

Bi-State Distinct Population Segment of Greater Sage-Grouse Proposed Listing Comments – Designated Critical Habitat (Docket No. FWS-R8-2013-0042)

- 1) *The reasons why we should or should not designate habitat as “critical habitat” under section 4 of the Act (16 U.S.C. 1531 et seq.), including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat may not be prudent.*

The Forest agrees that critical habitat should be designated for the Bi-State DPS.

- 2) *Specific information on:*
 - a. *The amount and distribution of the Bi-State DPS’s habitat;*
 - b. *What areas, that were occupied at the time of listing (or are currently occupied) and that contain features essential to the conservation of the DPS, should be included in the designation and why;*
 - c. *The features essential to the conservation of the Bi-State DPS as described in the Physical and Biological Features section of this rule, in particular the currently unsuitable or less than suitable habitat that accommodates restoration identified in the Bi-State Action Plan (i.e., actions HIR1-1-PN, HIR-1-2-PN, HIR1-1DCF, HIR1-2-DCF,HIR1-1-MG,HIR1-1-B, AND HIR1-3-SM) (Bi-State Technical Advisory Committee (TAC) 2012, pp. 93-95).*
 - d. *Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change and;*
 - e. *What areas not occupied at the time of listing are essential for the conservation of the DPS and why.*

Many efforts have been made to map suitable sage-grouse habitat. The most recent mapping of suitable habitat conducted by the USGS (Priority Habitat) was the first complete Bi-State suitability map, meaning it crossed all jurisdictions. The Forest felt that this map was the most accurate of where suitable habitat occurred for the Bi-State DPS. The current proposed critical habitat map expanded this area by including many acres of unsuitable habitat that, as defined, could become suitable in the future if habitat improvement projects occurred there; however, due to the current mapping many areas of Phase III pinyon were identified. Phase III pinyon includes areas where the cover of pinyon has led to a reduction in understory species such as grasses and sagebrush. These areas are not suitable for pinyon removal, as the recovery of native understory species is highly unlikely. If these areas remain mapped as critical habitat, we are concerned that this can be misleading to the public and other interested parties and they would assume habitat improvement projects would occur in these areas.

We would like to work with you in identifying the true pinyon woodlands on the Inyo National Forest and recommend that they are removed from consideration as critical habitat. Based on the pinyon expansion mapping we conducted as part of our assessment phase of Forest plan revision, approximately 116,170 acres of proposed critical habitat includes Phase III pinyon stands. We have provided the spatial information used in making this determination. For reference, some of the more noticeable areas include (See Figures 1 through 3):

- South Mono PMU

- Portions of the eastern portion of the Glass Mountains and near the Casa Diablo area (Figure 1)
- South Mono/Bodie PMU
 - Adobe Mountain area (Figure 2)
- White Mountain PMU
 - Truman Meadow area (Figure 2)
 - Eastside of the White Mountains in the Trail Canyon to Marble Creek areas (Figure 3)

Figure 1 Areas where Phase III pinyon has been identified within Proposed Bi-State Sage-Grouse Critical Habitat in the South Mono PMU

