



# United States Department of the Interior



CALIFORNIA/NEVADA OPERATIONS OFFICE  
2800 Cottage Way, Room W-2606  
Sacramento, California 95825-1846

In Response Reply To:  
CNO

MAR 03 2006

## Memorandum

To: Project Manager, Bureau of Land Management, Nevada State Office  
Reno, Nevada

From: **Acting** California/Nevada Operations Manager,  
Sacramento, California

Subject: Review of Draft Programmatic Environmental Impact Statement/Programmatic  
Environmental Review for Vegetation Treatments on Public Lands Administered  
by the Bureau of Land Management in 17 Western States including Alaska  
(ER05/0009)

1 The California Nevada Operations Office (CNO) and Region 6 of the Fish and Wildlife Service offer the attached comments for the review of the Draft Programmatic Environmental Impact Statement/Programmatic Environmental Review (DPEIS/PER) for Vegetation Treatments on Public Lands Administered by the Bureau of Land Management (BLM) in 17 Western States including Alaska. Thank you for providing us the opportunity to review this important document.

## Attachment

cc:  
Stephanie M. Nash  
Team Leader, Natural Resources Management  
Darrin Thome, CNO  
Julie Concannon, R1

TAKE PRIDE  
IN AMERICA 

2 The California Nevada Operations Office (CNO) and Region 6 of the Fish and Wildlife Service have reviewed the subject document. The purpose of the project is to programmatically review and analyze vegetation treatment programs across Bureau of Land Management (BLM) lands in 17 Western States. The methods of treatment include: mechanical, fire, biological, manual, and herbicides to control, maintain, and/or restore vegetative communities to their desired condition. We offer the following comments and recommendations to be incorporated into the Service's response to the agency.

## GENERAL COMMENTS

3 The Service supports BLM's commitment for designing future monitoring to determine the effectiveness of vegetation treatments, which would ensure that treatments do not adversely impact our trust resources of fish and wildlife. We strongly recommend that pre-treatment surveys and monitoring also be emphasized in the final PEIS/PER, in addition to post-treatment surveys and monitoring, in order to adequately determine treatment effectiveness and impacts on other resources.

4

5 Overall, we believe it is important for BLM to have the management tools available to adequately manage the natural resources and species on BLM administered lands. In this respect at a programmatic level we support Alternative B to expand herbicide use and allow for use of new herbicides in 17 Western States because it will provide BLM with more management options; however, this wider flexibility in management options should not come at the expense of species listed under the Endangered Species Act or other sensitive species.

6 The Draft Biological Assessment (BA) outlines in Chapter 3 (Pages 3-1 thru 3-3) how consultation between the Service and BLM operates. At a local level through informal and/or formal consultation, a determination whether or not the actions proposed in the DPEIS will affect listed species and habitat will be made. However at a local level, both BLM and Service field offices may not have the technical information or expertise available to adequately evaluate the proposed project effects on listed species. We believe it is important that both Service and BLM field offices have access to technical expertise as needed through their regional offices to address issues that may arise.

7 Because the herbicides are not generally tested on listed species, where possible it is imperative that local and regional offices of both agencies in coordination with the Environmental Protection Agency and states seek funding for research on the effects of herbicides on listed species. The research would be under tightly controlled conditions such that, if necessary, incidental take of listed species can be adequately evaluated and permitted.

### *Programmatic Environmental Report*

8 We note the Programmatic Environmental Report (PER) reference (page 2-33) to the Healthy Forests Restoration Act (HFRA) directive to establish a "collaborative multiparty monitoring, evaluation, and accountability process" to assess the ecological effects of projects carried out under its authority. We applaud BLM's commitment to the concept in the DPEIS/PER and

9 recommend that they engage in a cooperative effort with the Service, State wildlife agencies, and the U.S. Forest Service (USFS) to develop a consistent, seamless monitoring approach for HFRA projects in the final PEIS/PER. The State of Utah offers as an example, the Utah Partners for

Conservation and Development, an organized interagency entity which coordinates vegetation restoration projects and can provide the structure and support in which to design such a monitoring system.

10 The draft PER references numerous research studies to help substantiate its discussion on the effect of vegetation treatments on wildlife resources. The Service supports many of the recommendations and conclusions made in this section; i.e., the discussion on pinyon-juniper woodlands (pages 3-52, 4-75, and 4-78) reflects respect for this habitat type, caution regarding initiating extensive treatments, and acknowledgment of the lack of information on the effects of pinyon-juniper treatments on wildlife. In addition, we support the discussion on treatments in sagebrush habitat which emphasizes caution regarding fire use and the importance of retaining sufficient habitat to sustain resident sagebrush-obligate wildlife.

### *Migratory Birds*

11 Migratory birds would be adversely impacted by these proposed projects, given the estimated 6 million acres proposed to be treated annually. To help meet responsibilities under Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds), for the final PEIS/PER, we recommend the BLM evaluate each proposed project for its impacts on migratory birds, specifically the Service's list of Birds of Conservation Concern (2002) and the Partners in Flight priority list species. Specifically, for projects that occur within breeding seasons for migratory birds, we recommend the PER provide for pre-treatment surveys. These would support the pre- and post-monitoring that would be an integral part of the projects. Finally, for the final PEIS/PER, we recommend that a goal of avian habitat improvement be encouraged and designed for each of the proposed project designs. This conceptual approach could result in the development of various pro-active treatment prescriptions that would focus on improving bird habitat.

