

03/05/2013

Regular Meeting

Item #12a

Public Works – Road

Pedestrian

Improvements on

Lower Rock Creek Rd.



March 4, 2013

Mr. Larry Johnston, District #1 Supervisor
Mr. Fred Stump, District #2 Supervisor
Mr. Tim Alpers, District #3 Supervisor
Mr. Tim Fesko, District #4 Supervisor
Mr. Byng Hunt, District #5 Supervisor
Mono County Board of Supervisors
P.O. Box 715
Bridgeport, CA 93517

RECEIVED

MAR - 4 2013

OFFICE OF THE CLERK

Honorable Supervisors:

Tomorrow you have the opportunity to fund a project at the Rock Creek Canyon development that will promote public safety and access. This project will create safe recreationist access from the Rock Creek trail parking lot, across the creek, to the trailhead, removing the conflict/hazard of recreationists walking in the roadway with the motoring public.

We ask that you fund this walkway project to promote safe recreationist access and to remove the legal liability now faced by Mono County taxpayers resulting from the current trailhead access/roadway conflict.

Thank you for your time and attention,

Mike and Liz O'Sullivan

12a

03/05/2013

Regular Meeting

Item #15a

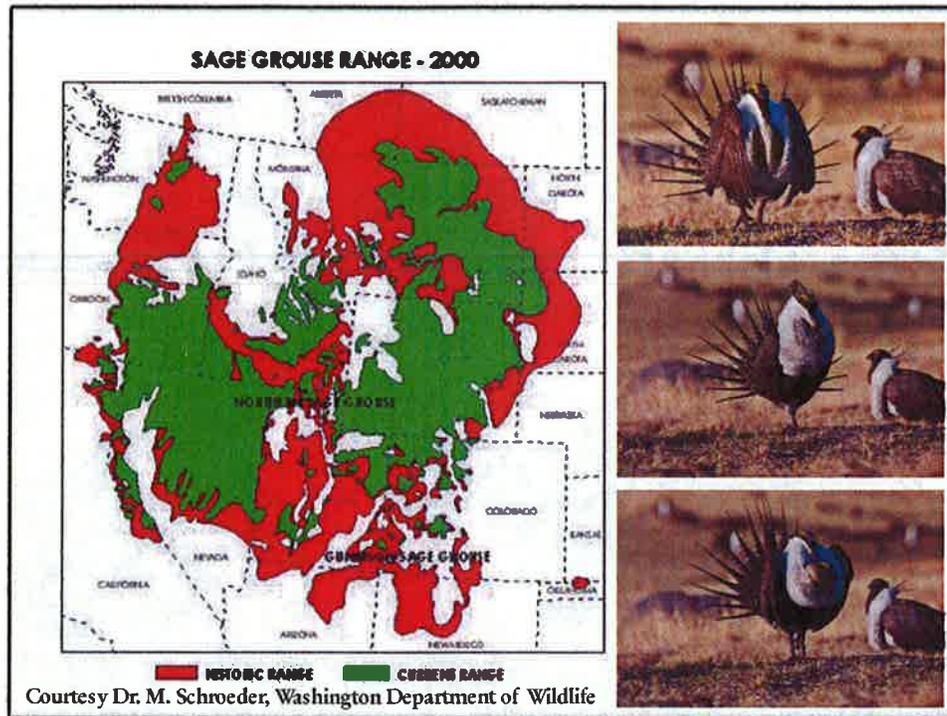
**Community
Development –
Planning**

**Bi-State Sage Grouse
Workshop**



Workshop Overview

- Greater Sage-Grouse Range
- Bi-State Distinct Population Segment (DPS)
- DPS Designation and Listing Status
- Endangered Species Act (ESA) Listing Factors
- Cooperative Conservation
- Population Monitoring
- Mono County Engagement
- Questions/Discussion



Bi-State Distinct Population Segment (DPS)

- Genetically unique metapopulation that defines the southwestern limit of Greater Sage-grouse range (170 miles long x 60 miles wide)
- Straddles the California/Nevada Border
 - California - Alpine, Inyo and Mono counties
 - Nevada - Carson City, Douglas, Esmeralda, Lyon and Mineral and counties

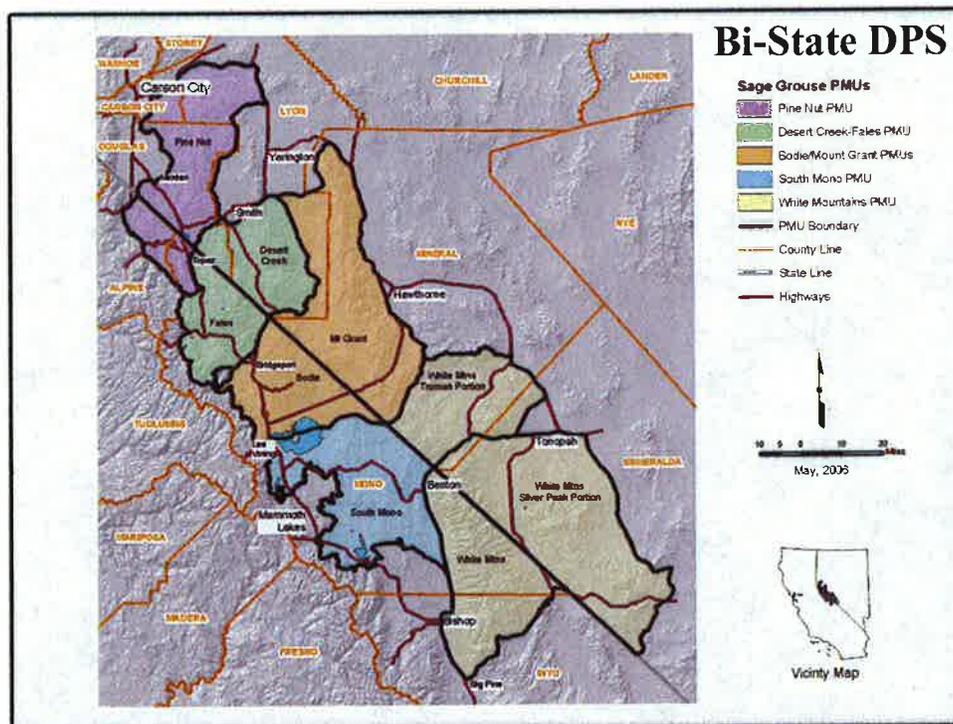
Bi-State Distinct Population Segment (DPS)

➤ 6 Population Management Units (PMU's)

- Pine Nuts (NV/CA)
- Desert Creek/Fales (NV/CA)
- Bodie (CA)
- Mount Grant (NV)
- South Mono (CA)
- White Mountains (CA/NV)

➤ Two largest (core) populations occur in Mono County

- Bodie Hills (Bodie PMU)
- Long Valley (South Mono PMU)



Population Management Units and Land Status in the Bi-State Area

PMU Name	Size	Land Management/Surface Ownership (acres)					
		BLM	USFS	Native American	Private	State/County	Dept. of Defense
Pine Nut	574,373	344,791	70,492	60,000 (approx.)	144,798	13,758	
Desert Creek -Fales	567,992	6,110	493,612		65,716	2,552	
Bodie	349,630	180,022	81,382	40	58,952	6,081	
Mount Grant	699,079	279,916	300,910	27,963	41,945		48,936
White Mountains	1,753,875	1,455,716	245,542		52,616		
South Mono	579,483	1200,775	312,084	441	17,662	3,944	

Source: Bi-State Action Plan for Conservation of the Greater Sage-grouse Bi-State District Population Segment - 2012

DPS Designation and Listing Status

- March 23, 2010 the US Fish & Wildlife Service published 12-month finding(s) for multiple petitions to list Greater Sage-grouse under the ESA
 - Service designated Greater Sage-grouse in the Bi-State area of California and Nevada as a distinct population segment (DPS)
 - Geographically isolated and genetically discrete
 - Significant to the species as a whole because of the genetic differences
 - Service found that listing the Bi-State DPS as threatened or endangered was warranted but precluded by higher priority listing actions

DPS Designation and Listing Status

- Effects of the 2010 findings
 - Bi-State DPS was identified as both a distinct listing entity separate from Greater Sage-grouse range-wide and a candidate for listing under the ESA
 - Bi-State DPS was given a listing priority number (LPN) of 3 (“relative urgency” for listing on a scale of 1 - 12)
 - Small population size and degree of isolation from other populations
 - Magnitude and immediacy of threats facing the DPS
 - A proposed rule regarding listing of the Bi-State DPS is anticipated in September 2013

ESA Listing Factors

- The 2010 warranted but precluded finding for the Bi-State DPS was based on 4 of the 5 listing factors identified by the ESA
 - ✓ Factor A: The present or threatened destruction, modification, or curtailment of the species’ habitat or range
 - ☐ Factor B: Overutilization for commercial, recreational, scientific, or educational purposes
 - ✓ Factor C: Disease or predation
 - ✓ Factor D: The inadequacy of existing regulatory mechanisms
 - ✓ Factor E: Other natural or manmade factors affecting the species’ continued existence

ESA Listing Factors

- ✓ Factor A: Present or threatened destruction, modification, or curtailment of the species' habitat or range

- Major Threats

- Urbanization
 - Infrastructure (powerlines, fences, roads)
 - Invasive and exotic species
 - Pinyon-juniper encroachment
 - Recreation
 - Wildfire
 - Climate change



ESA Listing Factors

- ✓ Factor C: Disease or predation

- West Nile virus (WNV)
 - Predation facilitated by fences, powerlines and roads

- ✓ Factor D: Inadequacy of existing regulatory mechanisms

- Existing regulatory mechanisms are inadequate to ameliorate habitat-based threats

- ✓ Factor E: Other natural or manmade factors affecting the species' continued existence

- Small size and relative isolation of the Bi-State population
 - Recreation

Cooperative Conservation

➤ Bi-State Local Area Working Group (LAWG)

- Created in 2002 (Nevada Governor's Sage-Grouse Conservation Team)
- Consists of 6 PMU Working Groups, a Technical Advisory Committee, and an Executive Oversight Committee
- 2004 Conservation Plan (*Greater Sage-grouse Conservation Plan for Nevada and Eastern California*)
- 2012 Action Plan (*Bi-State Action Plan for Conservation of the Greater Sage-grouse Bi-State Distinct Population Segment*)

Cooperative Conservation

➤ Bi-State Local Area Working Group (LAWG)

- Considered a model for cooperative sage-grouse conservation range-wide
- Provides an umbrella for cooperative conservation in the Bi-State area
- Provides a focus for implementation of multi-jurisdictional sage-grouse conservation actions throughout the Bi-State area (2012 Strategic Action Plan)

Cooperative Conservation

➤ Key Elements of the 2012 Strategic Action Plan

- Coordinated Interagency Approach
- Science Based Adaptive Management
- Improve Regulatory Mechanisms
- Minimize and Eliminate Risks
- Habitat Improvement and Restoration
- Research and Monitoring
- Maintain and Improve Stakeholder Involvement

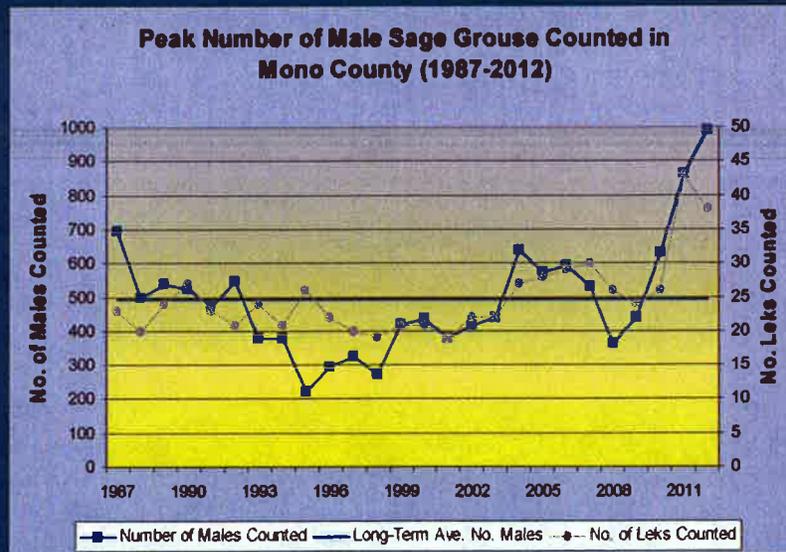
Population Monitoring

➤ Lek Counts

- Conducted in Mono County since 1957
- Ground based counts using interagency personnel
- Count males on all known leks within a breeding population
- Lek data provides an index to population size and trend



Population Survey Results



Mono County Involvement

- Member of the Bi-State Local Area Working Group
 - Update of the 2004 Conservation Plan
- Population Management Unit Participation
 - South Mono PMU
 - Bodie PMU
 - White Mountains PMU
 - Pine Nut and Fales PMU's

Mono County Action Items

- Strategy IRM2: Coordinate with affected county and local governments to develop and implement policies designed to avoid or minimize the loss of sage-grouse habitat in the Bi-State area
 - Action IRM2-1: Coordinate with Mono County to develop and incorporate sage-grouse conservation guidance into applicable plans and programs

Sustainable Communities Grant

- General Plan Update
 - Part of funding will specifically support the update of General Plan policies directed at protecting existing population units and habitats in the form of a conservation plan that reduces conflicts by protecting biological diversity and sage-grouse while allowing compatible and appropriate land uses and economic activity

Mono County Action Items

- Strategy MER2: Secure conservation easements or agreements with willing landowners to maintain private lands and associated sage-grouse habitat values and to minimize the risk of future development impacts to important sage-grouse habitats in the Bi-State area
 - Action MER2-1: Provide technical assistance to willing landowners to develop Conservation Agreements or Candidate Conservation Agreements with Assurances
 - Action MER2-X: Secure conservation easements or agreements with willing landowners

Mono County Action Items

- Strategy MER3: Implement site-specific conservation measures designed to minimize or eliminate risks associated with existing infrastructure and human disturbance in the Bi-State area
 - Action MER3-2: Identify and provide an alternate location for the Mono County landfill and work towards removing the existing landfill out of the Long Valley portion of the South Mono PMU



Questions/Discussion

Direction to Staff

Greater Sage-Grouse Biology & Status

January 2012

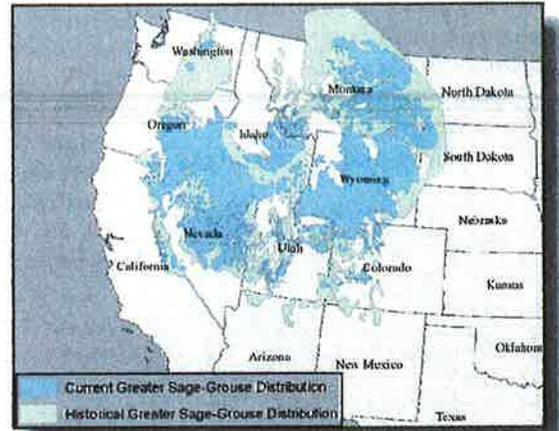
Nevada Fish and Wildlife Office

Conserving the natural biological diversity of the Great Basin, eastern Sierra, and Mojave Desert



Male greater sage-grouse. Photo: Steven Ting

Greater sage-grouse occur in Washington, Oregon, Idaho, Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Nevada, California and the Canadian provinces of Alberta and Saskatchewan. Greater sage-grouse occupy approximately 56% of their historical range



Life History

Greater sage-grouse, commonly referred to as sage-grouse, sage hen, sage fowl, sage cock, or sage chicken, is a large, ground-dwelling bird, up to 30 inches long and two feet tall, weighing from two to seven pounds. It has a long pointed tail with legs feathered to the base of the toes. Females are mottled brown, black, and white which serves as camouflage from predators. Males are larger and more colorful than females with white feathers around the neck and bright yellow air sacs on their breast, which they inflate during their mating display.

The birds occur at elevations ranging from 4,000, to over 9,000 feet and are dependent on sagebrush for cover and food. Greater sage-grouse typically have a short life span; however they may live nearly a decade.

During the breeding season, male greater sage-grouse gather together and perform courtship displays in areas called leks (also known as "strutting grounds"), which are relatively open sites surrounded by denser sagebrush. Leks, which may be as large as a football field, are used for many

generations by greater sage-grouse.

Males defend individual territories within leks by strutting with tails fanned and emitting drumming sounds from the air sacs on their chests to attract females. The mating season generally begins in March but may vary depending on weather conditions. Females lay a clutch of six to nine eggs from mid-March to mid-May. Greater sage-grouse hens raise one brood in a season.

One of the most interesting aspects about the greater sage-grouse is its nearly complete reliance on sagebrush. Throughout much of the year adult greater sage-grouse rely on sagebrush to provide roosting, cover, and food. Sagebrush provides cover for nesting and associated plants host high-protein insects, a vital food source for chicks in their first month of life. In winter, over 99 percent of greater sage-grouse diet is sagebrush leaves and buds.

Threats

Habitat loss and fragmentation are the greatest challenges to

greater sage-grouse conservation. They cannot survive in areas where sagebrush no longer exists. The distribution of greater sage-grouse has contracted from historical times, most notably along the northern and northwestern periphery and in the center of their range due to loss of sagebrush habitat.

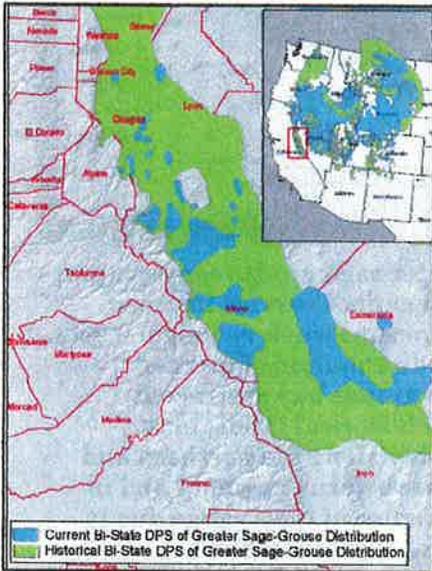
A sagebrush community may take years to recover from disturbance. Impacts can result from direct habitat loss or fragmentation of important habitats by energy development, powerlines, pipelines, and roads, or other man-made structures. Other important factors in the species' decline include wildfire and invasion by native and non-native plant species.

Species Conservation

Conservation efforts have expanded throughout Nevada. Federal and state agencies as well as many private landowners are incorporating and considering greater sage-grouse conservation measures in current and future land management activities. To be effective, these conservation actions require addressing immediate and long-term threats to the species.

Listing Status

In March 2010, the U. S. Fish and Wildlife Service (Service) determined that the greater sage-grouse warranted protection under the Endangered Species Act (ESA); however, listing at that time was precluded by higher priority actions. This decision placed the greater sage-grouse on the candidate species list in 11 western states, including a Bi-State Distinct Population Segment (DPS) of greater sage-grouse in west-central Nevada and east-central California.



Candidate species are assigned a listing priority number from one to 12 based on the magnitude of threats they face, the immediacy of the threats, and their taxonomic uniqueness (for example, full species have higher priority than subspecies). The species' listing priority number dictates the relative order in which proposed listing rules are prepared, with the species at greatest risk (listing priority one through three) being proposed first. The listing priority number assigned to the Bi-State DPS of greater sage-grouse is three and the listing priority number assigned to the wider ranging greater sage-grouse is eight.

Although the greater sage-grouse is afforded no protection under the ESA as a candidate species, adding it to the candidate list

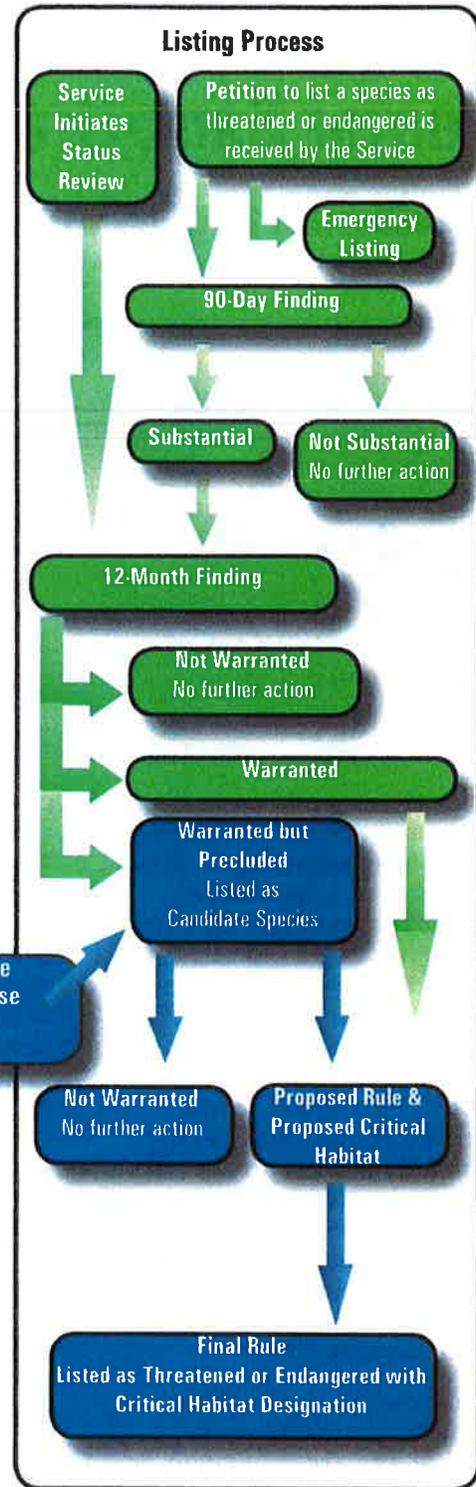
allows the Service and other agencies an opportunity to work cooperatively with landowners to conserve the species. Financial assistance is available through multiple federal agencies including various Service grants and agreements.

Next Steps

In an effort to improve implementation of the ESA, the Service will systematically review and address the needs of more than 250 candidate species over the next six years. A multi-year listing work plan, first developed through an agreement with the plaintiff group WildEarth Guardians, was filed in the U.S. District Court for the District of Columbia in May 2011. In July 2011, the Service reached an agreement with the plaintiff group Center for Biological Diversity that reinforced this multi-year work plan. These historical agreements were approved by Judge Emmet Sullivan on September 9, 2011.

We are here in the greater sage-grouse listing process

As part of that agreement, the Service committed to complete the review of the Bi-State DPS of greater sage-grouse by 2013 and the wider ranging greater sage-grouse by 2015.



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Conserving Greater Sage-Grouse

January 2012

Nevada Fish and Wildlife Office

Conserving the natural biological diversity of the Great Basin, eastern Sierra, and Mojave Desert



What are the threats to greater sage-grouse?

Habitat Loss and Fragmentation



Habitat loss and fragmentation caused by pinyon and juniper encroachment

Habitat loss and fragmentation are the primary causes of greater sage-grouse population declines. They result from natural processes which may include, wildfires, invasion by non-native plants, or pinyon and juniper forest expansion or man-made activities such as energy development, construction of powerlines, roads, fences, and other physical infrastructure.

Greater sage-grouse cannot survive in areas where sagebrush does not exist. Sagebrush not only provides cover for greater sage-grouse, it constitutes 99 percent of their winter diet.

Wildfire and Invasive Plant Species

The interaction between wildfire and invasive plant species represents the single largest threat to greater sage-grouse in Nevada. Over the past decade more than three million acres of sagebrush habitat in Nevada has been impacted by wildfire, representing a loss of nearly 15 percent of available greater sage-grouse habitat. Burned area rehabilitation requires many years and can be further complicated by invasive nonnative species such as cheatgrass. Unfortunately,

rehabilitation efforts continue to be surpassed by the wildfire frequency and expanse in Nevada.

Pinyon and Juniper Encroachment

Pinyon and juniper forests have been encroaching into key greater sage-grouse habitat at a rapid rate. Forest expansion removes available sagebrush habitat and creates barriers, fragmenting important greater sage-grouse habitats. In addition, these trees provide artificial roosting and nesting sites for greater sage-grouse predators.

Development

Conversion of sagebrush habitats to industrial uses or any non sagebrush ecosystem condition removes these areas from greater sage-grouse use. Placement of energy and mineral developments in otherwise intact sagebrush communities can hinder movement of greater sage-grouse, ultimately leading to isolation of populations from each other or from important habitats.

Powerlines, roads, fences and other features that support human developments can alter the quality and use of sagebrush habitats by the species. These structures can lead to direct mortality. In addition, they facilitate the occurrence of predators and invasive species and act to fragment intact sagebrush habitats by creating both physical and behavioral barriers to greater sage-grouse movements.

Lek and Nesting Habitat Disturbance

Greater sage-grouse courtship

begins on traditional strutting grounds (leks), where birds congregate to display and breed. Leks are typically used for many generations and represent the focal point for reproduction. However, successful reproduction depends on maintenance of surrounding nesting habitat. Degradation of these sagebrush sites can lead to reproductive failure of populations.

Meadow Degradation

Upland meadows and riparian habitats provide vital food sources for greater sage-grouse chicks and adults during the spring and summer. Degradation and loss of these limited habitats can have a significant influence on overall population health.

Grazing

Grazing by native wildlife, feral horses, and livestock can influence the quality of sagebrush and meadow habitats. Changes to soil properties, loss of understory grasses and forbs, and degradation of sagebrush plants can present significant challenges to nesting success and chick recruitment in greater sage-grouse populations.

Predators

Greater sage-grouse are eaten by a variety of predator species. Species, such as common ravens, have increased dramatically in the Great Basin due to human activity. Their increased presence on the landscape can significantly alter the ability of greater sage-grouse hens to successfully raise young. Degradation of nesting habitat can greatly compound the degree of impact ravens and other predators exert.

Achieving Greater Sage-Grouse Conservation



Steven Fulstone removes pinyon and juniper to restore greater sage-grouse habitat on his land.

Protecting key seasonal habitats for greater sage-grouse by reducing or removing the threats is essential for healthy sustained populations. If key areas are conserved, greater sage-grouse will likely be conserved, and populations should stabilize and increase.

Preventing Wildfire and Invasive Species Establishment

Sagebrush plant communities should be conserved where they currently exist. Fire suppression and prevention efforts should be targeted in intact sagebrush communities. In areas impacted by wildfire, sagebrush communities should be immediately reestablished with mixes of native shrub and herbaceous species to prevent cheatgrass and other weeds from invading.

Reducing Pinyon and Juniper Encroachment

Removing pinyon and juniper or other conifers that are invading greater sage-grouse habitat should be accomplished with measures that minimize ground disturbance and be supplemented with reseeding efforts, as needed.

Avoiding Development Impacts

Proper placement of industrial developments, including their associated infrastructure, is critical to limiting further loss

and fragmentation of key greater sage-grouse habitats. Appropriate information must be evaluated and greater sage-grouse needs should be considered before developments occur.

Protecting Leks and Nesting Habitat

Conservation of important breeding habitat is essential for successful reproduction and



population stability. Development and disturbance through and around leks and surrounding nesting habitat should be avoided. This includes building fences and other infrastructures that may impact greater sage-grouse as they move to and from leks and may provide artificial roosting and nesting sites for predators.

Restoring Meadows

Areas that maintain moisture longer than surrounding uplands are important to greater sage-grouse broods as well as adults. These areas provide large quantities of food in spring and summer. Restoring these important sites will ensure forbs and insects are available for greater sage-grouse brood rearing.

Forb species with milky juice such as hawksbeard, milkvetch,

dandelion, and western yarrow should be considered for range seeding and will provide spring and summer forage for greater sage-grouse. These forbs also host insects which are a high source of protein critical to greater sage-grouse chicks during the first month of life.

Managing Grazing

Proper grazing management is critical to prevent long-term degradation of sagebrush habitats. Conserving the resiliency and preventing the degradation of sagebrush and meadow communities is essential to conserving the health of greater sage-grouse populations.



Nest and female greater sage-grouse Photos: A Sands and G Gray

Discouraging Predators

Ravens should be discouraged by preventing access to human or livestock waste. Other predators can be discouraged by removing unused culverts and outbuilding that attract badgers, foxes, and coyotes. Domestic dogs and cats should not be allowed to become feral.

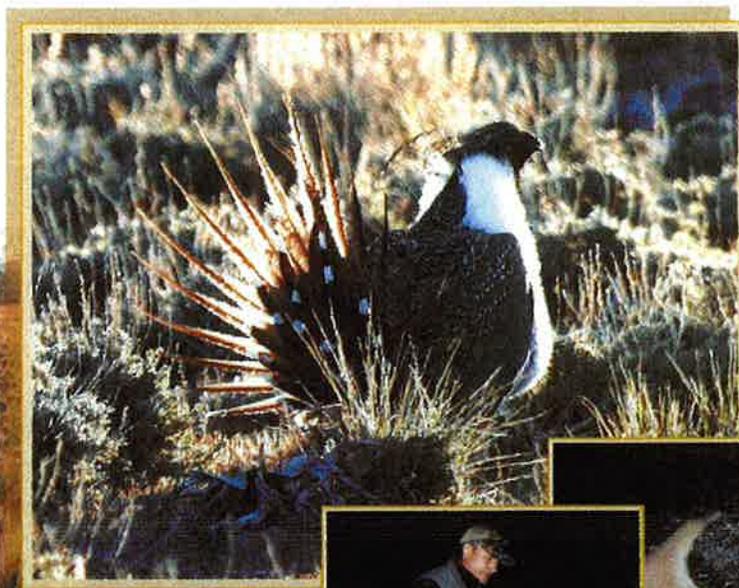
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BI-STATE ACTION PLAN

Past, Present, And Future Actions

**FOR CONSERVATION OF THE
GREATER SAGE-GROUSE
BI-STATE DISTINCT POPULATION SEGMENT**

March 15, 2012



Prepared For The
Bi-State Executive Oversight Committee For
Conservation of Greater Sage-Grouse

Prepared By The
Bi-State Technical Advisory Committee
Nevada and California

BI-STATE ACTION PLAN

Past, Present, And Future Actions

**FOR CONSERVATION OF THE
GREATER SAGE-GROUSE
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March 15, 2012

Prepared For The:

**Bi-State Executive Oversight Committee For
Conservation of Greater Sage-Grouse**

Prepared By The:

**Bi-State Technical Advisory Committee
Nevada and California**

EXECUTIVE SUMMARY

A collaborative approach for conservation of the Bi-State greater sage-grouse (*Centrocercus urophasianus*) was initiated in 2002 by the Bi-State Local Area Working Group (LAWG) under the guidance of the Nevada Governor's Sage Grouse Conservation Team. Over the past ten years, resource management agencies and stakeholders have implemented actions for long-term conservation of greater sage-grouse in the Bi-State area consistent with the *Greater Sage-Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California* (2004). The collaborative partnerships and efforts stemming from the LAWG have had a positive influence on sage-grouse conservation and management decisions in the Bi-State area.

In December 2011, the Bi-State Executive Oversight Committee (EOC), which includes resource agency directors from the US Fish and Wildlife Service, Bureau of Land Management, US Forest Service, Natural Resources Conservation Service, US Geological Survey, Nevada Department of Wildlife, and California Department of Fish and Game, was formed to leverage collective resources and assemble the best technical talent to direct and prioritize future conservation actions to ensure consistent regulatory oversight and achieve long-term conservation of the Bi-State greater sage-grouse Distinct Population Segment (DPS).

Recognizing that conservation efforts were already underway, the EOC directed the Bi-State Technical Advisory Committee to prepare the Bi-State Action Plan to summarize and document the record of conservation actions that have been completed to mitigate threats to the Bi-State DPS since 2004. Some of the threats that have been mitigated by recent actions include:

Urbanization. Land acquisitions have brought approximately 6,000 acres of sage-grouse habitat throughout the Bi-State area into public ownership to ensure continued conservation of continuous blocks of healthy habitat. Future development on approximately 12,500 acres of private land has been restricted or prevented by recorded conservation easements.

Infrastructure – Roads and Fences. Approximately 260 miles of road have been permanently closed on forest lands throughout the Bi-State area. Seasonal road closures have been enforced during the breeding season to reduce human disturbance on more than 1,100 acres of breeding habitat. Fences have been removed or modified in specific areas to eliminate or reduce the risk of sage-grouse mortality and to enhance management of late brood meadow habitat.

Grazing – Livestock. Livestock grazing permits have been modified on 35 allotments covering more than one-million acres to include terms and conditions that benefit sage-grouse habitat by adjusting seasons of use, modifying permit number, and limiting use levels.

Grazing – Wild Horses. Four wild horse gathers have been conducted since 2004 to maintain horse populations at the appropriate management level.

Pinyon and Juniper Encroachment. More than 14,000 acres of public and private land have been treated to remove trees from historic sagebrush habitat to restore habitat quality and connectivity between populations and between seasonal ranges.

Wildfire. Fuel reduction projects have occurred on 2,200 acres to reduce wildfire ignition risks, reduce the risk of catastrophic wildfire and extreme fire behavior, and enhance the success of suppression during initial attack.

Small and Isolated Populations. Within the past ten years a strong collaborative effort between USGS, resource management agencies, and universities has focused research in the Bi-State area on documenting seasonal use areas, movement patterns, nest survival, brood survival, adult survival and the environmental factors that characterize variation in population vital rates. This knowledge is essential to the management of the small, localized breeding populations in the Bi-State area.

The second objective of the Bi-State Action Plan was to develop a comprehensive set of strategies, objectives, and actions to accomplish specific goals and objectives for effective long-term conservation of the Bi-State sage-grouse and their habitats.

The Bi-State Action Plan is designed to achieve conservation of sustainable habitats for the Bi-State DPS by prioritizing actions where the results will be most beneficial. The near-term focus will be on protecting continuous blocks of unfragmented habitat, restoring historic habitat that has been impacted by pinyon-juniper encroachment and wildfire, reestablishing habitat connectivity, and securing permanent habitat conservation of important private lands. At the landscape scale, emphasis will be placed on ecological functions. Resource management agencies will be moving forward immediately to continue ongoing work and initiate new projects without the scientific certainty that would be preferred.

To reduce uncertainty in the long-term, the Bi-State Science-Based Adaptive Management Plan (SAMP) approach will be used based on the results of comprehensive research and monitoring. Habitat monitoring will be standardized between resource agencies and linked to supporting agency decisions. The cornerstone of the SAMP is development of a Conservation Planning Tool (CPT) that incorporates predictive models to evaluate the effectiveness of completed conservation actions, validate population and habitat risk assumptions, and provide managers with quantitative science-based information for making risk-based decisions. The steps for development of the CPT include:

1. Capture and fit grouse with VHF or GPS transmitters.
2. Monitor collared grouse. Locate and monitor nests to determine nest fate (hatched, depredated, or abandoned), Monitor females with broods to determine locations used by broods and brood fate.
3. Measure vegetation and other characteristics at grouse relocation sites (sites used by grouse) and random sites (sites not used by grouse).
4. Acquire high-resolution imagery (e.g., 5-m RapidEye multispectral satellite). Use vegetation measurements to truth spectral classes for remote sensing and develop high-resolution land cover maps.

High resolution imagery and data from monitoring habitats and populations on the ground will be integrated into GIS and statistical analyses to provide accurate and predictive habitat maps and other tools to better refine plans and decisions to meet specific needs in each Population Management Unit. Updates to the CPT will be made on a continuing basis. As new information becomes available, the CPT may eventually allow future analysis of habitat sustainability and resilience under alternative environmental conditions related to climate change.

The Bi-State Plan identifies areas where regulatory effectiveness and consistency for discretionary agency actions can be improved. Recommended revisions to BLM and USFS manuals and management plans support effective conservation.

The Bi-State Action Plan will be implemented in a collaborative and scientifically sound manner. The Technical Advisory Committee will continue to provide leadership and encourage collaborative conservation approaches through continued involvement of the LAWG where private landowners and other stakeholders will be partners with state and federal resource management agencies. The Technical Advisory Committee and LAWG will develop an annual work plan each year based on updated risk assessments and assessments of completed actions that might influence habitat priorities and available funding. The work plans will also outline needed scientific support such as inventory, monitoring, and research.

1.0 INTRODUCTION

In March 2010, the US Fish and Wildlife Service (FWS) determined that the Bi-State population of greater sage-grouse constitutes a valid Distinct Population Segment (DPS). This distinction allows the Bi-State DPS to be listed as threatened or endangered under the Endangered Species Act (ESA) independently from the range-wide population and allows conservation management of the Bi-State DPS to be planned and implemented independently from the range-wide sage-grouse planning approach.

In June 2000, Nevada Governor Kenny Guinn convened the **Nevada Governor's Sage Grouse Conservation Team** (Governor's Team) to provide a forum for coordinating a landscape level approach to greater sage-grouse conservation and management. The **Bi-State Local Area Working Group** (LAWG) was formed under the guidance of the Governor's Team. The LAWG includes biologists from the Bureau of Land Management (BLM), US Forest Service (USFS), Natural Resources Conservation Service (NRCS), Nevada Department of Wildlife (NDOW), Californian Department of Fish and Game (CDFG), Department of Defense (DOD), private property owners, and other key stakeholders such as Nevada Division of Forestry, California State Parks, University of Nevada Cooperative Extension, Nevada Wildlife Federation, US Geological Survey, Washoe Tribe of California and Nevada, and the Los Angeles Department of Water and Power. The Bi-State LAWG developed the first edition of the *Greater Sage-Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California* in 2004 (2004 Plan). The 2004 Plan identified a strategy for sage-grouse conservation, identified and prioritized risks, and specified projects to address the risks as they were known at that time.

