

Powder River Sportsmen's Club
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February 29, 2024

**UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS**

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Powder River Sportsmen's Club)	IBLA No. 2024-0104
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Appellant)	
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)	Statement of Reasons
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I. INTRODUCTION

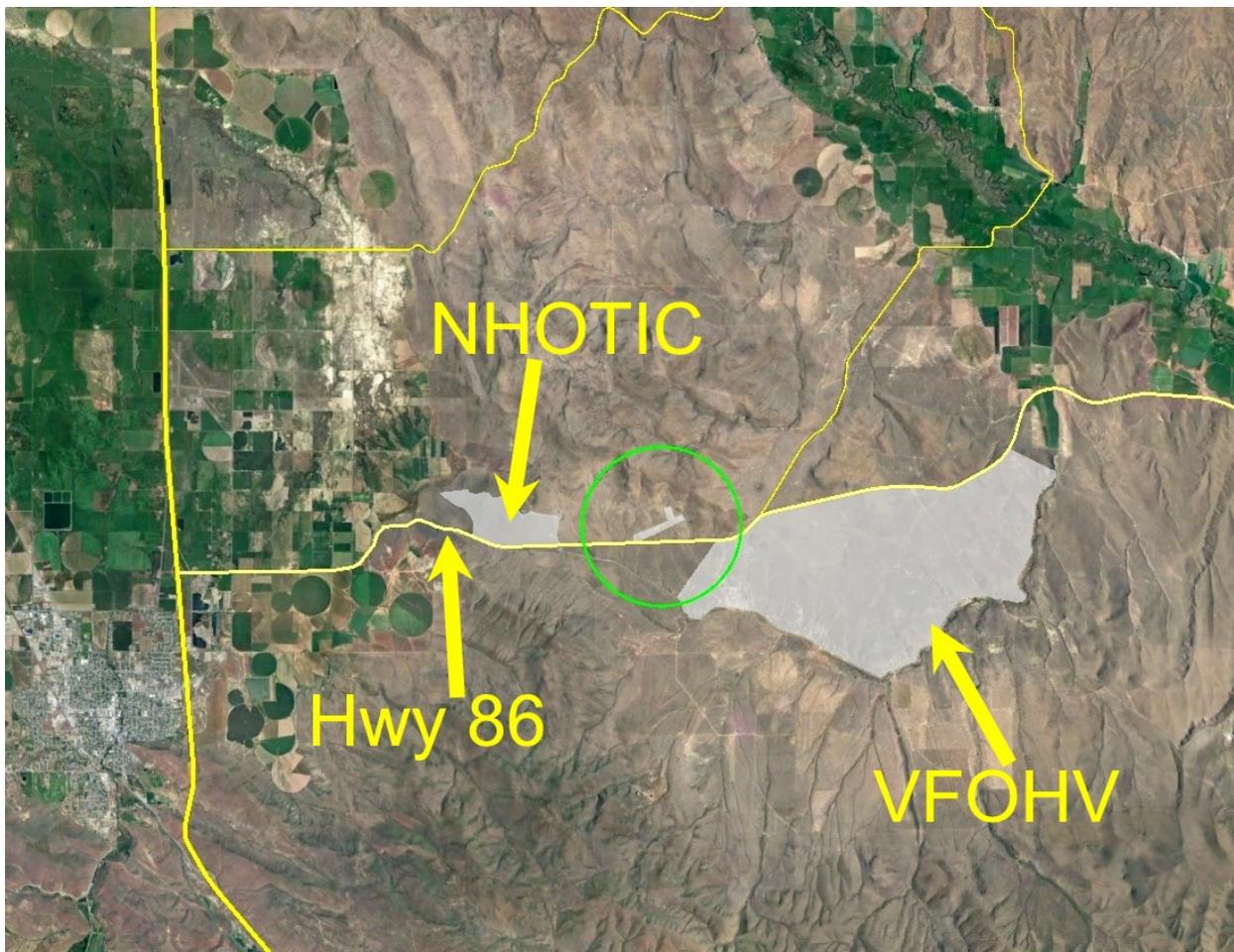
We are the Powder River Sportsmen's Club (PRSC), a non-profit mutual benefit corporation chartered in Oregon in 1954. We obtained an R&PP lease in 1965 for purposes of constructing the Virtue Flat Shooting Range (VFSR), which we have operated continually since 1968. Our 2024 VFSR Calendar is full. Persons interested in witnessing law enforcement training or Oregon Hunter Education events at VFSR can find event dates on the club calendar at www.prsportsmen.com/calendar.html.

BLM decided in 2023 to add unprecedented (for us) restrictions to our lease stipulations. We appeal that decision.

II. CONTEXT

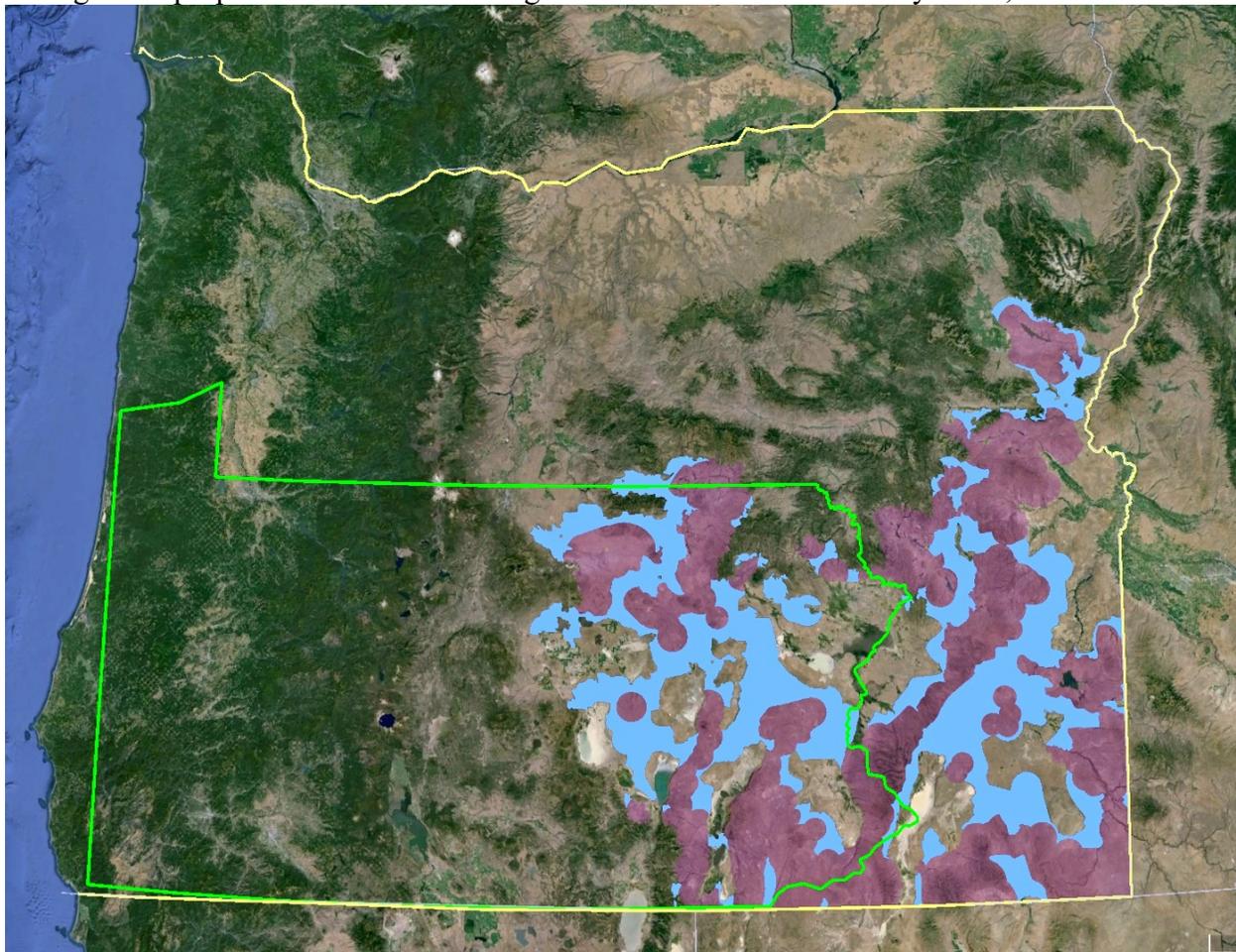
VFSR is located on Oregon Highway 86 seven miles east of Baker City. It is sandwiched between two other highway-adjacent recreational facilities: the BLM National Historic Oregon Trail Interpretive Center (NHOTIC) and the BLM Virtue Flat Off-Highway Vehicle Area (VFOHV). The NHOTIC sees 40,000 visitors annually. BLM describes the VFOHV as a high-use facility, but did not respond to multiple requests for usage estimates. The average daily traffic count on Hwy 86 adjacent to VFOHV is 900 vehicles per day, per Oregon Department of Transportation.