### *Greater Sage-Grouse*

12 In 2000, the USFS, BLM, and the Service signed a Memorandum of Understanding (MOU) with the Western Association of Fish and Wildlife Agencies (WAFWA) to conserve the greater sage-grouse and its habitat. This MOU outlined the participation of Federal and State wildlife agencies in greater sage-grouse conservation, and these commitments should be considered in future project planning in sage-grouse habitat. Additionally, unless site-specific information is available, greater sage-grouse habitat should be managed following the guidelines by Connelly *et al.* 2000 (also known as the WAFWA guidelines).

13 Based on calculations using data provided in the draft PER and draft BA, approximately 3,960,000 acres of temperate desert ecoregion (which includes sagebrush) would be treated on an annual basis using fire, mechanical treatments and herbicide applications. This is nearly two-thirds of all the annual treatments across all BLM lands. We are concerned at this time that only very general effects to species dependent on these habitats were provided in the DPEIS. Even though the Service has determined that the greater sage-grouse (*Centrocercus urophasianus*) is unwarranted for listing at this time, we continue to have concerns regarding sage-grouse population status, trends and threats, as well as concerns for other sagebrush obligates. We urge the BLM to use extreme caution in proposed application of vegetation management in sagebrush ecosystems in the final PEIS/PER so as to not further exacerbate causes of decline for this species, and other sagebrush obligates.

14 Please use the following information on greater sage-grouse for your final analysis in the final PEIS/PER: Chemical control of sagebrush has resulted in declines of sage-grouse breeding populations through the loss of live sagebrush cover (Connelly et al. 2000). Herbicide treatment also can result in sage-grouse emigration from affected areas (Connelly et al. 2000), and has been documented to have a negative effect on nesting, brood carrying capacity (Klebenow 1970), and winter shrub cover essential for food and thermal cover.

15 Mechanical treatments, if carefully designed and executed, can be beneficial to sage-grouse by improving herbaceous cover, forb production, and resprouting of sagebrush (Braun 1998). However, adverse effects have also been documented (Connelly et al. 2000). Mechanical treatments in blocks greater than 100 ha (247 ac), or of any size seeded with exotic grasses, degrade sage-grouse habitat by altering the structure and composition of the vegetative community (Braun 1998).

16 Few studies have directly addressed the effect of livestock grazing on sage-grouse (Beck and Mitchell 2000, Wamboldt et al. 2002), and there is little direct experimental evidence linking specific grazing practices to sage-grouse population levels (Braun 1987, Connelly and Braun 1997). However, it has been demonstrated that the reduction of grass heights due to livestock grazing of sage-grouse nesting and brood-rearing areas negatively affects nesting success by reducing cover necessary for predator avoidance (Gregg et al. 1994; Delong et al. 1995; Connelly et al. 2000). In addition, livestock consumption of forbs may reduce food availability for sage-grouse. This information suggests that grazing by livestock could reduce the suitability of breeding and brood-rearing habitat, subsequently negatively affecting sage-grouse populations (Braun 1987, Dobkin 1995, Beck and Mitchell 2000). For more information on the effects of vegetation treatment on sage-grouse, please see 70 FR 2255, January 12, 2005.

17 Also, we recommend that the BLM ensure that proposed management actions in the final PEIS/PER not conflict with either State or local working group activities designed to benefit sage-grouse. We encourage BLM to contact each State wildlife agency sage-grouse coordinator to facilitate communication and coordination on these issues for the final PEIS/PER.

#### *Draft Biological Assessment*

18 Overall the plant section of the BA is good and adequately addresses ecosystem processes and effects; however in some cases, specific details regarding individual species are incorrect (see Specific Comments).

19 Blanket statements regarding buffers may not always be appropriate. Some taxonomic groups of plants are more susceptible to herbicide effects and may require larger buffers as protection from herbicide drift. Often these sensitivities are included on the herbicide label; i.e., legumes are particularly susceptible to Milestone. In some cases they are not on the label; i.e., the Crassulaceae as a group are generally highly susceptible to glyphosate. This information is difficult to compile because it is often based on anecdotal experience under field conditions; however some attempt should be made to differentiate buffers for specific groups of plants, where possible, and this information should be added to the BA as general guidance to field offices. For the final PEIS/PER, please include an allowance for field offices to be allowed the flexibility of customizing buffers based on their site conditions if sufficient technical information or field experience is available to support the buffer size.

20

The BLM has determined that the proposed treatment program “is likely to adversely affect” the threatened and endangered species identified in this BA given that the proposed vegetation treatments could occur anywhere on public lands within the 17 Western States covered by this programmatic document. However, the BLM states that with the incorporation of design criteria such as that developed through the National Fire Plan and the implementation of programmatic- and project-level conservation measures most treatment effects could be reduced to a “not likely to adversely affect” determination. The Service believes that there will be numerous proposed vegetation treatment projects which would have short term adverse affects, but long term beneficial affects, to listed species. Programmatic- and project-level conservation measures may not be able to reduce the short-term effects to a “not likely to adversely affect” determination. The Service encourages the BLM to not abandon those treatment projects in the final PEIS/PER, but to move forward through the formal Section 7 consultation process, because the long term benefits may assist the recovery of listed species.

