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Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment DRAFT Record of Decision



Humboldt-Toiyabe National Forest; Bureau of Land Management Carson City District, and Battle Mountain District Tonopah Field Office; Alpine and Mono Counties, California; and Douglas, Esmeralda, Lyon, and Mineral Counties, Nevada

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Draft Record of Decision

Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment

USDA Forest Service, Humboldt-Toiyabe National Forest

Alpine and Mono Counties, California

Douglas, Esmeralda, Lyon, and Mineral Counties, Nevada

I. Project Area

The area affected by the Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment (project area) is located on the Carson and Bridgeport ranger districts of the Humboldt-Toiyabe National Forest (Forest). The project area comprises 967,878 acres of National Forest System (NFS) lands administered by the Humboldt-Toiyabe National Forest along the boundary between California and Nevada. The project area extends south of Carson City, Nevada, to the Humboldt-Toiyabe National Forest boundary north of Bishop California. The overall project area boundary, used for analysis, also includes 1,701,618 acres of Bureau of Land Management (BLM) land managed by the Carson City District and the Tonopah Field Office. "Project area" as used in this document refers only to the NFS lands described above.

II. Decision

In the final environmental impact statement (EIS) the Forest and BLM considered two action alternatives and the no-action alternative. The action alternatives included the proposed action which was developed first in the draft EIS, then modified in the revised draft EIS in response to comments received during the public comment period. Alternative B (modified) retained many elements of the original proposed action. Modifications included more specificity to limiting activities that may be proposed to occur in greater sage-grouse bi-state distinct population segment (bi-state DPS) habitat, and less ambiguity regarding the application of standards and guidelines to discretionary actions. Alternative C was added between the draft EIS and the revised draft EIS. This alternative, also developed in response to comments, includes more prohibition on discretionary actions. It is from these three alternatives that I have selected my decision.

This Record of Decision (ROD) for the Greater Sage-grouse state Distinct Population Segment Forest Plan Amendment (amendment) documents my decision to approve the amendment to the Toiyabe National Forest Land and Resource Management Plan (LRMP as amended) as described in the attached Amendment document.

In Table ROD-1 (found in section III) I have listed the standards and guidelines I am selecting, along with my rationale for selecting each. I have used the information presented in the final EIS and included in the project record to make this decision. I have not selected one alternative over the other, but selected a mix of standards and guidelines from those available in the two action alternatives. This decision provides the overall guidance to manage the sagebrush ecosystem for the long-term persistence of the bi-state DPS in their habitat. It provides direction for the conservation of the habitat through the prohibition of select discretionary activities. It also provides for the enhancement and restoration of habitat by the inclusion of standards and guidelines that direct how future activities proposed for habitat improvement or restoration will be conducted.

The amendment that I approve does the following:

- Adopts the desired habitat conditions as displayed in Table 2-1 of the final EIS;
- Adopts the seasonal dates for the bi-state DPS as show in Table 2-2 of the final EIS;
- Adopts the goals and objectives as displayed in Table 2-3 of the final EIS; and
- Adopts the standards and guidelines in Table ROD-1.

The amendment does not authorize any on-the-ground actions. Implementation of the amendment applies to all future proposed actions administered by the Forest occurring within bi-state DPS habitat on the Forest. The amendment does not apply to valid existing rights, except as specified in the amendment.

My decision applies to all NFS lands located within the project area. This includes lands that are bi-state DPS habitat in management area 6 of the Toiyabe National Forest LRPM and in the lands transferred to the Forest Service by the 1989 Nevada Enhancement Act.

My decision does not include approval of the monitoring elements identified as part of the proposed action, displayed in Table 2-6 of the final EIS.

III. Rationale for Decision

My decision provides the overall guidance to manage the sagebrush ecosystem for the long-term persistence of the bi-state DPS in their current habitat.

In selecting a course of action for the Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment, I have determined that my decision is consistent with all laws, regulations, and agency policy. I have considered the potential direct, indirect, and cumulative effects and reasonably foreseeable activities. I have also considered the potential effects to all the issues identified in the final EIS and the potential for irreversible and irretrievable commitment of resources in the project area.

My decision provides the opportunity for the best balance of management activities to respond to the purpose and need, issues, and public comments. My decision seeks to balance interests of the public at large and those with special interests in the resources of the area while providing standards and guidelines that will conserve, enhance, or restore sagebrush and associated habitats for the long-term viability of the bi-state DPS. These interests include managing future forest activities to provide sustainable habitat conditions, while continuing to provide for recreation and access opportunities, livestock grazing opportunities, access to locatable mineral resources, development of renewable energy resources, and active habitat restoration efforts on NFS lands in accordance with the Multiple-Use Sustained Yield Act, the National Forest Management Act, and the Toiyabe National Forest Plan (as amended). While meeting these interests, the decision provides methods to achieve resilient and resistant ecosystems, and improve bi-state DPS habitat.

Throughout this process I have considered and been continually amazed by the work that the community and all of the agencies involved have put into the protection of this species. The Bi-state Local Area Working Group has been helping the agencies and private landowners preserve habitat for years. They helped define the population management units back in the early 2000s. They organized and participated in work days to improve habitat. They have held together all of this time with common cause to help understand the species. Individual members have taken steps on their private property to improve habitat and they have helped their neighbors to do the

same. Their combined efforts have done so much for the continued existence of the species that I cannot thank them enough. It is my desire that this spirit of cooperation among the Local Area Working Group and the multitude of agencies continues and that we all continue to work together to support the bi-state DPS. This decision I am making is not the end of the effort to protect the species. It is but a small step that the Forest is taking to help guide future decisions on NFS lands that will help conserve, enhance, and restore bi-state DPS habitat.

My criteria for making a decision on this project were based on the documentation in the final EIS and its project record, the comments received during the three public opportunities to comment on the project initiation, and the draft EIS and the revised draft EIS. It is as a result of those comments that we extended the draft EIS comment period, and a result of those extensions that we revised the draft EIS to include an alternative to the proposed action that included stronger standards and guidelines regarding the authorization of discretionary actions on NFS lands. The addition of that alternative allowed me to see the potential effects of prohibiting many types of activities across all bi-state DPS habitat on the National Forest and compare that with the still-restrictive proposed action.

The need of this action has been to conserve the bi-state DPS and its habitat through the adoption of goals, objectives, and standards and guidelines, to address the U.S. Fish and Wildlife Service (USFWS) March 2010 finding that the existing regulatory mechanisms to protect sage grouse and their habitats “afford sufficient discretion to the decision makers as to render them (existing regulatory mechanism) inadequate to ameliorate the threats to the bi-state DPS”. The proposed action was developed to amend the LRMP with stronger management direction that removes much of the discretion present in the current plan and include standards and guidelines which will be used to protect habitat from activities, direct restoration of habitat, and move the habitat toward the desired conditions.

The approved amendment meets the purpose and need. It provides very clear, inflexible management direction through standards and guidelines regarding what can and cannot occur on NFS lands managed by the Humboldt-Toiyabe National Forest in bi-state DPS habitat. These standards and guidelines are intended to reduce the disturbances occurring in the habitat, and for the disturbances that do occur, to limit the duration, timing, and location of activities to best protect the bi-state DPS during all of its life stages. The addition of these standards and guidelines will require more analysis at the time of project- and activity-specific proposals and be more restrictive than the current suite of standards and guidelines in the LRMP.

To be in compliance with the direction in the amended plan, the line officer will sometimes have to say no to those requesting certain types or timing of activities. The “no net loss of habitat due to project disturbance” standard (C-Wild-S-03) would assure that the conservation and protection of habitat is foremost during the NEPA analysis and decision making process for both discretionary and non-discretionary site-specific projects and activities. No net loss of habitat across the range or within individual population management units will be achieved through the ongoing active habitat restoration and improvement programs and through project specific mitigations designed to avoid, minimize, rectify, reduce, or compensate for potential effects to bi-state DPS habitat by future projects.

If the line officer has no other option than to allow disturbance in the habitat because of valid existing rights, they will be required to prepare a site-specific Forest Plan amendment that would only apply to the proposal in question. Before doing so, they will need to have exhausted all other possibilities and documented how they did so in the site-specific NEPA analysis.

The suite of desired conditions, goals, objectives, and standards and guidelines in the approved amendment increases the regulatory mechanisms and reduces the former amount of implementation flexibility that the USFWS described in their 2010 finding. Standards and guidelines have been developed to provide direction for all of the potential activities that can occur in the habitat. Not adhering to those standards will require a Forest Plan amendment and a very strong rationale made to support the discrepancy. Not adhering to those guidelines will require either a determination, supported by analysis, that the purpose for the guideline can still be met and that the deviation does not preclude achieving desired conditions and objectives; otherwise, the approval of such an action will require a Forest plan amendment. With this in mind the approved amendment meets the purpose and need that the Forest has more regulatory mechanisms in place that afford less discretion to the decision maker and can help ameliorate the threats to the bi-state DPS.

The approved amendment also sets direction and provides for enhancing conditions of existing habitat.

Except as noted in Table ROD-1, I have not included the no-action alternative to any of the standards or guidelines in alternative B (modified proposed action) or alternative C. This is because the standards and guidelines in the other alternatives provide the greater assurance of conserving, enhancing, and/or restoring sagebrush and associated habitat to provide for long-term viability of the bi-state DPS, protecting habitat and reducing threats, the purpose of the amendment.

In deciding between the specific standards or guidelines of alternatives B and C, I have chosen to include in the amendment those standards or guidelines that provide the greater assurance of protecting habitat and reducing threats, as described in the final EIS (chapter 2, Table 2-5), to meet the greater sage-grouse conservation purpose of the amendment. The rationale for my selections is as follows:

1. I have decided to include standards that prohibit projects or activities that, by their nature, would not be able to avoid adverse effects to habitat, because conserving habitat is a purpose of the amendment.
2. I have decided in favor of guidelines or standards that allow projects or activities that may have potential to cause disturbance or create a threat if they can be designed so as not to cause the disturbance. The applicability of the guideline or standard would be analyzed in the appropriate project-specific or activity-specific NEPA analysis.
3. I have decided in favor of standards or guidelines for projects or activities that provide more specificity about the disturbance or threat being addressed, because this will make the amendment more effective for subsequent project or activity design and will allow the Forest to allow the project or activity when no disturbance or threat would occur.
4. I have included standards and guidelines that provide for the enhancement or active restoration of habitat to meet the desired habitat conditions.
5. Because most of my selections are from alternative B, when alternative B and alternative C are the same, my selection is denoted as alternative B.
6. I have decided not to include a standard or guideline that is not needed.

Table ROD-1 identifies which rationale was applied. Additional explanation is provided where I feel it is needed or when the rationale is other than the above.

