

July 1, 2014

Regular Meeting

Public Comment

Fred Fulstone -

Comments Re:

Bighorn Sheep

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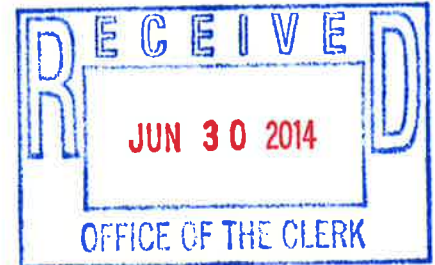
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Farming and Livestock

P.O. BOX 12
SMITH, NEVADA 89430



July 1, 2014
Mono County Board of Supervisors
Bridgeport, California
Comments by Fred Fulstone



The history is pretty straight forward for everyone except for those self-important people who do not want to deal with facts and truths.

Prior to 1850, birds that were presumably sage grouse were seen but not abundant. The pre-1850 exploration parties could not find enough game, including birds, for camp sustenance and they had to eat their horses in order to survive the trip across what is now Nevada. Based on historical data available over 90% of birds were near Elko or Elko County.

Later, Ridgeway reported seeing them, but they were few and far between.

Ranches with sheep and cattle were established before Ridgeway traveled through our area. Early livestock grazing begins with sheep and cattle driven across Nevada on their way to feed the forty-niners, and then sheep and cattle coming back to Nevada with the Comstock and other discoveries.

Ranches were established based on the Spanish/Mexican concept that the control of water gave control of feed and control of water came on a basis or prior appropriation and beneficial use. Ranches were being set up in the 1850s. Changes in vegetation, development of irrigated meadows as hay fields, and predator control were all by products of ranching. Ranching greatly benefitted wildlife of all kinds including sage hens, mule deer, and a bunch of song bird species.

All those benefits of ranching were provided to society at no charge because the costs of the benefits were paid by private enterprise with private capital. Following ranch establishment, society was blessed with an abundance of wildlife, access to remote areas following roads built by ranchers, even towns were a result of ranch establishment and in turn with a source of shelter, food, medical or emergency help for everyone.

The birds increased to the historic peak populations in about 1950-1980. This is when sage grouse were reported to black out the sun. Please see **Exhibit No. 1 [2 pages]**. Notice that sage grouse harvest numbers peaked at 28,228 in 1979, and then decreased to 7,353 in 2010. This was mainly due to President Nixon cancelling the use of all toxicants and putting more regulations on trapping, in 1972. About the same time, livestock numbers were reduced on Federal grazing permits, and which negatively affects the sage grouse.

Predator control was in private hands until the end of the depression when Wildlife Services included predator control goals. Early predator control efforts were targeting predators of domestic sheep, and that is still the case with sheepmen paying a head tax to support the federal predator control programs.

Prior to the introduction of 1080, they had strychnine and other toxicants available as well as trapping. Many people argue that the effectiveness of 1080 is the direct cause of the sage grouse and mule deer peaks in the mid-1900s. I would argue effective predator control was important but only a part of the cause of wildlife increases. Changes to habitat had occurred as a direct result of grazing that also benefitted species such as sage grouse and mule deer. Prior to about 1980 there was moderate to severe levels of grazing throughout the sage grouse areas and the birds thrived in the presence of fairly intense grazing pressure on the vegetation as well as the effective predator control in the same areas.

My conclusion is that the sage grouse increased as a result of heavy grazing of uplands and of wet meadows [most of the meadow acreage was created by irrigation] with lots of livestock and people within the sage grouse habitats. They were able to take advantage of the beneficial disturbance of habitat because predator control for the protection of sheep was intense within the sage grouse

habitat. That predator control became much more effective with the arrival of 1080 in the mid-1940s. **See Exhibit No. 2 [3 pages]**. This further explains the 1080 program by the USFWS.

Just like the dramatic increase in sage grouse numbers that followed the establishment of livestock ranches there are several things that coincide with the apparent catastrophic decline of sage grouse in the time between 1980 and 2000.

First in my mind is the regulatory attack on ranching that forced many ranches out of business. Forest Service and BLM both started to systematically deny authorization for grazing for some percentage of each ranch grazing permit. They didn't often cancel a permit outright, rather the agency officials cut some part of the numbers of animals and the ranchers try to stay in business when he didn't have enough livestock to fully pay the costs of operation. Our communities lost the ranchers who were the direct cause of increased natural resource health to begin with, including increased numbers of sage grouse. We lost predator control techniques including 1080 as a toxicant.

In the 1970s a number of environmental laws came into existence and in response to these laws the agencies dramatically increased the number of agency employees justified on the basis of enforcing the new regulations that the agencies wrote when the new laws told them to write more regulations.

Beginning in the mid-1970s, the number of government officials and the regulations that feed them, began to rise exponentially, the numbers of livestock and livestock owners [ranchers] begin a dramatic decline, and the numbers of many wildlife species including sage grouse begin a dramatic decline. With the loss of ranchers came the simultaneous loss of predator control in general, and 1080 in particular, with the reduced effectiveness of predator control, the predator population has increased.