Image 1: Baker City is in the lower left corner. The left white-shaded area is the 390-acre footprint of the NHOTIC. The center white-shaded area is the 52-acre VFSR. The green circle is a one-mile radius around VFSR. The right white-shaded area is the 4500-acre VFOHV.



The white-shaded recreational facilities in Image 1 are in greater sage grouse (SG) habitat. SG populations have been declining in America since at least 1950, primarily due to habitat loss associated with human population growth and development. Conservationists sounded the alarm circa 1994, eventually resulting in an unprecedented multi-state coordinated initiative to conserve and restore SG habitat. BLM manages 78 million acres of SG habitat (three times the size of Virginia). Another 66 million acres are under private ownership. Oregon Fish and Wildlife Department (ODFW) and BLM cooperatively manage 15 million acres of SG habitat in Oregon. The quantity of viable habitat combined with the early effectiveness of the conservation initiative contributed to the 2015 decision by USFWS to not list the bird.

Image 2: ODFW designates core (purple) and low-density (blue) sage grouse habitat zones for management purposes. Yellow line - Oregon border. Green line - Pennsylvania, for scale.



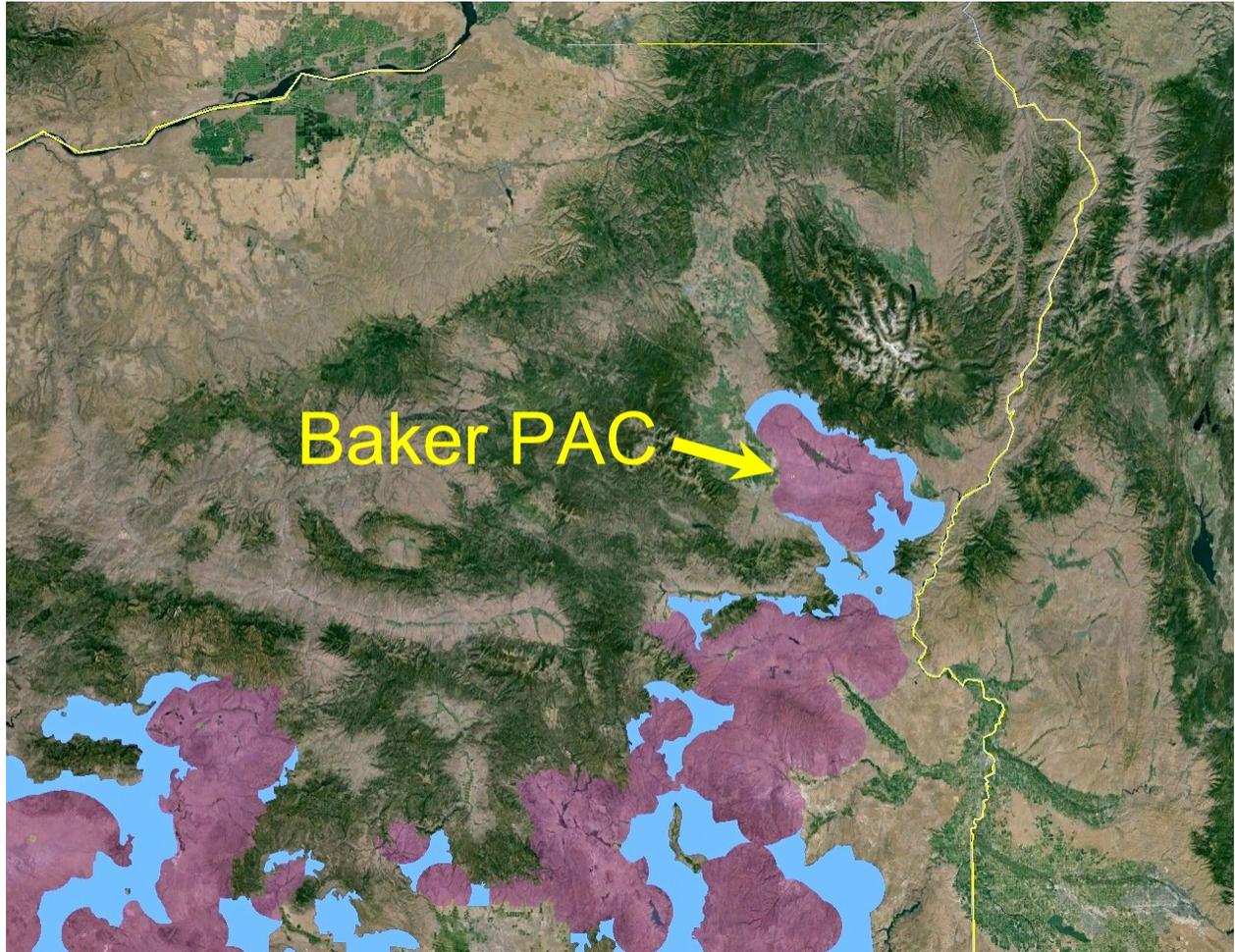
Sage grouse avoid developed areas, highways, and human disturbances. SG move annually between breeding grounds (leks) in early spring, nesting grounds in late spring, brood-rearing grounds in summer, and various locations for fall and winter habitat.

SG demonstrate a high degree of fidelity to lek locations and nesting grounds; they usually return to the same leks and nesting grounds each year. It is not uncommon for a lek to persist in the same location for forty years or longer.

