



WESTERN RANGE SERVICE

RANGE MANAGEMENT CONSULTANTS ♦ ESTABLISHED 1968 ♦ AL STENINGER, PRESIDENT

Bureau of Land Management, Interior:
Scoping process – public comments
for greater sage-grouse planning

Sent as an attachment via e-mail to:
blm_sagegrouseplanning@blm.gov

Western Range Service Comments and Recommendations to Restore Sanity to Greater Sage-Grouse Planning

Prepared in response to the
***Notice of Intent to Amend Land Use Plans Regarding Greater
Sage-Grouse Conservation and Prepare Associated Environmental
Impact Statements or Environmental Assessments***¹

November 29, 2017 Prepared by Quinton J. Barr, Western Range Service Consultant
Approved by Al Steninger, Western Range Service President

Dear GSG Planning Team:

Western Range Service respectfully submits its comments and recommendations regarding the October 11, 2017 *Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements or Environmental Assessments* (“2017 NOI”)¹, referenced above. Included within the text or endnotes of our comments are citations to specific sections of the 2017 NOI and relevant associated documents that support our findings. Many of our citations include hyperlinks to the referenced material.

Western Range Service is a range consulting firm that has been in business since 1968. Many of our long-term clients and prospective new clients have been or will be negatively affected by the BLM 2014/2015 Land Use Plan Amendments (“LUPAs”) concerning greater sage-grouse conservation affecting at least 10 western States. In fact, the LUPAs negatively impact most economic interests across the entire range of the greater sage-grouse, increasing the regulatory cost and burden to conduct natural resource related activities, both commercial and recreational, by significantly impeding or restricting such activities, and will severely impact other businesses important to the western economy.

The purpose for the Environmental Impact Statements (“EISs”) foundational to the LUPAs identified in a December 9, 2011 Notice of Intent (“2011 NOI”)² was “to avoid a potential listing under the Endangered Species Act.” The EISs and LUPAs completely failed to actually address the stated purpose by analyzing if the greater sage-grouse met the qualifications for listing as either endangered or threatened under the Endangered Species Act (“ESA”)³. Instead, the EISs and LUPAs were constructed upon the false assumption that listing was warranted unless extra conservation measures were implemented. Impartial analysis demonstrates that the greater sage-grouse does not meet the criteria to be listed as endangered or threatened, so there was no need to change land use plan direction that existed before the LUPAs were approved because the identified purpose was already met. Thus, the scope of the 2017 NOI regarding greater sage-grouse conservation should begin with an analysis to see if the original purpose, to avoid an ESA listing, could be achieved by vacating each of the LUPAs and reverting back to the previous land use plan direction.

GREATER SAGE-GROUSE STATUS (THE HEART OF THE ISSUE)

The 2017 NOI states that the BLM “seeks input on planning criteria, which include compliance with laws and regulations and adequacy of Greater Sage-Grouse conservation measures in the land use plans.” See 2017 NOI¹, page 3. The 2014/2015 LUPAs fail to conform to the requirements of the 1973 ESA, but rather impose conservation measures for greater sage-grouse under the umbrella of the ESA when the species actually fails to meet the qualifications to be listed as either an “endangered species” or a “threatened species” under the Act.

The 2011 NOI stated that the overall purpose behind the whole (BLM and USFS) greater sage-grouse conservation effort was “to incorporate consistent objectives and conservation measures for the protection of greater sage-grouse (into land use plans)... in order to avoid a potential listing under the Endangered Species Act.” See 2011 NOI², page 77009, underlined emphasis added. Likewise, the *Nevada and Northeastern California* Draft LUPA/EIS confirmed that the purpose of the regional greater sage-grouse conservation effort was specifically tied to the desire to avoid listing the species under the ESA, and the *Idaho and Southwestern Montana* Draft LUPA/EIS tacitly acknowledged the overall purpose by recognizing that the “effort responds to the USFWS’s 2010 Finding”.