How can we tell if the loss of sage grouse since the peak population of about 1960 is caused by the lapse in predator control or by the mushroomed population of federal and state biologists? NDOW has, through legal permits, allowed 48,448 sage grouse to be killed by hunters since 2000. Why are you afraid to kill

predators to save sage grouse, when you allow hunters to kill the “threatened” sage grouse?

What we do know is from historic record that when we had more ranchers and especially more sheep and almost no state and federal biologists, we had historically high numbers of sage grouse. Most sane people would suggest that if we want to have the sage grouse numbers that we had 60 years ago then the obvious solution is to return to the range, livestock production that we had 60 years ago and let private enterprise once again bring benefits to our communities.

Please look at **Exhibit no.3**

Bi-State Economic Oversight Committee Meeting notes of Feb. 28, 2014

This committee controls the Bi-State Sage Grouse money for improving the sage grouse way of life and to increase their numbers. This committee has not put \$1.00 for predator control. Predator control should be at the top of the list followed by wild horse reduction, pinion/juniper removal, and fire controls by grazing.

Please read **Exhibits no. 4 and 5.**

(S) Fred Fulstone

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EXHIBIT #1- 2 Pages

Trip Report of 5-22-2014

Nevada State Library and Archives

Research data collected : Sage Grouse

Harvest data collected on sage grouse from the State of Nevada Fish and Game Commission book report titled, " State of Nevada Statistical Information, 1967

Harvest data from 1967-2011 was provided by Shawn Espinoza, NDOW

No hunting data for the years of 1940-1948

1949--- estimated 20,000	1968---11,765	1985---NO DATA
1950--- estimated 17,000	1969---23,270	1986---3,967
1951--- 21,200	1970---23,775	1987---9,014
1952--- 13,451	1971---20,805	1988---7,564
1953 & 1954--- no season	1972---17,686	1989---9,445
1955--- 1784	1973---24,930	1990---13,697
1956--- 2064	1974---22,924	1991---13,371
1957--- 5938	1975---16,376	1992---12,871
1958---17,884	1976---13,902	1993---9,782
1959---11,738	1977---7,561	1994---9,004
1960---16,844	1978---17,693	1995---7,529
1961---14,892	1979---28,228 ✓	1996---8,111
1962---19,388	1980---14,648	1997---5,125
1963---11,624	1981---15,522	1998---5,723
1964---16,874	1982---13,015	1999---6,070
1965---12,948	1983---14,495	2000---4,728
1966---6,100	1984---11,555	2001---2,691
1967---7,300		

2002—3,940	2007—4,897	2011—5,295
2004—5,244	2008—5,775	
2005—3,175	2009—8,944	
2006—3,701	2010—7,353	

There are many quotes from the Nevada Fish and Game Commission yearly reports that are worth quoting regarding the sage grouse over the years, here are samples of what was observed.

1962. Best season of hunting in the State for sage grouse since 1958 and some areas better than ever.

1963. Sage hen and Gambel quail numbers are in great decline, but sage hen and chucker was particularly good in the State this year.

1948. Much research is needed on native species of birds, especially sage grouse. In the future it is hoped to develop a management plan.

1983. Work on the plan is progressing very slowly due to increased demand on man-time from other areas, planning will be stopped in the 1984 fiscal year.

1984. Under past hunting season framework harvest rates were much higher than were desirable. Continued studies are recommended of observed density. Harvest data indicates that 71% of birds taken were females, 29% males, and only 29% nest success for this year.

I find it ironic that no matter which year is highlighted, the concern is there but nothing is ever done and hunting continues. Possibly the best is the one from the year 1934-36 biennial report. It states, " Since pheasants can be planted only in agricultural counties, the commissioners agreed to experiment with the chucker partridge, a game bird which was originally imported from india, and which was believed to be able to thrive in country similar to that inhabited by sage hen. It is too early to know definitely whether these birds will adapt themselves to our state, but it is hoped that when, and if, our sage hen become extinct we will have this partridge in sufficient numbers to hunt".

Since the first law was passed in the state in 1877 to protect game birds, and included in this law was the sage grouse, the need has always been there. The State, however, mainly the State Fish and Game Commission, now called the Nevada Department of Wildlife, has dropped the ball on this issue, and now the private landowners are going to have to pay the price.



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Nevada News & Commentary Predators - Mule Deer & Desert Sheep Populations

By James "Mike" Laughlin

Nevada - In 1867, D.C. Wheeler trailed a band of domestic sheep from Oregon to western Nevada. Since that time, there has been some type of predator control conducted in and around sheep herds in Nevada. In 1927, there were reported to be 1,200,000 sheep and 400,000 beef cattle in the state. Each stockman or groups of stockmen fought their own predator problems. After World War One, the federal government took over the predator program. Under the Biological Survey, professional hunters were hired to pursue coyotes, bobcats, and mountain lions state wide. In 1939, 93,000 coyotes were reported killed throughout the state of Nevada. Counties also paid bounties on coyotes and lions. The longhair fur industry became profitable and private fur trappers harvested many coyotes and bobcats.

