



National Association of Conservation Districts

December 28, 2017

The Honorable Tony Tooke
Chief, U.S. Forest Service
National Forest Service
1400 Independence Avenue, SW
Washington, D.C. 20250

John Shivik
Wildlife Biologist
USDA Forest Service Intermountain Region
Federal Building, 324 25th St
Ogden, OR 84401

Submitted via regulations.gov: https://www.regulations.gov/document?D=FS_FRDOC_0001-2681

Re: Notice of Intent to prepare an environmental impact statement that could warrant land management plan amendments to Greater Sage-Grouse land management plans.

Chief Tooke and Mr. Shivik,

The National Association of Conservation Districts (NACD) represents the 3,000 locally-led conservation districts across the country that assists millions of landowners and operators in managing and protecting natural resources on private and public lands. Established under state law, conservation districts are local units of government that share a single mission: to work cooperatively with the private sector and federal, state, and other local resource management agencies to provide world-class conservation assistance.

Conservation districts work with millions of cooperating landowners and operators to help manage and conserve land and water resources on all private lands and many public lands in the United States. With respect to habitat conservation practices, many conservation districts employ wildlife and range staff to assist both private landowners and land management agencies with wildlife habitat needs. This assistance includes recognizing the greatest threats to the species and supporting on-the-ground habitat conservation for multiple species.

Historically, NACD has been an active conservation partner for the U.S. Department of Agriculture (USDA) and the U.S. Forest Service (USFS). From the early days of the Sage Grouse Initiative (SGI) until today, NACD and local conservation districts have participated in scoping hearings and public comment periods to provide technical input regarding the effectiveness of voluntary conservation practices on the ground.

In 2014, NACD submitted comments to USDA regarding the development of USFS' Greater Sage-Grouse Land Use Plan Amendments. Our comments stressed the importance of local expertise and input in the development of the plans and can be found [here](#). The decision in 2015 by the U.S. Fish and Wildlife Service to find a "not warranted" decision for the Greater Sage-Grouse was a result of one of the largest land conservation efforts in U.S. history. One of the major contributors to that decision was the commitment to sound conservation practices based on locally-led initiatives, voluntary participation and funding assistance for local landowners and operators.



NACD's commitment to sound conservation practices was why we were pleased to learn in 2015, that SGI was being renewed with an investment of \$211 million through 2018. By 2018, SGI will have assisted in conserving an estimated 8 million acres of sage-grouse habitat.

This past March, the U.S. District Court of Nevada ruled that the USFS had violated the National Environmental Policy Act (NEPA) and ordered the agency to conduct a supplemental Environmental Impact Statement (EIS) of its 2015 Sage-Grouse Land Management Plans for National Forests in Idaho, Montana, Nevada, Utah, Colorado, and Wyoming. It is with this EIS process that NACD submits the following comments.

NACD recognizes that the Greater Sage-Grouse is a high priority species whose status can be reconsidered in 2020. NACD also recognizes that it is critical to preserve sage-grouse habitat while also protecting local communities and the productivity of the lands surrounding them that they are reliant on. Prior to the finalization of the 2015 Sage-Grouse Plans, local governments had devoted hundreds of hours over several years, working with a diverse group of stakeholders to develop their local land use and recovery plans. In many cases the 2015 Sage-Grouse Plans rejected the work of these local stakeholders, the same ones who had come together initially to prevent the need for an ESA listing of the species and whose input must be considered to avoid a future listing.

One issue that comes up often when local districts are communicating with landowners is the now infamous grazing guidelines (When discussing BLM plans commonly referred to as table 2.2), which discusses the seasonal habitat objectives for Greater-Sage Grouse. "During the breeding and nesting season, perennial grass height should be allowed to grow to at least or maintained at a height of 7 inches."¹ Idaho, Montana, and Utah are instructed to maintain that height until June 15. Nevada and Wyoming are required to maintain that height until June 30. The 7-inch decision was based on scientific studies at the time which showed that this height provided essential concealment cover to protect nesting GRSG from predation. The plan also states that "grazing guidelines may be adjusted based upon local ecological site capability. Drought and degraded habitat condition should not be used to adjust table values."²

Since the release of the 2015 Sage Grouse Plans, new studies have shown the importance of a supplemental EIS. In 2016, a study conducted out of the University of Nevada-Reno suggested that the correlation between grass height and nest success could instead be due to a built-in bias in timing of when vegetation is measured around hatched and failed nests.³ Another study, published in November 2017, sought to further test the 2016 study and looked at 1,204 sage-grouse nests over 24 study site-years across the range of the Greater Sage-Grouse.⁴

¹ Greater Sage Grouse, Record of Decision for Idaho and Southwest Montana, Nevada and Utah. P.31

<https://www.fs.fed.us/sites/default/files/sage-grouse-great-basin-rod.pdf>

² Ibid.,

³ Gibson, D., Blomberg, E. J. and Sedinger, J. S. (2016), Evaluating vegetation effects on animal demographics: the role of plant phenology and sampling bias. *Ecol Evol*, 6: 3621–3631. doi:10.1002/ece3.2148

⁴ Smith JT, Tack JD, Doherty KE, et al. Phenology largely explains taller grass at successful nests in greater sage-grouse. *Ecol Evol*. 2017;00:1–9. doi:10.1002/ece3.3679



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When re-analyzed, the data showed that grass height is not nearly as crucial to the success of sage-grouse nesting as had previously been indicated and was a result of timing bias. The studies suggest that the common practice of measuring grass height around nests directly after nest failure or hatch can lead to a false positive correlation. The new findings show the importance of a supplemental EIS and the inclusion of sound scientific data.

While the 2015 Sage Grouse Plans include range-wide disturbance caps, we can support disturbance only when they are based on the best available science, with deference to development of any caps by state and local governments—including conservation districts—and with flexibility to allow cap adjustments according to updated data and/or science. Currently, habitat condition tables have general requirements that are virtually the same across the Western United States. However, growing conditions and site potentials differ greatly throughout these vast areas. Habitat guidelines need to be science-based and site-specific.

The desired habitat conditions tables should be removed from the plans and site-specific metrics developed based on site-specific data should be used as a replacement. Under the 2015 Sage Grouse Plans, lek buffer restrictions dramatically increased in size and breadth and should be reviewed during the EIS. There is no single distance that is appropriate for the entire population and habitat across the range. Decisions on distance should be allowed to be flexible based on local conditions using local working group developed guidelines that assess the specific topography and vegetation surrounding the lek.

In addition to supporting the use of cooperative rangeland monitoring and utilization of ecological site descriptions, NACD supports the use of aggressive use of wildfire suppression and pre-suppression fuels management on public lands. Many factors contribute to a species' declining population; however, the impacts of invasive species on the rangeland are a growing concern. The use of native species is important to restore degraded rangelands when possible. Nonnative species should be used when necessary to stabilize sites from invasive species threats. It is important to develop a streamlined process to provide timely use of Temporary Non-Renewable Grazing Animal Unit Months (AUMs) for targeted and strategic grazing of fire-prone invasive species. NACD encourages USFS, while conducting the EIS, to focus on methods to control piñon-juniper and other invasive encroachment into sage-grouse habitat.

NACD is focused on providing local-based management practice that can be beneficial for the species, land and the economies of the local areas. Thank you for the opportunity to submit comments on the notice to conduct an Environmental Impact Statement on the Greater Sage-Grouse Land Management Plans. We look forward to continuing to work with the U.S. Forest Service to provide possible improvements to the plans and practice conservation methods on the ground.

Sincerely,

Brent Van Dyke
NACD President