Some males and most females visit more than one lek during each breeding season. Lek locations can and do change in response to weather, population variations, predation, alteration of vegetative cover, and disturbance levels. Males arrive at leks in late February and depart in mid May, usually staying within 2000 meters of the lek for the entire breeding season. Females visit leks primarily during late March or early April, also staying in close proximity to leks until bred, after which they travel to preferred nesting grounds.^{1,2,3}

The male contribution to reproduction ends at copulation. Females nest and raise broods without male assistance. The incubation period is 27 days, during which time the female stays within 300 meters of the nest.^{4,5}

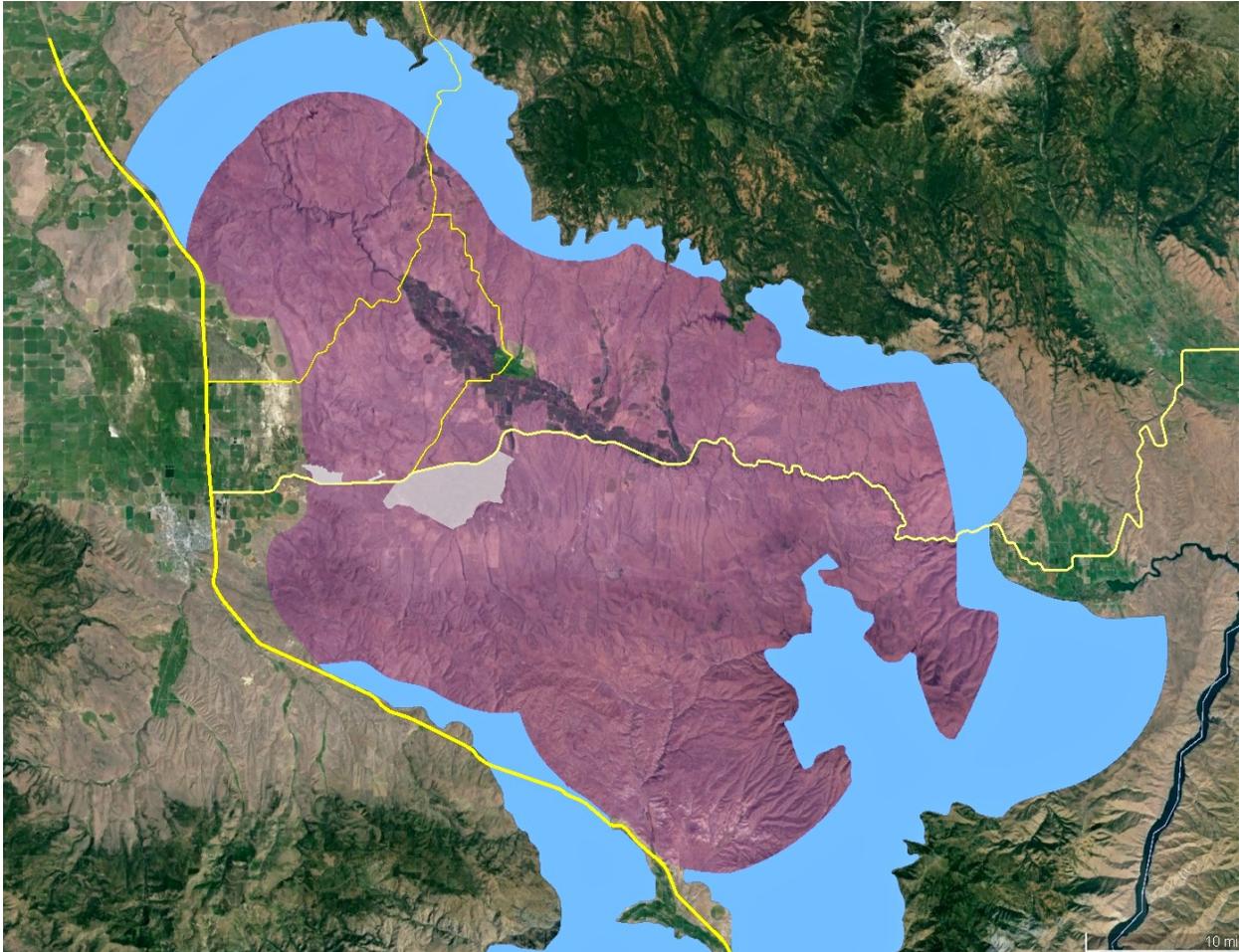
Image 3: a closer view of the northeast corner of Oregon.



The core areas (purple-shaded) in the provided images are known as Priority Areas for Conservation, or PAC's. The total surface area of Oregon sage grouse PAC's is 7,946,291 acres. The blue-shaded areas are "low density" habitat zones. Combined, the ODFW-designated PAC's and low density zones encompass all BLM Priority Habitat Management Areas (PHMA's) for sage grouse in Oregon.⁶

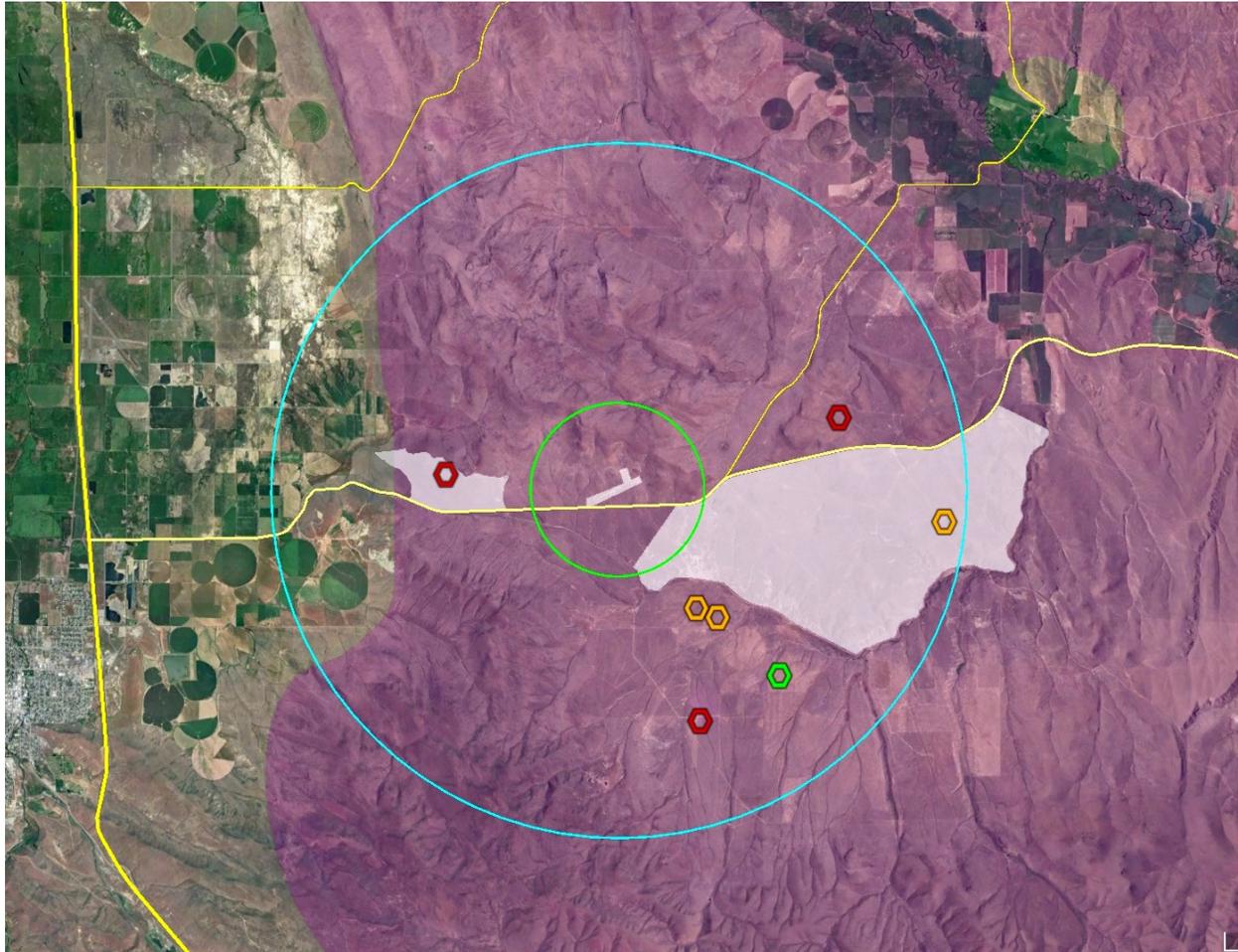
VFSR is located on the western edge of the Baker PAC, so named because it resides in Baker County. The Baker PAC encompasses approximately 284,000 acres, or 3.6% of the statewide PAC acreage, and contains 2% of Oregon's SG population.⁷

