse, especially grazing. It is crucial that BLM consider and incorporate the previously omitted science and the new science since 2015. Given NACO's desire to apply Table 2-2 through the lens of ESD, associated State and Transition Models, Disturbance Response Groups and current ecological state of the cite, it should also incorporate pertinent science specific to the proper application and implementation of such information and tools. This includes, but is not limited to the following studies:

			• BOLTZ, S., AND G. PEACOCK. 2002. Ecological sites: understanding the landscape. Rangelands 24:18-21. • BRISKE, D.D., B.T. BESTELMEYER, T.K. STRINGHAM, AND P.L. SHAVER. 2008. Recommendations for development of resilience based state-and-transition models. Rangeland Ecology & Management 61:359-367. • SOIL SURVEY DIVISION STAFF. 1993. Soil survey manual. Soil Conservation Service US Department of Agriculture Handbook 18. • STRINGHAM, T.K., P. NOVAK-ECHENIQUE, P. BLACKBURN, C. COOMBS, D. SNYDER, AND A. WARTGOW. 2015. Final report for USDA ecological site description state-and-transition models, Major Land Resource Area 28A and 28B Nevada. University of Nevada Reno, Nevada Agricultural Experiment Station Research Report 2015-01. p. 1524. Available at: http://www.cabnr.unr. edu/resources/MLRA.aspx. • STRINGHAM, T.K., P. NOVAK-ECHENIQUE, P. BLACKBURN, D. SNYDER, AND A. WARTGOW. 2015. Final report for USDA ecological site description state-and-transition models by disturbance response groups, Major Land Resource Area 25 Nevada. University of Nevada Reno, Nevada Agricultural Experiment Station Research Report 2015-02:572. Available at: http://www.cabnr.unr.edu/resources/MLRA.aspx. • STRINGHAM, T.K., P. NOVAK-ECHENIQUE, D. SNYDER, S. PETERSON AND K. SNYDER. 2016. Disturbance Response Grouping of Ecological Sites Increases Utility of Ecological Sites and State-and-Transition Models for Landscape Planning in the Great Basin. Rangelands 38(6):371-378.
3	3-2	8	Change "measures" to "indicators." Indicators inform, measures measure.
3	3-2	Bullet 2	NACO has concern with the following statement, "the authors found strong selection and positive survival for high horizontal cover and total shrub cover during nesting and late brood-rearing across all sites" and replace with "selection and positive survival relationships with vegetation (grass and shrub) cover during nesting and late brood-rearing across still exist. Evidence for a ubiquitous positive relation between grass height and nest success was either greatly diminished (Gibson and others, 2016a) or not supported (Smith and others, 2017b), although some studies that corrected for phenology still support this relation (Smith and others, 2017b; Coates and others, 2017a). Indicator values for grass height need to be examined to ensure they have not been derived from studies using vegetation data collected at different times for successful and unsuccessful nests without applying correction factors and are geographically appropriate." The second bullet mischaracterizes Gipson et al (2016) and links Gipson to the conclusion that "the authors found strong selection and positive survival for high horizontal cover and total shrub cover

			during nesting and late brood-rearing across all sites." Yet, the USGS points out many studies that do not necessarily make this conclusion. USGS explicitly states that "Indicator values for grass height contained in the habitat objectives tables of the 2015 BLM land use plans…may need to be examined to ensure they have not been derived from studies using vegetation data collected at different times for successful and unsuccessful nests without applying correction factors (Gibson and others, 2016a) and that science findings are geographically appropriate." Examples referenced and discussed by USGS include Gipson et al. (2016) and Smith et al. (2017). Gibson et al. (2016), concluded that "the correlation between grass height and nest success could instead be due to a built-in bias in timing of when vegetation is measured around hatched and failed nests. If habitat measurements are made immediately after researchers determine fate of a nest (either failure or hatch), measurements may be taken weeks later at successful nests than at failed nests, which allows grasses more time to grow. Because the nesting season occurs in the spring during green-up – when grasses can grow more than a half an inch a week – it appears that hatched nests are surrounded by taller grass. Dr. Gibson's study suggested this timing bias is the reason that so many studies have concluded that tall grass is important for concealing nests from predators" (as discussed in Sage Grouse Initiative, Taking the Bias Out of Grass Height Measurements, Science to Solutions Series Number 15, at 4 (2017)). Smith et al. (2017) "re-analyzed data from three independent studies that previously showed a correlation between grass height and nest success. Smith and his team reevaluated data from studies in the Powder River Basin of southeast Montana and northeast Wyoming (Doherty study), Smith's own research in central Montana, and a site in northeast Utah. When combined with Gibson's research in Nevada, the studies encompassed 1,204 sage grouse nests over 24 study site-years from across the range of sage grouse. In Gibson's study, measurements of vegetation were made at the expected hatch date for all nests, regardless of their actual outcome. This minimized any difference between failed and hatched nests in when vegetation was measured. Gibson then used a linear regression to predict vegetation height at the date of nest fate, simulating the biased methods common in other sage grouse nesting studies. For his study, Smith used the data that was collected at nest fate – the biased way – and applied the reverse correction to obtain grass heights as though they had been sampled using unbiased methods. Smith found that, when uncorrected, all of the datasets revealed a strong correlation between grass height and nest success. However, following the simple correction to account for bias, there was no longer any association between grass height and nest success in two of the three studies, while the association was slightly reduced in strength but still apparent in the third Powder River Basin. At hatch date, median grass heights at hatched and failed nests were within just 0.05 inches of one another across all re-analyzed datasets. Overall, the research strongly affirmed Gibson's initial findings and suggests that the height of grass is not nearly as crucial to sage grouse nesting success as previously thought" (also

			as discussed in Sage Grouse Initiative, Taking the Bias Out of Grass Height Measurements, Science to Solutions Series Number 15, at 4 (2017))
3	3-3	Bullets 2 & 3	Please include better language about conifer encroachment so that it is recognized and addressed as the primary threat it is and so that the Habitat Objectives can be adjusted accordingly based on the best available science. While the EIS does specify previously omitted science related to pinyon/juniper and sage grouse avoidance, the EIS fails to identify that this science demonstrate a higher threat of conifer encroachment than previously recognized. Most importantly, this science directly refutes the Habitat Objectives in the No Action Alternative and justifies changes. For instance, the No Action Alternative Habitat Objectives call for <3% phase I for general habitat and <5% phase 1 for winter habitat. Phase I is defined in the ARMPA as 0 to 25% cover of trees. Yet, Baruch-Mordo et al. (2013) found that grouse abandon their leks at only 4% cover. USGS found this important enough to include in their synthesis even though it was prior to 2015. Other forthcoming or newly available research confirms NACO's position. Additionally, not specifically discussed in the EIS is reference to Severson et al. (which is in the USGS reports and discussed). Severson et al. concluded that "Despite conventional wisdom that female grouse are strongly tied to the same nesting sites every year, sage grouse hens were quick to consider restored habitat nearby, and nested both in and near sagebrush stands cleared of juniper. Within two to four years after juniper cutting, sage grouse moved in to cut areas, and the probability of nesting in and near treated sites increased 22% each year after cutting. After four years, the number of sage grouse nesting in and near the restored areas increased 29% (relative to the control area). Additionally, birds were much more likely to nest in or near restored sites: for every 0.6 miles from a cut area, the probability of nesting decreased 43%. In short, removing junipers dramatically increased the availability of nesting habitat, and hens proved quite willing to take advantage of good habitat as it became available" (as reported in Sage Grouse Initiative, *Conifer Removal Boosts Sage Grouse Success*, Science to Solutions Series Number 12, at 4 (2017)) Finally, Sandford et al. also reported in the aforementioned Sage Grouse Initiative 2017: "[N]est success declined with every 0.6 miles farther away" from areas where trees were removed. "In one documented instance, a marked female nested within a treatment even before mechanical harvesters had completed the cut, and then successfully hatched a brood; Sandford et al. 2015" . . . "Most hens (86%) kept broods close to restored habitats and avoided areas with trees, and hens that used areas cleared of conifers were most likely to successfully fledge their broods."
3	3-4	P 2	This fails to point out the limiting factor on raven control, limited take. State wildlife and agricultural agencies have a limited take based on a permit issues by USFWS, because of the

			Migratory Bird Treaty Act. This has hamstrung the ability to implement the appropriate scale and duration of raven control. This has resulted in the "science" that exist and is biased because the science was based on discrete timeframes and not sustained efforts. However, since the EIS fails to properly analyze predator control, the answers will not be found in this process. That is why NACO advocates for adequately analyzing predator control in this EIS.
3	3-4	P 6	The Wyoming sagebrush treatment science states that positive benefits to sage grouse occur with sagebrush treatments as long as the area retains a sagebrush dominant component (Dahlgren and others, 2015). The "negative" results occurred with large scale removal of sage brush. Linear and targeted treatments actually, not large swaths of treated sagebrush, whenever completed have been beneficial. A local example is the WUI alternate mowed strips in Diamond Valley where every other alternating swath was mowed. Sage grouse use these areas very much and there are adjacent sagebrush strips intact.
3	3-6	Table 3-2	See previous comment related to including analysis of the changed conditions with wild horses.
3.5	3-8	P 1 & 2	Are all the disturbances described in Section 3.5 unmitigated? Or are some of these disturbances on track for required but have yet to be implemented mitigation? If so, this section should clarify that at least some of this disturbance will be mitigated. Going forward, the BLM should not only track "disturbances" but also track disturbances that have been and will be mitigated versus those that have not. **See County Needs Attachment**
3	3-9	P 1 & 2	The lack of adequate socioeconomic analysis from the 2015 ARMPA jeopardizes this process and all decisions in the future. Despite the fact that NACO and others made critical economic impact information available to the BLM through locally sourced data and reports, the 2015 Land Use Plan Amendment did not quantify the social or economic effects of actions that impact these industries directly or detailed economic and fiscal impacts to counties, among other flaws, failing to rely upon the best available information. This analysis needs to be completed due to its importance.

CHAPTER 4

Chapter	Page	Paragraph / Line / Figure / Table	Comment
4.4	4-10	P 4	What about incomplete information regarding socioeconomics?
4	4-10	13-15	This section does not assist with the Issue previously described where BLM listed needing to "ensure it is clear the SFA mineral withdrawal has been cancelled." It is appropriate to make that clarification here. Consider inserting in this section "Given the subsequent information obtained through the associated Mineral Potential Report and Socioeconomic Impacts Analysis, the Oct. 4, 2017 *Notice of Cancellation of Withdrawal Application and Withdrawal Proposal* explained that "the BLM determined the proposal to withdraw 10 million acres was unreasonable in light of the data that showed that mining affected less than .1 percent of sage-grouse-occupied range."
4	4-12	2-3	Revise to read "in areas that would not impact the species, ***also considering any mitigation resulting in an equivalent number of functional habitat acres.***" **See County Needs Attachment**
4	4-12	17-23	See previous comment related to "net conservation gain" where NACO points out that the EIS definition is different than the State Plan definition in words and practice. Revise paragraph to read "…metrics for tracking changes ***and mitigating impacts*** in habitat quality and quantity ***by providing equivalent number of functional habitat acres*** over time is…"
4	4-16 through 17	28	The lack of adequate socioeconomic analysis from the 2015 ARMPA jeopardizes this process and all decisions in the future. The BLM opted to conduct a qualitative analysis, despite the fact that NACO represented counties made critical economic impact information available to the BLM through locally sourced data and reports, the 2015 Land Use Plan Amendment did not quantify the social or economic effects of actions that impact these industries directly or detailed economic and fiscal impacts to counties, among other flaws, failing to rely upon the best available information. This analysis needs to be completed due to its importance.
4	4-17	15	Name the counties – Elko, Humboldt, and Washoe.
4	4-18	28	Please include that many of the roads, routes, and ways are not BLM but rather prescriptive rights of way that that BLM does not have authority on travel on these roads. NACO understands that the BLM does not acknowledge the finality of title to many of these roads due to recent decisions

			by the 10th Circuit but it cannot be refuted that most of these "claimed" roads did exist pre-1976 (FLPMA) and when taken to federal court would be adjudicated as not being under the control of BLM. This must be acknowledged and carried through the analysis. Since the 2015 ARMPA ROD, a continual controversy and conflict on this issue comes up between multiple counties associated with NACO and BLM. Yet, the analysis in the EIS provides no clarity on this issue and will perpetuate the conflict with BLM and project proponents. Existing county roads that do not have an underlying BLM authorization have caused conflict many times with BLM. Questions abound about proper implementation of the travel management restrictions and also the protection of existing roads. Valid existing rights cannot be impacted but questions arise around unadjudicated pre-FLPMA ROWs (RS 2477). Mines are being forced to take upon themselves seasonal travel restrictions, including them as Applicant Committed Measures. Such demands do not recognize valid existing rights as that term is defined in the ROD and 2015 LUP which purports to respect property rights including mining rights under the U.S. Mining Law which includes access to mining claims. This is an example of inconsistent and potentially unlawful implementation/use of the ROD and 2015 ARMPA that should be immediately addressed through this EIS. It is also imperative the EIS recognize RS 2477 rights-of-way as valid existing rights, even if not yet adjudicated in federal court.

CHAPTER 5

Chapter	Page	Paragraph / Line / Figure / Table	Comment
5	5-3	Table 5-1	The Nevada Association of Counties (NACO) should be listed as a cooperating agency.

GLOSSARY

Chapter	Page	Paragraph / Line / Figure / Table	Comment
Glossary	Glossary – I		There is no definition for the terms Ecological Site Descriptions, State and Transition Model, Disturbance Response Groups, Ecological Resilience, or their underpinning concepts. It would be wise to include a definition of this concept. Use the Interagency Ecological Site Handbook for Rangelands (2013) and ESD/STM foundational literature, including Stringham et al., for the definitions. Using Interagency Ecological Site Handbook for Rangelands (2013), below are the definitions for these concepts. **Ecological Resilience**—1) Amount of change or disruption in functioning of ecological processes (nutrient cycling, hydrologic cycle, energy flow, succession) caused by disturbance(s) that is required to transform a community phase or a state from one community phase to another community phase or from one state to another state. 2) Also, has been defined not as a quantity of change but as a rate of change; ecological resilience is the rate of recovery of pre-disturbance(s) functioning of ecological processes of a community phase or a state, after disturbance(s). **Ecological Site Descriptions (ESD)**—The documentation of the characteristics of an ecological site. The documentation includes the data used to define the distinctive properties and characteristics of the ecological site; the biotic and abiotic characteristics that differentiate the site (i.e., climate, physiographic, soil characteristics, plant communities); and the ecological dynamics of the site that describes how changes in disturbance processes and management can affect the site. An ESD also provides interpretations about the land uses and ecosystem services that a particular ecological site can support and management alternatives for achieving land management.