In 2011, an **Executive Oversight Committee for Greater Sage-Grouse Conservation, Bi-State DPS** (EOC) was formed consisting of the Directors of State and Federal land resource agencies in Nevada and California with regulatory authority in the Bi-State DPS area. Members of the EOC include the FWS R8 Regional Director, CDFG State Director, NDOW State Director, BLM California State Director, BLM Nevada State Director, USGS Western Ecological Research Center Director, NRCS California State Conservationist, NRCS Nevada State Conservationist, USFS R4 Forest Supervisor Humboldt-Toiyabe National Forest, USFS R5 Forest Supervisor Inyo National Forest. The purpose of the EOC according to the signed MOU (2012) is to provide a framework to facilitate interagency cooperation among the parties that will ensure a consistent and coordinated multi-jurisdictional effort to conserve greater sage-grouse populations and habitats based on population and habitat conservation goals rather than land ownership or jurisdictional boundaries. Among other things, each of the participating agencies agreed to:

1. Provide leadership representation on the Bi-State Executive Oversight Committee.
2. Provide staffing assistance and support to the Bi-State Strategy Team, the Bi-State Technical Advisory Team, and the Bi-State Local Area Working Group.
3. Share technical expertise and data regarding greater sage-grouse populations and habitats within the Bi-State DPS.

4. Identify and implement management actions that will provide for the long-term conservation of greater sage-grouse populations and habitats within the Bi-State DPS [area].
5. Support the review, update, and continued implementation of the Greater Sage-Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California.
6. Consider the identification and implementation of greater sage-grouse conservation actions within the Bi-State DPS a priority for their agency.

In December 2011, the EOC assigned biologists from each of the participating agencies to form the **Technical Advisory Committee (TAC)**. Individual members of TAC are identified in Appendix A. The TAC is responsible for providing technical expertise and guidance, and identifying and prioritizing actions necessary for conservation of the Bi-State DPS sage-grouse. The TAC conservation recommendations, as they are understood at this time, are presented herein as the **Bi-State Action Plan (Action Plan)**. The Action Plan was conceived as a “living document” that will be updated at a minimum of every three years with monitoring, inventory, and research results. The Action Plan incorporates a strategic, science-based adaptive management approach for future project planning based on development of a Conservation Planning Tool (CPT) for evaluation of the effectiveness of completed actions and updated analyses of specific risks to each life stage of the population.

Annual work plans for resource agencies will be prepared separately and coordinated through the EOC based on recommendations from the Bi-State TAC and LAWG, consistent with the Bi-State Strategic Action Plan (Section 7.0).

1.1 Purpose of the Bi-State Action Plan

This plan has been prepared to document the coordinated effort of the Bi-State TAC and their consensus on recommended strategies and actions for conservation of the Bi-State Greater Sage-grouse DPS. Conservation actions that have been completed for the Bi-State DPS by the participating agencies and landowners who belong to the Bi-State LAWG are compiled in this report as evidence of their past and continued commitment to implement the recommended actions from the 2004 Conservation Plan and to seize opportunities to execute additional conservation actions when opportunities arise.

The Bi-State Strategic Action Plan for ongoing and future conservation (Section 7.0) lays out a comprehensive framework of administrative actions, regulatory mechanisms, habitat improvement treatments, monitoring, and research actions in a science-based adaptive management approach. The overarching principle of the Bi-State Action Plan depends on development of the Conservation Planning Tool (CPT) for science-based evaluation of the effectiveness of completed actions, quantifying population vital rates, confirming population risk assumptions, validating seasonal use areas and habitat maps, and identifying priority locations for improving habitat connectivity and expanding available use areas to reduce habitat-based risks. (Details of the CPT are included in Section 6.5).

Recommended revisions and additions to federal agency regulatory mechanisms are provided to promote consistency in evaluating and permitting discretionary actions in sage-grouse habitat in the Bi-State area.

2.0 USFWS 2010 LISTING DECISION

On March 23, 2010 the FWS published their finding that listing the Bi-State DPS as threatened or endangered was warranted but precluded by higher priority listing actions; and as such was designated a candidate species (75 FR 13910). In response to a recent settlement agreement regarding the potential listing of more than 200 candidate species, the FWS is scheduled to issue a final rule regarding listing of the Bi-State DPS by September 2013.

2.1 Endangered Species Act Listing Factors And FWS Findings

The Endangered Species Act §424.11(c) identifies the basis for listing or reclassifying a species as threatened or endangered on the basis of the best scientific and commercial data available. The 2010 warranted, but precluded finding for the Bi-State DPS was driven by four of the five listing factors specified in the Endangered Species Act (49 FR 38908 §424.11). In the 2010 finding, the FWS identified the following concerns for the Bi-State DPS.

Factor A: Present or Threatened Destruction, Modification, or Curtailment of Habitat or Range

Urbanization, infrastructure (fences, powerlines, and roads), mining, energy development, grazing, invasive and exotic species, pinyon-juniper encroachment, recreation, wildfire, and the likely effects of climate change were the major threats to current and future destruction, modification, or curtailment of habitat in the Bi-State area. FWS acknowledged that individually, any one of these threats appears unlikely to severely affect persistence across the entire Bi-State DPS. Cumulatively, however, these threats interact in such a way as to fragment and isolate populations.

Factor B: Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

FWS did not find Factor B to be a significant threat to Bi-State DPS greater sage-grouse.

Factor C: Disease and Predation

Disease (West Nile virus) and predation facilitated by fences, powerlines, and roads, are threats in the Bi-State area. However, the impact is thought to be relatively low and localized at this time compared to other threats.

Factor D: Inadequacy of Existing Regulatory Mechanisms

The 2010 finding states that existing regulatory mechanisms appear to be implemented in a manner that is inconsistent with life history requirements, reaction to disturbances, and currently understood conservation needs. Existing regulatory mechanisms are ineffective at

ameliorating habitat-based threats and may not be able to address certain threats such as disease, drought, and fire.

Factor E: Other Natural or Manmade Factors Affecting the Species' Continued Existence

FWS found the small size and relative isolation of the Bi-State population to be problematic. When coupled with mortality stressors related to human activity and significant fluctuation in annual population size, long-term persistence of small populations is always problematic.

2.2 Summary of Actions Completed To Address The ESA Listing Factors

Actions and treatments that have been implemented on public and private lands to reduce threats to Bi-State sage-grouse populations and habitats are summarized in Table 1. The current database of actions completed within the Bi-State DPS is given in Appendix B.

MEMORANDUM OF UNDERSTANDING

Among the

NEVADA DEPARTMENT OF WILDLIFE;

CALIFORNIA DEPARTMENT OF FISH AND GAME;

USDI, BUREAU OF LAND MANAGEMENT, CALIFORNIA;

USDI, BUREAU OF LAND MANAGEMENT, NEVADA;

USDI, FISH AND WILDLIFE SERVICE, REGION 8;

USDI, GEOLOGICAL SURVEY, WESTERN ECOLOGICAL RESEARCH CENTER;

USDA, NATURAL RESOURCES CONSERVATION SERVICE, CALIFORNIA;

USDA, NATURAL RESOURCES CONSERVATION SERVICE, NEVADA;

USDA, FOREST SERVICE, REGION 5, INYO NATIONAL FOREST;

and

USDA, FOREST SERVICE, REGION 4, HUMBOLDT-TOIYABE NATIONAL FOREST

This Memorandum of Understanding (MOU) is hereby made and entered into by and among the Nevada Department of Wildlife hereinafter referred to as "NDOW"; the California Department of Fish and Game hereinafter referred to as "CDFG"; the U.S. Department of the Interior, Bureau of Land Management, California and Nevada hereinafter referred to as "BLM"; the U.S. Department of the Interior, Fish and Wildlife Service, Region 8 hereinafter referred to as "FWS"; the U.S. Department of the Interior, Geological Survey, Western Ecological Research Center hereinafter referred to as "USGS"; the U.S. Department of Agriculture, Natural Resources Conservation Service, California and Nevada hereinafter referred to as "NRCS"; and the U.S. Department of Agriculture, Forest Service, Region 5, Inyo National Forest and Region 4, Humboldt-Toiyabe National Forest hereinafter referred to as "USFS".

Title: Greater Sage Grouse Conservation, Bi-State Distinct Population Segment (DPS)

Background: The Bi-State distinct population segment (DPS) of the Greater Sage Grouse (*Centrocercus urophasianus*) extends over an approximately 170-mile long range, which is up to 60 miles wide, and includes portions of 3 counties in eastern California and 5 counties in western Nevada. Populations and habitats occur on a mixture of public and private lands within both states; and involve multiple federal, state and local jurisdictions. Most of the federally managed lands within the Bi-State DPS are administered by the BLM (Bishop, Sierra Front, Stillwater and Tonopah Field Offices) and the USFS (Inyo and Humboldt-Toiyabe National Forests).

Since June 2000, the Nevada Governor's Sage Grouse Conservation Team has provided the primary forum for coordinating sage-grouse conservation efforts within the Bi-State DPS. Working in cooperation with local stakeholders, the parties to this MOU were key participants during development of the first edition of the *Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*. Initially released in June 2004, this plan identified several actions, by population management unit (PMU), that if implemented would contribute to the long-term conservation of Greater Sage Grouse populations and habitats within the Bi-State DPS. A diverse group of federal, state and local agencies, private landowners, special interest groups and individuals continues to work towards successful implementation of this stakeholder-based conservation plan.

On March 5, 2010 the FWS announced their findings that listing both the range-wide and Bi-State populations of the Greater Sage Grouse as threatened or endangered was warranted, but precluded, by higher priority listing actions. As a result of these findings, both populations became candidates for listing under the Endangered Species Act of 1973, as amended. For the Bi-State DPS, this finding was driven by three listing factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) The inadequacy of existing regulatory mechanisms; and (3) Other natural or manmade factors affecting its continued existence.

The Bi-State DPS of the Greater Sage Grouse is currently assigned a listing priority number (LPN) of 3 by the FWS based on their determination that the DPS faces threats that are overall of high magnitude and imminent (i.e. ongoing). In response to a recent settlement agreement regarding the potential listing of more than 200 candidate species, the FWS is scheduled to issue a final rule regarding listing of the Bi-State DPS of the Greater Sage Grouse by September 2013.

Although numerous conservation actions have been implemented within the Bi-State DPS to date, increased interagency cooperation is needed to ensure a coordinated multi-jurisdictional effort at a scale that is sufficient to ameliorate threats to the DPS and to provide certainty that planned conservation measures will be implemented efficiently and effectively.

I. PURPOSE:

The purpose of this MOU is to provide a framework to facilitate interagency cooperation among the parties to ensure a coordinated multi-jurisdictional effort to conserve Greater Sage Grouse populations and habitats within the Bi-State DPS of California and Nevada.

II. STATEMENT OF MUTUAL BENEFIT AND INTEREST:

To ensure the long-term conservation of Greater Sage Grouse populations and habitats within the Bi-State DPS a coordinated multi-jurisdictional conservation effort must occur based on population and habitat conservation goals rather than land ownership or jurisdictional boundaries. Effective interagency cooperation is key to successful sage-grouse conservation within the Bi-State DPS and of mutual benefit and interest to the parties of this MOU.

In consideration of the above premises, the parties agree to the following:

III. ORGANIZATION:

This coordinated interagency effort to conserve Greater Sage Grouse populations and habitats within the Bi-State DPS shall be supported by the following organizational structure:

1. Bi-State Executive Oversight Committee - Leadership Support
2. Bi-State Strategy Team - Implementation Support
3. Bi-State Technical Team - Technical Support
4. Bi-State Local Working Group - Stakeholder Support

IV. NDOW shall:

1. Provide leadership representation on the Bi-State Executive Oversight Committee.

2. Provide staffing assistance and support to the Bi-State Strategy Team, the Bi-State Technical Team and the Bi-State Conservation Plan Working Group.
3. Share technical expertise and data regarding Greater Sage Grouse populations and habitats within the Bi-State DPS.
4. Identify and implement management actions that will provide for the long-term conservation of Greater Sage Grouse populations and habitats within the Bi-State DPS.
5. Support the review, update and continued implementation of the *Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*.
6. Consider the identification and implementation of Greater Sage Grouse conservation actions within the Bi-State DPS a NDOW priority.

V. CDFG shall:

1. Provide leadership representation on the Bi-State Executive Oversight Committee.
2. Provide staffing assistance and support to the Bi-State Strategy Team, the Bi-State Technical Team and the Bi-State Local Working Group.
3. Share technical expertise and data regarding Greater Sage Grouse populations and habitats within the Bi-State DPS.
4. Identify and implement management actions that will provide for the long-term conservation of Greater Sage Grouse populations and habitats within the Bi-State DPS.
5. Support the review, update and continued implementation of the *Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*.
6. Consider the identification and implementation of Greater Sage Grouse conservation actions within the Bi-State DPS a CDFG priority.

VI. BLM shall:

1. Provide leadership representation for both California BLM and Nevada BLM on the Bi-State Executive Oversight Committee.
2. Provide staffing assistance and support to the Bi-State Strategy Team, the Bi-State Technical Team and the Bi-State Local Working Group.
3. Share technical expertise and data regarding Greater Sage Grouse populations and habitats within the Bi-State DPS.
4. Identify and implement management actions that will provide for the long-term conservation of Greater Sage Grouse populations and habitats on public lands within the Bi-State DPS.
5. Support the review, update and continued implementation of the *Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*.
6. Develop guidance for the management of Bi-State Sage-grouse in California and Nevada.
7. Consider the identification and implementation of Greater Sage Grouse conservation actions within the Bi-State DPS a priority for California BLM and Nevada BLM.

VII. FWS shall:

1. Provide leadership representation on the Bi-State Executive Oversight Committee.
2. Provide staffing assistance and support to the Bi-State Strategy Team, the Bi-State Technical Team and the Bi-State local Working Group.

3. Share technical expertise and data regarding Greater Sage Grouse populations and habitats within the Bi-State DPS.
4. Identify and implement management actions that will provide for the long-term conservation of Greater Sage Grouse populations and habitats within the Bi-State DPS.
5. Support the review, update and continued implementation of the *Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*.
6. Consider the identification and implementation of Greater Sage Grouse conservation actions within the Bi-State DPS a priority for the FWS in Region 8.

VIII. USGS shall:

1. Provide staffing assistance and support to the Bi-State Technical Team and the Bi-State Local Working Group.
2. Serve as science advisor to the Bi-State Technical Team.
3. Share technical expertise and data regarding Greater Sage Grouse populations and habitats within the Bi-State DPS.
4. Support the review, update and continued implementation of the *Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*.
5. Identify key conservations measures that can be used in amending agency land-use plans

IX. NRCS shall:

1. Provide leadership representation for both California NRCS and Nevada NRCS on the Bi-State Executive Oversight Committee.
2. Provide staffing assistance and support to the Bi-State Strategy Team, the Bi-State Technical Team and the Bi-State Local Working Group.
3. Share technical expertise and data regarding Greater Sage Grouse populations and habitats within the Bi-State DPS.
4. Assist landowners to identify and voluntarily implement management actions that may provide for the long-term conservation of Greater Sage Grouse populations and habitats on private (and public) lands within the Bi-State DPS.
5. Support the review, update and continued implementation of the *Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*.
6. Assist landowners in the identification and implementation of Greater Sage Grouse conservation actions within the Bi-State DPS a priority for California NRCS and Nevada NRCS.

X. USFS shall:

1. Provide leadership representation for both the Inyo National Forest and the Humboldt-Toiyabe National Forest on the Bi-State Executive Oversight Committee.
2. Provide staffing assistance and support to the Bi-State Strategy Team, the Bi-State Technical Team and the Bi-State Local Working Group.
3. Share technical expertise and data regarding Greater Sage Grouse populations and habitats within the Bi-State DPS.
4. Identify and implement management actions that will provide for the long-term conservation of Greater Sage Grouse populations and habitats on National Forest lands within the Bi-State DPS.

5. Support the review, update and continued implementation of the *Greater Sage Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*.
6. Consider the identification and implementation of Greater Sage Grouse conservation actions within the Bi-State DPS a priority for the Inyo National Forest and the Humboldt-Toiyabe National Forest.
7. Utilize Forest Service National Instructional Memo on "Greater Sage Grouse Interim Management" until Forest Plans are amended.

XI. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND AMONG THE PARTIES THAT:

1. **REPRESENTATIVES.** Each party shall identify designated representatives for the Executive Oversight Committee, the Strategy Team and the Technical Team. Designated representatives shall be identified and maintained on Attachment A to this MOU.
2. **OVERSIGHT.** The Executive Oversight Committee (EOC) shall provide direction and guidance for the Strategy and Technical teams. The EOC shall be Co-Chaired by at least one state wildlife agency representative and at least one federal land management agency representative. The NDOW and the USFS Humboldt-Toiyabe National Forest shall serve as the initial Co-Chairs. Co-Chair responsibilities may be modified by mutual consent of the parties to this MOU.
3. **ADMINISTRATIVE CONTACTS.** The Administrative Contact for each party shall be identified and maintained on Attachment B to this MOU.
4. **NON-LIABILITY.** None of the parties to this MOU assume liability for any third party claims for damages arising out of this instrument.
5. **NOTICES.** Any communication affecting the operations of this agreement is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows;

To the Administrative Contact for each party as identified and maintained on Attachment B to this MOU.

To the designated Executive Oversight Committee representative for each party as identified and maintained on Attachment A to this MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of this notice, whichever is later.

6. **PARTICIPATION IN SIMILAR ACTIVITIES.** This MOU in no way restricts any of the parties from working together or participating in similar activities with other agencies, organizations and individuals.
7. **ENDORSEMENT.** Any party's contributions made under this MOU do not by direct reference or implication convey any endorsement of the contributed products or activities by the other parties to this agreement.

8. **NONBINDING AGREEMENT.** This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU requires or authorizes any party to obligate or transfers anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate instruments and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation instrument that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective instrument, each party operates under its own laws, regulations, and/or policies, and any party's obligations are subject to the availability of funds and other resources. The negotiation, execution, administration of these prospective instruments must comply with all applicable laws, regulations, and/or policies.

Nothing in this MOU is intended to alter, limit, or expand any agencies' statutory and/or regulatory authority.

9. Pursuant to 41 USC22, no United States member of, or United States delegate to, Congress shall be admitted to any share or part of this agreement, or benefit that may arise there from, either directly or indirectly.
10. **USE OF AGENCY INSIGNIAS.** In order for any party to use the agency insignia of another party on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted consistent with the requirements of the affected agency. In all cases, approval must be granted in writing prior to the use of another agency's insignia.
11. **FREEDOM OF INFORMATION ACT (FOIA).** For the federal agencies, public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552) and comparable California and Nevada laws. State agencies would adhere to the same requirements under the comparable California and Nevada Law regarding public access to the MOU or agreement records.
12. **TEXT MESSAGING WHILE DRIVING.** In accordance with Executive Order (EO) 13512, "Federal leadership on Reducing Text Messaging While Driving, "any and all text messaging by federal employees is banned: a) while driving a government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official government business; or b) using any electronic equipment supplied by the government when driving any vehicle at any time. All parties, their employees, volunteers and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles or GOVs when

driving on official government business or when performing any work for or behalf of the government.

13. **PUBLIC NOTICES.** It is USFS policy to inform the public as fully as possible of its programs and activities. Parties to this MOU are encouraged to give public notice of this agreement and, from time to time, to announce progress and accomplishments. Press releases or other public notices that refer to the Action Plan, Conservation Strategy of Local Working Group should be approved by all parties prior to release.

The parties may call on signatory Agency's Public Affairs Office for advice regarding public notices. The parties are requested to provide copies of notices or announcements to these offices as far in advance of release as possible.

14. **ACKNOWLEDGMENT IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA.** All parties shall be acknowledged for their support in any publications, audiovisuals, and electronic media developed as a result of this MOU.

15. **NONDISCRIMINATION STATEMENT - PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIALS.** The parties shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

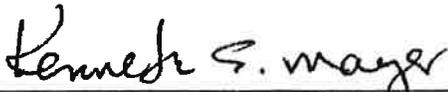
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

16. **TERMINATIONS.** Any of the parties, in writing, may terminate this MOU in whole, or part, at any time before the date of expiration.
17. **MODIFICATIONS.** Modifications within the scope of this MOU must be made by mutual consent of the parties, by issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
18. **COMMENCEMENT/EXPIRATION DATE.** This MOU is executed as of the date of the last signature and is effective through the December 31, 2016 at which time it will expire, unless extended by a executed modification, signed and dated by all properly authorized, signatory officials.

In witness thereof, the parties hereto have executed this Memorandum of Understanding as of the last date written below.


Kenneth Mayer, Director, NDOW

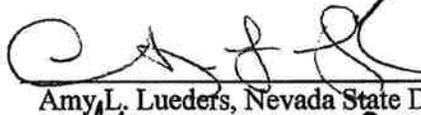
2/10/12
Date


Charlton H. Bonham, Director, CDFG

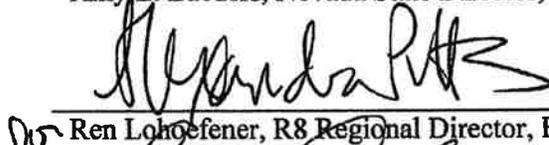
3/14/12
Date


James G. Kenna, California State Director, BLM

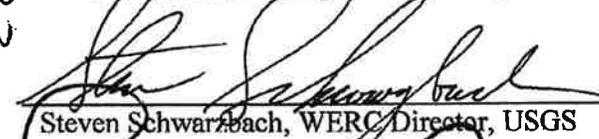
2/14/2012
Date


Amy L. Lueders, Nevada State Director, BLM

2/10/12
Date


Ren Lohofener, R8 Regional Director, FWS

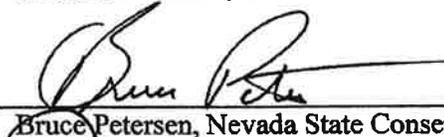
2/15/2012
Date


Steven Schwarzbach, WERC Director, USGS

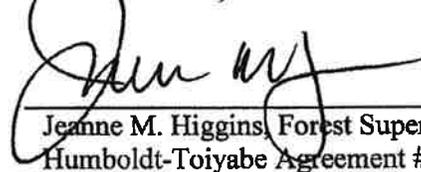
2/10/12
Date


Lincoln E. Burton, California State Conservationist, NRCS

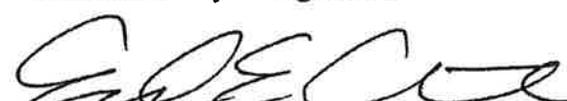
5-8-12
Date


Bruce Petersen, Nevada State Conservationist, NRCS

2/10/12
Date


Jeanne M. Higgins, Forest Supervisor, Humboldt-Toiyabe NF
Humboldt-Toiyabe Agreement #12-MU-11041730-030

2/10/12
Date


Edward E. Armenta, Forest Supervisor, Inyo NF
Inyo Agreement #12-MU-11050400-012

2/10/12
Date

Tina M. Moynier 05/23/2012
Tina M. Moynier, Grants and Agreements Specialist Date
Humboldt-Toiyabe NF

Dana Mees 5/24/2012
Dana Mees, Grants and Agreements Specialist Date
Inyo NF

**Bi-State Sage Grouse MOU
Attachment A
Primary Contacts**

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Bureau of Land Management-Nevada

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**Bi-State Sage Grouse MOU
Attachment A (contd.)
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Humboldt-Toiyabe National Forest

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**Bi-State Sage-grouse MOU
Attachment B
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**Bi-State Sage-grouse MOU
Attachment B (continued)
Administrative Contacts**

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7.0 BI-STATE STRATEGIC ACTION PLAN

The overall Conservation Goals provide the foundation and vision for a coordinated and cooperative management approach for conservation of the Bi-State DPS of the Greater Sage-Grouse:

1. Ensure no net-loss of greater sage-grouse breeding populations in the Bi-State Plan area (2004 Bi-State Plan Species Conservation Goal).
2. Maintain and improve sagebrush and associated habitats to provide for the long-term viability of greater sage-grouse populations within the Bi-State Plan area (2004 Bi-State Plan Ecosystem Conservation Goal).

Conservation objectives, strategies and actions provide a strategic framework designed to achieve the overall conservation goals identified for the Bi-State DPS of the Greater Sage-Grouse. Conservation actions are outlined using a hierarchical approach that identifies each action relative to the broader conservation objectives and strategies identified in the overall plan.

Habitat project funding and implementation priorities should generally be based on the following criteria: 1) Maintenance of the largest populations and/or the least threatened habitats (South Mono, Bodie, and White Mountains PMUs); 2) Enhancement of populations and habitats with the greatest potential for growth and connectivity with core populations (Desert Creek-Fales, Mount Grant, and Bodie PMUs); and 3) Attempts to restore smaller and likely more isolated populations and habitats that may not always respond commensurate to input but may realize dramatic improvements on limited occasions (Pine Nut PMU; Granite Mountain, Adobe Valley, and Parker Meadows in the South Mono PMU).

Research and monitoring funding and implementation priorities should generally be based on the following criteria: 1) Populations with no, or limited, data on bird movements, habitat use, and population status (Pine Nut, Mount Grant, White Mountains, and Desert Creek-Fales PMUs); 2) Small and/or isolated populations or portions of a larger populations with no, or limited, data on bird movements and habitat use (Granite Mountain, Adobe Valley, and Parker Meadows in the South Mono PMU; Bodie PMU west of US Highway 395); 3) Populations where substantial habitat restoration work has occurred (portions of the Bodie, Desert Creek-Fales, Mount Grant, and Pine Nut PMUs); and 4) Populations with a current abundance of available information (Long Valley in the South Mono PMU and the Bodie Hills proper in the Bodie PMU).

7.1 Coordinated Interagency Approach

Objective: Implement a coordinated interagency approach towards conservation and management of greater sage-grouse populations and habitats within the Bi-State Plan area.

Strategy CIA-1: Leverage available staff and funding to facilitate implementation of the *Action Plan for Conservation of the Bi-State DPS of the Greater Sage-Grouse*.

Responsible Parties: EOC, ST, TAC, LAWG

- **Action CIA1-1:** Implement a "Sage-Grouse Service Team" approach to support sage-grouse conservation and management in the Bi-State area. Provide cross-jurisdictional staff support to facilitate the coordinated interagency effort to conserve the Bi-State DPS and its habitat.
- **Action CIA1-2:** Provide multi-jurisdictional funding to support sage-grouse conservation and management in the Bi-State area. Establish a process to identify and support cross-jurisdictional funding opportunities to facilitate the coordinated interagency effort to conserve the Bi-State DPS and its habitat.
- **Action CIA1-3:** Annually engage the Bi-State Local Area Working Group (LAWG) via the Technical Advisory Committee (TAC) to develop a proposed program of work for the upcoming calendar year based on available staff and funding. The proposed annual program of work should be completed by January 31 each calendar year.

7.2 Science-Based Adaptive Management Plan

Objective: Implement scientifically and economically sound management strategies to conserve greater sage-grouse populations and habitats within the Bi-State Plan area.

Strategy SAM1: Coordinate with the USGS Western Ecological Research Center to provide Science Advisor support for the development and implementation of a Conservation Planning Tool (CPT) for the conservation and management of greater sage-grouse populations and habitats in the Bi-State area.

Responsible Parties: EOC, ST, TAC

- **Action SAM1-1:** Establish interagency agreements and funding mechanisms needed to provide funding and logistical support to secure the services of a USGS Science Advisor. Detailed information on the scope of work for the Science Advisor is provided in Section 6.5 (Science-Based Adaptive Management Plan).

Strategy SAM2: Develop and implement a science based Conservation Planning Tool (CPT) to support the conservation and management of greater sage-grouse populations and habitats in the Bi-State area. Detailed information on the CPT is included in Section 6.5 (Science-Based Adaptive Management Plan).

Responsible Parties: TAC, ST

- **Action SAM2-1:** Acquire high resolution (5 meter or less), multi-spectral (7 band minimum), imagery for the entire Bi-State area and begin the image classification and field verification process required to model sage-grouse habitat selection and suitability based on resource availability and use.

- **Action SAM2-2:** Continually incorporate new sage-grouse telemetry, habitat, and vital rate data into the CPT to improve predictive modeling and adaptive management capabilities.
- **Action SAM2-3:** Incorporate the CPT into habitat improvement project design and population augmentation and reintroduction evaluation processes to provide managers with an interactive, spatially-explicit tool to choose the most appropriate areas for management action, as well as to evaluate and quantify project effectiveness following implementation.
- **Action SAM2-4:** Incorporate hypothesized risk factors into the CPT to model and quantify the relative importance of each risk factor by life-history stage for each PMU.
- **Action SAM2-5:** Incorporate sage-grouse vital rates into the CPT to identify which environmental factors are likely exerting the greatest influence on sage-grouse persistence to determine the probability of population performance for each PMU.
- **Action SAM2-6:** Incorporate the vital rate adjusted CPT into habitat improvement project design and population augmentation and reintroduction evaluation processes to further improve managers abilities to choose the most appropriate areas for management action, as well as to evaluate and quantify project effectiveness following implementation.

7.3 Improve Regulatory Mechanisms

Objective: Improve regulatory effectiveness and consistency for discretionary agency actions that may affect the Bi-State DPS and its habitats.

Strategy IRM1: Implement agency specific guidance designed to minimize or eliminate threats associated with potential land use authorizations that may affect greater sage-grouse populations and habitats in the Bi-State area consistent with existing laws, policies and regulatory authorities. Where applicable and appropriate, incorporate conservation measures recommended by the National Sage-Grouse Technical Team. Where applicable and appropriate, incorporate conservation measures recommended by the Bi-State Sage-Grouse Technical Advisory Committee (TAC).

Responsible Parties: BLM, USFS, NDOW, CDFG, FWS

- **Action IRM1-1:** Develop and issue interim BLM/USFS guidance designed to increase the regulatory effectiveness and consistency for Federal land management actions that may affect the Bi-State DPS and its habitat until land use plans are updated to include additional guidance specific to sage-grouse conservation in the Bi-State area. Land use plan updates are identified by relative priority in this section.
- **Action IRM1-2:** Coordinate and informally confer with state wildlife agencies and the FWS when evaluating Federal land management actions that may affect the Bi-State DPS and its habitat or when developing and implementing policies or land use plan objectives designed to avoid or minimize impacts to the Bi-State DPS and its habitat.

- **Action IRM1-3:** Implement the following policies pursuant to BLM Manual 6840 to increase conservation efforts for the Bi-State DPS and its habitat:
 1. Designate the Bi-State DPS as a separate BLM Sensitive Species entity in CA and NV (6840 6.2A). Give priority to the Bi-State DPS and its habitat for conservation action (6840 6.2C).
 2. Address the Bi-State DPS and its habitat in both land use plan and activity plan analyses and decisions that may affect the status of the DPS or its habitat (6840 6.2B).
 3. Manage the Bi-State DPS and its habitat to minimize or eliminate threats affecting the status of the DPS and to improve habitat conditions in the Bi-State area (6840 6.2C). Specifically:
 - Determine, to the extent practicable, the distribution, abundance, population condition, current threats, and habitat needs for the Bi-State DPS and evaluate the significance of BLM-administered lands and actions undertaken by the BLM in conserving the DPS.
 - Ensure that BLM activities affecting the Bi-State DPS are carried out in a way that is consistent with objectives for managing the DPS and its habitat at the appropriate spatial scale.
 - Monitor populations and habitats of the Bi-State DPS to determine whether species management objectives are being met.
 - Work with partners and stakeholders to develop Bi-State DPS specific or ecosystem-based conservation strategies including agreements, assessments and cooperative strategies for conservation.
 - Prioritize the Bi-State DPS and its habitat for conservation action based on considerations such as human and financial resource availability, immediacy of threats, and relationship to other BLM priority programs and activities.
 - Use Land and Water Conservation Funds, as well as other land tenure adjustment tools, to acquire habitats for the Bi-State DPS, as appropriate.
 - Incorporate best management practices, standard operating procedures, conservation measures, and design criteria to mitigate specific threats to the Bi-State DPS during the planning of activities and projects.
 4. Continue to work cooperatively with other agencies, organizations, governments, and interested parties for the conservation of the Bi-State DPS and its habitat to meet agreed upon species and habitat management goals (6840 6.2C).
- **Action IRM1-4:** Implement the following policies pursuant to National Forest Manual 2670 to increase conservation efforts for the Bi-State DPS and its habitat:

1. Designate the Bi-State DPS as a separate USFS Sensitive Species entity in the Intermountain Region (Region 4).
 2. Retain the current sensitive species designation for sage-grouse in the Pacific Southwest Region (Region 5).
- **Action IRM1-5:** Revise the Carson City District Consolidated RMP (Sierra Front and Stillwater Field Offices) to incorporate additional land use plan guidance specific to greater sage-grouse conservation (High Priority).
 1. Consider Area of Critical Environmental Concern (ACECs) or other special designations, including mineral withdrawals, for the protection of known occupied and potential sage-grouse habitats in the Bi-State area.
 2. Due to the relatively small and isolated nature of the Bi-State DPS, deference should be given to conservation of all extant populations of greater sage-grouse in the Bi-State area.
 - **Action IRM1-6:** Revise or amend the Toiyabe National Forest LRMP (Bridgeport and Carson Ranger Districts) according to the Region 4 schedule (High Priority).
 1. Consider special area designations, including mineral withdrawals, for the protection of known occupied and potential sage-grouse habitats in the Bi-State area.
 2. Due to the relatively small and isolated nature of the Bi-State DPS, deference should be given to conservation of all extant populations of greater sage-grouse in the Bi-State area.
 - **Action IRM1-7:** Revise the Tonopah RMP (Tonopah Field Office) to incorporate additional land use plan guidance specific to greater sage-grouse conservation (Moderate Priority).
 1. Consider Area of Critical Environmental Concern (ACEC) or other special designations, including mineral withdrawals, for the protection of known occupied and potential sage-grouse habitats in the Bi-State area.
 2. Due to the relatively small and isolated nature of the Bi-State DPS, deference should be given to conservation of all extant populations of greater sage-grouse in the Bi-State area.
 - **Action IRM1-8:** Revise the Inyo National Forest LRMP (Mono Lake, Mammoth, White Mountain and Mount Whitney Ranger Districts) according to the Region 5 schedule (Moderate Priority).
 1. Consider special area designations, including mineral withdrawals, for the protection of known occupied and potential sage-grouse habitats in the Bi-State area.

2. Due to the relatively small and isolated nature of the Bi-State DPS, deference should be given to conservation of all extant populations of greater sage-grouse in the Bi-State area.
- **Action IRM1-9:** Implement the following actions in support of the Bishop RMP (Bishop Field Office):
 1. Develop and issue supplemental rules to increase law enforcement capabilities specific to camping, off-road vehicle use, and other casual use activities that may affect greater sage-grouse populations and habitats on public lands in the Bodie and South Mono PMUs (High Priority).
 2. Amend the Bishop RMP to incorporate Area of Critical Environmental Concern (ACEC) designations for stronghold populations in the Bodie and South Mono PMUs (Moderate Priority).
 - **Action IRM1-10:** Revise or amend the Bishop RMP according to the California BLM schedule (Low Priority).
 1. Consider Area of Critical Environmental Concern (ACECs) or other special designations, including mineral withdrawals, for the protection of known occupied and potential sage-grouse habitats in the Bi-State area.
 2. Due to the relatively small and isolated nature of the Bi-State DPS, existing deference for conservation of all extant populations of greater sage-grouse in the Bi-State area should continue.
 - **Action IRM1-11:** Annually conduct plan maintenance on applicable RMPs (Carson City, Tonopah, and Bishop) to incorporate the most recent information specific to sage-grouse populations and habitats on public lands administered by the BLM to insure the Bi-State DPS and its habitats are adequately protected (Moderate Priority).

Strategy IRM2: Coordinate with affected county and local governments to develop and implement policies designed to avoid or minimize the loss of sage-grouse habitat in the Bi-State area.

Responsible Parties: EOC, TAC, LAWG

- **Action IRM2-1:** Coordinate with Mono County to develop and incorporate sage-grouse conservation guidance into applicable plans and programs.
- **Action IRM2-2:** Coordinate with county and local governments in Nevada to develop and incorporate sage-grouse conservation guidance into applicable plans and programs.

7.4 Minimize and Eliminate Risks

Objective: Substantially reduce or eliminate potential risks to greater sage-grouse populations and habitats in the Bi-State Plan area.