21

We offer the following information for your final BA on the Aquatics Section for this project:

A) Spray herbicide applications should have adequate zones and not applied during a time that would impact spawning for each individual species. This would include run-off from seasonal events (including summer monsoons), B) Vegetation control activities should not result in an altered aquatic habitat. Alterations to aquatic habitat that should be considered include changes in sedimentation, nutrient availability, light and thermal load. C) Overall, the species accounts for Nevada species were very good. The Service’s field office in southern Nevada can provide some additional references for the Ash Meadows naucorid. We suggest they use and include updated census data for aquatic species in southern Nevada from the Nevada Department of Wildlife. D) All pupfish were combined and the section is not as thorough as, for example, the springfish sections. The section should be expanded for consistency sake. The Owens pupfish varies greatly from the Devils Hole pupfish. It will be difficult to show effects to any pupfish in Nevada from BLM activities other than residual effects within the food chain; however, there are Ash Meadows Amargosa pupfish on BLM lands in Nevada, and E) The loss of allochthonous materials should be addressed more directly. In the effects section, BLM refers to the loss of allochthonous materials by removing plant material in a round-about way (5-11 “limit populations of terrestrial and aquatic insects”). We would suggest adding language discussing a change in the energy dynamics of the stream. This may be good (i.e. removing evergreen palms and replacing with deciduous ash) and allow more material to be blown in, etc.; however, impacts to the riparian system could affect nutrient dynamics which drive primary production and can ultimately affect aquatic listed species.

22

23

24

25

Please note that all our trust species have not been addressed in this response. We reserve the right to provide input if it is required, and ask that each of the Regional Office, and the California/Nevada Operations staff be consulted on this matter.

### SPECIFIC COMMENTS

Page 1-5 to 1-15, Table 1-1: Please include the following corrections and new information into your analyse for the final PEIS/PER:

26

- There are no known occurrences for the Western prairie fringed orchid (*Plantanthera praeclara*) in Montana or Wyoming or pallid sturgeon (*Scaphirhynchus albus*) in Colorado or Wyoming. Additionally, the piping plover (*Charadrius melodus*) and interior least tern (*Sterna antillarum*) are only migrants in Wyoming and do not nest there. However, impacts

26

to these species could still occur from activities in Wyoming if any management activities result in depletion to the North Platte River system (e.g. water drafting for fire management). This is also true for the whooping crane (*Grus americana*) and bald eagle (*Haliaeetus leucocephalus*).

27

- The humpback chub (*Gila cypha*), bonytail chub (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*) and razorback sucker (*Xyrauchen texanus*) do not occur in Wyoming. However, impacts to these species could still occur from activities in Wyoming if any management activities result in a depletion to the Green River system, including the Little Snake River of the Colorado River system (e.g. water drafting for fire management).

28

- There are no known occurrences of the American burying beetle (*Nicrophorus americanus*) in Wyoming.

29

- Critical Habitat for the desert yellowhead (*Yermo xanthocephalus*) is present on BLM lands in the amount of 360 acres.

30

- There is an approved recovery plan for the Kendall Warm Springs dace (*Rhinichthys osculus thermal*) (USFWS, 1982).

31

- The whooping crane has been extirpated from Wyoming. We also suggest the BLM delete the paragraph regarding the Grays Lake whooping crane flock as that flock has been extirpated (page 6-87).

32

- There are five geographic recovery plans written for the bald eagle. For Wyoming and Montana please refer to "Recovery Plan for the Pacific Bald Eagle," (USFWS, 1986). For Colorado and Utah, refer to the "Northern States Bald Eagle Recovery Plan," (USFWS, 1983).

33

- The gray wolf (*Canis lupus*) is listed as experimental nonessential throughout Wyoming and portions of Montana and Idaho, i.e. the Yellowstone and central Idaho nonessential experimental populations (NEPs) (FR Volume 70, No. 4, 2005). However, for purposes of Section 7 consultation, the gray wolf is considered threatened on any National Park or National Wildlife Refuge within these two NEPs. In Colorado, Utah, and the rest of Montana it is listed as Endangered.

Page 4-18, Water Quality and Quantity, Introduction:

34

- The relative use of water by tamarisk as compared to native species remains inconclusive. Studies (McDonnell et al., 2004; Glenn and Nagler, 2005) have shown that water use by tamarisk depends on many factors, including multiple environmental variables, time of year, and life stage of the plant. The Service recommends the final PEIS/PER provide more evidence/research to support this claim other than the USFS unsubstantiated claim. We recommend that the BLM take a more circumspect approach that reflects the questions and unknowns about this topic.

Page 4-26 and 4-28, Wetlands and Riparian Areas, Adverse Effects, Biological Control Agents:

35

- The draft PER states that approximately 9,000 acres of wetland and riparian habitat would be treated annually, using insects as the biological control method. There is no specific discussion, however, of using the tamarisk leaf beetle (*Diorhabda elongata*), nor the potential effects from its use. For the final PEIS/PER, we recommend an expanded discussion on the tamarisk leaf beetle, particularly regarding the need for post-treatment revegetation to mitigate loss of habitat and to prevent re-invasion by tamarisk or other non-native species.

Page 4-26 and 4-28, Wetlands and Riparian Areas, Adverse Effects, Biological Control Agents:

36

- It is unclear in the DPEIS/PER if livestock will be used to control vegetation in wetland and riparian areas. On page 4-26, the PER states, "...no livestock would be used..." whereas on page 4-28 it states, "...there would be some use of livestock." Please clarify this for the final PEIS/PER.