			Restoration Pathways—Restoration pathways describe the environmental conditions and practices that are required to recover a state that has undergone a transition. **State—**A state is a suite of community phases and their inherent soil properties that interact with the abiotic and biotic environment to produce persistent functional and structural attributes associated with a characteristic range of variability (adapted from Briske et al. 2008). **State-and-Transition Model (STM)**—A method to organize and communicate complex information about the relationships between vegetation, soil, animals, hydrology, disturbances (fire, lack of fire, grazing and browsing, drought, unusually wet periods, insects and disease), and management actions on an ecological site. **Thresholds**—Conditions sufficient to modify ecosystem structure and function beyond the limits of ecological resilience, resulting in the formation of alternative states (Briske et al. 2008). **Transition**—Transitions describe the biotic or abiotic variables or events, acting independently or in combination, that contributes directly to loss of state resilience and result in shifts between states. Transitions are often triggered by disturbances including natural events (climatic events or fire) and/or management actions (grazing, burning, fire suppression). They can occur quickly as in the case of catastrophic events like fire or flood, or over a long period of time as in the case of a gradual shift in climate patterns or repeated stresses like frequent fires. Using Stringham et al. (2016), here is a potential definition of Disturbance Response Group: **Disturbance Response Groups (DRG)**—groups of ecological sites that respond similarly to disturbance, reaching the same state or endpoint although the rate of adjustment may vary by site. DRGs are determined by examining local knowledge, soil mapping data and published literature on soils, plant ecology, plant response to various disturbances, disturbance history of the area, and any other important attributes necessary to sort pre-existing ecological sites into groups of ecological sites based on their responses to natural or human-induced disturbances.
		Requested Addition	**Habitat Management Area (HMA) – the spatial extent of Sage-grouse Management within the planning area.**

APPENDIX A: Maps

Chapter	Page	Paragraph / Line / Figure / Table	Comment
Appendix A		Figure 1-2a	Apply to all similar maps: Please map the overall Habitat Management Area (HMA), assumed to be the overall extent (perimeter) of Habitat Area, for sake of clarity.
Appendix A		Figure 1-2b	Apply to all similar maps: Please map the overall Habitat Management Area (HMA) for sake of clarity. This should match the Sage-grouse Management Area (SGMA) now referred to as the Sage-grouse Management Category Area (SGCMA), or spatial extent (overall perimeter) of GRSG management in Nevada, as adopted by the Sagebrush Ecosystem Council in December 2015.
Appendix A		Figure 2-2a	It should be noted that there is mapped habitat from Figure 1-2a that falls outside of the BSUs and Lek Clusters.
Appendix A		Figure 2-2b	It should be noted that portions of the updated BSUs and Lek Clusters fall outside of the HMA (BLM) or SGCMA (Nevada Plan). The HMA/SGCMA boundary should be added to this map to better illustrate this issue.
Appendix A		Figures 2-3b to 2-13b	All "Allocation Specific Maps" under the Management Alignment Alternative should include a note under any mapped allocation restriction (i.e. closed, exclusion, avoidance, retention, limited, etc.) that such allocations restrictions are subject to ground-truthing of mapped / modeled habitat as well as the exception process.

APPENDIX B: Lek Buffer-Distances (Evaluating Impacts on Leks)

Chapter	Page	Paragraph / Line / Figure / Table	Comment
1	1-9	Table 1-3, Row 1	NACO made previous comments regarding lek buffers under Table 1-3, Row 1, Modifying Lek Buffers, which are incorporated by reference here. The comments below must be considered in the context of our previously made comments. **See County Needs Attachment**
Appendix B	B-1	3-4	Revise to read "…appropriate (e.g. state wildlife agency plans, ***local agency plans, and local information***) …"
Appendix B	B-1	4-7	Revise to read "…using the ***general*** lek buffer-distances ***and guidance*** identified in the USGS…"
Appendix B	B-1	8	Change "basis" to "guideline"

Appendix B	B-1	14	Revise to read "low structures (e.g., fences, rangeland structures) within 1.2 miles of leks ***in flat or rolling terrain***;" As previously noted, a universally applicable 1.2-mile buffer zone for fences and rangeland structures is not supported or recommended by the USGS report. The USGS report notes this 1.2 mi buffer in flat or rolling terrain only.
Appendix B	B-1	15-16	It is important to clarify what is meant by "surface disturbance." This does not include diffuse activities and permitted livestock grazing. Also, it should be clear that encroaching or infilling PJ removal (which is altering or removing "natural" vegetation) is not surface disturbance.
Appendix B	B-1	19-21	Revise to read "Justifiable departures to decrease or increase from these distances from the lek where impacts are anticipated, based on local ***information and*** data, best available science, landscape features, ***co-location with existing infrastructure or disturbance creating no net increase in impact***, and other existing protections ***or factors reducing visibility and audibility*** (e.g., land use allocations, state regulations) may be appropriate." **See County Needs Attachment**
Appendix B	B-2	1-5	Revise to read … "landscape features, ***co-location with existing infrastructure or disturbance creating no net increase in impact***, and other existing protections ***or factors reducing visibility and audibility*** (e.g., land use allocations, state regulations)…"
Appendix B	B-2	18-19	Revise to read "…GHMA, and with input from the state wildlife agency ***and appropriate local agencies***." **See County Needs Attachment**

APPENDIX C: Required Design Features Worksheet

Chapter	Page	Paragraph / Line / Figure / Table	Comment
Appendix C	All	All	Revise the first checkbox under every single "If RDF not applied, select reason" to read "A specific RDF is documented to not be applicable to the site-specific conditions of the project/activity (e.g. due to ***ground truthing***, site limitations or engineering considerations). Economic considerations, such as increased costs, do not necessarily require that an RDF be varied or rendered inapplicable."
Appendix C	All	All	Revise the second checkbox under every single "If RDF not applied, select reason" to read "An alternative RDF ***or appropriate mitigation*** is determined to provide equal or better protection for GRSG or its habitat."
Appendix C	All	All	Please revise the definition to read "Existing routes. Existing routes are defined as those routes on the ground that clearly show prior use to the extent that a travel path is clearly visible." There are many RDFs related to "existing roads", "existing routes", or "new roads." This creates issues due to the definition of "existing routes" in the Glossary. The definition is problematic and not based on realities on the ground. NACO strongly disagrees with the definition. Many existing routes are used more heavily in different seasons. Additionally, many routes that are mechanically maintained (i.e., motor grader) do not have maintenance occur often enough to keep vegetation from establishing within the route, including centerlines, shoulders and drainages. Many of these routes are mapped on official federal agency maps and publicly available commercial products. **See County Needs Attachment**
Appendix C	C-3	RDF Gen 15	Revise to "When interim reclamation is required, irrigate site, ***in accordance with state water law***, to establish seedlings more quickly if the site requires it."
Appendix C	C-4	RDF Gen 17	Revise to "***Reclaim*** disturbed areas at final reclamation to the pre-disturbance landforms, ***as feasible, and informed*** by desired ***habitat conditions based on current ecological potential according to ESD, associated STM and existing ecological state.***"
Appendix C	C-5	RDF Gen 22	Revise to "Load and unload all equipment on existing roads ***or disturbed areas (i.e., laydown areas and turnouts)*** to minimize ***additional*** disturbance to vegetation and soil."

Appendix C	C-6	RDF LR-LUA 1	Revise to "Where new ROWs associated with valid existing rights are required, co-locate new ROWs within ***or immediately adjacent to*** existing ROWs or where it best minimizes impacts in GRSG habitat. Use existing roads or realignments of existing roads to access valid existing rights that are not yet developed.
Appendix C	C-6	RDF LR-LUA 2	Revise to "Do not issue ROWs to counties on newly constructed energy/mining development roads, unless for a temporary use consistent with all other terms and conditions included in this document ***or, based on site-specific analysis, the route provides specific benefits for public access and does not contribute to resource conflicts***."
Appendix C	C-7	RDF WFM 2	Revise to "Reduce the risk of vehicle or human-caused wildfires and the spread of invasive species by planting and ***maintaining*** perennial vegetation (e.g., green-strips) ***or chemical or mechanical fallow (e.g., brown-strips), where appropriate,*** paralleling road rights-of-way."
Appendix C	C-8	RDF Lease FM 4	Revise to "Ensure habitat restoration ***meets*** desired ***habitat conditions based on current ecological potential according to ESD, associated STM and existing ecological state.***"
Appendix C	C-9	RDF Lease FM 6	Revise to "***Reclaim*** disturbed areas at final reclamation to the pre-disturbance landforms, ***as feasible, and informed*** by desired ***habitat conditions based on current ecological potential according to ESD, associated STM and existing ecological state.***"
Appendix C	C-10	RDF Lease FM 11	Revise to "***Co-locate or*** cluster disturbances associated with operations and facilities as close as possible, unless site-specific conditions indicate that disturbances to GRSG ~~habitat~~ would be reduced if operations and facilities locations would best fit a unique special arrangement."
Appendix C	C-12	RDF LOC 2	Revise to "***Co-locate or*** cluster disturbances associated with operations and facilities as close as possible, unless site-specific conditions indicate that disturbances to GRSG ~~habitat~~ would be reduced if operations and facilities locations would best fit a unique special arrangement."
Appendix C	C-14	RDF CTTM 1	Revise to "Rehabilitate roads, primitive roads, and trails not designated in approved travel management plans. ***This would not include roads with determined or undetermined claims of pre-FLPMA right of way***."
Appendix C	C-14	RDF CTTM 2	Revise to "Reclaim closed duplicate roads by restoring original landform***, as feasible,*** and establishing desired vegetation in GRSG habitat ***informed by desired habitat conditions based on current ecological potential according to ESD, associated STM and existing ecological state. This would not include roads with determined or undetermined claims of pre-FLPMA right of way***."

APPENDIX D: Adaptive Management Plan

Chapter	Page	Paragraph / Line / Figure / Table	Comment
Appendix D	ALL	ALL	NACO previously provided comments to the proposed Adaptive Management process during the Administrative Draft review of the EIS, and these comments remain pertinent in the event that the BLM elects not to incorporate the State Approved Adaptive Management Plan into the Management Alignment Alternative. NACO would reiterate that it opposes the current Adaptive Management process included under the No-Action Alternative, as it does NOT meet the Department of Interior's guidance and instruction on Adaptive Management processes. NACO supports the Adaptive Management Plan as approved by the State of Nevada through its Sagebrush Ecosystem Council on July 17, 2018 and suggests its inclusion in Appendix D.

APPENDIX E: Fluid Mineral Stipulations, Waivers, Modifications, and Exceptions

Chapter	Page	Paragraph / Line / Figure / Table	Comment
Appendix E			

APPENDIX F: Nevada and Northeastern California Mitigation Strategy

Chapter	Page	Paragraph / Line / Figure / Table	Comment
Appendix F	All	All	See previous comment related to mitigation
Appendix F	F-1	16	Change "net conservation gain" to "equivalent number of functional habitat acres", or adopt the State's definition of "net conservation gain". **Note**: the above comment applies in many locations throughout Appendix F whenever "net conservation gain" is used. Please make all the appropriate changes. The "net conservation gain" as defined in the EIS is not consistent with the definition and application in the State Plan. While the State Plan does use the term "net conservation gain" the definition and practical application of this standard is different than the EIS definition of "The actual benefit or gain above baseline conditions." (EIS p. 7-75) The State Plan states that "Net conservation gain is defined as the State's objective to ***maintain*** the current quantity and quality of sage-grouse habitat within the SGMA at the state-wide level by protecting existing sage-grouse habitat or by mitigating for loss due to anthropogenic disturbances" (emphasis added, p. 12). The State Plan also clarifies that net conservation gain is "accomplished through the Conservation Credit System" (p. 13). And, "residual adverse impacts are ***required to be offset by mitigation requirements*** as determined through the CCS" (emphasis added, p. 68). The CCS creates mitigation credits and debits based on "functional acres" and ensures that disturbed functional acres are replaced. This all clarifies that while the State Plan calls this "net conservation gain," in application is actually "no net loss" in functional habitat.
Appendix F	F-1	9-10	Specifically include "local governments" as one of the cooperating agency examples.
Appendix F	F-2	28-30	Revise to read "Where applicable, BLM would require use of the State of Nevada's Habitat Quantification Tool (HQT) to ensure consistency in tracking/reporting changes ***and mitigating***

			impacts in habitat quality and quantity ***by providing equivalent number of functional habitat acres***.”

SAGEBRUSH FOCAL AREAS ATTACHMENT

It is for the following reasons that the BLM does not need to further analyze SFAs in the 2015 land use plan revision and should insert in Chapter 1 and where appropriate an explanation of its decision. Given the subsequent information obtained through the associated Mineral Potential Report and Socioeconomic Impacts Analysis, the Oct. 4, 2017 "Notice of Cancellation of Withdrawal Application and Withdrawal Proposal" explained that "the BLM determined the proposal to withdraw 10 million acres was unreasonable in light of the data that showed that mining affected less than .1 percent of sage-grouse-occupied range."[1]

The SFA Withdrawal Was Never A Supportable Action

The SFAs constitute an irretrievable commitment of resources for an action that will not benefit sage-grouse, and that would undermine the State Plan. Despite this irretrievable commitment, "The methods provided for delineation of the SFAs are not explicit or transparent, and therefore of poor scientific quality."[2] Thus the areas designated as SFAs is not scientifically supported. There are no habitat maps or scientific studies that support the conclusion that the SFAs are more important than other areas designated as "core" or "priority" across the scientific community; whether in the land use plans or Nevada State Plan.[3]

The withdrawal proposal from the 2015 land use plan amendment segregated and sought "to withdraw approximately 2,797,399 million acres of public and National Forest System lands located in Elko, Humboldt, and Washoe Counties in Nevada from location and entry under the United States mining laws, but not from leasing under the mineral or geothermal leasing or mineral materials laws." Under penalty of perjury, the Department of Justice took the position on behalf of the Bureau of Land Management that the Sagebrush Focal Area Withdrawal would be analyzed during that withdrawal process and the Secretary at that time could choose not to move forward with that withdrawal.

Prior to the withdrawal process, the BLM had not yet performed a Minerals Potential Report detailing what minerals may be available for development in that area and therefore the extent of potential impacts to the greater sage-grouse. Nor had the BLM undertaken a Socioeconomic Impacts Analysis to help inform NEPA's object to minimize "the risk of uninformed choice." And at that time, neither the BLM nor FWS had been able to explain why an impact rate of .001 percent would have a significant negative impact on the decline or recovery of the greater sage-grouse. Such a procedural error has resulted in the past in a vacatur of the National Marine Fisheries Service decision regarding the decline or recovery of Endangered Species Act listed species. *Humane Soc'y of the United States v. Locke*, 626 F.3d 1040, 1048 (9th Cir. 2010). In this instance, the rationale is even less robust.

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[1] https://www.blm.gov/press-release/blm-cancels-10-million-acre-sagebrush-focal-area-withdrawal-proposal.
[2] CABNR Memo at Table 1.
[3] WAWFA Trend Analysis at 9; COT Report at 14; ARMPA Appendix A; State of Nevada Habitat Map.

Once these studies were performed, it became clear that "no withdrawal" is the only action supportable by the record. 80 Fed. Reg. 57,635. The maximum possible benefit of the proposed action *might* prevent 6,934 acres (roughly 10 square miles) of disturbance to greater sage-grouse habitat.[4] This benefit is compared to 9,948,477 acres (roughly 15,544.50 square miles) that was proposed for withdrawal.[5] The disturbance-to-withdrawal acreage ratio shows this action cannot provide any impact, positive or negative, above 0.00069699% to the greater sage-grouse within the withdrawal area. Compare this number to the total 173 million-acre sage-grouse habitat range and the impact is even lower, at 0.00004008%.[6] In Nevada, the maximum possible benefit would prevent the occurrence of 3,326 acres of disturbance compared to 2,766,939 acres withdrawn, at a 0.00120205% disturbance-to-withdrawal acreage ratio.[7] Still, all of this assumes that the protections within the land use plans do not adequately address even this negligible harm to the greater sage-grouse.