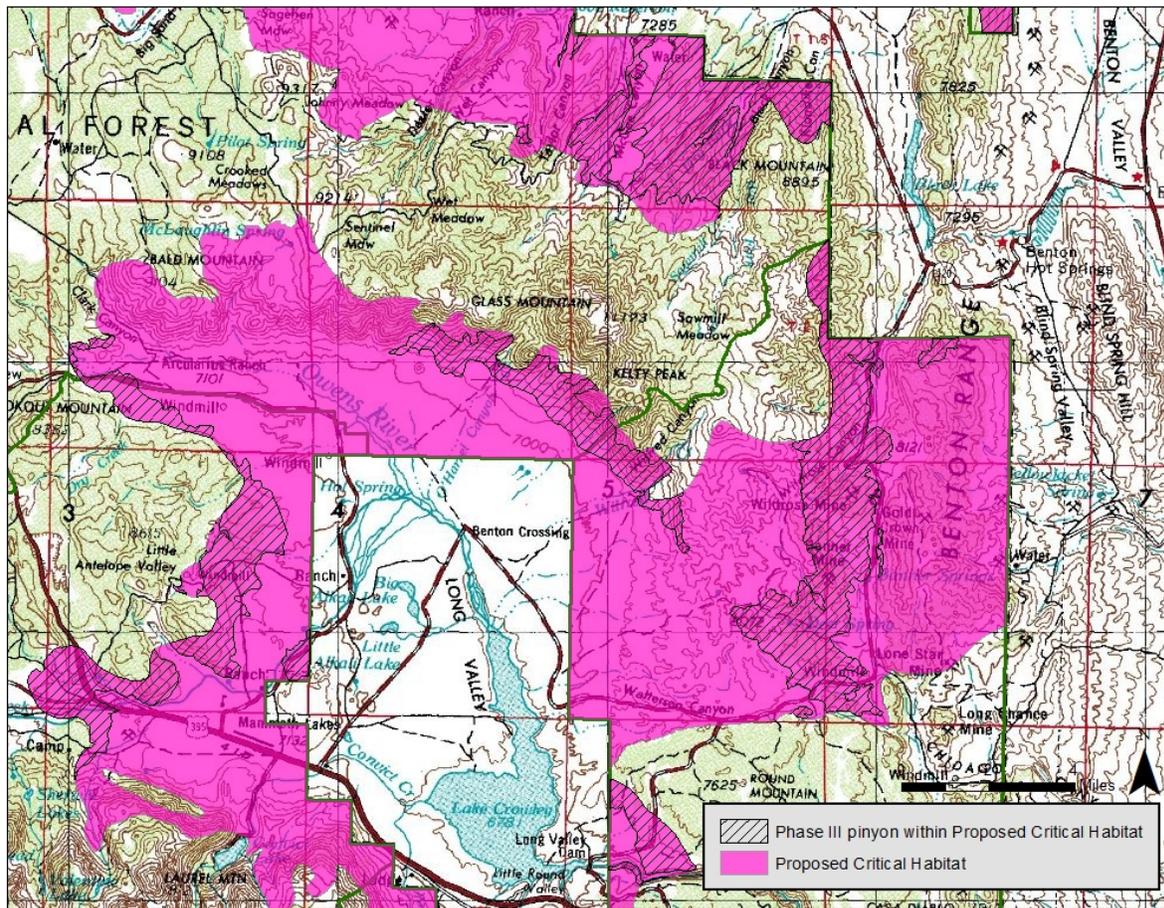


Figure 2 Areas where Phase III pinyon has been identified within Proposed Bi-State Sage-Grouse Critical Habitat in the South Mono, Bodie, and White Mountain PMUs