Table ROD-1. Standards and guidelines

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
All Resources	*B-S-01: Project proposals shall include best management practices (BMPs) for each resource as appropriate to restore, conserve, and enhance bi-state DPS and its habitat.	C-S-01: Project proposals shall include BMPs for each resource as appropriate to restore, conserve, and enhance bi-state DPS and its habitat.	B-S-01: Rationale 4. BMPs are important tools for implementing the standards and guidelines in this amendment. I also want to allow flexibility to adopt and implement new BMPs as they come on line.
Access/ Recreation	*B-AR-G-01: Use existing roads and co-locate powerlines, pipelines, and other linear features whenever possible to reduce disturbance and habitat fragmentation and to minimize disturbance footprint of rights-of-way (ROWs) in bi-state habitat.	C-AR-G-01: Use existing developed routes to provide access and minimize the disturbance footprint of ROWs in bi-state habitat.	B-AR-G-01: Rationale 3.
	B-AR-G-02: Authorize new roads only when necessary for public safety, administrative, or public need to accommodate valid existing rights and to minimize disturbance footprint of ROWs in bi-state habitat.	C-AR-S-01: Authorize new roads only when necessary for public safety, administrative, or public need to accommodate valid existing rights up to 3% total anthropogenic disturbance limit.	B-AR-G-02: Rationale 1.
	*B-AR-S-01: Motor vehicle use off designated national forest system roads and trails is prohibited.	C-AR-S-02: Motor vehicle use off designated national forest system roads and trails or existing roads and trails is prohibited.	B-AR-S-01: Rationale 4 and 5. The phrase “or existing roads and trails” is not needed, because this prohibition has already been put into effect by the travel management decisions applied across the amendment area.
	*B-AR-S-02: Manage as limited to existing roads, primitive roads, and trails for motorized travel until subsequent route designation occurs.	Same as alternative B.	Not included: Rationale 6. This constraint has already been put into effect by the travel management decisions applied across the amendment area.
	*B-AR-S-03: Between March 1 and May 15, off-highway vehicle events that pass within 3 miles of an active lek shall only take place during daylight hours after 10 a.m.	C-AR-S-03: Do not authorize off-highway vehicle events.	B-AR-S-03: Rationale 1.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	*B-AR-S-04: Do not authorize off-highway vehicle events within winter habitats November 1 to March 1.	Same as C-AR-S-03.	B-AR-S-04: Rationale 3.
	B-AR-S-05: Prohibit new recreation facilities unless they will have a neutral or beneficial effect to bi-state DPS up to 3% total anthropogenic disturbance limit.	*C-AR-S-04: Prohibit new recreation facilities in bi-state DPS habitat (e.g., campgrounds, day use areas, scenic pullouts, trailheads, etc.).	C-AR-S-04: Rationale 1.
Land Use/Special Use	*B-LUSU-G-01: Co-locate new ROWs within and/or adjacent to existing ROWs and to minimize disturbance footprint of ROWs in bi-state DPS habitat.	Same as alternative B.	B-LUSU-G-01: Rationale 4.
	No proposed direction.	*C-LUSU-S-01: Do not grant new ROWs. If valid existing rights apply, co-locate new ROWs within existing ROWs or where it minimizes impacts to bi-state DPS habitat.	C-LUSU-S-01: Rationale 1 and 2.
	*B-LUSU-G-02: Industrial wind facilities associated (on site) with existing industrial infrastructure (e.g., a mine site) may be authorized to provide onsite power generation and to minimize disturbance footprint of ROWs in bi-state habitat.		B-LUSU-G-02: Rationale 3.
		*C-LUSU-S-02: Do not authorize utility-scale commercial wind energy facilities.	C-LUSU-S-02: Rationale 1.
	*B-LUSU-G-03: Industrial solar energy facilities (on site) associated with existing industrial infrastructure (e.g., a mine site) may be authorized to provide on-site power generation and minimize the disturbance footprint related to powerlines in habitat.		B-LUSU-G-03: Rationale 3.
		*C-LUSU-S-03: Do not authorize utility-scale solar energy facilities.	C-LUSU-S-03: Rationale 1.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	B-LUSU-S-01: Do not install tall structures that could serve as predator perches within 2 miles of a lek.	*C-LUSU-S-04: Do not install tall structures that could serve as predator perches within 4 miles of an active or pending lek.	C-LUSU-S-04: Rationale 1.
	*B-LUSU-S-02: No structures taller than the surrounding vegetation that could serve as predator perches shall be installed unless they are equipped with anti-perching devices.	Same as alternative B.	B-LUSU-S-02: Rationale 2 and 5.
	*B-LUSU-S-03: Federal lands shall be retained unless a public interest determination identifies a net benefit to bi-state DPS habitat.	Same as alternative B.	B-LUSU-S-03: Rationale 4.
	*B-LUSU-S-04: Do not authorize outfitter-guide activities that occur within 0.25 mile of active leks from March 1 to May 15.	C-LUSU-S-05: Do not authorize outfitter-guide activities that occur within 4 miles of active leks from March 1 to May 15.	B-LUSU-S-04: Rationale 1.
	*B-LUSU-S-05: Land acquisition plan shall include all inholdings that include bi-state DPS habitat within national forest system boundaries.	Same as alternative B.	B-LUSU-S-05: Rationale 4 and 5.
	*B-LUSU-S-06: When informed that a ROW is no longer in use, relinquish the ROW and reclaim the site by removing powerlines, reclaiming roads, and removing other infrastructure, where such reclamation work does not have unwanted adverse effects.	Same as alternative B.	B-LUSU-S-06: Rationale 4 and 5.
	*B-LUSU-S-07: Require proper containment and prompt removal of refuse to avoid attracting predators.	C-LUSU-S-6: Require proper containment and prompt removal of refuse to avoid attracting predators.	B-LUSU-S-07: Rationale 3.
	*B-LUSU-G-04: Require permit holders to retro-fit existing powerlines and other utility structures with perch-detering devices during ROW renewal process. The intent is to reduce perch opportunities for avian predators.	Same as alternative B.	B-LUSU-G-04: Rationale 3 and 5.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	B-LUSU-S-08: Do not install tall structures that could serve as predator perches within 2 miles of a lek.	C-LUSU-S-8: Do not install tall structures that could serve as predator perches within 4 miles of an active or pending lek.	B-LUSU-S-08, C-LUSU-S-8: Rationale 6. Redundant with B-LUSU-S-01 and C-LUSU-S-04.
	*B-LUSU-S-09: Do not install structures greater than 8-feet tall that could serve as predator perches unless they are equipped with anti-perching devices.	Same as alternative B.	B-LUSU-S-09: Rationale 4 and 5.
	B-LUSU-G-05: Authorize new communication sites as long as development incorporates appropriate required design features and buffers in design and construction (e.g., noise, tall structure, seasonal restrictions, etc.) and development results in no net un-mitigated loss of habitat and to minimize disturbance footprint in habitat.	*C-LUSU-S-09: Do not authorize new communication sites in bi-state DPS habitat.	C-LUSU-S-09: Rationale 1.
	*B-LUSU-G-06: Where feasible, bury powerlines to reduce overhead perches for avian predators.	C-LUSU-S-10: Where feasible, bury powerlines to reduce overhead perches for predators.	B-LUSU-G-06: Rationale 2.
Wildlife	*B-Wild-S-01: Any vegetation treatment shall maintain, improve, or restore bi-state DPS habitat.	Same as alternative B.	B-Wild-S-01: Rationale 4 and 5.
	*B-Wild-G-01: Use seed for perennial grasses and forbs adapted to local conditions to increase cover of these species. The intent of this guideline is to move toward desired habitat conditions (Table 2-1, final EIS) when restoring habitat and or mitigating disturbance.	Same as alternative B.	B-Wild-G-01: Rationale 4.
	Same as alternative C.	*C-Wild-S-02: Vegetation treatments and post-disturbance restoration shall seed and/or transplant sagebrush to restore large patches of sagebrush covers and connects existing patches.	C-Wild-S-02: Rationale 4.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	<p>B-Wild-S-02: When long-term negative impacts from nondiscretionary actions are unavoidable, require mitigations to result in no net loss of habitat.</p>	<p>*C-Wild-S-03: Require site-specific project mitigation if needed to insure no net loss of habitat due to project disturbance.</p>	<p>C-Wild-S-03: Rationale 4.</p>
	<p>*B-Wild-S-03: Habitat restoration projects shall meet one or more of the following habitat needs: Promote the maintenance of large, intact sagebrush communities; limit the expansion or dominance of invasive species, including cheatgrass; maintain or improve soil site stability, hydrologic function, and biological integrity; and enhance the native plant community.</p>	<p>C-Wild S-04: Total anthropogenic disturbances shall affect no more than 3% of the total bi-state DPS habitat on Federal lands within the Bodie Mountain/Grant, Desert Creek/Fales, and White Mountains population management unit boundaries.</p>	<p>B-Wild-S-03: Rationale 4.</p>
	<p>*Same as B-Wild-S-03.</p>	<p>C-Wild S-05: Total anthropogenic disturbances shall affect no more than 1.5% of the total bi-state DPS habitat on Federal lands within the Pine Nut Mountains Population Management Unit boundaries.</p>	<p>B-Wild-S-03: Rationale 4.</p>
	<p>*B-Wild-S-04: Time implementation of habitat restoration projects so that impacts to bi-state DPS individuals and populations are limited by duration, scope, and scale.</p>	<p>Same as C-Wild-S-04.</p>	<p>*B-Wild-S-04: Rationale 4.</p>
	<p>*B-Wild-G-02: When re-seeding use genetically and climatically appropriate and certified weed-free plant and seed material. Use native seed when available. The intent of this guideline is to move toward desired habitat conditions (Table 2-1, final EIS) when restoring habitat or mitigating disturbance.</p>	<p>C-Wild S-06: When re-seeding use genetically and climatically appropriate and certified weed-free plant and seed materials. Use native seed when available.</p>	<p>B-Wild-G-02: Rationale 2 and 4.</p>
	<p>*B-Wild-S-05: Mitigate long-term negative impacts from discretionary or nondiscretionary activities to the extent practicable.</p>	<p>Same as C-Wild-S-03.</p>	<p>B-Wild-S-05: Rationale 2.</p>

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	<p>*B-Wild-S-06: Require buffers, timing limitations, or offsite habitat restoration for new or renewed discretionary actions to mitigate potential long-term negative impacts.</p>	<p>Same as C-Wild-S-03.</p>	<p>B-Wild-S-06: Rationale 2.</p>
	<p>*B-Wild-S-07: After soil disturbances or seeding, do not authorize soil-disturbing uses for a minimum of two annual growing cycles or until desired habitat conditions and project objectives have been met, whichever is longer.</p>	<p>Same as C-Wild-S-04 and C-Wild S-05.</p>	<p>B-Wild-S-07: Rationale 2 and 4.</p>
	<p>Same as C-Wild-G-01.</p>	<p>*C-Wild-G-01: Restore native (or desirable) plants and create landscape patterns which most benefit the bi-state DPS. The intent of this guideline is to move toward desired habitat conditions (Table 2-1, final EIS) when restoring habitat or mitigating disturbance.</p>	<p>C-Wild-G-01: Rationale 4.</p>
	<p>Same as C-Wild-G-02.</p>	<p>*C-Wild-G-02: Consider seed collection from the warmer component of the species current range when selecting native species for restoration (Kramer and Havens 2009). The intent is to use hardy, climate-tolerant native species to help move habitat toward desired habitat conditions (Table 2-1, final EIS) when restoring habitat and or mitigating disturbance.</p>	<p>C-Wild-G-02: Rationale 4.</p>
	<p>Same as C-Wild-G-03.</p>	<p>*C-Wild-G-03: Remove phase 1 and 2 pinyon-juniper located in habitat during habitat restoration projects with the intent to maintain sagebrush habitat prior to establishment of forest species.</p>	<p>C-Wild-G-03: Rationale 4.</p>

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	<p>*B-Wild-G-03: Restoration work limited to the use of hand tools (chainsaws, axes, handsaws, post pullers, wire cutters, and loppers) and foot travel off designated routes in pre-phase I and phase I pinyon may occur during nesting, brood rearing, and fall seasons (April 1 to October 31) The intent of the guideline is to allow restoration work to occur during a flexible timeframe.</p>		<p>B-Wild-G-03: Rationale 4.</p>
<p>Range: Permitting</p>	<p>*B-RP-S-01: Grazing permits, annual operating instructions, or other appropriate mechanism for livestock management shall include terms, conditions, and direction to move toward or maintain bi-state DPS habitat desired conditions.</p>	<p>C-RP-S-01: Grazing allotments containing bi-state DPS habitat shall be closed to livestock grazing.</p>	<p>B-RP-S-01: Rationale 2 and 4.</p>
<p>Range: Utilization Standards</p>	<p>*B-RU-S-01: Manage livestock grazing to maintain residual cover of herbaceous vegetation so as to reduce predation during breeding/nesting season (March 1 to June 30) within 3 miles of active lek sites.</p>	<p>Same as C-RP-S-01.</p>	<p>B-RU-S-01: Rationale 2 and 4.</p>
	<p>*B-RU-S-02: Manage livestock grazing in accordance with the utilization standards in Table 2-5, final EIS.</p>	<p>Same as C-RP-S-01.</p>	<p>B-RU-S-02: Rationale 2.</p>
<p>Range: Improvements (All)</p>	<p>*B-RI-S-01: Remove fences and other infrastructure associated with livestock grazing negatively impacting bi-state DPS and its habitats.</p>	<p>Same as alternative B.</p>	<p>B-RI-S-01: Rationale 4.</p>
	<p>*B-RI-S-02: Any new structural range improvements and location of supplements (salt or protein blocks) shall not retard the conservation, enhancement, or restoration of bi-state DPS habitat.</p>	<p>Same as C-RP-S-01.</p>	<p>B-RI-S-02: Rationale 2.</p>

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
Range: Improvements (Fences)	<p>*B-RI-S-03: No new structures taller than the dominant surrounding vegetation that could serve as predator perches shall be installed within 2 miles of a lek.</p>	<p>Same as C-RP-S-01.</p>	<p>B-RI-S-03: Rationale 2.</p>
	<p>*B-RI-G-01: To the extent possible, do not install fences unless to protect habitat or for human health and safety. If fences must be installed, they should be at least 1.2 miles from active and pending leks, and if possible, should be let-down fences when not needed for the purpose of their installation with the intent to reduce perch opportunities for avian predators and to reduce risk of collision.</p>	<p>Same as alternative B.</p>	<p>B-RI-G-01: Rationale 2.</p>
	<p>*B-RI-S-04: To reduce bi-state DPS mortality, remove, modify, or mark fences in sage grouse habitat based on nearest proximity to lek, lek size, and topography where fence densities exceed 1.6 miles of fence per section (640 acres).</p>	<p>Same as alternative B.</p>	<p>B-RI-S-04: Rationale 2.</p>
Range: Improvements (Water)	<p>*B-RI-S-05: Water developments (tanks/troughs) shall be drained when not in use, unless they are needed by other species, so they do not create a breeding ground for mosquitos that carry West Nile Virus.</p>	<p>Same as alternative B.</p>	<p>B-RI-S-05: Rationale 2 and 5.</p>
	<p>*B-RI-S-06: Wildlife escape ramps shall be installed and maintained in water troughs or open water facilities with vertical embankments that pose a drowning risk to birds.</p>	<p>Same as alternative B.</p>	<p>B-RI-S-06: Rationale 2 and 5.</p>
	<p>*B-RI-S-07: Water developments at springs and seeps shall be maintained to preserve the continuity of predevelopment riparian areas. Modifications to the developments shall be neutral or beneficial to the bi-state DPS.</p>	<p>Same as alternative B.</p>	<p>B-RI-S-07: Rationale 2, 4, and 5.</p>

