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*Great Basin  
Resource Watch*



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April 11, 2024

California Department of Fish and Wildlife

Wildlife Diversity Program

Attn: CESA Unit, P.O. Box 944209

Sacramento, CA 94244-2090

Submitted via email: [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov)

Re: Listing of the Greater Sage-Grouse under the California Endangered Species Act.

To Whom it May Concern,

We, the undersigned organizations, submit these comments for the petitioned action to list the Greater sage-grouse (*Centrocercus urophasianus*), which includes the Bi-state sage-grouse (BSSG) distinct population segment, as threatened or endangered under the California Endangered Species Act. The Bodie Hills Conservation Partnership (the Partnership) is a

coalition of organizations working toward the permanent protection of the Bodie Hills in California, an American treasure with exceptional scenic, historic, recreational, and ecological values. We are working to create a healthy sustainable future for the Bodie Hills that combines conservation and public access, preserves current uses, and promotes the region's scenic beauty for the economic benefit of local residents. The sage-grouse, as a critical and diminishing species with a population stronghold in the Bodie Hills, is thus of key importance to members of the Partnership.

The Bodie Hills are the great stronghold for the BSSG, which have been petitioned for protection under the Federal Endangered Species Act on and off for almost 20 years<sup>1</sup>, during which time conditions and threats for both the distinct population segment and the Greater sage-grouse have only been amplified and worsened<sup>2</sup>. BSSG populations continue to struggle across the board and all but the Bodie Hills stronghold population have seen continued long term losses. While the Bi-state sage-grouse Local Area Working Group (LAWG) has been working tirelessly to combine the efforts of agencies, conservationists, ranchers, and concerned citizens towards the stewardship of the species. Threats beyond the control of LAWG actions such as climate change and wildfires<sup>3</sup>, habitat fragmentation, and development all continue, threatening to push the distinct population segment to extinction.

While there is no active mineral exploration on the California side of the Bodie Hills, there are several projects threatening the BSSG on the Nevada side of the Bodie Hills, and it is well known that mineralization occurs on both sides of the state line. Gold exploration or mining on the Nevada side will affect the leks in both the Mt. Grant and Bodie Hills Population Management Units (PMU)s, as the sage-grouse naturally travel back and forth across the state line, all within the Bodie Hills.

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<sup>1</sup> Fish and Wildlife Service, Endangered and Threatened Wildlife and Plants; 90-Day Finding on Petitions to List the Mono Basin Area Population of the Greater Sage-Grouse as Threatened or Endangered, December 19th, 2006.

<sup>2</sup>Coates, P.S., Ricca, M.A., Prochazka, B.G., O'Neil, S.T., Severson, J.P., Mathews, S.R., Espinosa, S., Gardner, S., Lisius, S., and Delehanty, D.J., 2020, Population and habitat analyses for greater sage-grouse (*Centrocercus urophasianus*) in the bi-state distinct population segment—2018 update: U.S. Geological Survey Open-File Report 2019–1149, 122 p., <https://doi.org/10.3133/ofr20191149>

<sup>3</sup> California Large Fire Perimeters (by decade)

<https://hub.arcgis.com/maps/653647b20bc74480b335e31d6d81a52f/explore?location=38.493523%2C-119.298237%2C10.00>

There are currently four active gold exploratory drilling projects that have been approved by the United States Forest Service in BSSG habitat: the Bald Peak, Sawtooth Ridge, Spring Peak, and Long Valley projects and one that is in the process of being approved, the Polaris project. Four of which are in the Bodie Hills. Another exploratory drilling project on Section 16 State Lands on the Dry Lakes Plateau in the Bodie Hills is on hold for two more years due to a State Lands Commission mineral exploration moratorium. It would be the sixth drilling project in BSSG habitat and the fifth drilling project in the Bodie Hills. Headwater Gold, the company drilling at Spring Peak, is also currently filing claims on both the California and Nevada sides of Dome Hill in the Bodie Hills and has submitted a Plan of Operations to the Forest Service for their Lodestar project to drill on the south slope of the Aurora Crater.<sup>4</sup>

These drilling projects were all approved as Categorical Exclusions and have only minimal mitigations for BSSG in the project areas: 1) a blackout during the lekking and early nesting season (March 1-June 30 or July 15) and 2) downward lighting. While all but one of these sites are in Nevada, listing the species under the California Endangered Species Act would add a layer of protection for the region, requiring better mitigations and/or making it possible to deny such exploratory projects should they be proposed on the California side of the Bodie Hills. The Long Valley exploratory drilling project is in California in an area with many leks, nesting, and overwintering Bi-state Sage Grouse sites. Any one or all of these exploration projects could become an active mine in 20 years.

Mining claims within the California side of the Bodie Hills are numerous, and, given the high price of gold, could easily become a larger threat for both exploration and mining. These projects would not only increase further habitat fragmentation, but also lead to long term ground disturbance and thus loss of habitat, all of which are recognized as primary threats to sage-grouse.<sup>5</sup>

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<sup>4</sup> Headwater Gold, Dome Hill <https://headwatergold.com/dome-hill-nevada/>

<sup>5</sup> Department of Interior, Endangered and Threatened Wildlife and Plants; 12-month findings for petitions to list the greater sage-grouse as threatened or endangered. March 4, 2010. p. 17.