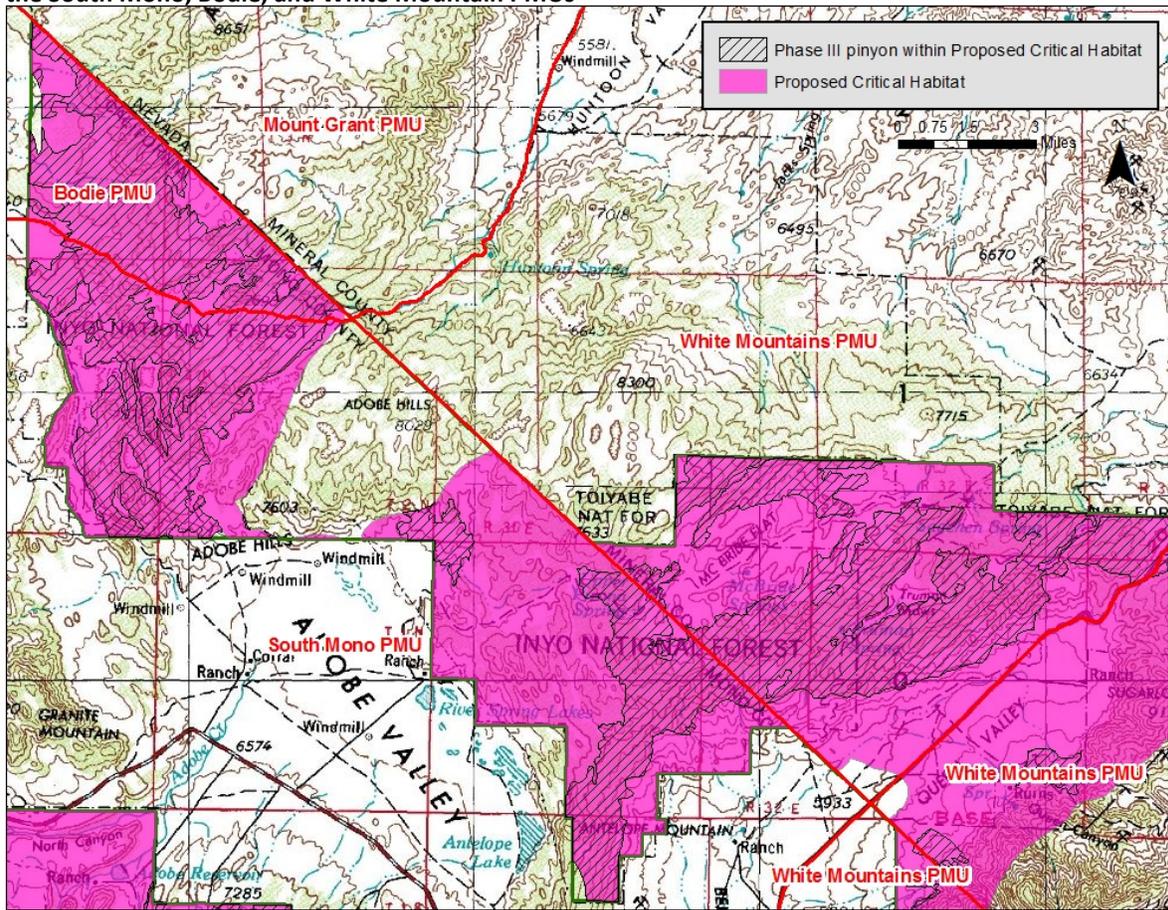
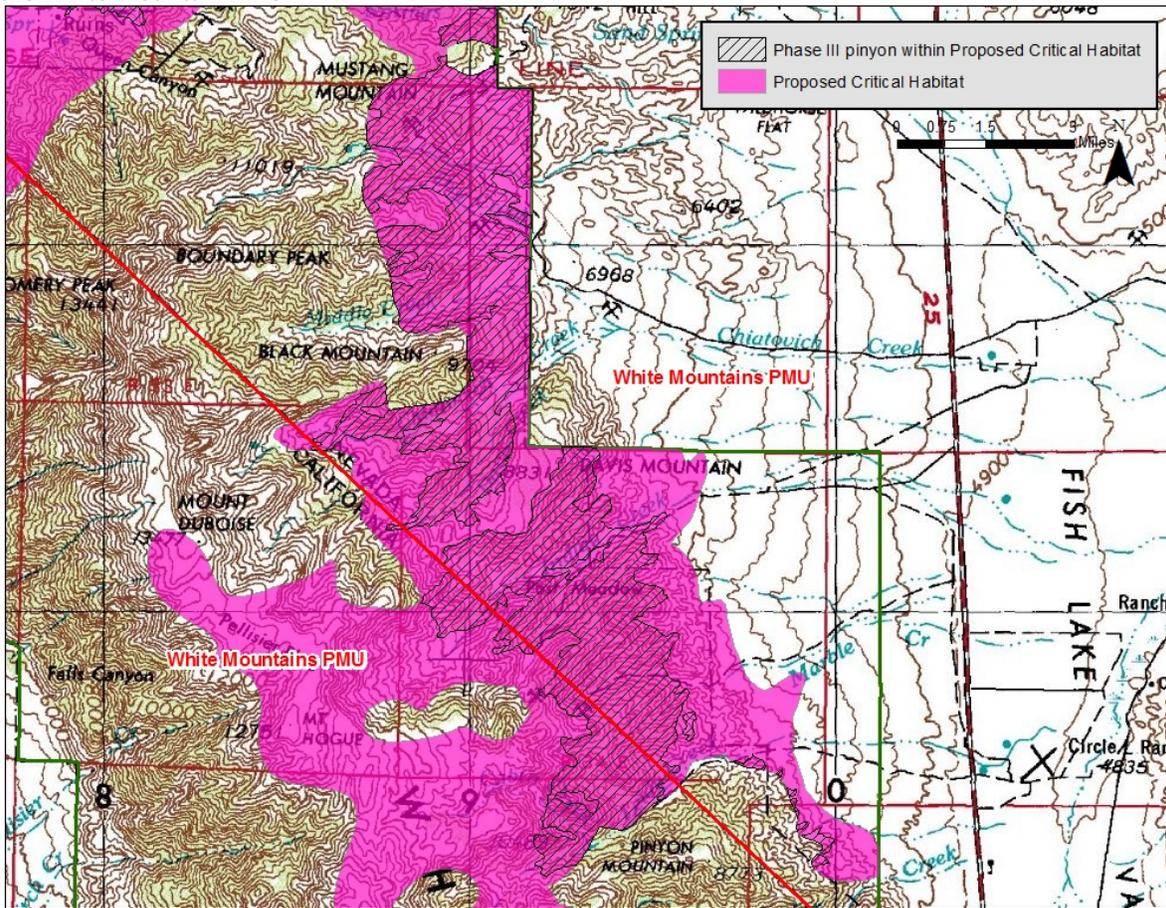


Figure 3 Areas where Phase III pinyon has been identified within Proposed Bi-State Sage-Grouse Critical Habitat in the White Mountain PMU



3) *Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.*

The designation of critical habitat will add a substantial workload to both Inyo NF employees as well as the Service. We are in agreement of the importance of designated critical habitat, but the consultation process that would result from this listing, especially given the examples of activities which may lead to adverse modification of critical habitat (page 64341), adds a workload that may hinder conservation efforts.