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	*B-RI-G-02: Authorize new water development for diversion from spring or seep source only when habitat would benefit from the development. The intent of this guideline is to move toward desired habitat conditions (Table 2-1, final EIS) when restoring habitat or mitigating disturbance.	Same as alternative B.	B-RI-G-02: Rationale 2 and 5.
Range: Improvements (Water/ Handling)	*B-RI-S-08: Livestock watering and handling facilities (corrals, chutes, dipping vats, etc.) or sheep bedding grounds shall not be located within 2 miles of an active lek and 0.6 miles from riparian areas.	Same as C-RP-S-01.	B-RI-S-08: Rationale 2.
	*B-RI-S-09: Salting or supplemental feeding stations shall not be located within 2 miles of an active lek and 0.6 miles from riparian areas.	Same as C-RP-S-01.	B-RI-S-09: Rationale 2.
Range: Improvements (Handling)	*B-LUSU-S-10: No structures greater than 8-feet tall that could serve as predator perches shall be installed within bi-state DPS habitat unless they are equipped with anti-perching devices.	C-RI-S-01: Remove all range improvements greater than 8-feet tall that could serve as predator perches within bi-state DPS habitat.	B-LUSU-S-10: Rationale 2.
Weeds	*B-Weed G-01: Grazing may be used to target removal of cheatgrass or other vegetation hindering bi-state DPS objectives to move habitat toward desired habitat conditions (Table 2-1, final EIS) when restoring habitat and or mitigating disturbance. Sheep, goats, or cattle may be used as long as the animals are intensely managed and removed when the utilization of desirable species reaches 35%.	Same as alternative B.	B-Weed G-01: Rationale 4 and 5. There is conflicting research related to the effectiveness of the use of livestock to treat cheatgrass. This guideline is intended to allow the use of livestock to treat cheatgrass and other vegetation (including noxious weeds). Site-specific NEPA analysis would be required prior to implementation of any treatment activities.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	No proposed direction.	*C-Weed-S-01: Fires in moderate to low resilience and resistance sagebrush and wooded scrublands shall be suppressed to prevent an invasive annual grass-fire cycle.	C-Weed-S-01: Rationale 3 and 4.
	*B-Weed-S-01: After soil disturbances or seeding, the land shall not be returned to soil-disturbing authorized uses for a minimum of two annual growing cycles or until desired habitat conditions or project objectives have been met, whichever is longer.	Same as C-RPS-01.	B-Weed-S-01: Rationale 4. I will not authorize the return of soil disturbing uses unless I can determine that the area can maintain desired habitat conditions with such use.
	No proposed direction.	*C-Weed-S02: Treatment methodologies are based on the treatment areas' resistance to annual invasive grasses and the resilience of native vegetation to respond after disturbance: (1) use mechanical treatments (i.e., do not use fire) in areas with relatively low resistance to annuals, and (2) treat areas in early- to mid-phase pinyon-juniper expansion.	C-Weed-S02: Rationale 4.
	*B-Weed-S-02: Use pesticides/herbicides only outside of the critical disturbance periods and only if other integrated pest management approaches are inadequate or infeasible. Only use chemicals with the lowest toxicity to birds that still provide control in coordination with USDA or APHIS, depending of the targeted pest.	Same as alternative B.	B-Weed-S-02: Rationale 4 and 5.
	*B-Weed-S-03: Agency personnel, contractors, and permit holders working in areas with known weed infestations shall clean vehicles of dirt, mud, and visible plant debris before entering a different area to reduce the spread of noxious weeds.	Same as alternative B.	B-Weed-S-03: Rationale 3 and 5.
	No proposed direction.	*C-Weed-S03: Annual invasive grasses shall be controlled or suppressed using an integrated strategy.	C-Weed-S03: Rationale 4.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	No proposed direction.	*C-Weed-G-01: Require aggressive treatment of new weed or annual grass infestation for any surface-disturbing or other activity that is likely to cause or promote the introduction or infestation and to control the potential spread of noxious and invasive annual grass species.	C-Weed-G-01: Rationale 4.
Wild Horse/ Burro	*B-WHB-S-01: Appropriate management levels in territories and herd management areas with habitat shall be based on the structure, condition, and composition of vegetation needed to achieve bi-state DPS habitat objectives.	Same as alternative B.	B-WHB-S-01: Rationale 2 and 5.
Minerals General	*B-Min-S-01: For new and existing leases in habitat, limit offsite noise to less than 10 decibels (dbA) above ambient measures from 2 hours before until 2 hours after sunrise at the perimeter of a lek during active lek season.	Same as alternative B.	B-Min-S-01: Rationale 2 and 5.
	*B-Min-S-02: In habitat, limit offsite noise to less than 10 dbA above ambient measures from 2 hours before until 2 hours after sunrise at the perimeter of a lek during active lek season.	Same as alternative B.	Redundant with B-Min-S-01: Rationale 6.
	*B-Min-S-03: Apply timing restrictions in all bi-state DPS habitat areas to avoid construction, drilling, completion, and reclamation activities, including those of exploratory wildcat wells within seasonal habitat periods.	Same as alternative B.	B-Min-S-03: Rationale 2 and 5.
	*B-Min-G-01: Concentrate disturbance/facilities to reduce spatial impact to habitat. The intent of the guideline is to minimize disturbance footprint wherever possible.	Same as alternative B.	B-Min-G-01: Rationale 3 and 5.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	B-Min-G-02: In connective area, maintain vegetation characteristics suitable to bi-state DPS to the extent technically feasible. The intent of the guideline is to minimize disturbance footprint wherever possible.	*C-Min-S-01: In connective area, maintain vegetation characteristics suitable to bi-state DPS to the extent technically feasible.	C-Min-S-01: Rationale 3.
	B-Min-G-03: Control fugitive dust on roads and pads. The intent of this guideline is to reduce dust where it can adversely impact habitat.	*C-Min-S-02: Control fugitive dust on roads and pads.	C-Min-S-02: Rationale 1.
	*B-Min-S-04: Require a full reclamation bond specific to the site. Insure bonds are sufficient for costs relative to reclamation that would result in full restoration in habitat.	Same as alternative B.	B-Min-S-04: Rationale 2 and 5.
	B-Min-G-04: Use areas with prior disturbance to site infrastructure. The intent of the guideline is to minimize disturbance footprint wherever possible.	*C-Min-S-03: Use areas with prior disturbance to site infrastructure.	C-Min-S-03: Rationale 1 and 2.
	B-Min-S-06: Camps for workers shall be located outside habitat.	Same as alternative B.	B-Min-S-06: Rationale 2 and 5.
Fluid Minerals	B-Min-G-05: Limit disturbances to an average of one site per 640 acres, with no more than 3% total anthropogenic surface disturbances. The intent of the guideline is to minimize disturbance footprint wherever possible.	*C-Min-S-04: For fluid minerals do not consent to leasing unless only under no-surface-occupancy stipulations without exceptions, modifications or stipulations.	C-Min-S-04: Rationale 1.
	*B-Min-S-07: Require seasonal restriction November 1 to March 1 on geophysical exploration within winter habitats.	Same as alternative B.	B-Min-S-07: Rationale 1 and 5.
	*B-Min-G-06: Allow geophysical exploration to obtain exploratory information for areas outside of and adjacent to habitat to provide continued opportunities outside that would not disturb bi-state DPS habitat.	Same as alternative B.	B-Min-G-06: Rationale 3. This would require adherence to B-Min-S-01 as well as other applicable standards and guidelines.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	<p>*B-Min-S-08: Require reclamation for geophysical exploration operations to meet bi-state DPS desired conditions.</p>	<p>Same as alternative B.</p>	<p>B-Min-S-08: Rationale 2, 4, and 5.</p>
	<p>B-Min-S-09: Apply the least invasive seismic exploratory method in habitat.</p>	<p>*Same as C-MIN-S-04.</p>	<p>Not selected: Rationale 6.</p>
	<p>*B-Min-G-07: Incorporate mitigation to offset all proposed surface disturbance that would result in loss of habitat. Mitigate first within the same population area where the disturbance is realized, and if not possible, within an adjacent habitat. The intent of this guideline is to move toward desired habitat conditions (Table 2-1, final EIS) when restoring habitat or mitigating disturbance.</p>	<p>Same as C-MIN-S-04.</p>	<p>B-Min-G-07: Rationale 2 and 5.</p>
	<p>*B-Min-G-08: If the lease is entirely within the habitat, any development should be placed in an area that would be the least harmful to bi-state DPS, primarily through limiting ground disturbance to minimize the disturbance footprint in habitat.</p>	<p>Same as alternative B.</p>	<p>B-Min-G-08: Rationale 2 and 5.</p>
	<p>B-Min-G-09: All commercial pipelines should be buried where possible to reduce perch opportunities for avian predators and to reduce need for linear maintenance corridors. Surface vegetation standards and guidelines would apply.</p>	<p>*C-Min-S-5: All commercial pipelines shall be buried where possible.</p>	<p>C-Min-S-5: Rationale 2.</p>
	<p>No proposed direction.</p>	<p>*C-Min-S-06: Upon expiration or termination of existing leases, do not consent to leasing if inquired by the BLM.</p>	<p>C-Min-S-06: Rationale 1.</p>
	<p>*B-Min-S-10: Require reclamation of disturbed areas to meet desired conditions for habitat when facilities are no longer needed or leases are relinquished.</p>	<p>Same as alternative B.</p>	<p>B-Min-S-10: Rationale 2 and 5.</p>

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	B-Min-G-10: Use closed-loop systems for drilling operations, with no reserve pits when technically feasible. The intent is to reduce disturbance footprint in habitat and avoid creation of poisonous water source.	*C-Min-S-07: Use closed-loop systems for drilling operations, with no reserve pits when technically feasible.	C-Min-S-07: Rationale 2.
	B-Min-G-11: Use noise shields when drilling during the lek, nesting, brood-rearing, and wintering seasons, with the intent to reduce disturbance from noise in proximity to leks and nesting and broad rearing habitats.	*C-Min-S-08: Use noise shields when drilling during the lek, nesting, brood-rearing, and wintering seasons.	C-Min-S-08: Rationale 2.
	B-Min-S-11: Do not authorize construction of new high-power (120 kV) transmission towers unless there are no other corridor options.	*C-Min-S-09: Do not authorize new high-power (120 kV) transmission line corridors, transmission line ROWs, transmission line construction, or transmission line facility construction in habitat outside existing corridors.	C-Min-S-09: Rationale 1.
	B-Min-S-12: Transmission towers (120 kV) must be constructed with anti-perching devices to discourage use by raptors.	Not applicable as a result of C-Min-S-09.	Not selected: Rationale 6. Not needed with selection of C-Min-S-09.
	B-Min-S-13: Do not authorize new fences unless necessary for safety or environmental protection reasons. If fences are necessary, require a safe design for bi-state DPS (e.g., marking).	Same as alternative B.	B-Min-S-13: Rationale 2 and 5.
	*B-Min-S-14: Require removal of transmission lines and roads that are no longer needed.	Same as alternative B.	B-Min-S-14: Rationale 4 and 5.
	Solid Leasable Minerals	B-Min-G-12: Incorporate noise reduction design elements for new compressor stations, with the intent to reduce disturbance from noise in proximity to leks and nesting and broad rearing habitats.	*C-Min-S-10: Do not authorize new compressor stations inside habitats.
	No proposed direction.	*C-Min-S-011: Do not consent to solid mineral lease in habitat.	C-Min-S-011: Rationale 1.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	B-Min-G-13: Request that the BLM not authorize new mine facilities on the surface unless there is no technically feasible alternative, and it has demonstrated no net loss of habitat, to minimize the disturbance footprint in habitat.	*C-Min-S-12: Request that the BLM not issue permits for solid leasable mineral prospecting or mining in habitat.	C-Min-S-12: Rationale 1.
	*B-Min-G-14: If new mine facilities must be placed in habitat, then co-locate facilities in existing disturbed areas and authorize them to the minimum size necessary to reduce the disturbance footprint in habitat.	Same as alternative B.	B-Min-G-14: Rationale 2 and 5.
Minerals: Mineral Materials	*B-Min-S-15: Do not authorize new pits or prospecting permits in bi-state DPS habitat.	C-Min-S-13: Do not allow new sale of mineral materials in habitat.	B-Min-S-15: Rationale 1.
	*B-Min-S-16: Authorize mineral material use and expansion of existing pits only with no unmitigated net loss of habitat.	C-Min-S-14: Prohibit expansion of existing mineral material sites.	B-Min-S-16: Rationale 2.
	*B-Min-S-17: Permits for existing mineral material sites shall require an approved pit development operating plan that minimizes impacts to bi-state DPS and other resources.	C-Min-S-15: Do not allow new sale of mineral materials in bi-state DPS habitat.	B-Min-S-17: Rationale 2.
Mineral Materials	*B-Min-S-18 Any contract or permit for mineral material operations, except for disposals from community sites and common-use areas, shall include requirements for reclamation of the site to meet bi-state DPS habitat objectives.	Same as C-Min-S-15.	B-Min-S-18: Rationale 2.
	*B-Min-S-19 Ensure no net unmitigated loss at existing mineral material sites in habitat.	C-Min-S-17: Prohibit expansion of existing mineral material sites.	B-Min-S-19: Rationale 2.
	*B-Min-S-20: Where the Federal government owns the surface, and the mineral estate is in non-Federal ownership, require an approved pit development plan.	Same as alternative B.	B-Min-S-20: Rationale 2.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
Locatable Minerals	*B-Min-S-21: Mitigate long-term negative impacts in habitat from discretionary or nondiscretionary activities to the extent practicable.	C-Min-S-18: Petition the BLM to withdraw locatable minerals.	B-Min-S-21: Rationale 2.
Fire Suppression	*B-Fire-G-01: Do not use fire as a management tool in areas where the risk of escaped fire could cause negative long-term impacts during wildfire situations.		B-Fire-G-01: Rationale 1.
		*C-Fire-S-01: Fires in moderate to low resilience and resistance sagebrush and wooded scrublands shall be suppressed to prevent an invasive annual grass-fire cycle.	C-Fire-S-01: Rationale 4.
	*B-Fire-G-02: In bi-state DPS habitat areas, prioritize suppression, immediately after life and property, to conserve the habitat during wildfire situations.	Same as alternative B.	B-Fire-G-02: Rationale 5.
	*B-Fire-G-03: Suppress wildfire threatening unburned habitat contained within a broader burn perimeter.		B-Fire-G-03: Rationale 4.
		*C-Fire-G-01: Vegetation treatments should include fuel breaks to provide anchor points for wildland fire suppression to protect areas meeting or moving toward desired conditions to provide protection for habitat that is moving toward or meeting desired condition.	C-Fire-G-01: Rationale 2 and 4.
Suppression in Wildland-urban Interface	*B-Fire-G-04: Prioritize suppression in the wildland-urban interface to protect life and property over habitat to provide protection for habitat that is moving toward or meeting desired condition.	Same as alternative B.	B-Fire-G-04: Rationale 4 and 5.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
Fuels Treatments in Sagebrush	B-Fire-G-05: Fuels treatments should emphasize protecting existing sagebrush ecosystems to provide protection for habitat that is moving toward or meeting desired condition.	*C-Fire-G-02: Use fuel breaks and green strips to protect areas with >25% landscape sagebrush cover to provide protection for habitat that is moving toward or meeting desired condition.	C-Fire-G-02: Rationale 3 and 4.
	B-Fire-S-01: Fuels treatment projects shall not reduce sagebrush canopy cover to less than 15% of the treatment unit unless needed to meet fire management/protection objectives.	*C-Fire-S-02: Do not reduce sagebrush canopy cover to less than 15% (Connelly et al. 2000; Hagen et al. 2007) unless a fuels management objective requires additional reduction in sagebrush cover to meet strategic protection of bi-state DPS habitat and conserve habitat quality for the species.	C-Fire-S-02: Rationale 4.
	*B-Fire-G-06: Do not use fire, including brush control, as a management tool in areas where there is threat of cheatgrass invasion, sagebrush areas with less than 12 inches of annual precipitation or 12 inches of soil, or areas where the sagebrush cover would be reduced to less than 15%. The intent is to limit the potential spread of cheatgrass into areas with low resistance and low resilience.	Same as alternative B.	B-Fire-G-06: Rationale 4 and 5.
	*B-Fire-G-07: Focus fuels management projects in habitat to reduce wildfire threats. The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.	Same as alternative B.	B-Fire-G-07: Rationale 5.
	B-Fire-S-02: Enhance and restore habitat while reducing the potential for severe wildfires in habitat. The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.	Same as alternative B.	B-Fire-S-02: Rationale 4 and 5.

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
<p>Prescribed Fire</p>	<p>No proposed direction.</p>	<p>*C-Fire-G-03: Treatment methodologies are based on the treatments areas' resistance to annual invasive grasses and the resilience of native vegetation to respond after disturbance: (1) use mechanical treatments (i.e., do not use fire) in areas with relatively low resistance to annuals, and (2) treat areas in early- to mid-phase pinyon-juniper expansion. The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.</p>	<p>C-Fire-G-03: Rationale 4.</p>
	<p>B-Fire-G-08: Post-fuels management projects should ensure long-term persistence of seeded or pre-treatment native plants and to maintain the desired condition of fuels management projects. The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.</p>	<p>*C-Fire-G-04: Manage post-treatment areas to increase perennial herbaceous species and minimize secondary weed invasion. The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.</p>	<p>C-Fire-G-04: Rationale 4.</p>
	<p>*B-Fire-S-09: To reduce the risk of habitat loss related to management actions do not use fire as a management tool in areas where the risk of escaped fire could cause negative long-term impacts.</p>		<p>B-Fire-S-09: Rationale 1.</p>
		<p>*C-Fire-G-05: Vegetation treatments and post-disturbance restoration should seed and/or transplant sagebrush to restore large patches of sagebrush covers and connects existing patches. The intent of this guideline is to move toward desired habitat conditions (Table 2-1, final EIS) when restoring habitat or mitigating disturbance.</p>	<p>C-Fire-G-05: Rationale 4.</p>

Resource	Alternative B (Modified)	Alternative C	Decision/Rationale
	<p>B-Fire-G-10: Where cheatgrass is a minor component in the understory (example; mountain shrub) use prescribed fire to disrupt fuel continuity (fuel breaks). The intent of this guideline is to move toward desired habitat conditions (Table 2-1, final EIS) when restoring habitat or mitigating disturbance.</p>	<p>*C-Fire-S-06: Use seed for perennial grasses and forbs adapted to local conditions to increase cover of these species.</p>	<p>C-Fire-S-06: Rationale 4.</p>
	<p>No proposed direction.</p>	<p>*C-Fire-S-03: Annual invasive grasses shall be controlled or suppressed using an integrated strategy.</p>	<p>C-Fire-S-03: Rationale 4.</p>

Environmental Consequences

This section compares the effects of the alternatives by the issues relevant to this decision as analyzed in chapter 3 of the final EIS. The issues are presents in the order of analysis. A more detailed description of the existing conditions and potential consequences to the environment form the proposed amendment and alternatives is included in chapter 3 of the final EIS.