In 1946, the federal government began to use sodium monofluoroacetate, a toxicant-called 1080. This poison was tasteless, odorless, and colorless and highly selective to canines. It proved to be the single most effective tool ever used to suppress coyote numbers. 1080 was injected into sheep or horse meat. These baits were placed in coyote runways. Also, about this time, the cyanide getter was used to a real advantage taking large numbers of coyotes. Steel traps and head snares were also used. Deer numbers were very high statewide and deer tags could be purchased over the counter. There were also lots of upland game birds.

In 1962, Rachel Carson published the book "Silent Spring" which brought worldwide attention to the use of pesticides. Starting from the publication of this book, the environmental movement was launched throughout the world.

In 1972, President Nixon banned the use of all toxicants (poisons) by executive order. He was soliciting the support of environmentally concerned voters. With the loss of toxicants in the Animal Damage Control program, coyote numbers began to increase dramatically. Coyote predation upon newborn range calves became a

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real problem in many areas of Nevada. Cattlemen, along with sheep men, backed the predator control efforts in the state.

The federal government launched into a non-toxic predator program. A large amount of federal money was appropriated and spent in an attempt to prove that the use of non-toxic control tools could replace 1080, cyanide getters, etc. The use of helicopters to shoot coyotes from the air was initiated in Elko, Nevada. About this same time, use of fixed-wing aircraft, which had been used before to hunt coyotes, was also increased. Longhaired fur prices went sky high and fur trappers were out in force after coyotes & bobcats. The Animal Damage Program also employed 3 to 4 mountain lion hunters with dogs, who pursued mountain lions statewide, year around. Most of the mountain lion depredation calls occurred on or near domestic sheep ranges. With the removal of many coyotes and mountain lions by the Animal Damage Control program and private fur trappers, mule deer numbers began to rise dramatically.

In the late 1970s, the predator control program shifted from Department of Interior to the Department of Agriculture. Federal funding began to dry up. The BLM and U.S Forest Service began to clamp down on predator control activities on lands they administered. Law suites by environmental groups filed against grazing allotments and Federal and State agencies were initiated throughout Nevada. The Nevada Department of Fish & Game became concerned about the environmental community and about lion numbers and implemented a quota system by hunting units.

Domestic range sheep numbers, in the late 70s, began a decline statewide and therefore predator control activities declined. Consequently, mule deer population numbers began to go down.

I feel that, through all of this, the Nevada Department of Wildlife, for about \$30,000 a year, got virtually a free ride in the predator program administrated by the U.S. Fish and Wildlife Service and their cooperators. Since this time when domestic sheep numbers fell and predator control activities diminished, mule deer numbers have steadily decreased.

The Nevada Department of Wildlife has attributed the decline of deer herds with such factors as over-grazing by livestock, drought, over-winter mortality, fire, longhair fur prices, gas prices going up, etc. Never once did I ever hear a statement by a Nevada Department of Wildlife biologist to the fact that predators may have made a big impact upon Mule deer and Desert Sheep populations.

It is my prediction that mule deer and desert bighorn sheep numbers may never come back to the levels of the

"good old days" because predators have a free roll in Nevada today. The Nevada Department of Wildlife continues to be "in denial" concerning the impact of predation on Nevada Mule Deer and Desert Sheep populations throughout the state.

James "Mike" Laughlin is a (Retired) Supervisory Wildlife Biologist for the U.S. Department of Agriculture & U.S. Fish & Wildlife Service. He has a Bachelor of Science Degree in Wildlife Biology from Arizona State University. He worked for 31 years in 9 Western states, Mexico, and Provinces of Canada. You can reach him at: mikelaughlin@hotmail.com

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BI-State EOC Meeting Notes
February 28, 2014

BI-State Action Plan Accomplishments

- Most recent project spreadsheet identifies 228 projects completed or ongoing
 - 193 projects in California
 - 86 project in Nevada
 - 19 in CA/NV

These projects include the following actions:

- Fences (removal, construction, modification, marking, etc.)
- Fire (closure, prescribed fire, rehabilitation, suppression, etc.)
- Horse Gatherings
- Land exchanges, purchases
- Livestock Management
- Meadow Irrigation
- Monitoring
- Powerlines (removal)
- Research
- Restoration
- Treatment (chemical, pinyon/juniper, fuels, etc.)