In order to fulfill such an overall purpose, the BLM had a fundamental obligation to evaluate whether the greater sage-grouse meets the criteria of the ESA as an “endangered species” or as a “threatened species” under the land use plan direction that was in place before the LUPAs were approved. During the NEPA process that resulted in the 2014/2015 LUPAs, the BLM failed to undertake any such evaluation. Instead, the LUPAs and their underlying EISs were constructed upon the false assumption that listing was warranted (and even likely) unless extra conservation measures were implemented through land use plan amendments. To the extent that the false assumption is derived from regulations, rules, or policies that drive a finding that the greater sage-grouse is warranted for listing under the ESA when available evidence demonstrates that the species does not meet the definition of an “endangered species” or a “threatened species” under the Act (as discussed in detail below), such regulations, rules, or policies themselves fail to conform to the ESA and must not be allowed to stand.

Under the ESA, the term “endangered species” means “any species which is in danger of extinction throughout all or a significant portion of its range”, and the term “threatened species” means “any species which is likely to become an endangered species within the foreseeable future...”. See ESA³, definitions (6) and (20). Thus, the criteria to qualify as an “endangered species” under the ESA requires the risk of imminent extinction in the immediate future, while the criteria to qualify as a “threatened species” requires the risk of becoming “endangered” in the foreseeable future.

The LUPAs and their associated EISs failed to analyze if the greater sage-grouse meets the ESA definitions for listing as either endangered or threatened and thus failed to meet the overriding purpose stated for the whole greater sage-grouse conservation effort. To evaluate whether the greater sage-grouse presently meets the criteria to be listed as endangered or threatened under the ESA, at least three questions must be answered:

- 1] How many greater sage-grouse are needed to safeguard the species against imminent extinction or eventual extinction in the foreseeable future?

- 2] Do recent greater sage-grouse population numbers and trends put the species at risk for imminent extinction?
- 3] Do recent greater sage-grouse population numbers and trends put the species at risk for eventual extinction in the foreseeable future?

The U.S. Fish and Wildlife Service (“FWS”) provided the information required to answer Question 1] above in its 2010 FWS Findings which identified greater sage-grouse populations below 50 breeding adults “as being at short-term risk of extinction” and populations below 500 breeding adults “as being at long-term risk for extinction.” See FWS Findings⁴, page 13959. The FWS further qualified that the minimum effective population needed to protect the species long-term may be as high as 5,000 individuals in order to “maintain an effective population size of 500 birds” (see, FWS Findings⁴, page 13985).

The FWS also deduced that a minimum effective population size may need to be as high as 5,000 individuals in order to maintain minimal “viable population(s)” (see, FWS Findings⁴, pages 13959 and 13985). Thus, a population that exceeds 50 breeding adult birds is needed to safeguard greater sage-grouse against the short-term risk of imminent extinction, and as many as 5,000 individual birds may be needed as a minimum effective population to safeguard the species against the risk of eventual extinction in the foreseeable future.

The FWS also provided information required to answer Question 2] above. The FWS Findings estimated that the recent range-wide greater sage-grouse population totals well over 500,000 birds, more than 10,000 times larger than the 50 breeding adults needed to safeguard the species against the risk of imminent extinction (and more than 100 times larger than the minimum effective population of 5,000 birds). See FWS Findings⁴, Table 4, page 13921. All eleven of the locations reported in Table 4 greatly exceed a population of 50 breeding adults. Likewise, given the estimated number of males by Management Zone reported in Table 6 of the FWS Findings (see FWS Findings⁴, page 13923) and the female skewed sex ratio for greater sage-grouse (reported to average about two females per male, FWS Findings⁴, pages 13916 and 13992), it is evident that all seven Management Zones greatly exceed a population of 50 breeding adults. Thus, all eleven state/regional locations and all seven Management Zones exceed the population size below which greater sage-grouse are considered to be at risk for imminent extinction, so there are at least seven to eleven areas that support sufficient populations to prevent greater sage-grouse from presently being listed as an “endangered species” under the ESA.

