Volume II
APPENDIX D

Public Comment Letters and Responses

Sheep Complex, Big Springs and Owyhee Grazing Allotments Sensitive Bird Species

Final Environmental Impact Statement

FES-06-14

May 2006

BLM

Elko Field Office / Nevada

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PUBLIC COMMENT ON DEIS AND RESPONSE TO PUBLIC COMMENT

The following pages include the public comment letters/emails submitted to BLM during the public comment period on the December 2005 *Sheep Complex, Big Springs and Owyhee Grazing Allotments Sensitive Bird Species Draft Environment Impact Statement* (DEIS). As noted in the EIS, the Bureau of Land Management (BLM) was ordered to prepare this EIS on August 18, 2004, as part of a Nevada District Court case. The public comment period was initiated with publication of a notice by the Environmental Protection Agency (EPA) of this DEIS in the Federal Register on December 9, 2005, and it closed on January 24, 2006.

Each letter or e-mail has been assigned a public comment number (i.e., PC-1) (Table D – 1), and each comment within the letter or e-mail has been assigned a number (i.e., 1, 2, 3, etc.).

Table D - 1: Public Comment Letters on the Draft EIS

Letter No.	Date	From	No. of Comments	No. of Pages
PC-1	1/21/06 e-mail	Andrew J. Orahosk, Eugene, OR	9	2
PC-2	1/24/06 e-mail	Craig C. Downer, Minden NV	5	1
PC-3	1/11/06	Larry L. Schutte, Jerry Goodwin, Tonopah NV	3	11
PC-4	1/24/06 e-mail	Wayne Y. Hoskisson, Moab UT	12	14
PC-5	1/20/06	Elko Board of Commissioners Robert Stokes, Elko NV	1	1
PC-6	1/23/06 e-mail	Ginger Harmon, Ketchum ID	2	1
PC-7	1/21/06 e-mail	Bob Brister, Salt Lake City UT	4	1
PC-8	1/20/06	Great Old Broads for Wilderness Veronica Egan, Durango CO	9	2
PC-9	1/20/06 e-mail	Karen Klitz, Berkeley CA	8	2
PC-10	1/20/06 e-mail	“micoad”	4	1
PC-11	1/20/06	Mary V. Jones, Lewiston MT	5	1
PC-12	1/21/06	Richard Artley, Grangeville ID	10	7
PC-13	1/20/06 e-mail	Randall Breeden	9	1
PC-14	1/23/06 e-mail	Gail Fox, Bloomsburg PA	5	1
PC-15	1/24/06	Nevada Cattlemen’s Association Boyd M. Spratling, Elko NV	5	1
PC-16	1/13/05 e-mail	Jim Cristison, Golconda NV	1	3
PC-17	1/24/06	U.S. Environmental Protection Agency, Region IX Duane James, Summer Allen, San Francisco CA	5	2
PC-18	1/23/06	Ellison Ranching Company, William Hall, Tuscarora NV	8	3
PC-19	1/24/06	Matthews and Wines, P.C. Elko NV Robert J. Wines, attorney for Big Springs Ranch, LLC	2	1
PC-20	12/21/05 e-mail	B. Sachau, Florham Park NJ	4	1
PC-21	1/19/06 e-mail	Lydia Garvey, Clinton OK	9	1
PC-22	1/22/05	Western Watersheds Project, Katie Fite, Boise ID	1	2
PC-23	1/14/06 e-mail	Katie Fite, Western Watersheds Project, Boise ID	6	6
PC-24	1/24/06 e-mail	Katie Fite, Western Watersheds Project, Boise ID	18	21
PC-25	1/24/06 e-mail w/ encl	Katie Fite, Western Watersheds Project, Boise ID encl – 1/22/06 letter	25	8
PC-26	1/22/06 e-mail	Katie Fite (encl - 1/21/06 letter w/ Milk River Study)	2	2
PC-27	1/9/06 e-mail	Katie Fite, Western Watersheds Project, Boise ID “Travel Planning, Spruce, SSSS EIS”	6	4
PC-28	1/24/06 e-mai1	Katie Fite, Western Watersheds Project (encl-1/23/06 letter)	31	38
PC-29	1/23/06 e-mail	Katie Fite, (encl -Pygmy rabbit petition; Merriam expedition)	1	10
PC-30	1/23/06	Western Watersheds Project, Committee for High Desert	188	65