Image 4: a closer view of the Baker PAC showing north-south I-84 and east-west Hwy 86, and the three recreational facilities shaded in white.



The VFSR lease is for a 52-acre footprint, or two hundredths of one percent of the PAC acreage.

Image 5: a close-up of the recreational facilities located on the west edge of the Baker PAC.



The green circle is a one-mile radius around VFSR. The blue circle is a four-mile radius.

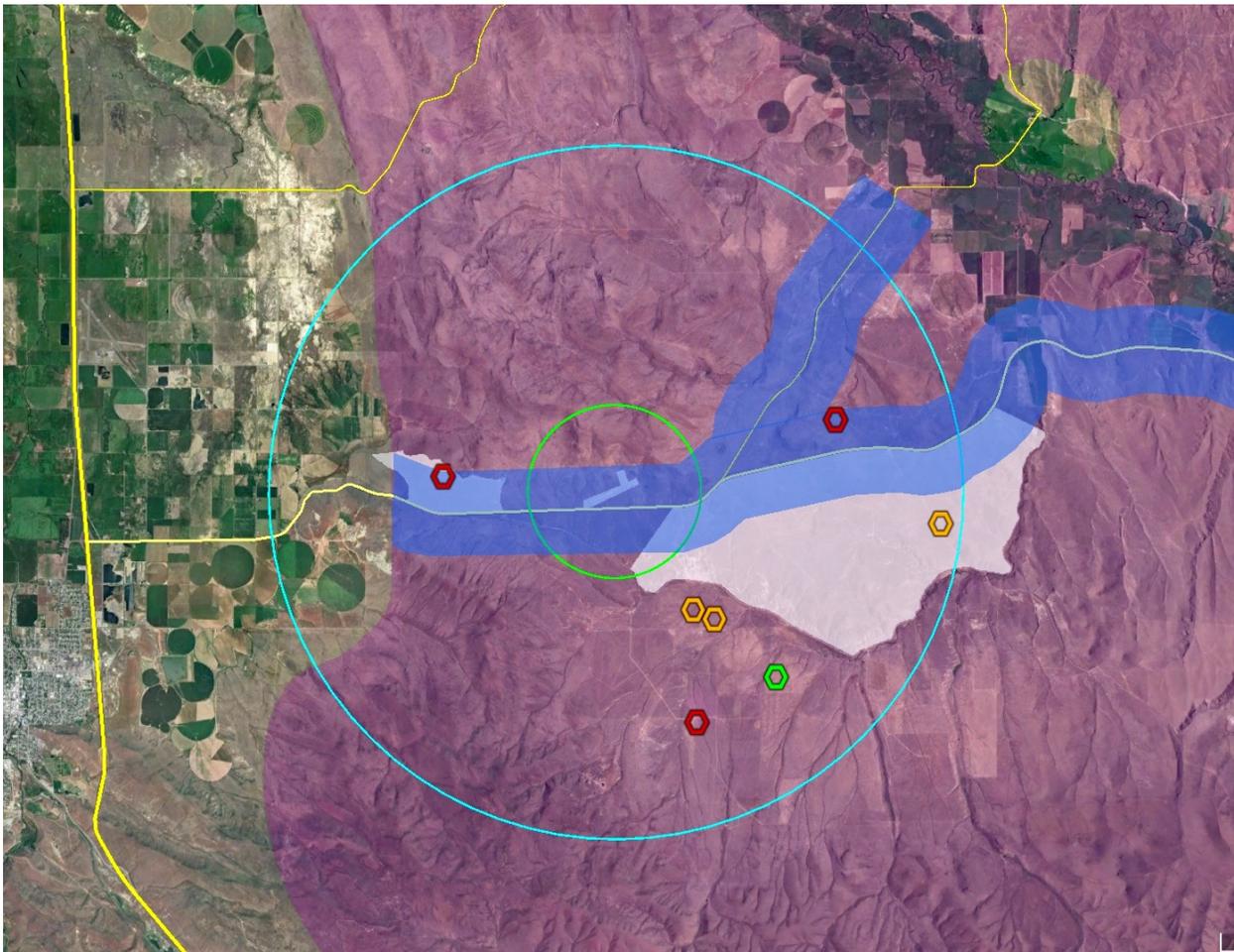
Lek data for Images 5 & 6 were obtained from ODFW. Historical lek data was obtained from a retired ODFW Baker District Biologist, who is a member of our Club.

The red hexagons are locations of abandoned leks.

When an abandoned lek is monitored for seven consecutive years with no birds sighted, that lek becomes classified as "unoccupied." If an abandoned lek cannot be monitored for seven consecutive years, then the lek will never be classified as unoccupied. Rather, it will remain in an indeterminate classification "occupied, pending." This matters to us because sage grouse counts may be declining in the west-side recreational zone of the Baker PAC, and BLM does not

monitor lek activity in the Baker PAC, rather BLM relies on ODFW to perform that function, and ODFW reports indicate that ODFW lek monitoring activity is on the decline,⁸ and the proposed new Stipulation #24 in our lease restricts our normal use of the land until such date that no occupied or pending leks exist within four miles of VFSR. Reason #1 we appeal to IBLA is that Stipulation #24 creates a restriction that can be imposed indefinitely via inaction.

Image 6: the same as Image 5, but with half-mile buffers drawn on each side of the highway.



Sage grouse avoid highways. They typically do not lek, nest, or raise broods within at least a mile of any busy road or highway.⁹⁻¹⁶

The left (western) red lek was abandoned circa 1992 when BLM constructed the NHOTIC on top of it. The right (eastern) red lek was abandoned prior to 2010. The lower (southern) red lek has been unused since 2010.

The yellow lek locations were consistently used during or before the 1990's, and remained in use until 2018 or 2019, which were the last years birds were sighted on those leks. Hwy 86 has been in use since 1907, and VFSR since 1968, and VFOHV since 1974. Those combined disturbances apparently failed for decades to convince SG to abandon the yellow leks.

Why are the yellow leks seemingly endangered now? No person knows with certainty, but it is worth noting that lek populations declined steeply in Oregon circa 2006, coinciding with the arrival of West Nile Virus (WNV) in the state in 2004.

Image 7: comparing Oregon statewide SG counts to Oregon WNV human infection rates.