Finally, the FWS provided information required to answer Question 3] above. Seven of the locations reported in Table 4 and five of the Management Zones reported in Table 6 of the FWS Findings greatly exceed a minimum effective population of 5,000 birds below which greater sage-grouse are considered to be at risk for eventual extinction in the foreseeable future. Additionally, estimates for the contemporary rate of decline in greater sage-grouse populations from 1985 through 2007 have averaged about 1.4% per year. See FWS Findings⁴, page 13922. Assuming that management practices in place prior to approval of the LUPAs endured and the reported rate of decline continued unchanged, it would take more than 330 years for the reported greater sage-grouse population to dwindle below the minimum effective population of 5,000 birds. Speculating what might occur over three centuries from now reaches well beyond the foreseeable future. In fact, the FWS itself limited its sage-grouse population trend projections to a time-frame of “30 years to minimize the risk of error associated with the 100 year projections simply due to using lek data.” See FWS Findings⁴, page 13959.

Thus, there are numerous areas that are projected to support populations exceeding the minimum effective population of 5,000 individual birds for at least 30 years into the foreseeable future, which precludes listing the greater sage-grouse as a “threatened species” under the ESA. As described above, the greater sage-grouse is not faced with imminent extinction and is not at risk of becoming an “endangered species” in the foreseeable future, so does not currently qualify as an “endangered species” or as a “threatened species” under the ESA.

Because the greater sage-grouse did not (and presently does not) qualify as either “endangered” or “threatened” under the ESA, there was no need to change the previous management direction by amending land use plans (BLM RMPs or USFS LRMPs) to meet the identified purpose of avoiding a potential listing under the ESA, and none of the action alternatives evaluated by the Draft LUPA EISs were necessary or reasonable. The 2014/2015 LUPAs failed to conform to the ESA when they imposed ESA styled conservation measures to a species that does not qualify for listing under the Act. The most obvious remedy to bring BLM’s land use plan direction back into conformance with the ESA in a reasonable, rational, and efficient manner is to conduct an appropriate status evaluation like the one outlined above through an official NEPA process, and then vacate the 2014/2015 LUPAs and revert back to the prior land use plan direction that was in place.

It is interesting to note that the Recovery Plan for the Attwater’s Prairie Chicken calls for that species to be delisted when its population reaches 5,000 birds. See the *Attwater’s Prairie Chicken Recovery Plan*⁵, page 19. Attwater’s Prairie Chicken is arguably the species most similar to the greater sage-grouse for which a Recovery Plan has already been approved, and it’s recovery objective squares precisely with the minimum effective population for greater sage-grouse of 5,000 birds reported and recommended herein.

However, the conservation recommendations suggested below for greater sage-grouse are far more cautious than the recovery objectives for the Attwater’s Prairie Chicken because rather than maintaining a single viable population, they call for maintaining three separate populations of sage-grouse which would each exceed the minimum effective population level (plus maintaining the Bi-State and Gunnison populations to further enhance sage-grouse viability), and because they call for imposing additional conservation measures when priority greater sage-grouse populations fall below a population size of 5,750 birds (to provide approximately a ten year period in which to actually implement new conservation practices, rather than waiting for the populations to decline to a level below the minimum effective population of 5,000 birds before taking action).

WESTERN RANGE SERVICE RECOMMENDATIONS

Western Range Service urges that the following actions be taken:

- 1] Because the LUPAs imposed changes to prior land use plan direction under the umbrella of the ESA when the greater sage-grouse actually fails to meet the qualifications to be listed as an “endangered species” or a “threatened species” under the Act, the BLM should document an appropriate greater sage-grouse status evaluation based upon the evidence outlined above through an official NEPA process and then issue Records of Decision that vacate the 2014/2015 LUPAs (and that also repeal the 2011 BLM IMs which responded to the 2010 FWS Findings’ erroneous conclusion that the greater sage-grouse was warranted for listing under the ESA);