Letter No.	Date	From	No. of Comments	No. of Pages
		and Oregon Natural Desert Association		
PC-31	1/21/06 e-mail	Katie Fite (encl – Dr. John Carter excerpt, pp 7-15)	1	11
PC-32	1/30/06	Terrell Rich, Boise ID	4	3
PC-33	1/23/06	Toiyabe Chapter Sierra Club, Rose Strickland, Reno NV	12	2
PC-34	1/23/06 e-mail	Barbara Adams, Parker CO	1	1
PC-35	1/23/06	Nevada State Clearinghouse, Carson City NV Brandi Marthen, Division of Water Resources	1	3
PC-36	1/21/06	Van Hyning & Assoc., Great Falls MT	9	2
PC-37	1/30/06	Raymond E. Bowden, Emmett ID	1	2
PC-38	12/20/05 e-mail	Katie Fite	5	1
PC-39	1/20/06 e-mail	"Bill – America's Bookshelf"	9	3
PC-40	1/25/06 e-mail	Michael 'Buffalo' Mazzetti, Tonasket WA	9	3
		TOTALS	**450**	**245**

For purposes of responding to the comments, a specific comment is referred to by the combination of the letter number and the comment number (i.e., PC-1-1, or PC-1-5, etc.). Each letter or e-mail received is followed by responses to the comments identified within it. The response to a comment may consist of:

1. A change in the EIS. In this case, the public comment was specific to some text or error in the DEIS and the document was changed to reflect this comment. Such a change is denoted in the response to comment as "EIS has been modified" and will generally include a page number or section number where the change was incorporated.
2. A written response. In this case, the BLM has responded directly to the comment, but no change in the EIS has been made. This generally indicates that the issue or subject of the comment does not warrant a change in the Alternatives, Affected Environment, or Environmental Consequences; however, the BLM has determined that the issue or subject is in need of some explanation. This may include comments on issues that BLM considered to be outside of the scope of this EIS, consistent with the court order.
3. A reference to another comment response. In this case, the comment is the same or sufficiently similar in nature to a comment that has already been addressed. The response will generally be "See response to comment PC - # - #, above" and may include a reference to a change in the EIS or a written response to the comment.

Given the scope of the EIS as defined by the court order, this EIS addresses issues of regional concern. BLM normally posts an EIS of regional concern on its statewide public website (but unfortunately our site was shut down by a court order on another matter during the review period for the Draft EIS. Thus, we had to rely on direct mailings of the EIS to everyone on the mail list.

The listing of letters and e-mails that BLM received shows that the majority of comments were from the plaintiff in this proceeding, Western Watershed Project (WWP), in the form of numerous e-mails plus a 65-page letter, (PC-30). In addition, many of the e-mails received were in response to a message posted on WWP's website dated January 19, 2006. Although BLM did not directly receive this message, we have included it, as PC-41. The message encouraged subscribers to submit comments to BLM based on nine points. The responses to the points are included only the first time the point is raised.

In addition to comments received from WWP and affiliated groups, BLM also received comments from the permittees of the grazing allotments, local government, and a variety of local organizations. The results of public review of the DEIS are summarized in the Final EIS, Section 4.4.

"Andrew Orahoske"
<andreworahoske@hotmail.com>
01/21/2006 11:25 AM

To bryan_fuell@nv.blm.gov, lorrie_west@nv.blm.gov
cc
bcc
Subject Public Comments on Grazing DEIS

January 21, 2006

Bryan Fuell, Lorrie West
Sensitive Bird Species EIS Project Managers
BLM Elko Field Office
3900 East Idaho Street
Elko, NV 89801-4611

Dear Bryan and Lorrie,

The following are OFFICIAL comments on the Nevada BLM Grazing DEIS. I ask that you both acknowledge that you have received these comments by replying to this email and enter these comments into the administrative record.

1. Prepare a Supplemental EIS.

1 Cheatgrass, halogeton and invasive species are choking out native plant habitats essential for sage grouse and migratory birds and the small animals that provide a prey base for raptors. BLM's existing livestock facilities and seedings have destroyed important habitats, caused weed invasions and killed spring flows. Stocking lands with numbers of cattle and sheep 28-50% above the numbers that have caused widespread damage to riparian and upland areas is madness. Pursuing more range facilities and sagebrush killing treatments is madness. BLM needs to prepare a Supplemental EIS that conducts valid scientific analysis of habitat conditions and the needs of the sensitive species. Collect and assess new and complete data on special status species habitats and ecological conditions.