Using the comments from the public and other agencies, the interdisciplinary team developed a list of issues to address. Issues are defined as a point of disagreement, debate, or dispute about the proposed action based upon the effects of that action. Issues were defined as those directly or indirectly caused by implementing the proposed action and were used to formulate alternatives or prescribe mitigation measures or monitoring requirements.

The issues were addressed by one of more of the following: (1) developing an alternative to alter resource tradeoffs, (2) requiring mitigation to reduce impacts to a resource, and (3) disclosing and comparing the relative difference in resource effects between alternatives. One or more of these methods was used to address an issue.

The following issues were identified during the scoping and comment periods for this project (these are addressed in chapter 3 of the EIS). The comparison that follows is paraphrased from chapter 3 of the final EIS).

Effects on the Management of Access to Federal Lands

Under alternative B effects are expected to be minor to recreation and lands special uses. Conflicts from seasonal or locational restrictions may arise. Timing limitations and area avoidance buffers applied in early spring should not impact the majority of users. Those individuals or businesses could experience inconveniences and occasional financial burdens in adopting the stipulations required. Under alternative C effects could range from minor to moderate depending on how invested an individual or business is in their proposal or existing event/development. Seasonal closures and buffers may result in a proposed activity being delayed until after the timing limitation. Individuals or businesses with inflexible dates and locations for conducting events or activities could be inconvenienced by the standards proposed.

Under the approved amendment, limitations to access are limited to special-use authorizations. Public access on designated NFS roads and trails is not subject to the standards and guidelines in the decision. The standards and guidelines do limit the timing of special-use authorizations of activities that may occur during the breeding season (March 1–May 15) (C-AR-S-03). Standards and guidelines also limit the granting of rights-of-way across bi-state DPS habitat (C-LUSU-S-0) as subject to valid existing rights and the development of utility-scale solar and wind energy facilities in bi-state DPS habitat (C-LUSU-S-02 and C-LUSU-S-0).

Effects on Resource Program Management and the Potential Resulting Economic Issues

Under alternative B there would be a potential for adverse impacts due to implementation of standards and guidelines during site-specific NEPA project designs. Alternative C would add to those potential impacts by adding to restrictions in habitat. There would be no change from current condition under the no-action alternative. The approved amendment would have mixed effects on the local economies by implementing the standards and guidelines from alternative B that allow some activities to continue as long as potential effects to bi-state DPS habitat are mitigated and by not implementing some of the more prohibitive standards and guidelines included in alternative C (C-RP-S-01, C-Min-S-13, C-Min-S-15).

Effects on the Management of Wildlife Program on Federal Lands

Under the no-action alternative, potential threats to habitat remain unmitigated because of the lack of regulatory mechanisms. Alternative B increases protections for the bi-state DPS habitat and individuals and includes standards and guidelines that provide direction for habitat restoration and improvement projects. Alternative C provides many of the same standards and guidelines, but it also closes areas to livestock grazing, geothermal, wind and solar energy development, and large transmission corridors. By selecting a combination of standards and guidelines from alternatives B and C, I am providing for multiple-use activities to continue as long as they meet the sideboards created by the standards and guidelines. There are 14 standards and guidelines to address bi-state DPS habitat conservation, enhancement, and restoration. For instance, standard C-Wild-S-02 as selected requires site-specific mitigation when needed to insure no net loss of habitat due to project-related disturbance activities, and standard B-Wild-S-03 requires that habitat restoration projects meet predefined habitat restoration needs. If a restoration project does not meet a need, then it should not be considered a bi-state DPS habitat improvement project.

Effects on the Management of Range and Grazing Programs on Federal Lands

When compared to the no-action alternative, alternative B would have more restrictive utilization standards that could lead to changes in grazing systems, increased herding, and shortened seasons of use. Implementation of the standards and guidelines could indirectly improve rangeland conditions, increase vegetation productivity, improve forage, and improve bi-state DPS habitat. Alternative C would close all grazing allotments in bi-state DPS habitat. Permitted AUMs (animal unit months) on the allotments would be eliminated. Construction and maintenance of range improvements would cease. Existing range improvements would be removed or modified to eliminate impacts to the bi-state DPS and its habitat.

The approved amendment includes many standards and guidelines included to improve bi-state DPS habitat conditions or reduce the potential impact of livestock grazing on bi-state DPS habitat. These includes prohibiting the placement of salt, supplement, or feeding stations (B-RI-S-09) and watering or handling facilities (B-RI-S-08) within 2 miles of an active or pending lek, or 0.6 miles of a riparian area. Other selected standards or guidelines include removing or modifying fences within 1.2 miles of leks (B-RIG-01), and removing fences and other range infrastructure associated with livestock grazing negatively impacting bi-state DPS habitat (B-RI-S-01). The approved amendment also includes the standard B-RI-S-03 that states that any new structural range improvements and locations of supplements (salt or protein blocks) shall not retard conservation, enhancement, or restoration of bi-state DPS habitat. Combined, the selected standards and guidelines will affect the range management program in the project area. While current condition of the allotments is generally good (final EIS, chapter 3, "Effects on the Management of Range and Grazing Programs on Federal Lands"), implementation of the approved amendment standards and guidelines will help move habitat toward the desired habitat condition.

Effects on the Management of Weeds Program on Federal Lands

Standards and guidelines presented in alternative B are expected to improve the ability to control invasive weeds. Under alternative C, the same improvement would apply and additional standards and guidelines that emphasize the control and prevention of invasive weeds and non-native annual grasses, and additional limitations on land uses, would reduce the risk of spread and help prevent further loss of habitat.

The approved amendment enforces the importance of controlling noxious and invasive weeds across the project area. It includes standard B-Weed-S-01 that limits the return of authorized uses for 2 years or until the desired habitat conditions or project objectives have been met. I want to stress how important it is that the disturbed areas need to recover to their fullest before authorized uses that may impact vegetation cover or soils is allowed to resume.

The approved amendment includes standards and guidelines that allow for new or creative weed treatment methods (B-Weed-G-01). The use of livestock to treat cheatgrass may or may not be effective, but the use of other livestock species (goats) has been shown to effectively treat weed infestations. I want the ability to use tools when they are determined to be effective and when they become available. The selection of this guideline will allow us to adopt treatment options as they are identified. The approved amendment also requires aggressive treatment of new infestations (C-Weed-G-01) to control the potential spread of weeds. Selecting only alternative B or only alternative C would not have limited our options for addressing the risk of noxious weeds.

Effects on the Management of Wild Horses and Burros on Federal Lands

The no-action alternative would not require the Forest Service to manage wild horse and burro populations any differently than at present. Managing for the bi-state DPS habitat desired conditions by adjusting wild horse and burro populations could impact six herd management areas and wild horse and burro territories under alternative B. This could, over time, result in improved forage which would have a potentially beneficial impact on wild horses and burros. Under alternative C, the cessation of domestic livestock grazing in the allotments in habitat would eliminate competition for forage between livestock and wild horses and burros. Combined with the standard that would require herd levels to be based on the structure conditions and composition of vegetation needed to achieve bi-state DPS habitat objectives, the beneficial impacts to horses disclosed during the analysis under alternative B would still occur.

Effects on the Management of the Minerals Programs on Federal Lands

Alternative A would result in no change from the current condition. Bi-state sage grouse would be considered as a Forest Service sensitive species. Timing limitations and buffers would be applied and few of the discretionary projects would be turned away to protect bi-state DPS habitat. Alternative B would have minor impacts on oil and gas exploration and production, but would have a much greater impact on geothermal exploration and production because of the no-surface-occupancy stipulations on lease blocks in habitat. Consequently, most geothermal exploration would likely take place outside of habitat. Solid leasable minerals would not be expected to be permitted in habitat, but existing gravel pits would continue. Locatable minerals may experience impacts resulting from site-specific NEPA, such as likely seasonal restrictions, delay in processing, and other mitigations, because implementation of standards and guidelines would be subject to valid existing rights. It is difficult to determine the extent of the effect.

Due to the restrictions in alternative C, many of the operating solid-leasable-mineral mines, existing gravel pits, and exploration projects would continue operating for a while, but new discretionary project proposals in habitat would be significantly curtailed. Nondiscretionary activities would continue to be permitted in habitat. The alternative includes a standard that would petition to withdraw portions of habitat from locatable mineral activity. The process could take some time to complete and when finished would need to be reviewed every 20 years.

The approved amendment is consistent with the 1872 Mining Law that grants the right to reasonable access to public land to enter, explore, occupy, and use NFS lands that are open to

entry in the search for and claiming of valuable mineral deposits. It also includes standards and guidelines that limit the timing and location of activities related to discretionary mineral (non-locatable) activities in bi-state DPS habitat. For fluid minerals (including geothermal) the approved amendment applies C-Min-S-04 that would only permit no-surface-occupancy lease stipulations without exception, modifications, or stipulations. For existing leases, new standards from the modified proposed action would be applied to limit bi-state habitat disturbance from noise, ground disturbance, and timing.

Regardless of the proposed mineral activity, timing restrictions and buffers would be applied to mitigate disturbance to bi-state DPS habitat to the extent that valid existing rights allow.

Effects on the Management of Fire and Fuels Program Management on Federal Lands

There would be no changes to management under the no-action alternative. Under alternatives B and C, effects are expected to improve the protection of sagebrush ecosystems and reduce the threat of cheatgrass by increasing the use of mechanical treatments in pre-identified areas based on zonal precipitation averages and minimum vegetation cover thresholds. The approved amendment emphasizes suppression and protection of habitat where the risk of infestation and spread of noxious weeds and annual grasses is the highest. It protects unburned habitat and habitat that is moving toward desired conditions. For fuels treatments, the approved amendment chooses the more restrictive standards and guidelines focusing on reducing threats to bi-state DPS habitat and the thoughtful use of fuel treatments to improve or protect habitat. I would like to clarify that there are many forms of fuel treatment that do not include the use of fire.

Avoidance and/or Mitigation of Environmental Harm

As this is a programmatic action that does not authorize any site-specific activity, there is no site-specific impact and, thus, no expectation of direct, indirect, or cumulative effects resulting in environmental harm. The approved amendment does include many standards and guidelines that will be applied during project- or activity-specific development and for site-specific analysis. During that level of project design and analysis, mitigations to avoid, minimize, reduce, rectify, or compensate for environmental harm will be developed and analyzed.

Short-term Use and Long-term Productivity

NEPA requires consideration of “the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity” (40 CFR 1502.16). As declared by Congress, this includes using all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans (NEPA Section 101). Discussion related to short-term uses and long-term productivity can be found in detail under individual resource discussions in the 2014 final EIS.

The approved amendment adopts desired habitat conditions, goals, objectives, and standards and guidelines to help direct future actions on NFS lands that may affect bi-state sage-grouse and their associated habitats. As such, there may be future proposed actions that result in implementation of ground-disturbing activities to meet habitat restoration objectives. Such ground-disturbing activities would produce short-term effects to soil, water quality, and habitat, while providing the long-term benefits in terms of the restoration and conservation of bi-state DPS and its habitat.

Other actions are also subject to the standards and guidelines adopted in this amendment. Those actions may include elements that have had harmful effects on the bi-state DPS and its habitat in the past. The standards and guidelines being selected are designed to reduce those harmful effects. Requirements for a no net loss of habitat as a result of those future proposed actions will also mitigate any short-term disturbances or long-term impacts to the productivity (health) of the habitat.

Irreversible and Irretrievable Commitments

Irreversible commitments “describe the loss of future options.” Irreversible “applies primarily to the effects of use of nonrenewable resources, such as minerals or cultural resources, or to those factors, such as soil productivity that are renewable only over long periods of time” (FSH 1909.15, Zero Code, 05–Definitions). Once these resources are gone, they cannot be replaced.

As set forth in Title 36 CFR section 219(b) (2), forest plans do not authorize projects or activities or commit the Forest Service to take action. As such, the approved amendment also does not authorize projects or activities or commit the Forest Service to take action. Because of such a programmatic nature of the approved amendment, it will not result in irreversible or irretrievable actions or commitments.

Not Including Monitoring in the Amendment

My decision does not include approval of the monitoring elements identified as part of the proposed action, displayed in Table 2.6 (final EIS), because currently the Forest Service and BLM, in partnership with USFWS, U.S. Geological Survey, Nevada Department of Wildlife, California Department of Fish and Wildlife, and researchers specializing in the bi-state sage grouse, are preparing a comprehensive monitoring strategy for the species. I am willing to wait for that strategy, expected to be completed in the summer of 2015, because it will establish a program to monitor population and habitat condition metrics across the range of the bi-state DPS and be based on the latest scientific information. The Forest will review the strategy for the monitoring elements appropriate for effectiveness of this amendment in meeting the bi-state DPS habitat goals and determine if there is a need to incorporate those elements in the Toiyabe Forest Plan monitoring plan. If there is such a need, the Forest will follow the appropriate planning and public involvement process to make those proposed changes. If the strategy is not available as planned, I will reconsider the monitoring elements in the proposed action along with any new information and make any necessary changes to the plan monitoring program, following the appropriate planning and public involvement process, including the process for modifying the Toiyabe Forest Plan monitoring program to be consistent with the requirements of the current planning rule at 36 CFR 219.12.

My decision also does not include some of the proposed management direction found in the Bi-state Action Plan (2011), National Greater Sage-grouse Conservation Measures Report (2011), or Conservation Objective Final Report (2013). There are many useful suggestions included in these reports for the conservation, enhancement, and restoration of habitat that have been incorporated into the proposed action and alternatives. There are other “management actions” that I have not included. These actions include recommendations for the development of action plans, the prioritization of actions and funds, the cooperation or coordination with Federal agencies or partners to implement actions to improve habitat, and the analysis of particular resources. While all of this “direction” is important—and I fully support working with our partners to develop action plans and prioritize the allocation of funds, treatments, protections or restorations—these are not management directions that need to be included in our LRMP. These

are mainly processes regarding how we work with all our partners to improve conditions for the bi-state DPS.