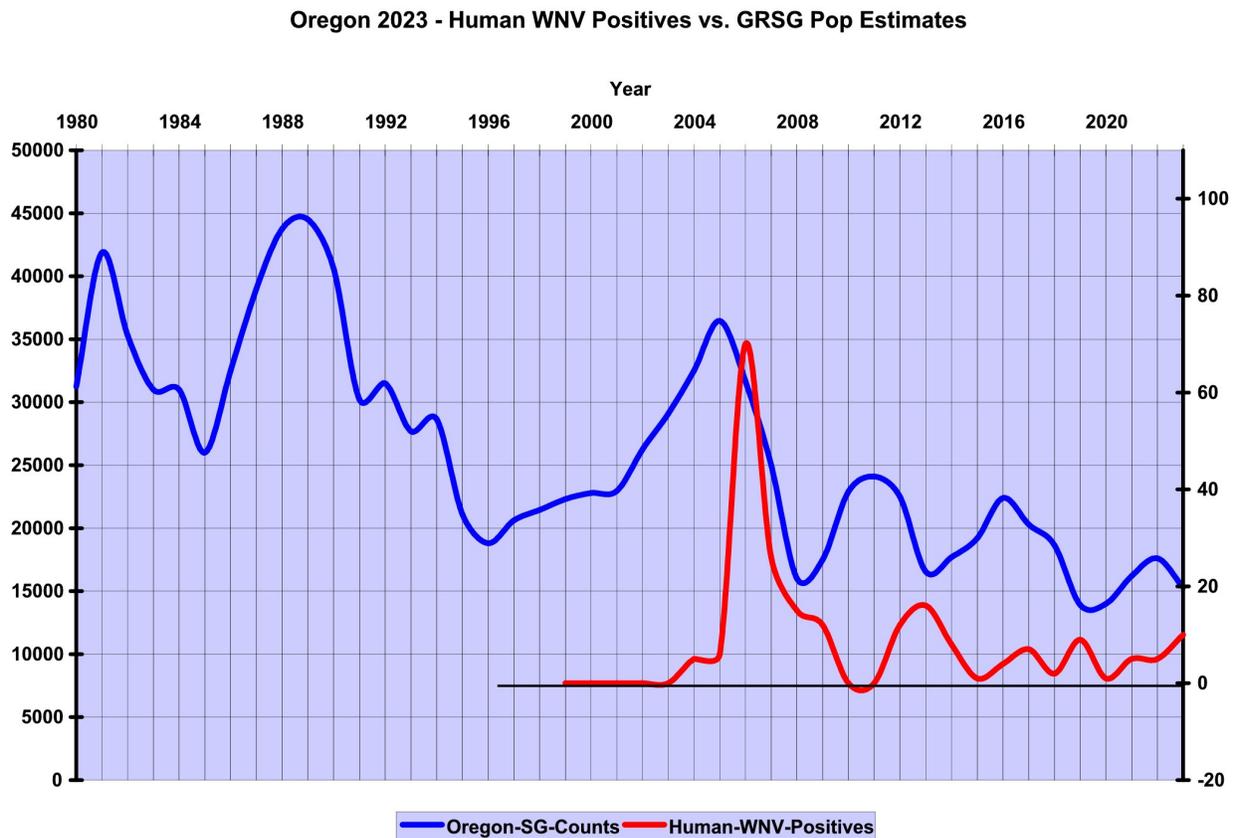


Image 7 data was obtained from ODFW reports and Oregon Health Authority surveillance reports. The intent is to show that Oregon has only ever had one "bad" WNV year evidenced by coinciding high rates of sage grouse mortality and human infections.

WNV is nearly 100% fatal to sage grouse, with no evidence yet that SG are developing an effective immune response to the virus.^{17,18} Most other birds and mammals survive WNV infection, creating a reservoir for the virus. WNV is spread by the saliva of culex mosquitoes that feed on infected hosts and then later feed on uninfected humans or animals. Fortunately, culex mosquitoes only thrive in certain meteorological conditions, and Oregon has not seen a repeat of the "bad culex conditions" that apparently occurred in 2006.

As a rule of thumb, nature prevails. WNV is a frightening threat to sage grouse survival, but also likely to be met by an effective immune response over time. We offer the WNV phenomenon as one possible explanation of why sage grouse may have stopped using the yellow leks featured in Images 5 & 6: the Baker PAC sage grouse population declined by 87% since 2003.¹⁹ Sharp population declines can result in centralized congregation of remaining birds, resulting in abandonment of peripheral leks.²⁰

Sage grouse fidelity to leks is powerful but perishable. If sage grouse stop using certain habitat for more than a few years, and then later return to that habitat, no fidelity will exist to historical leks or nesting grounds. The most probable outcome is that new fidelity will develop to new leks and nesting grounds located in suitable habitat, and sage grouse will choose such new grounds in undisturbed rather than disturbed habitat.²¹⁻²³

Summing up: why sage grouse may be departing our "yellow" leks is academic, and the locations of the yellow leks may be academic, but what matters is: if sage grouse resume breeding use of habitat near VFOHV and VFSSR, their selection of new lek or nest locations is likely to be driven

more by their aversion to established disturbances than by expired fidelity to old locations.

Recent ongoing use of the "green" lek seems to support this assertion.

Reason #2 we appeal to IBLA is that sage grouse observably used the yellow leks for decades despite established activity on Hwy 86, VFSR, and VFOHV. There is no evidence that said activity impaired prosperous sage grouse use of the yellow leks or neighboring habitat, thus there is little reason to think that use restrictions on VFSR will materially benefit sage grouse in surrounding areas. The highway is a constant sporadic disturbance. It is probable that deletion of VFSR from the map would fail to entice sage grouse to resume prosperous use of habitat near the highway corridor.

No sighting of sage grouse within a mile of VFSR has ever been documented. Sage grouse remain near leks and nests for the entirety of the reproductive season.²⁴

If VFSR gunfire is intolerable to sage grouse in the mornings and evenings, it will be intolerable to sage grouse during the day, thus driving them out of breeding habitat. Reason #3 we appeal to IBLA is that morning and evening closures of VFSR make no sense. Being loud all day but quiet in the morning and evening has never been proposed as a viable strategy for enticing any wildlife to resume use of habitat abandoned due to disturbances. Furthermore, decades of morning gunfire apparently had minimal or no effect on the yellow leks.

The PRSC legacy of conservation is documented in a 1987 Club Newspaper available here:

<https://www.prsportsmen.com/history.html> . That webpage hasn't changed in ten years. We like

sage grouse. We have been attending local SG conservation team meetings, we intend to implement recommended SG conservation practices for management of noxious weeds, and we can offer the volunteer manpower that is necessary to achieve the comprehensive monitoring required for accurate lek counts and population estimates. We believe that habitat in the

established recreation/highway zone of the Baker PAC is unlikely to ever see resumed productive use by sage grouse, and a handful of partial restrictions on established recreation areas is pointless. We have suggested to the local sage grouse conservation team that limited resources would be better spent in the vast open spaces of the Baker PAC that are currently seeing active use.

Image 8: a screenshot of 2015 Oregon lek locations. Source: Oregon Land Conservation and Development Commission.