- 2] Because the evidence outlined above demonstrates that the greater sage-grouse fails to meet the qualifications to be listed as an “endangered species” or a “threatened species” under the ESA, the BLM should press for a final FWS listing decision that conforms with the requirements of the ESA and confirms that the greater sage-grouse simply does not qualify for listing under the Act;
- 3] Agencies should continue to monitor greater sage-grouse population numbers and trends within priority portions of its range, including BLM administered lands, particularly within the southwest Wyoming Basin (a conservation priority, see FWS Findings⁴, page 1393) and within the Owyhee Wilderness complex in Idaho and the Black Rock Wilderness/Sheldon National Wildlife Refuge complex in Nevada^{*}, with the aim of implementing additional sage-grouse conservation and protection measures within any of these three broad areas if the estimated greater sage-grouse population therein declines below 5,750 individual birds[†];
- 4] Efforts to conserve and enhance the Gunnison Sage-Grouse (presently about 5,000 birds) should continue in order to preserve their unique genetic characteristics (although such efforts should not be conducted under the umbrella or color of the ESA); and,
- 5] Efforts to conserve and enhance the Bi-State population (presently about 3,000 birds) should continue in order to preserve their unique genetic characteristics (although such efforts should not be conducted under the umbrella or color of the ESA).

WESTERN RANGE SERVICE SUPPLEMENTAL COMMENTS

The 2017 NOI states that the BLM “seeks comment on the SFA designation, mitigation standards, lek buffers in all habitat management area types, disturbance and density caps, habitat boundaries to reflect new information, and reversing adaptive management responses when the BLM determines that resource conditions no longer warrant those responses...” as well as comments regarding “State-specific issues...”. See 2017 NOI¹, page 3. These statements indicate that the BLM may continue to overlook the overall purpose of their greater sage-grouse conservation effort, to avoid a potential ESA listing.

To the extent that the BLM’s continuing greater sage-grouse conservation effort fails to remedy the fatal flaw of its previous LUPAs which failed to evaluate the status of greater sage-grouse in relation to the stated purpose for the whole effort, and instead seeks to further build upon the unstable foundation propped up by the false assumption that an ESA listing for the species is warranted unless extra conservation measures are implemented (beyond measures that were in place when the 2010 FWS Findings were published), the resulting decisions are doomed to suffer from the same fatal flaw and result in additional amendments to land use plan direction that also fail to conform to the requirements of the ESA and will thus be vulnerable to successful legal challenges.

^{*} Such wilderness/refuge complexes already operate under regulatory mechanisms which minimize human disturbance and limit or prohibit anthropogenic development.

[†] The population size at which the current rate of decline would result in numbers falling below the minimum effective population of 5,000 individuals within ten years.

As discussed in our detailed comments above, the assumption that the greater sage-grouse somehow qualifies for listing as either an “endangered species” or a “threatened species” unless extra conservation measures are implemented does not stand up under a reasoned evaluation of the available evidence regarding recent sage-grouse population status and trends. Thus, the assumption is a false and unsound foundation, and everything else that is built thereon is destined to fall like a house-of-cards. Because the greater sage-grouse does not qualify for listing as “endangered” or “threatened” under the ESA by virtue of the available evidence regarding recent population status and trends, any changes to planning direction regarding Sagebrush Focal Area (“SFA”) designation, mitigation standards, lek buffers, disturbance and density caps, habitat boundaries, and adaptive management responses cannot be justified under the umbrella of the ESA. Since the purpose of this entire planning effort was couched in terms of meeting the requirements of the ESA, such changes to planning direction simply were not and are not justified under this effort. If such changes to planning direction are to be made, they must be justified and stand on their own merit rather than be propped up on the false assumption that they are required to comply with the ESA.