Page 4-41, Blowout Penstemon:

37

- The information regarding blowout penstemon (*Penstemon haydenii*) is outdated. While this species does occur in Nebraska, it was also discovered in Wyoming in 2000. The plant's current known range in Wyoming consists of the Ferris dunes area in northwest Carbon County where the plant is restricted to two habitat types: steep, northwest facing slopes of active sand dunes with less than 5 percent vegetative cover; and on north facing sandy slopes, on the lee side of active blowouts with 25-40 percent vegetative cover. Recent surveys have indicated that systematic surveys are warranted in all lower elevations (below 6700 feet) in Wyoming where sand blowout features are located. Threats to the plant occur when sand dunes are removed or are overly disturbed by vehicular traffic.

Page 4-78, Effects of Mechanical and Manual Treatments, Mechanical Effects by Ecoregion, Evergreen Shrubland:

38

- The DPEIS/PER states that "most of the mechanical treatments in evergreen shrubland would involve tilling or plowing of sagebrush, followed by seeding or drilling". The Service has concerns regarding the proposed use of seeding in fragile evergreen shrubland habitats. By seeding areas, the BLM may inadvertently introduce invasive weeds to otherwise "weed-free" areas. Please reconsider this action in the final PEIS/PER.

Page 4-81, Effects of Biological Treatments, Containment by Domestic Animals:

39

- The text states "Sensitive sites, such as wet meadows and riparian areas should be protected from excessive grazing". The Service suggests that the BLM expand and further describe the methods to be used to protect these sensitive areas from excessive grazing in the final PEIS/PER.

Page 4-100, Prescribed Fire Treatments, Indirect Effects:

40

- While there may be specific habitats for which it is true, there is no clear biological basis to support the general statement suggesting longterm benefits of prescribed fire on plants through reduction of fuel buildup. This is particularly the case in the arid west throughout which cheatgrass (*Bromus tectorum*) is established and which spreads more readily with fire. Furthermore, this widely-distributed invasive grass increases the likelihood of future fire ignition where dense stands are established, increasing the likelihood of establishing even denser stands of cheatgrass.

Page 4-103, Table 4-1:

41

- There is not an adequate biological basis provided to support the assumed plant responses to fire in Table 4-1 (Biological Assessment), especially the beneficial effects assumed for the blowout penstemon, Colorado butterfly plant (*Gaura neomexicana var. coloradensis*), and Ute ladies'-tresses orchid (*Spiranthes diluvialis*). These species may have an equal likelihood of experiencing adverse effects due to fire as a result of habitat condition, species biology, life-stage of plants present and that stage's response to fire, plant community at specific location, and land management. Based on information provided, an adverse effect should be assumed for these species.

Page 4-105, Table 4-1 and in text where appropriate:

42

- Refer to the Recovery Plan for the Endangered and Threatened Species of Ash Meadows, Nevada ([http://ecos.fws.gov/docs/recovery\\_plans/1990/900928d.pdf](http://ecos.fws.gov/docs/recovery_plans/1990/900928d.pdf)) for better biological information for Ash Meadows endemic species. The additional information for Amargosa niterwort is incorrect. The niterwort is generally found adjacent to the active stream channel in the Carson Slough and appears to be adapted to periodic disturbance related to flooding and sediment deposition. Characterizing both the Amargosa niterwort and Ash meadows milkvetch as part of a climax community is not appropriate given their habitat dynamics. These communities have very little, if any, serial succession as classically defined. Additional information provided for the Ash Meadows milkvetch, Ash Meadows sunray, and Ash Meadows blazing star is also inaccurate. These species are also found in upland areas not directly associated with springs and spring flows from the Ash Meadows aquifer. See the Ash Meadows Recovery Plan and update the threats to all species. An additional threat to the spring loving centaury, Ash Meadows ivesia, Ash Meadows gumplant, Ash Meadows blazing star, Ash Meadows sunray includes competition with non native plant species.

Page 4-124 Conservation Measures:

43

- As stated in the text, local BLM offices are required to develop and implement management plans to conserve listed species. In BLM field offices where these plans are being prepared or revised, local FWS field offices should be involved.

Page 4-133, Effects Summary:

44

- Based on the lack of site specific details regarding project implementation and the lack of a biological support regarding assumptions about potential project related impacts to plants,

we do not believe that the proposed Conservation Measures identified for plants reduce the level of impact to a “not likely to adversely effect” determination. To ensure this, additional Conservation Measures would need to be developed for these species on a site specific basis.

Page 4-133 Conservation Measures:

- 45 • Statement should be reworded “Where seeding is warranted, bare areas should be seeded as soon as possible after treatment ....” Many herbicides have residual effects on seed germination and seedling establishment. Reseeding and any revegetation activities following herbicide treatment should take this into account. Using “as soon as appropriate” would be better wording.

Page 4-133 Conservation Measures:

- 46 • The Service supports the measure stating that non-native plant species should not be used for revegetation in suitable habitat for listed species. The Service also encourages the BLM to use native plant species when revegetating areas even in habitat or areas that are not suitable for listed species. Use of nonnative species for any revegetation work should be the last resort.

Page 5-23 Pahranaagat Roundtail Chub:

- 47 • Third sentence states “...but maintains good numbers of adults in a single microhabitat in the lower portion of the natural channel (Hardy 1982).” This statement is inaccurate. The last survey (2001) indicated a population no larger than 17 individuals. The population is very susceptible to extirpation in the wild.

Page 5-27 Virgin River Chub Fourth paragraph, “The exact time of spawning for this species is not known.”

- 48 • More recent literature reports ripe Virgin River chub males and females have been reported in April, May and June.