Wildfire

Strategy MER1: Implement a coordinated interstate/interagency approach towards management of wildfire incidents and suppression activities designed to minimize the risk of catastrophic wildfire and the associated loss of sage-grouse habitat in the Bi-State area.

Responsible Parties: BLM, USFS, DOD, NRCS, FWS, NDOW, CDFG, NDF, Calfire

- **Action MER1-1:** Develop and implement an interagency fire management and suppression agreement specific to the management of wildland fire incidents within and immediately adjacent to known occupied and potential sage-grouse habitats in the Bi-State area prior to the 2012 fire season.
- **Action MER1-2:** Update existing Fire Management Plans (FMPs) to incorporate fire and fuels management conservation measures identified by the National Sage-Grouse Technical Team prior to the 2012 fire season.
- **Action MER1-3:** Annually update dispatch systems and protocols to include line officer and resource advisor notifications and requirements for all wildland fire incidents within and immediately adjacent to known occupied and potential sage-grouse habitats in the Bi-State area.
- **Action MER1-4:** Annually update resource advisor kits to include to the most recent information specific to sage-grouse populations and habitats within the Bi-State area to insure the DPS and its habitat are adequately protected.
- **Action MER1-5:** Develop and provide sagebrush and sage-grouse habitat sensitivity training during required annual fireline refreshers for federal fire personnel in the Bi-State area. Focus training on sagebrush habitat identification, basic sagebrush habitat ecology, and initial attack strategies and tactics designed to minimize long-term impacts to sagebrush ecosystems.
- **Action MER1-6:** Establish an interagency cadre of sagebrush/sage-grouse habitat resource advisors (READs) to support fire suppression, burned area emergency rehabilitation (BAER), and fuels management projects in the Bi-State area. Include NDOW, CDFG, FWS, NRCS, and NDF representation on this team.
- **Action MER1-7:** Prioritize fire suppression actions, fire rehabilitation efforts, and fuels treatments to minimize sagebrush habitat loss or type conversions in and immediately adjacent to known occupied and potential sage-grouse habitats in the Bi-State area.
- **Action MER1-8:** Increase wildfire prevention activities and programs in and adjacent to known occupied and potential sage-grouse habitats in the Bi-State area.
- **Action MER1-9:** Develop and implement a native species seed bank program for the Bi-State DPS. Establish a seed storage facility and conduct seed collections to insure the availability of locally adapted seed for fire rehabilitation efforts in important sage-grouse habitats. Coordinate with the Nevada Division of Forestry (NDF) and other interested agencies to collect and store locally adapted seed for use in fire rehabilitation efforts.

Urbanization

Strategy MER2: Secure conservation easements or agreements with willing landowners to maintain private lands and associated sage-grouse habitats values and minimize the risk of future development impacts to important sage-grouse habitats in the Bi-State area.

Responsible Parties: Landowners, NRCS, FWS, NGOs, LAWG

- **Action MER2-1:** Provide technical assistance to willing landowners to develop Conservation Agreements or Candidate Conservation Agreements with Assurances.
- **Action MER2-2:** Secure a conservation easement or agreement with the Desert Creek Ranch to maintain essential brood rearing habitat in proximity to Desert Creek Lek #2 in the Desert Creek-Fales PMU.
- **Action MER2-3:** Secure a conservation easement or agreement with the Sceirine Ranch to maintain current land use practices and associated sage-grouse brood rearing/late summer habitat values in the Bodie, Mount Grant and Desert Creek-Fales PMUs.
- **Action MER2-4:** Secure a conservation easement or agreement with the Sweetwater Ranch to maintain essential brood rearing habitat in proximity to the Wiley Ditch/Sweetwater Summit lek complex in the Desert Creek-Fales PMU.
- **Action MER2-5:** Secure a conservation easement or agreement for the Mormon Ranch to maintain essential brood rearing habitat in proximity to the Bridgeport Canyon/Little Mormon lek complex in the Bodie PMU.
- **Action MER2-6:** Secure a conservation easement or agreement for the Aurora Meadows complex to maintain brood rearing habitat in proximity to the Aurora lek in the Mount Grant PMU.
- **Action MER2-7:** Secure a conservation easement or agreement for Sinnamon Meadows to maintain brood rearing/late summer habitat values in the western portion of the Bodie PMU.
- **Action MER2-8:** Secure conservation easements or agreements with willing landowners in the Burcham Flat, Wheeler Flat and Fales Hot Springs vicinities to prevent further development impacts in proximity to leks in the Fales breeding complex in the Desert Creek-Fales PMU.
- **Action MER2-9:** Secure conservation easements or agreements with willing landowners for important brood meadow habitat in the Green Creek and Virginia Creek vicinities in the western portion of the Bodie PMU.
- **Action MER2-10:** Secure conservation easements or agreements with willing landowners to maintain key brood rearing/late summer habitats in Bodie Hills portion of the Bodie PMU.

- **Action MER2-11:** Secure conservation easements or agreements with willing landowners in Huntoon Valley, Swauger Creek and northern Bridgeport Valley to maintain brood rearing/late summer habitat values in the southwest portion of the Desert Creek-Fales PMU.
- **Action MER2-12:** Secure conservation easements or agreements with willing landowners to maintain key nesting or wintering habitats along the eastside of the White Mountains in the White Mountains PMU.

Infrastructure and Human Disturbance

Strategy MER3: Implement site-specific conservation measures designed to minimize or eliminate risks associated with existing infrastructure and human disturbance in the Bi-State area.

Responsible Parties: BLM, USFS, Landowners, NRCS, FWS, NDOW, CDFG

- **Action MER3-1:** Install flight diverters on the existing non-let down fence adjacent to Long Valley Lek 2 to deter documented fence strikes.
- **Action MER3-2:** Identify and provide an alternate location for the Mono County landfill and work towards removing the existing landfill out of the Long Valley portion of the South Mono PMU.
- **Action MER3-3:** Design and implement public lek viewing guidelines and other management strategies to reduce human disturbance in the vicinity of Desert Creek Lek #2 in the Desert Creek-Fales PMU.
- **Action MER3-4:** Evaluate existing fences in the Bodie PMU for fence strike hazards. Remove extraneous fences or mark existing fences with flight diverters to deter fence strikes in areas where fence strike hazards are documented. Focus initial efforts in the vicinity of Bodie State Historic Park, 7-Troughs, and Lower Summers Meadow.
- **Action MER3-5:** Work with private landowners in the Long Valley portion of the South Mono PMU to evaluate existing fences for fence strike hazards. Provide assistance to modify or mark existing fences with flight diverters to deter fence strikes in areas where fence strike hazards are documented.
- **Action MER3-6:** Remove or relocate the existing fence near Wiley Ditch Lek #3 in the Desert Creek-Fales PMU if flight diverters are ineffective at preventing fence strikes.
- **Action MER3-7:** Develop and implement stipulations to minimize disturbance impacts associated with increased traffic from the Aurora-Borealis mine in the Mount Grant PMU.
- **Action MER3-8:** Increase warden presence during the sage-grouse breeding season in the lower elevations of the Mount Grant PMU to deter poaching.

- **Action MER3-9:** Avoid the construction of new roads and other infrastructure within known occupied and potential sage-grouse habitat in the Mount Siegel and Bald Mountain vicinities in the Pine Nut PMU unless these features are designed to improve habitat conditions.
- **Action MER3-10:** Design and implement public lek viewing guidelines to address potential human disturbance impacts if demand increases in the Long Valley portion of the South Mono PMU. For now, refer the public to the LADWP office in Bishop for Lek 2 viewing information.
- **Action MER3-11:** Install "grouse crossing" signs at strategic locations along the Owens River Road in the Long Valley portion of the South Mono PMU where birds are known to roost and road kills have been documented.
- **Action MER3-12:** Provide educational opportunities to landowners about the importance of sage-grouse habitat and the need to reduce predation caused by pets in areas where sage-grouse occur.

Pinyon - Juniper Encroachment

Strategy MER4: Map and quantify the spatial juxtaposition and level of pinyon-juniper encroachment that has occurred in relation to known occupied and potential sage-grouse habitat in the Bi-State area. Develop and implement site specific treatments designed to maintain, improve, or restore key seasonal ranges and habitat connectivity within and among breeding populations based on restoration potential.

Responsible Parties: BLM, USFS, NRCS, USGS, FWS, Landowners, NDOW, CDFG

- **Action MER4-1:** Evaluate pinyon-juniper encroachment and potential connectivity issues between upper elevation sagebrush habitats in the Bodie PMU and adjacent low elevation habitats including the Bridgeport Valley and East Walker River in the Bodie and Desert Creek-Fales PMUs and the East Walker River, Ninemile Flat, Aurora, and Alkali Valley portions of the Mount Grant PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-2:** Evaluate pinyon-juniper encroachment and potential connectivity issues in the Masonic Gulch, Red Wash, and Chinese Camp vicinities of the Mount Grant PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-3:** Evaluate pinyon-juniper encroachment and potential connectivity issues in the Huntoon Valley, Swauger Creek and Mount Jackson vicinities of the Desert Creek-Fales PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-4:** Evaluate pinyon-juniper encroachment and potential connectivity issues in the Aurora and Gregory Flats vicinities of the Mount Grant PMU. Design and implement site-specific tree removal projects based on the results.

- **Action MER4-5:** Evaluate pinyon-juniper encroachment and potential connectivity issues in the lower Rough Creek and Del Monte Canyon vicinities of the Mount Grant PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-6:** Evaluate pinyon-juniper encroachment and potential connectivity issues in the Spring Peak, Mount Hicks, and Powell Mountain vicinities of the Mount Grant PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-7:** Evaluate pinyon-juniper encroachment and potential connectivity issues in the Baldwin Canyon and Lapon Canyon vicinities of the Mount Grant PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-8:** Evaluate pinyon-juniper encroachment and potential connectivity issues between upper elevation sagebrush habitats in the Bodie PMU and adjacent low elevation habitats in the Mono Basin portion of the Bodie PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-9:** Evaluate pinyon-juniper encroachment and potential connectivity issues along the northern flank of the Sweetwater Mountains between Burcham Flat and Jackass Flat in the Desert Creek-Fales PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-10:** Evaluate pinyon-juniper encroachment and potential connectivity issues along the eastside of the White Mountains and Palmetto Mountains in the White Mountains PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-11:** Evaluate pinyon-juniper encroachment and potential connectivity issues along the eastside in the Truman Meadows portion of the White Mountains PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-12:** Evaluate pinyon-juniper encroachment and potential connectivity issues between Long Valley and Adobe Valley in the South Mono PMU. Design and implement site-specific tree removal projects based on the results.
- **Action MER4-13:** Evaluate pinyon-juniper encroachment and potential connectivity issues in the Waterson draw area and at the base of south slope of Glass Mountains in the South Mono PMU. Design and implement site-specific tree removal projects based on the results.

Disease and Predation

Strategy MER5: Monitor, and quantify where possible, the extent of disease and predation risks to greater sage-grouse populations in the Bi-State area. Take appropriate management action where causal effects can be identified and effectively mitigated.

Responsible Parties: NDOW, CDFG, BLM, USFS, DOD, USGS, FWS

- **Action MER5-1:** Evaluate raptor and raven use of the DC Intertie transmission line in the Mount Grant PMU. Install perch deterrents if the data indicate facilitated predation is adversely affecting sage-grouse population performance.
- **Action MER5-2:** Evaluate raptor and raven use of the double wood transmission line that crosses brood meadows along the upper Owens River east of Lek 9x at Inaja Ranch. Install perch deterrents if the data indicate facilitated predation is adversely affecting sage-grouse population performance.
- **Action MER5-3:** Evaluate raptor and raven use of the west-side transmission lines in the Bodie PMU. Install perch deterrents if the data indicate facilitated predation is adversely affecting sage-grouse population performance.
- **Action MER5-4:** Develop and implement a West Nile virus surveillance and detection program. Implement mosquito abatement measures and/or Best Management Practices (BMPs) designed to minimize or prevent the potential for a West Nile virus outbreak if the data indicate that West Nile virus is prevalent in the Bi-State area.

Grazing - Wild Horses

Strategy MER6: Maintain wild horse populations at the appropriate management levels (AMLs) and within designated herd management areas (HMAs) or wild horse territories (WHTs) to minimize the risk of excessive use levels and range expansion.

Responsible Parties: BLM, USFS

- **Action MER6-1:** Implement captures or contraceptive methods to maintain the Powell Mountain Wild Horse Herd at or below AML and within the designated WHT.
- **Action MER6-2:** Implement captures or contraceptive methods to maintain the Pine Nut Wild Horse Herd at or below AML and within the designated HMA.
- **Action MER6-3:** Evaluate the status of the White Mountain and Silver Peak Wild Horse and Burro herds. Establish AML and implement captures or contraceptive methods if needed to maintain the herds at or below AML and within the designated WHT.
- **Action MER6-4:** Implement captures or contraceptive methods to maintain the Wassuk Wild Horse Herd at or below AML and within the designated HMA.
- **Action MER6-5:** Evaluate the status of the Montgomery Pass Wild Horse Herd. Establish AML and implement captures or contraceptive methods if needed to maintain the herd at or below AML and within the designated WHT.

Small Populations

Strategy MER7: Identify potential sage-grouse population augmentation and re-introduction sites and develop translocation guidelines to support potential augmentation and re-introduction efforts in the Bi-State area.

Responsible Parties: TAC - NDOW, CDFG, BLM, USFS, USGS, FWS

- **Action MER7-1:** Develop a contingency plan for emergency augmentation of small breeding populations at Parker Meadows and Gaspipe Spring in the South Mono PMU if the need arises.
- **Action MER7-2:** Develop a contingency plan for emergency augmentation of small breeding populations in the Pine Nut Range in the Pine Nut PMU if the need arises.
- **Action MER7-3:** Evaluate the need for augmentation of the Fales population in the Desert Creek- Fales PMU.
- **Action MER7-4:** Evaluate the Powel Mountain area in the Mount Grant PMU as a potential sage-grouse habitat restoration and reintroduction area.
- **Action MER7-5:** Evaluate the McBride Flat/Sagehen Spring area in the Truman Meadows portion of the White Mountains PMU as a potential sage-grouse habitat restoration and reintroduction area.
- **Action MER7-6:** Evaluate Coyote Flat as a potential sage-grouse habitat restoration and reintroduction area.

7.5 Habitat Improvement and Restoration

Objective: Implement habitat improvement and restoration projects designed to ensure the long-term viability of greater sage-grouse populations within the Bi-State Plan area.

Strategy HIR1: Continue to implement on-going habitat improvement and restoration projects on public and private lands in the Bi-State area.

Responsible Parties: BLM, USFS, LADWP, NRCS, FWS, Landowners, Permittees, LAWG, NDOW, CDFG

Pine Nut PMU

- **Action HIR1-1-PN:** Continue to implement pinyon and juniper removal projects in appropriate areas adjacent to occupied sage-grouse habitat in Upper Mill Canyon in the Pine Nut PMU.
- **Action HIR1-2-PN:** Continue to implement pinyon and juniper removal in the Buckskin Valley Vegetation Treatment project area in the Pine Nut PMU.
- **Action HIR1-3-PN:** Maintain the existing fence around the Big Meadow complex in the Pine Nut PMU and mark with flight diverters to deter fence strikes.

- **Action HIR1-4-PN:** Continue to manage livestock to maintain proper functioning condition of the Big Meadow complex in the Pine Nut PMU.
- **Action HIR1-5-PN:** Manage high elevation wet meadows in the southern portion of the Pine Nut PMU for proper functioning condition and forb abundance and diversity. Maintain existing fences and mark with flight diverters to deter fence strikes.

Desert Creek - Fales PMU

- **Action HIR1-1-DCF:** Continue pinyon and juniper removal across Sweetwater Flat and in adjacent pinyon and juniper encroached sagebrush habitats in the Desert Creek-Fales PMU.
- **Action HIR1-2-DCF:** Implement the Long Doctor pinyon-juniper removal project in the Desert Creek-Fales PMU.
- **Action HIR1-3-DCF:** Continue to work with the permittees on Wheeler Flat to develop and implement grazing management strategies that reduce the impacts of early season grazing on key brood meadows in the Desert Creek-Fales PMU.
- **Action HIR1-4-DCF:** Continue to develop and implement an interagency restoration plan for Wheeler Creek to restore hydrologic function and increase forb cover and diversity on adjacent brood meadows in the Desert Creek-Fales PMU.

Mount Grant PMU

- **Action HIR1-1-MG:** Continue pinyon and juniper removal in the China Camp area and adjacent public and private lands in the Mount Grant PMU.

Bodie PMU

- **Action HIR1-1-B:** Complete ongoing pinyon and juniper removal projects in the Lower Summers (Lek 10), Green Creek, Stringer Meadows (Lek 9A), and Upper Aurora Canyon vicinities in the Bodie PMU.
- **Action HIR1-2-B:** Maintain existing meadow habitat protective enclosures in the Bodie Hills portion of the Bodie PMU. Incorporate targeted short-duration grazing to improve brood meadow forb production where appropriate.
- **Action HIR1-3-B:** Continue meadow habitat improvement efforts on public and private lands in Upper Aurora Canyon in the Bodie PMU.
- **Action HIR1-4-B:** Complete the planned removal of the Bodie to Fletcher transmission line that traverses portions of both the Bodie and Mount Grant PMUs.
- **Action HIR1-5-B:** Continue to manage permitted livestock grazing to maintain current nesting habitat quality in the Bodie Hills breeding complex in the Bodie PMU.
- **Action HIR1-6-B:** Complete the ongoing NEPA analysis to support implementation of sage-grouse habitat improvement projects in the Bodie PMU consistent with the findings of the *Bodie Hills Conservation Action Plan* (Provencher et al. 2009).

- **Action HIR1-7-B:** Complete the Lime Kiln windmill removal and solar pump replacement project in the southern portion of the Bodie PMU.

South Mono PMU

- **Action HIR1-1-SM:** Continue to implement and enforce seasonal road closures designed to reduce human disturbance on public lands in the vicinity of Lek 1, Lek 5, and Lek 8 in the Long Valley portion of the South Mono PMU.
- **Action HIR1-2-SM:** Continue to monitor for illegal vehicle use and camping within the Long Valley portion of the South Mono PMU. Increase law enforcement presence and enforcement activities were required to minimize or eliminate recreation impacts.
- **Action HIR1-3-SM:** Implement the proposed tree encroachment removal project near Sagehen Summit in the South Mono PMU.
- **Action HIR1-4-SM:** Continue to monitor implementation of new grazing permit terms and conditions in the Long Valley portion of the South Mono PMU. Identify priorities for more intensive management attention, especially in upland sagebrush types.
- **Action HIR1-5-SM:** Complete the windmill removal and solar pump replacement projects in the Adobe Valley portion of the South Mono PMU.
- **Action HIR1-6-SM:** Maintain the Indian Spring protective fence in the Mono Basin portion of the South Mono PMU.

Strategy HIR2: Design and implement additional site-specific sage-grouse habitat improvement and restoration projects on public and private lands in the Bi-State area in cooperation with the Bi-State Local Area Work Group.

Responsible Parties: BLM, USFS, LADWP, NRCS, FWS, Landowners, Permittees, LAWG, NDOW, CDFG

Pine Nut PMU

- **Action HIR2-1-PN:** Restore previously burned sagebrush habitat within a three-mile radius of the Mill Canyon lek in the Pine Nut PMU.
- **Action HIR2-2-PN:** Maintain meadows in the Mount Siegel/Bald Mountain area in proper functioning condition or improve through livestock management or fencing in the Pine Nut PMU.
- **Action HIR2-3-PN:** Evaluate options to improve sagebrush habitat quality west of the Big Meadow complex in the Pine Nut PMU. Design and implement site specific habitat improvement projects based on the results.
- **Action HIR2-4-PN:** Control noxious weeds within and surrounding the Big Meadow complex in the Pine Nut PMU.

Desert Creek-Fales PMU

- **Action HIR2-1-DCF:** Design and implement site specific projects to improve meadow habitat conditions on Wheeler Flat in the Desert Creek-Fales PMU.
- **Action HIR2-2-DCF:** Investigate opportunities to implement habitat improvement projects on the Sweetwater Ranch in the Desert Creek-Fales PMU. Design and implement site specific habitat improvement projects where feasible.
- **Action HIR2-3-DCF:** Evaluate options to reduce cheatgrass densities southeast of Desert Creek Lek #2 in the Desert Creek-Fales PMU. Design and implement site specific habitat improvement projects based on the results.
- **Action HIR2-4-DCF:** Determine the feasibility for improving perennial grass and forb cover in proximity to Desert Creek Lek #2 in the Desert Creek-Fales PMU. Design and implement site specific habitat improvement projects based on the results.
- **Action HIR2-5-DCF:** Determine the feasibility for improving perennial grass and forb cover across Sweetwater Flat to improve pre-laying and nesting habitat conditions in the Desert Creek-Fales PMU. Design and implement site specific habitat improvement projects based on the results.
- **Action HIR2-6-DCF:** Evaluate nesting habitat and brood meadow condition on Burcham/Wheeler Flats in the Desert Creek-Fales PMU. Design and implement site specific habitat improvement projects based on the results.
- **Action HIR2-7-DCF:** Investigate opportunities for meadow habitat improvement on private lands in the Huntoon Valley, Swauger Creek and north Bridgeport Valley vicinities in the Desert Creek-Fales PMU. Design and implement site specific habitat improvement projects where feasible.

Mount Grant PMU

- **Action HIR2-1-MG:** Develop and implement a management strategy to restore brood habitat on the Rosachi Ranch in the Mount Grant PMU.
- **Action HIR2-2-MG:** Work with Flying M Ranch to maintain and improve brood habitat conditions in the Rough Creek and lower Bodie Creek vicinities of the Mount Grant PMU. Design and implement site specific habitat improvement projects where feasible.
- **Action HIR2-3-MG:** Evaluate meadow habitat conditions in the Aurora and Gregory Flats vicinities of the Mount Grant PMU. Design and implement meadow habitat restoration projects based on the results.
- **Action HIR2-4-MG:** Work with the Hawthorne Army Depot to maintain and improve brood habitat quality at Lapon Meadows in the Mount Grant PMU. Design and implement site specific habitat improvement projects where feasible.

- **Action HIR2-5-MG:** Investigate options to control noxious weeds and cheatgrass within and around the Ninemile Ranch Unit in the Mount Grant PMU. Design and implement site specific habitat restoration projects based on the results.

Bodie PMU

- **Action HIR2-1-B:** Evaluate stringer meadows, spring complexes, and irrigated meadows in the Bodie PMU as potential brood habitat improvement sites. Design and implement site specific habitat improvement projects based on the results.
- **Action HIR2-2-B:** Evaluate mid-elevation sagebrush habitats in the Bodie Hills breeding complex for potential early brood habitat improvement sites in the Bodie PMU. Design and implement site specific habitat improvement projects based on the results.

South Mono PMU

- **Action HIR2-1-SM:** In drought years, work with the LADWP to prioritize irrigation for important brood meadows (e.g., Laurel meadows) in the Long Valley portion of the South Mono PMU.

7.6 Research and Monitoring

Objective: Implement a coordinated interagency research and monitoring program to support the conservation and management of greater sage-grouse populations and habitats within the Bi-State Plan area.

Strategy RAM1: Implement a coordinated interstate/interagency lek inventory and monitoring strategy for the Bi-State area.

Responsible Parties: TAC, NDOW, CDFG, BLM, USFS, LADWP, DOD, FWS, USGS, NRCS

- **Action RAM1-1:** Coordinate annual lek monitoring efforts across state and federal jurisdictional boundaries.
- **Action RAM1-2:** Increase the level of interagency support and effort for annual lek counts in the Pine Nut, Desert Creek-Fales, Mount Grant, and White Mountains PMUs. Implement "saturation counts" where logistically feasible.
- **Action RAM1-3:** Maintain the current level of interagency support and effort required to conduct annual "saturation counts" in the Bodie and South Mono PMUs.
- **Action RAM1-4:** Conduct a systematic aerial inventory of potential breeding habitats in the Bi-State area to identify new or previously undocumented leks.
- **Action RAM1-5:** Focus aerial lek monitoring efforts on remote or otherwise inaccessible locations. Augment aerial surveys with ground counts when and where logistically feasible.

- **Action RAM1-6:** Increase the level of volunteer training and support for annual lek monitoring efforts in the Bi-State area.
- **Action RAM1-7:** Incorporate lek habitat inventory and assessment protocols identified in the interagency *Sage-Grouse Habitat Assessment Framework* (Stiver et al. 2010) into lek inventory and monitoring efforts in the Bi-State area.
- **Action RAM1-8:** Develop and implement a standardized lek location database for documented (active and historic) leks in the Bi-State area.

Strategy RAM2: Implement a coordinated interstate/interagency habitat inventory and assessment strategy for the Bi-State area.

Responsible Parties: TAC - USGS, BLM, USFS, NDOW, CDFG, NRCS, FWS

- **Action RAM2-1:** Identify and map existing sagebrush habitats and important sage-grouse habitats within each PMU. Develop a draft interim habitat map for the Bi-State area by April 30, 2012. Complete a final interim habitat map for the Bi-State area by September 30, 2012.
- **Action RAM2-2:** Incorporate standardized vegetation and environmental characteristics data sampling into existing agency vegetation inventory and monitoring protocols to support the development and implementation of the Conservation Planning Tool (CPT).
- **Action RAM2-3:** Incorporate multi-scale sage-grouse habitat inventory and assessment protocols identified in the interagency *Sage-Grouse Habitat Assessment Framework* (Stiver et al. 2010) into habitat inventory and monitoring efforts in the Bi-State area.

Strategy RAM3: Implement a coordinated interagency/interstate research strategy to collect telemetry data needed to better define sage-grouse movement patterns and key seasonal ranges throughout the Bi-State area and to support development and implementation of the Conservation Planning Tool (CPT).

Responsible Parties: TAC - NDOW, CDFG, USGS, BLM, USFS, DOD, FWS, NRCS

- **Action RAM3-1:** Continue and expand the on-going telemetry effort in the Pine Nut PMU. Incorporate additional capture locations into the study design based on lek inventory results.
- **Action RAM3-2:** Implement a new telemetry effort in the Mount Grant PMU to supplement and expand on previous efforts focused in the Bodie PMU. Focus initial capture efforts in the China Camp, Baldwin Canyon, Aurora and Lapon Meadows lek areas, as well as brood rearing habitat on Ninemile Ranch and Scierine Ranch. Incorporate additional capture locations into the study design based on lek inventory results.
- **Action RAM3-3:** Implement a new telemetry effort in the Desert Creek portion of the Desert Creek-Fales PMU to supplement and expand on previous efforts. Focus initial

capture efforts in the Desert Creek, Sweetwater and Wiley Ditch lek areas, as well as brood-rearing habitats on the Desert Creek Ranch, Sweetwater Ranch and Scierine Ranch. Incorporate additional capture locations into the study design based on lek inventory results.

- **Action RAM3-4:** Implement a new telemetry effort in the White Mountains PMU to supplement and expand on previous efforts. Incorporate the use of GPS technology to improve data collection capabilities in the White Mountains. Incorporate additional capture locations into the study design based on lek inventory results.
- **Action RAM3-5:** Continue and supplement the on-going radio telemetry effort in the South Mono PMU. Focus new capture efforts in the Sagehen Summit, Sagehen Meadows, Gaspipe Spring and McLaughlin Spring areas. Incorporate additional capture locations into the study design based on lek inventory results.
- **Action RAM3-6:** Continue and supplement the on-going telemetry effort in the Fales Portion of the Desert Creek-Fales PMU. Focus additional capture efforts in the upper elevations of the Sweetwater Range and in the Huntoon Valley. Incorporate additional capture locations into the study design based on lek inventory results.
- **Action RAM3-7:** Continue and supplement the on-going radio telemetry effort in the Bodie PMU. Focus additional capture efforts in previously un-sampled lek areas and habitat restoration project areas. Incorporate additional capture locations into the study design based on lek inventory results.
- **Action RAM3-8:** Collect vegetation and environmental characteristics data at telemetry relocation points and random points following standardized protocols to support the development and implementation of the Conservation Planning Tool (CPT).
- **Action RAM3-9:** Incorporate the use of GPS technology into the study design for on-going and planned telemetry efforts to collect data on intra-day and potential long-range and inter-PMU movements.
- **Action RAM3-10:** Collect feces in addition to vegetation and environmental characteristics data at winter relocations for diet quality analysis using gas chromatography.

Strategy RAM4: Incorporate the collection of genetic samples and morphological measurements into planned telemetry capture and lek monitoring efforts to better define the Bi-State DPS including genetic variability within and among sub-populations.

Responsible Parties: TAC - NDOW, CDFG, USGS, BLM, USFS, DOD, FWS, NRCS

- **Action RAM4-1A:** Collect a blood sample from each captured bird and submit these samples to the University of Denver for genetic analyses.
- **Action RAM4-1B:** Collect feathers from each captured bird and submit these samples to the University of Idaho and/or the US Forest Service Rocky Mountain Research Station (RMRS) genetics lab in Missoula, Montana for genetic analyses.

- **Action RAM4-1C:** Collect morphological measurements from each captured bird to calculate body condition index (BCI) by obtaining mass, flat wing, tarsus, and culmen measurements.
- **Action RAM4-2:** Collect feathers from each monitored lek and submit these samples to the University of Idaho and/or the US Forest Service RMRS genetics lab in Missoula, Montana for genetic analyses.

Strategy RAM5: Improve interstate/interagency data and information sharing capabilities across the Bi-State area.

Responsible Parties: TAC - NDOW, CDFG, USGS, BLM, USFS, FWS, NRCS, LAWG

- **Action RAM5-1A:** Develop and implement a standardized spatial database (ArcMap geodatabase) to collect and store all greater sage-grouse conservation related project work occurring in the Bi-State area. Coordinate geodatabase development with signatories to the Bi-State MOU and the Bi-State LAWG to ensure end user compatibility. Populate the geodatabase with conservation actions completed to date by September 30, 2012. Establish procedures for effective and efficient geodatabase maintenance and distribution.
- **Action RAM5-1B:** Develop and implement a standardized tabular database (Microsoft Access database) to collect and store all greater sage-grouse related conservation work occurring in the Bi-State area. Coordinate database development with signatories to the Bi-State MOU and the Bi-State LAWG to ensure end user compatibility. Populate the database with conservation actions completed to date by September 30, 2012. Establish procedures for effective and efficient database maintenance and distribution.
- **Action RAM5-2:** Investigate options to develop and implement an Interagency Bi-State Sage-Grouse Conservation sharepoint site to facilitate collaborative projects and data sharing. If determined to be feasible, establish the sharepoint site and provide access to signatories of the Bi-State MOU.

7.7 Maintain and Improve Stakeholder Involvement

Objective: Develop active, well informed, local planning groups committed to the development and implementation of sage-grouse conservation actions within the Bi-State Plan area.

Strategy MSI1: Continue to support the stakeholder based Bi-State Local Area Working Group (LAWG) process to identify, develop, and implement PMU specific conservation actions for greater sage-grouse populations and habitats in the Bi-State area.

Responsible Parties: LAWG, NDOW, CDFG, BLM, USFS, NRCS, FWS, USGS

- **Action MSI-1:** Complete the on-going process to evaluate and update the *Greater Sage-Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*.

- **Action MSI1-2:** Conduct PMU planning meetings on an as needed basis to address PMU specific issues and to identify, develop, and prioritize PMU specific conservation actions.
- **Action MSI1-3:** Conduct Bi-State LAWG planning meetings on a semi-annual basis to review the status of greater sage-grouse populations and habitats in the Bi-State area and to identify, prioritize, and coordinate implementation of annual conservation actions. Continue University of Nevada Cooperative Extension facilitation of the Bi-State LAWG meeting.

Strategy MSI2: Encourage and foster stakeholder participation in the implementation of Bi-State Conservation Action Strategy.

Responsible Parties: LAWG, NDOW, CDFG, BLM, USFS, NRCS, FWS, USGS

- **Action MSI2-1:** Conduct workshops to provide information about programs available to assist ranchers and other private landowners that may be interested in the implementation of sage-grouse conservation projects and to explore opportunities for cooperative conservation of sage-grouse in the Bi-State area.
- **Action MSI2-2:** Develop and publish a Bi-State LAWG sage-grouse conservation newsletter.
- **Action MSI2-3:** Develop and implement a publically accessible Bi-State LAWG Sage-Grouse Conservation webpage to facilitate the sharing and distribution of information specific to greater sage-grouse conservation efforts in the Bi-State area.



Preserving Bi-State Sage-grouse Habitat on Private Land in the Eastern Sierra

Background: Through the multi-agency 2012 Bi-State Action Plan, collaborative efforts to avoid an endangered species listing identified threats to sage-grouse and developed strategies to mitigate those threats. Related to the urbanization threat, specific critical habitats in the Bi-State region were identified, including private lands. Conservation easements were identified in the Action Plan as a viable tool for addressing the urbanization threat. Eastern Sierra Land Trust (ESLT) has participated in the Mono County Local Area Working Groups for sage-grouse since approximately 2005.

Primary Tool for Preserving Private Lands: Conservation Easements (CE)

- CEs are customized legally binding agreements that permanently protect special resources by restricting certain future uses of the land such as subdivision.
- Through a real estate appraisal process, the landowners can be financially compensated for the value of the development rights they are extinguishing in the CE. Generally, government grants are sought by ESLT for purchasing CEs, although a CE may also be donated and may qualify for significant federal tax benefits from the IRS.
- The CE holder (ESLT or other qualified entity) is responsible for monitoring the property in perpetuity to ensure that the terms of the easement are upheld.

Benefits of CEs

- CEs are a good fit for “working landscapes” as they are customized to the needs of the rancher or farmer and maintain the ability of the landowner to manage the land as needed.
- Specific grouse related management practices can be incorporated into the terms of the CE, in addition to an “Adaptive Management Plan” that allows flexibility to respond to future unknowns.
- CEs allow the land to stay as private property, under control of the landowner, and on the tax rolls of the county.

ESLT projects related to Bi-State sage-grouse

- ESLT worked with Centennial Livestock in 2011 to complete a CE on their land in Bridgeport Valley, which preserves grazing lands and associated wildlife habitat. Sage-grouse co-exist with well-managed grazing lands due to the water spreading and plant cover.
- ESLT is partnering with a local rancher to preserve the 1240-acre Sinnamon Meadows property above Bridgeport Valley, which is habitat for sage-grouse and Sierra bighorn sheep during migration. The state has committed to funding at least 50% of the easement acquisition due to its importance to wildlife.
- Two alfalfa farms in Benton and Hammil Valleys totaling 1,182 acres have been preserved under easements and include important buffer habitat to the sage-grouse occupying the White Mountain Population Management Unit (PMU).

- ESLT is in the early stages of assisting with the preservation of Sweetwater Ranch, which straddles the California & Nevada border.

Funding Sources for CEs for sage-grouse habitat

- CA Department of Fish and Wildlife/Wildlife Conservation Board
- Sierra Nevada Conservancy
- Natural Resources Conservation Service:
 - Farm and Ranchland Protection Program (FRPP)
 - Grassland Reserve Program (GRP)
 - Wetland Reserve Program (WRP)
- Sage Grouse Initiative (NRCS)
 - Various Farm Bill conservation programs for enhancement and preservation
 - \$100 million invested by NRCS

Current challenges

- Funding limitations for purchase of CEs
 - Limited state funding in both CA and NV
 - Sage Grouse Initiative
 - CA has not received funds from this program
 - Federal Farm and Ranchland Protection Program requirements
 - 50% match required
 - In CA, FRPP projects must contain designated “prime soils,” which are very limited in Mono & Inyo Counties (Hamill Valley)
 - In NV, NRCS has designated all irrigated soils as of “statewide importance.”
- General facts about CEs that are often misunderstood
 - Property is managed by the landowner
 - Cooperative and collaborative process creates the CE
 - CE doesn't give gov't uncontrolled access to land
 - Real estate appraisal process provides fair market compensation
 - Land may be sold or transferred with the CE in place
 - CEs on private lands have significant public benefits: protection of water resources, prime agricultural lands, critical habitats, and scenic resources
 - Potential CEs are carefully reviewed and only those that have significant public benefits are selected. ESLT coordinates closely with Eastern Sierra land management agencies to establish conservation priorities.

About ESLT

- ESLT is a public benefit non-profit organization working with willing landowners to preserve vital lands in the Eastern Sierra region for their scenic, agricultural, natural, recreational, historical, and watershed values.
- 14 conservation easement projects completed by ESLT in 12 years; bringing over \$7.5M project dollars to our community.
- ESLT was accredited by the Land Trust Accreditation Commission in 2011. ESLT is one of just over 200 accredited land trusts of the 1,700 land trusts nation-wide.

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News Release



For Immediate Release
Date: March 5, 2010

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Fish and Wildlife Service Will Add Bi-State Population of Greater Sage-Grouse To List of Candidates for Endangered Species Act Protection

The U. S. Fish and Wildlife Service announced today that the Bi-State population of greater sage-grouse meets the necessary criteria for recognition as a Distinct Population Segment under the Endangered Species Act, and that adding this population to the federal list of threatened and endangered species is warranted. However, listing the Bi-State DPS of the greater sage-grouse at this time is precluded by the need for listing actions on other species that have a higher priority need for protection under the Act.

