

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

June 9, 2014

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

RE: US Fish & Wildlife Service Public Hearing on the Bi-State Distinct Population Segment (DPS) of Greater Sage-Grouse Proposals

Dear Mr. Koch:

The purpose of this letter is to provide supplemental information regarding Mono County's Bi-State Action Plan efforts, and highlight relevant new information as a companion to the Mono County Board of Supervisor's comments presented by Chairman Johnston at the U.S. Fish and Wildlife Service's public hearings in May, 2014. Mono County continues to actively participate in the Local Area Working Group (LAWG) and multi-agency efforts to refine and implement the 2012 Bi-State Action Plan (Plan), and conserve Bi-State DPS populations and habitat. Collectively, these efforts meet the U.S. Fish and Wildlife Service's policy for the evaluation of conservation efforts (PECE) by assuring implementation and demonstrating effectiveness, and therefore a listing of the Bi-State DPS is not necessary. **This letter summarizes our completed and proposed work, and commits \$5.9 million in implementation funding (Attachment 1).**

Mono County's completed and/or ongoing work includes the following:

Actions MER2-7 through MER2-11: Secure conservation easement or agreement with willing landowners in various Mono County locations.

- Mono County convenes a meeting of agencies to discuss landownership adjustment projects on a quarterly basis, and hosted a meeting specific to Bi-State DPS projects on May 5, 2014. This group will continue to meet regularly and coordinate opportunities, funding, and interested landowners.
- Through day-to-day interactions with landowners via phone, webpage, and at permit counters in Bridgeport and Mammoth the County disseminates informational material, offers suggestions/guidance, and occasionally makes contact with willing landowners.
- Ongoing costs of \$5,000 annually is fully funded.

Action MER3-12: Provide educational opportunities to landowners about the importance of sage-grouse habitat and the need to reduce predation caused by pets in areas where sage-grouse occur.

- Mono County has and will continue to assist with LAWG educational events.
- Discretionary permits in sage-grouse areas include conditions for restraining pets.
- The County maintains an Animal Control office that provides educational outreach services to pet owners and enforcement of County leash laws in sage grouse habitat areas.
- Ongoing costs of \$5,000 annually is fully funded.

Actions RAM5-1A and B: Develop and implement a standardized spatial and tabular database to collect and store all greater sage-grouse conservation related project work occurring in the Bi-State area.

- Mono County worked with the Bureau of Land Management (BLM) Bishop Field Office to initiate database development, and will continue to assist as requested.

Action MSI2-1: Conduct workshops to provide information about programs available to assist ranchers and other private landowners that may be interested in the implementation of sage-grouse conservation projects and to explore opportunities for cooperative conservation of sage-grouse in the Bi-State area.

- Mono County coordinated and hosted a public LAWG workshop on the Natural Resource Conservation Service's (NRCS's) Working Lands for Wildlife Program, and the proposed 4(d) Rule and critical habitat on May 27, 2014.
- Mono County is outreaching on Bi-State DPS issues to private property owners and agricultural operators through the Resource Conservation District, Inyo-Mono Agricultural Commissioner's office, Regional Planning Advisory Committees, and local land trust.
- Ongoing costs of \$5,000 annually is fully funded.

Mono County's projects in progress or anticipated for the future include the following:

Action IRM2-1: Coordinate with Mono County to develop and incorporate sage-grouse conservation guidance into applicable plans and programs.

- A multi-agency meeting to discuss mitigation strategies and measures was held on April 24, 2014.
- An update of General Plan policies specific to the Bi-State DPS conservation will be reviewed with RPACs, Planning Commission, county departments and interested agencies and landowners in late 2014, and adoption is anticipated by late 2015.
- These projects are fully funded at \$50,000.

Action MER3-2: Identify and prove an alternate location for the Mono County landfill and work towards removing the existing landfill out of the Long Valley portion of the South Mono PMU.

- A closure plan and funding program for 2023 is under development and will include raven mitigation measures. Various options for site relocation and operation reconfiguration have been identified.
- Non-lethal raven deterrents are being employed with measures to reduce attractants/subsidies.
- \$2+ million in closure costs is currently funded, and approximately \$6 million is expected to be funded by 2023. Additional costs for the closure / raven mitigation plan are anticipated at about \$5,000/yr.

Action MER3-11: Install "grouse crossing" signs at strategic locations along the Owens River Road in the Long Valley portion of the South Mono PMU where birds are known to roost and road kills have been documented.

- Mono County will assist with the placement and installation of signs in Mono County's right-of-way.
- Up to \$5,000 is fully funded by Mono County/BLM Bishop.