Page 5-28 Woundfin Fourth paragraph:

- 49 • Replace last sentence with “Spawning occurs April to July, depending upon the timing of snow melt runoff, which should be during the period of declining flows.”

Page 5-29 Mojave Tui Chub Last paragraph, last sentence:

- 50 • Increased turbidity may affect larvae or juveniles but adults appear to tolerate turbidity.

Page 5-30 Nevada Speckled Dace First paragraph:

- 51 • Main threats include predation by tilapia, and habitat loss due to declining water flows. The species is restricted by its cold water intolerance.

Page 5-43, Kendall Warm Springs Dace:

52

- The habitat of the Kendall Warm Springs Dace (*Rhinichthys osculus thermalis*) is currently owned and managed by the USFS, Bridger Teton National Forest. Therefore, this species should be removed from the analysis of effects, or the BLM should clarify if vegetation treatments would be occurring on lands where there will be potential affects to hydrology on USFS lands.

Page 5-56, Prescribed Fire Treatments, Indirect Effects:

53

- The BA states that “a fire capable of consuming a large amount of vegetation and exposing a large area of bare soil would likely result in a surge of nutrients into the aquatic system. This temporary increase in nutrients could temporarily benefit many TEP fish species by increasing food production” (page 5-56). While there may be longterm benefits of nutrient loading of aquatic systems after prescribed fire, or other vegetation methods, we believe that the BA does not adequately address the short term, direct and indirect effects of the proposed vegetation treatment methods on threatened, endangered and proposed aquatic species. Gresswell (1999) summarizes the results of numerous research reports which have identified direct and indirect effects to aquatic species from vegetation treatments. We request this information be incorporated into the analysis of direct and indirect physical, chemical and biological effects of vegetation treatments to those threatened, endangered and proposed species and included in the final BA for the final PEIS/PER.

Page 5-66, regarding limiting ground disturbing activities during spawning:

54

- This section seems directed towards salmon. We would recommend in the basins that do not contain trout but have other sensitive aquatics; that ground disturbing activities would be considered on a case-by-case basis and BMPs would be implemented to ensure minimal erosion or impact to the aquatic habitat. Insects and mollusks may not have a specific date where they are more sensitive to disturbance, and many of the fish in the desert have longer breeding/larvae periods (i.e. springfish).

Page 5-67, Conservation Measures for Site Access and Fueling/Equipment Maintenance:

55

- The draft BA states that “within riparian areas, do not fuel/refuel equipment, store fuel, or perform equipment maintenance (locate all fueling and fuel storage areas, as well as service landings outside of protected riparian areas).” The Service recommends revised wording for this statement as presented: “Within 150 feet of wetlands or riparian areas, do not fuel/refuel equipment, store fuel, or perform equipment maintenance (locate all fueling and fuel storage areas, as well as service landings outside of protected riparian areas).”

Page 5-68, Conservation measures related to revegetation:

56

- We question the need for fertilizer in desert habitats, and it generally should not be used in this habitat. Additionally, excess nitrogen in runoff can cause algal blooms and eutrophication in aquatic systems.

Page 5-68, Conservation measures related to biological control of livestock:

57

- Several of the bullets say the same thing. Appropriate dispersion techniques used for range management should be employed to prevent damage to riparian areas but increase weed control. This includes judicious placement of saltblocks, troughs, fencing. This should be analyzed on a case-by-case. If it is deemed that livestock will negatively impact a riparian area, then it would be logical to exclude them. If placement of these items would enhance the weed-control effectiveness without damaging the riparian system (erosion, etc.), then they should not be excluded.

Page 6-25, Wyoming Toad:

58

- The current distribution of the Wyoming toad is limited to Mortenson Lake National Wildlife Refuge (MLNWR) and possibly Hutton Lake National Wildlife Refuge (HLNWR). The toad was also recently reintroduced to a small research project site in the Laramie Plains (2003) and on private land in Centennial, Wyoming (June 2005) as a result of a Safe Harbor Agreement dated August 2004. Current recommendations call for surveys when proposed projects occur within 1 mile of any border of MLNWR or HLNWR during the toad's active season (May through September). Please incorporate new occupied sites as they become established into the guidelines for the final PEIS/PER. We request the BLM insure that current recovery efforts would not be impacted by the proposed vegetation management actions, and that proposed activities would not limit recovery opportunities for this species in the final PEIS/PER.

Page 6-34, Prescribed Fire:

59

- The use of prescribed fire in the Mojave Desert has not been considered a tool to benefit desert tortoise habitat. The Mojave desert scrub plant community is not fire-adapted and does not recover for many years following fire. Therefore, we recommend that prescribed fires do not occur in desert tortoise habitat. The fourth sentence under *Indirect Effects* is inaccurate; desert tortoises do not require open, grassy areas.

Page 6-37, Terrestrial Scenarios, first paragraph, second sentence:

60

- States "data pertaining to contact of herbicides with reptiles is unavailable"; however, the last sentence in the paragraph states "that it is assumed that the analysis is adequate for reptiles and amphibians." Herbicides identified in the document that may result in adverse health effects should not be considered for large-scale application in desert tortoise habitat.

61

Further, we recommend that BLM develop and implement a study to determine what effects may occur as a result of direct contact or ingestion of herbicides that may be used in desert tortoise habitat.

Page 6-38, Table 6-2:

62

- Although many of the following comments regarding Table 6-2 are addressed in the DPEIS section on Wildlife Resources, Table 6-2 may actually mislead the reader.

