

**POTENTIAL AMENDMENTS TO LAND MANAGEMENT PLANS  
REGARDING SAGE-GROUSE CONSERVATION**

**Draft EIS**

**Executive Summary**

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## Chapter 1 Introduction

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### 1.1 BACKGROUND

On September 16, 2015, the U.S. Forest Service (Forest Service) finalized amendments to forest Land Management Plans within the Northern, Intermountain, and Rocky Mountain Regions. Upon implementing the 2015 plans, potential inefficiencies were observed. On March 31, 2017, the United States District Court of Nevada held that the U.S. Forest Service (Forest Service) violated the National Environmental Policy Act (NEPA) by failing to provide the public with enough information to meaningfully participate in the Environmental Impact Statement (EIS) process in the Nevada and Northeastern California Greater Sage-grouse Land Management Plan Amendment. The court remanded the Records of Decision (RODs) to the Forest Service to prepare a Supplemental EIS. Finally, efforts to evaluate and potentially change related conservation plans for greater sage-grouse by the U. S. Bureau of Land Management were initiated and are continuing. To maintain complementary landscape scale management and to rectify potential deficiencies or inefficiencies in the 2015 plans, the Forest Service began the process of evaluating and amending the 2015 plans on November 21, 2017.

In order to comply with the court and to address the issues identified by various interested parties, the Forest Service is considering amending greater sage-grouse land management plans in the states of Colorado, Idaho, Nevada, Wyoming, and Utah that were previously amended in 2015. The Forest Service conducted an initial public scoping process from November 21, 2017 to January 19, 2018. Following that scoping period, the Forest Service released supplemental information regarding the proposed federal action and reinitiated public scoping through a Notice of Intent, published in the *Federal Register* on June 20, 2018. A draft EIS (DEIS) was published on October 5, 2018, which initiated a third public comment period. During this third comment period, the Forest Service received 33,192 responses, of which 5,413 were duplicate submissions. These responses are analyzed using the content analysis process described in the next section.

### 1.2 CONTENT ANALYSIS PROCESS

Content analysis is a method of eliciting meanings, ideas, and other information from written text, pictures, or audio or video messages. The goals of the content analysis process are to

- ensure that every comment is considered,
- identify the concerns raised by all respondents,
- represent the breadth and depth of the public's viewpoints and concerns as fairly as possible, and
- present public concerns in such a way as to facilitate the Forest Service's consideration of comments.

A specific method of content analysis has been developed and refined by the NEPA Services Group, a specialized Forest Service unit that analyzes public comment on federal land and resource management agency assessments and proposals. This systematic process is designed to provide specific demographic information, establish a mailing list of respondents, identify individual comments by topic in each response, evaluate similar comments from different responses, and summarize like comments as specific concern statements. The process also provides a relational database capable of reporting various types of information while linking comments to original letters.

Through the content analysis process, the content analysis team strives to identify all relevant issues—not just those represented by the most respondents. The breadth, depth, and rationale of each comment are especially important. In addition to capturing relevant factual input, analysts try to capture the relative emotion and strength of public sentiment behind particular viewpoints.

## 1.3 DEMOGRAPHICS

Most respondents submitted comments by email; however, comments were also mailed or submitted via the Forest Service’s public participation web portal. Additionally, campaigns from nonprofit organizations and individuals resulted in a large number of form letters. Letters that represent slight variations of the form letter without significant additional information were treated as form letters. Those with additional substantive text were treated as form pluses. In total, 27,157 form letter submissions were received (including form masters, forms, and form pluses), based on 32 different form letters. In summary, 27,779 original comment letters were received (33,192 total minus 5,413 which were identical letters from the same individual); of the original letters, 27,157 were form letters, and 622 were unique letters.

Table 1, below, provides information on the affiliation of commenters. Most comments were received by individuals (99.7 percent), followed by organizations (0.2 percent) and government representatives (0.1 percent).

**Table 1. Submissions by Affiliation**

Affiliation	Number of Submissions*
Government (federal, state, tribal, and local)	34
Organizations (businesses and nonprofits)	50
Individuals	33,108

\* Number may include multiple or duplicate submissions by the same entity.

## Chapter 2 Comments on Proposed Action

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This chapter provides a summary of public sentiment regarding proposed revisions to existing state greater sage-grouse land management plans. Due to the number and complexity of substantive comments received, this report provides an overview of key themes and issues but is not a comprehensive summary of all comments received.