As a result, the Bi-State DPS of the greater sage-grouse will be placed on the list of species that are candidates for Endangered Species Act protection. The Service will review the status of the Bi-State DPS annually, as it does with all candidates for listing, and will propose it for listing when funding and workload permit.

Secretary of the Interior Ken Salazar today announced that the federal government will expand its efforts to protect open lands that are important to the survival of the Bi-State population and the greater sage-grouse range-wide. In collaboration with local, state, and tribal partners, Interior will use new science and mapping technologies to improve land-use planning and to ensure that energy production, recreational access and other uses of federal lands will continue where appropriate, while additional measures are taken to protect the bi-state population and the greater sage-grouse across its range.

The Bi-State area population of greater sage-grouse, previously referred to as the Mono Basin population of sage-grouse, occurs in portions of Carson City, Lyon, Mineral, Esmeralda, and Douglas Counties in Nevada, and of Alpine, Inyo, and Mono Counties in California. The State wildlife agencies in Nevada and California have jointly identified six Bi-State area Population Management Units (PMUs): Pine Nut, Desert Creek–Fales, Mount Grant, Bodie, South Mono, and White Mountains. The current analysis of available information suggests only Bodie and South Mono PMUs are likely to persist over the next thirty years, and may also contract in size without increased conservation efforts or implementation of recovery actions.

Threats to the species include destruction, modification, and fragmentation of habitats in the Bi-State area caused by urbanization, infrastructure development (e.g. powerlines and roads), mining, energy development, grazing, invasive and exotic species, pinyon–juniper encroachment, wildfire, and the likely effects of climate change. Current regulatory mechanisms are not adequate to address these habitat-based threats or other threats such as disease and predation, or impacts from recreational activities. In addition, the relatively few local populations of the Bi-State DPS, as well as their small size and relative isolation, contribute to the risk of extinction.

The Service based its final determination on the accumulated scientific data provided by state and federal agencies and Tribes, as well as data and information provided through non-governmental, commercial and public comments. The review of relevant materials included 25 chapters of new information and or analyses contained in the peer-reviewed monograph entitled: *Ecology and Conservation of Greater Sage-Grouse: A Landscape Species and Its Habitats* which was edited by the U.S Geological Survey for publication in the near future by the Cooper Ornithological Society in their Studies in Avian Biology Series. Thirty-eight scientists from federal, state, and nongovernmental organizations collaborated to produce the analyses, synthesis and findings presented in the chapters of this monograph.

The Service assigns a listing priority number to each candidate species based on the magnitude and immediacy of the threats they face. This ranking system is used to determine which candidate species should be more immediately proposed for addition to the list of threatened and endangered species. Because it faces more immediate and severe threats, the Bi-State DPS of the greater sage-grouse has been assigned a listing priority number higher than that for the range-wide greater sage-grouse, which will also be added to the candidate list.

The Service received two petitions to list the Bi-State population, one from the Institute for Wildlife Protection (dated December 28, 2001), and the other from the Stanford Law School Environmental Law Clinic (dated November 10, 2005) on behalf of the Sagebrush Sea Campaign, Western Watersheds Project, Center for Biological Diversity, and Christians Caring for Creation. A series of actions by the Service was taken in response to the petitions, which included publication (in 2006) of a 90-day finding that these petitions did not present substantial scientific or commercial information indicating that the petitioned actions were warranted. In response to legal challenges, the Service agreed to reconsider this decision.

The Service also announced a finding today regarding a petition to list the western subspecies of the greater sage-grouse under the Endangered Species Act. A western and an eastern subspecies of the greater sage-grouse were described in the 1940's based on comparisons of a limited number of specimens, and many scientists subsequently questioned the validity of these subspecies designations. Based on a thorough evaluation of the best scientific information available, including new genetic analyses, the Service found no evidence to support recognition of either subspecies. As a result, the Service announced today it has made a finding that listing the western subspecies is not warranted, as it is not a valid taxonomic entity eligible for listing under the Act.

The greater sage-grouse (*Centrocercus urophasianus*) is a large, ground-dwelling bird, measuring up to 30 inches in length, is two feet tall and weighs between two to seven pounds. It has a long, pointed tail with legs feathered to the base of the toes and fleshy yellow combs over the eyes. In addition to the mottled brown, black and white plumage typical of the species, males sport a white

ruff around their necks. The sage-grouse is found from 4,000 to over 9,000 feet in elevation. It is an omnivore, eating soft plants (primarily sagebrush) and insects.

For more information regarding this finding, please visit the Service's web site at <http://www.fws.gov/mountain-prairie/species/birds/sagegrouse> or <http://www.fws.gov/nevada>.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov.



U. S. Fish & Wildlife Service

Nevada Fish and Wildlife Office

Conserving the Biological Diversity of the Great Basin, Eastern Sierra, and Mojave Desert

Questions and Answers 12-Month Finding for the Bi-State Distinct Population Segment of the Greater Sage-Grouse March 5, 2010

Q. What is the Bi-State distinct population segment (DPS) of the greater sage-grouse and where does it occur?

A. The Bi-State DPS of the greater sage-grouse, which in the past has been referred to as the Mono Basin area population of greater sage-grouse, includes those sage-grouse that occur in portions of Carson City, Lyon, Mineral, Esmeralda, and Douglas Counties in Nevada. It also includes sage-grouse in portions of Alpine, Inyo, and Mono Counties in California.

Q. What is the result of the 12-month finding?

A. The Service has determined that the Bi-State greater sage-grouse population constitutes a valid DPS and thus is a listable entity under the Endangered Species Act (ESA). Further, after evaluating all the best available scientific and commercial information regarding the greater sage-grouse, including an analysis of the threats to sage-grouse and sagebrush habitat in the Bi-State area, the U.S. Fish and Wildlife Service (Service) has determined that protection under the ESA is warranted. However, listing the Bi-State DPS of the greater sage-grouse at this time is precluded by the need to address higher priority actions.

Q. Why did the Service determine that the Bi-State greater sage-grouse population is a DPS?

A. The Service and the National Oceanic and Atmospheric Administration-National Marine Fisheries Service, developed the Policy Regarding the Recognition of Distinct Vertebrate Population Segments (DPS Policy) (61 FR 4722), to help us determine what constitutes a DPS. The DPS Policy identifies three elements that are to be considered in a decision regarding the status of a possible DPS. These elements include (1) the discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs. If a population satisfies the above two elements, it is a DPS and then the third element is applied: (3) the population segment's conservation status in relation to the ESA's standards for listing, delisting or reclassification (is the population segment threatened or endangered). Our policy further recognizes it may be appropriate to assign

different classifications (i.e., threatened or endangered) to different DPSs of the same vertebrate taxon.

The Bi-State greater sage-grouse population qualifies as a DPS because genetic analysis shows it has been separated from other greater sage-grouse for at least 10,000 years and is, thus discrete. It is significant to the remainder of the greater sage-grouse population because of these genetic differences.

Q. What is the Bi-State DPS listing priority number (LPN) and what does that mean?

A. The Service has assigned a LPN of 3 to the Bi-State DPS of the greater sage-grouse. LPNs are assigned on a scale from 1 to 12 (with 1 being the highest priority category) based on the magnitude and immediacy of threats, and taxonomic status. A high LPN of 3 indicates a DPS with high magnitude, imminent, threats. The Service uses LPNs in prioritizing listing actions for species nationwide in conjunction with other priorities including court ordered deadlines.

Q. Why was a higher LPN assigned the Bi-State DPS of greater sage-grouse than the rangewide population?

A. Because of the small population size of the Bi-State greater sage-grouse DPS, the degree of isolation from other populations of greater sage-grouse, and magnitude and immediacy of threats, the Bi-State DPS has been assigned a higher listing priority, (LPN 3), than the rangewide greater sage-grouse, (LPN 8).

Q. Now that the Bi-State DPS of the greater sage-grouse is a candidate species for listing under the ESA, will there be changes in how lands are managed in greater sage-grouse habitat?

A. Species that are candidates for listing do not receive the protections that listed species have under the ESA. However, the Service encourages federal action agencies and others to voluntarily avoid or minimize adverse effects of proposed actions on candidate species. Although not required by the ESA, the Service also encourages the formation of partnerships to conserve candidate species since these species by definition may warrant future protection under the ESA. The status of each candidate species is reviewed annually by the Service, which may result in a change in the LPN or removal from the candidate list.

Q. What are the threats to the Bi-State DPS of the greater sage-grouse?

A. There are six Bi-State area Population Management Units (PMUs): Pine Nut, Desert Creek–Fales, Mount Grant, Bodie, South Mono and White Mountains. Destruction, modification, and fragmentation of habitats in the Bi-State area are occurring due to urbanization, infrastructure (e.g. powerlines and roads), mining, energy development, grazing, invasive and exotic species, pinyon–juniper encroachment, recreation, wildfire, and the likely effects of climate change. Additionally, current regulatory mechanisms are not adequate to ameliorate threat of these habitat-based threats and are not likely to adequately address other threats such as disease, drought and fire. Disease (e.g. West Nile virus) and predation are additional threats that are at this time relatively localized and have a low impact to the DPS. The relatively low number of local populations of the

Bi-State DPS of the greater sage-grouse, their small size, and relative isolation, in conjunction with the above threats, poses a significant threat to the persistence of the DPS. Cumulatively, these impacts are significant threats to the small local populations of sage-grouse in the Bi-State area. These threats act and interact in such a way that threatens the persistence of populations in the PMUs within the Bi-State area.

Bi-State greater sage-grouse occur as small, local populations that are relatively isolated from each other. Small populations are inherently at greater risk than larger populations from events such as disease epidemics, or environmental catastrophes. The combination of factors that pose threats and the limited potential to recover from population declines or extirpations results in a high risk of extirpation of populations of greater sage-grouse in four of the six PMUs over the next 30 years. We anticipate long-term persistence of sage-grouse only in the Bodie and South Mono PMUs, but these two PMUs may also contract over time.

Q. Why did the Service prepare a 12-month finding for the Bi-State DPS of the greater sage-grouse?

A. The Service received two petitions to list the Bi-State population, one from the Institute for Wildlife Protection (dated December 28, 2001), and the other from the Stanford Law School Environmental Law Clinic (dated November 10, 2005) on behalf of the Sagebrush Sea Campaign, Western Watersheds Project, Center for Biological Diversity, and Christians Caring for Creation. A series of actions by the Service was taken in response to the petitions, which included publication (in 2006) of a 90-day finding that these petitions did not present substantial scientific or commercial information indicating that the petitioned actions were warranted. There also have been legal challenges, and the Service voluntarily remanded its 2006 90-day finding. Based on reevaluation, the Service published a 90-day finding on April 29, 2008, concluding the petitions presented substantial scientific or commercial information indicating that listing this population may be warranted, initiated the in-depth status review and preparation of the 12-month petition finding.

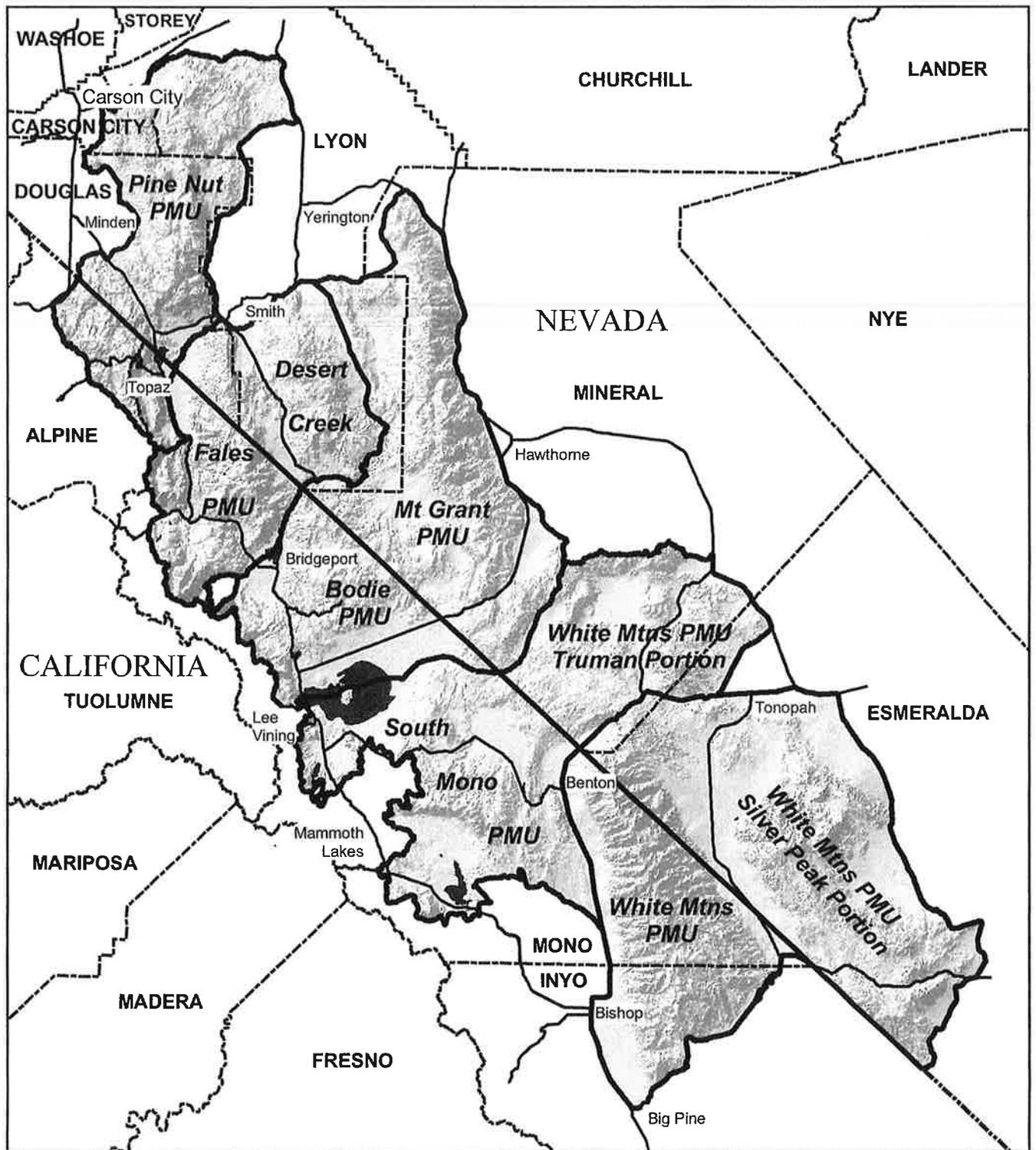
Q. What is being done to conserve greater sage-grouse?

A. Concern about long-term declines in greater sage-grouse populations has prompted western State wildlife agencies, Federal agencies such as the Bureau of Land Management, U.S. Forest Service, and U.S. Fish and Wildlife Service, and many organizations and landowners to engage in a variety of cooperative efforts aimed at conserving and managing sagebrush habitat for the benefit of greater sage-grouse and other sagebrush dependent species.

In 2004, the Western Association of Fish and Wildlife Agencies (WAFWA), in conjunction with a number of scientists, completed a range-wide conservation assessment of the greater sage-grouse and sagebrush habitat, with strong cooperation from the Federal agencies. The assessment is a valuable source of information regarding greater sage-grouse ecology. In 2006, WAFWA coordinated development of a range-wide conservation strategy.

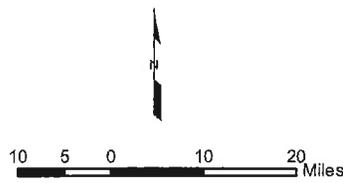
Western states within the current range of greater sage-grouse are developing and implementing conservation plans to address issues such as habitat loss, fragmentation, and degradation, and to identify opportunities for habitat restoration and enhancement. The intent of these plans is to find and implement local solutions to conserve the greater sage-grouse.

One such plan that has already been completed is the *Greater Sage-grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California*. This plan was prepared by the Bi-State Local Planning Group in conjunction with the Nevada Governor's Conservation Team in 2004. It identifies greater sage-grouse conservation goals, objectives and priorities for implementation. We will continue to work with the States of California, Nevada and our federal partners to implement conservation measures in the future.



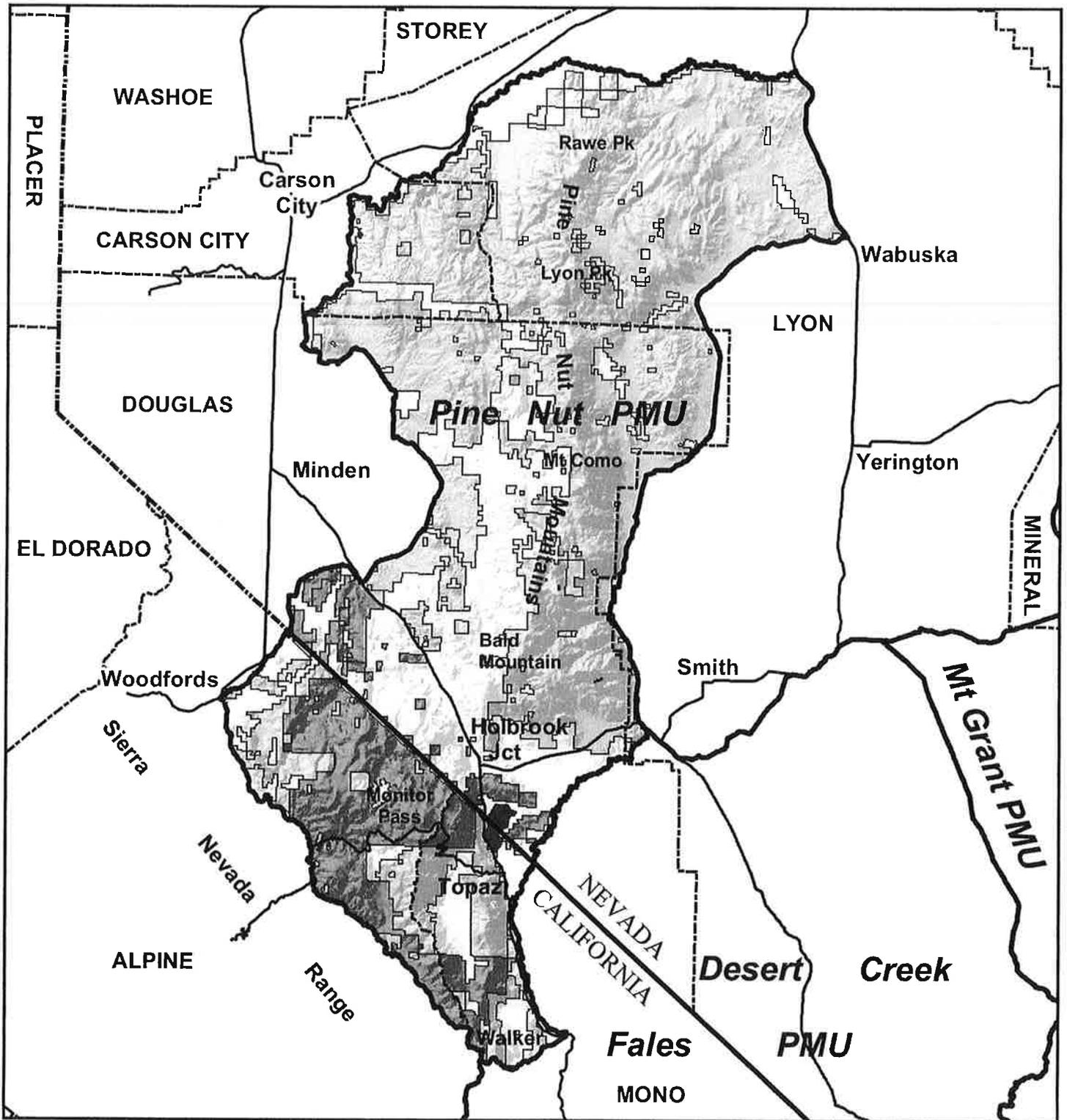
Legend

-  Management Unit
-  County Line
-  State Line
-  Highways



Vicinity Map

Figure 1. Sage Grouse Population Management Units in the Bi-State Planning Area.

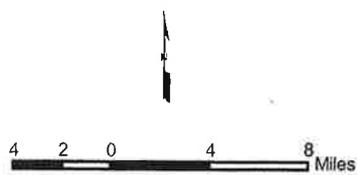


Legend

- Management Unit
- County Line
- State Line
- Highways

Land Status

- BLM
- USFS
- Other

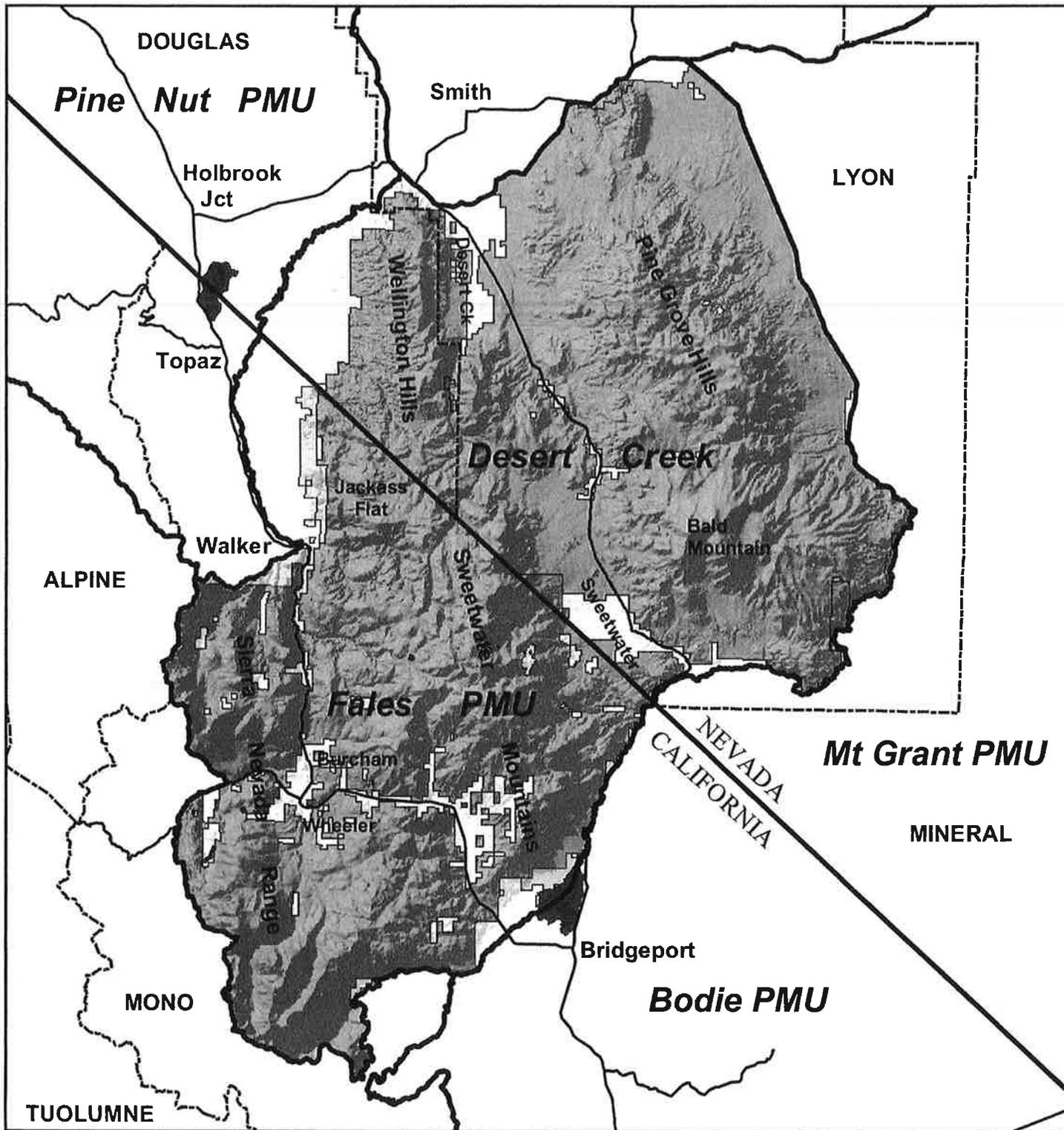


June, 2004



Vicinity Map

Figure 3. Generalized Land Ownership in the Pine Nut PMU.

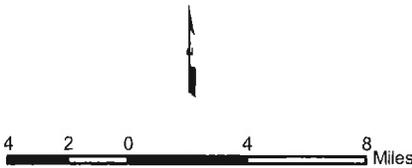


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Land Status

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- USFS
- Other

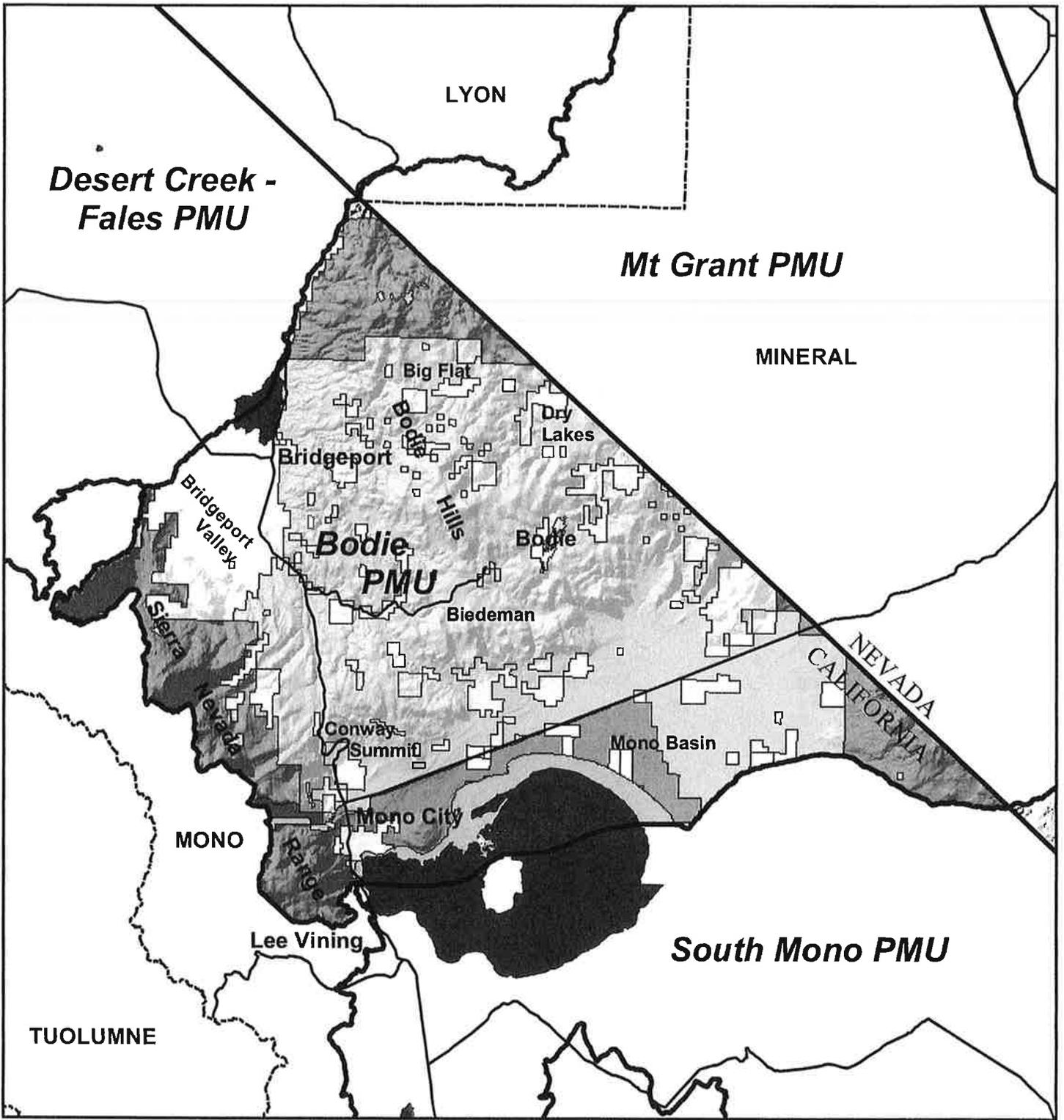


June, 2004



Vicinity Map

Figure 5. Generalized Land Ownership in the Desert Creek - Fales PMU.

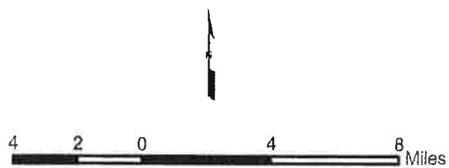


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- State Line
- Highways

Land Status

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- USFS
- Other

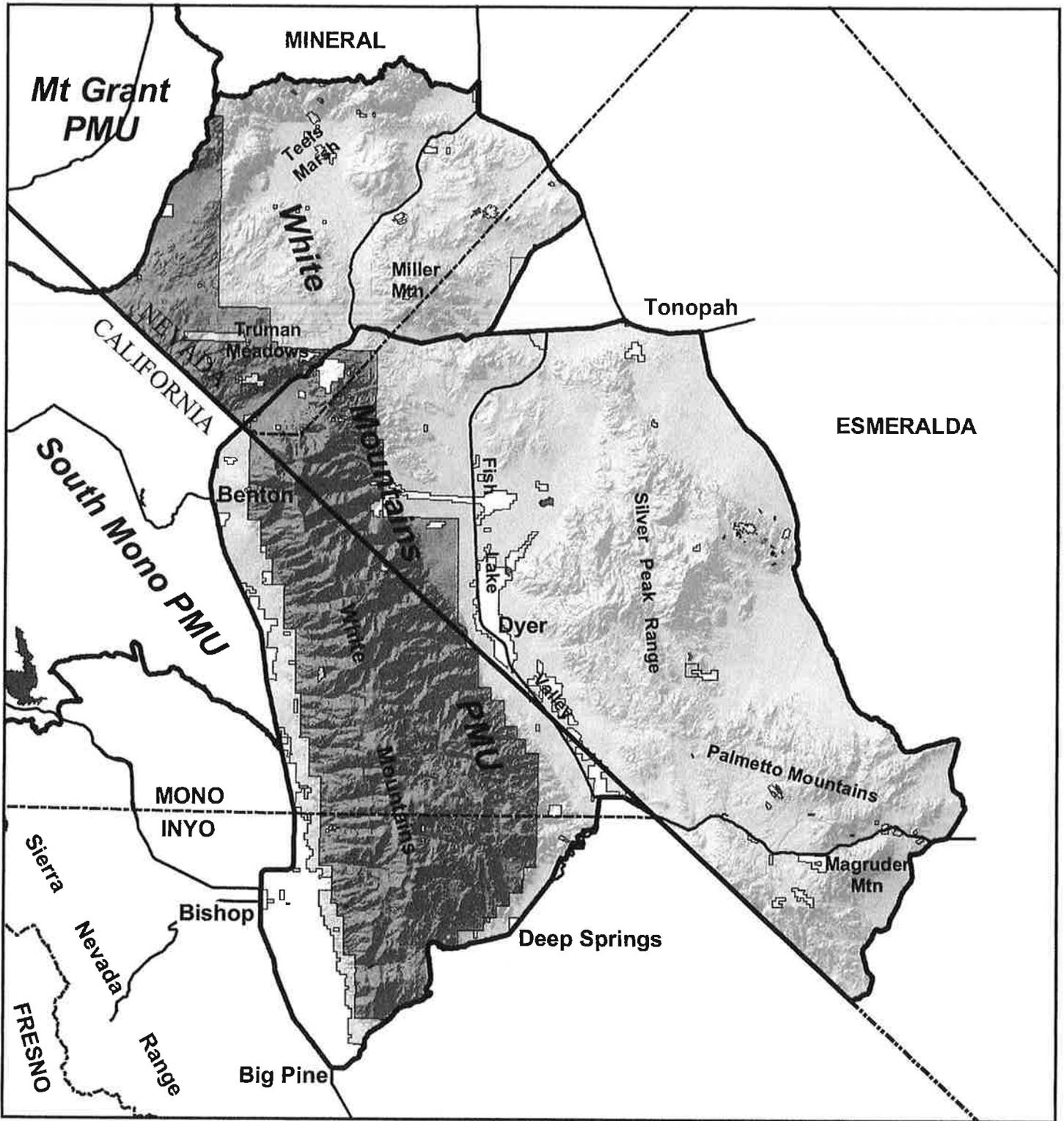


June, 2004



Vicinity Map

Figure 7. Generalized Land Ownership in the Bodie PMU.

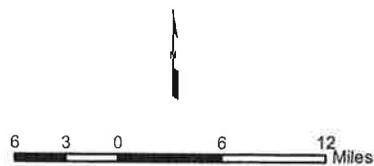


Legend

-  Management Unit
-  County Line
-  State Line
-  Highways

Land Status

-  BLM
-  USFS
-  Other

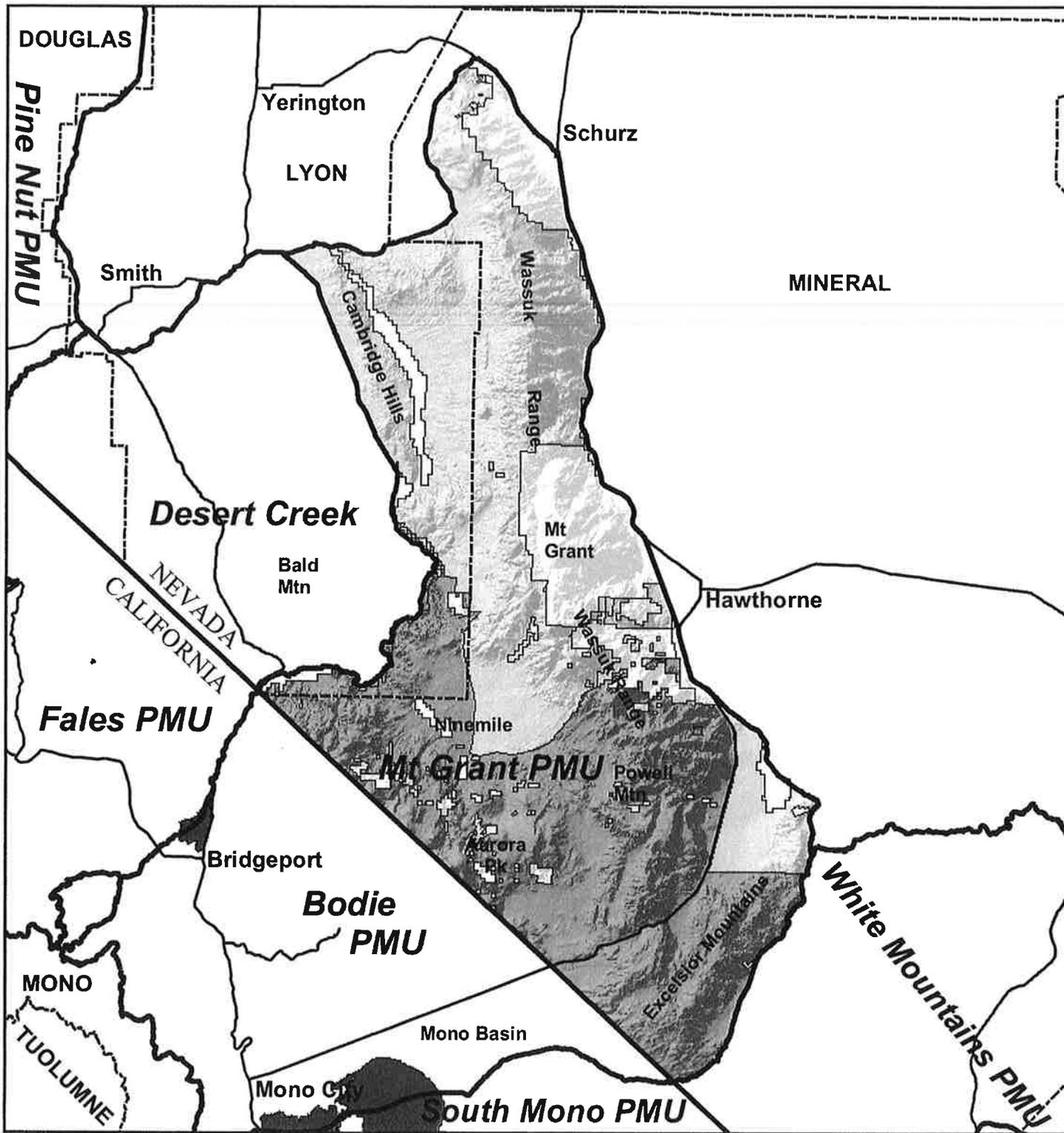


June, 2004



Vicinity Map

Figure 9. Generalized Land Ownership in the White Mountains PMU.