63

- Please include footnotes or additional text that references the section in the final EIS where a reader can find the more detailed information. Please include a statement in Table 6-2 to

reference the DPEIS section, which explains “effects to terrestrial vertebrates from the herbicides would depend on the product used, if more than one product is used, if the products are combined, how often the product(s) would be applied, the application method of the herbicide(s), and when the application(s) would occur.

64

- Please correct the information in Table 6-2 for the “No effects” characterization under the “Direct Spray” and “Dermal Contact with Sprayed Vegetation” columns. This pertains to grassland birds and also to mammals. The section of the final PEIS where the information used in determining the “No effects” characterization to terrestrial vertebrates should be referenced in the table. Similarly, the “Adverse effects/No effects” characterization in the “Direct Spray” column of Table 6-2 should be clarified or the appropriate section in the final EIS referenced. It is unknown if this characterization is describing acute effects, chronic effects, or both. If effects characterization is only for acute effects, the Table should state this in the title or the table headings. If chronic effects are not addressed the document should state why chronic effects are not addressed.

65

- If chronic effects are addressed in the “Adverse effects/No effects” characterization, then the table needs to clarify what type of chronic effect is affected (e.g. reproduction, growth, etc.).

66

Because some of the herbicides are restricted use (2, 4-D, picloram) and more toxic than others, the final PEIS should state if priority for use will be given to the less toxic herbicides before resorting to the use of more toxic herbicides.

67

- The herbicides are listed in Table 6-2 by chemical name except for the herbicide Overdrive (the trade name). Please provide consistency in the table, and list the chemical name as sodium salt of diflufenzopyr for this herbicide in the final PEIS. Herbicide toxicity information for effects to reptile and amphibians is lacking in the draft PEI. Amphibians, in particular, are often more sensitive than mammals and birds to chemicals because of respiration through their skin. Therefore, the general classification of “No effects” to terrestrial vertebrates, if this table includes effects to amphibians and reptiles, is incorrect for many of the herbicides. We suggest that unless specific information is available for all terrestrial vertebrate groups (e.g., mammals, birds, and reptiles/amphibians), the herbicide cannot be assumed to have no effects.

Page 6-41, Conservation Measures, sixth bullet and Summary of Effects:

68

- See previous comment regarding Prescribed Fires in the Mojave Desert. In addition, we recommend that the BLM coordinate with the Service to design a study to evaluate the potential direct and indirect effects of herbicide use on the desert tortoise. In the absence of information on the potential effects of herbicides on the desert tortoise, including persistence of herbicides on forage plants, we recommend that applications be applied when desert tortoises are less active (e.g., November through February). Desert tortoise burrows should be avoided to the greatest extent possible during herbicide treatments.

Page 6-55 Yuma Clapper Rail, Paragraph one, second sentence:

69

- The species is also present in southwest Utah along the Virgin River and in Nevada along the Virgin and Colorado Rivers. The five year review for this species will be released soon and should provide this information.

Page 6-56 Manual Treatment Methods:

70

- Workers removing vegetation could also destroy nests.

Page 6-56 Herbicide Treatment Methods:

71

- Inaccurate statement- “Most birds would likely flee the site and so avoid direct exposure to herbicides during treatment”...” Birds that have not fledged are not able to flee and will receive direct exposure.

Page 6-57 Conservation Measures:

72

- We would not recommend fire treatments in Yuma clapper rail habitat since fire often favors the establishment of invasive species.

Page 6-65 Southwestern Willow Flycatcher:

73

- We recommend using the final recovery plan (August 2002) as the main source as it contains the most up to date information for this species.

Page 6-66 Southwestern Willow Flycatcher:

74

- Last paragraph. This information is out of date. Critical habitat was redesignated on October 19, 2005, and now includes 737 river miles of habitat in Nevada and Utah.

Page 6-67 Prescribed Fire Treatments:

75

- Southwestern willow flycatcher and Bells vireo are neotropical migrants so there will be no direct mortality if burns occur in the winter.

Page 6-67 Manual Treatment Methods:

76

- Manual removal without proper clearance surveys could result in destruction of the nest and any eggs.

Page 6-68 Other Biological Control Agents:

77

- Released biocontrol agents could potentially compete with native species or affect prey species in some way.

6-69 Conservation Measures:

78

- Replanting or reseeding treated areas with native species after treatments may be needed to speed up the creation of suitable habitat. Adjust spatial and temporal scales of treatments so not all suitable habitat in any given year is affected. On large projects, revegetation of affected areas should also be timed to replace

Page 6-92, Effects of Vegetation Treatments on the Bald Eagle:

79

- The draft BA does not adequately analyze the direct effects of the proposed treatment methods to bald eagles during the breeding/nesting season. With the exception of biological control treatments, all proposed methods of vegetation treatment include some level of human activity within the treatment area. Extensive research exists documenting the heightened sensitivity of breeding and nesting bald eagles to human disturbance (Greater Yellowstone Bald Eagle Working Group (GYBEWG) 1996, Montana Bald Eagle Working Group (MBEWG 1994), Weekes 1974, Mathisen 1968). Responses to human disturbance vary and may include short term, temporal, or spatial avoidance of the disturbance, to total reproductive failure and abandonment of breeding areas (GYBEWG 1996, Anthony et al. 1995, MBEWG 1994, Stalmaster and Newman 1978). Human disturbances can still be problematic later in the season and result in premature fledging (Grier 1969). Please utilize this information for the final BA.