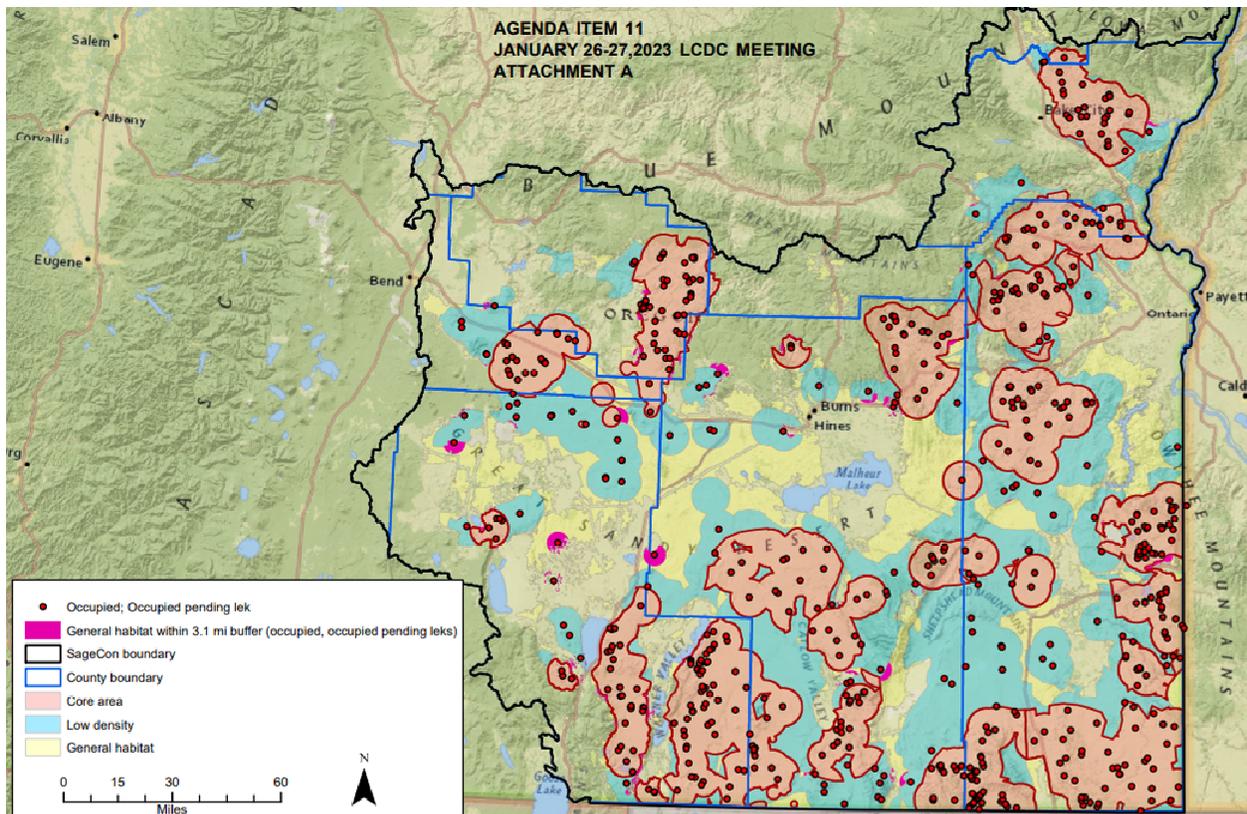
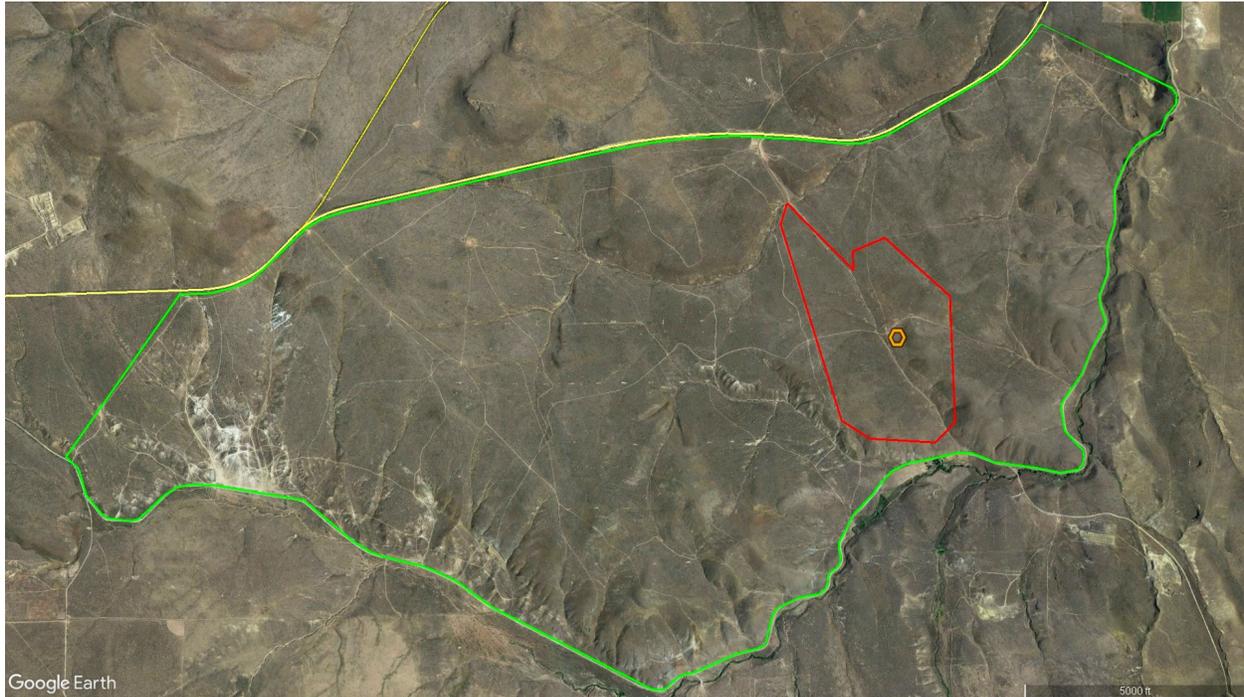


Image 8 is a low-quality screenshot featuring outdated PAC boundaries and 2015 lek locations. We assert that partial land-use restrictions placed on established recreational facilities located on the western edge of the Baker PAC are not essential to the conservation initiative in the Baker PAC or in Oregon. FLPMA mandates BLM to manage public lands in a balanced manner for multiple uses on a sustained yield basis. Reason #4 we appeal to IBLA is to obtain balance.

Image 9: a close-up of the VFOHV area without shading.



The green outline is the VFOHV. Zooming in will reveal a network of OHV trails. The red outline is a seasonal sage grouse closure in effect each year from March 1 through June 30, to protect the lek that has persisted inside the VFOHV Area for many years. The red closure area is bounded by OHV trails. You can see a better image here:

https://www.blm.gov/sites/default/files/documents/files/VAL_VirtueFlat_map.pdf .

Whereas BLM's proposed new restrictions for our lease specify a 4-mile boundary around VFSR, people can do anything they want any time they want within a quarter mile of a known lek location on BLM's VFOHV area. Reason #5 we appeal to IBLA is disparity between the restrictions BLM proposes for our facility versus the rules they apply at their own facility.