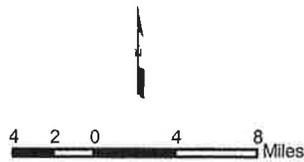


Legend

- Management Unit
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- Highways

Land Status

- BLM
- USFS
- Other

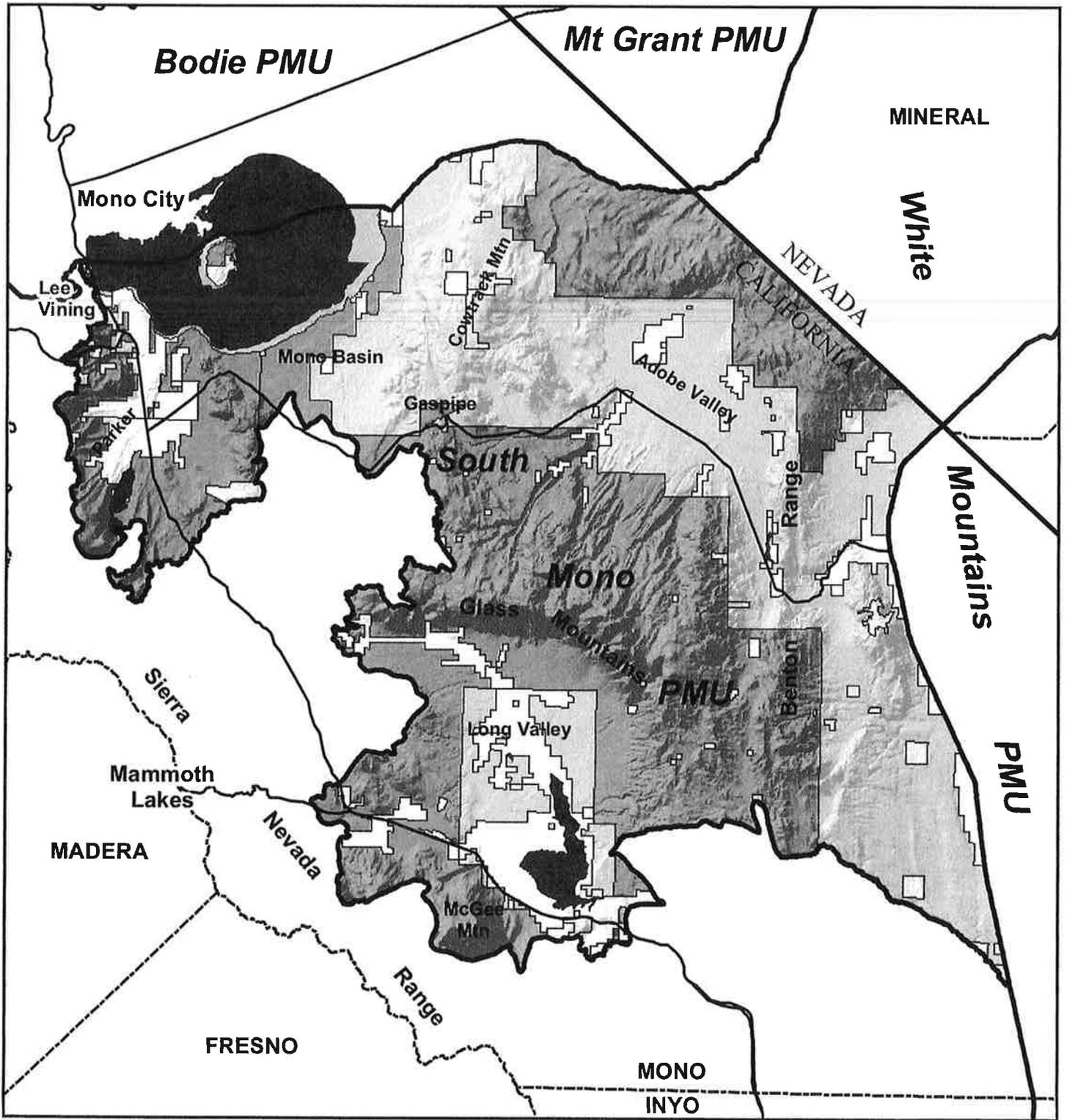


June, 2004



Vicinity Map

Figure 11. Generalized Land Ownership in the Mount Grant PMU.

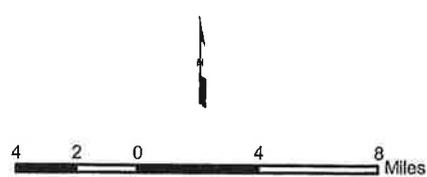


Legend

- Management Unit
- County Line
- State Line
- Highways

Land Status

- BLM
- USFS
- Other



June, 2004



Vicinity Map

Figure 13. Generalized Land Ownership in the South Mono PMU.

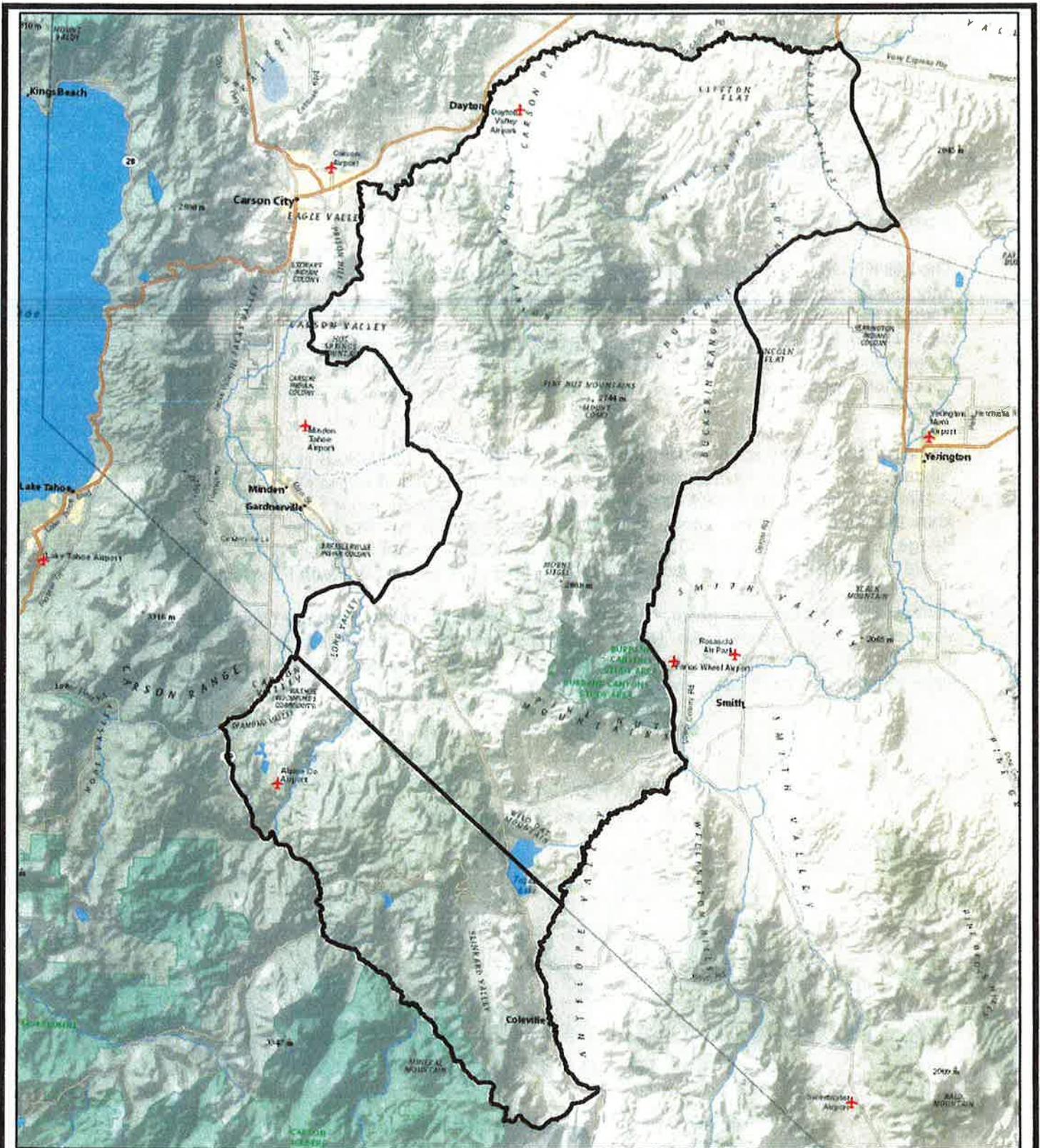


Figure 2
Pine Nut PMU
 Bi-State 2012 Action Plan



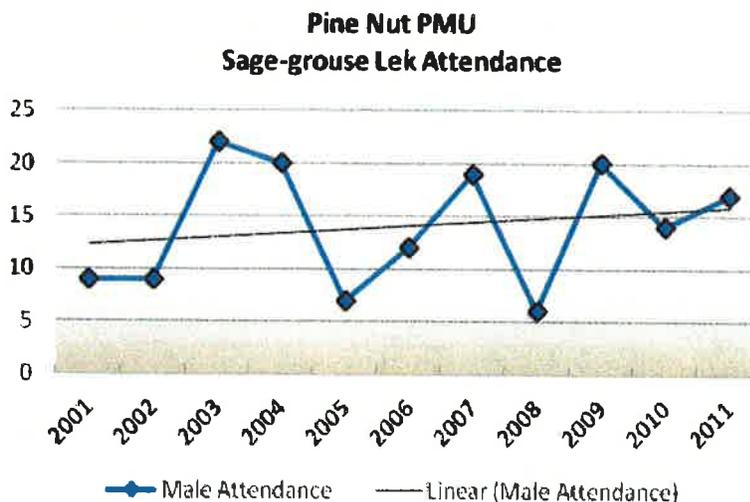
3.1 Pine Nut PMU

Population Summary

The Mill Canyon Dry Lake lek located in the northern portion of the Pine Nut Mountains is the only known, consistently reliable lek in the Pine Nut PMU. (This is a correction to the 2004 Plan). The long-term average (LTA) male attendance at this lek over the last 11 years is 14.1. The maximum number of 22 males was counted in 2003 and the minimum number of six males was counted in 2008. The 11-year data set is insufficient for making inferences on population trend. However, an increase in the number of males in attendance has been observed.

An ongoing telemetry study recently initiated by Carson BLM and USGS in the Pine Nut PMU indicates the potential for additional leks in the south-central part of the Pine Nut Mountains. Preliminary USGS data shows birds travel substantial distances (more than 20 miles) in June from the north Pine Nut Range to brood-rearing/summer habitat in the south Pine Nut Range. Exact movement corridors are not currently known. Intensive helicopter survey and inventory flights in 2012 may lead to the discovery of new leks in the south Pine Nuts.

Historically occupied sage-grouse habitat occurred in south western Storey County between Virginia City and Washoe Lake. NDOW biologists conducted brood surveys in the 1980s in the vicinity of McClellan Peak. This area has been burned numerous times by wildfire and no sage grouse have been seen here in recent years.



Risk Assessment

The risks and relative threat levels for the Pine Nut PMU are summarized in Table 4.

Wildfire, Pinyon-Juniper Encroachment, and Invasive Species

Wildfire and pinyon-juniper encroachment are considered relatively high risks in the Pine Nut PMU. Important nesting habitat near the Mill Canyon Dry Lake lek was burned during the 2007Adrian Fire. The potential for additional lightning-ignited wildfires is high. Pinyon-juniper encroachment into existing sagebrush habitats has reduced available nesting habitat, decreased habitat connectivity, and increased fuel loading and the overall risk of wildfire within the Pine Nut PMU. The synergistic effect of wildfire and pinyon-juniper encroachment substantially increases the risk of cheatgrass establishment and expansion in the PMU. As a result, the potential for cheatgrass invasion in the Pine Nut PMU is also considered to be relatively high risk. Wildfire history in the Pine Nut PMU is shown in Appendix C Figure C-1.

Energy Development

The potential for wind energy development in the Pine Nut Mountains is a relatively high risk for both direct and indirect mortality. An application to reauthorize a wind energy testing project area right-of-way is currently being processed within the Pine Nut PMU by Carson BLM. The proposed project area is approximately 4,000 acres. Currently there are three met towers in operation and four additional towers could be erected upon application approval. The project area and met tower sites overlap nesting, summer, and winter habitat for sage-grouse. The project area is more than five miles from the Mill Canyon lek in the north Pine Nut Range, but may be closer to an unknown but suspected lek in the south Pine Nut Range based on recent USGS information. Exact movement corridors between the breeding and nesting habitat around Mill Canyon and brood rearing habitat in the south Pine Nuts are not currently known, but the wind testing project area likely overlaps the movement corridor(s). Development into a wind energy facility would be a serious concern. Development activities would likely result in installation of associated infrastructure (transmission lines and roads) and increase threats such as habitat loss/modification, vehicle traffic, human disturbance, potential for road kill, introduction/expansion of invasive species, and an increase in avian predators.

Urbanization

Suburban and exurban development is also considered a relatively high risk in the Pine Nut PMU. The PMU is not characterized as "remote" or "rural." The Hot Springs Range/Johnson Lane area just north of Gardnerville was once utilized by sage-grouse during certain times of the year; however, subdivision in this area has all but eliminated use of this area and sage-grouse are rarely, if ever, recorded there today. In addition to direct habitat loss, human activity associated with residential development has the potential to exacerbate other risks in the PMU. The presence of nearby subdivisions and associated OHV use, transmission lines, and roads increases the probability of wildfire, cheatgrass invasion, and human disturbance impacts.

Seasonal Habitat and Habitat Connectivity

The availability of quality nesting habitat, brood rearing/late-summer meadow habitat, and water are likely limiting factors in the Pine Nut PMU. Recent large scale wildfire and loss of habitat connectivity primarily due to woodland encroachment and urbanization both within the

PMU and with the Desert Creek-Fales PMU to the south is a concern for long-term conservation.

Disease and Predation

Predation likely poses the greatest risk of direct mortality to sage-grouse in the Pine Nut PMU. WNV is also considered a direct mortality risk to sage-grouse in the PMU. The relative threat level of WNV to the Pine Nut PMU will be determined from continued monitoring for this disease. Available population data indicate that the Pine Nut PMU supports the smallest sage-grouse breeding population in the Bi-State area and direct mortality factors likely pose a significant risk for the long-term conservation of sage-grouse in this PMU. Additional data need to be collected, but the current assumption that predation is a moderate to high risk within the Pine Nut PMU is reasonable.

Table 4. Risks and relative threat levels in the Pine Nut PMU.

RISK	THREAT LEVEL
Wildfire	High
Pinyon-Juniper Encroachment	High
Invasive Species - Cheatgrass	High
Urbanization-Human Disturbance (OHV)	High
Infrastructure (Linear)	High
Energy Development - Wind	High
Predation	Moderate
Grazing -Wild Horses	Moderate
Disease - West Nile Virus	To Be Determined
Grazing - Permitted Livestock	Low
Wind Energy Testing	Low

Examples of Completed Conservation Actions

The Carson BLM has completed several projects to reduce pinyon-juniper encroachment, hazardous fuels conditions, and address the risk of wildfire in the Pine Nut PMU. Approximately 7,370 acres have been treated for pinyon-juniper removal by mechanical treatment and prescribed fire. Fuel reduction treatments completed on approximately 3,600 acres in the wildland-urban interface (WUI) reduce the risk of fire escaping from residential areas into the Pine Nut Mountains. The Carson BLM also recently completed the NEPA analysis and decision for an additional 7,000 acres of pinyon juniper removal for the Buckskin Valley Vegetation Treatment Project. Archaeological clearances are still required prior to project implementation if heavy equipment is used. A NRCS EQIP contract was used to remove pinyon juniper on approximately 380 acres of the Buckskin Valley project area in 2011.

Working in cooperation with the California Department of Fish and Game (CDFG) and the California Deer Association, the Bishop BLM treated 1,148 acres of pinyon encroached

sagebrush steppe habitat in historic sage-grouse range within the Slinkard Valley Wildlife Area over the last few years.

Seeding projects for wildfire rehabilitation have been implemented to deter cheatgrass invasion and permanent conversion of sagebrush habitat to annual grassland. The Nevada Division of Forestry (NDF) recently seeded 1,000 acres of private land in the Ray May fire that burned into the Pine Nut PMU in the fall of 2011. Carson BLM seeded 1,902 acres of the Ray May fire in early February 2012. Locally collected sagebrush seed was seeded at a rate of 0.15 pounds per acre and mixed with other native and adapted grass and forb species. A minimum three-year establishment period is required following seeding to evaluate seeding success.

Priority Conservation Strategies

Substantial conservation benefits in the Pine Nut PMU would be realized through implementation of actions designed to:

1. Minimize large scale habitat loss due to wildfire by implementing fuel reduction treatments using greenstrips in strategic locations to protect sage-grouse habitat and by prioritizing sage-grouse habitat for aggressive initial attack;
2. Reseed burned sagebrush habitats in late fall or winter following fires and incorporate locally collected sagebrush seed whenever possible. Seeding should be timed to coincide with collection of annual crops of sagebrush seed which can be collected in late November to December. Sagebrush seed remains viable for one year;
3. Take additional steps to plant sagebrush islands in older burns where sagebrush has not reestablished to provide a seed source for natural seed dispersal and sagebrush expansion;
4. Treat pinyon-juniper encroachment in potential nesting and connectivity habitats and around historic springs and meadows where surface flows may be restored by tree removal;
5. Conserve and improve available meadow habitats to benefit late brood rearing;
6. Minimize direct habitat loss and increased human disturbance associated with OHV use; and
7. Maintain wild horse numbers at AML and within designated herd boundaries.

Additional benefits could be realized through implementation of conservation actions and measures designed to:

1. Control and minimize the spread of cheatgrass;
2. Reduce the impacts of current infrastructure;
3. Minimize potential sources of direct mortality;

4. Reduce human disturbance in important seasonal use areas; and
5. Improve grazing management practices in site-specific areas.

A general location map of the Pine Nut PMU is shown in Figure 2.

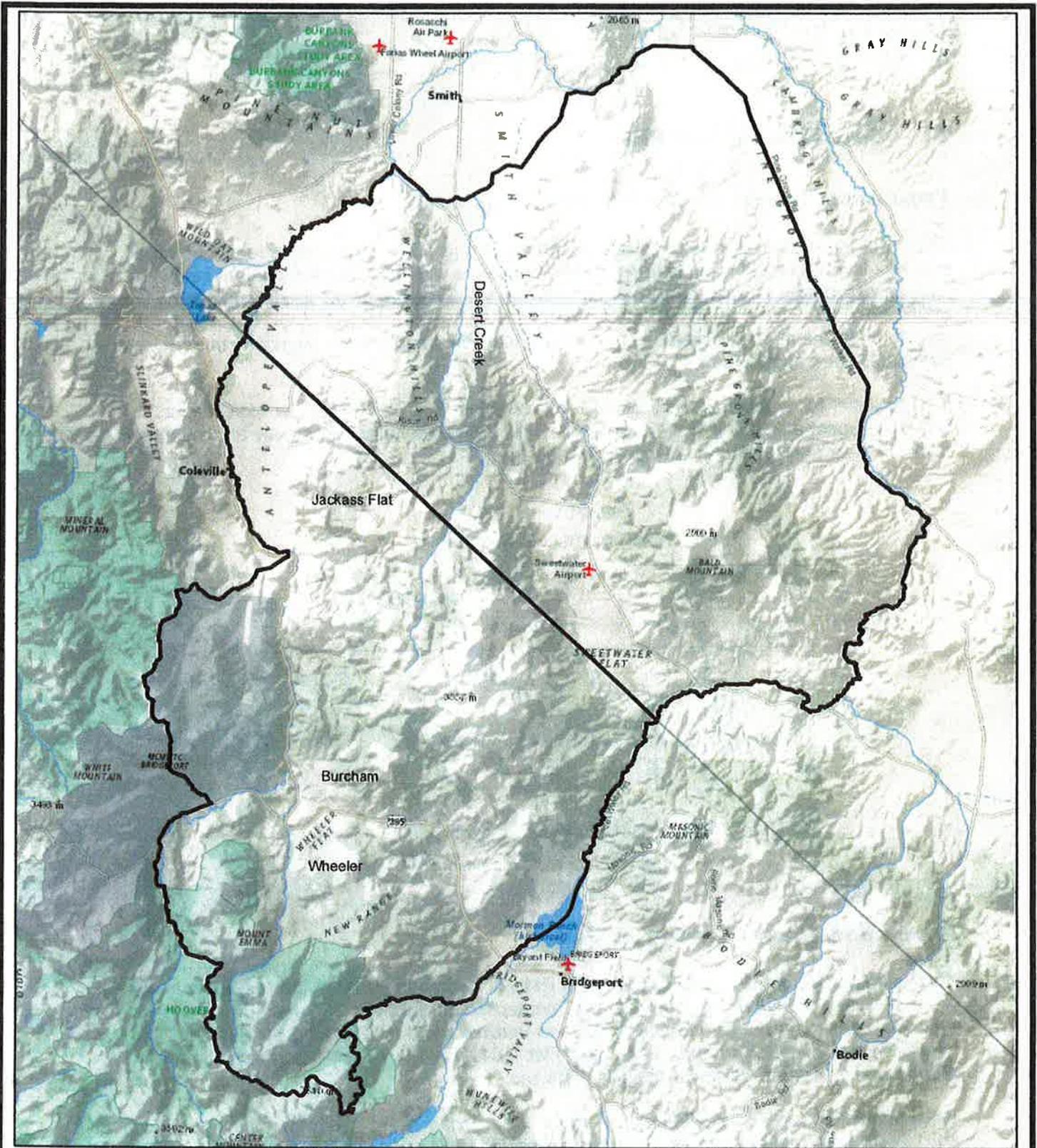


Figure 3
Desert Creek / Fales
 Bi-State 2012 Action Plan

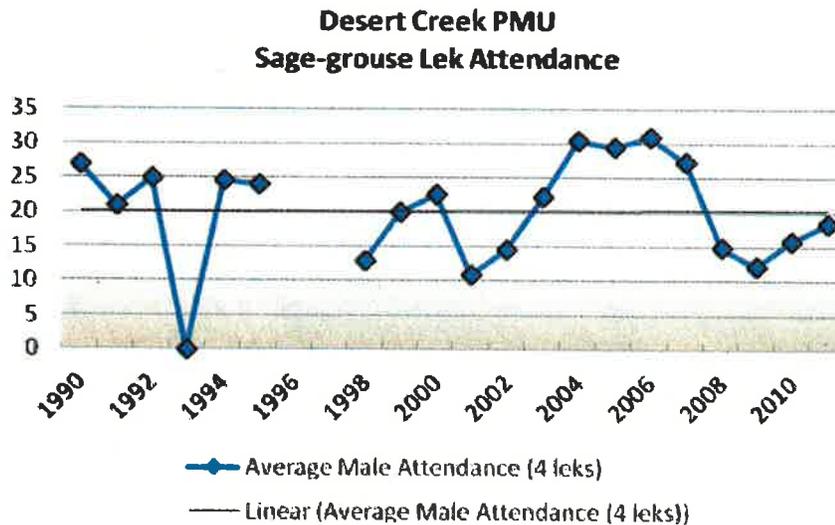


3.2 Desert Creek – Fales PMU

Population Summary - Nevada (Desert Creek)

There are four leks in the Desert Creek breeding complex. The LTA male attendance for all four leks is 24.2. In 2011, the average male attendance was 18.3, or 24.4 percent below the long-term average. A decrease in attendance at the Sweetwater #2 lek is concerning. In 2005 and 2006, 31 males and 30 males, respectively, were observed at the Sweetwater #2 lek. No males have been observed over the last two years and it is not clear why this lek has seemingly been abandoned.

The potential for additional undiscovered leks to occur in Desert Creek is high, especially within the upper elevations of the Pine Grove Hills. Intensive helicopter survey and inventory flights in 2012 may lead to the discovery of new leks.

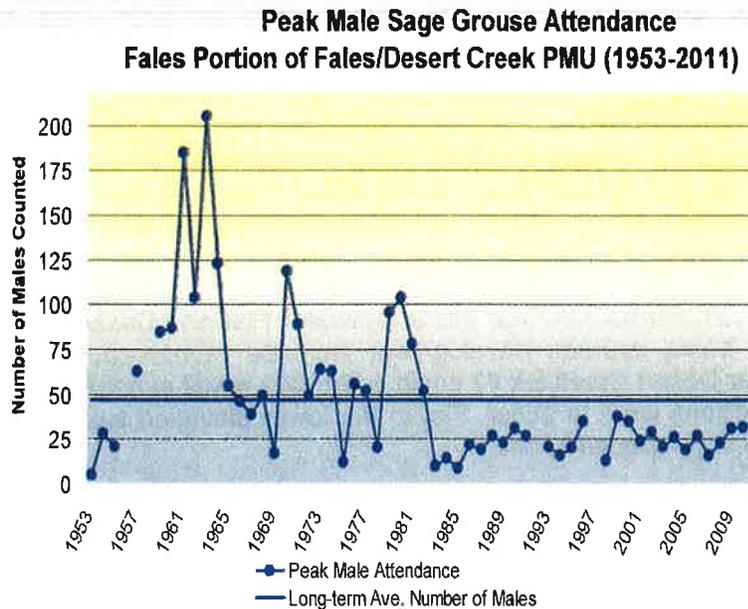


Population Trend - California (Fales)

The Fales portion of the Desert Creek-Fales PMU is located in northern Mono County in the general vicinity of Sonora Junction near the intersection of Highways 395 and 108. The Fales breeding complex includes two active and two inactive trend leks located on Burcham and Wheeler Flats. One lek occurs on Jackass Flat located in the extreme northeast corner of Mono County near the California-Nevada state line.

Initial population monitoring efforts in the Fales area began in 1953 with the counting of Lek #1. Lek #2 and Lek #3 were added to the survey in 1957 and Lek #4 in 1961. From 1953 to 1980 the average number of males attending on all four leks was 78. The maximum count during this period was 205 males in 1963. Of these 205 males, nearly 50 percent were counted on Lek #1, located just 50 meters west of Highway 395. Annual male attendance on Lek #1 averaged 36 birds from 1957 to 1970. From 1971 to 1980 use declined to an average of nine males. By 1981, grouse use of Lek #1 had ceased entirely and no birds have been

observed on this lek since that time. From 1981 to 2011, after the disappearance of Lek #1, the average number of males counted within the Fales breeding complex was 27 birds. Lek #4 was last active in 2003 when one strutting male and three hens were observed. This lek became permanently inactive in 2006 when a home was built within 50 meters west of the lek. Recent peak male count data from the last decade suggests that although the Fales population is very small compared to historic levels, it has remained relatively stable.



Risk Assessment

The risks and relative threat levels for the Desert Creek-Fales PMU are summarized in Table 5.

Urbanization

Currently, many of the remaining lower elevation brood rearing/summer habitats occur on private lands predominately used for agricultural purposes. Because of proximity to Minden, Gardnerville and Smith Valley, these areas are subject to subdivision and ranchette development pressures. The conservation of many of the private ranches through the State Route (SR) 338 corridor is paramount to sage-grouse persistence because they provide the majority of the late-brood habitat within the Nevada portion of the PMU. As a result, changing land use and development is considered a relatively high risk, if not the highest risk in the Nevada portion of the Desert Creek-Fales PMU. Changing land use and development is also considered a relatively high risk in the California portion of the PMU, particularly in the vicinity of the Fales breeding complex where development has already adversely affected breeding habitat to some degree.

Pinyon-Juniper Encroachment

In the Desert Creek portion of the PMU, pinyon-juniper encroachment has occurred in both upper and lower elevations adversely affecting nesting and winter habitats. In many cases, pinyon-juniper encroachment has also decreased spring and riparian size, adversely affecting brood rearing/summer habitat quantity and quality. This reduction in brood rearing/summer habitat may have led to an almost complete reliance of sage-grouse on private irrigated meadows within the Nevada portion of the PMU. In California, pinyon-juniper encroachment is a significant risk in the Huntoon Valley (Swagger Creek) and Mount Jackson areas where connectivity with the Bodie PMU to south has likely been compromised.

Wildfire and Invasive Species

Overall, wildfire and invasive species currently pose a moderate risk in the Desert Creek portion of the PMU, with site-specific areas where these risks may be classified as high. Wildfire at the lower elevation valley bottoms and benches is considered a high risk. Extreme fuel hazard conditions occur on Humboldt-Toiyabe forest lands west of the Sweetwater Ranch. An ignition in this area and a wind-driven fire from the west or southwest could jeopardize existing sagebrush habitat near the Sweetwater Flat and Desert Creek breeding habitat. SR 338 and some exurban development increase human-caused ignition risk. Cheatgrass stands near Desert Creek lek #2 could potentially result in habitat conversion if a hot fire under dry conditions were to occur. Fire in the lower elevation valleys and benches would negatively affect sage-grouse habitat.

In the Fales area, wildfire is also considered a relatively high risk in the lower to mid-elevation areas of the PMU. The fuel load in the dense sagebrush-bitterbrush stands that provide the majority of quality nesting habitat in the Fales breeding complex are susceptible to a large scale fire event. A large fire in this area would likely have a significant adverse effect on the Fales breeding population. Cheatgrass, while present, is considered a relatively low risk in comparison to other factors in the California portion of the PMU at this time.

Human Disturbance and Infrastructure

The majority of known breeding and brood rearing habitat in the Desert Creek area is located along the SR 338 corridor and is easily accessible; therefore, human disturbance is also considered a relatively high risk. The Desert Creek Lek #2 also receives numerous visitations to the lek during breeding season. In the Fales area, existing linear infrastructure (transmission lines, roads and fences) contribute to human disturbance factors. Overall, human disturbance is likely a moderate risk in the Desert Creek-Fales PMU. It is currently unknown if human disturbance is having an adverse effect on sage-grouse vital rates within this population; however, additional planned radio telemetry research will help understand this more clearly.

Disease and Predation

Predation likely poses the greatest risk of direct mortality to sage-grouse in the Desert Creek-Fales PMU. West Nile virus is also a documented direct mortality risk in the PMU. Available population data indicate that the sage-grouse breeding population in the Desert Creek-Fales PMU is measurably reduced from historic levels, particularly in the Fales portion of the PMU. As a result, predation and disease likely pose a moderate risk to sage-grouse in the Desert Creek-Fales PMU.

Seasonal Habitat and Habitat Connectivity

The availability of brood rearing/late-summer meadow habitat is likely a limiting factor throughout the Desert Creek-Fales PMU. The availability of quality nesting habitat at the lower elevations, which is predominantly low sagebrush, may also be limiting in the Desert Creek portion of the PMU. Loss of habitat connectivity primarily due to woodland encroachment, both within the PMU, as well as with adjacent PMUs to the north (Pine Nut PMU) and the south (Bodie-Mount Grant PMUs) is a concern for long-term conservation.

Table 5. Risks and relative threat levels in the Desert Creek-Fales PMU.

RISK	THREAT LEVEL
Urbanization	High
Pinyon-Juniper Encroachment	High
Wildfire	High
Infrastructure (Linear)	High
Human Disturbance	Moderate
Predation	Moderate
Sagebrush Habitat Conditions	Moderate
West Nile Virus	Moderate
Invasive Species	Low
Grazing - Permitted Livestock	Low

Examples of Completed Conservation Actions

Projects in the Desert Creek PMU focused on the Sweetwater Summit area of the PMU. Pinyon and juniper were removed over a 3,000 acre area to improve breeding habitat on USFS lands. Additional projects to remove pinyon, juniper, and rabbitbrush were completed on private lands. Approximately three miles of fences adjacent to leks were marked to prevent grouse fatalities. Wildlife escape ramps were installed in all operational watering troughs on the USFS administered lands.

In October 2006, the State of California purchased 1,160 acres on Burcham and Wheeler Flats in northern Mono County for the protection of important sage-grouse habitat. The acquisition included sage-grouse breeding, brood rearing and wintering habitat encompassing the last two remaining active leks in the Fales portion of the PMU. The 1,160 acres will be protected into perpetuity and managed as a California State Wildlife Area to provide optimal benefits to sage-grouse and other wildlife.

In 2010, the DOD purchased 78 acres located near the junction of Highways 395 and 108 (Sonora Junction). Habitat on the property is comprised of a mixture of sagebrush scrub and wet meadow that provides important summer brood rearing habitat for sage-grouse. The land will be retained as open space. More than 400 acres of private land within the Desert Creek-Fales PMU has been protected by conservation easements.

Priority Conservation Strategies

Substantial conservation benefits would be realized in the Desert Creek-Fales PMU through actions designed to:

1. Minimize direct habitat loss due to development;
2. Treat pinyon-juniper encroachment in potential nesting and connectivity habitats and around historic springs where spring flow may be restored by tree removal;
3. Minimize large scale habitat loss due to wildfire by implementing fuel reduction treatments, using greenstrips in strategic locations to protect sage-grouse habitat, and by prioritizing sage-grouse habitat for aggressive initial attack;
4. Conserve and improve available meadow habitats and connectivity to them; and
5. Reduce human disturbance in key seasonal use areas.

Additional benefits could be realized through implementation of conservation measures designed to:

1. Reduce the impacts of current infrastructure;
2. Minimize potential sources of direct mortality;
3. Minimize the spread of noxious weeds and cheatgrass; and
4. Improve grazing management practices in site-specific areas.

A general location map of the Desert Creek-Fales PMU is shown in Figure 3.

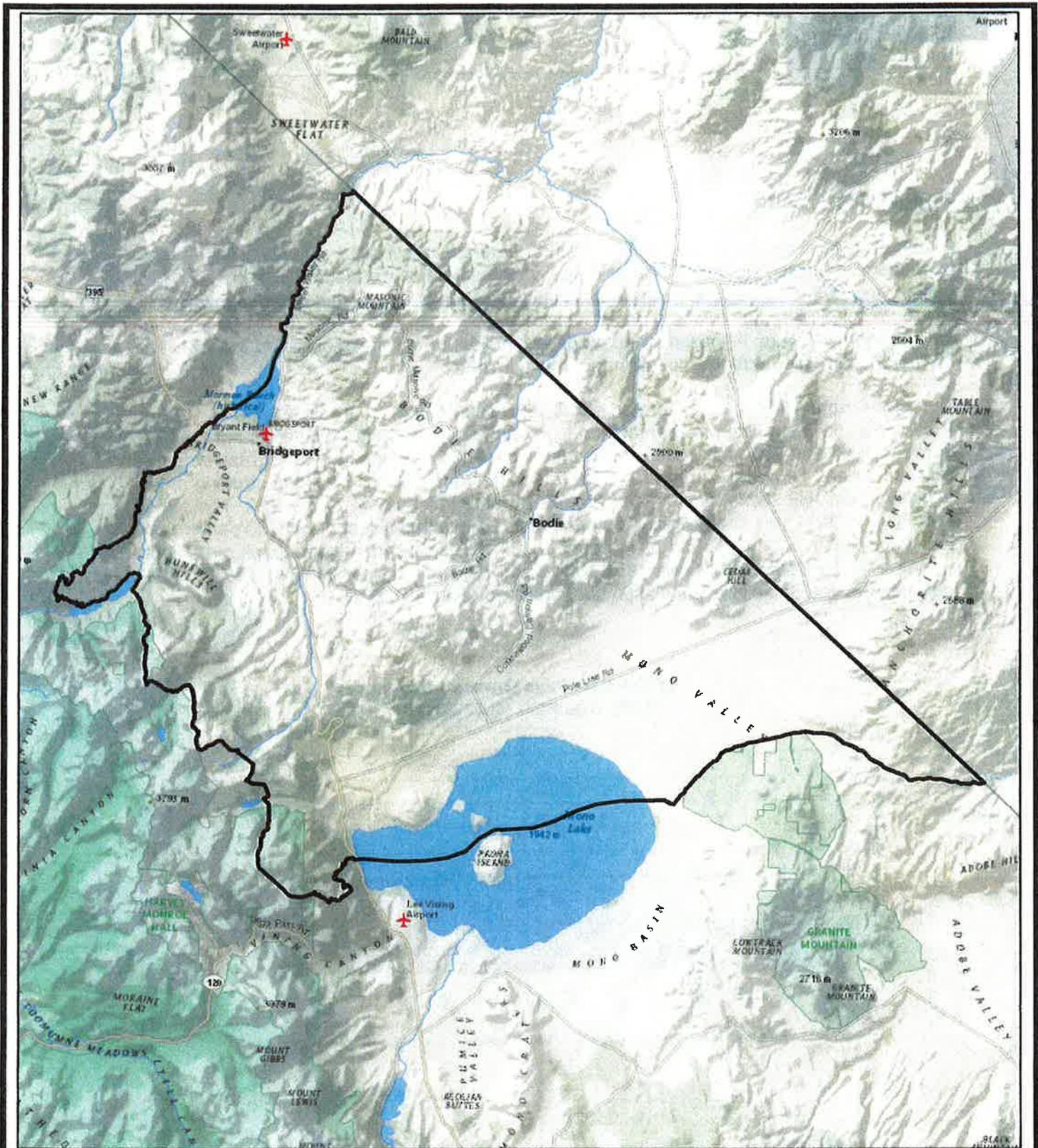


Figure 4
Bodie Hills PMU
 Bi-State 2012 Action Plan

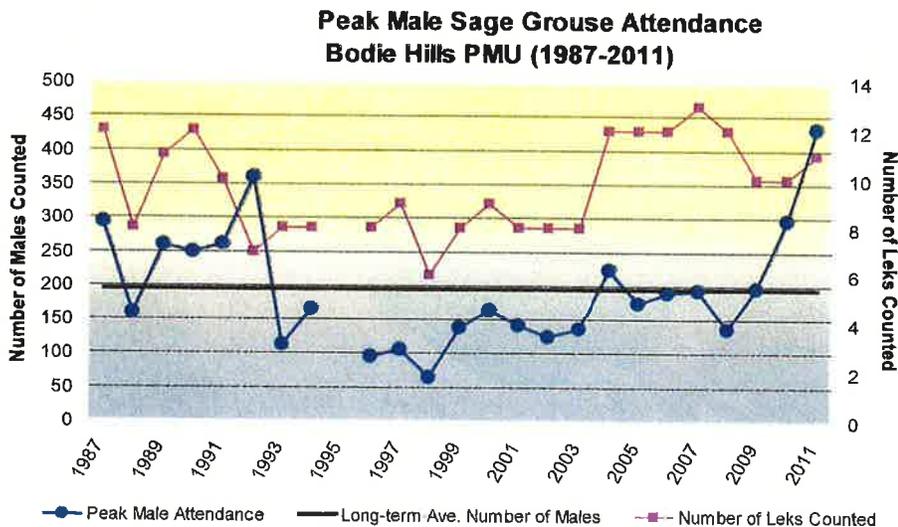


3.3 Bodie PMU

Population Trend

A total of eight dependable long-term leks and numerous associated satellite grounds have been identified in the Bodie PMU. The majority of these leks are located in the Bodie Hills east of Hwy 395. One trend lek and several satellite grounds occur west of the highway. The LTA peak male attendance for the period between 1987 and 2011 is 194 grouse counted on an average of 10 leks. A maximum count of 432 males from 13 leks occurred in 2011. The minimum count was 64 males counted on six leks in 1998.