### General

Many comments on the DEIS encompassed topics identified during earlier public comment periods and are briefly recaptured below. Readers are referred to previous scoping summary reports for additional detail. Comments include:

- General statements both for and against proposed plan amendments. Some comments request that the Forest Service enact change through other means than plan amendment, such as through policy guidance, maintenance, and training.
- Differences of opinion regarding level of planning. Many comments express support for state-specific plan adjustments, as well as greater coordination and consistency with federal, state, and

local plans and regulations. However, other commenters state that the Forest Service should take a range-wide approach to ensure consistency and conservation across state borders.

- General planning recommendations. Commenters offer general planning recommendations such as: 1) ensuring opportunities for meaningful public involvement, 2) coordinating with the Bureau of Land Management (BLM) during the amendment process, and 3) requests that the Forest Service conduct additional analysis that satisfies NEPA's hard look doctrine.
- Differences of opinion regarding purpose and need. Some comments support the purpose and need statement, while others request further justification and express concern that the narrow focus precludes the possibility of alternatives and is not supported by science-based evidence.

Additional general topics identified during the DEIS comment period included requests that the Forest Service: 1) provide sufficient funding and appropriate staff to implement the plan amendments, 2) clarify management changes under the proposed preferred alternative, 3) provide a rationale for why scoping comments were or were not addressed in the EIS, and 4) provide context and rationale for changing standards or guidelines to a management approach.

## Alternatives

Many comments express support for management recommendations presented in the proposed action, such as removal of sagebrush focal areas, net conservation gain, and mandatory habitat objectives. However, other comments state that the Forest Service should develop and analyze a broader range of alternatives, including 1) alternatives proposed during the scoping period, 2) a conservation alternative that is more environmentally protective, and 3) an alternative to complete the supplemental EIS that a federal court found needed to maintain the sagebrush focal areas (SFAs). One comment also recommends that the Forest Service adopt the State of Utah Alternative.

Some respondents note significant differences between the proposed management of sage-grouse habitat on national forests in different states and note that the Forest Service is not required to select the preferred alternative in the ROD. Additionally, it is stated that the Forest Service's Final EIS (FEIS) should articulate that the No Action Alternative is not a viable alternative.

## General Science

Comments request that the EIS be updated to reflect best available science and allow for incorporation of future new scientific research and methods into management actions. Several respondents also state that the Forest Service should not rely on the landscape-scale planning provisions in the National Technical Team (NTT) report and other related documents that were the basis for the 2015 RODs. Many of these comments also critique the use of specific scientific studies, such as Hanser et al. (2018)<sup>1</sup>, as justification for management decisions made in the EIS, or provided additional references for incorporation into the EIS.

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<sup>1</sup> Hanser, S.E., Deibert, P.A., Tull, J.C., Carr, N.B., Aldridge, C.L., Bargsten, T.C., Christiansen, T.J., Coates, P.S., Crist, M.R., Doherty, K.E., Ellsworth, E.A., Foster, L.J., Herren, V.A., Miller, K.H., Moser, Ann, Naeve, R.M., Prentice, K.L., Remington, T.E., Ricca, M.A., Shinneman, D.J., Truex, R.L., Wiechman, L.A., Wilson, D.C., and Bowen, Z.H., 2018, Greater sage-grouse science (2015–17)— Synthesis and potential management implications: U.S. Geological Survey Open-File Report 2018–1017, 46 p., <https://doi.org/10.3133/ofr20181017>.

## Allowable Uses

A wide range of topics were received for the Allowable Uses category. Comments include:

- Concern that plan amendments allow for collaboration and management flexibility, site-specific data, and decisions on a project-by-project basis. In particular, some commenters express concern that proposed restrictions will adversely affect their ability to operate on public lands or request that the Forest Service permit authorization of projects in priority habitat management areas (PHMA), when impacts can be offset by compensatory mitigation. One comment specifically encourages the Forest Service to adopt the State of Idaho's recommendations for infrastructure.
- Support as well as opposition to guidelines that call for burying transmission lines.
- A request that the EIS clarify that county administrative activities, existing infrastructure, and emergency services are not considered anthropogenic disturbance and all qualify as "authorized uses" in both priority and general habitat.
- Support for and against hunting and development in sage-grouse habitat. Some comments also recommend that the Forest Service clarify the magnitude of threat for activities such as mining or include provisions that exempt pre-2008 permitting activities.
- Concern that the noise limits in the plan amendments are not supported by science and need flexibility in implementation. Other comments recommend new noise standards or express concern that shifting the baseline of measurement could increase impacts of noise on sage-grouse.
- Support for focused conservation measures in priority (core) habitat lands only. However, other comments state that this approach does not comply with state regulations that area designed to allow flexibility for land users in noncore or general habitat management areas (GHMAs).
- Concern that plan amendments insufficiently analyze the impacts of changing the application of standards from "occupied lek" to "active or pending lek." Other comments also suggest 1) retaining specific breeding season dates and seasonal timing restrictions, or 2) allowing production and maintenance activities to take place as necessary while seasonal use restrictions are in effect.