Inexplicably, when responding to prior scoping comments the Draft LUPA EISs claimed that analysis of greater sage-grouse population levels is beyond the scope of the project and stated that comments which “questioned population levels and the need to incorporate range-wide conservation measures” were concerns that “relate to decisions under the purview of the USFWS and are not (will not be) addressed” by the Draft LUPA EISs. See *Idaho and Southwestern Montana* Draft LUPA/EIS at page 1~33 and *Nevada and Northeastern California* Draft LUPA/EIS at page 1~18. Thus, the Draft LUPA EISs essentially drew the irrational conclusion that the overriding purpose and need identified for the project was itself somehow beyond the scope of the project. As a result of this irrational finding, the Draft LUPA EISs devoted little or no effort to disclose, discuss, or analyze greater sage-grouse population levels, viability, or persistence, which was the heart of the issue for an effort whose stated purpose was “to avoid a potential listing under the Endangered Species Act.”

During the June 11, 2012 meeting of Nevada Governor Brian Sandoval’s *Greater Sage-grouse Advisory Committee*, Ted Koch, the Nevada State Supervisor for the FWS, informed the Committee that the FWS then recognized 41 separate greater sage-grouse populations across the species range, eight of which exceeded a population size of 5,000 birds. Mr. Koch stated that the FWS expected that at least three of these greater sage-grouse populations would persist into the foreseeable future with a population size that exceeded 5,000 individuals. In response to questioning by the Committee, Mr. Koch indicated that a period of 30 years demarcates the foreseeable future for purposes of forecasting greater sage-grouse persistence.

The information presented to Nevada’s *Greater Sage-grouse Advisory Committee* by Ted Koch is further evidence that demonstrates that within the foreseeable future there will still be at least three greater sage-grouse populations that exceed the minimum effective population size of 5,000 birds considered the level below which greater sage-grouse would qualify as a “threatened species” under the ESA. Thus, if management direction in place prior to approval of the LUPAs had been allowed to continue and population trends remained on the reported trajectory, the greater sage grouse likely would not qualify as a threatened species even 30 years out, and certainly did not qualify to be listed as a threatened species under the ESA when the LUPAs were being evaluated.

The FWS Findings admit that greater sage-grouse “numbers are difficult to estimate due to the large range of the species, physical difficulty in accessing some areas of habitat, the cryptic coloration and behavior of hens... and survey protocols.” See FWS Findings⁴, page 13921. The FWS Findings ultimately concede “since neither presettlement nor current numbers of sage-grouse are accurately known, the actual rate and magnitude of decline since presettlement times is uncertain.” See FWS Findings⁴, page 13923.

Nevertheless, the FWS Findings speculated that reported sage-grouse population declines from the high numbers observed in the 1960s to today can be projected backward into the more distant past in a relatively linear fashion, and thereby concluded that pre-settlement sage-grouse numbers were abundant. The FWS Findings ultimately claimed “(e)arly reports suggested the birds were abundant throughout their range” and estimated that historical populations ranged from 1.6 million to 16 million birds. See FWS Findings⁴, pages 13920 and 13921. The FWS then looked forward in time and forecast that without regulatory intervention, a persistent downward trend would continue into the future, and that sage-grouse populations would eventually reach levels near or below the minimum effective population, putting the species at risk for eventual extinction.

However, the FWS Findings ignored the fact that their own reported contemporary (1985 to 2007) rate of decline of 1.4% annually (see FWS Findings⁴, page 13922) indicates that it would take more than 330 years for the estimated current greater sage-grouse population to dwindle to the minimum effective population of 5,000 birds, a time frame that reaches far beyond the foreseeable future. Further, historic documents refute the assumption that pre-settlement greater sage-grouse populations were abundant, at least with respect to populations at various points in history recorded for the Great Basin. Greater sage-grouse within the *Western Region*, particularly the Great Basin, were scarce during the pre-settlement period, much less abundant than today. Ira Hansen, Nevada State Assemblyman, prepared a report (attached) regarding pre-settlement GSG populations throughout Nevada and the Great Basin based upon written accounts of early explorers in the region. Those early written accounts indicate that between about 1820 and 1850, greater sage-grouse were uncommon, being observed only rarely by the explorers, and were seldom included in the diets of the Native Americans due to scarcity of the birds.

