



January 27, 2014

*(Sent via U.S. Mail and electronic transmission)*

BLM-Greater Sage-Grouse EIS  
Attn: Joe Tague  
1340 Financial Blvd.  
Reno, NV 89502

**Re: Draft LUPA/DEIS - Nevada and Northeastern California Sub-Region**

Dear Mr. Tague:

This correspondence will act as the official comments of the Blue Ribbon Coalition (BRC), a national trail-based recreation group, regarding the Draft Land Use Plan Amendment/Draft Environmental Impact Statement (Draft LUPA/DEIS) for the Nevada and Northeastern California Sub-Region, a component piece of the Bureau of Land Management (BLM) and Forest Service National Greater Sage Planning Strategy.

This document shall not supplant the rights of other BRC agents and organizational or individual members from submitting their own comments and the agency should consider and appropriately respond to all comments received. For purposes of this comment document, the Greater Sage-Grouse will be referred to hereafter as the Grouse.

In our March 20, 2012 scoping comment letter (see attached), BRC urged a “common sense” approach to management. BRC believes local land managers at the Resource Area/Field Office or Forest/District level should be heavily involved with the motorized public to establish achievable goals for protection of the Grouse (lek /nest disturbance, wintering areas and sagebrush steppe habitat degradation) and to mitigate potential affects upon recreation through designation and active management of existing and inventoried routes.

Blanket closures should always be viewed as the most extreme measure to undertake after all other management techniques and measures have failed. BRC believes that sound, proven OHV management techniques can allow the agency to protect the Grouse and habitat and to provide for all forms of responsible, family oriented OHV/ORV recreation.

BRC concluded the Grouse has been intensively studied for the last 60 years and there are a number of factors that have been identified as major contributors to the decline of the species. These include but are not limited to:

- Habitat destruction/modification thru urbanization/fragmentation
- Introduction and dominance of invasive annual grasses and noxious weeds
- Intrusion of Juniper ecotype
- Wildfire and fire management including prescribed burns
- Predation
- Fragmentation from fences, power-lines, roads and other infrastructure
- Hard and liquid mineral leases and development
- Livestock and wildlife grazing
- Wild horse/burro management
- Disease (including West Nile Virus)

In reviewing the available literature and studies as noted in our March 20, 2012 letter, BRC noted there is little to no information suggesting that motorized/mechanized access on designated routes is causally related to Grouse decline or habitat destruction, and there are no definitive studies to that effect cited anywhere in the database. Particularly considering the intense scrutiny and collective scientific energy expended on this species, BRC concludes that motorized/mechanized recreation in any of its forms does not have a significant impact on the Grouse. The USFWS listing petition decision supports this as well. Motorized recreation and/or OHV/ORV are barely mentioned and the limited references are anecdotal in nature. However, BRC does understand that OHV-related site-specific research may be needed to fine tune vehicle-based recreation on roads, trails, and areas so that future Grouse-friendly motorized access is assured.

## **IMPLICATIONS FOR VEHICULAR RECREATION**

In response to the listing decision and as the lead agency, the BLM, where most of the Grouse habitat is located, issued its National Greater Sage-Grouse Planning Strategy (Charter) and subsequent Instruction Memorandums (IM), along with various FAQ sheets, range maps and other incidental publications.

The production of National Environmental Policy Act (NEPA) documents such as this Draft LUPA when completed, will guide future management decisions for the Grouse and associated sagebrush steppe habitat. Because of the size of the landmass involving current Grouse habitat and distribution, BRC considers the production of this NEPA document to be a major landscape level decision. The Final LUPA/EIS and Record of Decision (ROD) will affect motorized recreation.

This planning process will impact access in the Battle Mountain, Carson City, Elko, Ely, and Winnemucca BLM district offices in Nevada and the Alturas, Eagle Lake, and Surprise BLM field offices in California where 11 pertinent RMPs are being amended by this LUPA/EIS. In addition, the Humboldt-Toiyabe National Forest administers two forest LRMPs that would also be amended by this LUPA/EIS. The

Nevada and Northeastern California sub-regional GRSG planning area covers all or a portion of 16 counties in Northern Nevada and portions of 4 counties in northeastern California. Of these 20 counties, 12 contain Grouse habitat. Lands within the planning area include a mix of private, federal, and state lands.

BRC remains concerned this process has the potential to greatly affect/impact all aspects of motorized/mechanized recreation, from traditional camping, hunting and fishing access to access for photography, bird watching, mountain biking, boating, cross country skiing and wilderness areas. Most of all, this proposal could have a serious negative impact on casual OHV use and permitted special events such as enduros, trials, hare-scrambles and dual sport rides. All forms and aspects of motorized recreation --off-highway/off road motorcycle, dual sport/adventure sport motorcycle, ATV, SBS, OSV, 4WD and even all street legal vehicles -- could be adversely yet unjustifiably impacted, should the agency craft a "one size fits all" decision.