Page 6-94, Conservation Measures:

80

- The draft BA identifies a 0.5 mile buffer distance for bald eagle nest sites and a 0.25 mile buffer for winter roost sites (page 6-94). Since this BA addresses proposed vegetation treatments across 17 States, all of which are within the range of the bald eagle, we do not believe that the proposed buffer distances are appropriate across such varied nesting habitats. The Service recommends that the programmatic conservation measures for bald eagle nest sites start with 1 mile buffer for active bald eagle nests in open country. Then in more heavily forested or mountainous areas, where the line-of-sight distance from the nest is shorter, this buffer distance could potentially be reduced (see Stalmaster and Newman 1978, USFWS 1986). For bald eagle communal winter roosts, we recommend that disturbance be restricted within 1 mile of known communal winter roosts during the period of November 1 to April 1. Additionally, we recommend that ground disturbing activities be prohibited within 0.5 mile of active roost sites year round. Please utilize this information for the final BA.

Page 6-95:

81

- Terrestrial vertebrates include grassland birds and therefore, effects to terrestrial grassland birds from the use of herbicides should be addressed in the final BA. Effects to grassland birds from herbicide use often are different than effects to terrestrial mammals.

Page 6-96 to 6-100, Pygmy Rabbit:

82

- Pygmy rabbits (*Brachylagus idahoensis*) occur throughout the Great Basin. While the Service has written a negative 90-day finding for a petition to list this species throughout its range, we remain concerned with the status of any sagebrush obligate species. Therefore, we strongly encourage that the mitigation measures for this species (page 6-100, Biological Assessment) be applied across the entire species range, and not be limited to Washington State in the final PEIS/PER.

Pages 6-121 to 6-125, Preble's Meadow Jumping Mouse:

83

- Please utilize this information for the final PEIS/PER/BA.

84

- While the conservation measures for Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's) and other rodents are likely to reduce the severity of project effects, they do not appear adequate to reduce the effects to Preble's to a level considered insignificant or discountable. Therefore, based on the information provided, we would not be able to concur with a determination of not likely to adversely affect Preble's.

85

- The nature of an "access route" is unclear on page 6-123. If these will be routes cleared of vegetation to facilitate vehicle travel through areas of occupied Preble's habitat, they are likely to adversely affect Preble's through direct mortality from equipment operation and vehicle use, habitat loss and displacement, disruption of travel corridors, and increased risk of predation during the time period for which the access route is in place (through access route restoration to native vegetation).

86

- The amount and duration of vegetation removal within occupied Preble's habitat is unclear on page 6-121. If significant percentages of available cover and forage are unavailable when Preble's emerges from hibernation, an adverse effect to the mouse can be anticipated.

87

- Conservation measures to reduce the potential for adverse effects to Preble's from grazing, if used as a biological control treatment, have not been identified on (pp.6-123). Therefore, we are concerned that grazing, if used for vegetation management, could result in habitat degradation and, thus, an adverse effect to Preble's through habitat loss and displacement, as well as increased predation risk and disruption of travel corridors.

#### Pages 6-132 to 6-135, Grizzly Bears:

88

- Please utilize this information for the final PEIS/PER/BA.

89

- Only reduction of hazardous fuels would be expected to benefit grizzly bears (*Ursus arctos horribilis*) by reducing the likelihood of a future catastrophic fire (page 6-133). Domestic animals that are used to control weeds may attract grizzly bears and result in human/bear conflicts (page 6-134). We recommend that domestic grazers not be used to control weeds in areas with grizzly bear activity.

90

- Conservation measures to avoid or minimize potential project effects to grizzly bears (page 6-135) should include the enforcement of food storage and garbage disposal stipulations. In addition, contractors should be aware of, and provide to their employees and subcontractors, information on the protected status of the grizzly bear and on appropriate personal safety measures and behavior in grizzly bear habitat.

91

- The Service/Region 6 recommends that your proposed actions comply with the Interagency Grizzly Bear Guidelines (1986) and the Final Conservation Strategy for the Grizzly Bear in the Yellowstone Ecosystem (2003).

#### Pages 6-136 to 6-140, Canada Lynx:

92

- Effects of the proposed prescribed fire on Canada lynx (*Lynx canadensis*) is discussed on pages 6-138 through 6-140. As discussed in the Canada Lynx Conservation Assessment and Strategy (Ruediger et al. 2000), denning habitat within a lynx analysis unit (LAU) should

generally be larger than 5 acres and comprise at least 10 percent of lynx habitat. If there is less than 10 percent lynx habitat in an LAU, vegetation treatments that delay development of denning habitat structure should be deferred. Habitat connectivity within and between LAUs should be protected.

Pages 6-148 to 6-152, Black-footed ferrets:

93

- Black-footed ferrets (*Mustela nigripes*) are dependent on prairie dogs for food. Please include include a discussion of the loss of prey base on this species as indirect effects of all proposed vegetation management options in the final PEIS/PER. We also encourage the BLM to protect all prairie dog towns for their value to the prairie ecosystem and the myriad of species that rely on them in their proposed actions. We further encourage you to analyze potentially disturbed prairie dog towns for their value to future black-footed ferret reintroduction.

94

In conclusion we appreciate the opportunity to provide these comments. If you need further assistance, please contact Connie Young-Dubovsky, NEPA Coordinator, Region 6 at 303-236-4265, or Darrin Thome at the CNO at (916) 414-6533.