Similarly, Robert Ridgway’s 1877 report titled *Ornithology* stated “birds characteristic of the sage-brush are not numerous, either as to species or individuals, but several of them are peculiar to these districts;” including *Centrocercus urophasianus* (greater sage-grouse). See Ridgway⁶, page 324, underlined emphasis added. Ridgway’s 1877 report was based upon field observations he made between June 1867 and August 1869. Regarding greater sage-grouse specifically, Ridgway reported “(a)lthough this large and well-known Grouse was met with throughout the sage-brush country between the Sierra Nevada and the Wahsatch (sic), we saw it so seldom that little was learned of its habits, particularly during the breeding-season.” See Ridgway⁶, page 600, underlined emphasis added.

Lest anyone assume that sage-grouse were seldom seen during these explorations because the vegetative cover was significantly heavier than today, and thus allowed the birds to better hide, consider Ridgway’s following characterization of the sagebrush communities under the section titled *Birds of the sage-brush* (see Ridway⁶, page 323):

The term "sage-brush" is the western vernacular for that shrubby growth which prevails over the valleys, mesas, and desert mountain slopes of the Great Basin to the utter exclusion of all other vegetation, except in isolated

and extremely restricted places. One species, the "everlasting sage-brush" (*Artemisia tridentata*), composes by far the larger part of that growth, "covering valleys and foot-hills in broad stretches farther than the eye can reach, the growth never so dense as to seriously obstruct the way, but very uniform over large surfaces, very rarely reaching to the saddle-height of a mule, and ordinarily but half that altitude." [Underlined emphasis added]

The FWS forecast that greater sage-grouse populations will continue to significantly decline into the foreseeable future also appears to be wrong, at least within the Great Basin. The Nevada Department of Wildlife reported that greater sage-grouse populations increased within the state from 2008 through 2010. This is the exact opposite of the assumed downward trend predicted by the FWS based upon the period between the 1960s and the present. It is unreasonable to base conclusions regarding long-term population trends only upon population levels at two points in history, 1960 and today, when we have knowledge regarding sage-grouse populations at other times. Historic Great Basin population estimates for greater sage-grouse indicate that pre-settlement populations were low, populations dramatically increased between the mid 1800s and early 1900s, populations rapidly declined from about 1970 to 2007, and then increased slightly thereafter.

Because neither presettlement nor current numbers of sage-grouse are accurately known range-wide, the best available data to evaluate population trends for greater sage-grouse are the reported contemporary (1985 to 2007) population estimates summarized in the FWS Findings which indicate a contemporary rate of decline of approximately 1.4% annually (see FWS Findings⁴, page 13922). As discussed above, this contemporary rate of decline indicates that it would take more than 330 years for the estimated current greater sage-grouse population to dwindle to the minimum effective population of 5,000 birds, a time frame that reaches far beyond the foreseeable future and forecloses any finding that greater sage-grouse presently qualify for listing even as "threatened" under the ESA.

CONCLUSION

While the overriding purpose identified for the ongoing greater sage-grouse conservation planning effort was "to avoid a potential listing" of the species under the ESA, the LUPAs and their supporting EISs both failed to address such purpose. Because the greater sage-grouse is not faced with imminent extinction and does not face the risk of eventual extinction in the foreseeable future, the species does not meet the ESA qualifications to be listed as either "endangered" or "threatened" under the Act. Nevertheless, the action alternatives implemented by the 2014/2015 LUPAs (and implemented under the 2011 BLM IMs) imposed ESA styled protections to far more birds over a much larger landscape than would be the case if the species was actually imperiled enough to meet the criteria for listing as "endangered" or "threatened" under the ESA. Ultimately, there was no need to change existing management direction through land use plan amendments to avoid a potential listing under the ESA, and the 2014/2015 LUPAs should be vacated with management reverting back to the land use plan direction that was previously in place.

The comments, recommendations, and conclusions herein should not come as a surprise to the BLM since all of the basic issues and arguments were previously submitted to the BLM on numerous occasions, including our prior comments dated March 23, 2012 and January 27, 2014, as well as other comments that we prepared and submitted on behalf of various clients, all hereby attached.