In addition, Mono County has been advocating with Congressional Representatives and other government officials for up to \$38 million in new federal appropriations to implement the Plan (see Attachments 2 and 3). Congressman Paul Cook, in particular, has been very helpful, submitting Mono County's request to the federal budget process. Congressmen Mark Amodei and Mike Simpson; Senators Dianne Feinstein, Barbara Boxer, Harry Reid and Dean Heller; and Governors Jerry Brown and Brian Sandoval have also been contacted. Concurrently, federal land managers such as the BLM, US Forest Service, and NRCS have been working within their respective agencies to secure the necessary funding. The NRCS has largely secured its share of federal funding through the recently passed Farm Bill, and the other agencies are making progress.

Collectively, the projects and funding efforts by all Bi-State DPS cooperators provide **assurance of implementation**. The recently released *Update and Preliminary Findings for Great Sage-Grouse Integrated Population Model in the Bi-State Distinct Population Segment* (May 27, 2014), which coincides with the Bi-State Action Plan implementation period of 2002-2012, concludes the "population growth rate could not be distinguished from a stable population for all sites, except Parker Meadows" and provides **assurance of effectiveness**. Taken together, all the efforts combined with biological data demonstrate **the Bi-State Action Plan is clearly meeting the PECE policy and a listing of the Bi-State DPS is not necessary**.

Thank you for taking the time to consider this additional information. Please contact Analysts Wendy Sugimura, 760.924.1814 and Brent Calloway, 760.924.1809 if you have questions regarding these comments.

Sincerely,



Scott Burns
Director

Attachments:

1. Mono County ten-year implementation timeline and funding commitments
2. Preservation Plan
3. Funding Request

CC: Congressman Paul Cook
Senator Dianne Feinstein
Senator Barbara Boxer
State of California, Governor Brown
State of Nevada, Governor Sandoval
USFS, Humboldt-Toiyabe National Forest
California State Association of Counties (CSAC)

Town of Mammoth Lakes
Rural County Representatives of California (RCRC)
County of Alpine
BLM, Bishop Field Office
USFS, Inyo National Forest
County of Inyo

ATTACHMENT 1

Mono County Ten-Year Implementation Timeline and Funding Commitments

Fiscal Year	Activity	Action Plan #	Activity/Restoration Goals	Cost Estimates
COMPLETED PROJECTS				
	Implementation: Human Disturbance	MER 2-7 thru 2-11	Bi-State DPS meeting on private land projects and regular agency coordination, daily contacts	N/A
	Implementation: Human Disturbance	MER 3-12	Landowner education: LAWG workshop, use permit conditions, animal control enforcement	
	Monitoring	RAM 5-1A & B	Geodatabase and spreadsheet data collection and organization	
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	
FUTURE/ONGOING PROJECTS				
FY 13-14	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$2M
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Incorporate sage-grouse conservation guidance into applicable Mono County plans and programs	\$20,000
FY Subtotal				\$2,040,000
FY 14-15	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$270,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Incorporate sage-grouse conservation guidance into applicable Mono County plans and programs	\$20,000
	Implementation: Infrastructure	MER 3-11	Reduce road kills by installing "grouse crossing" signs	\$5,000
FY Subtotal				\$315,000
FY 15-16	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$270,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Incorporate sage-grouse conservation guidance into applicable Mono County plans and programs	\$10,000

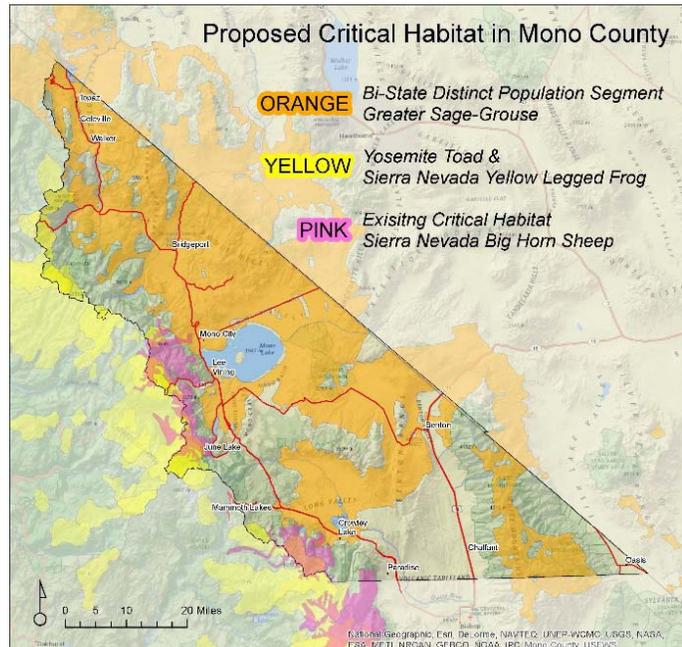
FY Subtotal				\$305,000
FY 16-17	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$270,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Implement sage-grouse conservation policies in applicable Mono County plans and programs	\$10,000
FY Subtotal				\$305,000
FY 17-18	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$270,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Implement sage-grouse conservation policies in applicable Mono County plans and programs	\$10,000
FY Subtotal				\$305,000
FY 18-19	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$270,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Implement sage-grouse conservation policies in applicable Mono County plans and programs	\$10,000
FY Subtotal				\$305,000
FY 19-20	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$270,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Implement sage-grouse conservation policies in applicable Mono County plans and programs	\$10,000
FY Subtotal				\$305,000
FY 20-21	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$600,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000