2. Accurately determine the current suitability, capability and sustainability of grazing on the allotments.

2 BLM must be honest with the public about the condition of the plant communities, and the severity of habitat degradation and loss that exists. BLM must develop management to protect and restore damaged special status species habitats, and act to protect remnant better condition lands.

3. Develop a new range of alternatives.

3 Focus on realistic and much-reduced numbers of cattle and sheep, and reduced livestock "forage" utilization levels based on current scientific data.

4. Consider all Area of Critical Environmental Concern (ACEC) Proposals submitted by the public, and Designate new ACECs.

4 BLM must act to evaluate and designate large new ACECs to best protect sage grouse, migratory bird and raptor habitats, plus unique natural communities. WWP, along with CHD and ONDA submitted proposals for the Owyhee, Goshute, and other areas, based on TNC Landscape Assessments and other data.

5 5. Abandon proposals for even more livestock projects, seedings and sagebrush mowing.

5... Instead, BLM must remove livestock projects that have destroyed spring flows, remove pipeline trough systems that are jeopardizing sage grouse and special status species habitats.

6. Act to restore native Bighorn Sheep to the Goshute and Toano Ranges.

6 BLM ignored Nevada Department of Wildlife and public comment on developing appropriate management so that bighorn sheep populations can be re-established. BLM must remove domestic sheep that transmit a fatal disease to native Bighorn Sheep from bighorn-suitable habitats.

7. Consider impacts to ALL special status and important species and their habitats,

7 including rare bats; pygmy rabbit; migratory birds like the loggerhead shrike; mule deer, antelope and sage grouse populations shared between Nevada, Idaho and Oregon in the Owyhee allotment; and wildlife shared between Nevada and Utah in the Sheep Allotment Complex. The mountain ranges contain pinyon-juniper, mountain mahogany, and montane forest habitat for pinyon jay, northern goshawk, pallid bat, and many other species.

8. Remove cattle from the damaged East Squaw Creek Watershed in the Big Springs allotment.

8 This largely perennial stream and spring complexes provide critical sage grouse brood rearing habitat and a refueling stop for migratory birds in a very arid landscape. BLM proposes excessive grazing and a harmful series of spring developments and band-aid fences. These developments will de-water springs. Plus, they will cause intense cattle grazing and trampling use to be shifted to any unfenced areas and further dry up flowing stream segments.

9 9. Stop abusive grazing practices that are promoting weed invasion, soil erosion and habitat loss in the Wilderness Study Areas.

Sincerely,

Andrew J. Orahoske
1991 Columbia Street
Eugene, Oregon 97403

Comment Responses to PC-1

PC-1-1:

EIS has been modified, see Chapter 2.

Issuance of a Supplemental Draft EIS is not required. In response to requests for a Supplemental EIS, BLM has modified the alternatives to incorporate additional measures to protect sensitive species. The stocking rates and range improvements for the various alternatives are consistent with BLM land use plans and policies. The analysis that has been conducted is scientifically valid and addresses the needs of the sensitive species. Given the level of existing analysis, no new data is necessary to determine impacts to the sensitive species or determine ecological conditions.

The EIS recognizes grazing as one of many factors that has contributed to the spread of invasive weeds and current habitat conditions. Monitoring data has been used in evaluating the condition of upland and riparian habitat throughout the allotment evaluation and environmental analysis process. Where grazing has been determined as a causal factor in not meeting healthy rangeland standards or resource management objectives, adjustments in grazing and range improvement projects are proposed. BLM used a scientific and analytic basis in formulating and comparing the impacts of the alternatives on the special status species that are the focus of this EIS. Future implementation of any of the alternatives incorporates the continued collection and evaluation of monitoring data as necessary to ensure management objectives are met.

PC-1-2:

While there may be more than one method for determining the current capability and sustainability of grazing on the allotments, BLM has followed its accepted practices for determining AUMs or carrying capacity on each of the allotments. The monitoring data collected by BLM has indicated that the areas of heavy utilization are limited in extent, and that taken on the pasture-wide or allotment-wide basis, the available AUMs within the allotments can support the permitted AUMs as described in the modified alternatives. The grazing systems and range improvements identified as essential to each alternative are intended to help change the distribution of livestock, as well as the time and duration that the livestock are present in any one pasture or use area. The analysis indicates that these changes would provide sufficient rest for the grazed plants to produce and store energy prior to another period of grazing.