On August 28, 2013 the Forest received a letter from the Service requesting information regarding the proposal of critical habitat for the Bi-State DPS and the economic impacts that would occur with this proposed designation. At the time this letter was received, it stated that the proposed critical habitat designation would cover 1,881,414 acres; this is less acreage than is being currently proposed in the Proposed Rule. The Forest did provide a response to this letter and stated that consultation would increase with the designation of critical habitat, the cost of projects may increase due to the additional time needed to consult, and implementation of conservation projects may be extended due to consultation. We are still concerned about the amount of time, funding, and potential delays that may occur with the implication that all conservation efforts may lead to adverse modification and therefore

formal consultation. We look forward to working with the Service in determining ways we can conserve sage-grouse and critical habitat allows these activities to happen in a timely manner.

The activities listed which may lead to adverse modification include those that: 1) are part of conservation efforts, such as sagebrush improvements conducted through mowing or prescribed fire; 2) may protect sagebrush from threats such as wildfire; and 3) are everyday activities that occur on the Forest such as motorized and non-motorized recreation. We understand that the language in the proposal says “may affect” critical habitat, but to give a list of activities that include those listed in the Bi-State Action Plan as conservation actions seems overstated. These projects, such as sagebrush improvements, would have short-term effects, but they are being proposed and implemented to maintain or improve sage-grouse habitat. The workload associated with having to consult due to adverse modification of critical habitat for all the conservation actions listed in the Bi-State Action Plan would be overwhelming and hinder conservation efforts. The Forest would like to continue working with you on refining this list of actions in order to best meet the conservation needs of the Bi-State DPS.

- 4) *Information on the projected and reasonably likely impacts of climate change on the Bi-State DPS and proposed critical habitat.*

The Forest has assessed that climate change may continue to allow for pine expansion, both Jeffery and pinyon, into sagebrush ecosystems. Climate change may also aid in the invasion of cheatgrass into sagebrush systems, especially after wildfires. Proposed critical habitat does identify those areas which, although not currently occupied by sage-grouse, may contain potential habitat; these areas may remain important as climate change continues to affect the sagebrush ecosystem.

- 5) *Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation; in particular, we seek information on any impacts on small entities or families, and the benefits of including or excluding areas that exhibit these impacts.*

We have no additional information to provide.

- 6) *Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act, in particular lands managed or utilized by the Department of Defense (U.S. Marine Corps’ Mountain Warfare Training Center) and by the Los Angeles Water and Power District (LAWPD).*

The Forest would like to request, as with the proposed 4(d) special rule, that conservation actions listed in the Bi-State Action Plan and other actions that would lead to the conservation of sage-grouse, be excluded from adverse modification determinations. If this cannot be achieved, then the Forest would like to continue working with you on how to resolve the overwhelming workload that will occur if all conservation actions are determined to lead to adverse modification based on the list of activities in the Proposed Rule.

The Forest is concerned with the exclusion of Los Angeles Water and Power District (LAWDP) lands, particularly those that occur in the Long Valley, Parker Creek, and Rush Creek areas. The irrigated pasture/meadow systems in Long Valley offer the most suitable brood-rearing habitat for sage-grouse in the South Mono PMU. The South Mono PMU identified the importance of irrigation in the Long Valley area for sage-grouse and that irrigation should emphasize maintaining sage-grouse habitat. LAWPD has

stated that they currently manage their irrigation in the Long Valley area according to livestock operations and not necessarily on sage-grouse use (Communication during South Mono PMU meeting 09/17/2013). LAWDP lands at Parker and Rush Creeks in the Parker Meadow area may also offer suitable brood-rearing habitat, but information on sage-grouse use in these areas is limited. If these lands are excluded from critical habitat designation the Forest would like to see the mechanisms that would be implemented to ensure irrigation continues to maintain sage-grouse brood-rearing habitat on LAWDP lands.

- 7) *Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.*

The designation of critical habitat can be confusing to the public and cause for concern regarding their use of public lands. We recommend the Service continue to work with the local public and potentially use the Local Working Group in aiding public awareness of what the designation of critical habitat means. Emphasis on explaining the Primary Constituent Elements would be helpful for the public to understand what portions of critical habitat the Service is most concerned about conserving.



