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## BOARD OF SUPERVISORS COUNTY OF MONO

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*Queenie Barnard, Clerk of the Board*

April 16, 2024

Director Martha Williams  
U.S. Fish & Wildlife Service  
1849 C STREET NW  
WASHINGTON, DC 20240

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**Subject:      Continued Commitment and Assurance to Implement Formalized Conservation Efforts for  
the Bi-State Distinct Population Segment of the Greater Sage Grouse**

Dear U.S. Fish and Wildlife Service Director:

The purpose of this letter is to reaffirm Mono County's commitment to the continued implementation of formalized conservation efforts in support of maintaining and improving habitat and species viability for the Bi-State Distinct Population Segment (DPS) of the Greater Sage Grouse (*Centrocercus urophasianus*). As previously stated in letters to the U.S. Fish and Wildlife Service (USFWS) in 2014 and 2018, Mono County continues to be highly engaged in these efforts through the Bi-State Local Area Working Group (LAWG), Technical Advisory Committee (TAC), and Executive Oversight Committee (EOC), and remains firmly committed to completing its share of the 2012 Bi-State Action Plan (2012 Plan), which is in the update process.

The 2012 Plan was exceptionally effective, and the same is expected for the 2024 Plan. Implementation of the 2012 Plan by Bi-State conservation partners has resulted in completion of almost 90% of the actions. Recent analysis from USGS has also shown that this work led to an overall 37% increase in population success across the Bi-State to date, helping to stabilize the population trends.<sup>1</sup>

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<sup>1</sup> Draft information subject to revision, not for citation or distribution.

Mono County remains dedicated to the conservation effort and use of a data-driven, science-based adaptive management approach to ensure that we continue to focus our collective conservation efforts on actions that will effectively ameliorate identified threats to the DPS.

### ***Accomplishments Since 2014***

Since 2014, Mono County has directed well over \$3 million to sage-grouse conservation work, including closing and relocating the existing landfill in the South Mono Population Management Unit (PMU) as of January 1, 2023; updating the 2015 Mono County General Plan to include required mitigation measures for discretionary projects that may impact sage-grouse populations or habitat; review of other plans with sage-grouse conservation measures (e.g., Humboldt-Toiyabe National Forest Plan update, Inyo National Forest Plan update); developing a website to provide outreach and information dissemination; updating the Community Wildfire Protection Plan (CWPP) to include best practices to reduce the threat of wildfire to sage-grouse habitat; filing as intervenors on behalf of the U.S. Fish and Wildlife Service to defend the 2015 decision to withdraw the listing; reviewing ministerial permits (e.g., building permits) and working with applicants to minimize potential impacts; initiating legal action challenging the Los Angeles Department of Water and Power's (LADWP's) method of decision-making to dewater a portion of the South Mono PMU under the California Environmental Quality Act (CEQA); and responding to LADWP's Notice of Preparation of an Environmental Impact Report (EIR) on the proposed dewatering project (also known as the Ranch Lease Renewal Project). Mono County has also helped convene other interested parties such as environmental organizations to collaborate on the LADWP dewatering proposal, and the Court of Appeal decision on the matter indicates that the lands may not be dewatered prior to CEQA compliance, although the amount of water applied in a given year may vary without further CEQA review.

In addition, Mono County has partnered with the Bureau of Land Management (BLM) Bishop Field Office on over \$300,000 of services and projects (funded by the BLM), including habitat conservation projects to restore/protect wet meadows in Long Valley and Bodie Hills, assistance coordinating and attendance at meetings (LAWG, TAC, EOC), assistance with annual lek counting, editing annual reports, and engaging in conservation and management issues on lands owned by LADWP.

### ***Regulatory Mechanisms***

Mono County has amended land use planning policies and development standards to ensure that adequate regulatory mechanisms are in place to conserve sage-grouse populations and habitats as follows:

- Refined our planning policies, including clarifying and strengthening mitigation standards of the General Plan Land Use Element and Conservation/Open Space Elements, particularly as they apply to ministerial actions.
- Updated and adjusted the Development Credit Program for agricultural lands which provides for concentration of development to conserve valuable agricultural lands and avoid sensitive habitat.
- Revised the Hazard Mitigation Plan and Safety Element to better contain development to areas with firefighting infrastructure, such as within fire protection districts (FPDs). In most instances, sage grouse habitat is located outside the ten FPDs in Mono County. Also, new state law requirements severely restrict subdivisions outside of FPDs.
- Continued rigorous application of the California Environmental Quality Act (CEQA) to all applicable projects, ensuring full documentation and consideration of environmental consequences prior to discretionary decisions. The County also reviews environmental documents of other agencies to pursue compliance with the Mono County General Plan, including sage grouse mitigation measures. In some

instances, such as transportation projects, we participate in joint National Environmental Policy Act (NEPA)/CEQA documents that incorporate sage grouse mitigation strategies.

