

June 8, 2014

Daniel M. Ashe
Director, U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240
Email: dan_ashe@fws.gov

Dear Director Ashe:

On behalf of the Bi-State Executive Oversight Committee For Conservation of Greater Sage-Grouse (EOC), we are pleased to provide our comments and additional documentation in support of the justifications we made in our request for more review time granted by your agency earlier this year. The EOC is broadly represented with the highest state-level leadership from the Bureau of Land Management, California Department of Fish and Wildlife, Natural Resources Conservation Service, Nevada Department of Wildlife, US Fish and Wildlife Service, US Geological Survey, and USDA Forest Service. The goal of the EOC and all partners working to conserve the Bi-State Distinct Population Segment of the Greater Sage-Grouse (BSDPS) and its habitats is to provide habitat availability and suitability that will support stable to increasing populations of sage-grouse within the BSDPS over the long-term. Further, each partner agency is committed to implementing the Action Plan and providing the necessary resources to do so regardless of the outcome of the Service's listing decision.

The conservation efforts of these agencies, as portrayed in the attached conceptual framework flowchart, and the actions referenced herein, represent a unified and collaborative approach that creatively and constructively addresses the conservation needs for the BSDPS. The flowchart represents the elements of this process relevant to certainty of implementation, certainty of effectiveness, and regulatory mechanisms. We believe the sum of the already-implemented actions and the commitments to implement future actions, including the commitment to provide the resources necessary to undertake these actions, will produce the certainty of implementation and effectiveness that the Service requires to determine a listing is not warranted for the BSDPS.

As mentioned in our request for reopening the comment period, our comments will be focused on two main areas: 1) the request to analyze new science and 2) the refinement of funding and certainty of implementation of the Bi-State Action Plan (Action Plan).

Regarding the new science, there are recent analyses that should be considered. The listing decision was heavily based on population trend data published by Garton et al. (2011). The Garton model used the best information available at that time that included lek count data for the BSDPS through 2007. However, a more integrated approach utilizing demographic data collected from several studies conducted recently within the BSDPS and the addition of newer lek count data collected since 2008 (USGS, unpublished data) provides data for additional portions of the Bi-State population that were not included prior, thus a more holistic population model for the BSDPS. In comparison, Garton et al. (2011) examined only the Mono Lake and South Mono Lake populations that generally correspond to the Bodie Hills and South Mono Population Management Units, respectively, a geographically limited analysis that does not appear to correspond well to the entire BSDPS. The preliminary findings within the USGS report indicate a stable population for the BSDPS as a whole, and importantly indicate that populations

such as the Pine Nuts, Desert Creek, Bodie Hills and Long Valley may be experiencing increases. Analyses indicated that the Fales population is stable and the Parker Meadows population is declining. Note that these analyses are preliminary, but the USGS findings from these analyses will be peer reviewed and published in the very near future.

Relative to the funding and implementation, your proposed rule from the Federal Register indicates that, "... the Bi-State Action Plan, if completely refined and fully implemented, may result in the removal of threats to the Bi-State DPS so that the protections of the Act may no longer be warranted, especially in combination with other actions, including Federal land management agencies' ongoing efforts to ensure regulatory mechanisms are adequate for the DPS". Refinement of the Action Plan has occurred along several important fronts. First, the Technical Advisory Committee (TAC) to the EOC has developed and made use of a science-based conservation planning tool (CPT) that refines priorities and geographic placement to maximize conservation gains, return on investment and increase overall effectiveness. The CPT serves as an iterative component for implementation of the Action Plan that incorporates ongoing monitoring information (i.e., vegetation conditions and sage-grouse population responses) to continually refine implementation schedules and corresponding costs through adaptive management as new information is obtained.

The commitment to fully implement the Action Plan, as refined, is noted in the agency letters detailing resources and timelines that we have attached. The perceived limitation to full implementation has always been the certainty of funding for the Action Plan. The letters provided herein demonstrate a unified commitment that exceeds the resources identified by the Technical Advisory Committee in the Action Plan refinement process (i.e., \$38 million for full implementation of conservation actions currently identified; see Table 1 commitment summary).

Table 1. Commitments of funding from EOC partner agencies for Action Plan implementation and additional Bi-State Greater Sage-Grouse conservation actions.

Source	Amount
Bureau of Land Management	\$6,500,000
Natural Resources Conservation Service	\$12,000,000
USDA Forest Service	\$13,900,000
California Department of Fish and Wildlife	\$2,500,000
Nevada Department of Wildlife	\$3,400,000
US Geological Service	\$400,000
Total Agency Action Plan Commitment	\$38,700,000
Mono County	\$2,200,000
US Fish and Wildlife Service	\$1,000,000
Private Contributions (e.g., landowners, NGOs)	\$3,333,333
Overall Commitment	\$45,233,333

In addition to the agency commitments summarized above, Mono County will spend \$2.2 million to close a landfill that is identified as a threat to nearby sage-grouse populations (i.e., provisioning anthropogenic subsidies for predators). We also understand from verbal communications that the Service will commit at least \$1 million directly on BSDPS implementation efforts. We look forward to seeing the specifics of that commitment and any additional commitments that can be made from the Service to assist in the certainty of implementation. These resource commitments total more than **\$45.2 million** directed for conservation actions to benefit the BSDPS.

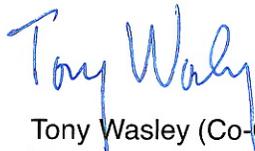
The threat of pinyon-juniper pointed out in the proposed rule is ameliorated through the implementation of the Action Plan, and the additional threats in the proposed rule are addressed in the land use plan amendments. The lead regulatory agencies (BLM and USFS) have provided detailed responses outlining their proposed regulatory changes that will amend existing land use plans and be incorporated in future land use plan revisions for the benefit of sage-grouse and their habitats in the BSDPS. We believe these efforts will ensure that appropriate regulatory mechanisms will be in place to provide adequate conservation measures.

The included support material contain detailed information on the elements mentioned above, including a table of contents outlining the various documents and summaries, a conceptual flowchart of the BSDPS conservation strategy, agency funding commitment letters, a TAC letter referencing the track record of Action Plan implementation to date, a summary of identified risks and associated solutions with scientific support, the 2012 Action Plan with current EOC signature page, the EOC MOU, and additional documents.

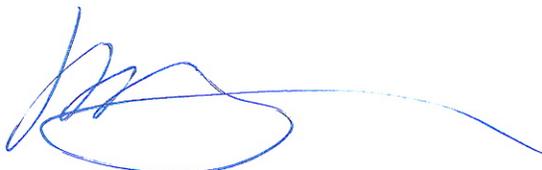
Again, we appreciate the opportunity to respond to the proposed listing decision by the Service. We are confident that the materials provided herein will help the Service to recognize that the science portrays a new picture of population stability, and additional science as well as the funding commitments demonstrate that the BSDPS Action Plan has been refined and will be implemented fully and effectively.

To reiterate, we are committed to this process regardless of the final listing decision from your agency. Please do not hesitate to contact either of us on behalf of the EOC for further clarification.

Sincerely,



Tony Wasley (Co-Chair EOC)
Director
Nevada Department of Wildlife
1100 Valley Road, Reno, NV 89512
775-688-1590



Bill Dunkelberger (Co-Chair EOC)
Forest Supervisor
Humboldt-Toiyabe National Forest
USDA Forest Service
1200 Franklin Way, Sparks NV 89431
775-331-6444