The PMU sub-groups have identified 99 proposed projects for future work

- 31 projects in California
- 17 projects in Nevada
- 5 across state lines

Projected work needs (more immediate needs from my perspective only and for discussion purposes)

#	Project Description	Cost
1	Complete easement purchase for Desert Creek (#1)	\$4,900,000
2	Complete easement purchase for Desert Creek (#2)	\$5,700,000
3	Complete easement purchase for Burcham/Wheeler Flat	\$1,400,000
4	Conduct East Walker/Bodie Pinyon-Juniper Treatment	\$303,000
5	Conduct Hutton Valley/Sawager Pinyon Juniper Treatment	\$666,000
6	Initiate implementation of Aurora/Gregory Flat Pinyon-Juniper Treatment	\$1,300,000
7	Implement Wheeler Creek Restoration	\$150,000
8	Implement Rosaschi Ranch Brood Habitat Improvement	\$50,000
9	Implement Bald Mountain Pinyon-Juniper Treatment (Pine Nut PMU)	\$138,000
10	Implement cheatgrass control in proximity to Desert Cr. #2 Rd	\$30,000
	Total:	\$14,737,000

Pinyon/Juniper treatments were selected from top projects identified in draft Conservation Planning

Public Comments Processing
FWS-R8-ES-2013-0042
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U.S. Fish and Wildlife Service
4401 N. Fairfax Dr.
MS2042
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January 30, 2014

On November 1, 2013, the USFWS proposed in a Federal Register notice, to list the Bi-State Population of the Greater sage grouse, a "THREATENED" species. This listing decision must be prevented. By saying these three words, "I STRONGLY OBJECT". The people making these decisions for the Bi-State greater sage grouse which are found in Northern Nevada and part of California are not even Nevadans or Californians.

"I Strongly Object" to this listing of the DPS as "threatened", and I STRONGLY OBJECT' to the CRITICAL HABITAT designation of over 1.8 million acres of Nevada and California.

Here are a couple of reasons why I OBJECT:

1. Economically

If you look at page 31 of the document named "Greater Sage Grouse Bi-State Distinct Population Segment Forest Plan Amendment-DEIS dated August 2013 under the column "JUSTIFICATION", it says,

"The proposed action could adversely affect the economy of the region by limiting the utilization of rangelands, mineral sites, geothermal alternative energy activities, and tourism, due to timing limitations to protect the sage grouse habitat."

This statement alone should be enough to object to the listing. The same document by the BLM/FS also says on page 39, that the 6 counties of the Bi-State population {Alpine, Mono, Douglas, Esmeralda, Lyon and Mineral} make up 44.1% of the income are in agriculture, forestry, fishing, hunting,

and mining. It not just that 44.1% that will be affected. Our families and friends probably make up part of the other 55.9%. All aspects of Nevada and California will be affected. Most people in the east think that Nevada is a "wasteland", but the people in Nevada have proven them wrong. Agriculture is the 3rd largest industry in Nevada. Although Gaming is #1, it also will be affected by this listing. Mining is the 2nd largest industry in Nevada, and where would this country be without mining.

"I STRONGLY OBJECT

2. Personal

~~This reason may be selfish when relating to the saving of the sage grouse, but~~ take into consideration the road closures, cuts to hunting and fishing areas, rockhounds will find no access to areas of interest, cuts to grazing permits and closures to some grazing altogether, ATV use areas closed and famiiy outings to some areas, gone. Then we have a great OBJECTION.

We need a strong economy to be able to support ourselves and our families , and we need our recreation to keep our peace of mind. PLEASE DO NOT LIST THIS SPECIES.

"I STRONGLY OBJECT" to this potential listing of the Bi-State Distinct Population Segment of the Greater Sage Grouse. I STRONGLY OBJECT to the critical habitat designation of over 1.8 million acres of land in the Bi-State.

Signed _____

Dated _____

FROM :

FAX NO. :

May 2004 02:15PM F2

April 28, 2004

TO: Director, U.S. Fish and Wildlife Service
Assistant Director, Endangered Species, USFWS
Regional Directors, USFWS

FROM: Assistant Secretary for Fish and Wildlife and Parks

SUBJECT: Endangered Species Guidance Letter No. 2, Critical Habitat

Critical Habitat

A. Generally:

Habitat loss is one of the key factors in the decline of species to threatened or endangered status. Habitat is necessary for species to thrive and survive and not become extinct.

The Endangered Species Act sets up an essentially legal construct called critical habitat. This legal process should not be confused with the creation of actual habitat that can be observed and in which species can live. "Critical habitat" is a legal and administrative exercise that adds very little additional conservation benefit to a listed species. At the same time, it creates a tremendous social and economic disruption to the communities that are affected.

Although there are superior methods by which to conserve habitat for species, the designation of critical habitat must be founded on the best available science, an accurate assessment and characterization of existing management and protection measures, and a sound economic analysis. Where there is no data available, or the available data is flawed, speculation must not be substituted. In light of the limited value of critical habitat designations in conservation terms, and the significant costs to society at large, critical habitat designations must be no greater than the habitat identified as essential to the conservation of the species.

B. Important Points:

"Critical habitat" as defined in the Act, will be designated for each species at the time of the listing, except where not prudent or not determinable. Habitat, as that term is used in conservation biology, is indispensable to the continued existence of species. But, critical habitat designations are only a small element of our nation's conservation strategy and arguably, the most costly. Accordingly, designations should not detract from other conservation efforts that provide greater species benefits. The Service's critical habitat designations must be based on the best available data and accurate, complete

economic analyses. [Economic analyses must be consistent with OMB guidelines. Further guidance on economic analysis is forthcoming.] Critical habitat designations must not be based on speculation or determinations that lack supporting data.