Moreover, these numbers reflect an even lesser benefit to the sage-grouse than what the U.S. Fish and Wildlife Service ("FWS") concluded when it stated in its October 2, 2015 decision, "Overall, the extent of [mining] projects *directly affects less than 0.1 percent* of the sage-grouse occupied range. Although direct and indirect effects may disturb local populations, *ongoing mining operations do not affect the sage-grouse range wide*."[8] These numbers were provided after the "Greater Sage-Grouse: Additional Recommendations to Refine Land Use Allocations in Highly Important Landscapes," USFWS Director Dan Ashe (USFWS 2013), ("Ashe Memo") and only highlight further that the Agency should be focused on the > 99.99% of impacts caused by other threats. DEIS at 3-157.

Compare this negligible benefit to the economic impact of the Proposed Action, which would eliminate 1,705 jobs and $694 million dollars of *annual* tax revenue in Nevada alone.[9] Over a period of 20 years, the total economic impact to the State of Nevada is $13.88 billion. Then, consider the $117 million lost in annual labor earnings in Nevada, or a $2.34 billion loss of labor earnings and the associated economic and tax benefits to the counties over a 20 year period.[10] Still, these numbers substantially under-represent the economic impacts to Nevada, as they do not include projected employment, Lithium, corporate headquarters located in Washoe County, or the

[4] This number is equal to 9,554 acres from the No Action Alternative less the 2,620 acres of disturbance from valid existing rights that would remain under the Proposed Action Alternative. DEIS at Table ES-1.
[5] DEIS at Table 2-19
[6] DEIS at 3-156.
[7] DEIS at 1-3, Table 1-1; Total possible disturbance acreage is equal to 5,611 acres from the No Action Alternative less 2,285 acres of disturbance from valid existing rights that would remain under the Proposed Action Alternative. Table 2-1, 2-5.
[8] 80 FR 59858 (Oct. 2, 2015); See also NACO Scoping Report at 12.
[9] $845 million, 2,031 jobs under No Action Alternative less to $151 million 326 jobs under the Proposed Action. DEIS at xi.
[10] DEIS at xi, $141 million under the No Action Alternative less $24 million under the Proposed Action.

"substantial amounts of tax revenue from sales, use, and property tax" to the counties and the State.[11]

Especially troubling is the United States' continued dependence on importing locatable minerals from China and other countries that have less concern for the human environment and where fewer environmental regulations and processes are in place.[12] In passing the Federal Land Policy Management Act, ("FLPMA"), Congress also continued the policy that "the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the [MMPA] ... as it pertains to the public lands ...." *Id*. § 1701(a)(12).

1. Existing Protections Already Address Whatever Threats are Foreseeable

The SFA designation and withdrawal are not necessary because sufficient protections already exist across the sage-grouse habitat range. The FWS reasons only that the threat of widespread mining across those 10 million acres *might* be a threat in the future: "Based on what we know today, no mining activities are likely to result in loss of these important areas for conservation, but we recognize that economic changes or technological advances may increase the risk of development in the future." [13] This is not a permissible analysis particularly given there are several existing regulations and protections afforded to greater sage-grouse that already mitigate impacts from any projected surface disturbance. The land use plan amendments severely restrict uses on the federal lands within greater sage-grouse habitat. For instance, the amendments implement, *inter alia*, uniform lek buffer distances, surface disturbance caps, mining facility density caps, mitigation requirements, travel restrictions, and additional restrictions across PHMA, GHMA, and OHMA habitat designations. Most of these designations overlap with the SFA map, and those that do not are not habitat at all and therefore would not impact the greater sage-grouse in any event. Further, the State Plan's Habitat Quantification Tool and Conservation Credit System would ensure that any impact is fully mitigated based on functional acres. These restrictions are in addition to the existing surface management regulations under FLPMA. *See, e.g.*, 43 U.S.C. § 1732(b); 43 C.F.R. § 3802.0-5(1); *id*. § 3809 *et seq*.; 36 C.F.R. § 228.8. These protections, if included in the "no action alternative," likely *eliminate* any projected 6,934 acres of potential surface disturbance that might occur without a mineral withdrawal. It is for these reasons that The FWS October 2, 2015 "12-Month Finding on a Petition to List Greater Sage-Grouse as an Endangered or Threatened

[11] DEIS at 3-79; "The IMPLAN-based economic analysis conducted for this evaluation focuses only on 'backward linkages' that describe direct and secondary employment of the projected mines, and the suppliers to those mines and their employees. It does not capture 'forward linkages' that could result from the use of the commodities produced by those mines. In the case of the projected lithium mine in Humboldt County, the forward economic linkages in Nevada related to development of the projected mine could be substantial." DEIS 4-43.

[12] U.S. Gov't Accountability Office, Report to Chairman, Comm. on Energy and Natural Resources, U.S. Senate, GAO-16-699, *Advanced Technologies: Strengthened Federal Approach Needed to Help Identify and Mitigate Supply Risks for Critical Raw Materials* (Sept. 2016); U.S. Geological Survey, *Mineral Commodity Summaries 2017* 6–7 (2017) ("China … supplied the largest number of nonfuel mineral commodities.").

[13] 80 Fed. Reg. 59,916.

Species," cites to all of the protections afforded to the primary and general habitat as sufficient before discussing the threat of mining and withdrawals.[14]

Further, existing cooperative agreements constrain nondiscretionary uses for those areas most at risk from locatable minerals in Nevada, as is evidenced by the COT Report, Barrick Enabling Agreement, an Agreement with Newmont Mining Corporation[15], and potentially others.[16] This illustrates that existing rights-of-way under section 507 of the Act (43 U.S.C. 1767) and cooperative agreements under sections 302(b) (43 U.S.C. 1732(b)) and 307(b) (43 U.S.C. 1737(b)) of the act adequately protect against any perceived future threats from locatable minerals. 43 CFR 2310.3-1 (c)(10). For example, on March 25, 2015, the FWS and BLM entered into the "Barrick Nevada Sage-Grouse Enabling Agreement" across 250,000 acres of private lands within the Southern Great Basin management area. This Agreement cites to 43 CFR part 3809 regulations for authority. This qualifies as a cooperative agreement under 43 CFR 2310.3-1(c)(10). Management zone 15c, or the Southern Great Basin contains most of the Priority Area for Conservation (PAC) in Nevada. The Barrick Enabling Agreement and others like it contain mitigation standards, a credit banking system, more widespread goals for a broader area, encourages co-location, permits regulation of federal and state land, and satisfies multiple use standards.

2. The Science Cited Never Supported SFA Boundaries

The withdrawal process adopted wholesale the assumption that the SFAs constitute the best habitat for Sage Grouse; and that it can only be protected by withdrawal. While it is important to work closely with the FWS to implement regulatory assurances like the State Plan, to continue to conserve GSG habitat and to avoid a future listing, the BLM *must* make explicit reference to the scientific and other sources relied upon for conclusions in the statement. 40 C.F.R. § 1502.24.

The SFA Boundaries included lands that were not GSG habitat because it was based on facially erroneous data that identified areas of non-habitat as critical GSG habitat.

The threat to sage-grouse that the SFA withdrawal was meant to protect against is habitat fragmentation, yet the Agency could not calculate the impact to sage-grouse because it was too negligible. The Need for any withdrawal is to prevent the fragmentation of greater sage-grouse habitat caused by surface disturbance within the habitat area: "One of several major threats to public lands identified in the LUP amendments is the *fragmentation of greater sage-grouse habitat* due to mineral exploration and development related to hard rock mining."[17] During the SFA

[14] 80 Fed. Reg. 59,858

[15] See more at: http://www.newmont.com/resources/Case-Study-Library/Case-Study-Library/2015/Partnering-with-The-Nature-Conservancy-to-Protect-the-Greater-Sage-Grouse/default.aspx#sthash.TnkdA7NV.dpuf; Long Canyon Mine Project Record of Decision and Plan of Operations Approval, FLM (April 7, 2015).

[16] Barrick Enabling Agreement; COT Report at 30.

[17] DEIS at 1-14 to 1-15; "Table 4-2: Resource Impact Indicators. The resource impact indicators required to determine this impact are: (1) Acres of disturbance from potential mineral exploration and development activities under each alternative; (2) Habitat fragmentation of

Withdrawal process, NACO asked the BLM why habitat fragmentation had not been analyzed. To summarize, the response was "the area is too big," and "we do not know where the disturbance will occur" to calculate or map potential impacts from disturbance.[18] This makes sense, considering the disturbance-to-withdrawal ratio is so small that it didn't even compute. This information is crucial to the impacts analysis, as disturbance is only relevant to determine to what extent mining contributes to habitat fragmentation.

This conclusion is consistent with the FWS's initial findings on March 23, 2010 for petitions to list the Greater Sage-Grouse as Threatened or Endangered at 75 Fed. Reg. 13910, which highlights that the FWS did not "have comprehensive information on the number or surface extent of mines across the range," but that "Nevada (MZs III, IV, and V) is ranked second in the United States in terms of value of overall nonfuel mineral production in 2006 (USGS 2006, p. 10)." On October 2, 2015, the FWS issued another finding stating that "Consistent with our 2010 finding, we do not have a comprehensive dataset about existing and proposed mining activity to do a quantitative analysis of potential impacts to sage-grouse." 80 Fed. Reg. 59,915 (Oct. 2, 2015)

> "…Overall, the extent of [mining] projects ***directly affects less than 0.1 percent of the sage-grouse occupied range***. Although direct and indirect effects may disturb local populations, ***ongoing mining operations do not affect the sage-grouse range wide***." 80 Fed. Reg. 59,858.

Also, USFWS quantified the huge area of the western U.S. that contains GSG habitat:

> "The sagebrush ecosystem upon which the sage-grouse depends **remains one of the largest, most widespread ecosystems in the United States, spanning approximately 70 million ha (173 million ac)**". 80 Fed. Reg. 59,933].

This information was provided prior to further information obtained through the Mineral Potential Report and Socioeconomic Impacts Analysis.

<u>The COT Report Supports Only Localized, Not Widespread Risk of Mining in SFAs</u>

The withdrawal proposal relied on the recommendations from *A Report on National Greater Sage-Grouse Conservation Measures*, Sage-grouse National Technical Team (December 21, 2011) (NTT Report) and *Greater Sage-grouse (Centrocercus urophasianus) Conservation Objectives: Final Report*, U.S. Fish and Wildlife Service (February 2013) (COT Report).

NACO and Nevada's Counties have in the past expressed many concerns with the ARMPA's reliance on the NTT and COT Reports as conflicting with the Sagebrush Ecosystem Council and Sagebrush Ecosystem Technical Team findings supporting the State of Nevada's Action Plan.

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greater sage-grouse habitat – this could include fragmentation of seasonal habitats (i.e., nesting/brooding and winter) and connected populations (i.e., leks); and (3) Calculations of vegetation/habitat impacts relative to the availability of these resources within the proposed withdrawal area.

[18] Discussion from a Cooperating Agency Call, on Thursday, March 23 at 12:30 PM PST.

Nevertheless, the ARMPA cites to those reports, and therefore they should be used to determine whether the scale of the SFAs and the widespread proposed withdrawal were supported by the science cited.

The NTT Report does propose a "withdrawal from mineral entry *based on risk to the sage-grouse and its habitat from conflicting locatable mineral potential and development.*"[19] However, the NTT report does not discuss where a withdrawal might be most appropriate or imply that it should cover 10 million acres of habitat nationwide. Rather, the FEIS and ARMPA rely upon the COT Report to determine the NTT's request to evaluate risk from conflicting locatable mineral potential and development.

Looking to the COT report, the SFAs do not represent the areas at greatest risk from mining. The COT Report shows that threats from mining within the SFA areas are only localized and not widespread. Table 2 delineates Sage-grouse quasi-extinction risk and threats by management zone and populations as defined by Garton *et al.* 2011.[20] Threats are characterized as (Y = threat is present and widespread), (L = threat present but localized), (N = threat is not known to be present), and (U = unknown).[21] Figure 3 complements this table by designating Sage-grouse management zones, populations, and Priority Areas for Conservation. This table correlates to the threats present in each management zone.[22]

The Sage-Grouse Priority Areas that encompass the SFAs are numbered 26a (Northern Great Basin) and 31 (Western Great Basin). The threat of mining to is designated "L," or "threat present but localized" in both the Northern and Western Great Basins, even where the threat of mining is only elevated to "present and widespread" in management area 14 (Northwest Interior) which is not an SFA.[23] In fact, the *only* areas on the map within the COT report that expresses a widespread threat of mining is in the Northwest Interior. This area, the Northwest Interior, is home to mining operations run by Newmont Mining Corporation, a company engaged in an Enabling Agreement that allows for mitigation and net conservation gains from mining threats to Greater Sage Grouse (See Section C on Cooperating Agreements).[24] Another Enabling Agreement between the BLM and Barrick Gold Corporation covers Sage-Grouse habitat in an area with the exact same characteristics as those subject to the SFA. If a cooperating agreement with mitigation requirements with a private party is sufficient to protect an area with a widespread threat of mining, then it is insufficient to conclude that that some areas labeled as having a "localized" threat of mining should be subject to a widespread withdrawal lasting twenty plus years.[25] Mitigation measures similar to those in the Newmont and Barrick Enabling Agreements could be applied to mining projects in the SFA, with a similar positive outcome. Therefore, the COT Report does not support a need for widespread withdrawal above and beyond the many measures being implemented in the Northern or Western Great Basin Priority Areas.

[19] NTT Report at 24.
[20] COT Report at 16.
[21] *Id*.
[22] COT Report at 30.
[23] COT Report at 24, 26, 30
[24] Barrick Enabling Agreement, citation; See discussion of Cooperative Agreements
[25] See Cooperative Agreement Discussion

The FWS Listing Decision Does Not Support the SFA Boundaries

In 2010 the FWS was aware only "of approximately *63,000 acres* of existing mining related disturbance within the range of sage-grouse."[26] The notice indicates that mining related disturbance has not changed. Yet the FWS supports its own "recommendations for mineral withdrawal in SFAs that would remove potential impacts on approximately *10 million acres* of sage-grouse habitat." [27]

The FWS only concludes with reference to the Ashe Memo that "The Federal Plans designate the most important sagebrush habitat as SFAs where locatable mineral withdrawal is recommended… Within the areas of greatest conservation importance (SFAs), DOI will recommend withdrawal from locatable mineral entry." The findings again state that the threat of mining is localized rather than widespread. The FWS notes its findings are consistent with the recommendations in the COT Report, that "Minerals are not distributed evenly across the sage-grouse landscape, and as a result, mining activities tend to be localized or regional." 80 Fed. Reg. 59,915; See previous citations about mining impacting 0.1% of the 173 million total acres of greater sage-grouse habitat.