BLM's proposed Stipulation #25 requires morning and evening closures when VFSR noise is ten or more decibels above ambient noise at lek perimeters. Despite asking, we are not clear on the

definition of "lek perimeter." Presently, the nearest lek is 1.6 miles distant from VFSR. As described in our preceding Request for Stay, ambient sound in "undisturbed nature" is about 40 decibels, and the inverse square law indicates that 160dB gunshot noise must travel 373 miles in order to drop to 50dB, which would be 10dB above anticipated ambient. Sound attenuation is affected by environmental factors other than distance. Experienced hunters afield learn over time that distant gunshots have little or no effect on observed animals nearby. Typically, observed animals do not even look up in the direction from whence the gunshot was heard. Obviously, distance, terrain, vegetation, and atmospheric conditions all play a role. Short of measuring gunshot sound at various locations near VFSR while simultaneously observing animal reactions, there is no scientific or effective way to substantiate our assertion. We cannot prove that the sound of gunfire 1.5 or 2 miles distant will not affect sage grouse, but until measurements and observations are completed, neither can BLM prove that gunshots noise from VFSR *will* affect sage grouse in our area. Again, there has never been a documented sighting of a sage grouse within one mile of VFSR. Observably, for decades, VFSR gunshot noise heard near VFOHV and 1.6 or more miles distant from VFSR apparently did *not* impair productive sage grouse behavior near the "yellow" leks. Reason #6 we appeal to IBLA is for relief from proposed Stipulation #25 on the basis of every point we have attempted to make in this document.

Recently, PRSC corresponded with George Keister, the former (now retired) District Biologist for the ODFW Baker Field Office. Mr. Keister's CV includes published manuscripts and documented warnings to the Baker County Commissioners regarding the state of sage grouse populations in Baker County and statewide. Mr. Keister offered to write an opinion regarding the matter at hand, which I have pasted below:

Powder River Sportsman Club:

My response to the Question: “Will morning and evening closures of the Powder River Shooting Range, located at the western edge of the Baker sage grouse PAC, just north of Hwy 86 and east the BLM Interpretive Center, benefit sage grouse or its habitat?”

Given the amount of human activity at the BLM Interpretive Center (~20 acres), traffic on Hwy 86, and motorized recreation at the BLM OHV Area (~300 acres), which appears to peak with the sage grouse nesting and early brood rearing (May - June), my opinion is No, closing the shooting range morning and evening will not result in a benefit to sage grouse or its habitat.

Regarding the question of factors affecting sage grouse and their habitat, I would refer the reader to my Report to the Baker County Planning Commission and Bureau of Land Management on Status of Sage Grouse with Recommendations for Conservation at Virtue Flat (2001). Since that Report, there have been two major changes worth noting: 1. The prevalence of wildfires causing immediate and long-term habitat loss to large areas throughout sage grouse ranges in Oregon and other states; and 2. the arrival of West Nile virus throughout their range. While the presence and lethality of West Nile virus has been documented during July - August in some areas of Oregon, the total impact to populations in Oregon has not, and may not be able to be completely determined due to the inability to effectively sample over such a large area (~30,000 square miles). Because West Nile virus has been documented near Virtue Flat, in the Keating area since ~2006, and coinciding with a decline in sage grouse numbers in that area, its detrimental effect on sage grouse cannot be ruled out, in my opinion.

Thanks for the opportunity to express my opinion. I hope it is helpful.

George Keister; (BS, MS Wildlife Science OSU,
ODFW Baker District Wildlife Biologist,
Southeast Region Non Game Biologist,
Douglas District Assistant Wildlife Biologist,
Southeast Region Wildlife Research Biologist), Retired

Later, Mr. Keister put me in touch with his colleague Mr. Van Dyke, whose comments are pasted below:

Here is my response to your email dated January 19, 2024 relative to the potential impact of the operation of the Powder River Sportsmen's Club Shooting Range on sage grouse in the vicinity of Virtue Flat in Baker County, east of Baker City, Baker County, Oregon. After reviewing the restrictions that the Baker Resource Area, Bureau of Land Management, is proposing to require of the Club to continue future operations, I have concluded that these proposed restrictions (closing the range for 2 hours after sunrise and 2 hours before sunset, April through May, during the sage grouse breeding and brooding season) are not warranted.

I offer the following comments:

1. The shooting range lies midway between the Virtue Flat Off-Highway Vehicle Area and the BLM Oregon Trail Interpretive Center, both of which receive substantial public use on a daily basis year round.
2. The shooting range lies within the 1/4 mile buffer of Hwy 86 which essentially means this buffer is not considered suitable for sage grouse because of the disturbance the highway has on sage grouse every day, year round.
3. The value of the shooting range is that it tends to concentrate shooting activity instead of letting such shooting activity being dispersed over a much larger area which may have a greater disturbance in sage grouse nesting and brooding habitat adjacent to existing areas of concentrated use.
4. Sage grouse leks within the area have disappeared since the establishment of the Interpretive Center (1992) and the OHV Area (1972). The shooting range existed prior to establishment of these two sites.
5. Several domestic dwellings have been approved within the Virtue Flat area since and including the year 2000. Domestic dwellings bring daily activity--humans, dogs, cats and livestock--all potential disturbances to nesting and brooding sage grouse.
6. If the proposed restrictions are to be applied to the shooting range, then I suggest they also be applied to the Interpretive Center, Highway 86, and the OHV Area since they also all occur within existing historic sage grouse breeding habitat.

In conclusion, in my professional opinion, I see no reason that the proposed restrictions be included as a reason to deny the continued operation of the Powder River Sportsmen shooting range.

Walt Van Dyke (Retired)
BS, MS Wildlife Science/Ecology, OSU
Wildlife Research Biologist, LaGrande, ODFW
Assistant District Biologist, Wallowa District, ODFW
Assistant District Biologist, Union District, ODFW
Staff Wildlife Biologist, ODFW Headquarters, Portland
District Biologist, Malheur District, ODFW

Deer Stipulation #22: We refer the reader to the Baker City Herald May 19, 2018 edition wherein the Baker City Council conducted a conversation with ODFW regarding the intricacies of killing deer in the front yards of Baker City residents. The reason this conversation took place is that Baker City was and still is overrun with deer. Some people feed and cherish them. Some curse them for damage to gardens and ornamentals. Some warn of the hazards of rutting deer to pets and children. The city is still full of deer. You have to watch for them each morning and evening on your way to and from work.

Baker City is 6 miles from VFSR. On a highway.

If the 24/7 activity and noise of a small city attracts too many deer, how is it that the sounds of a highway and a shooting range will harm deer?

From the lessee's perspective, the language in Stipulation #22 is unclear. We are not sure whether #22 intends to close VFSR when high deer use is *accompanied by* severe winter conditions, or, when severe winter conditions occur *or* when high deer use occurs at any time of year. So we specifically asked BLM that question, and BLM responded that they intended the latter; that is, to close the range in severe winter conditions, *and*, to close the range any time 5 or 6 deer wandered within 2 or 3 miles of VFSR, at any time of year. Honestly, I still am unsure

whether BLM staff knew the correct answer to that question, so just blurted something out, and we were never able to achieve full clarity of proposed new lease restrictions.