Do not designate critical habitat where existing management or protection measures adequately conserve essential habitat and those measures are likely to continue for the foreseeable future. Protected lands such as state and national parks, wildlife refuges, national forests, etc., are examples of areas that may not need special management or protection.

Designate unoccupied habitat only when occupied habitat is insufficient to provide the limited additional conservation benefit of critical habitat.

The information provided to the Secretary for the relative benefit assessment provided for under section 4(b) (2) of the Act, must be as rigorous as the biological analysis.

Areas covered by a completed Habitat Conservation Plan generally do not meet the definition of critical habitat in section 3(5) (A) for those species whose habitat is conserved by the HCP, whether or not the species is a "covered species" in the HCP.

Pending HCPs are to be considered for exclusion under section 4(b) (2).

Military lands covered by an Integrated Natural Resources Management Plan (INRMP) are not designated critical habitat if the INRMP provides a benefit for the species for which the critical habitat is proposed.

When considering other military lands for exclusion under section 4(b) (2), defer to the military's analysis of national security and military operational and training needs.

When considering state managed or tribal lands, defer to state and tribal assessment of management and protection measures in the absence of contrary evidence.

Working with landowners, local governments, states, and tribes on a voluntary partnership basis often provides conservation benefits superior to the designation of critical habitat.

The "precautionary principle" is not used as a scientific tool in our critical habitat designations. Policymakers may weigh precautionary approaches in the context of risk-based management decisions.

Complete and accurate administrative records are essential to the process of critical habitat designations.

Detailed guidance is contained in the Draft Interim Critical Habitat Guidance dated April 30, 2004. This guidance compiles, in a single document, instructions that have been applied on an ad hoc basis during the last two years. Staff should relay comments and suggestions through their supervisors as they use the guidance. The guidance will be revised based on staff and other comments, experience, and suggestions after there has been an opportunity to apply the guidance.

FIM CORP'S AUM LOSS DUE TO BIGHORN SHEEP

HUMBOLDT-TOIYABE PERMITS BEFORE THE FS MADE CUTS:

Dunderberg Allotment	900 sheep	90 days	540 AUMs
Cameron Canyon Allot.	900 sheep	90 days	540 AUMs
Tamarack Allotment	900 sheep	90 days	540 AUMs
Tamarack Allotment	1650 sheep	14 days	<u>154 AUMs</u>
TOTAL			1774 AUMs

REMAINING HUMBOLDT-TOIYABE PERMIT NEAR BIGHORNS

Combined Tamarack Allotment and Cameron Canyon Allot.	900 sheep	90 days	<u>540 AUMs</u>
TOTAL AUMS LOST IN BRIDGEPORT DISTRICT			-1,234 AUMs

INYO NF PERMIT CANCELLATION

Bloody Canyon Allotment	1,000 sheep	120 days	<u>-800 AUMs</u>
TOTAL LOST IN INYO AND HUMBOLDT-TOIYABE			-2,034 AUMs

ADDITIONAL AUM LOSSES

During the past few years the Bridgeport Ranger District has prohibited grazing in 40,000 to 50,000 acres within existing grazing allotments. At a generous ten acres per AUM, then we have lost access to 5,000 AUMs of summer forage that are included in the investment-backed expectations of our future ranch growth.

-5,000 AUMs

TOTAL AUMs LOST DUE TO BIGHORN SHEEP **-7,034 AUMs**

July 1, 2014

Regular Meeting

Item #9c

Community

Development

Mono County Comments on

Draft Economic Analysis -

Sage-Grouse

FINAL DRAFT LETTER



Larry Johnston ~ District One Fred Stump ~ District Two Tim Alpers ~ District Three
Tim Fesko ~ District Four Byng Hunt ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

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July 1, 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: Mono County's Comments on the Draft Economic Analysis of Critical Habitat Designation for the Bi-State Distinct Population Segment of Greater Sage-Grouse

The Mono County Board of Supervisors is pleased to hear of the \$32 million in funding allocated to implement the Bi-State Action Plan for Conservation of the Greater Sage-Grouse Bi-State DPS ("Bi-State Action Plan"). As recognized by the U.S. Fish and Wildlife Service ("Service"), funding for the Bi-State Action Plan fulfills key criteria in the policy for the evaluation of conservation efforts (PECE) to support a decision not to list the Bi-State DPS of Greater Sage Grouse. Mono County is hopeful that the multiple Bi-State agency partners can and will demonstrate the effectiveness of the Bi-State Action Plan, with the result that a listing of the Bi-State DPS will ultimately become unnecessary.

However, until such time, the Mono County Board of Supervisors appreciates this opportunity to comment on the *Draft Economic Analysis of Critical Habitat Designation for the Bi-State Distinct Population Segment of the Greater Sage-Grouse* released for public review on June 3, 2014 (the "DEA" or "the Draft Economic Analysis"). Section A of this letter focuses primarily on the DEA's methods and sources for classification of suitable versus unsuitable habitat, which the County believes requires revision. Section B of this letter delineates areas in Mono County that should be excluded from the critical habitat designation entirely, on the basis of economic impacts and lack of primary constituent elements (PCEs).