PC-1-3:

EIS has been modified, see Chapter 2.

The introductory section to the alternatives chapter (section 2.1) has been revised to summarize the process used to formulate alternatives. The alternatives in the DEIS have been modified with respect to:

- essential range improvements versus range improvements that would facilitate the grazing system;
- interim grazing systems that maintain grazing levels at or below the ten-year average actual use, with suspension of AUMs that represent the difference between the carrying capacity and the ten-year average actual use until monitoring indicates the short-term objectives for the allotment have been achieved and the essential range improvements can be implemented;
- grazing systems designed to achieve riparian and upland vegetation using rest rotation, deferment, season of use, and duration of grazing as the major components for maintaining plant vigor and health.

In accordance with regulations to implement NEPA, BLM has rigorously explored and objectively evaluated a range of reasonable alternatives

PC-1-4:

EIS has been modified, see Chapter 1.

Section 1.5, "Significant Issues Addressed in this EIS", has been revised to explain BLM's consideration of ACEC proposals. BLM's consideration of ACEC proposals is beyond the scope of this EIS. As noted by the ACEC definition in 43 CFR 1601.0-5(a): "*The identification of a potential ACEC shall not, of itself, change or prevent change of the management or use of public lands*." In accordance with 43 CFR 1610.7-2, designation and protection management of ACECs must be identified and considered as part of the resource management planning process. All actions considered for implementation in the EIS conform to the approved Wells and Elko RMPs (see EIS, section 1.3.1). Consideration of ACEC proposals will occur as the RMPs are revised (43 CFR 1610.5-3). Consolidation and revision of the Elko and Wells RMPs, with preparation of an EIS, is currently scheduled in 2009. BLM's determination of whether or not to consider ACEC proposals will be made as the Elko Field Office initiates preparation of the RMP EIS.

PC-1-5:

Range improvements which are presented in the EIS can be beneficial to wildlife species as well as livestock if they are designed to distribute livestock and protect riparian areas or enhance depleted rangelands. Mitigation measures could be incorporated into any proposed range improvements to lessen or remove any concerns in regards to impacts to wildlife species. Examples of mitigation measures that are commonly incorporated into new projects include constructing lay down fences in mule deer migration corridors, anti-perching devices on fences in sage grouse habitat, constructing pipelines so that protected water is left at the source, constructing fences to facilitate big game movement through wire spacing and height options, etc.

Some of the range improvements presented in the EIS are necessary to incorporate grazing systems others are not (i.e., Big Springs Seedings). The alternatives have been modified to include only the range improvements essential to implementing the grazing systems. The BLM Elko Field Office also has standard operating procedures (SOPs) associated with each type of range improvement to protect a variety of resources. In addition, specific criteria would be developed on a site-specific basis and impacts analyzed through appropriate NEPA documentation for any proposed range improvements. The individual EAs would address all affected resources including weeds, wildlife, special status species, etc. Interim systems would be identified in the Final EIS to ensure that significant progress is being made towards meeting objectives without incorporating any additional range improvements.

Range Improvements which were constructed prior to NEPA analysis would have to be inventoried and specific recommendations would have to be made for reconstruction or alteration (i.e. anti-perching devices on existing fences) to address current concerns to wildlife including impacts to habitat. These recommendations are included in the DEIS Section 2.2.1 Resource Protection Measures.

Within the Sheep Allotment Complex many of the spring developments are left over from old horse traps, built prior to NEPA and the establishment of the BLM. BLM has received comments about the "old post and barbed wire" as evidence of failed projects, and at the same time the BLM has been informed that these structures (horse traps) are historic and therefore should not be removed.

PC-1-6:

EIS has been modified, see Chapters 1 and 2.

See discussion Alternatives Eliminated (Section 2.6.4). NDOW's reintroduction of bighorn sheep in the Goshute or Toana ranges is <u>not</u> a reasonably foreseeable action until they develop a reintroduction plan for consideration by BLM in coordination with the affected permittees. The reintroduce bighorn sheep in the Goshutes (or Toana) range would require that grazing by domestic sheep either 1) be removed from the

Sheep Complex allotments (possibly with a change in kind of livestock use to cattle), or 2) be limited to lower elevation areas. At this time, BLM's consideration of action(s) to restore bighorn sheep to the Goshute or Toana range is beyond the scope of this EIS.