	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Implement sage-grouse conservation policies in applicable Mono County plans and programs	\$10,000
FY Subtotal				\$630,000
FY 21-22	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$600,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Implement sage-grouse conservation policies in applicable Mono County plans and programs	\$10,000
FY Subtotal				\$630,000
FY 22-23	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$600,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Implement sage-grouse conservation policies in applicable Mono County plans and programs	\$10,000
FY Subtotal				\$630,000
FY 23-24	Implementation: Human Disturbance	MER 2-7 thru 2-11	Maintain private lands and associated sage grouse habitat values, minimize risk of future development	\$5,000
	Implementation: Infrastructure	MER 3-2	Relocate/remove existing landfill in S. Mono PMU	\$100,000
	Implementation: Infrastructure	MER 3-2	Landfill closure & raven mitigation plan, raven deterrents and reduction of subsidies/attractants	\$5,000
	Implementation: Human Disturbance	MER 3-12	Educate landowners on value of sage-grouse habitat and reduce predation by pets.	\$5,000
	Implementation: Stakeholder Involvement	MSI 2-1	LAWG workshop, outreach to private property owners	\$5,000
	Implementation: Improve Regulatory Mechanisms	IRM 2-1	Implement sage-grouse conservation policies in applicable Mono County plans and programs	\$10,000
FY Subtotal				\$130,000
TEN YEAR FUNDING TOTAL				\$5,900,000



Bi-State Distinct Population Segment of Greater Sage-Grouse Preservation Plan

The US Fish and Wildlife Service (Service) is proposing to list the Bi-State distinct population segment of Greater Sage-Grouse as threatened, and designate approximately **1.87 million acres** of critical habitat in Carson City, Lyon, Douglas, Mineral, and Esmeralda Counties in Nevada, and Alpine, Mono, and Inyo Counties in California. In Mono County, the proposed critical habitat designation covers **82% of privately-owned lands**. Although private land comprises only 6% of the County’s land base, it generates \$16.2 million (45%) of the General Fund revenues for local public services. We must work collaboratively across federal, state and local agencies to find an alternative to this listing. The proposed action on sage-grouse will have devastating implications for Mono County.



Mono County has worked actively with multiple state and federal agencies, private property owners, and other key stakeholders in the Bi-State Local Area Working Group (LAWG) to seek a means to prevent this devastating listing. Since 2004, this effort has implemented long term conservation actions for sage-grouse in the Bi-State area, and supported the development of the *2012 Bi-State Action Plan for Conservation of the Greater Sage-Grouse Bi-State Distinct Population Segment* (Bi-State Action Plan).

The Bi-State Action Plan is an exemplary model of collaboration among all stakeholders, all of whom have committed time, effort, and resources to preserve sage-grouse. Unfortunately, these voluntary efforts are insufficient due to lack of committed funding.

Resources are required to avoid the listing and Agency managers refined the Plan for a cost of \$37.9 million over five years (see attachment). The Federal Register Notice (Vol. 58, No. 208, p. 64377) states, “...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 protections of the Act may no longer be warranted...” Conversations with Service staff clarified that “fully implemented” includes ensuring adequate funding to implement agreed-upon conservation actions developed in the Action Plan. Mono County would contribute an additional \$2.2 million over the next five years, and \$5.7 million by 2023, through the closure of a landfill, reconfiguration of solid waste operations, and land use policy updates, for a total cost of \$40.7 million in five years.

This collaborative conservation model reflects a best practice to protect a sensitive species as envisioned by the Endangered Species Act. A listing would undermine good-faith efforts and create an overly regulatory, ineffective program. The result will be frustrated stakeholders and a less effective effort to save the species.