## Renewable Energy

Comments regarding renewable energy include 1) a request for the Forest Service to address why solar and wind energy developments are treated differently, given that they produce similar biological impacts; and 2) support for solar and wind development, with particular discussion on allowing development in areas of non-habitat within PHMA or if a development avoids, minimizes, and compensates for impacts to sage-grouse and sage-grouse habitat.

## Mineral Resources

Comments on mineral resource management vary widely. Concern is expressed that the Forest Service's revised definition of Valid Existing Rights (VER) could limit stakeholders' rights to use and occupy public lands, and that the agency should ensure that any restrictions do not substantially interfere with a claimant's rights under the Mining Law, Multiple Use Sustained Yield Act (MUSYA), and Forest Service's Organic Act. These commenters also request that the EIS provide additional analysis of the

economic consequences of prohibiting or limiting access to mineral resources, encourage the development of a land management mineral classification plan, and allow for exceptions 1) for free-use collection by counties and/or road districts and 2) for mineral material development or disposal in areas in PHMA that do not directly impact sage-grouse.

## **Fluid Minerals**

Fluid mineral comments are mixed. Some respondents state that oil and gas leasing and other development activities should be prioritized outside of important sage-grouse population areas. Concern is expressed that fluid mineral conservation measures will not be sufficient to prevent habitat loss. Therefore, exemptions should be limited and require input from state and federal wildlife experts. However, other comments express support for 1) removal of the requirement for a unanimous concurrence from a team of experts, and 2) no surface occupancy (NSO) exceptions if there would be no direct or indirect effects to the greater sage-grouse or its habitat, or any impacts could be fully offset through mitigation. These latter comments specifically request the option of issuance and modification of waivers for NSO in PHMA. It is also requested that the Forest Service clarify how the “authorized officer” is selected for each instance of waivers, exceptions, and modifications of NSO stipulations.

## **Disturbance Caps**

Although one comment supports the use of disturbance caps, most comments express opposition to the use of disturbance caps in plan amendments, particularly with regards to application for mineral resources, existing leases, and private land, and request that the Forest Service eliminate such caps or only apply the disturbance criteria in PHMA at the biologically significant unit (BSU) level. Concern is also expressed that the requirement of a 3% disturbance cap discourages the clustering of anthropogenic disturbances and that the Forest Service should 1) consider impacts to recreation activities, and 2) fully identify what “anthropogenic disturbances” will be looked at to calculate the disturbance cap and work with other entities to develop a consistent methodology.

## **Best Management Practices**

It is stated that the Forest Service should only implement best management practices (BMPs) as a recommended (not required) measure on an as-needed basis in PHMA. Comments also encourage the Forest Service to incorporate State of Idaho’s recommendations, base BMPs on science, and develop flexible BMPs that are based on site-specific conditions and do not prioritize prohibition as the first response.

## **Buffers**

Comments regarding sage-grouse buffers are mixed. Some commenters oppose any reduction in lek buffers, while others state that:

- spatial and seasonal off-highway vehicle restrictions within lek buffers are arbitrary and lack scientific basis.
- The Forest Service should make lek buffers adaptive to individual lek sites and habitat types, or adopt lek buffers proposed by the State of Idaho and BLM.

- The Forest Service should only limit or preclude certain activities near active leks during the active breeding season.
- lek definitions and buffers should be uniform across the entire greater sage-grouse habitat landscape, with additional explanation of how it will determine that lekking is occurring and how the boundaries of those leks will be drawn.
- The Forest Service should clarify that lek buffers were not established to “not allow activities” but only to “assess and address impacts” to maintain lek persistence.

## **Sage-Grouse Management**

As noted in previous scoping reports, comments express both support and opposition to the removal of SFAs from the plan amendments. Many comments express concern that the Forest Service not automatically reclassify SFAs as PHMA. Instead, one commenter states, “these lands should be managed according to their actual habitat conditions based on site-specific habitat data.”

Commenters are also mixed on changes to PHMA and GHMA in the plan amendments. Some commenters request that the Forest Service avoid reductions in PHMA and GHMA acres or validate these reductions in the EIS. However, others request that the Forest Service remove GHMA designations (along with management requirements) on Forest System Lands or, more specifically, remove PHMA designation and management proposals for sage-grouse on the Anthro Mountain in Utah.