### ***Present and Future Commitments***

Beyond regulatory mechanisms, Mono County continues to proactively participate in conservation efforts coordinated through the LAWG, TAC, and EOC, and is currently reviewing the update to the Bi-State Sage Grouse Action Plan. Mono County is a key collaborator on the LADWP Adaptive Management Plan which adaptively manages irrigation in a portion of the Long Valley PMU together with the USFWS, California Department of Fish and Wildlife, U.S. Geologic Survey, and others. Further, Mono County has and continues to manage the threat of development to sage-grouse populations and habitats through the following actions:

- Participation in conservation projects with direct or co- benefits for sage-grouse conservation. For example, Mono County is assisting Caltrans with the collaborative Wildlife Crossings project, which will reduce roadkill along U.S. Highway 395 and thereby reduce predators who are also a threat to sage grouse, such as ravens and coyotes.
- Refined development review process with formalization of its Land Development Technical Advisory Committee in pre-application reviews and inclusion of other agencies, including remote attendance abilities. Also, online GIS resources and electronic data bases have improved the ability to avoid sensitive habitats in land use and capital improvement planning, including use of a biological assessment for lands near communities with the most potential for development applications.
- Continued implementation of the Benton Crossing landfill closure plan, which is anticipated to cost at least \$6 million. The landfill has been closed since January 1, 2023.
- Active prevention of new impacts from the Pumice Valley landfill/transfer station which replaced the Benton Crossing landfill, including no local landfilling of putrescent household waste.

As a result of these actions and the County's regulatory mechanisms, no new parcels have been established through subdivision within known sage grouse habitat in the past decade, and development of concern is regularly discussed between management agencies. For example, in January 2024, the BLM, Inyo National Forest, LADWP, Town of Mammoth Lakes, and Mono County met to discuss potential recreation infrastructure improvements at the Whitmore recreation complex and collaboratively address concerns. In March 2024, the BLM and Mono County met to discuss the closure of the Benton Crossing Landfill, operation of the Pumice Valley Landfill, and operation of a recently permitted transfer station in the northern Mono Basin that processes municipal household waste. The willingness of the various agencies to participate in sage-grouse conservation efforts across jurisdictional boundaries is a testament to the collaborative power and efficacy of the Bi-State conservation effort.

### ***Additional info/Closing comments***

Mono County remains committed to the Bi-State conservation effort and fulfilling its role in the upcoming revision of the Bi-State Action Plan, and wishes to make the following conclusory points:

- The voluntary and collaborative conservation model in place is working and fulfills the intent of the federal Endangered Species Act (ESA) and an ESA recovery plan.
- A federal ESA listing could have the unintended consequence of impeding current good-faith efforts by imposing deference to federal law, resulting in a withdrawal of partners to limit liability under the listing.
- A federal ESA listing could have the unintended consequence of impeding implementation of the 2024 Bi-State Action Plan by imposing consultation requirements with the USFWS, which would

substantially increase costs and delay projects, and is unnecessary due to ongoing collaboration with the USFWS under the current conservation model.

- Mono County's authority to limit development has legal boundaries. The County has strengthened its development policies through General Plan regulations and CEQA implementation, and further preclusion of development potentially exposes the County to legal action under private property takings laws.

The County hopes the significant accomplishments of the Bi-State conservation effort will be considered along with future conservation commitments as the USFWS completes its listing process. The County hopes to continue close relationships with USFWS staff and other partners to work collaboratively on Sage Grouse conservation. If the USFWS has any questions, please don't hesitate to contact Wendy Sugimura, Community Development Director, at (760) 924-1814 or [wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov).

Sincerely,



[John Peters \(Apr 22, 2024 12:19 PDT\)](#)

SUPERVISOR JOHN PETERS  
MONO COUNTY BOARD CHAIR

CC: U.S. Fish and Wildlife Service, Reno Office  
Town of Mammoth Lakes  
State of California, Governor Newsom  
State of California, Assemblyman Jim Patterson  
Office State of Nevada, Governor Lombardo  
California Department of Fish and Wildlife  
Natural Resources Conservation Service  
USFS: Inyo National Forest and Humboldt-Toiyabe National Forest

BLM, Bishop Field Office  
Rural County Representatives of California (RCRC)  
State of California, Senator Marie Alvarado-Gil  
California State Association of Counties (CSAC)  
County of Inyo  
Nevada Department of Wildlife  
U.S. Geological Survey






# USFWS Listing Mono cmmnt ltr 04-16-24

Final Audit Report

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