The Humboldt-Toiyabe National Forest has been fully engaged with the USFWS, U.S. Geological Survey, Nevada Department of Wildlife, and California Department of Fish and Wildlife for the last decade or more working on sage grouse issues in the bi-state DPS habitat area. The Forest will continue to work with all of our partners to improve our understanding about the sage grouse, and conduct work to restore habitat. The Toiyabe LRMP provides direction to Forest decision makers when site-specific actions are proposed that may impact the bi-state DPS or habitat. The amendment updates that direction. The LRMP does not provide process direction. We can survey, prioritize, communicate, and share information with our partners without plan direction. In fact, process direction in plans tends to change so quickly that it is often out of date before it can be implemented. I did not include process direction in this amendment for that reason. I am committed to the implementation of the LRMP and continuing to work with our partners on bi-state DPS issues.

IV. Public Involvement

Public participation helps the Forest Service identify concerns with possible effects of its proposals. It is also a means of disclosing the nature and consequences of actions proposed for NFS lands.

The Forest developed a list of public individuals, organizations, governments, and agencies that would likely be interested in the project. These included other landowners, advocacy and user-group organizations, county governments, Tribal governments, other Federal agencies, Nevada State agencies, grazing permittees, livestock industry groups, and local news media. We communicated with the public extensively during the EIS preparation. Highlights of this involvement are provided below.

The notice of intent to prepare an EIS was published in the *Federal Register* on November 30, 2012 (*Federal Register*, volume 77, number 231). The notice asked for public comment on the proposal to be received by January 30, 2013. In addition, a scoping letter was sent out to the public on November 30, 2012, describing the proposed action and asking for comments. This letter was sent out to approximately 200 organizations and individuals. The Agency also published a news release in the *Reno Gazette Journal* on December 6, 2012 (with a stop date of January 30, 2013). The release described the project and invited public comment. The agencies also hosted two public meetings. One was held on January 9, 2013, in Minden, Nevada, and the other on January 10, 2013, in Smith Valley, Nevada. A total of 15 people attended these meetings. Public notification of this proposed action was posted online from November 29, 2012, to January 30, 2013, at http://www.fs.fed.us/nepa/nepa_project_exp.php?project=40683. The notice informed the public that the decision on the amendment would be subject to the objection procedures of 36 CFR 219 subpart B.

The notice of availability for the draft EIS for the Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment was published in the *Federal Register* August 23, 2013. This publication started the 90-day formal comment period that ended November 20, 2013, and extended twice, ending January 17, 2014. In addition, public notification of this draft EIS was posted online from August 16, 2013, through the end of the extended comment period at http://www.fs.fed.us/nepa/nepa_project_exp.php?project=40683. Also, a news release was published in the *Reno Gazette Journal* starting August 16, 2013 (with an original stop date of November 20, 2013). With each extension (first extension from November 20 to December 27,

2013; and the second from December 27, 2013, to January 17, 2014) a news release notified the public and was published in the *Reno Gazette Journal*, as well as a notice of the comment period extension published in the *Federal Register* on December 27, 2013.

On March 21, 2014, Tony Wasley, Co-chairman of the Bi-state Executive Oversight Committee, sent a letter to Ren Lohofener, Regional Director of the USFWS, requesting in part the USFWS provide an additional 6 months to analyze new information before making a final decision on the potential listing of the bi-state DPS. On March 31, 2014, the USFWS added 6 months beyond the original October 2014 deadline, which extends the new deadline to April 2015. With the additional information gathered during the twice-extended comment period, as well as the additional time provided by the USFWS, the decision was made to prepare a revised draft EIS. The intent of the revised draft EIS was to allow the Forest and BLM to analyze and present new information since the original draft EIS was published and provide this new information and analysis to public for formal comment.

The notice of availability for the revised draft EIS was published in the *Federal Register* on July 11, 2014, for another 90-day comment period. This comment period ended on October 9, 2014. A news release regarding the revised draft EIS availability to the public was published in the *Reno Gazette Journal* starting July 30, 2014, with a stop date of August 29, 2014.

VI. Alternatives Analyzed in Detail

Based on public comments, agency policy, the Humboldt National Forest Land and Resource Management Plan (Forest Plan), and the Council on Environmental Quality regulations implementing NEPA, the interdisciplinary team developed three alternatives (including the proposed action) for detailed analysis.

Alternative A – No Action

Under the no-action alternative, current land use plans would continue to guide management of the amendment area which includes sensitive species direction (USDA Forest Service 1986 [as amended] and BLM RMP 2007). No forest plan or RMP (resource management plan) amendment would be approved for the purpose of conserving, enhancing, and/or restoring sagebrush and associated habitats to provide for the long-term viability of the bi-state DPS. The lands in the plan amendment area boundary that were transferred from the BLM to the Forest Service under the Nevada Enhancement Act would not be brought under management direction of the Toiyabe Forest Plan.

Alternative B – The Proposed Action

The proposed action was to amend the Toiyabe National Forest Land and Resource Management Plan (Forest Plan), and the BLM proposed to amend the Tonopah RMP and the Carson City Field Office Consolidated RMP by adding to or changing some of the regulatory mechanisms to reduce, eliminate, or minimize threats to bi-state DPS habitat on Federal lands administered under those plans. The regulatory mechanisms would apply to bi-state DPS habitat, described below, on Forest Service- and BLM-administered lands within the plan amendment area boundary.

The Toiyabe National Forest LRMP and BLM RMP amendments apply only to Federal lands administered by either the Forest Service or the BLM and will recognize valid existing rights. Lands addressed in the amendments include NFS lands and public lands (including surface-

estate, split-estate lands) managed by the Forest Service and BLM, respectively, in habitats of the bi-state DPS.

This alternative applies to the lands within the plan amendment area boundary that were transferred under the Nevada Enhancement Act. With this amendment, those lands will now be under the management direction of the Toiyabe Forest Plan, with allocation to the Bridgeport Pinyon/Juniper Management Area #6 and as amended by this alternative.

The alternative includes the adoption of the desired habitat conditions as presented in (final EIS) Table 2-1, the dates used to evaluate impacts presented in Table 2-2, the goals and objectives presented in Table 2-3, and the standards and guidelines presented in Table 2-4 under the alternative B (modified) heading.

Alternative C – The Conservation Alternative

This alternative proposed goals and objectives and standards and guidelines that address the purpose and need of this plan amendment by focusing on a more conservation-conservative approach to land management than the proposed action by including more requirements for project design and establishing a more detailed schedule for accomplishments. This alternative allows for the analysis and disclosure of a range of methods to achieve the purpose and need of providing regulatory mechanisms to reduce, eliminate, or minimize threats to bi-state DPS habitat on Federal lands. The regulatory mechanisms would apply to bi-state DPS habitat, described below, on Forest Service- and BLM-administered lands within the plan amendment area boundary.

Alternative C also establishes the lands within the plan amendment area boundary that were transferred under the Nevada Enhancement Act as being under the management direction of the Toiyabe Forest Plan, with allocation to the Bridgeport Pinyon/Juniper Management Area #6 (see appendix B, final EIS, for map) and as amended by this alternative.

VII. Alternatives Considered but Not Analyzed in Detail

Federal agencies are required by NEPA to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received in response to the proposed action provided suggestions for alternative methods for achieving the purpose and need. Some of these alternatives may have been outside the scope to conserve, enhance, and/or restore habitat for the bi-state DPS; duplicative of the alternatives considered in detail; or determined to be components that would cause unnecessary environmental harm. Therefore, six alternatives were considered, but dismissed from detailed consideration for reasons summarized below.

- 1) An alternative was considered that would change all standards in the proposed amendment into guidelines. This alternative was not considered because of how the definitions and applications of standards and guidelines differ. A standard is defined as a course of action that must be followed, or a level of attainment that must be reached to achieve Forest goals. Adherence to standards is mandatory. In general, they limit project-related activities. *A project or activity that deviates from a standard may be approved only if a Forest Plan amendment to change the standard is approved that would result in the project or activity being consistent with the Forest Plan.* Standards are developed when: (1) applicable laws or policies do not exist, or clarification of existing laws or policies is needed; (2) they are

critical to achievement of objectives; or (3) unacceptable impacts could occur if a standard is not in place.

In comparison, a guideline is also a course of action that must be followed. However, guidelines are applied to activities where site-specific factors may require some flexibility. *A project or activity that deviates from a guideline may be approved only if it is as effective in achieving the purpose for the guideline and documented in the appropriate approval document for the project or activity.*

Projects that are consistent with standards or guidelines would result in meeting the intent of the standard or guideline for conserving, enhancing, or restoring sagebrush and associated habitats to provide for the long-term viability of the bi-state DPS. However, the deciding officer would have flexibility in how the project is designed under a guideline as long as its purpose can be achieved, but there is no flexibility under a standard. As discussed in the “Rationale for the Decision,” the need for the amendment was to address the USFWS 12-month finding, in which the USFWS expressed concern about the level of discretion that deciding officers have under the current land use plans in making decisions at the project level. A plan amendment that includes only guidelines and no standards would not address this USFWS concern about the level of discretion and consistency of application, and therefore would not meet the purpose and need for the proposed amendment. Because of this, an amendment with only guidelines and no standards was not considered further or analyzed in detail.

2 & 3) Two alternatives were discussed involving the use of buffers. One would extend buffers for various conservation actions, and the other would limit/remove these buffers altogether. The original proposed amendment presented at the beginning of scoping had language about specific buffers for various potential actions. The standards and guidelines have since been rewritten to buffer habitat components instead of projects. By buffering habitat components the effects analysis becomes consistent across alternatives and is less speculative. Buffering projects would require a great deal of speculation in the analysis concerning the number, extent, and duration of different types of projects potentially occurring in the project area over time.

4) Several groups and individuals suggested in the public comments that the agencies no longer allow certain types of activities to occur within the amendment area. Based on these public scoping comments, the interdisciplinary team considered an alternative that would eliminate all discretionary actions within the amendment area. Discretionary actions are actions that the Forest Service is not required by law to consider. These include almost everything the agencies do, from the authorization of special-use permits to cross NFS lands, to planning and implementing projects to restore sagebrush habitat for the benefit of the bi-state DPS.

This alternative was discussed as a way to illustrate the trade-offs of not allowing any discretionary actions to occur within the amendment area. The current land use plans allow for various types of resource management and recreation. Forest Service and BLM are multiple-use agencies by definition. An alternative that would practically eliminate all of those activities, regardless of relationship to the conservation of the bi-state DPS, would be outside the scope and intent of the proposed amendment and would not meet the overall management goals and objectives for the amendment area. Also, such an alternative would not be consistent with multiple uses.

While not as extreme as the no-discretionary action alternative described here, alternative C does adopt and analyze some of the elements that would be included here.

5) An alternative was considered as the “habitat exclusion” alternative. A geographically based alternative was discussed that would redraw the habitat map to exclude areas that have a high degree of ongoing activity. Areas that would have been excluded from habitat include developed mine sites, areas with intense mineral exploration activity, areas with high recreation use, and areas with potential for geothermal lease and development. This alternative would have removed those habitat areas from the protections the proposed action offered. This alternative was eliminated from detailed consideration because it would have resulted in fragmentation to the habitat and would not meet the purpose and need of this proposal to conserve, enhance, and/or restore sagebrush and associated habitats of the bi-state DPS, regardless of the habitat’s relative location to various human activities.

6) An alternative was considered that was for the Nevada Enhancement Act only. This alternative was the same as the no-action alternative, except for the application of Toiyabe Forest Plan general management direction and Bridgeport Pinyon/Juniper Management Area #6-specific direction to Enhancement Act lands in the project area. The regulatory mechanisms for the conservation of bi-state DPS would not have been included in the amendment. Because for the same reason as provided for the no-action alternative, this alternative would not meet the purpose and need for this project. In addition, the analysis would have been redundant with the no-action alternative because the management direction would be the same as that of the no-action alternative. Therefore, this alternative was eliminated from detailed consideration.

VIII. Environmentally Preferred Alternative

Alternative C, the conservation alternative, is the environmentally preferred alternative, as defined in 36 CFR 220.3. Alternative C would prohibit many ongoing discretionary uses on NFS lands that would be allowed to continue under the proposed action and the no-action alternatives. Alternative C would prohibit leasing for fluid mineral, geothermal, or saleable minerals in bi-state DPS habitat and end livestock grazing on the allotments in the project area with bi-state DPS habitat. Cessation of these activities would result in fewer disturbances in habitat and result in less biological and physical harm when compared to alternatives A or B. For this reason, alternative C would best conserve, enhance, and restore sagebrush and associated habitats to provide for the long-term viability of the bi-state DPS.

I did not select alternative C because it is too restrictive. While it may result in a faster route to conservation of the habitat, it would adversely impact the livelihood of many people in the project area (final EIS, page 80). I have seen firsthand the good work that the Local Area Working Group and the multiple agencies have accomplished over the last 10 years to improve habitat. I have chosen to select an alternative that combines standards and guidelines from alternatives B and C that would conserve, enhance, and restore bi-state DPS habitat, but would also allow for continued multiple uses of the NFS lands in the project area.

IX. Determination that the Amendment is Not Significant

It is my determination that the approved amendment is not significant based on the criteria in Forest Service Manual 1926.52 – Changes to the Land Management Plan that are Significant, as follows:

1. Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected (see section 219.10(e) of the planning regulations in effect before November 9, 2000; see 36 CFR parts 200 to 299, revised as of July 1, 2000).

The amendment affects only the future projects and activities in the project area. The result of the amendment does not affect the multiple-use goods and services provided by the Forest Plan. It allows projects and activities that are currently allowed under the Toiyabe Forest Plan. Potential restriction of projects and activities may occur, but only to the extent that still provides for the multiple-use goods and services as projected in the Toiyabe Forest Plan. Therefore, the amendment does not alter the long-term relationship between levels of multiple-use goods and services originally projected in the Toiyabe Forest Plan.

2. Changes that may have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period.

The amendment is applicable only to the 967,878 acres of the project area. It represents about 15 percent of the 6.3 million acres managed under the Toiyabe Forest Plan. As such, the effect of the amendment is not important to the entire land management plan. This is not a large portion of the plan area.

X. Findings Required by Other Laws and Regulations

Legislative and/or Regulatory

Endangered Species Act. Federally threatened or endangered species known to reside or nest in the project area will not be affected by adoption of the regulatory measures proposed in this record of decision.

National Historic Preservation Act. Cultural resource surveys have not been completed for this project. Nothing in this proposed action requires ground-disturbing activity that could impact historic properties located in the planning area. Cultural resource inventories will continue to be required for all site-specific project activities.

Clean Water Act. Nothing in this ROD will change or modify standards, guidelines, and direction contained in the Forest Plan, best management practices, and applicable Forest Service manual and handbook direction or LRMP. Ongoing and future site-specific projects will adhere to these standards, guidelines, and direction, and by doing so will continue to be consistent with the Clean Water Act and amendments. No permits are required for any of the alternatives.