We do not object to a lease stipulation that requires closure of the shooting range during the severe winter conditions described by BLM. We do not object to a lease stipulation that requires closure of the shooting range when deer wander by *during* such severe winter conditions. We do however object to a lease stipulation that requires closure of the shooting range any time a few deer wander by any time of year, because in 55 years, few PRSC members have ever seen a deer within a mile of VFSR, and no person has ever suggested on record that VFSR has had any material or deleterious impact on environment, flora, or fauna, and the idea of deer restrictions is nearly comical in light of the infestation of deer happily residing within our city limits. Reason #7 we appeal to IBLA is for relief of an apparently arbitrary and capricious deer restriction.

Last: We are appealing the third version of a lease offer from BLM. The first version contained the following paragraph:

The following is a list of standard stipulations to be used in Right-of-Way grants (ROW) and other land use authorizations. The Authorized Officer and specialists must determine which stipulations are appropriate in each authorization. In addition to the terms and conditions identified in 43 CFR 2912.1-1, this list provides a choice of stipulations to be applied according to specific conditions of each proposal. Additional mitigation may be identified during the NEPA process which results in a stipulation(s) not included in this list. When including a stipulation resulting from the NEPA process, ensure that the supporting documentation is included in the administrative record/case file. This list is not intended to capture stipulations for every resource or resource use. For example, Visual Resource Management, cultural resources, wildlife, sensitive species, recreation, etc. may require a stipulation to be added as a result of various planning documents, IBs, IMs/policy, guidance, conservation agreements, etc.

We perceive discretion. Not from BLM, but rather in BLM's policy language. We hope IBLA can show BLM that discretion in favor of non-harmful, established public uses was the better choice in this matter.

We appeal BLM's decision to add the proposed new Stipulations #22, 24, and 25 to our lease.

We appeal BLM's decision to shorten our accustomed lease renewal term from 20 to 10 years, because we feel that less interaction with government is better.

BLM Baker Field Office employee Ted Benson inspected VFSR last year. Ted gave us a good report, stating he thought our shooting range "looked much better than expected." That was the first BLM staff inspection of VFSR in at least 25 years, and perhaps the first since before 1970. Vale District Office Land Law Examiner Shelli Pence visited VFSR two years ago, but not to inspect. She visited on invitation, and to discuss lease renewal. Two years ago.

We are good stewards. We are The People. We are part owners of the land. BLM is not an owner of the land. Presently, we People lack trust in BLM. IBLA's assistance will be much appreciated here.

Regards,

David Spaugh - Secretary - PRSC

References:

- 1 - Fremgen AL, Rota CT, Hansen CP, Rumble MA, Gamo RS, Millsbaugh JJ. Male greater sage-grouse movements among leks. *Journal of Wildlife Management*. 2017;81:498-508.
- 2 - Connelly JW, Reese KP, Schroeder MA. Monitoring of Greater Sage-grouse Habitats and Populations. College of Natural Resources Experiment Station Bulletin 80. 2003, University of Idaho, Moscow, USA.
- 3 - Wann GT, Coates PS, Prochazka BG, Severson JP, Monroe AP, Aldridge CL. Assessing lek attendance of male greater sage-grouse using fine-resolution GPS data: Implications for population monitoring of lek mating grouse. *Population Ecology*. 2019;61(2): 183-197.
- 4 - Dudko JE, Coates PS, Delehanty DJ. Movements of female sage grouse *Centrocercus urophasianus* during incubation recess. *Ibis*. 2019; 161:222–229.
- 5 - Retherford DW. Movements and Space-Use of Female Greater Sage-Grouse (*Centrocercus urophasianus*) During Nesting and Breeding Seasons. 2020; Theses and Dissertations - 9305. <https://scholarsarchive.byu.edu/etd/9305>
- 6 - <https://www.blm.gov/policy/or-ib-2024-027>
- 7 - https://www.dfw.state.or.us/wildlife/sagegrouse/docs/ODFW_2023_Sage-Grouse_Population_Report_Final.pdf page 4.
- 8 - Ibid, page 8.
- 9 - Connelly JW, Knick ST, Schroeder MA, Stiver SJ. Conservation Assessment of Greater Sage-grouse and Sagebrush Habitats. 2004 Western Association of Fish and Wildlife Agencies. Cheyenne, WY.
- 10 - Knick ST, Hanser SE, Preston KL. Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range, U.S.A. *Ecology and Evolution*. 2013;3:1539 - 1551.
- 11 - Wann GT, Van Schmidt ND, Shyvers JE, Tarbox BC, McLachlan MM, O'Donnell MS, Titolo AJ, Coates PS, Edmunds DR, Heinrichs JA, Monroe AP, Aldridge CL. A regionally varying habitat model to inform management for greater sage-grouse persistence across their range. *Global Ecology and Conservation*. 2023;41:e02349.
- 12 - Berkeley L, Szczypinski M, Helm J, Dreitz V. Sage Grouse Grazing Project - Fiscal Year 2019 Annual Progress Report. Montana Fish, Wildlife, & Parks. W-158-R.
- 13 - Holloran MJ. Greater sage-grouse (*centrocercus urophasianus*) population response to natural gas field development in western Wyoming. extension.usu.edu/utahcbcp/files/pub__9431477.pdf.
- 14 - Aldridge C, Saher D, Childers T, Stahlnecker K, Bowen Z. Crucial nesting habitat for Gunnison sage-grouse: A spatially explicit hierarchical approach. *J of Wildlife Management*. 2012;76:391.
- 15 - Tack, JD. Sage-grouse and the human footprint: implications for conservation of small and declining populations. 2009 University of Montana Graduate Student Theses, Dissertations, & Professional Papers #856.

- 16 - Lyon AG, Anderson SH. Potential Gas Development Impacts on Sage Grouse Nest Initiation and Movement. *Wildlife Society Bulletin*. 2003;31(2):486–91.
- 17 - Naugle DE, Aldridge CL, Walker BL, Cornish TE, Moynahan BJ, Holloran MJ, Brown K, Johnson GD, Schmidtman ET, Mayer RT, Kato CY, Matchett MR, Christiansen TJ, Cook WE, Creekmore T, Falise RD, Rinkes ET, Boyce MS. West Nile virus: pending crisis for greater sage-grouse. *Ecology Letters*. 2004;7:704–713.
- 18 - Clark L, Hall J, McLean R, Dunbar M, Klenk K, Bowen R, Smeraski CA. Susceptibility of greater sage-grouse to experimental infection with West Nile virus. *Journal of Wildlife Diseases*. 2006;42:14–22.
- 19 - Status of 2023 Oregon Greater Sage-Grouse Adaptive Management Triggers. Information Bulletin OR-IB-2024-027. <https://www.blm.gov/policy/or-ib-2024-027> .
- 20 - Fremgen 2017, Connelly 2003.
- 21 - Fremgen 2017, Connelly 2003.
- 22 - Dunn P. O., and C. E. Braun. Natal dispersal and lek fidelity of sage grouse. *The Auk*. 1985;102:621–627.
- 23 - Connelly JW, Hagen CA, Schroeder MA. Characteristics and dynamics of Greater Sage-Grouse populations. Pp. 53–67 in S. T. Knick and J. W. Connelly (editors): Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. *Studies in Avian Biology*. 2011; 38. University of California Press, Berkeley, CA.
- 24 - Connelly 2003, Wann 2019, Dudko 2019, Retherford 2020.

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2024, the foregoing NOTICE OF APPEAL and PETITION FOR STAY, was served upon the following:

Sandra Tennyson
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David Spaugh

David Spaugh
Secretary
Powder River Sportsmen's Club