PC-1-7:

Impacts to other special status species that may be directly, indirectly or cumulatively affected by livestock grazing, were previously analyzed by EISs and EAs prepared to support implementation of the three multiple use decisions. This included federally listed species, Nevada-state listed species, and other BLM-sensitive birds and mammals. The previous analyses also considered migratory birds and resident game species, and were part of the administrative record for review in the court proceedings that led to preparation of this EIS. The resulting Minute Order specifically directed BLM to prepare this EIS on sage grouse for all the grazing allotments, and burrowing owls, and other sensitive raptors for the Sheep Allotment Complex and Owyhee Allotment. Therefore, impacts to other wildlife species were not considered to be a significant issue for detailed analysis in this EIS.

PC-1-8:

Data analysis within the Big Springs Allotment evaluation (2000) identified that objectives, primarily within the lentic and lotic riparian areas within the East Squaw Creek Use Area (which is within the North Pequop Mountain Pasture) were not being met. However, upland objectives were primarily met with ecological condition studies showing no acres within the early seral stage for this area. The current seasons of use within the Big Springs Allotment are yearlong with no seasons of use identified for specific use areas. The allotment evaluation recommended a change in the season of use as well as implementation of several fences including a riparian exclosure to address riparian concerns within the East Squaw Creek and West Squaw Creek use areas. This is currently Alternative 2 as presented in the DEIS. In addition specific criteria would be applied to the Big Springs Allotment; the FMUD requires a four-inch stubble height objective on the herbaceous species on riparian areas, seeps, springs and wet meadows. There is also a 35 percent utilization objective on willows within five feet of ground level. These criteria are recommended to be incorporated under all alternatives presented in the EIS where significant impacts could be realized to lentic and lotic riparian areas. Alternative 2 also incorporates an interim grazing system that would result in maintaining grazing levels at or below the ten-year average actual use until short-term objectives are met (See Section 2.4.2)

The EIS further identified an Alternative 4 which is designed to make significant progress towards meeting riparian objectives by only allowing a later season of use with fewer range improvements in Squaw Creek drainages. Under both these alternatives, significant improvement is expected in the riparian areas as well as uplands by providing deferment or complete rest during the critical growing period. In addition both of these alternatives would address sage grouse nesting concerns in the East Squaw Creek area by decreasing direct impacts from livestock on breeding and nesting activities. Alternative 4 would allow for no direct impacts to breeding birds or nesting habitat because the area would not be used until after nesting has occurred annually. This would allow for a significant portion of residual vegetation to remain in place as well as all the current years growth to provide nest concealment on a yearly basis.

The interim grazing system for the North Pequop Mountain area, which included active herding has not resulted in making significant progress towards achieving objectives. Therefore, the alternatives in this EIS have been developed to address the habitat issues in this pasture.

PC-1-9:

BLM's Interim Management Policy for Lands under Wilderness Review provides for the continuation of grazing …in the manner and degree in which these uses were being conducted on October 21, 1976, if they do not cause unnecessary or undue degradation of the lands and their resources. BLM did not identify any areas of accelerated erosion in the Wilderness Study Areas, nor anywhere on the Sheep Allotment Complex, Big Springs, and Owyhee allotments, during our Standard and Guide Assessments. The only WSAs located on the three allotments in the EIS are: the western slope of the Bluebell WSA is within the Big Springs Allotment, the western portions of the South Fork Owyhee River and Owyhee Canyon WSAs are within the Owyhee Allotment, and the eastern slopes of the Bluebell and Goshute Peak WSAs are within the Leppy Hills, Utah-Nevada #1 North, Lead Hills, and White Horse Allotments.

Monitoring that was conducted in the Bluebell WSA indicates that it does not receive significant livestock use due to topography and lack of water. However, wild horse use does occur in the WSA and WSA surveillance records, IMP Proposed Action Notices, and the Goshute Raptor Project Management Plan indicate that progress is being made towards achieving the wilderness objectives for the Goshute Peak and Bluebell WSAs within the Sheep Allotments Complex.

A 1998 noxious weed inventory of the Elko District identified six different weed species within the Owyhee and Big Springs allotments, and Sheep Allotments Complex. It has been determined that less than 0.005 percent of the Sheep Allotments Complex, less than 0.33 percent of the Owyhee Allotment, and less than 0.004 percent of the Big Springs Allotment were noted to have noxious weeds, and therefore, are not considered a widespread problem within the allotments. Noxious weeds within the allotments are found concentrated along roads and are primarily spread by vehicular traffic and road maintenance activities rather than by livestock. The 1998 inventory has been supplemented with additional non-native, invasive species observations on the Big Springs Allotment and Sheep Allotment Complex. BLM will engage in periodic field inspections to detect any weeds spread by range improvement projects, and BLM will take the appropriate steps to control any weeds found.