Additionally, solar development as part of the clean energy transition also offers another threat to the species' already dwindling habitat. Under the Bureau of Land Management's current draft Programmatic Environmental Impact Statement for solar planning, large swathes of sage-grouse habitat in both California and Nevada are slated as available for application in several of the proposed alternatives. In the Bodie Hills specifically, a section previously identified as proposed critical habitat for the BSSG<sup>6</sup> is available for application in several alternatives. The Bodie Hills have served as a climate refugia throughout the droughts of the Holocene and can continue to be a climate refugia for the Bi-state Sage Grouse and many other species if sagebrush habitat is protected. However, in the Resource-Based Exclusion Criteria<sup>7</sup> for the Solar Programmatic Environmental Impact Statement<sup>8</sup>, exclusions include "All designated and proposed critical habitat areas for species protected under the ESA." Listing the species under the California Endangered Species Act would help rule out prime habitat from not only this large-scale development, but, naturally, from other proposed developments to come, providing a necessary administrative protection from further degradation to critical habitat while recovery efforts for the species continue. A Federal listing is also pending to list the BSSG.

There is prime Bi-state Sage-Grouse habitat with BLM managed lands between the three Wilderness Study Areas (WSAs) in the Bodie Hills: The Bodie, Bodie Mountain, and Mt. Biedeman WSAs. The areas of Masonic Mountain and Mormon Meadow were released from WSA status under the passage of the Omnibus Public Land Management Act (2009), but still retain their wilderness character and sagebrush habitat. These unprotected BLM lands further demonstrate the need for protection in the interest of the long-term population health of this sensitive species. In 2011, the BLM identified 40,141 acres in the Bodie Hills as "lands with

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<sup>6</sup> United States Fish and Wildlife Service, October 28, 2013  
[https://www.google.com/url?q=https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap%3D9d8de5e265ad4fe09893cf75b8dbfb77&sa=D&source=docs&ust=1712198040051679&usg=AOvVaw0lw7xt36Ndp5s6l3\\_G47JW](https://www.google.com/url?q=https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap%3D9d8de5e265ad4fe09893cf75b8dbfb77&sa=D&source=docs&ust=1712198040051679&usg=AOvVaw0lw7xt36Ndp5s6l3_G47JW)

<sup>7</sup> U.S. Department of the Interior Bureau of Land Management, Updates to the Western Solar Plan Draft Programmatic Environmental Impact Statement, pg. 12,  
[https://eplanning.blm.gov/public\\_projects/2022371/200538533/20103672/251003672/Draft%20Solar%20PEIS%20Virtual%20Public%20Meeting%20\\_1\\_Slides%20-%202002052024%20FINAL.pdf](https://eplanning.blm.gov/public_projects/2022371/200538533/20103672/251003672/Draft%20Solar%20PEIS%20Virtual%20Public%20Meeting%20_1_Slides%20-%202002052024%20FINAL.pdf)

<sup>8</sup> U.S. Department of the Interior Bureau of Land Management, Utility-Scale Solar Energy Development PEIS/RMPA,  
<https://eplanning.blm.gov/eplanning-ui/project/2022371/510>

wilderness characteristics.”<sup>9</sup> These lands must be managed by the BLM to protect their wilderness characteristics but should also ensure that BSSG populations can continue to increase in the Bodie Hills PMU, especially as other PMUs continue to see population declines and the Bodie Hills continue to be a source for transrelocation. Existing and future Areas of Critical Environmental Concern (ACECs) should be managed with standards for no surface occupancy and non-degradation. The current management plans of the Bodie Bowl, Travertine, and Conway Summit ACECs lack such standards.

We know that protecting the sage-grouse, an “umbrella” species, would help protect a wide array of other sagebrush obligate species experiencing the same threats across the west. Listing this species under the California Endangered Species Act would not only help protect the future of the species as a whole, but the larger ecosystems they live in, such as the species-rich Bodie Hills, and enable land management agencies to address threats and recover the population. Thank you for considering the Greater Sage-Grouse for listing under the California Endangered Species Act and for accepting these comments.

Sincerely,



Allison Weber  
Forest and Water Campaigns Manager  
Friends of the Inyo



Laura Cunningham

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<sup>9</sup> Bureau of Land Management, Bodie Hills 2011 Wilderness Characteristics Inventory Update – Summary Report

California Director  
Western Watersheds Project



John Trammell  
Eastern Sierra Nevada Regional Director  
The Wildlands Conservancy



Linda Castro  
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Michael J. Painter  
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Jora Fogg  
California Associate Program Director  
Conservation Lands Foundation

A handwritten signature in black ink that reads "John Hadder". The signature is written in a cursive style with a large, looping initial "J" and a stylized "H".

John Hadder

Executive Director

Great Basin Resource Watch