Inyo National Forest Service

Sage-grouse Interim Management Policy

Introduction

Sage-grouse (*Centrocercus urophasianus*) were designated as a Pacific Southwest Region sensitive species in 2001 (Regional Forester Letter dated March 12, 2001). In 2002 the Inyo National Forest began participating in a local working group for the Bi-State area (western Nevada and eastern California). In 2004 the *Greater Sage-Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California* was completed and outlined priority projects to address sage-grouse; emphasizing maintaining, improving, and restoring sage-grouse habitat in the Bi-State area. The Bi-State area is divided into Population Management Units (PMUs) representing meta-populations. The majority of the PMUs are located on lands managed by the Humboldt-Toiyabe National Forest, Bridgeport Ranger District; Bureau of Land Management (BLM) Bishop, Carson, Tonopah, and Ridgecrest Field Offices; Inyo National Forest, Mono Lake, Mammoth, and White Mountain Ranger Districts. The following table displays the management agency for each PMU.

Table 1 Land Management Agency for each Population Management Unit

PMU	Land Management Agency
Pine Nuts	Carson BLM
Desert Creek/Fales	Bridgeport RD, Humboldt-Toiyabe NF
Sweetwater	Bridgeport RD, Humboldt-Toiyabe NF
Mt. Grant	Bridgeport RD, Humboldt-Toiyabe NF and Carson BLM
Bodie	Bishop BLM and Bridgeport RD, Humboldt-Toiyabe NF
South Mono	Bishop BLM and the Mono Lake and Mammoth RDs, Inyo NF
White Mountains	Tonopah and Ridgecrest BLM and White Mountain RD, Inyo NF

In 2010 the U.S. Fish and Wildlife Service (USFWS) determined that the greater sage-grouse was warranted for listing, but precluded because of higher priorities (Federal Register March 23, 2010). In this listing decision the USFWS also determined that the Bi-State area sage-grouse met the criteria to be designated a Distinct Population Segment (DPS) and is now referred to as the greater sage-grouse Bi-State DPS. The USFWS determined both the western-wide population of greater sage-grouse and the Bi-State DPS were warranted, but precluded from listing. USFWS gave the western-wide population a priority ranking of 7, and the Bi-State population a ranking of 3.

The finding identified the following four threats for the Bi-State DPS:

Present or Threatened Destruction, Modification, or Curtailment of Habitat or Range

Urbanization, infrastructure (fences, powerline, and roads), mining, energy development, grazing, invasive and exotic species, pinyon-juniper encroachment, recreation, wildfire, and the likely effects of climate change were the major threats to habitat in the Bi-State area. USFWS acknowledged that individually, any one of these threats appears unlikely to severely affect persistence across the entire Bi-State DPS. Cumulatively, however, these threats interact in such a way as to fragment and isolate populations.

Disease and Predation

Disease (West Nile virus) and predation facilitated by fences, powerlines, and roads, are threats in the Bi-State area. However, the impact is thought to be relatively low and localized at this time compared to other threats. Predation in Long-Valley has been noted as a high threat to sage-grouse within this PMU.

Inadequacy of Existing Regulatory Mechanisms

The 2010 finding states that existing regulatory mechanisms appear to be implemented in a manner that is inconsistent with life history requirements, reaction to disturbances, and currently understood conservation needs. Existing regulatory mechanisms are ineffective at ameliorating habitat-based threats and may not be able to address certain threats such as disease, drought, and fire.

Other Natural or Manmade Factors Affecting the Species' Continued Existence

USFWS found the small size and relative isolation of the Bi-State population to be problematic. When coupled with mortality stressors due to human activity and significant fluctuation in annual population size, long-term persistence of small populations is always problematic.

In response to a recent settlement agreement regarding the potential listing of more than 200 candidate species, the USFWS is scheduled to issue a final rule regarding listing of the Bi-State DPS by September 2013. In order to respond to the USFWS's request for information for their finding, and to address the threats discussed in the finding, the Bi-State Local Working Group was given direction by the Executive Oversight Committee (EOC) to update the 2004 Bi-State Plan with completed projects for sage-grouse and propose any new projects which would address the risks listed by the USFWS. In March, 2012 the *Bi-State Sage-Grouse DPS Action Plan* was completed and included a list of projects which specifically address the four threats listed above.