Again, an Agency may not adopt wholesale another Agency's conclusions unless those conclusions are supported by the best available science. 40 C.F.R. § 1502.24. The FWS listing decision at 80 FR 59872 discusses the COT Report and new scientific information. Even here the findings reference the Ashe Memo discussed above to support the strongholds.[28] This Memo, as discussed above, does not support the strongholds with any citation to science or supporting analysis. Because the FWS never supported its request to add the strongholds with scientific citation or analysis, the BLM may not rely on the FWS's conclusion or request to support the strongholds.

3. The State Plan Does Not Support the SFAs or Withdrawals

The State Plan does not support the SFA Boundaries or withdrawals, and implementation of withdrawals will significantly undermine the potential effectiveness of the State Plan's Conservation Credit System. In 2014, Nevada's Sagebrush Ecosystem council adopted the Nevada Conservation Credit System. The credit system is designed to offset impacts from human-caused disturbances through enhancements and protections that result in a net benefit for greater sage-grouse habitat in Nevada.

The State system presumes that mining and other industry will occur, but only with mitigation that results in conservation for equivalent habitat. The SFAs still fall largely within the PHMAs according to Coates et al. 2014, 2015, 2016. The State Conservation Credit System provides substantial mitigation for projects in this area.

Further, the Dean of the University of Nevada, Reno's College of Agriculture, Natural Resources

[26] 80 Fed. Reg. 59,915
[27] 80 Fed. Reg. 59,916
[28] 80 Fed. Reg. 59,878

and Biotechnology addressed the fact that "Nevada-specific data was not included in the delineation of SFAs, and no experts in the State were consulted. Overall, these are in conflict with federal policy, and design principles for CPR management (Ostrom, 1990; NAS, 2013)." [29] He continues, "Criteria used to delineate SFAs do not match the State's assessment of breeding densities or its mapping using resistance and resilience concepts. The poorly justified SFAs ... also ignore inter-national norms regarding use of local knowledge in sustainable CPR management (UNCCD, 2015)."[30]

Conclusion

It is for the above reasons that the BLM does not need to further analyze SFAs in the 2015 land use plan revision, and should insert in Chapter 1 and where appropriate an explanation of its decision. Given the subsequent information obtained through the associated Mineral Potential Report and Socioeconomic Impacts Analysis, the Oct. 4, 2017 "Notice of Cancellation of Withdrawal Application and Withdrawal Proposal" explained that "the BLM determined the proposal to withdraw 10 million acres was unreasonable in light of the data that showed that mining affected less than .1 percent of sage-grouse-occupied range."[31]

[29] CABNR Memo at Table 1.
[30] CABNR Memo at Table 1.
[31] https://www.blm.gov/press-release/blm-cancels-10-million-acre-sagebrush-focal-area-withdrawal-proposal.

COUNTY NEEDS DOCUMENT

The 2015 Record of Decision and Approved Resource Management Plan Amendment ("ARMPA") imposed inflexible restrictions that pose unique challenges to counties' ability to provide critical, mandated, public health and safety services to their communities. However, NACO believes many of these challenges are easily resolved. During the scoping period and cooperating agency meetings for the 2018 DEIS, several of the examples provided below were discussed at length. Many of the changes proposed in the BLM's 'Management Alignment Alternative' would help alleviate many of these below listed issues. NACO believes that the proposed changes in the Management Alignment Alternative, along with the further clarifications provided in this comment package, would more adequately allow counties to provide the services their residents depend on while ensuring greater sage-grouse conservation. The purpose of this attachment is to further document past and foreseeable issues that NACO is attempting to facilitate resolution to through its comments and participation as a Cooperating Agency.

CHURCHILL COUNTY

Consistency with County Plans

Churchill County takes great interest in the greater sage-grouse plan amendment process as a substantial portion of the County consists of public lands administered by the BLM through its Carson City District. The County also contains "priority", "general" and "other" Greater Sage-grouse (GRSG) habitat management areas. As such, BLM policy greatly influences the County's customs, culture and economy as described in the County's 2015 Master Plan. The "Management Alignment Alternative" is more consistent with the County's Master Plan than is the "No Action Alternative". In the County's view, the proposed Management Alignment Alternative better meets the BLM's multiple use mandate, allows the County to better serve its citizens, and better balances important public land uses with sage-grouse conservation efforts.

The County was disappointed that the DEIS didn't provide more emphasis on two major public land issues, those being the overpopulation of wild horses and wildfire management. The staggeringly high numbers of wild horses continue to negatively impact sage-grouse, additional wildlife species and other important resources and public land uses within this County. Therefore, the County encourages the BLM to gather excess wild horses within Sage-grouse habitat as soon as possible. Secondly, last year's wildfire season resulted in significant impacts to the County, including the loss of Sage-grouse habitat in the Clan Alpine Mountains. The County does understand that the wildfire issue is being addressed through other "Programmatic" EIS processes and has thus provided input to these processes. The County would encourage the BLM to expedite the implementation of fuel breaks, other wildfire pre-suppression/hazard fuels reduction efforts, and post fire rehabilitation, particularly within Sage-grouse habitat. The County strongly supports any effort to expedite wildfire pre-suppression, suppression and rehabilitation efforts in Churchill County. The 2017 fire season and subsequent impacts to Sage-grouse habitat and public land uses in the County only emphasizes the tremendous need for such activities.

Increase Opportunities for Outcome Based Grazing

The County strongly supports the expansion of outcome-based grazing in Churchill County. Fuel loads, particularly cheatgrass, are high in the County due to two consecutive springs of above-average precipitation. These fuel loads carried multiple large wildfires in the County last year and have only exacerbated the accelerated cheatgrass-fire cycle. As such, anything the BLM can do to allow additional grazing that targets reduction of such excess fuel is highly encouraged, particularly around potential ignitions sources (i.e. Highway 50 and the Fallon Training Range Complex Bravo bombing ranges).

The County supports the plan maintenance action to remove Management Decision LG 5 due to its inconsistencies with BLM Grazing Regulations. Public land grazing is important to the County's customs, culture and economy. Any undue harms created by this inconsistent policy would most likely result in negative socioeconomic impacts to the County.

ELKO COUNTY

Elko County has a total area of 17,181 square miles (10,995,840 acres); it is geographically the fourth largest county in the 48 contiguous United States, and has a population of 52,760 people. The economic drivers in Elko County include ranching, mining, recreation, and tourism. Over 72 percent of Elko County is federal land managed primarily by BLM and USFS. The habitat maps in the 2015 ARMPA show 75 percent of Elko County as Priority Habitat Management Areas (PHMA), General Habitat Management Areas (GHMA) and other (OHMA). The BLM/USFS habitat maps are inaccurate because the very coarse scale of these maps does not include sufficient on-the-ground information about actual habitat conditions. Elko County is aware of specific errors in the maps' identification of lands as habitat.

Over 40 percent of the PHMA and GHMA in Nevada is located in Elko County, making Elko County "ground zero" for the adverse impacts resulting from the 2015 ARMPA. The land use restrictions and prohibitions in the LUPA affect 75 percent of the land in the county.

Consistency with County Plans

Elko County has devoted a great deal of time and effort to developing greater sage-grouse conservation plans and policies. In September 2012, the Elko County Division of Natural Resource Management published the Elko County, Nevada Greater Sage-Grouse Management and Conservation Strategy Plan ("Elko County Plan"), formally approved on September 19, 2012. The purpose of the Elko County Plan is … "ensuring that to the greatest extent feasible, greater sage-grouse populations and their habitat are maintained, enhanced, or restored on public lands, and that such activities are promoted on private lands…" (Elko County Plan, Page 13).

The Elko County Plan reflects the site-specific environmental and socioeconomic conditions in Elko County. The Elko County Division of Natural Resource Management staff and others in Elko County devoted considerable time and county resources towards developing the Elko County Plan, which is a carefully researched and referenced study based on best available science. As such, the Elko County Plan is considered the principal resource for greater sage-grouse habitat management and conservation in Elko County. The Elko County Plan protects greater sage-grouse populations and achieves significant greater sage-grouse habitat conservation.

In December 2010, Elko County officials finalized the Elko County Public Land Use and Management Plan ("Public Land Management Plan"), which was developed under the direction of the Elko County Board of Commissioners and the Elko County Natural Resource Advisory Commission. County officials created the Public Land Management Plan to maintain and promote traditional multiple uses in unison with conservation measures for federal lands in Elko County. The land management principles endorsed in the Public Land Management Plan form the foundation for the Elko County Plan.

Increase Opportunities for Outcome Based Grazing

Elko County's strong commitment to land stewardship drives ongoing development and refinement of the County's conservation policies and programs. In December 2014, the Stewardship Alliance of Northern Elko County published the SANE Sagebrush Ecosystem Conservation Plan ("SANE Plan"). The SANE Plan was developed by a group of Elko County ranchers with grant support from the Nevada Department of Wildlife and the Public Lands Council for the Northeastern Elko County Conservation District. On September 26, 2014, the Elko County Board of Commissioners unanimously endorsed the Draft SANE Plan, suggesting it be used as a "template for local, state, and federal political bodies as they look at ways to solve public land issues in the future."

Elko County is committed to conserving the sagebrush ecosystem, which is habitat for the greater sage-grouse, and believes this can be accomplished while providing for the current and future needs of our citizens and economy. The Elko County Plan, the Public Land Management Plan, and the SANE Plan (the "Elko County Conservation Plans") reflect this commitment and form the basis for our detailed and substantive comments that Elko County provided to BLM and USFS throughout the 2015 ARMPA Scoping, Draft EIS and Final EIS/LUPA process.

Removing Sagebrush Focal Area Designations and Multiple Use Mandate

The foundation of the Elko County Conservation Plans is the Federal Land Policy and Management Act (FLPMA) mandate that the public lands be managed to achieve multiple use and sustained yield. (*See* 43 U.S.C. § 1701). The Elko County Conservation Plans have adopted FLPMA's multiple use and sustained yield principle because Elko County strongly believes that appropriate management of the land must and can achieve land stewardship and habitat conservation while at the same time promoting a strong economy.

The 2015 ARMPA is inconsistent with the Elko County Land Management Plan and violates FLPMA because it includes over 2.8 million acres in Nevada of Sagebrush Focal Areas ("SFAs") where certain land uses are categorically prohibited and where multiple use is eliminated or severely restricted. Lands within the SFA will be withdrawn from operation of the Mining Law so that these lands cannot be used for mineral exploration and development purposes. The SFA also prohibits wind and solar energy projects, imposes No Surface Occupancy restrictions on oil and gas and geothermal exploration and development, limits major and minor Rights-of-Way, and places unreasonable requirements that limit the use of these lands for livestock grazing. The SFA prohibitions and restrictions are incompatible with the foundational principles of the Elko County Conservation Plans, Section 6.5.1 the Elko County Plan, and FLPMA's multiple use and consistency mandates.

Elko County bears the brunt of the SFA land use prohibitions and restrictions in Nevada because the SFA covers over 2 million acres in northern Elko County, which is roughly 72 percent of the 2.8 million acres of SFA in Nevada. Numerous private land parcels are located adjacent to or within the Elko County SFA. Theses parcels are private lands currently used for ranching purposes that are comprised of lands cultivated for alfalfa hay or small grains, stream-irrigated meadows used to grow native wild hay, and pastures with sufficient carrying capacity to support cattle. The future viable use of these private land parcels

depends in large part on the landowners' ability to use the adjacent public lands for livestock grazing. Because streams and wet meadows are high-quality, seasonal habitat for greater sage-grouse, interfering with the continued use of private land parcels with streams and meadows will cause loss of some of the best brood-rearing and summer habitat. (*See* COT Report, Table 4-1 and Final EIS, Table 2.2 and Pages 2-39 and 2-57 and the 2014 Nevada Greater Sage-Grouse Conservation Plan Section 7.5 ("Nevada Conservation Plan")), which all emphasize the importance of riparian and wet meadow habitats.

Unfortunately, the management directives for the SFA threaten to eliminate or reduce the authorized use of the adjacent public lands for livestock grazing by imposing unworkable and prescriptive one-size-fits-all habitat management objectives. Elko County estimates from GIS mapping that roughly 236,000 acres of Elko County private lands are adjacent to or engulfed by the SFA. The current use of these private land parcels for agriculture and ranching will be adversely affected by restrictions on grazing on adjacent public lands. Thus the SFA will diminish or even eliminate future economic agriculture and ranching uses on private property causing substantial economic harm to individual landowners and Elko County in general and potentially subject the federal government to regulatory takings claims. The SFA will create stranded inholdings of private land parcels surrounded by public land managed for the sole purpose of greater sage-grouse conservation.

Cultivated fields, meadows, and pastures provide critically important brood-rearing habitat for the greater sage-grouse. So, in addition to harming landowners within and adjacent to the SFA, the potential diminished agricultural and ranching uses of the private land parcels due to restrictions on adjacent public lands could have a significantly adverse impact on up to 236,000 acres of greater sage-grouse habitat. Any reduction in the size or distribution of these crucial but limited seasonal greater sage-grouse habitats will harm the species.

Modifying Habitat Management Area Designations; Modifying Habitat Objectives; Adaptive Management; Increase Opportunities for Outcome Based Grazing

The 2015 ARMPA inappropriately dismisses the relevance and importance of the projects that are a key element of the Elko County Plan. The Devils Gate/North Fork, South Fork Te-Moak Tribe and Clover Valley projects encompass approximately 75 square miles comprised of about 50,000 acres of private and tribal lands. These projects are designed to identify and monitor the effects of historical agricultural uses, grazing practices, and predator control on greater sage-grouse populations and habitat. The pilot projects will provide quantitative data to show that agriculture, predator control, and historical grazing have historically supported greater sage-grouse populations and provided important habitat, demonstrate the ongoing importance of these practices, and use this data to design conservation measures that are optimized for northern Nevada.

The livestock grazing objectives in Section 2.6.2 and Table 2-2 of the Final EIS/LUPA are completely inconsistent with the Elko County Plan because they establish prescriptive, range-wide, one-size-fits-all habitat management objectives that apply to the SFA as well as to the PHMA and GHMA. In contrast, the Elko County Plan, like the U.S. Fish and Wildlife Service's 2013 Greater Sage-Grouse Conservation Objectives: Final Report ("COT Report"),

explicitly rejects the concept of uniform, range-wide prescriptions for managing the land: "Due to the variability in ecological conditions, species' and threat status, and differing cultural perspectives across the greater sage-grouse range, developing detailed, prescriptive species or habitat actions is biologically untenable and inappropriate at the range-wide scale." (Elko County Plan, Page 112).

Elko County estimates that the inconsistencies between the livestock grazing policies in the 2015 ARMPA compared to the Elko County Plan will cost the county roughly $31 million per year in lost agricultural productivity using USDA agricultural census data, and interfere with Elko's continuing implementation of its Conservation Plans.