The period from 1987 to 2011 is marked by four distinct population cycles. From 1989 to 1992, the trend in strutting males remained high, ranging from 128 to 185 percent of the LTA. Between 1993 and 2003 the trend was reversed when the average number of males ranged between 33 and 84 percent of the LTA. Between 2004 and 2009 the trend in strutting males remained relatively stable, fluctuating between 90 and 115 percent of the LTA. The period from 2010 to 2011 was characterized by peak male counts that ranged from 153 percent and 222 percent above the LTA. The 2011 count of 432 males was the highest peak male count recorded in the Bodie Hills since 1953. Lek count data for the period from 1987 to 2011 indicates that the Bodie Hills population has remained relatively stable.



Risk Assessment

The risks and relative threat levels for the Bodie PMU are summarized in Table 6.

Wildfire

Wildfire is considered a relatively high risk, if not the greatest risk, to sage-grouse habitat in the Bodie PMU. Wildfire history in the Bodie PMU is shown in Appendix C. Essentially all sagebrush associated habitats in the PMU are subject to some fire related risk and wildfire is recognized as a risk to several known sage-grouse seasonal use areas and important habitats in the PMU. The risk of natural ignition and large fires is generally restricted to the summer fire season (May-October). The risk of human caused fires is also greatest during the summer fire season. Recreational use and development in the wildland-urban interface contribute to the risk of human caused fires in the Bodie PMU. Habitat risks associated with uncontrolled fire include direct loss of important habitats, habitat fragmentation, and the potential for long-term changes in habitat quality.

Wildfire in recent years in the Bodie PMU has been limited and no large scale impacts to important sage-grouse habitats have been documented. No landscape scale fires have occurred over the last 40 years and even the largest contemporary burns in the PMU can be characterized as small (less than 1,000 acres). Nonetheless, the potential for a large uncontrolled wildfire to adversely affect important sage-grouse seasonal use areas is clearly recognized.

Invasive Species

Cheatgrass composition in some sagebrush habitats in the Bodie PMU adds to the risk of altered fire cycles and increased cheatgrass abundance in the event of wildfire. To date, no landscape scale fires or type conversion of sagebrush dominated habitats to non-native annual grasslands has occurred in the Bodie PMU. However, some limited risk of type conversion does exist, especially in the lower elevation Wyoming big sagebrush habitats adjacent to Bridgeport Valley. This risk is greatest on dryer, south and west facing slopes and sites where pinyon encroachment has increased the fuel hazard and the potential for a catastrophic wildfire.

Pinyon-Juniper Encroachment

Pinyon-juniper encroachment is also considered a relatively high risk in the Bodie PMU. Significant stands of pinyon, and to a lesser extent juniper, are found adjacent to several important sage-grouse use areas and habitat types in both the Bodie Hills and the Sierra Nevada portions of the PMU. Pinyon-juniper encroachment into currently occupied breeding, summer, fall and winter habitats is of most concern. Increased tree density and expansion into adjacent sagebrush habitat types that reduces habitat connectivity is also a concern. The increased fuel load from pinyon-juniper also increases the risk of a large catastrophic fire. The potential for long-term plant community type conversion following fire accentuate this risk in the Bodie PMU.

Infrastructure

There are no major, multi-line, high voltage utility corridors in the Bodie PMU, but several smaller utility lines currently exist in known important sage-grouse habitat use areas. Poles for above ground utility lines provide perches for avian predators and may cause sage-

grouse to avoid the immediate area where they are placed. Roads developed for the installation and maintenance of utility lines often result in the long-term direct loss of extended linear segments of habitat. The extent to which predators use utility poles as perches within the Bodie PMU is currently unknown, but sage-grouse may instinctively avoid such tall objects regardless of raptor activity. Utility lines may also cause direct mortality if sage-grouse strike the wires during flight. To date, no utility wire strikes have been documented in the Bodie PMU.

Fences are relatively common in, and adjacent to, a variety of sage-grouse habitats on both public and private lands within the Bodie PMU. The construction of new fences in the PMU is likely in the foreseeable future. Principal habitats of concern include lek, night roost, nesting, early brood, late brood and summer habitats. Poorly designed and sited fences can be detrimental to sage-grouse habitat quality. Though fence construction may not result in direct habitat loss, fences can cause sage-grouse to avoid traditional use areas and cause direct mortality due to fence strikes. Properly designed and sited fences are recognized as an important management tool that may be used to improve sage-grouse habitat quality.

Urbanization

Similar to existing infrastructure, land use change and development is currently considered a moderate risk in the Bodie PMU. To date, the extent of habitat loss and fragmentation attributable to land use change and development in the PMU has been limited. Private lands are scattered throughout the PMU and include all sage-grouse habitat types. The existing land ownership pattern is a result of historic ranch settlement and mining, with numerous, often small and isolated, private parcels distributed throughout the PMU. Many of the private parcels in the PMU are associated with perennial water and provide important sage-grouse habitat. The largest block of private land occurs in Bridgeport Valley. The majority of private lands in the PMU are still characterized as rangeland and the potential for commercial, residential or recreational development of these private rangelands is a concern for sage-grouse conservation. In addition to the direct loss of habitat that could occur from development, the construction of roads, fences, utility lines and other infrastructure required to support such development would magnify the extent of habitat loss and fragmentation.

Seasonal Habitat and Habitat Connectivity

The availability of brood rearing/late-summer meadow habitat is likely a limiting factor in the Bodie PMU. The availability of early brood rearing habitat due to dominance of late-seral shrub communities is also potentially limiting. Loss of habitat connectivity primarily due to pinyon-juniper encroachment, both within the PMU, as well as with adjacent PMUs to the north (Desert-Creek Fales PMU), east (Mount Grant PMU), and south (South Mono PMU) is a concern for long-term conservation.

Disease and Predation

Predation likely poses the greatest risk of direct mortality to sage-grouse in the Bodie PMU. West Nile virus and fence strikes are also documented direct mortality risks in the PMU. Licensed hunting contributes an additional direct mortality in the PMU; however, the level of take is heavily regulated and not considered to be a risk to the population at this time.

Table 6. Risks and relative threat levels in the Bodie PMU.

RISK	THREAT LEVEL
Wildfire	High
Pinyon - Juniper Encroachment	High
Existing Infrastructure (Linear)	Moderate
Urbanization	Moderate
Invasive Species – Cheatgrass	Low
Mineral Exploration and Development	Low
Predation	Low
Grazing - Wild Horses	Low
Grazing - Permitted Livestock	Low
West Nile Virus	Low
Licensed Hunting	Low
Recreation	Low

Examples of Completed Conservation Actions

The Bishop BLM has completed numerous projects to address pinyon-juniper encroachment and wildfire in the Bodie PMU. In 2010 alone approximately 1,163 acres of pinyon-juniper encroached sagebrush steppe was treated to remove encroaching trees and improve nesting, roosting, brooding, and connectivity habitat in the Bodie PMU. Treatments occurred on 870 acres in the vicinity of the Lower Summers Meadow-Stringer Meadow lek complex in the western portion of the PMU, and 293 acres of sagebrush habitat improvement in the upper Aurora Canyon/Big Flat vicinity in the north part of the Bodie PMU.

An existing electric fence along upper Bodie Creek was replaced with a “grouse friendly” let-down barbed wire fence designed to improve livestock control and enhance brooding habitat on 43 acres of riparian meadow. Bishop BLM continues to perform annual maintenance on let-down barbed wire fences that are used to exclude livestock from several small spring-associated meadows that provide important late-brood and summer habitat for sage-grouse in the Bodie PMU. The Bishop BLM also actively irrigates approximately 250 acres of important brood rearing habitat on Kirkwood Meadow in the western portion of the PMU. Additional meadow habitat restoration work has occurred on private lands in the Aurora Canyon, Mormon Meadows, and Warm Springs areas.

Priority Conservation Strategies

Substantial conservation benefits would be realized in the Bodie PMU through actions designed to:

1. Minimize large scale habitat loss due to wildfire by implementing fuel reduction treatments using greenstrips in strategic locations to protect sage-grouse habitat, and by prioritizing sage-grouse habitat for aggressive initial attack;

2. Treat pinyon-juniper encroachment in potential nesting and connectivity habitats;
3. Conserve and improve available meadow habitats;
4. Reduce the impacts of current infrastructure; and
5. Minimize direct habitat loss due to changing land use and potential exurban development.

Additional benefits could be realized through implementation of actions designed to:

1. Minimize the spread of noxious weeds;
2. Provide early to mid-seral shrub communities in targeted areas;
3. Maintain wild horse numbers at AML and within designated territory boundaries;
4. Improve grazing management practices in site-specific areas;
5. Minimize potential sources of direct mortality; and
6. Reduce human disturbance in key seasonal use areas.

A general location map of the Bodie PMU is shown in Figure 4.

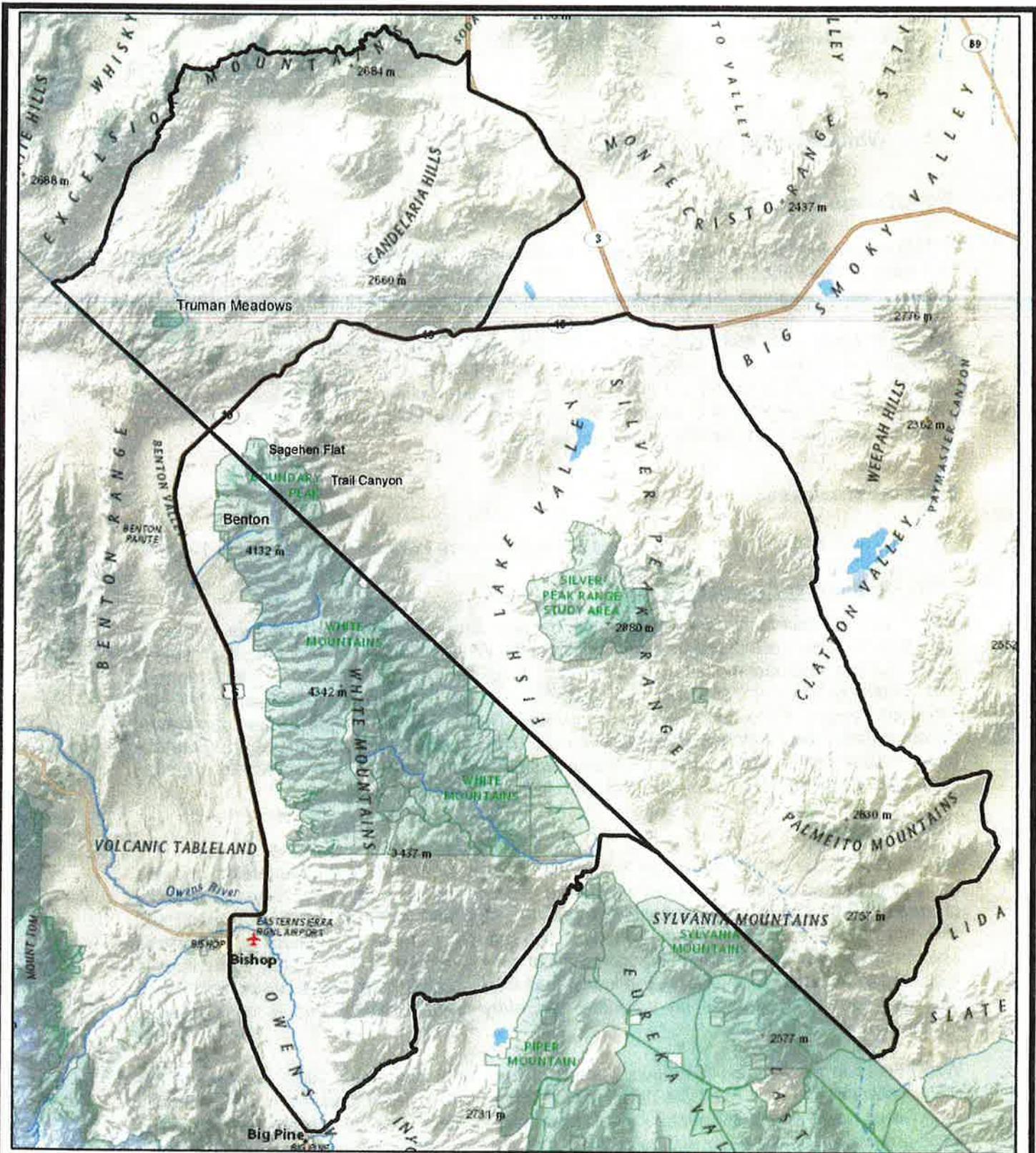
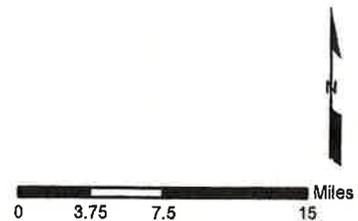


Figure 6
White Mountains PMU
 Bi-State 2012 Action Plan



3.5 White Mountains

Population Summary

CDFG conducted lek discovery helicopter flights in the White Mountains PMU in March 2006 and again in April 2008. During the March 2006 flight, a total of 206 sage-grouse (males and females) were observed. Grouse were observed in high elevation (2,875 meters) sagebrush scrub habitat located in the vicinity of Bucks Peak, Red Peak, Iron Mountain, Tres Plumas Flat, and Chatovitch Flat. Because it was still early in the breeding season and snow conditions were quite deep, these observations do not necessarily reflect the locations of lek sites. In April 2008, a total of 33 grouse were observed southwest of Crooked Creek in the vicinity of Sagehen Flat and Blanco Mountain. Intensive helicopter survey and inventory flights in 2012 may lead identification of active leks.

Risk Assessment

The risks and relative threat levels for the White Mountains PMU are summarized in Table 8.

Pinyon-Juniper Encroachment

Pinyon-juniper encroachment into suitable nesting, brood-rearing, and potential wintering habitat is currently considered the highest risk in the White Mountains PMU. Notable levels of pinyon-juniper encroachment have occurred in the Trail Canyon, Sagehen Flats, Kennedy Flat, Mustang Mountain, McBride Flat, Sagehen Spring, Truman Meadows, and Palmetto Mountain areas. Pinyon-juniper encroachment likely restricts sage-grouse movement between these areas, as well as between known high elevation summer habitat and potential low elevation winter habitat. Pinyon-juniper encroachment may also be adversely affecting connectivity with occupied habitat to the north in the South Mono PMU.

Wild Horses

Wild horses occur within the White Mountains PMU in both the White Mountains and the Truman Meadows areas. Excessive wild horse use can reduce both the quality and quantity of meadow and spring areas suitable for brood-rearing and summer habitat. Concentrated wild horse use can also cause potential disturbance in nesting habitat. In the White Mountains, wild horse numbers are currently at or just above AML and this population is expected to increase over time. In the lower Trail Canyon and Rock Creek areas, wild horse use may be having impacts on breeding and early rearing habitat and is considered a moderate risk at this time.

Wild horses in the Truman Meadows portion of the White Mountains PMU are part of the Montgomery Pass Herd. Available data indicate that this herd has increased in both numbers and overall range during the past 25 years. Currently available information also indicates that sage-grouse may have been extirpated from this area. A notable increase in pinyon-juniper extent and density combined with known wild horse use are the only documented risks that may have adversely affected sage-grouse in this portion of the White Mountains PMU. As a result, wild horse use may have been a relatively high risk to sage-grouse in this area.

Wildfire

To date, large scale wildfire has not occurred in the White Mountains PMU. Wildfire history in the White Mountains PMU is included in Appendix C. While the upper elevations of the White Mountains above tree line are considered to be relatively resistant to large scale wildfire; fire is considered to be a relatively high risk in the lower elevations of the PMU, particularly in Wyoming big sagebrush habitat and areas of increased fuel load from pinyon-juniper encroachment. Wildfire in these lower elevation areas has the potential to spread into known occupied and potential sage-grouse habitat under extreme fire behavior. Wildfire may also lead to the spread of invasive species such as cheatgrass. Overall, wildfire is considered a moderate risk in the White Mountains PMU at this time.

Urbanization

Development is also considered a moderate risk in the White Mountains PMU at this time. Some development has occurred in the lower elevations of Chiatovich Creek creating many roads and housing pads that have fragmented potential sage-grouse habitat. Development in the lower elevations of the PMU has led to direct habitat loss and fragmentation along with the introduction of predators (i.e. pets and ravens).

Invasive Species

Conversion of sagebrush habitat to annual grasses, such as cheatgrass, is currently a low risk in the White Mountains PMU. While cheatgrass does occur in the lower elevations of this PMU; no large-scale fires have occurred in this PMU which have led to habitat conversion.

Table 8. Risks and relative threat levels in the White Mountains PMU.

RISK	THREAT LEVEL
Pinyon-Juniper Encroachment	High
Grazing - Wild Horses	Moderate
Wildfire	Moderate
Urbanization	Moderate
Invasive Species - Cheatgrass	Low
Infrastructure	Low
Predation	Low
West Nile Virus	Low
Grazing - Permitted Livestock	Low
Human Disturbance	Low
Energy Development - Wind	Low

Examples of Completed Conservation Actions

Projects that have been completed in the White Mountains PMU focus primarily on recreation, livestock grazing management, and addressing the current lack of information. USFS travel management planning closed 42 miles of roads, or are in the process of being

closed. Off-road travel is closed on all USFS lands in the PMU. Livestock permits were revised to include measures to improve meadow and sagebrush habitats by establishing key areas, as defined in Amendment Six to the LRMP. A key area will be established within upland sagebrush habitat surrounding a meadow system that will allow the forest to gather current information on vegetation and watershed conditions. Data gathered over several years will be used to evaluate and modify livestock management, if necessary. Management changes could include a reduction in use, changes in allowable use, or changes in season of use. A Limited Operating Period (LOP) was implemented that changed the season of grazing. Livestock are not permitted in suitable sage-grouse habitat until after nesting season. Tonopah BLM completed mapping potential sage-grouse habitat in Nevada. Telemetry studies and continued aerial and ground surveillance of leks were initiated to better understand sage-grouse use of this PMU. Conservation easements were completed on 1,182 acres of private land.

Priority Conservation Strategies

Substantial conservation benefits would be realized in the White Mountains PMU through actions designed to:

1. Treat pinyon-juniper encroachment in potential nesting and connectivity habitats;
2. Conserve and improve available meadow habitats;
3. Maintain wild horse numbers at AML and within designated territory boundaries;
4. Minimize large scale habitat loss due to wildfire by implementing fuel reduction treatments using greenstrips in strategic locations to protect sage-grouse habitat, and by prioritizing sage-grouse habitat for aggressive initial attack; and
5. Minimize direct habitat loss and increased human disturbance associated with development.

Additional benefits could be realized through implementation of conservation measures designed to:

1. Minimize the spread of noxious weeds and cheatgrass;
2. Reduce the impacts of current infrastructure;
3. Reduce human disturbance in key seasonal use areas; and
4. Avoid impacts associated with wind energy exploration and development.

A general location map of the White Mountains PMU is shown in Figure 6.

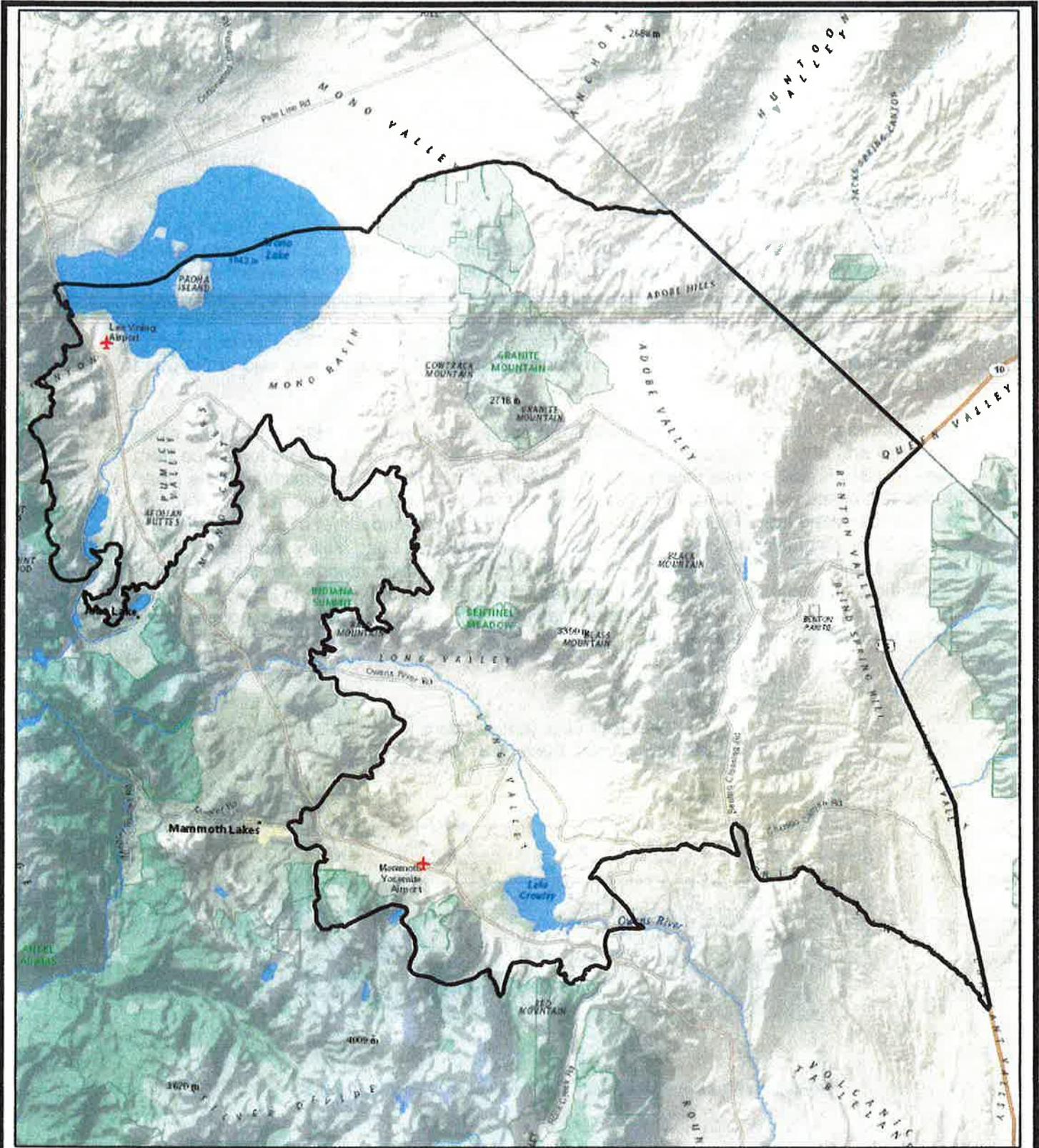


Figure 7
South Mono PMU
 Bi-State 2012 Action Plan

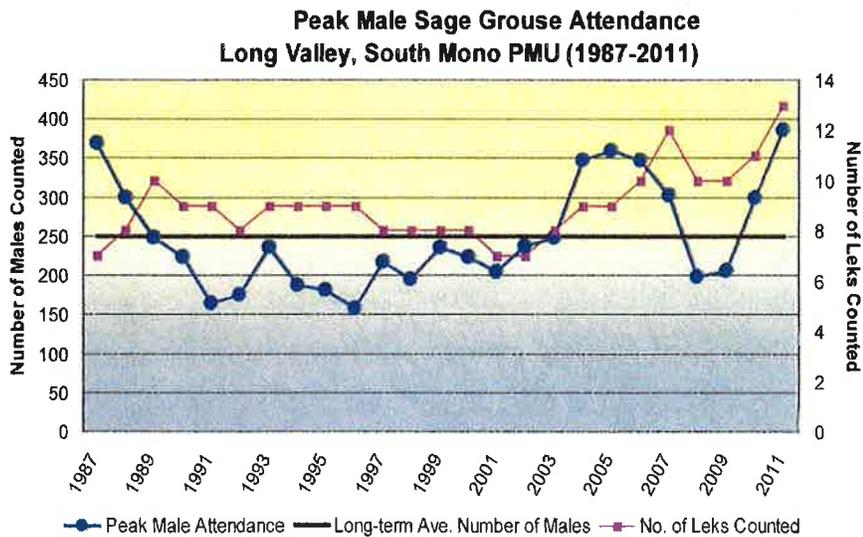


3.6 South Mono PMU

Population Trend

The South Mono PMU is comprised of three breeding complexes including Long Valley, Granite Mountain, and Parker. The Long Valley breeding complex includes eight trend leks and associated satellite leks along the upper Owens River drainage and the Crowley Lake basin. The Granite Mountain breeding complex includes two inactive trend leks located east of the Mono Basin in the Adobe Valley and Sage Hen Summit areas. The Parker breeding complex includes one trend lek located in Parker Meadow at the northwest end of the June Lake Loop.

Maximum male attendance counts occurred in Long Valley in 1962, 1963 and 1986, when 408, 405 and 406 males were counted, respectively. The LTA peak male attendance from 1987 to 2011 is 250 grouse counted on an average of nine leks. The maximum male count during this period was 370 males in 1987 and the minimum was 165 males in 1991. Male lek attendance during the 13-year period from 1989 to 2003 remained either at or below the LTA of 250 birds. Beginning in 2004, peak male lek attendance in Long Valley increased to 140 percent of the LTA and this trend continued through 2007. Male attendance again declined below the LTA in 2008 and 2009, but increased to 154 percent of the LTA in 2011. Lek count data collected from 1987-2011 indicates that the Long Valley sage-grouse population is stable to moderately increasing.

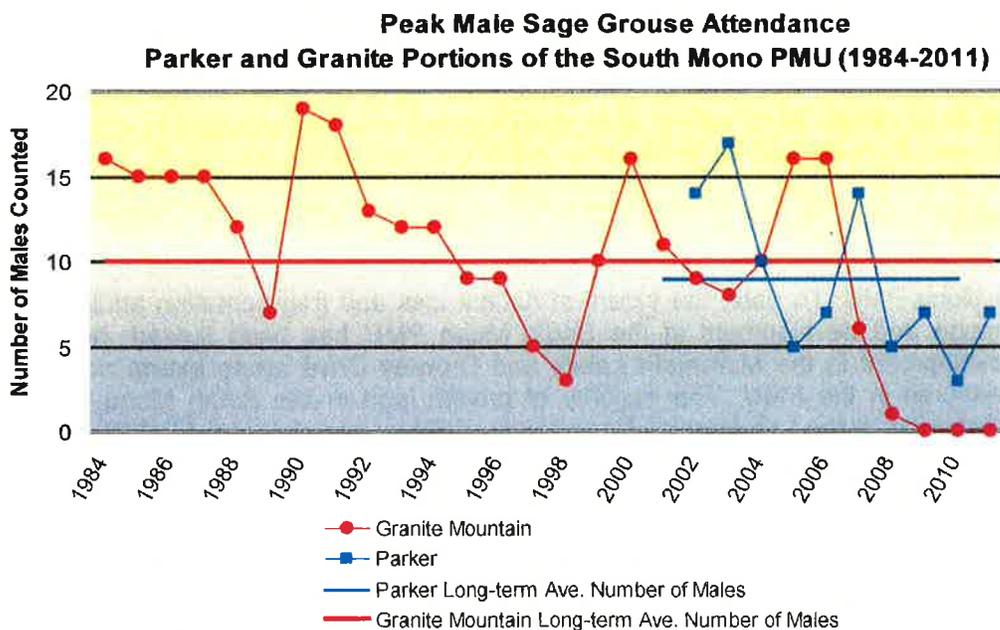


The two trend leks in the Granite Mountain breeding complex, Adobe and Gaspipe, have been monitored since 1984. Between 1984 and 1994 the Adobe lek averaged 11 males. In 1995 the number of males at this lek began to steadily decline until it became inactive in 2001.

The Gaspipe lek was discovered in 1990. However, no strutting males have been observed on this lek since 2008. From 1990 to 2011 the LTA male attendance at the Gaspipe lek was six birds. Overall, the LTA number of males counted in the Granite Mountain breeding complex from 1984 to 2011 is 10 males.

Although no strutting males have been counted on the Gaspipe lek since 2008, a group of 16 grouse was observed in close proximity to the lek in October of 2010 and fresh grouse sign was observed in fall 2011. These data indicate that at least some seasonal grouse use of the area is occurring and that birds from the Gaspipe lek may have changed their strutting location.

Sage-grouse have been known to inhabit the Parker area since the 1950s. Lek monitoring began in 2002. This is a very small population with one active trend lek and a few sporadically used satellite leks. The nine-year LTA number of strutting males at Parker (2002 to 2011) is nine birds. The maximum count was 14 males observed in 2002 and 2007. The minimum was three males counted in 2010. Recent telemetry data suggests that nest success may be the vital rate most limiting this population.



Risk Assessment

The risks and relative threat levels for the South Mono PMU are summarized in Table 9.

Wildfire

Wildfire is considered a relatively high risk to sage-grouse habitat in the South Mono PMU. Wildfire history in the South Mono PMU is included in Appendix C. Similar to the Bodie PMU, essentially all sagebrush associated habitats in the South Mono PMU are subject to some fire related risk. Wildfire is recognized as an especially high risk in the Long Valley portion of the PMU where the overall availability of sagebrush is limited. Uncontrolled wildfire is of particular concern for known wintering habitat along the base of the Glass Mountains, east of Lake Crowley and the Owens River. In the Mono Basin portion of the PMU, the risk of wildfire is also high, although the relative availability of sagebrush is substantially higher. The risk of natural ignition and large fires is generally restricted to the summer fire season (May-October). The risk of human caused fires is also greatest during the summer fire season. Recreational use and development in the wildland-urban interface contributes to the risk of human caused fires in the South Mono PMU. Habitat risks associated with uncontrolled fire include direct loss of important habitats, habitat fragmentation, and the potential for long-term changes in habitat quality.

Invasive Species

The relative composition of cheatgrass in some sagebrush habitats in the South Mono PMU adds the risk of altered fire cycles and increased distribution of cheatgrass. To date, no type conversion of sagebrush dominated habitats to non-native annual grasslands has occurred in the South Mono PMU, despite the occurrence of some larger fires in the Mono Basin. Nonetheless, some limited risk of type conversion does exist, primarily in the Long Valley portion of the South Mono PMU where soils conditions are more susceptible to cheatgrass invasion. This risk is greatest on lower elevation south and west facing slopes.

Urbanization

Land use change and potential development is currently considered a moderate to high risk in the South Mono PMU. To date, the extent of habitat loss and fragmentation attributed to land use change and development in the South Mono PMU has been limited; however, extensive development in the Mammoth Lakes and Crowley Drive areas exerts additional land use pressures in the PMU. The majority of private land in the South Mono PMU is owned and managed by the Los Angeles Department of Water and Power (LADWP). Most of these parcels are associated with perennial water and provide important sage-grouse habitat. The largest block of non-LADWP private land occurs adjacent to key sage-grouse habitat west of Crowley Lake. The remaining private lands in the PMU are still characterized as rangeland and the potential for commercial, residential or recreational development of these private rangelands is a concern for sage-grouse conservation. Development, including road construction, fences, utility lines and other infrastructure, would magnify the extent of habitat loss and fragmentation.

Urbanization - Landfill

The Benton Crossing landfill in Long Valley is the only "open pit" landfill in Mono County. The landfill accepts refuse from four Mono County transfer stations as well as the Town of Mammoth Lakes. Garbage in the landfill is readily available to ravens and subsidizes a large

local raven population. Ravens are known predators of both sage-grouse nests and fledglings; and increased raven populations from anthropogenic subsidies have been implicated in increased sage-grouse nest depredation by ravens. Sage-grouse nest depredation by ravens in Long Valley has been previously documented using videography, but the extent that raven depredation has on overall nest success has not been quantified. Because the landfill subsidizes a large raven population, along with other known sage-grouse predators, it currently poses a high risk in the Long Valley portion of the South Mono PMU.

Human Disturbance

Human disturbance from recreation is present year-round in the Long Valley portion of the South Mono PMU and is considered a high risk to sage-grouse. Long Valley is an attractive location for a wide-range of outdoor recreation activities because of its proximity to the Town of Mammoth Lakes, open public lands, and relatively gentle topography. The primary risk associated with most recreational use is disturbance and displacement of birds from important use areas, such as leks and brood habitats. Sage-grouse are particularly vulnerable to disturbance during the breeding and brood rearing seasons, as well as the winter period when birds concentrate in large flocks. Because grouse in Long Valley are non-migratory, spending their entire life cycle in proximity to leks, the impact of dispersed recreational activities on seasonal habitat use is of particular concern. Some recreational activities, (hot springs (hot tub) and camping, have been documented to cause disturbance to important sage-grouse habitat use areas, such as leks and brood meadows, and can adversely affect sage-grouse habitat quality and quantity. Fishing and hunting seasons and holidays intermittently increased visitation to the South Mono PMU.

Pinyon-Juniper and Jeffrey Pine Encroachment

Woodland encroachment, both by pinyon-juniper and Jeffrey pine, is also considered a relatively high risk in the South Mono PMU. Significant stands of pinyon are found adjacent to several important sage-grouse use areas and habitat types in the vicinity of Granite Mountain and on both slopes of the Glass Mountain Range. Pinyon-juniper encroachment into currently occupied breeding, summer, fall, and winter habitats is of most concern. Increased tree density and expansion into adjacent rangelands and potential connectivity habitats is also a concern. High density pinyon-juniper increases the fuel load and the risk of large catastrophic wildfire and the potential for long-term plant community type conversion in the South Mono PMU.

Infrastructure

Multiple high voltage utility lines as well as several smaller utility lines currently exist in known sage-grouse use areas and important habitat in the South Mono PMU. Poles for above ground utility lines provide perches for avian predators and may cause sage-grouse to avoid the immediate area where they are placed. Roads developed for the installation and maintenance of utility lines often result in the long-term direct loss of extended linear segments of habitat. The extent to which predators use utility poles as perches within the South Mono PMU is currently unknown, but sage-grouse may instinctively avoid such tall objects regardless of raptor activity. Utility lines may also cause direct mortality if sage-grouse strike the wires during flight. To date, no utility wire strikes have been documented in the South Mono PMU.

Fences are relatively common in, and adjacent to, a variety of sage-grouse habitats on both public and private lands within the South Mono PMU. In addition, the construction of new fences in the PMU is likely in the foreseeable future. Principal habitats of concern include lek, night roost, nesting, early brood, late brood and summer habitats. Though fence construction may not result in direct habitat loss, fences can cause sage-grouse to avoid traditional use areas and cause direct mortality due to fence strikes. Fence strikes have been documented as a source of mortality in the vicinity of Lek #2 in the Long Valley portion of the South Mono PMU.