Purpose of the Forest Policy

As described above, the USFWS found that there was an inadequacy of existing regulatory mechanisms regarding the management of sage-grouse and sage-grouse habitat. The United States Department of Interior, Bureau of Land Management, issued a national Interim Management memo directing management of sage-grouse on lands administered by the BLM. This national direction did not include the Bi-State DPS. The Washington Office of the Forest Service is currently working on a Letter of Direction outlining management of sage-grouse habitats. It is unknown when this letter will be issued or whether it will address the Bi-State DPS. In order to address this risk an objective of the Bi-State Action Plan was to improve regulatory effectiveness and consistency for discretionary agency actions that may

affect the Bi-State DPS and its habitats. Actions under this objective included developing and issuing interim BLM and USFS guidance designed to increase the regulatory effectiveness and consistency for Federal land management actions and continue coordinating and informally conferring with state wildlife agencies and the USFWS when evaluating Federal land management actions within Bi-State DPS sage-grouse habitats. This Forest-wide policy implements the actions addressed in the Bi-State Action Plan for regulatory mechanisms and uses the best available science and information regarding management of sage-grouse habitat.

Forest Service Manual Direction

Forest Service Manual (FSM) Direction addresses Forest Service management for threatened, endangered, proposed, and sensitive species. The following lists direction which is followed for management of sage-grouse and sage-grouse habitat. The Inyo NF Interim Policy is consistent with Forest Service Manual Direction.

FSM 2570.12 U.S. Department of Agriculture Directives

Departmental Regulation 9500-4

- Avoid actions “which may cause a species to become threatened or endangered.”

FSM 2670.22 Sensitive Species

- Develop and implement management practices to ensure that species do not become threatened or endangered because of Forest Service actions.
- Maintain viable populations of all native and desired nonnative wildlife, fish, and plant species in habitats distributed throughout their geographic range on National Forest System lands.
- Develop and implement management objectives for populations and/or habitat of sensitive species.

FSM 2670.3 Policy

2670.32 – Sensitive Species

- Establish management objectives in cooperation with the states when projects on National Forest System lands may have a significant effect on sensitive species population numbers or distribution. Establish objectives for federal candidate species, in cooperation with the FWS or NOAA Fisheries and the states.

Sage-Grouse Policy

This policy applies to any proposed project located within the sage-grouse Bi-State DPS priority habitat as identified on the Priority Habitat Map (Figure 1) approved by the Bi-State Technical Committee and EOC.

Guidelines are given for the following resources: administration, coordination, livestock grazing, wildfire, vegetation management, and mineral and energy development.

ADMINISTRATION

- 1) A project screening tool (Attachment A) will be used during the development or consideration of a proposed project within sage-grouse habitat.** This tool is an initial screening to assist line officers in understanding the potential of effects to sage-grouse or sage-grouse habitat for projects which do not require a Biological Evaluation (as determined by the internal scoping document).

COORDINATION

Coordination between state game and fish and other federal agencies is essential for determining the level of impact each project may have on sage-grouse and sage-grouse habitat.

- 1) The California Department of Fish and Game, Nevada Department of Wildlife, and the U.S. Fish and Wildlife Service (Reno and Ventura Offices) will be offered the opportunity to coordinate during project development and be contacted during the public scoping process for all projects occurring within sage-grouse habitat.**
- 2) Coordination will also occur as directed by the project screening tool.**

LIVESTOCK GRAZING

In order to reduce disturbance to sage-grouse from livestock grazing operations the following guidelines will be implemented:

- 1) Livestock grazing will not be authorized during the breeding season (March 1st to May 1st).**

Livestock grazing during this period increases the risk of disturbance to sage-grouse and may lead toward abandonment of a lek site.

- 2) Livestock grazing will not be authorized during the nesting season (May 1st to June 15th).**

Livestock grazing during this period increases the risk of disturbance to sage-grouse and may lead toward destruction of nest sites or abandonment of nests.

- 3) Continue to monitor key areas in allotments with sage-grouse habitat. Key areas will be established if no key areas exist in meadow or upland habitats where sage-grouse occur. Continue to use Amendment 6 of the Inyo National Forest Land and Resource Management Plan (1988).**

Following Amendment 6 of the Inyo National Forest Land and Resource Management Plan (LRMP) establishes grazing utilization standards based on watershed and vegetation conditions. These conditions also address sage-grouse habitat in that if the vegetation present is identified as a key species for that key area then suitable vegetation is present for sage-grouse.

- 4) Any water developments within sage-grouse habitat will be drained during the off-season so they do not create a vector for West Nile Virus.**

West Nile Virus has been documented within sage-grouse populations in Mono County. This disease has the potential to affect sage-grouse on both the local-level and population-level. Preventative measures will be implemented to reduce the likelihood of a West Nile Virus outbreak where possible.

