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November 30, 2023

Tracy Misiewicz

Bi-State Sage-Grouse Data and Communications Coordinator

351 Pacu Ln #200, Bishop, CA 93514

Submitted via email, bistatesagegrouse@gmail.com

Re: Comments on the Bi-State Sage-Grouse Action Plan

Dear Tracy,

We, the undersigned organizations, submit these comments for the preparation of the next Bi-State Sage-Grouse 10-Year Action Plan. 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.

As you know, the Bodie Hills are the great stronghold for the Bi-State sage-grouse, and are currently protected as a candidate species under the State of California's California Endangered

Species Act providing all CESA protection to the birds in California until a final decision is adopted. Under the most recent court ruling, the U.S. Fish and Wildlife Service needs to reconsider if the Bi-State sage-grouse warrants listing under the federal Endangered Species Act, we feel that it is a favorable time to “strike” on protections for the lands that Bi-State sage-grouse rely on.

We would like to see the designation and protection of Areas of Critical Environmental Concern (ACECs) elevated in the next 10-Year Action Plan for the Bodie Hills Population Management Unit (PMU). There is prime Bi-State sage-grouse habitat in the Bureau of Land Management lands between the three Wilderness Study Areas (WSAs) in the Bodie Hills: The Bodie, Bodie Mountain, and Mt. Biedeman WSAs. This includes the Masonic Mountain and Mormon Meadow areas, which were released as Wilderness Study Areas under the passage of the Omnibus Public Land Management Act (2009), but which retain their wilderness character and quality Bi-State sage-grouse habitat, deserving further protection in the interest of the long-term population health of this sensitive species.

In 2011, 40,141 acres in the Bodie Hills were identified to be “lands with wilderness characteristics.” These lands should be managed by the Bureau of Land Management to protect their wilderness characteristics and ensure that Bi-State sage-grouse populations can continue to increase in the Bodie Hills PMU. Existing and future 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. Action IRMI-9 in the previous 10-Year Action Plan, amending the Bishop Resource Management Plan to incorporate an ACEC for the Bodie PMU, should be elevated from moderate priority to high priority.

We suggest an additional Action, non-federal partners develop ACEC nominations and management prescriptions for sagebrush ecosystems within population strongholds, be added to the next 10-Year Action Plan. This would allow non-federal partners to better support federal agencies’ protection of Bi-State sage-grouse population strongholds given agency capacity.

Mineral withdrawals are specifically called out in Action IRM 1-10 for the protection of known occupied and potential sage-grouse habitats in the Bi-State area and this action, listed as low

priority in the 2012 Bi-State Action Plan, should be elevated in the management prescriptions of the next 10-Year Action Plan. Mineral exploration is identified as a threat in both the Bodie Hills and Mount Grant PMUs and, while mineral withdrawals do not offer permanent protections, such designations can help prevent further damage to the Bi-State sage-grouse's dwindling habitat.

While there is no active mineral exploration on the California side of the Bodie Hills, there are several projects threatening the Bi-State sage-grouse on the Nevada side of the Bodie Hills, and it is well known that the same mineralization occurs on both sides of the state line. Gold exploration or mining on the California side will affect the leks in the Mt. Grant PMU on the Nevada side of the Bodie Hills, as the sage-grouse naturally travel back and forth, and the Mt. Grant leks are not far away from those in the Bodie Hills. There are currently four active gold exploratory drilling projects that have been approved by the United States Forest Service in Bi-State sage-grouse habitat: the Bald Peak, Sawtooth Ridge, Spring Peak, and Long Valley projects, the first three of which are all in the Bodie Hills. A fifth exploratory drilling project on the Section 16 State Lands Commission parcel on the Dry Lakes Plateau is on hold for two more years. It would be the fifth drilling project in the Bi-State sage-grouse territory and the fourth 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, with future exploration possible.

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. Protections against exploration and mine development should be outlined in order to protect the larger, more robust sage-grouse population in the Bodie Hills as the other PMUs continue to decline due to climate change and associated increased periods of drought. Such proactive efforts to protect the stronghold and climate refugia of the Bodie Hills would help advance the first overall conservation goal, the 2004 Bi-State Plan Species Conservation Goal: "Ensure no net-loss of greater sage-grouse breeding populations in the Bi-State Plan area."

We propose two additional Actions for the next 10-Year Action Plan related to the mining threat: The first is that Agencies will work with non-federal partners and share recent data to incorporate the Best Available Science on impacts from mining exploration. The second is that non-federal partners will complete analyses on the feasibility of localized mineral withdrawals on federal lands within core Bi-State sage-grouse populations.

Finally, we would like to see the continued prioritization of Actions which focus on the protection and restoration of intact, native habitats and the restoration of degraded habitats. The BHCP has several member organizations who participate in stewardship projects on public lands and have established supporting relationships with federal agencies which can help mobilize volunteers and staff in restoration projects which are suitable for public engagement, such as invasives/weed control, fence tagging/removal, fuels reduction, etc.

Sincerely,



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