The Elko County Plan focuses on reducing threats to greater sage-grouse and its habitat (mainly wildfire, invasive grass species, and predation) while maintaining multiple uses of the land, whereas the 2015 ARMPA focuses on prohibiting and restricting regulated multiple uses (e.g., livestock grazing, mining, recreation, and access) in the SFA, PHMA, and GHMA. These fundamentally different approaches create irreconcilable inconsistencies between the 2015 ARMPA and the Elko County Plan and will interfere with Elko County's Greater Sage-Grouse habitat conservation programs. The COT Report clearly documents that regulated public land uses are not the main threats to greater sage-grouse habitat and that wildfire followed by the invasion of non-native grass species like cheat grass are the main threats to greater sage-grouse and its habitat. The Elko County Plan focuses on reducing these threats while at the same time adhering to FLPMA multiple use principles. It is thus consistent with federal law and will achieve far superior greater sage-grouse habitat conservation compared to the 2015 ARMPA.

Section 6.2 of the Elko County Plan establishes six livestock grazing management objectives to address identified habitat issues with recommended actions. The actions include specific recommendations to restore, preserve, and enhance greater sage-grouse habitat through proper livestock grazing principles that focus on achieving sustainable multiple uses of the land. For example, Management Goal No. 1 states: "manage agriculture and livestock grazing to maintain and enhance conditions necessary for a properly functioning sagebrush community that addresses the long-term needs of agriculture, livestock grazing and greater sage-grouse habitat." Similarly, Management Goal No. 5 says: "Utilize and expand where appropriate existing grazing permits and new grazing permits designed to achieve rangeland health standards, to properly manage grazing and identify opportunities for livestock grazing to be used as a management tool to improve habitat quality and reduce wildfire threats." The multiple use approach and the recognition of the potential synergies between livestock grazing and greater sage-grouse habitat protection, enhancement and restoration in the Elko County Plan are lacking in the LUPA, which will interfere with the Elko County Plan through its limitations on grazing across the rangeland (especially in the SFA).

The important synergy between proper livestock grazing and greater sage-grouse habitat restoration, conservation, and enhancement is a key premise of the Elko County Plan. The 2015 ARMPA livestock grazing restrictions interfere with this synergy and Elko County's ability to implement its local land use plans. The federal grazing policies for the past 50 years that have reduced livestock grazing on annual grasses have produced a dangerous build up

of flammable fuel comprised mainly of non-native invasive annual grass species. This artificial buildup of flammable annual grasses has resulted in increased range fire frequency and intensity and is the primary cause of greater sage-grouse habitat destruction in Nevada and elsewhere in the Great Basin. The Elko County Plan contains a number of recommended actions that focus on reducing this fuel load with strategic grazing strategies to restore a more fire-resistant, resilient, and diverse vegetation community that will provide greater sage-grouse habitat. The livestock grazing restrictions in the 2015 ARMPA will interfere with this important component of the Elko County Plan and increase the buildup of non-native grass species and inevitably lead to more frequent and intense wildfires and the future destruction of greater sage-grouse habitat. The inconsistency in livestock grazing policies between the Elko County Plan and the 2015 ARMPA will thwart Elko County's continued implementation of its local land and conservation plans and thus create serious and substantial environmental harm to greater sage-grouse and its habitat in Elko County and throughout Nevada.

Travel Management Restrictions

The 2015 ARMPA includes widespread travel restrictions that are inconsistent with the Elko County Conservation Plans. The travel restrictions affect roughly 1,500 miles of county-maintained roads. Upon information and belief, these roads qualify as RS 2477 roads. The Elko County Conservation Plans rely on maintaining access throughout Elko County in order to achieve the county's conservation goals, for access to ranches throughout the county, as routes to adjacent counties, and to provide emergency services for ambulances and fire-fighting equipment. Other users of Elko County public lands including ranchers, hunters, recreationists, and exploration geologists routinely rely on both road access and cross-country travel. The 2015 ARMPA prohibits cross-country travel in the SFA, PHMA, and GHMA, which is another source of inconsistency between the 2015 ARMPA and the Elko County Conservation Plans. Additionally, the LUPA imposes restrictions on road use and maintenance of existing roads including prohibiting the use of certain roads during specific seasons and times of day and limiting noise. The LUPA also recommends road closures that are inconsistent with the access requirements of FLPMA and interfere with Elko County's obligations to maintain its transportation systems, one of the core police power functions for public health and safety.

The travel restrictions in the 2015 ARMPA affect many public land sections in the "checkerboard" that is comprised of alternating sections of public and private land. The prohibition against cross-country travel and the seasonal and daily travel restrictions in the 2015 ARMPA, as well as the proposed road closures on the public land sections, may impede or even eliminate access to adjacent private land sections and deprive landowners of reasonable access to their private property. Consequently, the travel restrictions may subject the federal government to regulatory takings claims.

Elko County has already suffered quantifiable and substantial harm due to the inconsistencies between BLM's greater sage-grouse policies and Elko County's conservation policies. In 2012, BLM deferred a decision on the China Mountain Wind Energy Project in northeastern Elko County pending finalization of the 2015 ARMPA. The China Wind Energy

Project is located in an area that the LUPA designates as an SFA and places off-limits to wind energy development. BLM's 2012 deferral imposed pre-decisional restrictions on this project that are now memorialized in the LUPA and the SFA prohibition of wind energy projects. This prohibition is inconsistent with the Elko County Conservation Plans that embrace multiple use and do not prohibit wind energy projects like China Mountain. As a result of this inconsistency, Elko County estimates that it has lost $500 million to the local economy that would have resulted from the construction phase of the project, and $11.2 million in Elko County property taxes that would have been paid during operation of the project.

Finally, the 2015 ARMPA interferes with the Elko County's implementation of the conservation measures, Elko County's land use planning and Elko County's core police power functions for the protection of the public health and safety.

EUREKA COUNTY

Eighty-one percent of Eureka County's land area is federally administered land, primarily managed by the BLM and the U.S. Forest Service ("USFS"). Eureka County's economy is driven by mining, farming and ranching, which are industries harmed by the land use restrictions and prohibitions in the BLM's and USFS' 2015 Nevada and Northeastern California GRSG Land Use Plan Amendment ("LUPA"). Roughly 2,000 people live in Eureka County and are mainly employed in the natural resources and ranching sector. The welfare and viability of the community is dependent on business and recreational activities conducted on or in concert with federal lands. Since private land makes up only 13% of Eureka County's total land area, dependency on federally administered land limits is often detrimental to its long-term socioeconomic stability and viability. The land use restrictions in the LUPA threaten many Eureka County jobs because the restrictions will substantially reduce uses of federally administered lands and adversely affect the bulk of our economic base. The County is already at an economic threshold struggling to get by, especially through mining "bust" cycles. Any additional losses in employment and economic outputs from Eureka County will be devastating. Because of the small population, a handful of lost jobs in Eureka County is equivalent to the loss of many jobs in larger metropolitan areas.

Consistency with County Plans

The 2015 ARMPA is inconsistent with Eureka County's planning efforts, and will interfere with Eureka County's police powers, public health and safety responsibilities, road access and maintenance obligations, master plan, and economic development. The LUPA failed to adequately analyze economic impacts to Eureka County even though they provided the BLM locally sourced data and reports for their use. Based on that same information Eureka County estimated the adverse economic impact to their economy due to the impacts to the ranching industry alone will range from $7 million to $15 million per year. The economic impact will be millions of dollars more when taking into account mining impairment and lack of future options for other private land agricultural producers.

Eureka County has a long history of developing land stewardship policies dealing with wildlife and other natural resources. In 2006, the County updated the Land Use Element of the Eureka County Master Plan with substantive provisions for wildlife and wildlife habitat, which include sage grouse. This plan was again updated in 2010 to become the Natural Resources and Federal or State Land Use Element of the Master Plan ("Eureka Master Plan"). The Eureka Master Plan was adopted pursuant to and in compliance with Nevada Revised Statutes Chapter 278.

Title 9 of the Eureka County Code establishes provisions that deal with natural resources, wildlife management and conservation, and public lands. The 2015 ARMPA is inconsistent with key elements of Title 9, including: Chapter 30, the framework for land-use planning on federal lands; Chapter 40, procedures to ensure that there is full disclosure and cooperation regarding decisions affecting federal lands located within the County; and Chapter 50, which declares that the County holds title in trust for the public to all public roads and public travel corridors in the County except for State and federal highways.

Eureka County was also a cooperating agency for the 2015 ARMPA and submitted detailed and extensive comments on each of the documents developed during the EIS process starting with our March 2012 public scoping comments in which they emphasized the need for to be consistent with the Eureka Master Plan and Eureka County Code Title 9. Throughout the EIS process, Eureka County provided comments that focused on the many ways in which the land use restrictions in the November 2013 Draft EIS, the May 2015 Administrative Draft of the Final EIS, and the June 2015 Final EIS/Proposed LUPA are inconsistent with Eureka County's policies and code. For example, the comment letter on the Draft EIS included 39 pages of substantive comments pointing out specific examples of the many inconsistencies between the LUPA and Eureka County's Master Plan and Eureka County Code Title 9.

Modifying Habitat Management Area Designations and Allocation Exception Process

The 2015 ARMPA habitat maps are not founded upon on-the-ground realities. For example, there is a large area in southern Eureka County designated as a Priority Habitat Management Area ("PHMA") that incorrectly includes the Town of Eureka, US Highway 50, State Route 278, the Eureka County landfill, the Falcon-to-Gondor major distribution power line, multiple ancillary power lines, multiple subdivisions with homes, paved roads and gravel roads, farms with alfalfa fields and irrigation systems, and hay barns, among other infrastructure. The 2015 ARMPA includes many land use restrictions for PHMA such as disturbance caps that are nonsensical for the Town of Eureka and the surrounding developed area.

The arbitrary and incorrect 2015 ARMPA habitat delineations have serious implications for Eureka County because BLM has substantially revised its map showing lands that are suitable for disposal on the basis of the faulty habitat map. Lands that Eureka County needs for community expansion, economic development, and infrastructure that were formerly designated as suitable for disposal are no longer considered suitable for disposal because of the erroneous classification of these lands as GRSG habitat. This is another example of how the 2015 ARMPA seriously interferes with Eureka County's community development planning efforts. This interference is especially problematic for Diamond Valley, where two-thirds of Eureka County's population resides, and where we are in an advanced stage of critically important water planning that is compromised by the inaccurate 2015 ARMPA habitat maps.

Increase Opportunities for Outcome Based Grazing; Seasonal Timing Restrictions

The LUPA fails to recognize that managed livestock grazing represents an important and cost-effective tool to achieve desired sage-grouse habitat conditions and to reduce wildfires. The livestock grazing restrictions in the LUPA will cause environmental harm because they will increase the volume of highly flammable non-native invasive annual grasses and inevitably lead to more wildfires. The livestock grazing restrictions in the LUPA conflict with Section 6.21 of the Eureka Master Plan which specifically states: "… Managed grazing is beneficial in preventing excessive damage to plants by wildfire and prohibition of grazing prior to a fire results in unnecessary damage to the plants." The increased fuels that will result from the

economically burdensome and technically ill-advised livestock grazing restrictions in the LUPA will place a burden upon our fire district and very likely result in destruction of critical GRSG habitat. The LUPA will also decrease the level of active management currently provided by ranchers that benefit GRSG. When permitted to have livestock on the range, ranchers provide a constant presence to maintain water developments used by wildlife, provide first response to fires, keep a watchful eye, and provide a timely response to situations that may be detrimental to GRSG habitat.

Eureka County has led numerous efforts to improve and conserve GRSG habitat by taking proactive measures to address pinyon-juniper (P-J) encroachment, which is a known threat to GRSG habitat. Eureka County approached BLM in 2011 with a proposal to hand thin P-J around selected springs on BLM-administered land. Unfortunately, Eureka County is still waiting for BLM to approve this habitat improvement project. Eureka County has proceeded with concerted actions to remove P-J from thousands of acres of private lands that have habitat characteristics that would benefit from P-J removal. The County successfully built relationships and gained approvals from private landowners and identified funding, including grants, to hire hand-crews to selectively remove P-J from over 5,000 acres on private land in GRSG habitat on Roberts Mountain, the Diamond Range, the Monitor Range, and the Sulphur Springs Range in southern Eureka County at a cost over $300,000, and have additional funds committed for continued P-J removal projects. The LUPA restrictions, including but not limited to the lek buffer zones, disturbance caps, seasonal travel restrictions, road closures, and noise limits, will interfere with these types of conservation projects, making private landowners less able and willing to work on cooperative conservation efforts, which will frustrate the goal of conserving and enhancing GRSG habitat.

Eureka County has also spearheaded projects to rehabilitate and restore agricultural lands in and adjacent to GRSG habitat because invasive weeds increase wildfire risks. Eureka County has a substantial noxious and invasive weed treatment program that treats over 1,000 acres of noxious and invasive weeds per year at a cost of $60,000 to $100,000 per year. The 2015 ARMPA travel restrictions limits Eureka County's ability to access weed-infested roads in the spring, which is the optimal treatment time. The 2015 ARMPA threatens the viability of this important fire reduction and habitat conservation program, which is funded with taxpayer monies collected mainly from ranchers and farmers. These tax revenues from ranching and farming are expected to decline as a result of the land use restrictions. Eureka County has constructed, maintained, and repaired wildlife water guzzlers and wildlife escape ramps that benefit GRSG and other wildlife species. The LUPA will impair the ability to pursue and implement wildlife water developments and habitat projects approved on BLM-managed land.

Since 2010, Eureka County has applied for and received three separate Clean Water Act 319(h) sub-grants through the Nevada Division of Environmental Protection that have had direct benefits to GRSG. These sub-grants provide 50 percent of the total project costs and have reduced livestock use of riparian areas that are important GRSG habitat. One subgrant worked with a rancher to develop an off-stream water development to draw livestock from riparian areas and implemented monitoring for adaptive management. Another allowed a rancher to construct a riparian grazing pasture to reduce livestock use, hire range riders to

move livestock off riparian areas and implemented monitoring for adaptive management. These coordinated efforts rely upon the continued use of public lands in combination with private lands. The 2015 ARMPA interferes with what have proven to be effective conservation strategies adopted and implemented by Eureka through the course of its land use planning and general exercise of police powers to protect the public health and safety.

Recent GRSG population data from the Nevada Department of Wildlife (NDOW) for the areas where the County has been implementing the conservation projects described above document that the efforts have had a measurable and beneficial effect on local GRSG population numbers. The June 2015 NDOW data show high counts of males using leks in the Diamond Population Management Unit (PMU) and the 3 Bars (PMU) that cover over half of Eureka County and have the bulk of the priority and general habitat in the County. The Diamond PMU had a record high count of 159 males. The 3 Bar PMU had a high count of 348 males, the third highest count since a record count in 2006 of 460. The 3 Bar #1 lek has been monitored since 1971 and had a high count of 41 males, the highest since 1987. This lek had no birds from 1995 to 1997. The NDOW lek count data clearly show that the conservation efforts have stabilized and increased GRSG numbers *without the land use restrictions.*

The LUPA undermines Eureka County's efforts to conserve GRSG and consequently harm the environment and GRSG. The County has created incentives for landowners, ranchers with BLM or USFS grazing permits, and other agencies to work to implement these projects in the course of County land use planning and natural resources conservation. These incentives vanish as a result of the LUPA, discouraging these same partners from coming to the table to work on future on-the-ground projects because of the restrictions in the LUPA. Rather than promoting and facilitating local conservation work and partnerships with a proven track record of success, the LUPA discourages this work and ultimately harms GRSG and its habitat.