A. THE DEA INAPPROPRIATELY ISOLATES THE INCREMENTAL IMPACTS OF THE PROPOSED CRITICAL HABITAT DESIGNATION, AND CONTAINS ERRORS AND OMISSIONS.

1. "Suitable" and "unsuitable" habitats were designated inappropriately.

According to the DEA, "suitable" and "unsuitable" habitat were delineated by the Service to isolate the incremental impacts of the proposed Critical Habitat (PCH) designation. Mono County

understands from the DEA that suitable habitat is defined as “habitat potentially occupied or currently suitable for occupation by sage-grouse,” while unsuitable habitat is “unused habitats that could be suitable for use by sage-grouse if practical restoration was applied. These corridors/sites are most commonly former sagebrush areas overtaken by pinyon-juniper woodlands.”¹ Within suitable habitat, costs associated with jeopardy to the species are considered part of baseline protections and excluded from the analysis – only consultation and conservation measure costs attributable directly to adverse modification of habitat are included. In contrast, within unsuitable habitat, all consultation and conservation measure costs are included. Accordingly, the proper delineation of suitable versus unsuitable habitat is critical to a valid economic analysis since it determines the scope and contents of the analysis.

The Service delineated unsuitable habitat by identifying “locations that are: (1) contiguous with currently utilized habitat that occurs within the present range; (2) provide for connectivity between and within populations, and (3) identified within the 2012 Bi-State Action Plan.”² The 2012 Bi-State Preliminary Priority Habitat (PPH) map developed by the Bi-State Technical Advisory Committee (TAC) and the 2008 Bureau of Land Management (BLM)/US Forest Service (USFS) map were used as data sources.³ However, this analysis contains two serious flaws: 1) the definition is inappropriate as it does not include locales that should be excluded due to unsuitability characteristics other than pinyon-juniper woodland encroachment; and 2) the TAC mapping has been updated since the version utilized in the DEA, from a 30-meter resolution of woodland encroachment to a 1-meter resolution and, as a result, identifies additional unsuitable habitat.

By defining unsuitable habitat as only woodland encroached areas and connectivity corridors, significant acreage that is just as likely to be unsuitable for sage grouse for other reasons is characterized as “suitable” and costs associated with consultation and conservation measures are erroneously categorized as attributable to baseline protections. Since costs associated with baseline protections are not analyzed in the DEA, this mis-classification grossly skews both the analysis and conclusions of the DEA. For example, Mono County submitted to the Service vegetation structure and composition data in GIS shape files for various residential enclaves within the County.⁴ That data demonstrates that the primary constituent elements (PCEs) for sage-grouse habitat are not present in those residential enclaves. Yet the DEA classifies these enclaves as suitable habitat. In these developed areas, the designation of critical habitat by itself would trigger additional California Environmental Quality Act (CEQA) review and analysis in the event of a “project” as defined by CEQA, informal consultations and inquiries, and perceptual impacts.⁵ These areas should be designated as unsuitable habitat for the purposes of the DEA, with impacts entirely attributed to the designation of critical habitat, and eventually excluded from PCH.

¹ DEA, Appendix C. US Fish and Wildlife Service Draft Incremental Effects Memorandum for the Economic Analysis for the Proposed Rule to Designate Critical Habitat for the Bi-State Distinct Population Segment of Greater Sage-Grouse (*Centrocercus urophasianus*). January 23, 2014. p. 6-7.

² *Ibid.*, p. 7.

³ DEA, p. 2-14.

⁴ Mono County GIS data with vegetation characterization attributes, submitted in January/February 2014 to the Service

⁵ The County appreciates the identification and qualitative discussion throughout the DEA of perceptual impacts to private property values.

Finally, through its support of the Bi-State Technical Advisory Committee (TAC) efforts, the County is aware that the woodland encroachment mapping has been updated to 1-meter resolution, resulting in a significant increase in areas which should be classified, and analyzed, as unsuitable habitat. Economic impacts are likely to increase as the unsuitable habitat acreage increases, and the analysis must be recalculated to account for the current, best available science.

Because this delineation of suitable and unsuitable habitat is so critical to the analysis of economic impacts, input from the public and Bi-State TAC should be sought to ensure the best available science and knowledge is applied. Without such input, future revisions are likely to continue to be challenged and the adequacy of the economic analysis will continue to be questioned.