## REFERENCES

- Anthony, R.G., R.J. Steidl, and K. McGarigal. 1995. Recreation and bald eagles in the Pacific Northwest. Pages 223-241 in R.L. Knight and K.J. Gutzwiller, editors. *Wildlife and recreationists: coexistence through management and research*. Island Press, Washington D.C.
- Beck, J. L. and D. L. Mitchell. 2000. Influences of livestock grazing on sage grouse habitat. *Wildlife Society Bulletin* 28:993-1002.
- Braun, C. E. 1987. Current issues in sage grouse management. *Proceedings of Western Association of Fish and Wildlife Agencies* 67:134-144.
- Braun, C.E. 1998. Sage Grouse Declines in Western North America: What are the Problems? *Proc. West. Assoc. State Fish and Wildl. Agencies*. 78:139-156.
- Connelly J.W., M.A. Schroeder, A.R. Sands, and C.E. Braun. 2000. Guidelines to manage sage grouse populations and their habitats. *Wildlife Society Bulletin* 28(4): 967 - 985.
- Connelly, J. W. and C. E. Braun. 1997. Long-Term Changes in Sage Grouse, *Centrocercus urophasianus*, Populations in Western North America. *Wildlife Biology* 3:229-234.
- DeLong, A. K., J. A. Crawford, and D. C. DeLong, Jr. 1995. Relationships between vegetational structure and predation of artificial Sage grouse nests. *Journal of Wildlife Management* 59:88-92.
- Dobkin, D. S. 1995. Management and conservation of sage grouse, denominative species for the ecological health of shrubsteppe ecosystems. U.S.D.I. Bureau of Land Management, Portland, Oregon. 26 pp.
- Glenn, E.P. and P.L. Nagler, 2005. Comparative ecophysiology of *Tamarix ramosissima* and native trees in western U.S. riparian zones. *Journal of Arid Environments* 61, 419-446.
- Greater Yellowstone Bald Eagle Working Group. 1996. Greater Yellowstone bald eagle management plan: 1995 update. Greater Yellowstone Bald Eagle Working Group, Wyoming Game and Fish Department, Lander, Wyoming. 47 pp.
- Gregg, M. A., J. A. Crawford, M. S. Drut, and A. K. DeLong. 1994. Vegetational cover and predation of sage grouse nests in Oregon. *Journal of Wildlife Management* 58:162-166.
- Gresswell, R.E. 1999. Fire and aquatic ecosystems in forested biomes of North America. *Transaction of the American Fisheries Society* 128:192-221
- Grier, J. W. 1969. Bald eagle behavior and productivity responses to climbing to nests. *J. Wildl. Manage.* 33(4):961-966.
- Interagency Conservation Strategy Team. 2003. Final Conservation Strategy for the Grizzly Bear in the Yellowstone Ecosystem. Missoula, MT. 86 pp.

- Interagency Grizzly Bear Committee. 1986. Interagency grizzly bear guidelines. Missoula, MT. 100 pp.
- Klebenow, D. A. 1970. Sage Grouse versus sagebrush control in Idaho. *Journal of Range Management* 23:396-400.
- Mathisen, J.E. 1968. Effects of human disturbance on nesting bald eagles. *J. Wildl. Manage.* 32(1):1-6.
- McDonnell, D., J. Coonrod, C. Dahm, J. Cleverly, J. Thibault, and C. Crenshaw, 2004. Scaling actual evapotranspiration depletions along the middle Rio Grande riparian corridor. Paper presented to the tamarisk workshop, Albuquerque, March 31, 2004.
- Montana Bald Eagle Working Group. 1994. Montana Bald Eagle Management Plan. Bureau of Reclamation, Montana Projects Office. Billings, Montana. 104 pp.
- Stalmaster, M.V. and J.R. Newman. 1978. Behavioral responses of wintering bald eagles to human activity. *Journal of Wildlife Management*. Volume 42, No. 2.
- U.S. Fish and Wildlife Service. 2002. Birds of conservation concern 2002. Division of Migratory Bird Management, Arlington, Virginia. 99 pp. [Online version available at <<http://migratorybirds.fws.gov/reports/bcc2002.pdf>>]
- U.S. Fish and Wildlife Service. 1986. Recovery plan for the Pacific bald eagle. Department of the Interior. Portland, Oregon. 160 pp.
- U.S. Fish and Wildlife Service. 1983. Northern states Bald Eagle recovery plan. Department of the Interior. Denver, CO. 116 pp.
- U.S. Fish and Wildlife Service. 1982. Kendall Warm Springs Dace Recovery Plan. Department of the Interior. Denver, Colorado. 48 pp. [Online version available at [http://ecos.fws.gov/docs/recovery\\_plans/1982/820712.pdf.pdf](http://ecos.fws.gov/docs/recovery_plans/1982/820712.pdf.pdf)]
- Wamboldt, C. L., A. J. Harp, B. L. Welch, N. Shaw, J. W. Connelly, K. P. Reese, C. E. Braun, D. A. Klebenow, E. D. McArthur, J. G. Thompson, L. A. Torell, and J. A. Tanaka. 2002. Conservation of greater sage-grouse on public lands in the western U.S.: Implications of recovery and management policies. Policy Analysis Center for Western Public Lands. PACWPL Policy Paper SG-02-02. Caldwell, ID. 41 pp.
- Weekes, F. M. 1974. A survey of bald eagle nesting attempts in southern Ontario, 1969-1973. *Can. Field-Nat.* 88(4):415-419.