



United States
Department of
Agriculture

Forest
Service

Inyo National Forest

351 Pacu Lane, Suite 200
Bishop, CA 93514
(760) 873-2400
(760) 873-2538 TDD

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Edward D. Koch
State Supervisor
U.S. Fish and Wildlife Service
1340 Financial Blvd.
Suite 234
Reno, NV 89502

Dear Ted,

On December 10, 2013, the Inyo National Forest provided initial comments on the U.S. Fish and Wildlife Service's proposal to list the Greater sage-grouse Bi-State Distinct Population Segment (DPS) as threatened under the endangered species act (enclosed). These comments outlined the current regulatory mechanisms the forest uses to manage for sage-grouse habitat. I would like to provide clarification on these regulatory mechanisms to help further demonstrate how current forest management is addressing threats identified in the proposed rule for the Bi-State sage-grouse.

The Inyo National Forest manages sage-grouse habitat within three Population Management Units (PMUs): Bodie, South Mono, and White Mountains. There are approximately 1,566,515 acres of proposed critical habitat on the Inyo National Forest.

Land and Resource Management Plan

The National Forest Management Act (NFMA) directs each National Forest and Grassland to develop land and resource management plans which provide management direction for resources on the forest or grassland. The Inyo National Forest Land and Resource Management Plan (LRMP) was finalized in 1988 following direction under the 1982 Planning Rule. Section 219.19 of the 1982 Planning Rule states that:

Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.

All management direction within the LRMP must provide for viable populations of fish and wildlife species. The 1982 Planning Rule also required the designation of Management Indicator



Species (MIS). In the 1988 LRMP, the Inyo National Forest designated sage-grouse as a MIS as well as developed specific management direction for sage-grouse. This direction states:

1. *Maintain a shrub canopy cover of at least 20 percent on at least 30 percent of vegetation treatment areas within six miles of known strutting grounds (leks).*
2. *Allow no vegetation treatment in sage-grouse habitat that would have a significant negative impact on this species.*
3. *Recognize the sensitivity of sage-grouse leks during the period from March 1 to April 30. Resolve conflicts in favor of sage-grouse.*
4. *Cooperate with the California Department of Fish and Wildlife (formerly Game) in reintroduction efforts.*

There is also direction within the Range section of the LRMP that states:

Evaluate the potential effect of any range improvement project on fish and wildlife habitat.

Management direction provided in the 1988 LRMP allowed for the maintenance and enhancement of sage-grouse habitat on the Inyo National Forest. Limited operating periods (LOPs) were implemented for projects that may have led to disturbances to sage-grouse during the breeding season. The forest continued to cooperate with the California Department of Fish and Wildlife in conducting lek counts. Vegetation treatments that did occur within sage-grouse habitat included fuel reduction projects such as mowing alongside roads. The amount of treated vegetation never exceeded management direction and resulted in protection of and improvements to sage-grouse habitat.

The 1988 LRMP does not hinder or restrict the forest from implementing habitat improvement, restoration, or maintenance actions within sage-grouse habitat. The LRMP limits the amount of shrub vegetation that can be removed, but does not place limits on the amount of pinyon-juniper or Jeffery pine that can be removed within sage-grouse habitat.

Although our LRMP does not specifically address threats listed in the proposed rule, it does provide for the maintenance, improvement, and restoration of sage-grouse habitat and provides direction against the loss of suitable habitat for vegetation treatments.

Sensitive Species Designation and Project-Level Direction

The Pacific Southwest Regional Forester designated sage-grouse as a sensitive species in 2001. Forest Service policy for sensitive species states that viable populations of all native and desired nonnative wildlife, fish, and plant species will be maintained in habitats distributed throughout their geographic range (FSM 2670.22). We are directed to review programs and activities as part of the National Environmental Policy Act (NEPA) through a biological evaluation, to determine potential effects on sensitive species. Direction also states that we need to avoid or minimize impacts to species whose viability has been identified as a concern (FSM 2670.32). The designation of sage-grouse as a sensitive species ensures that we would manage habitat to maintain viable populations and that through the NEPA process we determine the significance of

impacts at the project-scale. Viability determinations are made based on current population data for the analysis area, which can include the entire Bi-State DPS, multiple PMUs, or individual PMUs.