Seasonal Habitat and Habitat Connectivity

The availability of brood rearing/late-summer meadow habitat is likely a major limiting factor in Mono Basin portion of the South Mono PMU. In this portion of the PMU, sagebrush habitat is extensive but the availability of wet meadows, streams, and springs is lacking. In contrast, available nesting habitat is more likely to be a limiting factor in the Long Valley portion of the PMU. In this portion of the PMU an extensive network of irrigated meadows combined native meadows, streams, and spring provides abundant brood rearing/late summer habitat; while sagebrush habitat is somewhat patchy and irregularly distributed. Loss of habitat connectivity primarily due to woodland encroachment, both within the PMU, as well as with adjacent PMUs to the north (Bodie PMU) and south/southeast (White Mountains PMU) is a concern for long-term conservation.

Disease and Predation

Predation likely poses the greatest risk of direct mortality to sage-grouse in the South Mono PMU. Research in the South Mono PMU indicated that anthropogenic factors related to increasing raven numbers coupled with poor nesting habitat was likely responsible for the low nesting survival. In recent years, abandonment rates have been unusually high at nests located near Parker Creek. Fine-scale mechanistic studies that employ videography techniques would be beneficial for providing information about increasing reproduction for these populations and help guide management decisions.

Licensed hunting contributes additional direct mortality in the PMU; however, the level of take is heavily regulated and not considered to be a risk to the population at this time. West Nile virus is also considered a potential risk in the South Mono PMU, though no document occurrences in sage-grouse have been confirmed to date.

Table 9. Risks and relative threat levels in the South Mono PMU.

RISK	THREAT LEVEL
Wildfire	High
Benton Crossing Landfill	High
Recreation and Human Disturbance	High
Urbanization	High
Existing Infrastructure (Linear)	Moderate
Pinyon-Juniper and Other Woodland Encroachment	Moderate
Surface Water Management	Moderate
Predation	Low
Invasive Species - Cheatgrass	Low
West Nile Virus	Low
Energy Development - Geothermal and Wind	Low
Grazing - Permitted Livestock	Low
Grazing - Wild Horses	Low
Licensed Hunting	Low

Examples of Completed Conservation Actions

In FY 2010, the Bishop BLM removed several miles of abandoned rangeland fencing that posed a potential strike hazard to sage-grouse in the South Mono PMU and modified fences at Indian Spring to enhance sage-grouse use of twelve acres of late brood habitat.

INF travel management planning permanently closed 36 miles of road. Lek monitoring data in the South Mono PMU indicate that seasonal road closures have effectively reduced human disturbance in three core lek areas (Lek #1, Lek #5, and Lek #8) and have protected an estimated 1,175 acres of breeding habitat annually.

Land exchanges and donations have brought approximately 1,500 acres of habitat into BLM and INF land coverage and conservation easements have restricted future develop on 2,300 acres in the South Mono PMU.

Priority Conservation Strategies

Substantial conservation benefits would be realized in the South Mono PMU through actions designed to:

1. Minimize large scale habitat loss due to wildfire by implementing fuel reduction treatments, using greenstrips in strategic locations to protect sage-grouse habitat, and by prioritizing sage-grouse habitat for aggressive initial attack;
2. Remove the existing landfill from Long Valley;

3. Reduce human disturbance in key seasonal use areas;
4. Minimize direct habitat loss due to changing land use and potential development;
5. Reduce the impacts of current infrastructure; and
6. Treat woodland encroachment in potential nesting and connectivity habitats.

Additional benefits could be realized through implementation of conservation measures designed to:

1. Conserve and improve available native and irrigated meadow habitats;
2. Minimize the spread of cheatgrass;
3. Improve grazing management practices in site-specific areas;
4. Maintain wild horse numbers at AML and within designated territory boundaries;
5. Minimize potential sources of direct mortality; and
6. Avoid impacts associated with geothermal or wind energy exploration and development.

A general location map of the South Mono PMU is shown in Figure 7.

03/05/2013

Regular Meeting

Item #18a

Board of Supervisors

**Mammoth Mountain
Ski Area Land Exchange
Additional Letters**

Lynda Roberts

To: HeinrichsFour@aol.com
Subject: RE: June Mtn Hostage Crisis

Dear Mono County Bd of Supervisors: No land swap for Rusty Gregory with US Forest Svc in June Lake! He has not fulfilled the terms of his permit for June Lake Ski Resort causing severe business losses in the area. His accounting practices for losses at the resort and his subsequent closing of it should be closely examined and also his tax payments as well. His permit should be revoked and sold to a group which will continue to maintain the quaint small village atmosphere at June lake, so revered by generations of visitors and residents here. Sincerely,
Pat and Bill Bleha, June Lake property Owmers

Lynda Roberts
Mono County Clerk-Recorder-Registrar
and Clerk of the Board of Supervisors
PO Box 715
Bridgeport, CA 93517
760-932-5538
760-932-5531 (fax)

RECEIVED

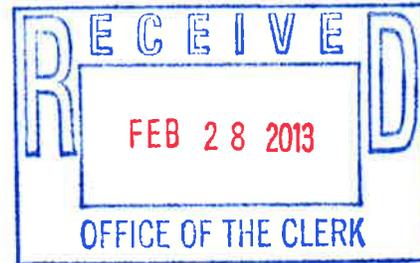
MAR - 4 2013

OFFICE OF THE CLERK

From: HeinrichsFour@aol.com [<mailto:HeinrichsFour@aol.com>]
Sent: Monday, March 04, 2013 3:41 PM
To: Lynda Roberts; taplers@mono.ca.gov; Larry Johnston; Fred Stump; Byng Hunt; Tim Fesko
Subject: Fwd: June Mtn Hostage Crisis

Lynda Roberts

From: Nancy Morris [nancy210@sbcglobal.net]
Sent: Wednesday, February 27, 2013 9:07 PM
To: Lynda Roberts
Subject: MMSA - March 5th meeting



Lynda Roberts
Mono County Board of Supervisors

Dear Ms. Roberts

As homeowners in June Lake, we would like to express our support for the position of the Committee for a Viable June Mountain, a subcommittee of the June Lake Revitalization Committee, on the matter of the Mammoth Base Area Land Exchange. We urge you to refuse to support the Land Exchange until tangible improvements are underway to improve and promote the June Mountain Ski Area.

Respectfully,
Jeff and Nancy Morris
161 Dream Mountain Dr.
June Lake, CA 93529



United States Department of the Interior

NATIONAL PARK SERVICE
Devils Postpile National Monument
P. O. Box 3999
Mammoth Lakes, California 93546
760-934-8100

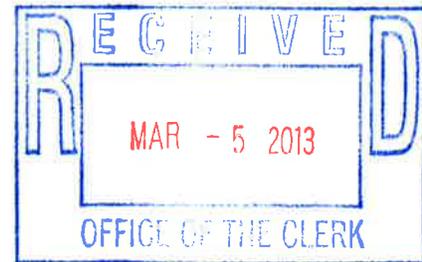


IN REPLY REFER TO:

L7621

December 14, 2005

Mammoth Mountain Inn and Ski Resort
1 Minaret Road, P.O. 24
Mammoth Lakes CA 93546



Attention: Peter Dennison Real Estate and Land Use President and Pam Murphy Senior Vice President

Subject: Comments on Proposed Mammoth Mountain Redevelopment Plan

Dear Mr. Dennison and Ms. Murphy,

Thank you for asking me to comment on the possible effects of the proposed Mammoth Mountain resort redevelopment. With our complementary geographic locations, an opportunity exists to coordinate our activities in providing quality visitor services and adequate facilities in a world-class setting of natural beauty.

Important aspects to be considered:

Shuttle Bus Operations

1. The staging area for the Reds Meadow/DEPO shuttle bus was not addressed in the plan. Whether this omission was an oversight or a reflection of a future goal to transfer the responsibility of all transportation to the Town of Mammoth Lakes (TML) is not clear. What is important is that the location of the Reds Meadow/Devils Postpile shuttle bus staging area needs to be safe, functional, well signed and easily discernable to the general public. This is not addressed in the TML Draft General Plan or the Mammoth Mountain Redevelopment Plan, nor is there mention of where the future of the shuttle bus staging area will be located
2. The TML General Draft and Mobility Plans as well as the Mammoth Mountain Redevelopment Plan should all complement one another in that they each must address adequate parking for shuttle bus users to meet current demand and future use projections. Currently, there are days where bus ridership exceeds

2,031 visitors (July 5, 2003 statistics, and a general estimate is that perhaps there is a current need for parking for 677 vehicles on a peak day). The average estimated number of needed parking based on statistics from 2003 to 2005 is between 275 to 300 vehicles on an average Saturday. During holiday weekends, 400 to 500 parking sites are needed between the peak visitation hours of 10:00am and 1:00pm.

3. Furthermore, it appears that the proposed removal of 250 parking spots would decrease available parking from 985 spaces today to 735, and would compromise the ability to provide adequate parking, to all of the users of Mountain Bike Park, Gondola sightseers, Climbing Wall, Inn and Resort, and Shuttle Bus riders. Reference was made to possible underground parking facilities however, it remains unclear if these would be available to the general public and at what cost. Additional parking also needs to be addressed in Mammoth Mountain Ski Area and the Town of Mammoth Lakes planning to accommodate future growth.

4. With this future growth in mind, it is important to assess the impacts to DEPO/ Reds Meadow that additional visitation will bring. Thankfully, work is underway to look at visitor access and transportation alternatives. We should continue evaluating impacts, needs, and partnership opportunities. One of these multi-agency opportunities will be to discuss integrating transportation operations that include the shuttle bus system.

Resource Impacts

Watershed

5. The draft plan fails to identify whether the reach of future water needs will extend to the watershed along the western slope of the San Joaquin Ridge. More specifically, it does not consider the impacts associated with using the Dry Creek watershed for ground pumping and the potential adverse effects on the west slope of the Upper Middle Fork of the San Joaquin this pumping may incur. It is critical that the impacts of increased numbers of visitors and resort guests do not compromise the watershed that affects the Upper Middle Fork of the San Joaquin. During DEPO's Vital Signs Meetings in April 2002, the USGS explained how springs and groundwater use on the east side of the San Joaquin ridge could impact the hydrology on the west side where numerous springs occur.

The Dry Creek watershed connects to springs and drainages along the western slope of the San Joaquin ridge that provide lush wetland environments and aspen groves where many deer and bird species occur. This area also serves as a migration route for deer leaving the Upper Middle Fork of the San Joaquin for their winter habitat. It is possible that tapping into springs and groundwater on the east side of San Joaquin Ridge and Dry Creek could also affect the river levels of the Upper Middle Fork of the San Joaquin. A thorough analysis and study should be done for the Dry Creek groundwater reservoir and the impacts of groundwater pumping in order to understand current and future impacts to this vital watershed and how to sustain its viability. .

Natural Soundscapes

6. Other impacts from the promotion and growth of tourism include the proposed regional jet service. The aircraft currently being considered for commercial traffic fly at lower altitudes and are noisier than most commercial jetliners at higher altitudes. An FAA map provided to the National Park Services shows flight paths over Upper Middle Fork of the San Joaquin encompassing the Ansel Adams and John Muir Wilderness areas within the Inyo and Sierra National Forests, the Ansel Adams Wilderness in Devils Postpile National Monument, Devils Postpile National Monument itself, and probably over Minaret Vista.

The importance of protecting natural soundscapes is integral to providing a quality experience to a broad spectrum of campers, anglers, hikers, and day-use visitors to the areas of Minaret Vista and the Ski Area. It would be mutually beneficial for us to persuade the FAA to select alternative flight paths that do not impact the natural soundscapes of the Upper Middle Fork of the San Joaquin, Minaret Vista, and Mammoth Mountain Ski Area, Inn, and Resort.

Emergency situations

7. An important concern identified at the public meeting was the need for emergency services access and ability to respond. In the context of planning the redevelopment, we all have an opportunity and obligation to identify what would be needed as escape routes in the event we had to evacuate the Upper Middle Fork of the San Joaquin/Reds Meadow/DEPO for fire, flood, earthquake, volcanic, or other emergencies.

It is not clear if the expanded snow pillow over route 203 would affect the summer route 203. A direct escape route would be necessary. Also, as many remember, the importance of an escape route during the Rainbow Fire is critical to public safety. During this fire season of 2005, many lightning strikes ignited in the post-Rainbow Fire burn area. So it is probable at some future scenario there could be a repeat of the Rainbow Fire conditions where it is impossible to determine the magnitude and extent of the fire in the smoke filled valley. As Mammoth Mountain Resort is proposing a redesign of State Highway 203 and CalTrans is considering a relinquishment of State Highway 203 in this escape route, it is important to include this emergency preparedness as part of the environmental analysis.

Thank you again for requesting our comments, and we look forward to working in partnership to address solutions.

Sincerely,

DEANNA M. DULEN
Superintendent
/s/signature on file

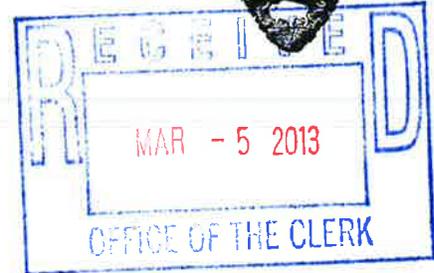
cc:

Molly Brown, Acting Mammoth District Ranger, Inyo National Forest
Nancy Upham, Public Affairs Officer, Inyo National Forest
Russ Wilson, Acting Superintendent, Sequoia Kings Canyon National Park
John Austin, Supervisory Resource Management Specialist, Sequoia Kings Canyon National Park
Kevin Percival, Alternative Transportation Planning Manager, NPS
Michael Morelli, Transportation Planner, Washington Office, NPS
Dianne Croal, Regional Landscape Architect, NPS
Gay Page, Transportation Planner, Denver Service Center, NPS
Karen Trevino, NPS Soundscape Program
Dave Schirokauer, NPS Soundscape Program



United States Department of the Interior

NATIONAL PARK SERVICE
Devils Postpile National Monument
P. O. Box 3999
Mammoth Lakes, California 93546
760-934-8100



IN REPLY REFER TO:
L7624

Date: October 19, 2011

To: Jim Webb, Project leader, PSW-Arcata, 1700 Bayview Drive, Arcata, CA 95521

Cc: Ed Armenta, Inyo National Forest Supervisor
George Turnbull, Deputy Regional Director, Pacific West Region

From: Deanna Dulen, Superintendent

Subject: The Mammoth Base Land Exchange is proposed by Mammoth Main Lodge Redevelopment LLC (a company related to Mammoth Mountain Ski Area LLC) to exchange approximately 20 acres of National Forest System land (the Federal parcel) managed by the Inyo National Forest in the Town of Mammoth Lakes

Thank you for the opportunity to provide NPS comments on the proposed Mammoth Main Lodge Redevelopment LLC land acquisition and exchange. As previously requested, the Devils Postpile National Monument Superintendent provided comments to Inyo National Forest on November 21, 2005 and to MMSA on December 14, 2005 on possible effects of the proposed Mammoth Mountain resort redevelopment. Important issues to be addressed:

Shuttle Bus Operations

1. The staging area for the Reds Meadow/DEPO shuttle bus needs to be addressed. What is important, is that the location of the Reds Meadow/Devils Postpile shuttle bus staging area needs to be safe, functional, clearly identified to the public where it is, easily accessible, and clear and convenient where visitors are to park personal vehicles.

2. The land exchange/ redevelopment plan needs to address adequate parking for shuttle bus users to meet current demand and future use projections. Currently there are days where bus ridership exceeds 2000, and a general estimate is that perhaps there is a current need for parking for 1000 vehicles. With projections of growth both in permanent town residents and at the resort that may increase the visitation and possibly the vehicles to over 2000, it seems there may not be adequate parking facilities. Additionally, free public parking to access the mandatory shuttle must be provided, and should not be an additional parking fee to NPS visitors. In the past redevelopment plan, there was a proposed removal of 250 parking spots. This would decrease available parking from 985 today to 735 roadside and would likely compromise the ability to provide adequate parking. Previously, there was a description that there

may be another 1000 parking spaces located underground, but these may not be available to the general public and may be high cost.

Resource Impacts

Watershed

3. Impacts of increased water use and groundwater pumping on the watershed to supply the needs of an expansion of uses including the numbers of visitors and resort guests that affects the Middle Fork of the San Joaquin Valley may result from the proposed action. During the vital signs meetings in April 2002, USGS explained how springs and groundwater use on the east side of the San Joaquin/Mammoth Mountain ridge could impact the hydrology on the west side where numerous springs occur. This watershed may connect to the San Joaquin west slope springs that provide lush wetland environments and aspen groves where many deer and bird species occur. These are the headwaters for Reds Creek, which is a tributary of the Middle Fork of the San Joaquin River. This entire watershed is rich in biodiversity and a migration route for the deer leaving the Middle Fork of the San Joaquin to their winter habitat.

It is possible that tapping into springs and groundwater on the east side of San Joaquin Ridge could also affect the river levels of the hydrology of the west slope of Mammoth Mountain that includes the middle Fork of the San Joaquin River valley. A thorough analysis and study must be done before allowing any transfer of water rights. The NPS/USGS are preparing a proposal to investigate possible connectivity of the groundwater from east to west slopes of Mammoth Mountain. The cost of this investigation is estimated at \$60,000 to \$100,000, and it is appropriate for the proponent of the proposed land exchange to fund this in calendar and field season year 2012. Additionally, a long term inventory and monitoring program needs to be supported by the proponent of the land exchange if this land acquisition occurs. Additionally, the public lands and public trust of this groundwater resource needs to be protected by a deed restriction of the use of groundwater that will be co-managed with NPS and USFS.

Natural Soundscapes

4. Other cumulative impacts from the promotion and growth of tourism at this site needing to be addressed include the expanding regional jet service. As identified in NPS official comments to FAA, flight paths must not fly over the Ansel Adams wilderness in Devils Postpile and the surrounding soundscape radius that would impact the NPS visitor experience. The importance of protecting natural soundscapes is integral for providing a quality experience to a broad spectrum of campers, anglers, hikers, and day use visitors to these areas, and to wildlife communications that are compromised by unnatural sound intrusions.

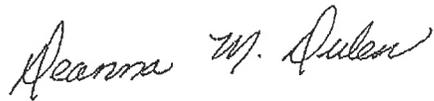
Emergency situations

5. An important concern identified at the previous public meeting was the need for emergency services access and ability to respond. In the context of planning the redevelopment, both our agencies have an obligation to identify what would be needed as evacuation and escape routes in the event we had to evacuate the Upper Middle Fork of the San Joaquin/Reds Meadow/DEPO for fire, flood, earthquake, volcanic, or other emergencies. A direct escape route would be necessary. Also, as many remember, the importance of an escape route during the Rainbow Fire is critical to public safety. Since the Rainbow Fires, both human caused and lightning strikes ignited in the post-Rainbow Fire burn area. It is probable at some future date there could be a repeat of the Rainbow Fire conditions where an emergency evacuation would need to occur. Previously, Mammoth Mountain Resort proposed a redesign of State Highway 203 where CalTrans was considering a relinquishment of State Highway 203. As this is the escape route, it is important to include this emergency preparedness as part of the environmental analysis.

Impacts of Future growth on Monument visitation patterns

6. Last but not least is to assess the impacts to DEPO/ Reds Meadow with the projected growth in summer tourism associated with the resort development resulting from the land exchange. NPS is working on visitor capacity management strategies that will continue to provide a high quality visitor experience at the Monument that contributes to the sustainable economy of our gateway community of Mammoth Lakes.

Sincerely,

A handwritten signature in cursive script that reads "Deanna M. Dulen". The signature is written in dark ink and is positioned above the typed name.

Deanna M. Dulen
Superintendent



BOARD OF SUPERVISORS COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526
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e-mail: pgunsolley@inyocounty.us

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Assistant Clerk of the Board

October 25, 2011

James R. Webb
Mammoth Base Land Exchange NEPA Team
PSW-Arcata
1700 Bayview Drive
Arcata, CA 95521

Re: Mammoth Base Land Exchange

Dear Mr. Webb:

On behalf of the Inyo County Board of Supervisors, I wish to convey to you our dismay that no coordination or dialogue with the County occurred prior to scoping for the Mammoth Base Land Exchange. We have been working with the Forest Service on a Memorandum of Understanding (MOU) regarding coordination over the last year, and to ignore the spirit and letter of the MOU while moving forward with this proposed land exchange is disheartening, to say the least.

That being said, the proposed land exchange will eliminate private lands in Inyo County, reduce the tax base, and does not appear to provide any benefit to the citizens of Inyo County. Little taxable land remains in the County, and the population cap on the Payment-in-lieu-of-Taxes (PILT) formula will ensure that no PILT funds are provided to offset revenue lost due to the proposal. Less than two percent of the County remains in private ownership, and every square foot converted to public lands is significant in itself as well as contributes to significant cumulative impacts to the society and culture of the County.

The Mammoth Base Land Exchange as proposed is inconsistent with the Inyo County General Plan and will result in potentially significant socioeconomic impacts. Mitigation measures to reduce impacts to less than significant levels must be considered, including means to recoup lost tax revenue and the continuing erosion of private land ownership in the County. We believe that alternatives to the proposal should be evaluated that will release lands in Inyo County to offset those acquired through the Exchange.

We request that Forest Service staff meet with the Inyo County Board of Supervisors as soon as possible and throughout the review process to discuss these issues further. Please contact the County's Administrative Officer, Kevin Carunchio, at (760) 878-0292 or by email at kcarunchio@inyocounty.us as soon as possible to schedule discussions regarding the proposed Land Exchange or if you have any questions.

Thank you for your attention.

Sincerely,

Susan Cash
Chairperson, Inyo County Board of Supervisors

cc: Kevin Carunchio, CAO
Randy Keller, County Counsel
Joshua Hart, Planning Director
Honorable Representative McKeon
Secretary Vilsack, USDA
Chief Tidwell, USFWS
Randy Moore, USFWS
Ed Armenta, USFWS
Mono County Board of Supervisors
Amador County Board of Supervisors

El Dorado County Board of Supervisors
Plumas County Board of Supervisors
Tuolumne County Board of Supervisors
Town of Mammoth Lakes
City of Bishop
Ron Nichols, DWP
California State Association of Counties
Regional Council of Rural Counties
National Association of Counties
Sustainable Forest Action Coalition

3/5/2013

What I have to say is really pretty simple. I am here in support of the June Lake community and of the reopening and enhancement of June Mountain. I am opposing support of the Mammoth Base Area Land Exchange, until the obligation that I believe exists for Mammoth Mountain Ski Area to open and to promote June Mountain Ski Area is fulfilled.

Regarding the re-opening of June Mountain, The Sheet posted an article on Nov 9 2012 quoting Rusty Gregory as saying:

“We’re opening it up and we want to keep it open,”he continued. That said, he added“There will be no new J1 chair for 2013. We don’t have a lot of capital to throw at it [June]”

When asked if opening June was a quid pro quo for the Main Lodge land trade, Gregory said,“I don’t view it as a quid pro quo [opening June in exchange for completing a Main Lodge land trade with the USFS]. Politically, there’s not that much of a tie-in.”

I disagree. I think the issue of this land exchange has attained the level of a political tie-in because the community of June Lake is suffering due to the closure of June Mountain, and because at this time MMSA holds all of the cards needed to change that. It does not seem right to me that capital should be thrown at MMSA Main Lodge improvements, made possible by this land exchange, when capital properly spent on June Mountain could not only bring it back to life, but could quite possibly make it an asset not only to the June Lake community, but to Rusty's vision of a destination ski and summer resort.

Thank you,

Ann Tozier

June Lake

03/05/2013

Regular Meeting

Item #18a

Board of Supervisors

Mammoth Mountain

Ski Area Land Exchange

Packet from Bill

Cunningham

To: Paul Oster,
c/o ReMax of Mammoth Lakes, CA

March 20, 2006

Paul:

You have asked me to transcribe the telephone message left on my office answering machine on July 1, 2004, from Jeff Bailey of the Forest Service. Below is a word for word transcription of that message. You've asked me who has copies of this tape: you have one, Adam Poe has one, and Geoff McQuilkin of the Mono Lake Committee has one, and I have four more copies.

Bill

"Hey, Bill, it's Jeff Bailey with the Forest Service. Uh, it's four o'clock on Thursday, July 1st (2004). I'll be, uh, traveling next week, uh, most of the week but perhaps we can connect towards the end of the week. I want to visit with you about, uh, my conversation with Rusty Gregory, um, regarding his conversations with you and kinda let you know that, um, we're about to move on beyond this deal if you and Mammoth Mountain can't arrive at some conclusion here and look and, um, at some other parcels with Mammoth Mountain. Um, also, Rusty said, in no uncertain terms, that um, ya know, if he can't put something together with you, um, he'll do everything in his power to oppose this, uh, because that buys him some credibility with the environmental community and that's of tremendous value to him at this point, so, um, anyway, just wanted to share that with you and hopefully we can put something together here, um, with Mammoth Mountain and yourself and we can get on with this thing and, um, move forward with the exchange. We're still interested in acquiring it but, without Mammoth I don't know who's gonna, who's gonna be helping us out on this so, let's try to connect; it'll be a little tough, I'll be around through this evening til about 5 o'clock. That phone number is 760-873-2550. Take care, bye bye."



OFFICE OF THE ... BOARD OF SUPERVISORS
COUNTY OF MONO

P.O. Box 715 • BRIDGEPORT, CA 93517

TOM FARNETTI
FIRST SUPERVISORIAL DISTRICT
RT. 1, Box 1237
MAMMOTH LAKES, CA 93546
TOM@MAMMOTHSIERRALONLINE.COM

(760) 932-5533 (BPT. OFFICE)
(760) 934-8372 (OFFICE)
(760) 937-3292 (CELL)
(760) 934-3518 (RESIDENCE)

February 6, 2004

William Cunningham
3875 Bonny Doon Road
Santa Cruz, California 95060

Dear Bill:

Thanks very much for your letter. It was an exciting and worthwhile trip. I'm glad to see that individuals from the Eastern Sierra can help to effect change.

I am enclosing a copy of the packet that was submitted to the Senators and Congressman. Here are the contact people that Congressman Farr asked for in his e-mail to you:

- Senator Dianne Feinstein's Office: John Watts
- Senator Barbara Boxer's Office: Laura Cimo
- Congressman "Buck" McKeon

Let me know if you have any questions on the materials.

Best regards,

Thomas Farnetti



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RESOLUTION NO. R03-059
BOARD OF SUPERVISORS, COUNTY OF MONO
URGING THE SWIFT AND FAIR COMPLETION
OF A LAND EXCHANGE BETWEEN BILL AND ROBIN CUNNINGHAM AND
THE UNITED STATES FOREST SERVICE

WHEREAS, Bill Cunningham, a property owner in Mono County, is a willing seller of his land for the eventual exchange of land with the United States Forest Service; and,

WHEREAS, This property lies within the Mono Basin National Forest Scenic Area (Scenic Area); and,

WHEREAS, The Scenic Area was created by the United States Congress in order to help protect the natural and scenic values found in and around Mono Lake for the enjoyment of all Americans; and,

WHEREAS, The Scenic Area draws a quarter of a million visitors to Mono County annually who spend in excess of \$4 million locally; and,

WHEREAS, The Cunningham property is of particular importance to both Mono County and the Scenic Area because of the natural and scenic values found there, including spectacular views of Mono Lake, vernal springs, a perennial stream, and important habitat areas for birds and other wildlife; and,

WHEREAS, Successful completion of a land exchange will protect the values found on the Cunningham property while allowing for the appropriate development of land within Mammoth Lakes; and,

WHEREAS, That development will allow for the expansion of the Mammoth Hospital, allowing for improved health care for the citizens of and visitors to Mono County; and,

WHEREAS, This land exchange project will be a model for other similar projects that combine resource protection with appropriate development here in Mono County; and,

WHEREAS, Mr. Cunningham has submitted a specific plan application to the Community Development Department to divide the property into 24 separate parcels for sale, with the largest portion of the property to remain in open space, and in the absence of an exchange the application will be processed in the ordinary course of County business; and,

WHEREAS, the Scenic Area legislation does not deprive Mono County of its land use authority for projects within the Scenic Area; and,

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WHEREAS, Mr. Cunningham and his wife are willing to enter into an exchange on the basis of a fair and just appraisal.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Mono, State of California, as follows:

1. That this Board recognizes the value of a successful land exchange for the citizens of Mono County.
2. That this Board, on behalf of the citizens of Mono County, urges the United States Forest Service, along with the Cunningham family, to complete a fair and equitable exchange for this important property.
3. That the United States Forest Service, along with the Cunningham family, work expeditiously and diligently to complete this land exchange without delay.
4. That the United States Forest Service, along with the Cunningham family, utilize all the resources at their disposal to achieve this goal.

APPROVED AND ADOPTED this 12th day of August, 2003, by the following vote of the Board of Supervisors, County of Mono:

- AYES : Supervisors Cecil, Farnetti, Hunt, Pipersky
- NOES : NONE
- ABSENT : Supervisor Ronci
- ABSTAIN : NONE

MARY PIPERSKY, CHAIR
BOARD OF SUPERVISORS
COUNTY OF MONO

RENN NOLAN
CLERK OF THE BOARD

APPROVED AS TO FORM:

MARSHALL RUDOLPH
COUNTY COUNSEL



Office of the . . . BOARD OF SUPERVISORS

C O U N T Y O F M O N O

P.O. BOX 715 • BRIDGEPORT • CALIFORNIA • 93517

TOM FARNETTI
First Supervisorial District
(760) 932-5215 (office)
(760) 934-6878 (residence)

January 22, 2004

Honorable Dianne Feinstein
United States Senate
Hart Senate Office Building, Room 331
Washington, D.C. 20510

RE: Cunningham Property, Mono Basin National Forest Scenic Area

Dear Senator Feinstein:

I am writing this letter with the hope of facilitating a property exchange that is in the truest sense a win-win situation for everyone involved. The local newspaper recently featured a series of articles about this property exchange. It is presently a very high priority for the community, and it has no opposition. This exchange will benefit the community of Mammoth Lakes, the people of Mono County, and will preserve what representatives of the U.S. Forest Service refer to as the most significant privately held piece of property in the Mono Basin National Forest Scenic Area. This exchange will not require one penny of taxpayers' money.

Realizing this transaction will require the help of representatives in Washington. The negotiations are presently stuck in the valuation process.

There is a willing buyer and a willing seller. The buyer is Mammoth Lakes Community Hospital who desires to acquire a 10.33 acre piece of property presently owned by the U.S. Forest Service in downtown Mammoth Lakes for its desperately needed expansion. The Forest Service property is adjacent to the hospital and next to a McDonalds restaurant and other commercial buildings. This property has no significant environmental value.

The property for sale is in the Mono Basin and is approximately 120 acres. It has been in the Cunningham family since 1919. In January of 2000, a local representative of the Forest Service approached William and Robin Cunningham to ask if they would consider selling all or part of their property to an entity that would use it in an exchange with the U.S. Forest Service. The Cunninghams said they would be willing to sell a majority of the property, but explained that they desired to retain a portion of it because the property holds buried the ashes of Bill Cunningham's father.

Negotiations have been ongoing for over four years. A brief history of those negotiations is important to understand why the procedure has stalled and how to finalize negotiations to the benefit of all interested parties.

Honorable Dianne Feinstein
January 22, 2004
Page two

The year 1984 saw the creation of the Mono Basin National Forest Scenic Area. This was the first National Forest Scenic Area designated in the United States. The Scenic Areas Guidelines prepared by the Forest Service alleged certain restrictions on private property owners within the boundaries of the Mono Basin National Forest Scenic Area.

Early negotiations to acquire the Cunningham property, which included Forest Service review appraisers, sought to determine what effect the Scenic Area Guidelines should have on the valuation of the property for sale by the Cunninghams and ultimately conveyed to the Forest Service. Those discussions introduced a document prepared by the Office of the Mono County Counsel dated September 20, 1996 from County Counsel Marshall S. Rudolph to Scott Burns, Mono County Planning Director. This document states, "the County's land-use planning authority has not been preempted" by the Mono Basin National Forest Scenic Area Guidelines. After discussing this document and pertinent Real Estate Law with representatives of the Forest Service, the Office of General Counsel for the Forest Service agreed with Mr. Rudolph's opinion.

On August 22, 2000, representatives of the Forest Service, including their review appraiser, and the Cunninghams met at the Mono Basin Scenic Area Visitor Center to discuss and approve appraisal instructions. The parties agreed the property's value had to be based upon **"What Mono County would be reasonably expected to approve in the way of a development on the Cunningham property."** They further agreed that, as only approximately 6% of Mono County's land is privately owned, and because the Forest Service Scenic Area Guidelines had been in place since 1984, any potential to develop privately held lands within the Mono Basin had been severely reduced. Therefore, it was resolved that **"comparable sales data should reflect Real Estate trends for comparable properties in Mammoth Lakes and other resort areas."**

At that same meeting, the Cunninghams were directed to identify the property that they wanted to retain, and to design a reasonable development for their property. In the spring of 2002, a Forest Service approved appraiser informed the Cunninghams they must obtain full entitlements from Mono County for their proposed development, and actually sell some lots before lot values would be approved. This new requirement brought all negotiations to a halt.

In June of 2002, the Mono Lake Committee and Jeff Bailey, Supervisor of the Inyo National Forest, requested the American Land Conservancy (ALC) conduct a valuation of the Cunningham property. The ALC needed only to obtain a valuation of the property that conformed to the appraisal instructions agreed to at the August 22, 2000 meeting. The ALC understood they did not have obligation or opportunity to purchase any property. They further understood that the exchange between the Cunninghams, Forest Service and Mammoth Lakes Community Hospital would not cost taxpayers a single penny; and that this exchange would benefit the local community and would bring to the Forest Service some of the most environmentally significant property within the Mono Basin.

Honorable Dianne Feinstein
January 22, 2004
Page three

On September 9, 2002 the appraisal instructions were issued to the ALC and their appraiser from Sacramento, Andrea Gaston. Ms. Gaston received a fully engineered blueprint for a 24-unit developmental plan for the Cunningham property. She was instructed to:

- 1.) Determine whether Mono County would reasonably approve the 24-unit developmental proposal.
- 2.) Value the development based on Real Estate trends in Mammoth Lakes and other resort areas.

Ms. Gaston requested a meeting with the Mono County Planning Department to discuss the 24-unit proposal. In response to her request, the Mono County Land Technical Advisory Committee (TAC) met on October 7, 2002 to discuss the 24-unit proposed development. Ms. Gaston did not attend the meeting. When asked by Harriet Burgess of the ALC why she did not attend the Mono County Land TAC meeting, Ms. Gaston said that she had an agreement with Jim Reed, the Cunninghams' attorney, that he would attend the TAC meeting and would let her know the results of the meeting. Mr. Reed's follow-up letter to Ms. Gaston, which appears in the Appendix of the Gaston appraisal, states "the project is feasible with modifications recommended by the commentators and completion of the environmental review process."

The cover letter to Ms. Gaston's appraisal is dated September 29, 2002 (more than one week before the Mono County Land TAC meeting), wherein she states, "I have conducted the required investigation, gathered the necessary data and made certain analyses that have enabled me to form an opinion of market value..." Her analysis was based on a "Highest and Best Use" of 3 to 5 units versus the proposed 24-unit development. Not only did the Gaston appraisal completely ignore the results of the Mono County Land TAC meeting, the Gaston appraisal used sales data that was 5 to 7 years old.

In contrast to the August 22, 2000 agreement between the Forest Service and Cunninghams, the Gaston appraisal does not reflect "what Mono County would be reasonably expected to approve", with regards to the 24-unit Specific Plan Application that the Cunninghams submitted to Mono County.

After the Gaston appraisal was submitted, Mono County contracted consultants to study the Cunningham property in preparation to drafting an EIR for the proposed development. The biological, botanical, archeological, and geotechnical studies have been completed. The results of the studies do not raise any issues that would prevent the proposed 24-unit development.

In May of 2003, the ALC hired the firm of Mason and Mason of Montrose, California to appraise the Cunningham property. Mason and Mason had just completed an appraisal for the ALC of the Hearst Ranch in San Simeon. Mason and Mason met with Mono County representatives and others knowledgeable about current Real Estate trends in Mono County, and completed a valuation of the entire Cunningham property. The Cunninghams continue to want to retain a portion of their property, but they have agreed to the relative value of the Mason and Mason appraisal.

Honorable Dianne Feinstein
January 22, 2004
Page four

On September 11 and 12 of 2003, Forest Service review appraisers, Inyo Forest Supervisor Jeff Bailey, Jeff Stump of the ALC, Fran Mason of Mason and Mason, and the Cunninghams' representatives, met with Mono County in order to determine whether the Mason and Mason appraisal followed the appraisal instructions and represented a value that is reasonable. This group met with Mary Pipersky, Chair of the Mono County Board of Supervisors at that time. Ms. Pipersky stated that she felt the 24-unit developmental proposal would be approved by Mono County. The developmental proposal was again discussed at a meeting with Scott Burns, Mono County Planning Director, and Larry Johnston, Chief Planner for Mono County. It was pointed out that the studies commissioned by Mono County did not provide any findings that would prevent the proposed development. Mr. Burns stated that a developmental plan of even higher density would probably gain approval.