- 5) Avoid building new fences within sage-grouse habitat. If fences are needed, and they occur within two miles of an active lek they will be constructed as a let-down fence. Let-down fences are the most effective at preventing mortality to sage-grouse. If let-down fences are not feasible then fences will have Mylar streamers placed on them to increase visibility to sage-grouse.**
- 6) Any new proposed salting, supplemental feeding locations, livestock watering and handling facilities (corrals, chutes, dipping vats, etc.) will not be located on sage grouse strutting grounds.**

WILDFIRE

Wildfire continues to threaten sage-grouse habitat through the direct loss of sagebrush and the potential introduction of noxious or invasive weeds. Following Bi-State Action Plan actions the following guidelines will be addressed within sage-grouse habitat.

- 1) A weed-washing station will be established on every wildfire within sage-grouse habitat where large equipment is used.**
- 2) The dispatch systems and protocols will be updated annually to include line officer and resource advisor notifications and requirements for all wildland fire incidents within and immediately adjacent to known occupied and potential sage-grouse habitats in the Bi-State area.**
- 3) Resource advisor kits will be updated annually to include the most recent information specific to sage-grouse populations and habitats within the Bi-State area to insure the DPS and its**

habitat area adequately protected.

- 4) Sagebrush and sage-grouse habitat awareness training will be developed and provided to federal fire personnel in the Bi-State area during required annual fireline refreshers. Training will focus on sagebrush habitat identification, basic sagebrush habitat ecology, and initial attack strategies and tactics designated to minimize long-term impacts to sagebrush ecosystems.
- 5) An interagency cadre of sagebrush/sage-grouse habitat resource advisors (READs) will be established to support fire suppression, burned area emergency rehabilitation (BAER), and fuels management projects in the Bi-State area.
- 6) Fire suppression actions, fire rehabilitation efforts, and fuels treatments will be prioritized to minimize sagebrush habitat loss or type conversions in and immediately adjacent to known occupied and potential sage-grouse habitats in the Bi-State area.
- 7) Wildfire prevention activities and programs will be increased in and adjacent to known occupied and potential sage-grouse habitats in the Bi-State area.
- 8) Pro-active fuels treatments will be implemented. These can include projects such as mowing along roads which would increase the defensibility of sage-grouse habitat during suppression activities or maintaining fuel breaks surrounding sage-grouse habitat.

VEGETATION MANAGEMENT

Vegetation management within sage-grouse habitat must implement the following guidelines ensure disturbance to sage-grouse is limited or eliminated and project objectives either: maintain, improve, or restore sage-grouse habitat.

- 1) Vegetation treatments will not occur during the breeding season (March 1st to May 1st).
- 2) Vegetation treatments will not occur during the nesting season (May 1st to June 15th).
- 3) An adaptive management strategy will be used when conducting vegetation treatments within sage-grouse habitat. Treatment methods and intensities will be determined based on the condition of past treatments. Conditions to monitor for include, but are not limited to: noxious or invasive plant species presence, native understory presence, sagebrush presence, and sage-grouse use.
- 4) Any vegetation treatment within sage-grouse habitat will be primarily designed for maintaining, improving, or restoring sage-grouse habitat. Projects can include removal of

pinyon/juniper or Jeffery pine, treatment of noxious or invasive weeds, restoration of understory forbs and grasses, or increasing the seral diversity of sagebrush stands.

MINERAL AND ENERGY DEVELOPMENT

Mineral and energy developments can cause not only disturbances to sage-grouse, but lead toward a loss of suitable habitat. The following guidelines will be implemented for all proposed mineral and energy exploration and development projects.

- 1) Mineral and energy development projects will not occur during the breeding season (March 1st to May 1st).**
- 2) Mineral and energy development will not occur during the nesting season (May 1st to June 15th).**
- 3) Mineral and energy development will not occur within two miles of an active lek.**
- 4) Powerlines needed for energy development projects will contain anti-perch techniques to reduce the suitability for raptor and raven perches. Powerlines will not be located within two miles of breeding habitat or run through suitable nesting habitat.**
- 5) Wind energy development projects will follow the direction given in Chapter 70 of the Wind Energy Uses portion of the Special Uses handbook (FSH 2709.11) and Chapter 80 of the Wildlife Monitoring at Wind Energy Sites portion of the Wildlife and Fisheries Program Management Handbook (FSH 2609.13). The U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines (March 23, 2012) will also be used.**

**Sage-Grouse Project Screening Tool
Inyo National Forest**

Project Name: _____

Project Leader: _____

Project Description: _____

Project Location: _____

This screening tool is to be completed by a wildlife biologist when a proponent presents a new project. This tool is an initial screening to assist line officers in determining whether to accept a proposal or for projects which do not require a Biological Evaluation (as determined by the internal scoping document).

Step 1 Determine if the project occurs within sage-grouse priority habitat

Priority habitat was identified for the Inyo National Forest and management actions within this habitat may have potential impacts on sage-grouse.

Does the project occur within sage-grouse priority habitat?