Clean Air Act. There are no emissions related to implementation of this record of decision. Implementation of the selected goals, objectives, and standards and guidelines will not result in exceedance of State of Nevada Ambient Air Quality Standards (46 FR 43141).

Effects on Prime Farm Land, Range Land, and Forest land

No prime farm land or range land would be adversely affected by the approved amendment. Forestland would maintain its long-term productivity.

Effects on Civil Rights, Women, and Minorities

This approved amendment would not have adverse effects on civil rights, women, or minorities.

Executive Orders

Executive Order 11593 (Cultural Resources). The Executive order directs Federal agencies to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the Nation. This approved amendment will not impede the ability of the Forest Service to follow this direction.

Executive Order 11988 (Floodplains). The Executive order directs Federal agencies to take action to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains. A floodplain is defined as “the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of off shore islands, including at a minimum that area subject to a 1 percent or greater of flooding in any given year.” Forest Plan standards and guidelines identify floodplains as a process group within riparian management areas and provide direction to avoid development in these areas. The approved amendment does not propose occupation or modification of floodplains.

Executive Order 11990 (Wetlands). The Executive order requires Federal agencies to avoid, to the extent possible, the long-term and short-term adverse effects associated with the destruction or modification of wetlands. The approved amendment does not propose occupation or modification of wetlands.

Executive Order 12898 (Environmental Justice). The Executive order directs Federal agencies to identify and address the issue of environmental justice, which concerns adverse human health and environmental effects of agency programs that disproportionately affect minority and low-income populations. For the purpose of screening for environmental justice concerns, the widely dispersed area over which this management direction takes place makes it unlikely that any particular minority or low-income population in Alpine, Douglas, Esmeralda, Lyon, Mineral, or Mono counties is disproportionately impacted. Implementation of the proposed action or alternatives for the bi-state DPS approved amendment will not cause adverse health, social, or environmental effects that would disproportionately affect minority and low-income populations.

Executive Order 13007 (American Indian Sacred Sites). The Executive order directs Federal agencies to accommodate access to and ceremonial use of American Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. Under the approved amendment the Forest Service will continue to accommodate access to and ceremonial use of American Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites.

Executive Order 13186 (Migratory Birds). The Executive order directs Federal agencies taking actions having or likely to have a negative impact on migratory bird populations to work with the USFWS to develop an agreement to conserve those birds. Because of the programmatic nature of the approved amendment, there will be no negative impacts on migratory bird populations. The Forest Service will continue to work with the USFWS to develop an agreement to conserve those birds.

XI. Administrative Review Opportunities

This decision is subject to the Predecisional Administrative Review Process (Objection Process) pursuant to 36 CFR 218, subparts A and B. Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project either during the comment period on the draft supplement or any other periods when public comment was specifically requested on this EIS (36 CFR 218.5(a)). Issues raised in objections must be

based on previously submitted and timely, specific, written comments regarding the proposed project, unless based on new information arising after designated comment opportunities. Individual members of organizations must have submitted their own comments to meet the requirements of eligibility as an individual. Objections received on behalf of an organization are considered as those of the organization only. Names and addresses of those who comment and/or file objections will become part of the public record.

Filing an Objection

The reviewing officer for the objection process for this project is the regional forester. Written objections, including any attachments, must be filed (regular mail, fax, email, hand-delivery, or express-delivery) with the reviewing officer within 60 days following the publication date of this legal notice in the newspaper of record. The publication date in the *Reno Gazette Journal*, the newspaper of record for this project, is the exclusive means for calculating the time to file an objection of this project. Those wishing to object to this proposed project should not rely upon dates or timeframe information provided by any other source. It is the responsibility of objectors to ensure their objection is received in a timely manner (36 CFR 219.56). Objections must be sent to: Objection Reviewing Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401. Objections can be hand-delivered to this address during regular business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays; fax: 801-625-5277; email: objections-intermtn-regional-office@fs.fed.us. Emailed objections must be submitted in a format such as an email message, pdf, plain text (.txt), rich text format (.rtf), and Word (.doc or .docx).

Contents of an Objection

Incorporation of documents by reference in the objection is permitted only as provided for at 36 CFR 219.54(b). The minimum content requirements of an objection, which are identified in (36 CFR 219.54(c), include:

1. The objector's name and address (36 CFR 219.62), along with a telephone number or email address if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
3. Identification of the lead objector, when multiple names are listed on an objection (36 CFR 219.62); verification of the identity of the lead objector if requested;
4. The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the responsible official;
5. A statement of the issues and/or the parts of the plan, plan amendment, or plan revision to which the objection applies;
6. A concise statement explaining the objection and suggesting how the proposed plan decision may be improved; if applicable, the objector should identify how the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy; and
7. A statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment (36 CFR 219.53(a)).

XII. Implementation Date

Under title 36 CFR 219.17(a) (2), the approved plan amendment will be effective 30 days after the publication of the notice of this decision. The plan amendment will be inserted into the Forest Plan and distributed to all units for inclusion in their plans. After that time all projects will be required to be consistent with this amendment.

XIII. Contact

For additional information concerning this decision, contact:

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William A. Dunkelberger
Forest Supervisor

Date

Attachment 1. Amendment 16 to the Toiyabe National Forest Land and Resource Management Plan

This amendment applies to all NFS lands managed under the Forest Plan in the bi-state distinct population segment (DPS) of the Greater Sage-grouse habitat (“bi-state sage grouse habitat”), as identified on the “Bi-state Greater Sage-grouse Habitat Map” (attachment 2) of all seasonal and year-round bi-state sage grouse habitat plus all land within 7 kilometers (about 4 miles) of active leks.

The habitat map was created with modeling and aerial imagery, and is therefore subject to field-verification and updates as new information becomes available. The map will be updated as monitoring and mapping continues and following a NEPA sufficiency review. If the review indicates potential effects not previously disclosed, the appropriate NEPA and forest planning process will be followed before updating the map. Map data is archived

This amendment applies the general Forest direction and the management area # 6 management directions to approximately 258,336 acres of lands that were transferred from the BLM to the Forest Service under the Nevada Enhancement Act (Public Law 100-500, April 26, 1989), as displayed on attachment 3.

This amendment recognizes valid existing rights.

Add to page IV-7, MANAGEMENT GOALS AND DESIRED FUTURE CONDITION OF THE FOREST – WILDLIFE AND FISH – Desired Future Conditions – new paragraph 4

The following table defines the bi-state sage grouse desired habitat conditions.

Table 1. Desired future condition

Category	Desired Condition
	<ul style="list-style-type: none"> ▪ Rangeland health assessments are meeting all standards. ▪ Sagebrush communities are large and intact with >65% of the landscape in sagebrush cover (Aldridge and Boyce 2007). ▪ The extent and dominance of invasive species, including cheatgrass, is limited to <5% (Blomberg et al. 2012). ▪ There is no conifer encroachment within line-of-site of leks or nesting areas; there are less than three to five trees per acre in other areas (Connelly et al. 2000). ▪ For security of nesting there is <3% phase I (>0 to <25% cover), no phase II (25 to 50% cover), no phase III (>50% cover), within 0.53-mile (850 meter) buffer from center of data collection plot (Casazza et al. 2011; USGS in preparation (a)). ▪ For winter cover and food there is <5% phase I (>0 to <25% cover), no phase II (25 to 50% cover), no phase III (>50% cover) within 0.53-mile (850 meter) buffer from center of data collection plot (USGS in preparation (a)). ▪ For winter cover and food the extent of the sagebrush is as follows: >85% sagebrush land cover within 0.53-mile (850 meter) buffer from center of data collection plot (USGS in prep (a), Doherty et al. 2008).
Leks	<ul style="list-style-type: none"> ▪ There is adjacent sagebrush cover (Connelly et al. 2000; Blomberg et al. 2012). ▪ No structures taller than the surrounding vegetation community are within line-of-sight of the lek or within 4 miles (6.5 kilometers) (Coates et al. 2013; Nevada Governor’s Sage-grouse Conservation Team 2010). ▪ The proximity of trees >3.3 feet (one meter) above shrub canopy should not be within line-of-sight of a lek and <4% of landscape canopy cover within 1 kilometer of leks (Braun 2006; Connelly et al. 2000; Stiver et al. (in press); Baruch-Mordo et al. 2013).

Category	Desired Condition
Nesting (Breeding)	<ul style="list-style-type: none"> ▪ Sagebrush canopy cover is greater than 20% (Coates et al. 2010; Kolada et al. 2009a; Kolada et al. 2009b; Connelly et al. 2000; Connelly et al. 2003; Hagen et al. 2007).
	<ul style="list-style-type: none"> ▪ Sagebrush species present include <i>Artemesia tridentate</i> subspecies (Coates et al. 2013; Kolada et al. 2009a; Kolada et al. 2009b).
	<ul style="list-style-type: none"> ▪ Total shrub canopy cover is greater than 40% (Coates and Delehanty 2010).
	<ul style="list-style-type: none"> ▪ Perennial grass cover (live and residual) is not less than 5%, but is greater than 10% if total shrub cover is less than 25% (Coates et al. 2013; Coates and Delehanty 2010; Kolada et al. 2009a; Kolada et al. 2009b).
	<ul style="list-style-type: none"> ▪ Annual grass cover is less than 5% (Lokyer et al. [in press]).
	<ul style="list-style-type: none"> ▪ Perennial grass height provides overhead and lateral concealment from predators (Connelly et al. 2000; Stiver et al. (in press); Connelly et al. 2003; Hagen et al. 2007).
	<ul style="list-style-type: none"> ▪ Proximity of tall structures (1 meter above shrub canopy) is not within 3 miles (Gibson et al. 2013).
Brood-Rearing/Summer	<ul style="list-style-type: none"> ▪ Sagebrush canopy cover is 10 to 25% (Connelly et al. 2000).
	<ul style="list-style-type: none"> ▪ Perennial grass and forb cover is greater than 15% combined (Connelly et al, 2000, Hagen et al. 2007).
	<ul style="list-style-type: none"> ▪ Perennial forb canopy cover is >5% arid and >15% mesic for cover and food (Casazza et al. 2011; Lockyer et al. [in press])
	<ul style="list-style-type: none"> ▪ Grass/forb height is greater than 7 inches (Hagen et al. 2007).
	<ul style="list-style-type: none"> ▪ Manage for proper functioning condition in riparian areas/meadows for food (Stiver et al. [in press]).
	<ul style="list-style-type: none"> ▪ Understory species in the vicinity of riparian areas/meadows diversity is greater than five species present (Casazza et al. 2011; Stiver et al. [in press]).
	<ul style="list-style-type: none"> ▪ For security meadow/ riparian edge (ratio of perimeter to area) is 0.2 within 522-foot (200 meter) buffer from center of data collection plot (Casazza et al. 2011).
Winter	<ul style="list-style-type: none"> ▪ Winter habitat is composed of sagebrush plant communities with sagebrush canopy cover greater than 10% and sagebrush height greater than 25 centimeters (9.8 inches) above snow level (Connelly et al. 2000; USGS [in preparation]).

Source: (For nesting, brood-rearing, and winter habitat condition) USDI Fish and Wildlife Service (2013). Braun, C.E. 2006. Blueprint for sage-grouse conservation and recovery. Grouse: Tucson, AZ. Coates, P.S. and D.J. Delehanty. 2010. Nest predation of greater sage grouse in relation to microhabitat factors and predators. Journal of Wildlife Management 74(2): 240–248.

The following table provides goals and objectives for the bi-state sage grouse and bi-state sage grouse habitat.

Table 2. Goals and objectives for the bi-state DPS

Goals and Objectives for the Bi-state Sage Grouse DPS and Bi-state Sage Grouse DPS Habitat
Goal 1: Bi-state DPS habitat and movement corridors are managed to bring vegetation communities to their ecological site potential and to maintain or increase the species.
Objective 1a: By 2024, 200,000 acres of degraded habitat (i.e., areas with conifer encroachment, invasive annual grasses, and/or altered fire regimes) have been improved through changes in management or restoration activities to meet habitat objectives.
Objective 1b: By 2024, bi-state DPS populations will be at or above current levels.
Goal 2: Bi-state DPS and habitats will benefit from standards and guidelines adopted to eliminate or reduce negative impacts and increase positive impacts from discretionary and nondiscretionary actions.
Objective 2a: By 2020, bi-state DPS productivity, survival, or use of seasonal habitats will be at least at the same level as they are in 2014.
Objective 2b: By 2019, water developments (tanks and troughs) will be designed or retrofitted to decrease the risks of drowning or disease or as breeding sites for vectors such as mosquitos.
Objective 2c: Saleable mineral pits determined to be no longer in use shall be reclaimed by the operator to meet sage grouse conservation objectives within 5 years of such determination.
Goal 3: In habitat, fuels treatments are used as a management tool when the benefits to bi-state DPS clearly outweigh the risks; otherwise fire is suppressed in habitat after life and property.
Objective 3a: By 2024, proactive fire prevention treatments will have been implemented in or adjacent to 30% of the identified habitat.
Objective 3b: By 2019, risk of unwanted fire in habitat shall be 20% lower compared to conditions in 2014.
Goal 4a: Areas at risk of conversion to a degraded, disturbed, or invaded state are declining in size and distribution.
Objective 1a: By 2024, 200,000 acres of degraded habitat (i.e., areas with conifer encroachment, invasive annual grasses, and/or altered fire regimes) have been improved through changes in management or restoration activities to meet habitat objectives.
Goal 4b: Reduction of fuel loads has reduced the risk of high severity fires in bi-state DPS habitat.
Objective 4b: Over the next 10 years, areas with annual invasive grass dominance are reduced across 20,000 acres of habitat.
Goal 4c: Bi-state DPS habitat has moderate to high resilience to disturbance and resistance to invasive annual grasses.
Objective 4b: Over the next 10 years, areas with annual invasive grass dominance are reduced across 20,000 acres of habitat.
Goal 5: Over the next 25 years, areas with ≥25–65% and areas with >65% sage brush cover are increasing through the implementation of integrated restoration strategies.
Objective 1a: By 2024, 200,000 acres of degraded habitat (i.e., areas with conifer encroachment, invasive annual grasses, and/or altered fire regimes) have been improved through changes in management or restoration activities to meet habitat objectives.
Objective 4b: Over the next 10 years areas with annual invasive grass dominance are reduced across 20,000 acres of habitat.
Objective 5a: Over the next 10 years manage or restore habitat so that land cover provides adequate sagebrush habitat to meet sage grouse needs to maintain or increase current populations.