Resource agencies and local government would request continued engagement with all stakeholders to focus limited resources on conservation actions that will benefit the sage-grouse, rather than taking a defensive position to protect ourselves from future private property takings claims and other litigation; property tax loss; and devastation to the agricultural economy, the second largest sector in Mono County.

Therefore, **we are requesting \$7.6 million/year for the next five years be allocated to fund the Bi-State Action Plan.**

Contact: Scott Burns, (760) 924-1807, Wendy Sugimura, (760) 924-1814, Brent Calloway, (760) 924-1809.

Attachment: Bi-State Sage-Grouse Preservation Plan 5-Year Cost Estimate

Action Item	<i>Sub-total (5-year Costs):</i>	Mono County Match
Science Advisor & Conservation Planning Tool	\$1,325,000	
Interagency Wildfire Management	\$250,000	
Urbanization Abatement (Conservation Easements)	\$12,880,708	
Infrastructure/Human Disturbance ¹	\$517,100	\$2,700,000
Pinyon and Juniper Encroachment	\$12,991,843	
Disease and Predation	\$250,000	
Wild Horse Management	\$1,250,000	
Small Populations (DPS Translocations)	\$750,000	
Habitat Improvement	\$641,039	
Habitat Improvement & Restoration	\$895,000	
Improve Regulatory Mechanisms		\$50,000
Maintain and Improve Stakeholder Involvement		\$50,000
Total Direct Costs:	\$31,750,690	
NEPA Related Costs (25% for applicable actions):	\$3,944,471	
Effectiveness Monitoring Costs (15% for applicable actions):	\$2,179,182	
Total Planning/Implementation/Monitoring Costs:	\$37,874,343	
with Mono County match	\$40,674,343	

The funding request is for Federal agencies, such as the US Forest Service and Bureau of Land Management, to implement their portions of the Bi-State Action Plan, which is available from <http://www.regulations.gov/#!documentDetail;D=FWS-R8-ES-2013-0042-0007>. Specific projects that will be enabled by this funding are located on pages 81-101.

¹ \$5.7 million match from Mono County by 2023.



Bi-State Distinct Population Segment of Greater Sage-Grouse Federal Appropriations Request

Date: April 2014

To: Congressional Representatives of the United States

The Endangered Species Act (Act) is quickly becoming a leading issue across the United States. In California and Nevada, we are seeing the potentially devastating impacts from multiple species listings and the constraining burden of new regulations, driven by an aggressive litigation settlement timeline. The Bi-State distinct population segment of Greater Sage-Grouse is currently proposed for designation of critical habitat and listing as threatened under the Endangered Species Act, with a decision due late this year.

Local landowners and agencies, including Mono County, working for over a decade in collaboration with state and federal agencies which include the Bureau of Land Management, United States Forest Service, and the United States Fish and Wildlife Service, have developed a proactive, cost-effective plan to prevent a listing. This 2012 Bi-State Action Plan (Plan), if funded, would ensure the policy objectives of the Act are achieved, namely saving a species, while also ensuring the viability of local economies. We are asking for your support through a supplemental appropriation.

We request a \$30,043,639 million supplemental appropriation for habitat conservation programs detailed in the Plan (see attached). This Plan has been fully vetted, reflects stakeholder and agency commitment, and over the next five years will provide the science-based protections required to justify a not to list.

The funding necessary to implement the plan in the next five years totals \$30,043,639, after deducting funding available to the National Resources Conservation Service (NRCS) through the recently passed Farm Bill. These funds would be apportioned for the U.S. Forest Service (\$16,135,021), Bureau of Land Management (\$6,352,099), U.S. Fish and Wildlife Service (\$5,967,808), U.S. Geological Survey (\$1,325,000), and Department of Defense (\$263,711). We have verified these needs with Nevada and California agencies, and attached is the project-specific spreadsheet identifying costs as well as a one-page project description which reflects the needed investment strategies.

When compared to the \$2 billion going to Lake Tahoe and billions going to Sacramento Bay Delta, this small investment will create a return on investment of federal dollars along with effectively achieving policy goals. In fact, already matching funds totaling just under \$3 million have been identified from Mono County (\$2.8 million) and the Department of Defense (\$168,000).

Finally, this potential critical habitat designation and listing could impact the training ability of our nation's armed forces. The Hawthorne Army Depot and 82% of the Marine Corps Mountain Warfare Training Center's usage training areas are located within proposed critical habitat.

Please join us in supporting a model conservation effort that restores the true spirit of the Endangered Species Act, protects local economies, and provides a real solution to a growing problem facing public and private lands.

Note: For brevity, the attachment to this document (pages 81-101 of the 2012 Bi-State Action Plan) were not included.