Other general sage-grouse management topics include 1) concern that the EIS analysis does not support conclusions regarding the greater sage-grouse as a species of conservation concern and agency obligations under 36 CFR 219.9 and 219.10, 2) a request that the Forest Service identify metrics to determine the success of plan amendments, 3) concern that making certain criteria that were guidelines or standards into “management approaches” weakens the protective methods, 4) a request that the EIS address other species that may be impacted by the actions proposed in the EIS, 5) a request that the Forest Service recognize the voluntary conservation efforts taken by operators, local conservation work, and partnerships, and 6) a request that the Other Habitat Management Areas definition should be revised to be more understandable and more closely aligned with the Nevada Greater Sage-grouse Conservation Plan.

## **Habitat Mapping**

Comments request that the Forest Service use updated habitat area maps that reflect best available science and site-specific data. In particular, commenters state that the Forest Service should identify a consistent process to update habitat management area (HMA) maps 1) as new scientific information and monitoring data becomes available and 2) at local or national forest levels. Comments also request that current and future habitat management area maps should be consistent with the State of Wyoming current core area maps.

Respondents are mixed, however, on the role of NEPA in map updates. Some comments support continued public notice and NEPA analysis for HMA map updates, while others argue that the Forest Service should eliminate the need to conduct NEPA analysis for mapping updates, instead focusing on a different process to ensure timely updates.

## **Habitat Objectives**

Many comments support the removal of habitat objective tables and replacement with state-specific management guidelines and regulations. It is also stated that the Forest Service should avoid prescribing specific values for habitat objectives, as well as provide flexibility in application to fit local ecological conditions. Comments express both support and opposition to grass height requirement changes. One commenter requests that the EIS further discuss how the Habitat Assessment Framework will be used to revise standards and guidelines to reflect specific grass-height requirements for livestock management, as well as align with local habitat conditions.

## **Population Management**

Comments encourage the development of population targets and measures, as well as request additional information on population trends in the EIS.

## **Livestock Grazing**

Comments on livestock grazing include both support and opposition to grazing on public lands. For example, while some comments express support for Plan changes and clarifications that encourage water development, others express concern that water developments should not be approved if they would cause an adverse effect to greater sage-grouse habitat. Similarly, some comments express support or encourage further Forest Service efforts to recognize livestock grazing as a management tool for sage-grouse and ensure that any grazing restrictions do not impair the valid existing or threaten ranch viability. However, other comments express concern that proposed plan amendments reduce protective measures regarding the construction of new permanent livestock facilities and/or identify a range of concerns regarding livestock impacts to biological resources.

Many comments encourage the Forest Service to allow for increased flexibility in grazing guidelines, as well as encourage good management decisions/practices, including grazing, rather than punishing or eliminating livestock activities. Some comments state that the Forest Service already has the adequate mechanisms in place to manage grazing in sage-grouse habitat and that there should be no additional restrictions on permits in the new plan. It is also stated that the Forest Service should 1) establish monitoring systems to track compliance with standards for livestock grazing, and 2) define how the agency will identify whether or not livestock grazing is a causal factor for not achieving suitable habitat conditions. Comments similarly encourage consistency with state guidelines, cooperative data-gathering and targeted grazing techniques in the EIS and grazing plans, as well as highlight management actions where additional scientific evidence is needed to support restrictions, such as livestock trailing, bedding sheep, and sheep camps.

Other grazing comments include requests for additional information on 1) the habitat assessment process, including frequency and location, 2) a process for temporary nonrenewable permitting or access to additional forage and conversion to active grazing preference if the criteria in the Plan is met, and 3) the percentage of Allotment Management Plans or grazing permits that have incorporated the standards of the forest plans.

## **Fire and Fuels**

Many comments express support for the Forest Service's emphasis on controlling invasive species, including early detection and rapid response strategies. Comments also support the use of targeted

livestock grazing and prescribed fire as management tools, as well as the use of non-native plants in combination with native species for habitat restoration. However, some respondents express concern that proposed fire and fuel management actions will not restore sage-grouse habitat.

Other fire and fuel comments include requests that the Forest Service:

- incorporate measures to minimize the risk of human-caused fires,
- disclose impacts from vegetation treatment to sagebrush and sage-grouse in the EIS,
- coordinate with local, state, and federal agencies and government to maximize invasive plant and fire management efforts, as well as evaluate wildfire initial attack efficacy and form partnerships with state and local agencies to improve firefighting programs,
- revise the 2018 EIS to be consistent with President Trump’s December 21, 2018, Executive Order entitled “Promoting Active Management of America’s Forests, Rangelands, and other Federal Lands to Improve Conditions and Reduce Wildfire Risks,”
- expand cheatgrass/invasive control beyond PHMA, and
- address the benefits of fuel breaks versus loss of sagebrush cover and risk on invasive weeds and annuals grasses.