Many of the 2015 ARMPA land use restrictions such as the lek buffer zones, disturbance caps, seasonal travel restrictions, the prohibition against cross-country travel, road closures, and noise limits will hurt our economy and accomplish very little to conserve GRSG habitat. Moreover, the livestock grazing restrictions that will increase fuel loads by limiting grazing will ultimately lead to more wildfires and thus cause environmental harm.

The LUPA calls for arbitrary and unnecessary grazing restrictions that will force many Eureka County ranchers out of business because the forage utilization thresholds in the LUPA are unrealistic and very similar to recent thresholds outlined in the various Nevada BLM Drought Management Environmental Assessments ("EAs") that have already seriously adversely impacted the ranching sector.

Allocation Exception Process

BLM has severely restricted travel based on proximity of roads to GRSG leks and has tried to impose sage grouse travel "stipulations" on Eureka County roads. The LUPA includes widespread travel restrictions that are inconsistent with the Eureka Master Plan. At least 1,958 miles of county roads, or roughly 46 percent of the county roads in Eureka County, are

located within areas where the LUPA travel restrictions apply. The Eureka Master Plan relies on maintaining access throughout Eureka County in order to satisfy the County's obligation to maintain its transportation system, to achieve the county's conservation goals, for access to ranches throughout the county, as routes to adjacent counties, and to provide emergency services for ambulances and fire-fighting equipment. The LUPA obstructs Eureka County from fulfilling these obligations.

The 2015 ARMPA prohibits cross-country travel in PHMA, and GHMA, which is another source of inconsistency between the 2015 ARMPA and the Eureka Master Plan, and imposes restrictions on road use and maintenance of existing roads including prohibiting the use of certain roads during specific seasons and times of day and limiting noise. The 2015 ARMPA also recommends road closures that are inconsistent with the access requirements of FLPMA and interfere with Eureka County's obligation to maintain its transportation systems.

While the 2015 ARMPA asserts that valid existing rights will be maintained, the land use restrictions in the 2015 ARMPA could wholly or partially deny rightful use of water rights, rights-of-way, and mineral rights in Eureka County in substantial conflict with the Eureka Master Plan. In some circumstances, the 2015 ARMPA also requires removal of range improvements and water conveyances like dams, water tanks, ditches, and pipelines that may qualify as RS 2339 rights and are part of the bundle of private property rights. The 2015 ARMPA fails to outline procedures to address valid existing rights that have not been adjudicated in federal court but are nonetheless recognizable property rights (e.g., RS 2477 roads), leaving the status of water rights, water conveyances (RS 2339), and rights-of-way (RS 2477) in limbo. The 2015 ARMPA does not evaluate the potential takings claims that could arise from this deprivation of private property rights. The 2015 ARMPA also fails to recognize grazing permits attendant rights. These permits have discrete economic value and have been purchased as part of an economic ranch unit, which is highly dependent upon the permitted Animal Unit Months ("AUMs") to remain viable. The erroneous identification of lands as habitat in the agencies' maps means many of these property rights will be impaired or destroyed with no basis – because the lands are not even priority GRSG habitat – or habitat at all in some instances.

The 2015 ARMPA seasonal restrictions are substantially interfering with the County's use of a few longstanding gravel pits that are important sources of materials for essential road repairs and compromising the County's ability keep county roads in good condition and provide for public health and safety. Eureka County may be able to find places to stockpile gravel but at great expense without certainty. It would require finding a stockpile location, and getting an agreement or easement from the landowner to use the area in an area that isn't in mapped sage grouse habitat. The County owns no property in these areas and these gravel pits are the only source of quality material in their vicinities. The County then would have to use funding it does not have to make a guess of how much gravel it might need, sending equipment and operators to the pit to screen, load, haul and stockpile only to have to load and haul again when needed. Mobilizing equipment and men into an area for work is very expensive. Stockpiling requires mobilizing at least twice - once to process the gravel and stockpile it and then bringing in the same equipment again to load and haul the gravel. Being able to access the gravel when needed requires only one mobilization of

equipment and man power. If Eureka County underestimates its volume needed during the "stipulation season," it will still face significant road maintenance challenges.

Nevada State Plan

The Nevada State Plan is more consistent with Eureka County Planning which does not prohibit land uses in GRSG habitat areas but requires that impacts be avoided if possible, minimized to the maximum extent possible, and mitigated if impacts cannot be avoided. This same premise is reflected in Eureka County's Master Plan and Code, which recognize that multiple use of the land is essential to the County's economy and fully compatible with habitat conservation. The Nevada State Plan protects GRSG populations, conserves their habitat, and focuses on reducing the primary threats to GRSG habitat – wildfire and invasive grass species. In contrast, the 2015 ARMPA focuses on restricting and prohibiting land uses, which is inconsistent with Eureka County's policies, the Nevada State Plan, and FLPMA. The LUPA's interference with the Nevada State Plan and the imposition of land use restrictions and prohibitions will harm both the State of Nevada and Eureka County.

HUMBOLDT COUNTY

Humboldt County's Master Plan provides for the health and safety of its residents, to preserve its agricultural and mining-based economy, and to increase its commercial and industrial land base using developed site criteria for future land designations. The BLM in 2015 misidentified as PHMA lands most appropriate for expansion of basic health and safety services -- interfering with the County's expansion of the Winnemucca landfill, use of gravel pits for road maintenance, access to Mountain Top Public Safety Radio sites, pursuit of suitable development options, and fire response and suppression.

There are 6.2 million acres in Humboldt County of which 80 percent are under public ownership. Less than one percent of the land, 32,000 acres, is urban or developed land. Humboldt County has a total population of 16,106 and typifies a rural intermountain western county. Its economy is derived substantially from natural resource extraction, primarily mining and agriculture. Agriculture and Range Ownership totals 19 percent of the County's land.

Modifying Habitat Management Area Designations

The 2015 ARMPA habitat maps are incompatible with on-the-ground management. It is unreasonable to characterize everything within these maps as priority habitat without allowing for ground-truthing. Failure to conduct ground-truthing exercises prior to implementation of the land use plan inserts biases and increases the probability of error with regard to the location and scope of management for GRSG recovery. These inaccuracies will reduce the likelihood of local spending for stewardship and land management and will limit GRSG recovery efforts.

Increase Opportunities for Outcome Based Grazing

Most importantly, the SFA withdrawal is not suitable for successfully attaining wildfire management. Managed cattle grazing is a proven tool to manage fuel load during periods of high fire risk. Wildfire grazing prescriptions have proven effective on a large-scale at low cost. If the SFA exclusion zone prevents or severely restricts grazing, a large effective management tool will disappear. The 2015 ARMPA unnecessarily interferes with grazing practices and disallows good grazing and agricultural management underway in Humboldt County. Many historic grazing practices were ignored in the Final EIS and the Proposed Land Use Plan Amendment. This includes ranching and the production of alfalfa hay, alfalfa seed, spring and winter wheat, and barley.

The 2015 ARMPA conflicts with Humboldt County zoning ordinances defined within the land use inventory found within the combined urbanized area of Winnemucca, Grass Valley, Rose creek, Jungo Road and to a large extent the unincorporated "outer County" land.

Travel Management Restrictions and Allocation Exception Process

The travel restrictions in the 2015 ARMPA interfere with key Humboldt County responsibilities, including road maintenance, landfill plans, pipelines, and local and interstate travel. The NVLMP designates several thousand acres within Humboldt County as Travel and Transportation Closed or Limited Areas, which will close or restrict the County's access to critical public safety communications infrastructure.

The FEIS states that it will respect existing, vested rights; however, it is clear that the travel restrictions will close or restrict numerous roads, and therefore access to those vested rights. This impacts Humboldt County's ability to build, monitor and maintain roads. Aside from impeding Humboldt County's responsibilities with regard to rural transportation, many of the "limited" closed roads will inhibit access to private lands imbedded in the focal areas. The NVLMP seasonal access restrictions will change the county's road maintenance schedules, limiting the effectiveness of maintenance during times of ideal soil moisture and weather. For example, maintenance may be restricted to times when conditions are not suitable for maintenance activities. Or prohibitive times of the year when weather is most suitable for access to major county roads. Road maintenance and construction work often require use of the public lands and resources. At present, Humboldt County through agreement, conducts key maintenance and repair activities on roads the BLM and Forest Service depend on for access to key resource areas.

The NVLMP travel restrictions will preclude county road managers, ranchers and resource managers from accessing the public lands during critical seasons, impeding the delivery of permitted grazing and wildlife management activities. Restrictions on non-adjudicated roads that Humboldt County believes fit the legal description as "RS2477 County Roads", will directly impact livestock producers and land managers ability to access and manage livestock distribution, forage utilization monitoring and GRSG population monitoring, which will negatively impact GRSG habitat and population management.

The Master Plan recognizes there are adequate transit options available for both local and interstate travel, and the region provides an ideal location for a transportation hub. This will not likely be the case if the NVLMP is implemented. Implementation of NVLMP guidelines pertaining to surface disturbance and public lands disposal found within the SFA will likely affect the selection of a suitable corridor for the new I-11 interstate route proposed to run adjacent to the US-95 corridor. The loss of this important transportation hub will have a huge negative fiscal impact on Humboldt County.

The NVLMP is inconsistent with Humboldt County's development goals. The NVLMP will limit industrial expansion to areas specifically identified in the master plan study area to date. Efforts to attract industrial development outside of the Winnemucca industrial area will limit the attraction of industry and uses which are identified as incompatible to the developed "industrial area". The local development authority and community leadership have been approached with business proposals, which at the time would require the disposal of public lands outside of those lands identified in the industrial area currently listed in the master plan. NVLMP implementation will severely restrict the expansion of the regional landfill. The currant landfill footprint will require expansion to meet growth predictions

within the next 10- 15 years. Presently, the regional landfill is completely surrounded by federal lands impacted by the NVLMP.

There is insufficient useable industrially zoned land to support projected community growth. The NVLMP precludes the BLM from posting land for disposal that would assist the County.

The NVLMP has halted mining growth and chilled potential investments that would otherwise benefit Humboldt County. The mining economy represents the single greatest concentration of capital investment, human resources and skills, technology, equipment, and land in Humboldt County. Mining contributes major revenues to the area and constitutes at least 20 percent of the labor force in Humboldt County. Humboldt County has several mines in production of gold, silver, limestone and opals. Gold mining alone accounts for over 40% of the tax base in the county. A review of the current data reveals that a decline in all other employment sectors as well as population follows the decline in mining activity.

The NVLMP will restrict exploration activities for mining companies altogether, or at a minimum to other times of the year which could render some projects infeasible. A number of mines have indicated to the commission since the GRSG listing proposal was published that they are no longer interested in mine expansion or additional exploration involving the large scale permitting of addition properties administered under the new NVLMP as it will be infeasible. Many of the earlier projects effectively increase the life expectancy of their operations in Humboldt County providing continuing sources of jobs and other revenue for the community. Due to the high level of uncertainty and amount of capital required to begin operations, the NVLMP has dried up venture capital. Venture capitalists are uncomfortable with the level of uncertainty associated with the NVLMP. The NVLMP grants great discretion to the BLM to close from exploration, millions of acres of land - hundreds of thousands of which are in Humboldt County.

As a result, Humboldt County will lose the net proceeds from mines or consolidated taxes. This will significantly impact a smaller rural county like Humboldt County.

Wildfire Management and Managed Grazing

The County would have preferred to see more of an emphasis on fire management (fuels reduction, suppression, use of local firefighting resources, and post fire rehabilitation) but appreciates and supports ongoing efforts to address fire through ongoing Programmatic EIS processes. In light of the current Martin Fire (over 400,000 acres), the County requests that the BLM move as quickly as possible in terms of finishing and implementing its Programmatic EIS as well as moving forward in terms of emergency rehabilitation of the Martin Fire itself.

The County would like to remind the public land management agencies that wildfire and altered fire behavior / fire cycles due to annual invasive species such as cheatgrass remain the top threat to Sage-grouse in Nevada. This point has never been clearer than on the heels

of the Martin Fire that burned over 435,000 acres in five days (223,000 acres on July 7 alone) including 433,000+ acres of mapped sage-grouse habitat, much of which is in Humboldt County. While the fire was driven by a combination of topography and sever fire conditions, extremely high fine fuel loads (reported via Inciweb on July 7 as over 200% of normal cheatgrass) contributed to the rapid spread an ineffectiveness of traditional fire suppression techniques. This highlights the County's concern of over-regulation of livestock grazing resulting in build-up of fine fuels, particularly in times of high moisture. The inability of the BLM to respond in real-time to such fuel loads and provide added flexibility and effectiveness for the most cost-effective pre-suppression tool (managed grazing) continues to concern the County. As such, the County urges the BLM to incorporate new management actions that allow increased grazing of fine fuels, particularly when fuel loading is high, as a means of wildfire pre-suppression. The County support the implementation of any and all tools (Programmatic EIS Analysis, Allotment Management Plans, Temporary Non-Renewable Grazing Authorizations, Outcome Based Grazing, etc.) to ensure more effective use of grazing as a fuels reduction method. Until this happens, the County foresees similar outcomes to the Martin Fire.

LANDER COUNTY

Increase Opportunities for Outcome Based Grazing

The Smith Creek Ranch, LTD (Ranch) controls approximately 2,200 acres of private land. Forage for the 850 head of cattle the Ranch manages is provided from both private and public lands. Most of the grazing during the year occurs on public lands on which the ranch has a grazing permit from the BLM. The Ranch includes irrigated meadows and pasturelands that are important brood-rearing habitat for the GRSG and certain restrictions in the 2015 ARMPA jeopardize and impair their ability to maintain these meadows and pasturelands.

The Ranch has a long and proud conservation and land stewardship history. The Ranch agreed upon a Candidate Conservation Agreement with Assurances ("CCAA") with the U.S. Fish and Wildlife Service ("USFWS") for private lands that is designed to accomplish the following GRSG habitat conservation and enhancement objectives: 1) improve forage production on fenced rangeland and on irrigated pastureland, and improve hay production on hayland while conserving soil, water, and natural resources; 2) provide habitat for GRSG and mule deer; and 3) provide recreational activities (trophy trout fishing, hunting, camping, and scouting activities) on portions of the Ranch.

Modifying Habitat Management Area Designations and Seasonal Timing Restrictions

In conjunction with the commitment to conserve GRSG, the Ranch provided accommodations to a team of U.S. Geological Survey ("USGS") researchers led by Dr. Peter Coates who have used the Smith Creek Ranch as a field station and base of operations for three field seasons prior to December 2015. In 2015, Dr. Coates' research team arrived in March and was expected to stay through August or September. Dr. Coates had been to the Ranch on at least one occasion.