2. Data errors and omissions.

While the inappropriate delineation of suitable and unsuitable habitat described above is a foundational error that calls into question the validity of the entire analysis, the County wishes to also provide comments specific to the DEA's analysis of grazing, tourism and recreation, and residential development. The following sections identify relevant data that has been omitted and points out data inaccuracies which should be corrected.

a. Grazing

The Inyo-Mono Agricultural Commissioner's Office promotes and protects the agricultural industry of the counties and, as such, is in a key position to understand the potential impacts of a listing through regular work with agricultural operators. The County conferred with the Agricultural Commissioner to develop the following comments on grazing impacts from the proposed critical habitat designation:

- Paragraph 115: Seasonal grazing restrictions already exist, and for the most part very little flexibility exists to alter them further. Many ranchers move from one type of lease or permitted land to another based on season and management requirements (e.g., how much forage can be grazed). This timing is so highly regulated that any changes have the potential to disrupt operations to the point that a ranch cannot function. Anecdotally, several ranching operators have commented that **timing changes would force them to go out of business** because they have nowhere to pasture livestock.
- Paragraph 122: The concept that a "rancher obtains value for holding a Federal grazing permit beyond the annual fee charged for that permit" is very short-sighted and somewhat absurd. In practical terms, the value of a permit is equal to the production value of the land, measured by multiplying "pounds gained" by "market value," over and above the cost of the permit. Loss in production value, which is the unit of measurement reported to the state and federal governments, can result from reduced animal unit months (AUMs), acreage, amount of grazing time, etc., and is a better measure of the economic impact to a rancher. **The analysis should be recalculated utilizing the more standard and practical measurement of "production value."**
- The impacts to sage-grouse habitat are noted, but not the benefits. The Federal government not only receives the benefit of the fees collected, but also derives other benefits from the grazing of the land, most notably fuels reduction and the

maintenance of wet meadow habitat due to irrigation. **All of these benefits of grazing should be analyzed and included as economic losses.**

- Exhibit 3-5, quantifying \$840,000 in losses over 20 years in today's dollars, results from a very basic view of how operations may be impacted and is likely a low figure. In particular, the study attempts to quantify losses to an individual ranch or allotment holder, but **does not consider the relatively large economic cost of losing even one operation.** If ranches consolidate or allotments are left vacant due to unviability under sage grouse management, considerable economic impacts will result from the loss of production value and/or reduced employment.
- Exhibit 3-6 makes the false assumption that cost per AUM will remain static. The figure should be recalculated with a reasonable annual escalator.
- Paragraph 136: Based on anecdotal information about the Natural Resource Conservation Service's (NRCS's) Sage Grouse Initiative programs and the United States Department of Agriculture (USDA) Livestock Forage Program, **the federal nexus estimate is likely to be understated.**
- Paragraph 149: The County and Agricultural Commissioner's Office absolutely agree that the federal nexus of NRCS and USDA programs discourages ranchers from participating. This **results in reduced voluntary habitat protection for the Bi-State DPS, as well as a local agricultural market disadvantage by preventing ranchers from accessing basic provisions and support for disaster relief.** Both of these impacts are undesirable, and should be included as economic losses.

In the experience of the Agricultural Commissioner, most ranches cannot simply reduce their herd and survive sustainably, and most operations have some rotation onto federal lands. If grazing is reduced due to further management, the County will lose some producers. Therefore, **the County concludes that the study must address the above points within the larger context of regulations possibly forcing the loss of one or more ranches or livestock operations, and the discussion must be founded in the understandable terms of production value.**

b. Tourism and Recreation

The County appreciates the data included in the draft analysis, as it accurately reflects information the County provided. However, one important aspect of recreation that should be specifically evaluated is camping. According to Mono County's 2008 Economic Impact Analysis/Visitor Profile Study, 320,685 visitors stay annually at "Campgrounds/RV Parks/Cabins" generating 1,576,782 visitor days per year and total annual direct spending of \$72,710,000. Of the 86 campgrounds and RV Parks located in Mono County, (private and public), approximately 35% are in designated proposed critical habitat, including the following:

Topaz Lake Marina/RV Park	Paha	Willow Springs
Meadowcliff/KOA RV Park	Lower Twin Lakes	Green Creek
Crags	Twin Lakes Resort	Lundy Canyon
Sonora Bridge	Doc & Al's	Taylor Canyon
Swauger Creek	Honeymoon Flat	Big Springs
Obsidian	Bridgeport Reservoir	Mammoth Creek
Sawmill	Marina/RV Park	Sherwin Creek
Robinson Creek	Paradise Shores RV Park	Brown's Owens River
	Virginia Creek Settlement	Benton Hot Springs

Convict Lake
McGee Creek

McGee Creek RV Park
Crowley Lake Campground

Crowley Lake RV/Trailer Park
Crowley Lake Fish Camp

The DEA does not include any information about changes to management of campgrounds and RV parks. Impacts to these operations should be identified and analyzed for inclusion in the economic study.

c. Residential Development

The DEA's analysis of residential development contains two flaws: 1) the inclusion of residential enclaves within suitable habitat, and 2) the initial removal of "developed" areas from consideration of incremental impacts. As noted previously, there are characteristics besides woodland encroachment that result in lands being unsuitable habitat. **Mono County submitted vegetation data demonstrating that residential enclaves do not meet PCH PCE's, and therefore impacts in these areas should be quantified as incremental impacts.**