## **Predation**

Comments state that the Forest Service should address predator control and management solutions. Additional specific recommendations include 1) defining “human subsidies” in relation to predator discussion, 2) adding a management approach to support predator control in the Idaho plan, and 3) adding management actions that increase removal of corvid nests or track closely with the Western Association of Fish and Wildlife Agencies white paper.

## **Wild Horses and Burros**

Wild horse and burro comments include a request that plan amendments 1) protect wild horses and burros, 2) more fully analyze management impacts to wild horses and burros, including consideration of potential management solutions, 3) apply grazing guidelines to these species, and 4) consider removal of the species from habitat if standards are not met.

## **Adaptive Management**

Comments express both opposition and support for adaptive management and causal factor analysis. Some respondents indicate that causal factor analysis could result in delays for enforcement, as the EIS does not disclose how long this process will take nor what the Forest Service will do in the interim. Concern is also expressed that the Forest Service ensure that rights under the Mining Law, MUSYA, National Forest Management Act, Forest Service’s Organic Act, and Federal Land Management and Policy Act are maintained in the event of a change in management due to an adaptive management trigger.

In general, many comments encourage plan flexibility and coordination with state and local groups in applying adaptive management processes, such as providing additional information on the role and

membership of the Adaptive Management Group, as well as ensuring comprehensive stakeholder representation. It is stated that the Forest Service should ensure that plan amendments are consistent with state plans and BLM language and that the FEIS provide a process in all states for reviewing or reverting to an adaptive management response when a causal factor is resolved. Comments are mixed on appropriate triggers for adaptive management, however. One comment requests that the Forest Service develop adaptive management metrics (triggers) based on priority (core) habitat, while another states that the metric should be population declines from the 2011 baseline.

## **Mitigation**

Comments are mixed on mitigation. Many comments encourage the Forest Service to retain the net conservation gain mitigation standard and the use of compensatory mitigation in plan amendments. However, other comments express support for a “no net loss” approach to mitigation. Many of these latter comments encourage state and local coordination and consistency with state mitigation plans, such as for the use of Nevada’s Habitat Quantification Tool and Conservation Credit System. Other mitigation comments include a request that the Forest Service:

- Address the U.S. Department of the Interior’s prohibition against compensatory mitigation.
- Not hold Nevada to a higher standard of mitigation than other states.
- Define the scale used to evaluate “No Net Habitat Loss.”
- Provide adaptive, not rigid, mitigation standards and set forth requirements on principles for compensatory mitigation. Comments provide varied perspectives on what principles should guide this process. Comments also state that the Forest Service should employ a variety of tools and processes to track and ensure effective compensatory mitigation implementation.
- Discuss the process that the state uses and how long it may take for conservation credits to be generated and for those credits to be approved and then purchased.

## **Transportation**

Transportation-related comments include concerns expressed by commenters that proposed travel restrictions unlawfully interfere with statutory access rights and will create significant economic impacts within local counties. Comments also indicate that the Forest Service should promote greater management flexibility when addressing transportation-related impacts to sage-grouse.

## **Recreation**

Respondents encourage the Forest Service to maintain recreation opportunities for local residents in plan amendments. Comments contain various recreation issues that commenters indicate should be addressed in the FEIS. These comments contain varied recommendations for addressing OHV and recreational access, such as the development of new recreation-based lek buffers and management plans for multiple recreation use. However, some respondents express concern that plan components that allow for recreational activity in sage-grouse habitat will result in adverse impacts the species.

## **Lands and Socioeconomics**

Comments related to landownership and socioeconomics include the following:

- Concern is expressed that the Forest Service should do a better job to protect the property rights of private landowners and disclose the basis by which private lands can be considered in a federal land management planning document. In particular, it is stated that proposed Plan amendments inappropriately assert jurisdiction on county and private rights-of-way and fail to follow county access requirements to private property.
- Comments request that the Forest Service should allow for disposal or exchange of PHMA or GHMA lands if they contain non-suitable habitat or if mitigation can be implemented that meets the state's standard. Comments also state that the Forest Service should ensure that lands currently designated as suitable for disposal retain that status in the plan amendments.
- Concern is expressed that the EIS will adversely affect local communities and that additional socioeconomic analysis is needed in the document. Concern is also expressed that the EIS proposes to work outside of Forest Service jurisdiction by implementing law enforcement type actions.