The Nevada Sagebrush Ecosystem Council contracted with Dr. Coates and his research team to develop a GRSG habitat map[1] for the 2014 Nevada Greater Sage-Grouse Conservation Plan. BLM and the USFS subsequently used this map as the foundation for the NVLMP habitat maps. The 2015 ARMPA GRSG habitat map incorrectly shows lands on hills on the Ranch with thick stands of pinyon and juniper ("PJ") trees as Priority Habitat Management Areas ("PHMA"). PJ is an invasive species that is problematic for GRSG for two reasons. First, GRSG avoid PJ areas because the trees provide perches for ravens and other avian predators. Second, PJ is an invasive woodland species that out competes the native sagebrush plant community, which is priority GRSG habitat, eventually converting it to a PJ-dominated area that is no longer GRSG habitat. PJ encroachment into sagebrush areas is widely recognized

[1] Coates, P. S., M. L. Casazza, B. E. Brussee, M. A. Ricca, K. B. Gustafson, C. T. Sanchez-Chopitea Overton, E. Kroger, et al. 2014a. Spatially explicit modeling of greater sage-grouse (*Centrocercus urophasianus*) habitat in Nevada and northeastern California—A decision-support tool for management: US Geological Survey Open-File Report 2014-1163, 83 p., http://dx.doi.org/10.3133/ofr2014-1163.

as one of the main reasons for the decline in the amount of GRSG habitat in northern Nevada, turning areas that were once good GRSG habitat into non-habitat.

The mapping errors in the immediate vicinity of the Smith Creek Ranch demonstrate that lack of ground-truthing of habitat conditions has resulted in mischaracterization of priority habitat. Unfortunately, despite the fact that the researchers staying on the Ranch had ready access to the areas where field verification of habitat conditions the map mischaracterizes the PJ stands as PHMA. To the extent that the Coates/NVLMP map is based on a modeling methodology rather than field checks, it likely has incorrectly mapped other PJ areas in northern Nevada as habitat where there is none. Consequently, the NVLMP map, which is the foundation for all of the 2015 ARMPA land use management decisions to restrict and even prohibit the use of public lands, is not based on information that reflects actual habitat conditions. In fact, judging from experience Ranch, it appears that the Coates/NVLMP map may be a poor indicator of actual on-the-ground conditions.

As a direct consequence of the 2015 ARMPA, neither BLM nor the Ranchers can take the logical and practical steps to remove the PJ on these lands. In fact, during the summer of 2016, during a wildfire that burned an area of PJ on nearby land, BLM was directed to suppress the fire in order to preserve the so-called PHMA, rather than allow the PJ to burn, which would have improved this condition, increased available water to the Ranch, and provided for improved GRSG habitat. The 2015 ARMPA thus includes land use management directives that *adversely impact* GRSG and its habitat, while at the same time interfere with ranching operations. The nearby PJ infestation also poses a fire risk to ranches and the surrounding area, including sagebrush areas that are important GRSG habitat.

The reduction in water available to the Ranch due to the water use by the PJ is harming both the Ranch and GRSG. The irrigated meadows and hayfields are important GRSG brood-rearing habitat, which is a critically important seasonal habitat of very limited extent in Nevada. The water currently being used by (and wasted on) the PJ is needed to irrigate and sustain the hayfields and the crucial brood-rearing GRSG habitat that they provide. The PJ must be removed to eliminate the harm to the ranching operation, to create new GRSG habitat by reestablishing sagebrush in areas formerly infested by PJ, to sustain and enhance irrigated meadows and the GRSG habitat they provide, and to allow ranchers to continue to operate in good standing under the terms of their CCAAs with USFWS. This PJ removal has not occurred because of the restrictions in the 2015 ARMPA based on the lack of the ability to ground-truth what is mapped.

LINCOLN COUNTY

Under the Lincoln County Land Act of 2000 ("LCLA") and Lincoln County Conservation, Recreation and Development Act of 2004 ("LCCRDA") (P.L. 106-298; PL 108- 424), the Secretary of Interior is directed to, jointly with the County, select and dispose of 90,000 acres and upon such sale pay five percent of proceeds to the State for general education and ten percent to the County for fire protection, law enforcement, public safety, housing, social service and transportation. The BLM, in coordination with the Counties prior to the NVLMP, identified these lands for disposal. Lincoln County raised concerns that the proposed LUPA restrictions would interfere with this Congressionally directed sale. Yet in 2015 there was no attempt to evaluate the impacts of the 2015 ARMPA's restrictions on such land disposal or to resolve the conflicts. Simply mentioning the Acts exist and stating the Agencies will not violate them failed to resolve that issue.

NYE COUNTY

Nye County has a total area of 18,191 square miles (11,647,360 acres); it is the third largest county in the 48 contiguous United States, with a population of 43,946 people. The economic drivers in Nye County include ranching, mining, recreation, and tourism. Over 92 percent of Nye County is federal land managed primarily by BLM, USFS and DOE. The habitat maps in the 2015 ARMPA show 1,354,400 acres of Nye County as Priority Habitat Management Areas (PHMA), General Habitat Management Areas (GHMA) and other (OHMA). The 2015 ARMPA habitat do not include sufficient on-the-ground information about actual habitat conditions. Nye County is aware of specific errors in the maps' identification of lands as habitat.

The Nye County Comprehensive Master Plan (2011) reflects the site-specific environmental and socioeconomic conditions in the County. Nye County is committed to conserving the sagebrush ecosystem, which is habitat for the greater sage-grouse, and believes this can be accomplished while providing for the current and future needs of our citizens and economy.

Multiple Use Mandate

The foundation of the Nye County Comprehensive Master Plan is the Federal Land Policy and Management Act (FLPMA) mandate that the public lands be managed to achieve multiple use and sustained yield. (*See* 43 U.S.C. § 1701). The 2018 Administrative Draft Greater Sage-Grouse Resource Management Plan Amendment (herein referred as the 2015 ARMPA) is inconsistent with the Nye County Comprehensive Master Plan and violates FLPMA because it includes overly burdensome seasonal restrictions for unverified sage-grouse habitat where multiple use is eliminated or severely restricted for up to 320 days of the year. Lands within the seasonal restriction areas cannot be used for mineral exploration and development purposes unless the project proponents can fit their activities into as little as one 45-day time slot each year. The seasonal restrictions also prohibit construction of wind and solar energy projects during most of the year, reduce Surface Occupancy time frames for oil and gas and geothermal exploration and development, limit major and minor Rights-of-Way, and place unreasonable requirements that limit the use of these lands for livestock grazing. The seasonal restrictions are incompatible with the foundational principles of the Nye County Comprehensive Master Plan and FLPMA's multiple use and consistency mandates.

Northern Nye County would be economically harmed by the heavy burdens the seasonal restrictions place on land use. Numerous private land parcels adjacent to or within the Nye County are also adversely affected by the seasonal restrictions. Unfortunately, the management directives for the seasonal restrictions threaten to eliminate or reduce the authorized use of the adjacent public lands for livestock grazing by imposing unworkable and prescriptive one-size-fits-all habitat management objectives. The current use of these private land parcels for agriculture and ranching will be adversely affected by restrictions on grazing on adjacent public lands. Thus, the seasonal restrictions will diminish or even eliminate future economic agriculture and ranching uses on private property causing substantial economic harm to individual landowners and Nye County in general and potentially subject the federal government to regulatory takings claims. The seasonal

restrictions will create inholdings of private land parcels that are virtually stranded due to being surrounded by public land managed for the sole purpose of greater sage-grouse conservation.

Cultivated fields, meadows, and pastures provide critically important brood-rearing habitat for the greater sage-grouse. So, in addition to harming landowners within and adjacent to the habitat with seasonal restrictions, the potential diminished agricultural and ranching uses of the private land parcels due to restrictions on adjacent public lands could have a significantly adverse impact on greater sage-grouse habitat. Any reduction in the size or distribution of these crucial but limited seasonal greater sage-grouse e habitats could harm the species.

The COT Report clearly documents that regulated public land uses are not the main threats to greater sage-grouse habitat and that wildfire followed by the invasion of non-native grass species like cheat grass are the main threats to greater sage-grouse and its habitat. Nye County would like to emphasize reducing these threats while at the same time adhering to FLPMA multiple use principles.

Travel Management Restrictions

The 2015 ARMPA includes provisions that would amount to widespread travel restrictions that are inconsistent with the Nye County Comprehensive Master Plan and Nye County's RS 2477 policies. Nye County relies on maintaining access throughout the County to achieve the County's conservation goals, for access to ranches and mining operations throughout the northern portion of the County, as routes to adjacent counties, and to provide emergency services for ambulances and fire-fighting equipment. Other users of Nye County public lands including hunters, recreationists, and exploration geologists routinely rely on both road access and cross-country travel. The seasonal restrictions prohibit cross-country travel in the PHMA and GHMA, which is another source of inconsistency between the 2015 ARMPA and the Nye County Comprehensive Plans. Additionally, the 2015 ARMPA would impose restrictions on road use and maintenance of existing roads including prohibiting the use of certain roads during specific seasons and times of day and limiting noise. Seasonal road closures are inconsistent with the access requirements of FLPMA and interfere with Nye County's obligations to maintain its transportation systems, one of the core police power functions for public health and safety. The travel restrictions in the 2015 ARMPA affect many public land sections in the "checkerboard" that is comprised of alternating sections of public and private land. The prohibition against cross-country travel and the seasonal and daily travel restrictions in the 2015 ARMPA, as well as the proposed road closures on the public land sections, may impede or even eliminate access to adjacent private land sections and deprive landowners of reasonable access to their private property. Consequently, the travel restrictions may subject the federal government to regulatory takings claims.

Finally, the 2015 ARMPA interferes with Nye County's implementation of the conservation measures, land use planning and core police power functions for the protection of the public health and safety.

STOREY COUNTY

Approximately 20% of the land area of Storey County is Federally-managed, predominately by the Bureau of Land management (BLM). The 2016 Storey County Master Plan states Storey County will "support the concept of Multiple Use management as an overriding philosophy for management of public lands based on multiple use and sustainable yield concepts, and in a way that will conserve natural resources." Polices within the Master Plan for public lands are intended to further agriculture, mining, recreation, tourism and contribute to the economic base and quality of life for citizens. The Public Lands Policies of the Storey County Master Plan identify the process for collaboration with state and federal planning partners.

Figure 2-1: "Nevada and Northeastern California Habitat Management Areas" of the 2015 Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (ARMPA), documents what appears to be a small area of "Other Habitat Management Areas" located in the northeastern portion of the County. Figure 2-2: "Nevada and Northeastern California GRSG Biologically Significant Units and Priority Habitat Management Areas" of the ARMPA does not document any "biologically significant units" or "Priority Habitat Management Areas" within Storey County.

BLM managed areas within Storey County do not consist of large tracts of land. Parcels ranging from under 1 acre to a maximum of 5,000 acres are scattered throughout the County. Storey County would like to emphasize that any regulations adopted for BLM managed land not curtail development located on adjacent private property. Storey County includes the Tahoe-Reno Industrial Center, comprising over 100,000 acres of rapidly-developing private land. This and other private lands are vital to the economic prosperity of not only Storey County but the Northern Nevada area. Because of the small size and scattered locations of many tracts of BLM-managed land, it is important that site specific habitat analysis, including ground-truthing, be a basis for any applied regulations so that it is clear that if any habitat exists, its relevancy to private lands can be determined. As stated, although the ARMPA addresses important land and ecosystems-related issues that are not relevant to Storey County, it is hoped that as this critical plan is put into place we can be an integrated participant and stakeholder to protect the greater sage-grouse and its habitat.

WHITE PINE COUNTY

Road Maintenance

On February 3, 2016, while plowing snow on the south end of county standard road #37 (8 Mile Road / located in South Spring Valley), a White Pine County grader operator came across a BLM cattle guard that had major damage done to it by someone in a front end loader or backhoe. The following day the White Pine County Roads Superintendent sent out a county road foreman to investigate and cone off the section so that is was identified to the traveling public. During this time of year the traffic may only be 6 to 10 vehicles on this road per day. The foreman did so, and he made contact with the BLM. The BLM also investigated the damage to this cattle guard. They agreed that the damage was a public safety issue. Because of the frost in the ground, it was agreed to replace this cattle guard as soon as the ground defrosted.

On March 21, 2016, the foreman contacted the BLM to see if the County could pick up the new cattle guard, bases and wings. The foreman told the Superintendent that he had to contact the operations supervisor before they would release the cattle guard. At 11:08 on March 22, 2016, the Superintendent left the supervisor a message. A few days later, he received a call from the supervisor. One of the supervisor's concerns was that they could not afford the county billing them for the installation. Since it was a BLM cattle guard that is on a county road, the Superintendent said he would not bill the BLM if they would assist with their equipment and have BLM staff work with White Pine County Road staff because of traffic control and to make sure the new install matched up with the road surface for public safety. The BLM's concern was that if it was within 4 miles of an active Lek they could not do any construction work. White Pine County shared the concerns for public safety.

On April 7, 2016, White Pine County compared the map of Prime Habitat to the location of the cattle guard and also utilized Google earth to measure the distance of where they believed the Lek was located. It was close to 4 miles. That afternoon, White Pine County met with BLM staff. They had a map that was more precise. The distance was over 6 miles away.

On April 14 and 18, White Pine County worked with the BLM to put a work plan together. On April 20, 2016, the damaged cattle guard was removed, and a new cattle guard was replaced. This was a considerable amount of time spent to address a public safety issue because of the 2015 ARMPA.

The maps that show Trails and Travel Management Closed and/or Limited will definitely cause major safety issues for the traveling public. After the moisture White Pine County received in the 2015-2016 winter and early spring, there were washouts that needed to be addressed, ruts and wash boards throughout our county road infrastructure. If the speed limit on a road in White Pine County is not posted then the limit is up to 50 miles per hour. If a vehicle traveling at a high rate of speed comes upon a section a road that has these types of surface damage, there is a likely chance of vehicle damage, personal injury or even death. Approximately 80% of White Pine County's road will be affected by these recommended closed and limited restrictions. During the spring and fall months, the Road Department

relies on the moisture that commonly occurs from nature in outlying areas of the county where there are no water sources to maintain the road in a safe manner. This common road maintenance practice has been used for decades by counties throughout the western United States. The 2015 ARMPA is not recognizing that restricting or prohibiting the counties from providing public safety for the traveling public. There are a lot of ranches that have school-aged children that rely on the service provided.

Baker Water Tank

The 2015 ARMPA created a public health and safety emergency in the small community of Baker, Nevada in White Pine County where the Baker General Improvement District needed to replace a leaking water storage tank that provides potable water from a groundwater supply well to residential and commercial customers. The water tank and ancillary facilities are located on BLM-managed land.

In 1994, the Ely, NV District Office of BLM issued a FLPMA Title V Right-of-Way N-57736 to the District, which authorizes the existing 225,000 gallon water storage tank and an associated water transmission line for a total land use authorization of 4.48 acres.

The District submitted an application in May 2015 to renew this ROW. Because the District needed to replace the leaking water storage tank, the ROW needed to be expanded by approximately 3,000 square feet (0.069 acres) to accommodate the new tank. (The existing tank must be replaced; it could not be drained and repaired because doing so would leave the community without water for the duration of the repairs).

On July 21, 2015, the District submitted form # SF-299 to BLM to amend the ROW to expand the boundary by the 3,000 square feet needed for the replacement water storage tank. In August 2015, BLM requested that the District combine the ROW renewal and expansion into one application.