_____ NO, no further analysis is needed.

_____ YES, continue to Step 2.

Step 2 Determine potential impacts to sage-grouse

The following eight criteria were developed to help determine how the proposed project may impact sage-grouse and sage-grouse habitat. Place a checkmark on each of the criteria that could be impacted by the proposed project.

- _____ **Disturb sage-grouse nesting or breeding activities**
- _____ **Alter distribution of sage-grouse**
- _____ **Adversely modify or fragment sage-grouse habitat**
- _____ Increase risk of predation

- _____ Increase risk of noxious weeds or other invasive plant species
- _____ Create new barriers or hazards
- _____ Increase traffic speed
- _____ Increase risk of West Nile Virus

The three criteria in **bold** are considered a higher priority that may have a direct impact to the overall viability of the Bi-State sage-grouse population or priority habitat. The other criteria, while potentially impacting individual sage-grouse, may not necessarily lead toward loss of viability or loss of priority habitat. All criteria are important to address and should not be overlooked because they are not in bold.

Step 3 Level of Impact

If a checkmark is placed within one of the three priority criteria (those in **bold**) then the deciding official should begin conversations with the wildlife biologist to determine the level of negative impact the proposed project may have. Projects which may lead to these impacts may, 1) mean a higher level of NEPA is required, 2) the regulatory agency may scrutinize projects with these impacts, or 3) be more expensive to implement or mitigate. These discussion topics are to help inform the deciding official before accepting the project.

If the other criteria are checked, discussions still need to occur with the wildlife biologist, but mitigations may be more feasible and determination of impacts would not necessarily be as negative as within the priority criteria.

Step 4 Wildlife biologist's signature

This form is not complete until signed by a wildlife biologist.

Wildlife Biologist

Date



Forest
Service

Inyo National Forest

351 Pacu Lane, Suite 200
Bishop, CA 93514
(760) 873-2400
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File Code: 2670
Route To:

Date: December 10, 2013

Subject: Proposed Listing of the Bi-State Sage-Grouse

To: Regional Forester

Enclosed please find the Inyo National Forest's response to your request sent on November 12, 2013 for the Proposed Rule to list the Bi-State Distinct Population Segment (DPS) of Greater sage-grouse as threatened under the Endangered Species Act as well as the Proposed Rule to Designate Critical Habitat.

The Inyo National Forest has participated in the conservation of the Bi-State sage-grouse since 2002 when the Bi-State Local Working Group was established. The Forest has implemented many actions identified in both the 2004 Greater Sage-Grouse Conservation Plan for the Bi-State Area of Nevada and Eastern California and the 2012 Bi-State Action Plan, which were developed by the Bi-State Local Working Group. The Forest has worked cooperatively with the California Department of Fish and Wildlife, Nevada Department of Wildlife, and the U.S. Fish and Wildlife Service in developing design features to minimize impacts to sage-grouse when they occur in sage-grouse habitat on the Forest.

The Forest's response to the Proposed Rule for the Bi-State DPS sage-grouse addresses:

- 1) Inconsistencies between the 2012 Bi-State Action Plan and the Proposed Listing in regards to significant threats to the population. Livestock grazing is listed as a significant threat in the Proposed Listing, which is not consistent with the Local Area Working Group's assessment of threats in the Bi-State area.
- 2) Provides additional information in regards to Jeffery and pinyon pine expansion into sage-grouse habitat on the Inyo National Forest. During the development of the Forest's Assessment Report, spatial information from the Potential Range of Variability and Terrestrial Ecological Unit Inventory was used to estimate the amount of pinyon and Jeffery pine expansion into suitable sage-grouse habitat.
- 3) Clarifications to the regulatory mechanisms that administer management on the Inyo National Forest. We provided clarifications on management of sensitive species and how the Forest's Interim Sage-Grouse Management Policy allows for consistency of sage-grouse management until the Forest's revised Land and Resource Management Plan is completed.
- 4) Asks the Service for a continued partnership in refining designated critical habitat so this designation represents the most suitable sage-grouse habitat. And



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- 5) Highlights the additional workload and time required for proposed projects in sage-grouse habitat if adverse modification definitions are not changed in the Final Rule. The Service defines projects which may lead to adverse modification to sage-grouse critical habitat and these include all activities that would conserve habitat, such as pinyon removal and sagebrush treatments.

The Inyo National Forest will continue to work with the Bi-State Local Working Group, State agencies, other partners, and the Service in conserving sage-grouse on the Inyo National Forest.

/s/ Edward E. Armenta
EDWARD E. ARMENTA
Forest Supervisor

cc: Patricia A Krueger
Richard Perloff