The evaluations for the Sheep Allotment Complex, Big Springs, and Owyhee allotments analyzed whether or not accelerated soil erosion was occurring as a result of grazing management practices during the evaluation period and found that accelerated erosion was not occurring. The primary means by which accelerated erosion occurs is through the movement of soil particles when excessive amounts of water flow across the surface of upland areas due to insufficient vegetation, vegetative litter, and rock to slow the water flow and hold the soil in place. One of the consequences of a substantial loss of soil from a vegetation community is a reduction in that vegetative community's productivity. The results of BLM's analysis on this subject are embodied in the conclusions regarding progress towards achievement of the Upland Standard for Rangeland Health. The Upland Standard states that "Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form." BLM's observations while looking for on-the-ground indications of accelerated soil movement, and analysis of ecological condition and ground cover data, brought us to the conclusion that accelerated erosion was not occurring and that the Upland Standard for Rangeland Health had been met or progress was being made towards meeting this standard on all three allotments. Upland Standards were met on the Utah-Nevada #1 South Pasture, Sugarloaf, Ferber Flat, and Boone Springs Allotments within the Sheep Allotments Complex. Utah- Nevada #1 – North, Leppy Hills, Lead Hills, White Horse, and West Whitehorse all were making some progress toward attainment of this standard. The Upland Standards were met on the Big Springs Allotment. Some progress is being made toward attainment of the Upland Standard for the Owyhee Allotment.

Craig Downer
<ccdowner@yahoo.com>
01/24/2006 03:34 PM

To bryan_fuell@nv.blm.gov, lorrie_west@nv.blm.gov
cc
bcc
Subject Input on Nevada Blm Grazing Draft Environmental Impact Statement, Deadline today!

1/24/06

B. Fuell, L. West
Sensitive Bird Species EIS Project Mgrs.
BLM Elko F.O.
Elko, NV

Dear Public Servants:

I have reviewed the contents of your EIS and am very alarmed at how you are playing into the hands of the monopolistic livestock interests. This is entirely unacceptable. You need to do a
1 much more thorough evaluation, including through the gathering of field data as concerns special status species. A much more critical examination of the effect of livestock grazing needs to occur and you must consider additional alternatives, ACEC's and the true nature of wild horses,
2 rather than parroting the prejudiced myths of their detractors. In other words, demonstrate true fairness and integrity. Plans for ever more livestock and alteration of the public lands that favors livestock must be checked. To do otherwise is to abrogate your honorable pledge of caretakers of
3 the public trust. I am particularly concerned about the East Squaw Creed Watershed in Big Springs allotment and suggested you mitigate the pressure of livestock here. This is a desperate
4 situation.Also you must look at the Wilderness Study Areas much more closely and critically to halt soil decomposition and habitat loss for wildlife here. Finally, as one who appreciates the wild horses in the wild, not behind a fence, I urge you to treat these natural heritage returned natives fairly instead of dishonorably continuing to perpetrate the lies and distortions against them. Their numbers are now at subviable levels, yet you continue to whittle away at the herds. Soon there will be none left and you and their enemies who have conned you will have won,
5 unless you act to reverse this tragic situation now. I am particularly concerned about the Sheep Allotment Complex, the Big Springs allotment and the Owyhee allotment treated in your EIS and where the wild horses have been and continue to be targeted for undeserved trumped up blame and elimination. I look forward to your response.

Craig C. Downer, Ecologist,
P.O. Box 456
Minden, NV 89423

Comment Responses to PC-2

PC-2-1:

Habitat conditions for the Big Springs, Owyhee and Sheep Complex were analyzed in the individual allotment evaluation; data presented in the evaluations and incorporated into the DEIS by reference included ecological condition, utilization, vegetative trend, PFC (lentic and lotic), stream survey data as well as specific habitat condition analysis. Habitat delineations for sage grouse nesting, summer and winter were presented in the allotment evaluations based on coordination with NDOW.