In September 2015 the District secured a State Revolving Fund loan to replace the tank contingent upon receiving BLM's approval to expand the Right of Way where the existing tank is located. Based on an email received from the local BLM office District personnel understood that prior to the 2015 ARMPA requirements, the NEPA analysis that BLM would perform to authorize the ROW renewal and expansion would be a Categorical Exclusion, which can be completed in a matter of weeks in contrast to an Environmental Assessment which can take as long as a year or more or an EIS which typically takes two years or longer.

District personnel met with Ms. Hankins at the tank site on October 20, 2015 and requested that BLM use a Categorical Exclusion to authorize the ROW renewal and amendment. Ms. Hankins replied that BLM's preliminary review process would consider the Categorical Exclusion request. However, during this site meeting, Ms. Hankins informed the District that BLM had a number of concerns about the replacement tank due to the land use restrictions and requirements in the sage-grouse 2015 ARMPA, including the possibility that BLM would have to prepare an EIS prior to granting the ROW renewal and expansion. BLM also indicated that because the NVLMP is so new, they were unclear about the requirements or timeline for

the renewal review or the EIS.

In a November 12, 2015, email to Mr. David Sturlin, Ms. Hankins informed the District that: "FYI. There is a good possibility construction of the new tank may have to be delayed until after June 30 due to breeding habitat (active sage grouse lek within 1 mile of the project site.)"

In addition to possibly requiring a multi-year EIS process, rather than a Categorical Exclusion that can be completed in a matter of a couple of weeks, the likelihood that construction of the replacement storage tank would be delayed until at least July 2016 posed an imminent harm to the community of Baker. The tank needed to be replaced immediately in order to minimize the potential for bacterial contamination of the water supply or the possibility that the leaking tank may not have sufficient capacity for fire-fighting purposes in the event of a structure fire. Prior to being informed of this delay due to sage-grouse, the District had planned to construct the replacement tank during the 2015 – 2016 winter so it would be in place and operational in time for the summer 2016, to satisfy the summer water demand and to ensure a sufficient water supply during the summer when fire risks are elevated.

BLM's sage-grouse habitat maps show the area of the water tank, and in fact the entire community of Baker, as a Priority Habitat Management Area (PHMA). The tank (but not the town) is in an area designated as "ROW Avoidance." These maps also show the proximity of the tank to an active lek, which is located in a General Habitat Management Area (GHMA). The location of the lek in GHMA (and not in PHMA), and the designation of the tank site and community as PHMA illustrate some of the problems and inaccuracies with BLM's habitat maps. It is highly likely that the lek and environs are much better sage-grouse habitat than the community of Baker or the tank site and the proposed ROW expansion. In fact, the proposed 3,000 square-ft ROW expansion is a weed-infested area that is obviously not priority (or even marginal) sage-grouse habitat.

The seasonal timing restrictions in the amended ROW establish two timeframes in which Baker may not do any construction: March 1 through June 30, and November 1 through February 28. These seasonal restrictions only allow Baker four months to prepare the tank site, install related infrastructure, construct the new tank, complete inspections, remove the old tank, and certify the new tank. The seasonal restrictions made it impractical if not impossible to complete the project in such a short interval. Baker has site-specific information from its experience maintaining the tank in its current location for over twenty years including observations about greater sage-grouse use in the nearby area that should have been considered. Instead of speaking to Baker to obtain any of this information or understand how detrimental the one-size-fits-all seasonal restrictions would be on the project timing, the agency simply issued the ROW without any communication with the District on these issues or any understanding of how the ten-month delay the BLM had imposed put the community's health in jeopardy.

Baker needed approximately one year in which to complete the tank construction project and decommission and demolish the old tank. The construction timeline Baker intended to

follow prior to the sage grouse issue was as follows starting in October 2015, weather permitting:

a. Set elevations and contours at the construction site.
b. Excavate for underground facilities (distribution lines, valves, etc.).
c. Place bedding material in excavated trenches.
d. Install underground distribution lines, valves, controls, etc.
e. Place bedding material over underground facilities.
f. Backfill trenches.
g. Set elevations for the new water storage tank.
h. Fill and compact area for new tank (amended ROW area 30' X 100').
i. Install (extend) security fence for new tank and amended ROW area.
j. April of 2016, weather permitting, have tank contractor and welding crew start construction of new water tank. Complete tank construction by mid to late May 2016.
k. Flash cut from the old water tank to the new water tank prior to customer peak usage and start of the fire season.
l. June 2016 through August 2016 conduct the EPA and NDEP 90 day certification process for the new tank.
m. September 2016 issue an invitation to bid for the salvage and removal of the old tank (assuming that the new tank passes certification).
n. October 2016 remove old storage tank.

The BLM asserted that there was no imminent health risk associated with potential contamination of the leaking water storage tank. The BLM's rationale is highly questionable for forcing Baker to accept the risk that the leaking tank increases the possibility that the water supply could be subject to bacterial contamination—especially in light of the fact that chlorination cannot eliminate all forms of bacterial contamination. The position that the delays imposed upon the tank replacement project due to the 2015 ARMPA seasonal restrictions do not put the community at risk inappropriately elevates sage-grouse protection over public health and safety concerns.

Baker's engineering contractor had informed the District that the numerous stipulations in the approved ROW amendment will increase the costs associated with the tank installation and removal project and may necessitate submitting another proposal to the State Revolving Fund to cover the increased costs. Without additional funding, Baker may not have had sufficient funds to proceed with the project.

WPCCRDA

The White Pine County Conservation, Recreation and Development Act ("WPCCRDA" or the "Act") provides for the disposal of 45,000 acres of public lands to be transferred to White Pine County. The Act originated when Senator Reid approached White Pine County so that 545,000 acres of wilderness designation

would be set aside in exchange for disposal lands needed for White Pine County's economic development.

The Nevada Congressional delegation identified the amount of lands, 45,000 acres, as the amount the County was given to work with for purposes of economic development. The Nevada Congressional Delegation identified the amount of lands, 545,000 acres to be protected as wilderness after holding numerous meetings with White Pine County, the Nevada Delegation, local communities, and environmental groups. This designation of wilderness already went into effect. White Pine County would never have agreed to the designation of 545,000 acres of lands as Wilderness if it did not expect to obtain the full 45,000 acres promised for economic development.

There is documentation of the County's expectations and requests during the finalization of the Act, including an expectation of $300,000 upon full conveyance of the 202 acre Industrial Park land.

WPCCRDA designates 1,551 acres for an airport expansion all of which have been conveyed. The 2007 Airport expansion legal descriptions are: APN 1029010 Section 2517N 63E-80.0 acres; APN 1029001 Section 25 17N 63E-77.5 acres; 1027026 Section 26 17N 63E-320.0 acres; APN 1027025 Section 24 17N 63E-960.0 acres; and APN 1032006 Section 18 17N 64E-120.0 acres.

WPCCRDA designates 202 acres for an Industrial Park Expansion. So far, the county bas only received 40 of these 202 acres. The 2008 Industrial Park expansion legal description is: APN 1027019 Section 36 17N 63E-40 acres.

The existing acreage is not enough to fulfill the purposes of the Industrial Park expansion or reconcile the expenditures made by White Pine County. The County has engaged in several meetings with the BLM to discuss this issue.

Maps show that PHMA and GHMA overlap omits even more of the requested lands to be conveyed than in the map developed on May 14, 2013, at "5,691 acres of PGH in disposal lands" and 11586 acres of PPH in disposal lands." The newer map shows that the Industrial Park Expansion is in Priority Habitat.

White Pine County has spent approximately $417,000.00 on new utilities and road improvements in anticipation of the expansion of the lands that will be conveyed for the Industrial Park expansion. These improvements include underground water and sewer extensions, road pavement, and curb and street lighting. This expenditure will be wasted if White Pine is not allowed to proceed with acquiring the identified lands because of the LUPA's designation of such lands as priority greater sage grouse habitat and removal of those lands as eligible for disposal. This is a significant amount of money for White Pine County and interference with the County acquiring these much needed lands is harmful to the County and interferes with our sovereign and Land use planning efforts as well as the directives of WPCCRDA.

Only the Airport Expansion and 40 of the 202 acres of the Industrial Park have been conveyed to White Pine County. Approximately 18,543 acres were identified by White Pine County jointly with the BLM for disposal during the Ely RMP Amendment process. All of the Lands that have been identified for disposal are of economic importance to White Pine County. These lands were designated jointly with the Ely District Office according to WPCCRDA and the specific criterion detailed by the White Pine County Public Land Use Plan developed for the County to effectively implement WPCCRDA. Some of the desired projects include:

a. White Pine County and Baker citizens identified approximately 40 acres for the Baker Cemetery expansion, Location: 13N 70E Section 21.
b. As part of the Cemetery expansion the town of Baker received a grant from the National Park Service to help with the planning of a trails system for the town of Baker that will eventually allow for a trail connecting the town of Baker to the Great Basin National Park. The plan includes a parking area for the Cemetery and trailhead. White Pine County, jointly with the Ely District Office, identified 2,040 acres by Cherry Creek as crucial for economic development in White Pine County. This acreage was chosen due to several factors. First, natural gas can be found as close as Wells, NV; Second, the north SWIP (Southwest Intertie Project) line is within close proximity (5 miles) of the property; Finally, White Pine County retains water rights in Steptoe Valley, and as a result would be able to access and use those rights. The uses include quasi-municipal, irrigation and recreation, and commercial permits though the majority are for industrial (power plant) use. The property is located at 24N 63E Section 12, 13, 23, 24, 25, 26, 35, 36 approximately 52 miles north of Ely, NV
c. White Pine County, jointly with the Ely District Office, also identified the best land to be conveyed to the KOA. Approximately 60 acres located 3 miles southeast of Ely located in 16N 63E and about section 35. Not only is the KOA utilized for outdoor recreationalists, it is also utilized by miners and construction workers who live a nomadic life style. They work locally and travel home to their families on their days off. The mining industry in White Pine County is expanding. The need for the expansion of the KOA is long overdue. A map provided by the Ely BLM office shows that the expansion of the KOA is next to PHMA and within GHMA. Like the Industrial Park, further delays can be anticipated.
d. The remainder of the 18,563 acres were chosen jointly with the Ely District Office as the most appropriate acres to fulfill the purposes of WPCCRDA.
e. The final 26,500 acres have not yet been identified for disposal and will be identified as soon as the county finds there is a need.

Solar Project

On January 15, 2018, White Pine County ("County") entered into an agreement with LSH Land Holdings, LLC ("LSH") to lease to LSH approximately 660 acres of County-owned land adjacent to Highway 93 northeast of the City of Ely, for the purpose of constructing and operating a solar farm. The lease provides LSH with a development period at a lease rate of between $12-15 per acre whereby LSH can evaluate whether construction of the solar project on County land is in its best interests. If LSH decides that the project is economically viable, it will construct the solar facility. Thereafter, a lease rate of $100 per acre with an annual adjustment for inflation will be realized for the duration of the lease term—25 years with an option for an additional 5-year term. This equates to a fairly significant revenue stream for the County on land that has historically been underutilized.

However, when reviewing the relevant habitat maps incorporated in the DEIS, it is apparent that the solar farm project may be impacted by its proximity to GRSG habitat. The socioeconomic viability of Nevada's rural counties relies heavily on how these counties prepare for a future that may or may not include revenue generated by mining. White Pine County has looked to renewable energy as one such form of diversification. However, such projects may be compromised if a clear and robust exception process paired with accurate GRSG mapping is not implemented.

WASHOE COUNTY

The 2015 ARMPA conflicts with the Conservation Element of the Washoe County Master Plan and will interfere with Washoe County's planning efforts in several ways, including interference with the County's ability to develop schools, cemeteries, and to manage other habitat and economic development issues using a comprehensive approach based on the best available science. The Washoe County Master Plan's goal is to prevent further damage to species and their habitats, so that their presence in Washoe County can be maintained in a practical, comprehensive way.

Washoe County addressed greater sage-grouse within its update to the Conservation Element (CE) of the Washoe County Master Plan, utilized NDOW habitat mapping to produce GIS mapping of greater sage-grouse habitat. The Conservation Element Maps delineate plots of land and their characteristics, including areas suitable for development and areas of critical environmental concern and are different than the 2015 ARMPA habitat maps. The 2015 ARMPA maps show large amounts of priority habitat in Northern Washoe County; whereas Washoe County's GIS maps delineate significantly less.

The Washoe County Plans also contain the following provisions:

C.3.2 - The Washoe County Department of Community Development will ensure that the Washoe County Development Code provides appropriate guidelines and standards for development projects to minimize the following:

a. Erosion and sedimentation on site, both during and after development.
b. Destruction of natural topographic features that enhance the character of the area.
c. Damage to habitats of threatened and endangered species.
d. Destruction or damage to vegetated buffers along water resources and wetlands.
e. Production of public health vector hazards.

C.4.1 - Washoe County will encourage and support land exchanges, acquisitions and appropriate disposals by the U.S. Forest Service and the Bureau of Land Management when such actions are in the public interest.

C.13.1 - Protect key wildlife habitats; habitats of threatened, endangered or rare species; and key migration routes.

C.13.2 - Promote the conservation and enhancement of fishery and wildlife resources; areas of high wildlife value; areas necessary for the protection and perpetuation of rare, endangered and threatened species; and areas important for scientific study.

LUT 14.1 - Trails and trailheads shall be planned, designed, and constructed to avoid or minimize degradation of natural and cultural resources, especially riparian areas and associated wildlife habitats.

Modifying Habitat Management Area Designations and Allocation Exception Process

The BLM has already applied the 2015 ARMPA habitat maps in a way that interferes with the County's land planning objectives to acquire specific federal lands for community development purposes. Based on the broad 2015 ARMPA habitat maps, BLM has dramatically reduced the amount of lands designated as suitable for disposal. Prior to the 2015 ARMPA, Washoe County worked with the Carson City BLM District to identify lands the county would like to acquire during preparation of the Resource Management Plan (RMP) for the district. The County-requested lands were shown on RMP maps as suitable for disposal until the LUPA eliminated some of the areas previously classified as suitable for disposal due the alleged presence of greater sage-grouse habitat based on the very general 2015 ARMPA habitat maps. The "general" habitat in the LUPA maps comes close to the urban, suburban areas of the Truckee Meadows and has affected local entities from their ability to acquire BLM land for civic uses.

For example:

1. The Washoe County School District evaluated 80 acres for a future Middle School site directly adjacent to a large residential community. The BLM mapping showed greater sage-grouse habitat which removed this site, and many others, as suitable for disposal. The County Planning Department inquired if the BLM could approve of a site-specific habitat analysis to confirm if the 80 acres were in fact suitable habitat because the County's map indicates it is not habitat. The BLM indicated they didn't have the ability to allow for ground-truthing to determine whether these 80 acres truly are habitat. Only after this issue made national headlines was the County able to finally work through this issue.
2. The City of Sparks was looking to acquire BLM land directly adjacent to the city boundary to locate a new city cemetery. Based on the LUPA habitat map, BLM removed this site from the disposal map. The County's map does not show habitat in this area.

The generalities in the LUPA maps and the BLM's inability to consider site-specific data and information to ground-truth their maps is resulting in arbitrary exclusion of lands from use – even when those lands might not be actual habitat. Moreover, the focus on landscape level maps and refusal to consider site-specific data means we may be missing important habitat that is in need of protection or identification for conservation.