In rural communities, the currently developed areas have the highest land values, most suitable commercial locations, and are the most likely to see improvements due to redevelopment, sales, and tenant improvements. As noted previously, the very act of designating critical habitat in these already developed areas triggers more complex CEQA review and analysis, informal consultations and inquiries, and perceptual impacts. With development improvements tending to be marginal in rural areas like Mono County, these additional barriers have a very real possibility of preventing a project. Therefore, **developed areas must be included in the residential development impact analysis, and quantified as incremental impacts.**

d. Potential Benefits

The Board of Supervisors is astounded to see hunting listed as a benefit to the Bi-State DPS. While hunting generates revenue and investment by a certain interest group, the ultimate result is intentional take of a potentially threatened species for recreational purposes. To list hunting as a benefit to the Bi-State DPS is shocking given the level of effort being directed toward the survival of the birds. **Hunting should be removed from the benefit analysis.**

e. Errors and Omissions

Mono County identified several errors and omissions in the DEA, the most glaring of which is lack of analysis of the property tax revenue impact to the County. Mono County derives 45% of its General Fund revenue from property taxes. The Town of Mammoth Lakes and tens of special districts receive and rely upon property tax revenue as well. The costs of CEQA, consultations, and devastating perceptual impacts will certainly have an effect not only on existing land values, but future improvements that result in tax roll increases. Within unsuitable habitat and residential enclaves, the land values and associated tax roll for parcels are \$430,836,953 and \$4,889,726, respectively. Of these totals, residential enclaves generate \$408,178,177 (95%) of the land value and \$4,659,328 (95%) of the tax roll, thus illustrating the importance of categorizing these lands correctly as unsuitable habitat and justifying their exclusion from PCH. **Economic losses resulting from impacts to property values of unsuitable habitat and residential enclaves must be included in the analysis.**

In addition, the County identified the following errors in the analysis:

- Figure ES-2 and paragraph 11 on page ES-4 appear to list the acreage of unsuitable habitat incorrectly at 577,473 acres. The Service's memorandum calculates unsuitable habitat at 472,784 acres.
- Shannon Peterson is a consultant to the Mono County Resource Conservation District (RCD), not Mono County as identified in footnote citations. The RCD is a separate legal entity from the County.

B. EXCLUSIONS THAT SHOULD BE GRANTED ON THE BASIS OF ECONOMIC IMPACTS AND LACK OF PRIMARY CONSTITUENT ELEMENTS (PCE's).

As previously mentioned, Mono County has submitted vegetation characterization data demonstrating that its rural enclaves do not meet the primary constituent elements (PCEs) of proposed critical habitat and should therefore be excluded. **A review of the comments above on residential development and the omission of impacts to property tax generation clearly indicates that the economic benefit of excluding these areas outweighs the benefit of including them.**

In addition to the residential enclaves, Mono County requested that existing infrastructure such as roads, aggregate pits, and landfills (except Benton Crossing) be excluded by text due to lack of PCEs. Again, leaving these locations in PCH will result in economic impacts by triggering more complex CEQA review and analysis, formal and/or informal inquiries and consultations, and perceptual impacts. These previously submitted locations should be excluded by text for the same reasons as residential enclaves.

Finally, the County adds more developed areas to the list of exclusions requested by text. These locations are already developed and/or impacted by activities and, consequently, clearly do not meet the PCE's. Inclusion in critical habitat would trigger CEQA implications, informal and/or formal inquiries for activities, perceptual impacts, and real impacts to the tourism and recreation economy. As a result, excluding the following locations outweighs the benefits of inclusion:

- The campgrounds listed above in Section A.
- The Sierra Business Park is a light industrial area located to the west of the Mammoth-Yosemite Airport on the south side of US 395.
- Mammoth Yosemite Airport in Long Valley which sees daily commercial flights year-round on both Alaska Air and United Airlines.
- Whitmore Recreation Area and High Altitude Training Center, located in Long Valley on Benton Crossing Road near US 395.
- McGee Creek Pack Station, a traditional pack outfitter located in Long Valley.
- Hot Creek Hatchery and Casa Diablo Hot Springs.

C. CONCLUSION

The DEA does not accurately characterize economic impacts due to the foundational flaw associated with incorrectly delineating suitable and unsuitable habitat. The best available science

and information should be utilized, residential enclaves deemed unsuitable habitat, and the analysis revised accordingly.

In addition, the County has several comments, including identifying errors and/or omissions related to grazing, tourism and recreation, residential development, and property taxes. The economic analysis should adequately consider the impacts of these points. Errors in unsuitable habitat acreages and citations should also be corrected.

Lastly, in addition to previous requests to exclude residential enclaves, Lee Vining and Bryant Field airports, and specific features across the landscape, the County adds other developed areas that do not contain the PCEs and, yet, would be economically impacted by a critical habitat designation. Please consider these locations and features for exclusion from PCH.

Thank you for taking the time to consider Mono County's comments on the DEA. The County appreciates the challenging political, environmental and social position of the Service, and hopes this information will assist the Service with weighing the benefits of designating critical habitat against the probable economic impacts in a complete, informed, and accurate manner.

Respectfully,

MONO COUNTY BOARD OF SUPERVISORS

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