Complete baseline ecological condition data was collected and analyzed on the public portions of the Big Springs and Owyhee allotments between 1985 and 1992. For both allotments the acreage in early seral stage was less than 5 percent of the total acres. Ecological data was collected on the Sheep Allotment Complex (1994) for 5 of the 8 allotments that existed at that time. Less than 2 percent of the acreage classified within the Sheep Complex was within the early seral stage. An additional 1.6 percent of the Sheep Allotment Complex has been impacted by fire since 1994 and is expected to be in early seral stage, and subsequently at greater risk for invasive species. The Owyhee and Big Springs allotments have also been subject to recent fires (i.e., the Wilson Complex fire in 2005 on the Owyhee Allotment). Ecological condition has also been collected at key areas within the allotments at specific intervals to determine whether there have been changes in ecological condition. The BLM utilizes vegetative trend studies as well as habitat condition studies established at key areas and representing key species to monitor the condition of the key range sites and determine any changes in vegetative communities based on percent composition and frequency of occurrence. We would expect that except for fire disturbances there has been little change to upland conditions which existed at the time the data was collected.

The data which was analyzed within the allotment evaluations has allowed the BLM to identify specific concerns in the existing upland and riparian habitats and make technical recommendations including grazing systems and range improvements which are expected to result in significant improvement to both the upland and riparian communities and slow the spread of non native invasive species, as well as noxious weeds.

These technical recommendations were included as Alternatives in the DEIS. Additional alternatives formulated as a result of public scoping were also included in the DEIS to address habitat concerns for sensitive species.

The respective roles of the Federal and State agencies responsible for management of fish and wildlife are clarified and supported by the Interior Fish and Wildlife Policy (43 CFR Subtitle A, Part 24). 43 CFR Sec. 24.4(d) indicates “the several States therefore posses the primary authority and responsibility for management of fish and resident wildlife on Bureau of Land Management lands, the Secretary, through the Bureau of Land Management, has custody of the land itself and the habitat upon which fish and resident wildlife are dependent. Management of the animals is the responsibility of the State. This is reinforced by 43 CFR 24.4(c) which states “concomitantly, the Secretary of the Interior is charged with the responsibility to manage non-wilderness BLM lands for multiple uses, including fish and wildlife conservation. However, the authority to manage lands for fish and wildlife values is not preemption of State jurisdiction over the fish and wildlife.”

The BLM operates cooperatively with wildlife agencies in the management of wildlife and wildlife habitat within the framework of a Master Memorandum of Understanding; however, the main responsibility in managing wildlife numbers and collecting population data lies with NDOW. Wildlife population data was obtained from NDOW and the USFWS throughout the evaluation process for the Big Springs, Owyhee, and Sheep Complex Allotment.

Although NDOW maintains the sage grouse lek database the Elko office has worked cooperatively with NDOW to obtain sage grouse population data through lek inventories. The BLM has received funding through the Challenge Cost Share (CCS) program to conduct helicopter lek surveys since 2000. One of the main priorities of this effort has been to identify new leks in areas where we have no record of historical leks. Historical leks were identified through a number of resources and many have never been verified as being active and have never actually had birds associated with them. Analysis using ArcMap was used to determine high probability areas for new leks based on criteria such as slope, aspect, vegetation type and these areas were flown extensively to collect additional population data. Although lek counts have continued at historic leks, surveying the data gap areas has been the main priority for the Elko Field Office and NDOW.

In 2005 BLM inventoried areas of high suitability for sage grouse lek occurrence within the Sheep Allotment Complex; no new leks were found and there was no attendance at the two historic leks in Boone Springs. One of the leks has never had birds identified on it and the other has only had birds identified on it one time, when three birds were observed in 2003 based on BLM helicopter survey data. Monitoring data collected by NDOW in 2006 on this lek complex resulted in a peak attendance of 22 birds.

NDOW collected lek data for seven of the nine leks (complexes) within the Big Springs Allotment in 2006. All of the leks surveyed were either stable or had increases in attendance except one. Three of the leks had no birds in attendance in 2001; all three were active in 2006. An additional possible lek with 12 birds in attendance was discovered during the 2006 lek surveys south of Interstate 80.

Data collected during 2005 lek inventories in the Owyhee Allotment resulted in an increase of 37 sage grouse over the 2000 lek inventories on the same seven leks. Although these lek inventories do not provide sufficient information to determine population trends, they are useful in determining current status of the leks. In this case, all of the leks from 2000 were active in 2005.