Add as described:

- Page IV-49, FOREST-WIDE STANDARDS AND GUIDELINES—WILDLIFE AND FISH:
 - Insert as 3.K.
- Page IV-80, Management Area 2:
 - Insert before section “PROPOSED AND PROBABLE MANAGEMENT PRACTICES FOR MANAGEMENT AREA 2”
- Page IV-88, Management Area 3:
 - Insert before section “PROPOSED AND PROBABLE MANAGEMENT PRACTICES FOR MANAGEMENT AREA 3”
- Page IV-97, Management Area 4:
 - Insert before section “PROPOSED AND PROBABLE MANAGEMENT PRACTICES FOR MANAGEMENT AREA 4”
- Page IV-108, Management Area 5:
 - Insert before section “PROPOSED AND PROBABLE MANAGEMENT PRACTICES FOR MANAGEMENT AREA 5”
- Page IV-113, Management Area 6:
 - Insert before section “PROPOSED AND PROBABLE MANAGEMENT PRACTICES FOR MANAGEMENT AREA 6”

Standards and Guidelines in Bi-state Sage Grouse Habitat

The following table will be used as a guide for the consideration of the potential effects to bi-state sage grouse and bi-state sage grouse habitat from proposed activities during the specified timeframes.

Table 3. Timeframes for bi-state DPS

Date	Impacts to Consider
March 1–May 15	Breeding (critical disturbance period; dates may shift 2 weeks back or forward in atypically dry or wet years based on observations of lek activity)
April 1–June 30	Nesting and early brood-rearing (critical disturbance period; dates may shift 2 weeks back or forward in atypically dry or wet years based on observations of lek activity)
July 1–September 15	Late brood-rearing
September 1–October 31	Fall
November 1–March 1	Winter

The following standards and guidelines apply to bi-state sage grouse habitat. A project or activity that deviates from these standards may be approved only if a Forest Plan amendment to change the standard is approved that would result in the project or activity being consistent with the Forest Plan. A project or activity that deviates from these guidelines may be approved only if it is as effective in achieving the purpose for the guideline and documented in the appropriate approval document for the project or activity; otherwise, the project or activity may be approved only if a Forest Plan amendment to change the guideline is approved that would result in the project or activity being consistent with the Forest Plan. These standards and guidelines do not

change prohibitions or restrictions established elsewhere in Forest wide standards and guidelines or management area management practices. Standards are denoted by the “S” before the number, guidelines by the “G.”

Table 4. Standards and guideline for bi-state DPS

Resource Area	Standards and Guidelines
All Resources	
	S-01: Project proposals shall include best management practices (BMPs) for each resource as appropriate to restore, conserve, and enhance bi-state DPS and its habitat.
Access/Recreation	
	AR-S-01: Motor vehicle use off designated national forest system (NFS) roads and trails is prohibited.
	AR-S-03: Between March 1 and May 15, off-highway vehicle events that pass within a 3 miles of an active or pending lek shall only take place during daylight hours after 10 a.m.
	AR-S-04: Do not authorize off-highway vehicle events within winter habitats November 1 to March 1.
	AR-S-05: Prohibit new recreation facilities in bi-state DPS habitat (e.g., campgrounds, day use areas, scenic pullouts, trailheads, etc.).
	AR-G-01: Use existing roads and co-locate powerlines, pipelines, and other linear features whenever possible to reduce disturbance and habitat fragmentation and to minimize disturbance footprint of rights-of-way (ROWs) in bi-state habitat.
	AR-G-02: Authorize new roads only when necessary for public safety, administrative, or public need to accommodate valid existing rights and to minimize disturbance footprint of ROWs in bi-state habitat.
Land Use/Special Use	
	LUSU-S-01: Do not grant new ROWs. If valid existing rights apply, co-locate new ROWs within existing ROWs or where it minimizes impacts to bi-state DPS habitat.
	LUSU-S-02: Do not authorize utility-scale commercial wind energy facilities.
	LUSU-S-03: Do not authorize utility-scale solar energy facilities.
	LUSU-S-04: Do not install tall structures that could serve as predator perches within 4 miles of an active lek.
	LUSU-S-05: No structures taller than the surrounding vegetation that could serve as predator perches shall be installed unless they are equipped with anti-perching devices.
	LUSU-S-06: Federal lands shall be retained unless a public interest determination identifies a net benefit to bi-state DPS habitat.
	LUSU-S-07: Do not authorize outfitter-guide activities that occur within 3 miles of active leks from March 1 to May 15.
	LUSU-S-08: Land acquisition plan shall include all inholdings that include bi-state DPS habitat within NFS boundaries.
	LUSU-S-09: When informed that a ROW is no longer in use, relinquish the ROW and reclaim the site by removing powerlines, reclaiming roads, and removing other infrastructure, where such reclamation work does not have unwanted adverse effects.
	LUSU-S-10: Require proper containment and prompt removal of refuse to avoid attracting predators.
	LUSU-S-11: Do not install structures greater than 8-feet tall that could serve as predator perches unless they are equipped with anti-perching devices.
	LUSU-S-12: Do not authorize new communication sites in bi-state DPS habitat.
	LUSU-G-01: Where feasible, bury powerlines to reduce overhead perches for avian predators.

	LUSU-G-02: Co-locate new ROWs within and/or adjacent to existing ROWs and to minimize disturbance footprint of ROWs in bi-state habitat.
	LUSU-G-03: Industrial wind facilities associated (on site) with existing industrial infrastructure (e.g., a mine site) may be authorized to provide onsite power generation and to minimize disturbance footprint of ROWs in bi-state habitat.
	LUSU-G-04: Industrial solar energy facilities (on site) associated with existing industrial infrastructure (e.g., a mine site) may be authorized to provide on-site power generation and minimize the disturbance footprint related to powerlines in habitat.
	LUSU-G-05: Require permit holders to retro-fit existing powerlines and other utility structures with perch-detering devices during right-of-way renewal process. The intent is to reduce perch opportunities for avian predators.
Wildlife	
	Wild-S-01: Any vegetation treatment shall maintain, improve, or restore bi-state DPS habitat.
	Wild-S-02: Vegetation treatments and post-disturbance restoration shall seed and/or transplant sagebrush to restore large patches of sagebrush covers and connects existing patches.
	Wild-S-03: Require site-specific project mitigation if needed to insure no net loss of habitat due to project disturbance.
	Wild-S-04: Habitat restoration projects shall meet one or more of the following habitat needs: Promote the maintenance of large, intact sagebrush communities; limit the expansion or dominance of invasive species, including cheatgrass; maintain or improve soil site stability, hydrologic function, and biological integrity; and enhance the native plant community.
	Wild-S-05: Time implementation of habitat restoration projects so that impacts to bi-state DPS individuals and populations are limited by duration, scope, and scale.
	Wild-S-06: Mitigate long-term negative impacts from discretionary or nondiscretionary activities to the extent practicable.
	Wild-S-07: Require buffers, timing limitations, or offsite habitat restoration for new or renewed discretionary actions to mitigate potential long-term negative impacts.
	Wild-S-08: After soil disturbances or seeding, do not authorize soil-disturbing uses for a minimum of two annual growing cycles or until desired habitat conditions and project objectives have been met, whichever is longer.
	Wild-G-01: Use seed for perennial grasses and forbs adapted to local conditions to increase cover of these species. The intent of this guideline is to move toward desired habitat conditions (Amendment 16, Table 1) when restoring habitat and or mitigating disturbance.
	Wild-G-02: When re-seeding use genetically and climatically appropriate and certified weed-free plant and seed material. Use native seed when available. The intent of this guideline is to move toward desired habitat conditions (Amendment 16, Table 1) when restoring habitat or mitigating disturbance.
	Wild-G-03: Restoration work limited to the use of hand tools (chainsaws, axes, handsaws, post pullers, wire cutters, and loppers) and foot travel off designated routes in pre-phase I and phase I pinyon may occur during nesting, brood rearing, and fall seasons (April 1 to October 31). The intent of the guideline is to allow restoration work to occur during a flexible time frame.
	Wild-G-04: Restore native (or desirable) plants and create landscape patterns which most benefit the bi-state DPS. The intent of this guideline is to move toward desired habitat conditions (Amendment 16, Table 1) when restoring habitat or mitigating disturbance.
	Wild-G-05: Consider seed collection from the warmer component of the species current range when selecting native species for restoration (Kramer and Havens 2009). The intent is to use hardy climate tolerant native species to help move habitat toward desired habitat conditions (Amendment 16, Table 1) when restoring habitat and or mitigating disturbance.

	Wild-G-06: Remove phase 1 and 2 pinyon-juniper located in habitat during habitat restoration projects. The intent to maintain sage brush habitat prior to establishment of forest species.		
Range Permitting			
	RP-S-01: Grazing permits, annual operating instructions, or other appropriate mechanism for livestock management shall include terms, conditions, and direction to move toward or maintain bi-state DPS habitat desired conditions.		
Range Utilization			
	RU-S-02: Manage livestock grazing in accordance with the utilization standards as follows:		
	Community Type	Percent Utilization of Key Species	Terms and Conditions
	Mountain Big Sagebrush	<45% herbaceous species; <35% shrub species	Livestock removed in 3–5 days of reaching utilization level
	Wyoming and Basin Big Sagebrush	<35% herbaceous species; <35% shrub species	Livestock removed in 3–5 days of reaching utilization level
	Black Sagebrush	<35% herbaceous species; <35% shrub species	Livestock removed in 3–5 days of reaching utilization level
	Riparian and Wet Meadows	<50% herbaceous species; <35% woody species; or average stubble height of at least 4–6 inches (depending on site capability and potential) for herbaceous riparian vegetation	Average stubble height 4–6 inches: Livestock removed in 3–5 days of reaching utilization level based on site; or (sequential action) no grazing from May 15–August 30 in brood-rearing habitat
	<p><i>Note:</i> Monitoring would be conducted using accepted protocols (including but not limited to: Burton et al. 2011; USDI BLM 1996; Platts 1990).</p> <p><i>Sources:</i> Holechek 1988; Holechek et al. 1998; Burton et al. 2011; USDI BLM 1996; Platts 1990.</p>		
	RU-S-03: Manage livestock grazing in accordance with the utilization standards in RU-S-02.		
Range Improvement			
	RI-S-04: Remove fences and other infrastructure associated with livestock grazing negatively impacting bi-state DPS and its habitats.		
	RI-S-05: Any new structural range improvements and location of supplements (salt or protein blocks) shall not retard the conservation, enhancement, or restoration of bi-state DPS habitat.		
Range Improvements (Fences)			
	RI-S-06: No new structures taller than the dominant surrounding vegetation that could serve as predator perches shall be installed within 2 miles of a lek.		
	RI-S-07: To reduce bi-state DPS mortality, remove, modify, or mark fences in sage grouse habitat based on nearest proximity to lek, lek size, and topography where fence densities exceed 1.6 miles of fence per section (640 acres).		
	RI-G-01: To the extent possible, do not install fences unless to protect habitat or for human health and safety. If fences must be installed, they should be at least 1.2 miles from active and pending leks, and if possible, should be let-down fences when not needed for the purpose of their installation. The intent to reduce perch opportunities for avian predators and to reduce risk of collision.		
Range Improvements (Water)			
	RI-S-08: Water developments (tanks/troughs) shall be drained when not in use, unless they are needed by other species, so they do not create a breeding ground for mosquitos that carry West Nile Virus.		
	RI-S-09: Wildlife escape ramps shall be installed and maintained in water troughs or open water facilities with vertical embankments that pose a drowning risk to birds.		
	RI-S-10: Water developments at springs and seeps shall be maintained to preserve the continuity of predevelopment riparian areas. Modifications to the developments shall be neutral or beneficial to the bi-state DPS.		