After these meetings, representatives of the American Land Conservancy and the local community were extremely optimistic that the Forest Service review appraisers would soon approve a valuation for the Cunningham/Mono Lake property reflecting the appraisal instructions. Instead, a letter dated October 6, 2003, from Brent Handley and Kathryn Gearheard of the Forest Service to Jeff Stump of the ALC, stated that the Gaston appraisal, which had expired on March 8, 2003, would be extended until March 8, 2004.

On August 12, 2003, the Mono County Board of Supervisors drafted Resolution No. R03-059 Urging the Swift and Fair Completion of a Land Exchange Between Bill and Robin Cunningham and the United States Forest Service. It is my hope that the United States Forest Service can work with the ALC to agree to accept the Mason and Mason valuation of the Cunningham property on Mono Lake. The longer this process takes, the more Mammoth Hospital will have to pay to acquire the property so desperately needed for expansion to serve a growing community. It is possible that if these negotiations drag on, the price of the 10.33 acres of land surrounding Mammoth Hospital will reach a value that the hospital will not be able to afford.

Our community urgently needs your help. On March 8, 2004, the flawed Gaston appraisal will expire and there will be a window of opportunity for the completion of this exchange. We ask you to encourage the U.S. Forest Service to accept the Mason and Mason appraisal of the Cunningham/Mono Lake property, as prepared for the American Land Conservancy, thereby preserving this significant scenic property for public use and removing the final obstacle for the hospital to expand.

Sincerely,



Thomas Farnetti
Mono County Supervisor

TF:lr

cc: John Watts, Environmental Legal Counsel

Statement of
Rusty Gregory
Chairman & Chief Executive Officer
Mammoth Mountain Ski Area
Regarding H.R. 2157
Before the
Subcommittee on National Parks, Forests and Public Lands
December 2, 2011

RUSTY GREGORY
TESTIMONY
DEC. 2, 2011
IN PACKAGE 90
MONO COUNTY
BOARD OF SUPER.

Mammoth Main Lodge Redevelopment LLC, a related company to Mammoth Mountain Ski Area, LLC, ("MMSA"), and the United States, by and through the United States Forest Service, U.S. Department of Agriculture, ("USFS") have signed an Agreement to Initiate for a land-for-land exchange ("Land Exchange") for approximately 21-acres at the base of Mammoth Mountain Ski Area, Mammoth Lakes, Mono, California.

MMSA owns and operates Mammoth Mountain Ski Area, which operates under a Ski Area Term Special Use Permit ("SUP") issued by the USFS. Mammoth Mountain is located in the spectacular Eastern Sierra Nevada region of California, and consists of approximately 3200 ski-able acres. Mammoth Mountain Ski Area began operations in 1953, and has grown to be one of the most visited ski areas in the United States. Mammoth Mountain has been the site of many important developments in ski area operations, and has been a faithful partner of the USFS for nearly sixty years. This year, Mammoth Mountain provided winter outdoor recreation opportunity to 1.3 million public land visitors. Depending on seasonal variability, MMSA generates between ten and thirty percent of total employment in Mono County, and MMSA's services bring the recreation visitors who fill the hotels and restaurants and buy the goods and services of businesses located up and down the Owens Valley. MMSA takes seriously its role as the economic engine of the region.

The Land Exchange was first initiated in 1998, and has recently gained significant momentum. The primary reason for pursuing the Land Exchange is to provide a better experience to the public at this very highly used portal to public lands. This will primarily be accomplished by replacing the aging and rapidly dilapidating Mammoth Mountain Inn, providing higher levels of guest service and better amenities, all enhancing visitor experience and creating increased capacity for skier visits at the main base area of Mammoth Mountain. The Inn, constructed in the late 1950s, is a "grandfathered" non-compliant use under the Ski Area Term Permit Act. Since purchasing the Inn, MMSA has made extensive efforts to arrest the Inn's decay, and has sought to mitigate the growing health and safety hazards presented by using a rapidly decaying, inefficient building. MMSA strongly desires to demolish the Inn complex, and replace it with modern, efficient development. However, obtaining the financing required to redevelop the Inn cannot be readily achieved while the Inn sits on public land.

Carrying out the Land Exchange will make it possible to address the following inadequacies:

- The Mammoth Mountain Inn, a 217-unit/475-bed hotel, is over 50 years old and requires significant upgrades due to construction quality, deterioration, and deferred maintenance (In fact,

due to the outdated construction, the most efficient and cost effective redevelopment of the current buildings is demolition and building new facilities);

- Antiquated design, layout, and circulation of Main Lodge building; pedestrian circulation through Main Lodge Area is random and not intuitive;
- The Main Lodge building is also nearly 50 years old and requires significant upgrades due to construction quality, deterioration, and deferred maintenance;
- Inefficient lift line queuing, restricted skier staging areas, and skier traffic conflicts between lifts;
- Inefficient and conflicting traffic and pedestrian circulation and parking;
- Limited beginner, teaching terrain;
- Unsightly back-of-house operations which are guest-facing and create less than optimal first impressions (e.g., loading dock and trash removal);
- Lack of quality hotel rooms, suites, and transient rentals;
- Underprovided amenities and non-ski activities; and
- Lack of employee housing on-site.

Many of these inadequacies could possibly be corrected under the existing SUP. However, there are a number of disadvantages that make this option risky and potentially infeasible:

- Rehabilitation and redevelopment of existing ski and recreation base facilities is permitted under the SUP, but the development of new lodging facilities at MMSA may be prohibited by the terms of the Ski Area Permit Act of 1986;
- No vesting rights and no long-term assurance of entitlement;
- Limitations on construction and permanent financing due to the lease nature of the SUP and its short term – only 40 years; and
- Limitations on for-sale product and owner financing.

Therefore, to facilitate and implement the redevelopment of the Mammoth Mountain Inn and Main Lodge Area in an economically feasible, modern, efficient, and environmentally responsible manner, MMSA believes the best results would be achieved by completing the Land Exchange with the Forest Service. By obtaining fee title to the land at the Mammoth Mountain Inn and Main Lodge Area, MMSA will be able to:

- Utilize traditional infrastructure financing sources to redevelop the Mammoth Mountain Inn and Main Lodge Area;
- Utilize state of the art technologies to maximize guest services while minimizing environmental footprint;
- Provide the public a better on-hill experience through more efficient queuing and staging areas, more efficient skier flow between lifts, and increased teaching terrain;
- Provide the public with a better arrival experience through a new base lodge that has intuitive circulation and pedestrian flow from skiers services to the lifts, more efficient parking and transportation circulation and layout, and reduced traffic;
- Support an increase in the number of skiers;
- Vest its rights in fee ownership and increase its asset base;
- Increase transient bed base, which will in turn increase transient occupancy tax revenues for the Town of Mammoth Lakes;

- Allow for the potential of for-sale products to help minimize cash flow contributions for non-income producing amenities and facilities, and provide a higher level of demand for on-site amenities;
- Provide a variety of public amenities such as restaurants, shops, spa, entertainment, activities, conference facilities, and gathering areas;
- Provide employee housing;
- Take advantage of the recently enacted Ski Area Recreational Opportunity Enhancement Act by expanding summer recreation facilities; and
- Increase the year round utilization of facilities and services.

In exchange for the approximately 21 acres of National Forest land under permit to MMSA (the "Federal land"), we have worked closely with the Forest Service to identify, acquire or option over 1,729 acres of high resource value lands for the public within the Inyo, Plumas, Stanislaus, and Eldorado National Forests in California (the "non-Federal lands"). Included within these non-Federal lands are the historic Mono Lake-Cunningham parcel, which MMSA purchased at the request of the Inyo National Forest and the late Olympic great and noted environmentalist Andrea Lawrence. MMSA's purchase staved off the threat of pending development in the heart of the Mono Basin National Forest Scenic Area.

The package of offered non-Federal lands also includes two parcels owned by the Los Angeles Department of Water and Power, located just outside the proclaimed boundaries of the Inyo National Forest. These parcels represent less than one percent (1%) of the land to be traded to the United States, but serve important public functions, including housing the Interagency Visitors Center in Lone Pine, a facility annually used by tens of thousands of people as an interpretive gateway to the public lands in the Eastern Sierra region. Provided the Land Exchange is ultimately approved by the Forest Service, H.R. 2157 is needed to allow the Forest Service to acquire these two parcels because they are located outside the Forest boundary.

H.R. 2157 also authorizes the Forest Service to accept, into what is known as a Sisk Act account, the funds necessary to complete an equal value exchange. The deposited funds will be used by the Forest Service to acquire additional high resource value lands in the future. We believe this approach strikes just the right balance, because despite all of the high resource value land (and the addition of the small administrative parcels) being traded to the United States, the Forest Service has concluded there is nevertheless insufficient high resource value land currently available in California to create an equal value land exchange. The approach therefore avoids the unintended and potentially problematic consequences which might result from removing currently available low resource value lands from private ownership and placing them into public ownership just to serve the purpose of balancing the Land Exchange.

Moreover, we believe this provision is appropriate due to the complexity and size of the Land Exchange. The amount of funds necessary to complete the equal value exchange will be determined by appraisals of the Federal and non-Federal exchange parcels. The appraisals will be prepared in accordance with appropriate Federal appraisal regulations and processes. While appraisals have not been completed, it is anticipated that the necessary equalization funds could exceed 25% of the value of the Federal land to be exchanged. H.R. 2157 will authorize the Forest Service to accept whatever amount of funds are necessary

to ensure the public receives equal value for the 21 acres at the base of Mammoth Mountain. Such provisions have been included in numerous other Congressional actions authorizing previous land exchanges.

What H.R. 2157 does not do is direct the Forest Service to complete the Land Exchange, nor does it relieve the Forest Service or MMSA from completing the Land Exchange in full compliance with all other laws and regulations, including the National Environmental Policy Act (NEPA). At present, the Forest Service is in the process of working on the environmental review of the Land Exchange, as required under NEPA. The process includes early and continuous public involvement. We expect the NEPA process to conclude that there are no detrimental environmental or socioeconomic impacts, and indeed we believe the NEPA process will reveal that the Land Exchange provides significant environmental and socioeconomic benefits. For these reasons, the Land Exchange, including the elements which require the passage of H.R. 2157, have received support from the premier environmental groups in the region, including the Mono Lake Committee, the Friends of the Inyo, and the Eastern Sierra Land Trust, who have each provided letters of support.

We are hopeful that this legislation will be enacted, and that the Forest Service will proceed, after completion of the NEPA process, to execute an Exchange Agreement with MMSA, thereby enabling the completion of the Land Exchange. Upon completion of the Land Exchange, MMSA will begin the next step, which is to seek approval of development plans from the local jurisdiction. Such approval will require significant additional review, including compliance with local ordinances, and thorough review under the California Environmental Quality Act.

We thank you for your time and consideration, and urge you to recommend the passage of H.R. 2157.

William S. and Robin W. Cunningham
3875 Bonny Doon Road
Santa Cruz, California
9 5 0 6 0

February 11, 2012

Congressman Buck McKeon
2148 Rayburn HOB
Washington DC, 20515

RE: H.R. 2157

Honorable Buck McKeon:

In the spring of 2005 Mammoth Mountain Ski Area (MMSA) was praised for acquiring what the U. S. Forest Service described as "the most environmentally significant privately held property in the Eastern Sierras." It may come as a surprise that when MMSA refused to honor the terms of their original offer to purchase this 120 acre property along the western shores of Mono Lake, my wife and I reacquired title to the most environmentally significant portion of that property. The property that we reacquired is approximately 20 acres and includes about ¾ of a mile of shoreline adjacent to Hwy 395, between the Tioga Lodge and the High Sierra Shrimp Plant.

On August 12, 2003, the Mono County Board of Supervisors unanimously passed Resolution No. R03-059 "Urging the Swift and Fair Completion of a Land Exchange Between Bill and Robin Cunningham and the United States Forest Service." At that time our property was being considered in the Mammoth Hospital Exchange. The resolution states, "the Cunningham property is of particular importance to both Mono County and the Scenic Area because of the natural and scenic values found there, including spectacular views of Mono Lake, vernal springs, a perennial stream, and important habitat areas for birds and other wildlife." The completion of the Hospital Exchange would "allow for the expansion of the Mammoth Hospital, allowing for improved health care for the citizens of and visitors to Mono County."

In January of 2004, Mono County Supervisor Tom Farnetti traveled to Washington D. C. to meet with you, and U. S. Senators Feinstein and Boxer. The reason that Supervisor Farnetti traveled to Washington was to explain that the Mammoth Lakes Hospital Exchange was "a very high priority for the community, and it has no opposition. The exchange will benefit the community of Mammoth Lakes, the people of Mono County, and will preserve what representatives of the U.S. Forest Service refer to as the most significant privately held piece of property in the Mono Basin National Forest Scenic Area." At that point in time the Hospital Exchange would have allowed for the Mammoth Lakes Hospital to expand, would have provided the Town of Mammoth Lakes and Mono County land to build a Civic Center and would also have provided the Mammoth Lakes Fire Department the land needed for them to expand.

The bulk of Supervisor Farnetti's four page letter provides a history of the flawed appraisal process of the Forest Service. He explains that, "On August 22, 2000, representatives of the Forest Service, including their review appraiser, and the Cunninghams met at the Mono Basin Scenic Area Visitor Center to discuss and approve appraisal instructions. The parties agreed the property's value had to be based upon **"What Mono County would be reasonably expected to approve in the way of a development on the Cunningham property."** (bold type was in the Farnetti letter) The letter went on to say "it was resolved that **comparable sales data should reflect Real Estate trends for comparable properties in Mammoth Lakes and other resort areas.**" (again bold type from Farnetti letter)

In order to value the property the Forest Service directed the Cunninghams to propose a developmental plan for their 120 acre property that met Mono County Standards. In his letter to Senator Feinstein, Mr. Farnetti stated, "On September 11 and 12 of 2003, Forest Service review appraisers, Inyo Forest Supervisor Jeff Bailey (and others) met with Mono County." Supervisor Farnetti explained that "This group met with Mary Pipersky, Chair of the Mono County Board of Supervisors at that time. Ms. Pipersky stated that she felt the 24-unit development proposal would be approved by Mono County." Supervisor Farnetti went on to say that Scott Burns, the Mono County Planning Director, "stated that a development plan of even higher density would probably gain approval."

Soon after Mono County Supervisor Farnetti returned from his trip to Washington D.C. having asked for assistance for the Forest Service Exchange that would have benefitted Mammoth Lakes Community Hospital, the Town of Mammoth Lakes, Mono County and the Mammoth Lakes Fire Department, we received a phone call from a staff member of Senator Feinstein's office asking us to shift the focus of our negotiations from the Hospital Exchange to a Forest Service Exchange that would benefit Mammoth Mountain Ski Area. We said that we would only consider such a change if we could be assured that "the hospital, town, county and fire department would not be left out in the cold." We were assured by this staff person that the Hospital Exchange would not be adversely impacted.

On February 7, 2012, Mono County Board of Supervisors Chairwoman Vikki Bauer wrote you a letter in support of H.R. 2157. In her letter she states, "Some of the lands on Mono Lake that are being put into conservancy through this trade are pristine and undeveloped while the land at the base lodge is already disturbed." This letter assumes that MMSA purchased the "lands on Mono Lake" as was the case in 2005. In point of fact no lands on Mono Lake are being "put into conservancy" through this trade (as stated in the February 7th letter). Those lands actually on Mono Lake have a potential to be developed. It fails to recognize that the most environmentally sensitive lands of the "most environmentally sensitive privately held property in the Eastern Sierras" were repurchased by the Cunninghams (my wife and me) because the Forest Service has to this day refused to value the property based on their own appraisal instructions of August 22, 2000 and Mammoth Mountain Ski Area refused to purchase the entire 120 acre property (including the 20 acres of lakefront) on the terms agreed to between MMSA and us in January of 2005 and reflected in Escrow Documents with a settlement date of February 14, 2005 from Inyo-Mono Title Co.

The Inyo County Board of Supervisors on October 25, 2011 copied you a letter to James R. Webb of the Mammoth Base Exchange NEPA Team Re: Mammoth Base Land Exchange. In this letter they expressed their dismay and frustration that their concerns have been ignored

regarding this land exchange. They say that “the Mammoth Base Land Exchange as proposed is inconsistent with the Inyo County General Plan and will result in potentially significant socioeconomic impacts.” This letter is signed by Susan Cash, Chairperson, Inyo County Board of Supervisors. The Inyo County Board copied several other Sierra Counties that also could be adversely impacted if your bill sets a precedent regarding the mechanics of Forest Service Exchanges and their potential socioeconomic impacts on those counties.

Your Bill H.R. 2157 would not be necessary if the U.S. Forest Service would value “the most environmentally significant property in the Eastern Sierras” as they agreed on August 22, 2000. If the Forest Service could be convinced to value the Mono Lake Property according to their own appraisal instructions it could be extremely valuable to Mammoth Mountain Ski Area because MMSA would likely be able to satisfy their exchange value in a single transaction rather than having to include properties in other counties so long as it is clearly understood that they would be credited that purchase amount by the Forest Service for the Mammoth Base Land Exchange. If the Forest Service would value this very valuable property according to their own August 22, 2000 appraisal instructions, no property in Inyo County would be needed for the Mammoth Base Land Exchange nor would any Cash Equalization Payment be necessary.

I must say that just within the past week, when the facts have surfaced as to what property alongside Mono Lake has actually has been “put into conservancy” through the Mammoth Base Land Exchange and what lands were reacquired by us alongside the lake, we have been contacted by many people from all over the State of California asking us what our plans are for our lakeside property. Our response has been that we are exploring the potential to develop those 20 acres in a manner consistent with adjacent parcels alongside the lake, and that if the Forest Service continues to ignore their own appraisal instructions then this very valuable property along the western shore of Mono Lake will be developed.

Thank you for your attention to this very important matter.

Sincerely,

William S. Cunningham
(831) 332-1488
wcunningham@got.net

Cc: Senator Dianne Feinstein
Senator Barbara Boxer
Secretary Vilsack, USDA
Congressman Sam Farr
Tom Knudson
Paul Oster
Andy Geisel
Tim Hansen, Mono County Supervisor
Barry S. Sternlicht, Starwood Capital Group
Inyo County Board of Supervisors

**Mono County Board of Supervisors
James R. Webb MMSA Base NEPA Team
Town of Mammoth Lakes
Amador County Board of Supervisors
El Dorado County Board of Supervisors
Plumas County Board of Supervisors
Tuolumne County Board of Supervisors
City of Bishop
Marshall Rudolph, Mono County Counsel
Randy Keller, Inyo County Counsel**

June 12, 2006

Mr. John Watts
c/o Senator Dianne Feinstein
331 Hart Senate Office Building
Washington D.C., 20008

By email: John_Watts@feinstein.senate.gov

Dear Mr. Watts:

For six and a half years my husband and I have been involved in negotiations to see that our property on Mono Lake remain as open space. Initially we were approached by a representative of United States Forest Service and were asked to participate in an exchange with a developer in Mammoth Lakes who needed Forest Service land in order to expand an existing golf course. I was excited at that time about the idea that our property would remain undeveloped, but the fact that the exchange was to be for a golf course expansion did not really seem to me personally to be of substantial benefit to the community. Due to the fact that those negotiations with the government dragged on for so long regarding a fair valuation of our property, the developer was forced to move on to other properties.

Soon after that we were contacted by representatives of Mammoth Community Hospital, the town of Mammoth Lakes, Mono County and the Mammoth Lakes Fire Department. These four entities each needed Forest Service land adjacent to the existing hospital and fire department for expansion in order to better serve the community. Due to the fact that both my husband and I have spent most of our lives working in medicine, I was personally very pleased about the idea that the equity of our property could be used in a way that would have such a profound positive impact on the local community. Throughout the entire process we have been very clear that we feel that the best use for our property is to have its value utilized to purchase other property for the benefit of the community and to see our property remain open space. One would have thought that the people working for the Forest Service would have tried to facilitate such a transaction. This was not the case however, as negotiations continued to drag on regarding how to fairly value our property.

It is my understanding that you received a package that was delivered to your office in January of 2004 from Mono County Supervisor Farnetti which outlined the status of the negotiations at that time. Through the years we have been interviewed on multiple occasions by the Mammoth Times and other news organizations regarding this transaction. Needless to say it has been a very high profile transaction within the community. Once, my husband was in Mammoth Lakes on business and was having

dinner by himself at a restaurant. The waiter came to his table with a bottle of wine and told him that some people at another table knew who he was and wanted to buy him a bottle of wine to thank him for working so hard on behalf of the community. We have been stopped on the streets of Mammoth Lakes and thanked by total strangers who have been following our negotiations though the years.

In January 2004, soon after Mono County Supervisor Farnetti visited your office asking for your help on the Mammoth Hospital transaction, I received a phone call from Jed Rivera of your office asking to speak to my husband. I told Mr. Rivera that Bill was not in but that I would try to find him and have him call back as soon as possible. I contacted Bill with the thought that we would be getting good news regarding the hospital trade. Instead, with both of us on different phones at our house, we were very surprised to hear Mr. Rivera ask us if we would be willing to "sell our property to Mammoth Mountain Ski Area." We explained to Mr. Rivera that we had been working with Mammoth Hospital, the town, the county and the Mammoth Lakes Fire Department. We said that we would consider an offer only if it meant that the hospital, town, county and fire department would not be abandoned. Mr. Rivera assured us that would not happen. Also, we made sure he clearly understood that we wanted to retain a portion of the property because of a memorial to Bill's father on the property and because Bill's extended family has asked us to try to retain a segment of the property for the family. We also clearly stated that we would only consider selling to the ski area if we were assured that we would be fairly compensated for our property. Again, Mr. Rivera assured us that this would be the case so we agreed to consider an offer from Mammoth Mountain Ski Area (MMSA). This was two and one half years ago.

Ever since we started negotiating with MMSA it has been a nightmare. On several occasions Bill has been told by executives at MMSA that we are "fools" for being so open with the community about our desire to see our property remain as open space. We have been threatened by the officials of the ski area, senior officials of the Forest Service and the Mono Lake Committee. I wish that we could turn the clock back and resume negotiations with the community, but this is not an option at this time. If something is not done to bring some sanity to this transaction, we will have no other choice than to sell our property to a developer for a fair price.

I am writing you this letter to ask you and your office for assistance on two matters: to try to work to bring negotiations regarding our Mono Lake property to a fair and honest conclusion, and for your office's assistance with the Mammoth Hospital, town, county and fire department exchange so it becomes a high priority for the government. I have been amazed through the years at how employees of the federal government (Forest Service) can be so dishonest and can disregard the needs of their constituents. Every objective person who is familiar with the exchange has seen it as a win-win transaction that will not cost the taxpayers a penny. Instead it has degenerated into a very corrupt and dishonest business deal. Please use the power of your office to refocus things so that we do not have to sell our property for development and wish we had never switched our focus from the community to the ski area.

Thank you very much for anything you can do to bring this to a fair conclusion.

Sincerely,
Robin Cunningham

Mono County Board of Supervisor's Meeting
Regarding June Mountain Closure-Main Lodge Exchange

(March 5, 2013)

- In 1999, the United States Forest Service (USFS) described the Cunningham property (approximately 118.68 acres) along the western shoreline of Mono Lake as “The Most Environmentally Significant Privately Owned Property in the Western United States”.
- In January of 2000 a representative of the USFS, Rick Murray out of the Lee Vining Ranger Station, contacted Robin and Bill Cunningham and asked if they would consider including all or part of their property in a Forest Service Exchange. These transactions do not cost the taxpayers a penny and provide a vehicle for the government to acquire exceptionally environmentally significant property by exchanging it for property of little or no environmental significance.
- The Mono Lake property was originally designated as a part of the “Snow Creek Exchange” with Dempsey Development of Mammoth Lakes.
- In the spring of 2000 at a meeting in the offices of Dempsey Development, Tom Dempsey (who had experience in Forest Service Exchanges) explained to Bill Cunningham that they must work together to insure that the Cunningham family received a fair value for their property and that the property that Dempsey wanted to acquire from the Forest Service was valued fairly. Tom Dempsey stated that “The whole Forest Service Exchange process is corrupt.” He went on to say, “The main problem is in the appraisal process. He said that Forest Service Approved Appraisers will lie, cheat and steal.”
- Soon after the meeting with Tom Dempsey, Bill Cunningham returned to Mono Lake from his home in Santa Cruz to meet with Rick Murray (of the USFS in Lee Vining) with Adam Poe (the Exchange Facilitator who would eventually work on the Hospital and Main Lodge Exchanges) and the Mitch Dunshee (the “Forest Service Approved” appraiser). At this meeting, Mr. Dunshee the appraiser stated, “We will give you \$1,000 per acre or \$120,000” for the entire 120 +/- acre property, “because it lies within the Mono Basin National Forest Scenic Area and the Forest

Service will not allow you to subdivide the property and if you want to rebuild the house on the property we will only allow you to build 150% of the square footage.” He said, “your property is almost worthless because it lies within the Mono Basin National Forest Scenic Area.”

- Bill Cunningham hired Jim Reed, former Mono County Counsel and coauthor of the California Environmental Quality Act to determine if the USFS’s “Scenic Area Guidelines” supersede Mono County zoning authority.
- Jim Reed located a Legal Opinion by Mono County Counsel, Marshall Rudolph to Mono County Planning Director that states that Mono County Zoning Authority prevails over USFS “Scenic Area Guidelines”
- Roger Porter the USFS Supervisor for the Lee Vining Ranger Station told Bill Cunningham that the Office of General Counsel of the USFS agrees with the Mono County Counsel’s opinion and went on to say that the USFS has been claiming an authority that they do not have for years in order to acquire property at a lower value.
- New USFS Appraisal Instructions for the Mono Lake Property state that the Mono Lake Property was to be valued based upon “What Mono County would reasonably be expected to approve in the way of a development and comparable data should reflect Real Estate trends for comparable properties in Mammoth Lakes and other resort areas”. (*See the letter from Mono County Supervisor Farnetti to Senator Feinstein January 22, 2004 in separate attachment.*)
- After Tom Dempsey passed away unexpectedly, and after those at Dempsey came to the conclusion that the USFS was not going to honor their own Appraisal Instructions for the Mono Lake property, those at Dempsey decided to look for other properties to satisfy their exchange needs.
- On August 12, 2003, the Mono County Board of Supervisors unanimously passed Resolution No. R03-059, “Urging the Swift and Fair Completion of a Land Exchange Between Bill and Robin Cunningham and the United States Forest Service”. The Board did this only after it became clear to them that the Forest Service had no intention of valuing the Mono Lake Property according to their own appraisal instructions. (again see Farnetti letter to Feinstein above)
- Soon after the Resolution was unanimously passed by the Mono County Board, in late 2003 and early 2004, the Cunningham property was

identified for the “Mammoth Lakes Community Hospital Exchange” which would have allowed the Mammoth Lakes Community Hospital to expand, would have allowed the Town of Mammoth Lakes and Mono County to build a Civic Center in downtown Mammoth Lakes and would also have allowed the Mammoth Lakes Fire Department to expand.... It is important to understand that 2004 was before the “Great Recession” and before the “Mammoth Lakes Airport Fiasco”, which brought the Town of Mammoth Lakes to its knees.

- In January of 2004 Mono County Supervisor Tom Farnetti traveled to Washington D.C. and met with officials in the office of Senator Dianne Feinstein. Mr. Farnetti explained that “our community urgently needs your help....We ask you to encourage the U.S. Forest Service to accept the Mason and Mason appraisal of the Cunningham/Mono Lake property, as prepared for the American Land Conservancy, thereby preserving this significant scenic property for public use and removing the final obstacle for the hospital to expand.” *(See the letter from Supervisor Farnetti to Senator Feinstein January 22, 2004 provided to you in person for this meeting.)* It is important to note that this exchange would also have enabled the Town of Mammoth Lakes and Mono County to build a Civic Center in downtown Mammoth Lakes and would have enabled the Mammoth Lakes Fire Department to expand onto land that is presently owned by the USFS.THIS ALL WOULD HAVE HAPPENED IN 2004
- In April of 2004, Jed Rivera of the office of U.S. Senator Feinstein called Bill and Robin Cunningham and asked if they would be willing to negotiate with Mammoth Mountain Ski Area (MMSA) on the “Main Lodge Exchange” instead of proceeding with the “Hospital Exchange” (see letter from Robin Cunningham to John Watts of Feinstein’s office also provided to you in person for this meeting). Mammoth Mountain desperately needed and still needs to acquire the property located under the Main Lodge and the Mammoth Mountain Inn from the USFS.... each of which they want to demolish and rebuild.
- Robin and Bill Cunningham agreed to redirect the focus of their negotiations only after they were assured by Senator Feinstein’s representative that their doing so would not adversely impact the Hospital, Town, County and Mammoth Lakes Fire Department and that the Mono Lake property would be valued according to the Appraisal

Instructions as defined by the USFS (see Farnetti letter to Feinstein dated January 22, 2004 attached to this email).

- On June 21, 2004, Bill Cunningham and Paul Oster, his Real Estate Broker, met with MMSA CEO, Rusty Gregory at his office in the Main Lodge Building. There were a total of five people at the meeting. Mr. Gregory, while holding a copy of the Mason and Mason appraisal (\$3,815,000... the very same appraisal referred to by Supervisor Farnetti in his letter to Feinstein) and banging it against the conference table said, **“I will give you \$2,000,000 for your property, and if you do not accept this offer your property will be worthless because I will prevent you from developing it because I have to be in the good graces of the environmental community”**Which in this case meant the Mono Lake Committee who has actively spread misinformation favorable to MMSA about this exchange throughout the years...? The meeting abruptly ended when Bill Cunningham stated that he does not do business in this manner and walked out of the meeting along with Mr. Oster.
- July 1, 2004, Jeff Bailey (Supervisor of the Inyo National Forest for the Forest Service) left a message on the Cunningham’s phone answering machine saying that if they do not agree to Rusty’s demands that Rusty will prevent them from developing their property. He goes on to say that if they do not accept Rusty’s offer, and that MMSA and the USFS will go elsewhere. *(A transcribed copy of Mr. Bailey’s phone message is included in the package of information delivered to you for this meeting.....a copy of the audio tape is also available to you upon request).*
- January 7, 2005, MMSA Senior Representative for Real Estate, Peter Denniston, called the Cunninghams and offered to purchase the property for \$5,815,000. He knew that there were people in the private sector, at that time, who were about to buy the property and develop it. He also knew that the Cunninghams were willing to sell the property for less money than they would have received from a developer if it meant that their Mono Lake Property would remain undeveloped. The Cunninghams were clear, however, that they wanted a fair value for their property that conformed to the USFS Appraisal Instructions. *(again...see Farnetti letter to Feinstein of Jan. 2004)*
- The Cunninghams agreed to sell all of their property for the \$5,815,000 that was offered by Mr. Dennison and escrow was to close on Monday

February 14, 2005. The escrow was opened at Inyo-Mono Title Co. and the escrow officer was Judy Markham. (Documentation to this \$5,815,000 escrow will be provided to the Board prior to the April Board Meeting)

- Late Sunday night, February 13th, after having driven to Mammoth Lakes from Santa Cruz and having signed all of the documents at the title company, the Cunninghams received a message on their cell phone from Mr. Denniston that MMSA was not prepared to close the transaction the next day as had been their agreement, because MMSA had not gotten “an unconditional letter of support from the Forest Service”. We feel that we can show that MMSA actually never really intended to close the purchase at the terms offered by Mr. Dennison on January 7th. The fact that the Exchange Consultant for Mammoth Mountain Ski Area, Adam Poe, knew nothing about this offer nor anything about the negotiations that had been taking place since January 7th leads us to believe that Rusty Gregory and Peter Denniston never intended to close the sale on the terms which had been agreed to. The fact that Rusty Gregory is quoted in the Los Angeles Times on March 17, 2005 as having acquired the entire property only validates the theory that MMSA never intended to pay the \$5,815,000 they offered on January 7, 2005.
- The day before the Santa Cruz property was to close Mr. Denniston said that Mr. Gregory (CEO of MMSA) wants the loan “fully collateralized” which means that he wants title to the property and that the Cunninghams will retain an option to repurchase the property. MMSA can extinguish the option by paying the remaining \$2,815,000 that they had agreed to pay for the property.... (A factual history of this very complicated, psychotic transaction crafted by Rusty Gregory will be delivered to the Board prior to your April meeting)
- MAMMOTH MOUNTAIN SKI AREA WAS SOLD TO STARWOOD CAPITAL FOR \$365,000,000. The jewel of MMSA is the fact that they can rebuild the Main Lodge and the Mammoth Mountain Inn.**One must wonder if Rusty Gregory (CEO of Mammoth Mountain Ski Area) explained to Barry Sternlicht that he had acquired title to the Cunningham property by using extortion and conspiring with Jeff Bailey of the USFS, and that these facts could jeopardize the entire Forest Service Exchange process. One must also wonder what would happen to the Forest Service Exchange program if the people of Mono County demand an**

investigation of why a process that could have had such profound benefit for the community went so terribly wrong. The community should demand that Forest Service Exchanges be investigated in light of the extortion and conspiracy of this transaction. They should also demand transparency of the Appraisal of the Forest Service Property lying under the Main Lodge and Mammoth Mountain Inn to ensure that Mr. Gregory and MMSA have not influenced the Forest Service Appraisers to downgrade the value those properties in favor of MMSA.

- On February 6, 2006, the Cunninghams exercised their option. Later they are told by Adam Poe of the Western Land Group (Forest Service Exchange consultant working for MMSA) that MMSA needed more time. He encouraged Bill Cunningham to rescind the option in order to give MMSA more time.
- May 3, 2006 the Cunninghams rescinded their option.
- On May 4, 2006 Adam Poe, acting on behalf of Mammoth Mountain Ski Area phoned Bill Cunningham and thanked him for “working with the Mountain to help give them the time they need in order to get the community on board.”
- May 9, 2006, Rusty Gregory sent a certified letter to Robin and Bill Cunningham stating that “MMSA does not accept the Rescission as no such right exists” “Should you default and not timely close this pending escrow pursuant to the Agreement, the Exercise and the escrow instructions, you will be deemed to have exercised and extinguished your repurchase rights.” This after the Cunninghams had been asked to rescind by Adam Poe on behalf of Mr. Gregory and MMSA.
- May 18, 2006, Reid P. Schantz, attorney for the Cunninghams responded to Mr. Gregory saying, “Clearly by the terms of Addendum “A” this option to purchase will remain in effect until and including December 4, 2006”.
- MMSA ultimately refused to honor the terms of their January 7th Offer and Purchase Agreement and consequently the Cunninghams have retained the property located between Hwy 395 and the shoreline of Mono Lake.
- What Rusty Gregory, the Forest Service and the Mono Lake Committee from development is that approximately ¾ of a mile of the Mono Lake Shoreline is still owned by the Cunninghams because Mr. Gregory

refused to honor the terms of his offer to purchase the entire property on Jan. 7, 2005.

- In the package of documents delivered to the Board by MMSA for this meeting is Statement by Mr. Gregory to the Subcommittee on National Parks, Forests and Public Lands, (Dec. 2, 2011, page3) states, “Included within these non-Federal lands are the Historic Mono Lake-Cunningham parcel, which MMSA purchased at the request of the Inyo National Forest (emphasis added) and the late Olympic great and noted environmentalist Andrea Lawrence. MMSA’s purchase staved off the threat of pending development in the Heart of the Mono Basin National Forest Scenic Area”.
- The Cunningham family respectfully asks the Board to question the truthfulness of 3 statements made by Mr. Gregory. #1. Why would the Inyo Forest ask MMSA to get involved at the very same time Mono County Supervisor was in Washington promoting the Hospital Exchange. #2. Why would Andrea Lawrence (the noted environmentalist) think the Cunningham Property was threatened when the Hospital Exchange was a secret to nobody in Mammoth Lakes. #3. Supervisor Farnetti’s letter to Feinstein is clear... the Cunningham Property was not threatened by development at the time MMSA became involved with the Mono Lake Property.

Had Senator Feinstein’s Office honored the request of Mono County Supervisor, Tom Farnetti when he traveled to Washington D.C. in January 2004 to help facilitate the Hospital Exchange and had Senator Feinstein’s office not intervened on behalf of Rusty Gregory and MMSA, things would have been dramatically different for the Mammoth Lakes Community Hospital, the Town of Mammoth Lakes, Mono County and the Mammoth Lakes Fire Department.

Because Senator Feinstein’s office intervened on behalf of Rusty Gregory for him to become involved in the Mono Lake Exchange.... the Most Environmentally Significant Portion of what the USFS in 1999 stated they considered to be “The Most Environmentally Significant Property in the Western U.S.”.... the Mono Lake Shoreline remains to this day in private ownership and was not conveyed to the USFS.