This has occurred in the past when elements of the motorized recreation community were not sufficient engaged in the planning process. OHV was not included in many of the stakeholder planning and political efforts associated with the Northern Spotted Owl because the issue was cast primarily as a "resource industry" problem. Recreation, including OHV use, was hardly mentioned.

Because of that lesson, BRC has been engaged from the beginning of the Grouse issue. That involvement has included submitting scoping comments in the very early stages of this issue and by submitting comments on subsequent DEIS plans. BRC has also been urging its members and land use partners to attend public meetings and to also submit comments.

As BRC has noted, Grouse leks are concise, well-established, historic areas that are used and usually identified for decades. Since leks are mostly in use for strutting/mating during crepuscular hours and motorized recreation is generally NOT undertaken during those hours the two can be successfully separated.

BRC also notes the BLM, like the Forest Service, state, county, local and tribal land management agencies are moving towards a mostly "designated route" planning effort for use of roads and trails that are compatible for motorized recreation use and we support that concept. On Forest Service lands the designation of routes are being driven by the 2005 Travel Management Rule Plans and in BLM planning efforts that have been developed or revised in 2008 and later where travel has been changed in most areas from "Open" designation to "Limited" per agency policy established in 2007.

While BRC supports OHV use limited to existing or designated routes, BRC also believes that an "open" to cross-country travel designation is an important recreational opportunity and is appropriate at units such as the Cinder Cone OHV Area in the Alturas Field Office and the Hungry Valley/Moon Rocks and San Mountain OHV Areas in the Carson City Field Office. "Open" areas are often active sand dunes or associated staging areas that have minimal, if any, areas of even possible Grouse habitat.

Except for OSV winter use, where snowpack allows, BRC recognizes that unauthorized/unmanaged cross country travel can be damaging to both wildlife and habitat.

Again, BRC believes the local Ranger District and Field Office level recreation planners and managers are the best suited to work with the motorized stakeholders to establish a manageable, designated, user- and nature-friendly route network for motorized access. This includes access roadways away from paved highways, high clearance routes for pickups, jeeps and other 4WD vehicles that can be shared under combined use by other OHV/ORV categories such as trail bikes, ATV/SBS and or OSV in the winter. Lesser used but just as important to the motorized community are rural 2 track routes, ATV width trails and trail bike single track width routes. Routes that are duplicitous, fill no need or are illegally established may often be properly considered for closure and/or rehabilitation. The desired condition is an adequate system/mixture of routes of suitable length and skill levels that follow Best Management Practices (BMP) established by Best Available Science (BAS).

BRC commends the agency(s) for identifying the concept of limiting OHV use to existing and/or designated roads and trails as a primary strategy to help protect Grouse habitat. BRC believes this is the appropriate method by which to “minimize” impacts and otherwise comply with applicable law.

BRC also commends the agency for noting (Chapter 2, page 22) the LUPA revision/amendment process, travel and transportation area decisions (open, limited, or closed) would be revisited at the local level based on existing inventory information associated with a myriad of resources and resource uses.

This local Forest/District or Field Office level comprehensive review of the recreation activities that occur in the amendment areas is important. Throughout most of the planning area recreational activities are mostly dispersed and do not rely on developed facilities and use is year-round and consists of varied activities including hiking, mountain biking, OHV riding, camping, hunting, and scenic touring. Day use is high, and there are very few developed facilities. Areas of concentrated use occur at popular destinations. For example, heavy public OHV use occurs in the north part of the Pine Grove Hills. There are many motorized special events, mostly in June. The Walker ATV Jamboree is particularly popular. BLM permitted events include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. These types of events and use patterns need to be understood and addressed at the site-specific level as opposed to being painted over by some generic, one-size-fits-all management direction.

The proposed OHV management prescriptions in the Draft LUPA’s preferred alternative (Alt. D) has identified the need to eliminate cross-country travel in the project area where BLM lands are “open” to cross-country travel. Again, BRC in general supports this concept, but cautions the agency from any blanket statement that precludes the designation or retention of “Open” OHV areas where said use is appropriate.

BRC supports Action D-REC 1 (Chapter 2, page 214): Allow SRPs and Forest Service Recreation Special Use Authorization (RSUA) in PPMAs and PGMAs that have neutral or beneficial effects on Grouse.

BRC supports Alt. D direction that empowers local land managers the ability to grant special recreation permits. Depending on need and other factors, mitigation or restrictive measures could be placed on types, locations, and timing of activities to ensure consistency with the related management objectives. Group events could be subject to seasonal or timing prescriptions, which could limit the ability of some participants to attend. For example, many recreation events for which permits are issued on public land take place on June 7. In June the grouse are on nests and brood rearing. If the proposed activity poses a threat, the event may be moved or timing changed in order to reduce impacts during this period. It is

possible that organizers may decide not to hold their event if they cannot hold the event at a particular time. This would represent a reduction in opportunity for participants who would otherwise have been attending such events each year. Regardless, it is essential that these factors be evaluated and decisions ultimately made at a site-specific level, and not through some broad criteria that cover all public lands.