ABBREVIATIONS, ACRONYMS and CONTRACTIONS

2011 BLM IMs = 2011 Instruction Memorandums No. 2012-043 (Interim Management Policies) and No. 2012-044 (Land Use Planning Strategy) for greater sage-grouse

2011 NOI = 2011 Notice of Intent regarding preparation of the Draft LUPA EISs (see Endnote 2)

2017 NOI = 2017 Notice of Intent regarding the potential for additional amendments to land use plans (see Endnote 1)

BLM = Bureau of Land Management

Draft LUPA EISs = Together, the 2013 *Idaho and Southwestern Montana Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement*, the 2013 *Nevada and Northeastern California Greater Sage-Grouse Draft Land Use Plan Amendment and Environmental Impact Statement*, and similar Draft Land Use Plan Amendments and Environmental Impact Statements for other sub-regions

EISs = Environmental Impact Statements

ESA = 1973 Endangered Species Act (see Endnote 3)

FWS = U.S. Fish and Wildlife Service

FWS Findings = 2010 FWS *Findings for Petitions to List the Greater Sage-Grouse* (see Endnote 4)

GSG = Greater Sage-Grouse

Land Use Plans = BLM RMPs and/or USFS LRMPs

LRMP = USFS *Land and Resource Management Plan*

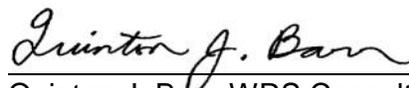
RMP = BLM *Resource Management Plan*

SFA = Sagebrush Focal Area

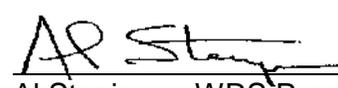
USFS = U.S. Forest Service

WRS = Western Range Service

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Approved by:


Al Steninger, WRS President

Attachments: 10-25-11; Ira Hansen Report.
03-21-12; Prior Petan Company of Nevada, Inc. Comments, GSG NOI.
03-23-12; Prior WRS Comments, GSG NOI.
05-12-12; White Paper prepared for the Elko County Commissioners.
01-24-14; Prior Petan Company of Nevada, Inc. Comments, ID EIS.
01-24-14; Prior Petan Company of Nevada, Inc. Comments, NV EIS.
01-27-14; Prior WRS Comments, NV and ID LUPAs & EISs.

ENDNOTES

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- ¹ **2017 NOI - Notice of Intent LLWO200000/LXSGPL000000/17x/L11100000.PH0000:** October 11, 2017. See https://eplanning.blm.gov/epl-front-office/projects/lup/90121/122995/150053/GRSG_Amendment_NOI_FRN_100317.pdf.
 - ² **2011 NOI - Notice of Intent LLWO230.11100000.PH0000:** December 9, 2011. See www.gpo.gov/fdsys/pkg/FR-2011-12-09/pdf/2011-31652.pdf.
 - ³ **ESA:** The Endangered Species Act of 1973. See <https://www.blm.gov/or/regulations/files/esaall.pdf>.
 - ⁴ **FWS Findings:** Fish and Wildlife Service, 50 CFR Part 17. *Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (Centrocercus urophasianus) as Threatened or Endangered.* Federal Register / Vol. 75, No. 55 / Tuesday, March 23, 2010 / Proposed Rules. See www.gpo.gov/fdsys/pkg/FR-2010-03-23/pdf/2010-5132.pdf.
 - ⁵ **Attwater's Prairie Chicken Recovery Plan:** FWS, 1996. See <http://www.fws.gov/southwest/es/Documents/R2ES/PrairieChicken.pdf>.
 - ⁶ **Ridgway:** Robert Ridgway, 1877, *Ornithology*, Vol. IV, Part III in *United States Geological Exploration of the Fortieth Parallel*, Clarence King, Geologist-in-charge. See www.archive.org/details/cu31924000092373.