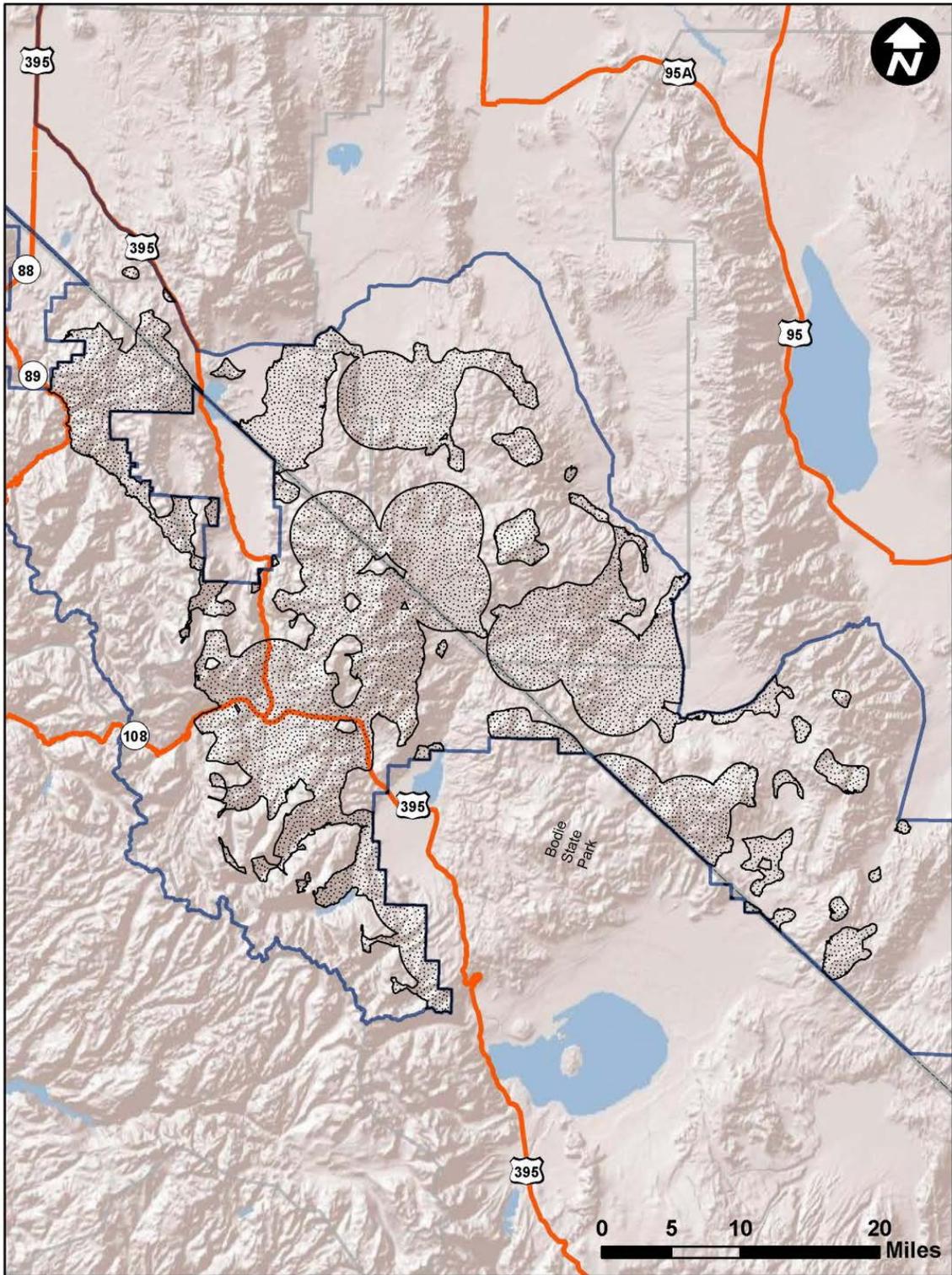
	RI-G-02: Authorize new water development for diversion from spring or seep source only when habitat would benefit from the development. The intent of this guideline is to move toward desired habitat conditions (Amendment 16, Table 1) when restoring habitat or mitigating disturbance.
Range Improvements (Water/Handling)	
	RI-S-11: Livestock watering and handling facilities (corrals, chutes, dipping vats, etc.) or sheep bedding grounds shall not be located within 2 miles of an active lek and 0.6 miles from riparian areas.
	RI-S-12: Salting or supplemental feeding stations shall not be located within 2 miles of an active lek and 0.6 miles from riparian areas.
Range Improvements (Handling)	
	RI-S-13: No structures greater than 8-feet tall that could serve as predator perches shall be installed within bi-state DPS habitat unless they are equipped with anti-perching devices.
Weeds	
	Weed-S-01: After soil disturbances or seeding, the land shall not be returned to soil-disturbing authorized uses for a minimum of two annual growing cycles or until desired habitat conditions or project objectives have been met, whichever is longer.
	Weed-S-02: Use pesticides/herbicides only outside of the critical disturbance periods and only if other integrated pest management approaches are inadequate or infeasible. Only use chemicals with the lowest toxicity to birds that still provide control in coordination with USDA or APHIS, depending of the targeted pest.
	Weed-S-03: Agency personnel, contractors, and permit holders working in areas with known weed infestations shall clean vehicles of dirt, mud, and visible plant debris before entering a different area to reduce the spread of noxious weeds.
	Weed-S-04: Fires in moderate to low resilience and resistance sagebrush and wooded scrublands shall be suppressed to prevent an invasive annual grass-fire cycle
	Weed-S05: Treatment methodologies are based on the treatment areas' resistance to annual invasive grasses and the resilience of native vegetation to respond after disturbance: (1) use mechanical treatments (i.e., do not use fire) in areas with relatively low resistance to annuals, and (2) treat areas in early- to mid-phase pinyon-juniper expansion.
	Weed-S06: Annual invasive grasses shall be controlled or suppressed using an integrated strategy.
	Weed-G-01: Require aggressive treatment of new weed or annual grass infestation for any surface-disturbing or other activity that is likely to cause or promote the introduction or infestation and to control the potential spread of noxious and invasive annual grass species.
Wild Horse/Burro	
	WHB-S-01: Appropriate management levels in territories and herd management areas with habitat shall be based on the structure, condition, and composition of vegetation needed to achieve bi-state DPS habitat objectives.
Minerals General	
	Min-S-01: For new and existing leases in habitat, limit offsite noise to less than 10 decibels (dbA) above ambient measures from 2 hours before until 2 hours after sunrise at the perimeter of a lek during active lek season.
	Min-S-02: In habitat, limit offsite noise to less than 10 dbA above ambient measures from 2 hours before until 2 hours after sunrise at the perimeter of a lek during active lek season.
	Min-S-03: Apply timing restrictions in all bi-state DPS habitat areas to avoid construction, drilling, completion, and reclamation activities, including those of exploratory wildcat wells within seasonal habitat periods.
	Min-S-04: Require a full reclamation bond specific to the site. Insure bonds are sufficient for costs relative to reclamation that would result in full restoration in habitat.
	Min-S-05: Camps for workers shall be located outside habitat.

	Min-S-06: In connective area, maintain vegetation characteristics suitable to bi-state DPS to the extent technically feasible.
	Min-S-07: Control fugitive dust on roads and pads.
	Min-S-08: Use areas with prior disturbance to site infrastructure.
	Min-G-01: Concentrate disturbance/facilities to reduce spatial impact to habitat. The intent of the guideline is to minimize disturbance footprint wherever possible.
Fluid Minerals	
	Min-S-09: Require seasonal restriction November 1 to March 1 on geophysical exploration within winter habitats.
	Min-S-10: Require reclamation for geophysical exploration operations to meet bi-state DPS desired conditions.
	Min-S-11: Require reclamation of disturbed areas to meet desired conditions for habitat when facilities are no longer needed or leases are relinquished.
	Min-S-12: Do not authorize new fences unless necessary for safety or environmental protection reasons. If fences are necessary, require a safe design for bi-state DPS (e.g., marking).
	Min-S-13: Require removal of transmission lines and roads that are no longer needed.
	Min-S-14: For fluid minerals do not consent to leasing unless only under no-surface-occupancy stipulations without exceptions, modifications or stipulations.
	Min-S-15: All commercial pipelines shall be buried where possible.
	Min-S-16: Upon expiration or termination of existing leases, do not consent to leasing if inquired by the BLM.
	Min-S-17: Use closed-loop systems for drilling operations, with no reserve pits when technically feasible.
	Min-S-18: Use noise shields when drilling during the lek, nesting, brood-rearing, and wintering seasons.
	Min-S-19: Do not authorize new high-power (120 kV) transmission line corridors, transmission line ROWs, transmission line construction, or transmission line facility construction in habitat outside existing corridors.
	Min-G-02: Allow geophysical exploration to obtain exploratory information for areas outside of and adjacent to habitat to provide continued opportunities outside that would not disturb bi-state DPS habitat.
	Min-G-03: Incorporate mitigation to offset all proposed surface disturbance that would result in loss of habitat. Mitigate first within the same population area where the disturbance is realized, and if not possible, within an adjacent habitat. The intent of this guideline is to move toward desired habitat conditions (Amendment 16, Table 1) when restoring habitat or mitigating disturbance.
	Min-G-04: If the lease is entirely within the habitat, any development should be placed in an area that would be the least harmful to bi-state DPS, primarily through limiting ground disturbance, to minimize the disturbance footprint in habitat.
	Min-S-20: Do not authorize new compressor stations inside habitats.
Solid Leasable Minerals	
	Min-S-21: Do not consent to solid mineral lease in habitat.
	Min-S-22: Request that the BLM not issue permits for solid leasable mineral prospecting or mining in habitat.
	Min-G-05: If new mine facilities must be placed in habitat, then co-locate facilities in existing disturbed areas and authorize them to the minimum size necessary to reduce the disturbance footprint in habitat.
Mineral Materials	
	Min-S-23: Do not authorize new pits or prospecting permits in bi-state DPS habitat.

	Min-S-24: Authorize mineral material use and expansion of existing pits only with no unmitigated net loss of habitat.
	Min-S-25: Where the Federal government owns the surface, and the mineral estate is in non-Federal ownership, require an approved pit development plan
	Min-S-26: Permits for existing mineral material sites shall require an approved pit development operating plan that minimizes impacts to bi-state DPS and other resources.
	Min-S-27: Any contract or permit for mineral material operations, except for disposals from community sites and common-use areas, shall include requirements for reclamation of the site to meet bi-state DPS habitat objectives.
	Min-S-28: Ensure no net unmitigated loss at existing mineral material sites in habitat.
Locatable Minerals	
	Min-S-29: Mitigate long-term negative impacts in habitat from discretionary or nondiscretionary activities to the extent practicable.
Fire Suppression	
	Fire-S-01: Fires in moderate to low resilience and resistance sagebrush and wooded scrublands shall be suppressed to prevent an invasive annual grass-fire cycle.
	Fire-G-01: Do not use fire as a management tool in areas where the risk of escaped fire could cause negative long-term impacts during wildfire situations.
	Fire-G-02: In bi-state DPS habitat areas, prioritize suppression, immediately after life and property, to conserve the habitat during wildfire situations.
	Fire-G-03: Suppress wildfire threatening unburned habitat contained within a broader burn perimeter.
	Fire-G-04: Vegetation treatments should include fuel breaks to provide anchor points for wildland fire suppression to protect areas meeting or moving toward desired conditions to provide protection for habitat that is moving toward or meeting desired condition.
Suppression in Wildland-urban Interface	
	Fire-G-04: Prioritize suppression in the wildland-urban interface to protect life and property over habitat to provide protection for habitat that is moving toward or meeting desired condition.
Fuel Treatments in Sagebrush	
	Fire-S-01: Enhance and restore habitat while reducing the potential for severe wildfires in habitat. The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.
	Fire-S-02: Do not reduce sagebrush canopy cover to less than 15% (Connelly et al. 2000; Hagen et al. 2007) unless a fuels management objective requires additional reduction in sagebrush cover to meet strategic protection of bi-state DPS habitat and conserve habitat quality for the species.
	Fire-G-01: Do not use fire, including brush control, as a management tool in areas where there is threat of cheatgrass invasion, sagebrush areas with less than 12 inches of annual precipitation or 12 inches of soil, or areas where the sagebrush cover would be reduced to less than 15%. The intent is to limit the potential spread of cheatgrass into areas with low resistance and low resilience.
	Fire-G-02: Focus fuels management projects in habitat to reduce wildfire threats. The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.
Prescribed Fire	
	Fire-S-03: To reduce the risk of habitat loss related to management actions do not use fire as a management tool in areas where the risk of escaped fire could cause negative long-term impacts.
	Fire-S-04: Use seed for perennial grasses and forbs adapted to local conditions to increase cover of these species.

	Fire-S-05: Annual invasive grasses shall be controlled or suppressed using an integrated strategy.
	Fire-G-03: Treatment methodologies are based on the treatments areas' resistance to annual invasive grasses and the resilience of native vegetation to respond after disturbance: (1) use mechanical treatments (i.e., do not use fire) in areas with relatively low resistance to annuals, and (2) treat areas in early- to mid-phase pinyon-juniper expansion. The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.
	Fire-G-04: Manage post-treatment areas to increase perennial herbaceous species and minimize secondary weed invasion. (The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.)
	Fire-G-05: Vegetation treatments and post-disturbance restoration should seed and/or transplant sagebrush to restore large patches of sagebrush covers and connects existing patches. The intent of this guideline is to move toward desired habitat conditions (Amendment 16, Table 1) when restoring habitat or mitigating disturbance.
	Fire-G-06: Use fuel breaks and green strips to protect areas with >25% landscape sagebrush cover to provide protection for habitat that is moving toward or meeting desired condition.
	Fire-G-07: Focus fuels management projects in habitat to reduce wildfire threats. The intent is to use fire only where it can do the most good and least harm to meet the purpose of the amendment and be consistent with B-Wild-S-01.

Attachment 2: Bi-state Greater Sage-grouse Habitat Map

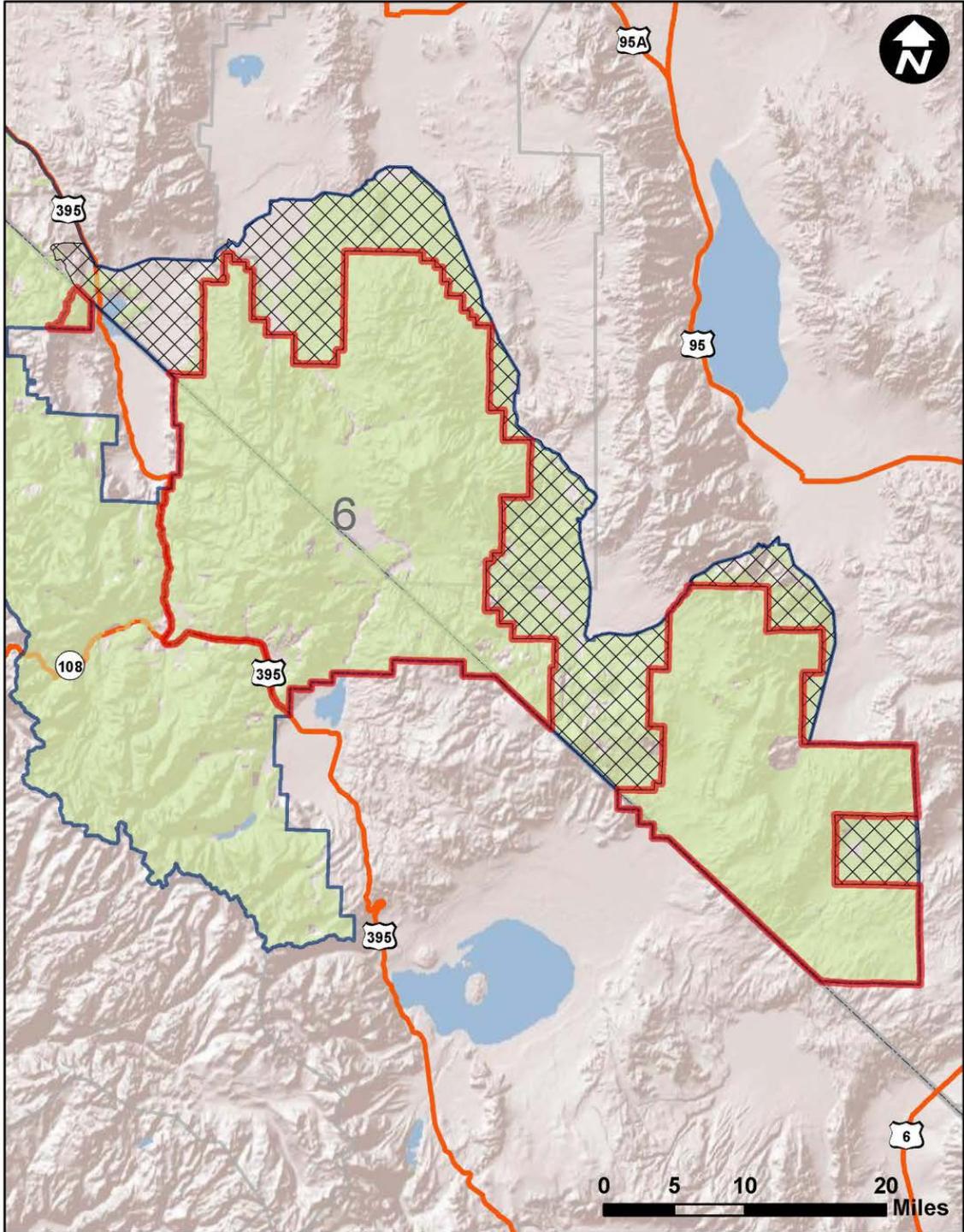


Toiyabe National Forest Land Resource Management Plan Amendment #16 Attachment 2

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Greater Sage-grouse Bi-State DPS Habitat Humboldt-Toiyabe Forest Boundary

Attachment 3: Nevada Enhancement Act Lands



**Toiyabe National Forest Land Resource Management Plan Amendment #16 Attachment 3
Enhancement Act Lands: Bridgeport Addition**

Legend: Humboldt-Toiyabe Forest Boundary Forest Service Land Toiyabe Management Area 6 Added Lands

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