Since 2001 the forest has evaluated the impacts to sage-grouse viability for 25 projects. These projects ranged from vegetation treatments, to livestock grazing permit reissuance, and special use permit authorizations. The majority of these projects (twenty) included direct impacts to sage-grouse through disturbances to individuals during implementation. The LRMP standard LOP was implemented in all cases to reduce the impacts to sage-grouse. In some cases this LOP was extended to also include the nesting season (livestock grazing permits).

The remaining five projects resulted in some level of habitat manipulation or disturbance, with only a small portion of actual habitat removal (1.5 acres) for placement of new power poles or other installations. All new power line structures required the placement of raptor deterrents. One fuels reduction project in the June Lake area (South Mono PMU) would result in prescribed burning treatment of 930 acres of sage-grouse proposed critical habitat. These treatments would be 1-10 acres in size and monitored to determine invasive plant species presence and sagebrush recovery after treatment. Richard Perloff, wildlife biologist, contacted Erin Nordin from the U.S. Fish and Wildlife Service regarding these treatments both before and after the proposed listing decision. Ms. Nordin concurred with his determination that the project implementation would not adversely affect sage-grouse or proposed critical habitat and indicated that there was no need for conferencing (Email to project file dated November 4, 2013).

In all 25 projects the determination was made that individual sage-grouse may be impacted, but the overall project would not lead towards federal listing or a loss of viability.

Additional project-level direction that has aided in sage-grouse habitat improvement includes the 2009 Weed Eradication and Control Environmental Assessment. This document allows the forest to conduct noxious weed eradication and control within sage-grouse habitats. This has led to a decrease in the amount of noxious weeds within sage-grouse habitat on the forest.

Interim Management Policy

The 1988 LRMP does not provide management direction for all activities that occur within sage-grouse habitat, including livestock grazing, mining, energy development, or special uses. Through project-level NEPA the forest can implement mitigation measures to either eliminate or reduce impacts to sensitive species or other species of concern (migratory birds, local species of interest, etc.). The forest recognized that for many similar projects, such as livestock grazing permit reissuance or vegetation treatments, there needed to be consistency across the forest in implementing mitigation measures within sage grouse habitat. The forest developed and implemented the Sage-Grouse Interim Management Policy in 2012 (see enclosure). This interim policy provides management direction for livestock grazing, wildfires, vegetation management, mineral and energy development on the forest.

The Interim Management Policy addresses several threats listed in the proposed rule, such as: wildfires, grazing, rangeland management, disease, mining, and renewable energy. The forest

has implemented the interim direction for wildfires by providing and ensuring all fire personal attends sage-grouse training during fire refresher courses; training sagebrush/sage-grouse habitat resource advisors; and prioritizing fire suppression actions, rehabilitation efforts, and fuels treatments to reduce sagebrush habitat loss or type conversion. The livestock grazing direction addresses both the breeding and nesting seasons; establishes key areas for monitoring meadow or upland habitats; calling for all water developments to be drained when not in use to reduce the threat of West Nile Virus; and limiting building of range improvements near leks. Mineral and energy developments have not occurred on the Inyo National Forest and there are currently no proposals for such activities within sage-grouse habitat, therefore the forest has not yet implemented the guidelines for these activities.

Land and Resource Management Plan Revision

The Inyo National Forest will be revising our LRMP under the new 2012 Planning Rule. As an "early adopter" of this new planning rule the forest has identified sage-grouse management as something that needs to be revised from the current LRMP. The 2012 Planning Rule directs the forests to determine at-risk species, which includes those federally listed as threatened, endangered, or proposed for listing, as well as a new designation of Species of Conservation Concern. Due to the current status of sage-grouse as proposed for listing, this species will become an at-risk species and the revised plan will include specific management direction for sage-grouse. The revised management direction will address the current threats to the species and, where feasible and applicable, our revised plan will be consistent with the Bi-State Sage-Grouse Plan Amendment being developed by the Humboldt-Toiyabe National Forest and the Bureau of Land Management, Carson Field Office. The revised plan will also take into consideration our Interim Policy. The Final Environmental Impact Statement and Record of Decision are scheduled for completion in September, 2016.

Sincerely,



EDWARD E. ARMENTA
Forest Supervisor

cc: Steve Abele
Enclosures