BRC believes a modified Alternative D should be developed in order to enhance critical habitat, inhibit degradation, and avoid unwarranted impacts to historic OHV recreation including permitted events in proposed unit lands, BRC is recommending the agency review – and adopt as appropriate - the following (and proven) OHV management prescriptions into the Final LUPA/EIS and Record of Decision.

### **OHV Management Prescriptions**

#### **OHV Management Guideline One:** Limit Use to Existing and/or Designated Roads and Trails

**Overview:** On Forest Service lands, no off-road driving is allowed; the BLM does allow some cross-country travel in “Open” areas. Existing travel routes on BLM have not been completely evaluated through a travel management planning process and have not been completely “designated.” The current OHV designation for much of the BLM managed land in the amendment area is “open” to unrestricted cross-country travel.

“Open” to cross-country travel is an important recreational opportunity and is appropriate at units such as the Cinder Cone OHV Area in the Alturas Field Office and the Hungry Valley/Moon Rocks and San Mountain OHV Areas in the Carson City Field Office.

**Prescription:** Except where “Open” OHV use is appropriate (i.e. sand dunes, specific geographic locations, designated/destination OHV areas, etc.), prohibit cross-country travel as the agency’s primary OHV management tool. Limit OHV use to existing use where travel plans have not yet been completed and restrict OHV use to designated roads and trails where travel plans have been completed. Casual driving and use of existing or designated trails should be considered a diffuse disturbance with no long-term effects.

#### **OHV Management Guideline Two** – Limited Operating Period for OHV Permitted Events

**Overview:** There are many motorized special events in the planning area, mostly in June. These include competitive motorcycle races, OHV and other vehicle races, competitive horse endurance rides, organized camping events, and competitive mountain bike races. Lekking occurs between March 1 and May 15.

**Prescription:** Between March 1 and May 15, prohibit OHV events from using routes that pass through an active lek. Impose a time of day restriction (after 10 a.m.) for routes that pass within ¼ mile of an active lek.

### **OHV Management Guideline Three** – OHV Sound Restriction

**Overview:** Although there are not studies specifically focused on the noise effects of OHV use on the Grouse, there are OHV noise studies related to the Northern Spotted Owl (specifically OHV events) and other wildlife. At least one project shows that noise levels could affect the breeding success of the owl. BRC believes that noise impacts to wildlife must be when managing routes for OHV use. Land managers in states including Nevada that do not have any statewide OHV sound laws should consider adopting sound laws for special management areas or units that have been designated as critical habitat. (40 CFR, Chapter 1, Section 201.158)

**Prescription:** Consider adopting a defensible standard, such as the 2003 California State OHV Sound Law which states, “Sound emissions of competitive off-highway vehicles manufactured on or after January 1, 1998, shall be limited to not more than 96 dBA, and if manufactured prior to January 1, 1998, to not more than 101 dBA, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable. Sound emissions of all other off-highway vehicles shall be limited to not more than 96 dBA if manufactured on or after January 1, 1986, and not more than 101 dBA if manufactured prior to January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287, as applicable.” Link to CA Sound Law - [http://ohv.parks.ca.gov/?page\\_id=23037](http://ohv.parks.ca.gov/?page_id=23037)

### **OHV Management Guideline Four** – Invasive Species

**Overview:** Cheatgrass and Medusahead wildrye have become the most problematic of the exotic annual grasses within the Sage-grouse Conservation Area” (Miller et al. 2011) OHVs can inadvertently spread invasive/noxious weeds including cheatgrass and medusahead. It is important that vehicles be weed-free before travelling off-highway. Thoroughly washing the OHVs will ensure that the seeds are removed and will help mitigate the spread of noxious weeds.

**Prescription:** Adopt and promote an invasive species related prevention/education program based on the tenets at - <http://playcleango.org/>

**Conclusion:**

BRC strongly feels that a modified Alternative D could help the agency meet its goals and objectives to protect the Grouse and its habitat without unnecessarily or unjustifiably restricting responsible, managed motorized recreation. Thank you for this chance to comment and we look forward to assisting in the NEPA planning process as it moves forward.

Sincerely yours,

*Don*

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Attached: BRC's March 20, 2012 BLM/Grouse Scoping Comments  
[http://www.sharetrails.org/uploads/Sage\\_Grouse\\_BRC\\_scoping\\_comments3.20.12.pdf](http://www.sharetrails.org/uploads/Sage_Grouse_BRC_scoping_comments3.20.12.pdf)

cc: Senator Dean Heller  
Senator Harry Reid  
Congressman Mark Amodei  
Alpine County Board of Supervisors  
Carson City Board of Supervisors  
Douglas County Board of Commissioners  
Elko County Board of Commissioners  
Esmeralda Board of Commissioners  
Lyon County Board of Commissioners  
Mono County Board of Commissioners  
Nevada Sagebrush Ecosystem Council