Specific population and trend data for many of the sensitive raptor species identified in the EIS is lacking, and comprehensive population data is not available from any agency. However, by using habitat descriptions from the literature for each species, and using records of sightings (random observations and nest observations) of these raptors by NDOW, USFWS, and BLM personnel, it has been possible to determine which species are occurring and which species are likely to occur within these allotments. As indicated in the DEIS at Sections 3.2.3 and 3.4.3, the habitats within the Sheep Allotment Complex and Owyhee Allotment for raptors are primarily foraging habitat. There is no indication that nesting habitat is in limited supply for the cliff nesting species. For two of the owl species that nest in association with riparian vegetation, the allotment evaluations identified that riparian objectives were not being met, and alternatives in the DEIS were developed to meet these objectives, which would also provide improved habitat for the two owl species, as well as sage grouse and other raptors. The BLM cooperatively funded raptor nest surveys in conjunction with Hawkwatch International and NDOW in 2004 to collect baseline data on current nesting populations in the vicinity of the Big Springs and Sheep Allotment Complex. Although the area surveyed only contained a small portion of the Big Springs Allotment, it allowed us to make further determinations on the types of species present based on similar habitat types. The intent of the BLM is to continue this kind of baseline monitoring in conjunction with NDOW and Hawkwatch when funding can be obtained. Where regional population trend data is available for raptor species, it is dependent on many factors range-wide; including climate, herbicide/pesticide use, development, etc. and not tied to specific habitat conditions within these allotments. This is particularly applicable to the Goshutes where Hawkwatch is collecting information on migrating raptor species that are subject to stressors at various locations across their multi-national migration routes. Consequently, trend data from these sources does not provide any indication of what is occurring locally. Therefore, BLM has focused on improving the existing habitats on public lands. The BLM has identified grazing systems within the EIS which are expected to result in significant improvement to upland and riparian habitats upon which sage grouse and sensitive raptor species are dependent.

PC-2-2:

The Elko Field Office manages wild horses on the public rangelands consistent with its multiple use mission that takes into consideration natural resources such as wildlife and vegetation, and land uses such as livestock grazing and recreation. The primary responsibilities of the BLM, as dictated by law, are to preserve and protect wild horses and burros and to manage for healthy rangelands. Through intensive land use management planning efforts and the issuance of Multiple Use Decisions (MUDs), the Elko Field Office determine the appropriate management level (AML) of wild horses that each of the hear management areas can support. BLM has recently removed wild horse from these allotments to maintain populations at the AML.

See also response to comment PC-1-4, above.

PC-2-3:

See response to comment PC-1-8, above.

PC-2-4:

See response to comment PC-1-9, above.

PC-2-5:

The analyses for the Sheep Allotment Complex, Big Springs, and Owyhee allotments found that wild horses contributed to the non-attainment of some key area objectives and riparian standards. Maintaining numbers within AML and continued monitoring within the allotments will show if the Standards and Guidelines for Wild Horses are being met. These guidelines were developed to promote rangeland health for the following categories: Upland Sites, Riparian and Wetland Sites, Habitat, and Healthy Wild Horse and Burro Populations.

To mitigate impacts, the BLM proposed various spring exclosures to protect the critical springs and associated riparian habitat from utilization by wild horses and livestock (Alternative 2), as well as an alternative with changes in grazing, rather than exclosures (Alternative 3) to protect these areas.

RECEIVED
BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE

2006 JAN 12 PM 4:42

January 12, 2006

Sensitive Bird Species
EIS Project Manager
BLM, Elko Field Office
3900 E. Idaho Street
Elko, NV. 89801

Parasol Ranching LLC
HC 76 Box 32004
Tonopah, NV. 89049
775427 8889 phone

RE: Big Springs Allotment
Draft EIS Directive

1 As present ranch managers, controlling the Grazing Permit at East Big Springs, We request that the signed Final Multible Use Decision, signed Sept. 17,2002, be implemented as Stated.

2 We further reqest an increse in livestock AUM,s and to proceed immediatly with range improvements desribed, seedings of native and non-native seed species, stock-waters, pipelines and fencing.)

3 While furthering the improvements,range forage and water availability, we'll observe an increase in wild-life habitat and their population increase.

Larry L. Schutte JAN. 11, 2006
Larry L. Schutte Date
Non-Member Manager

Jerry Goodwin Jan 11-06
Jerry Goodwin Date
Member, Manager

Comment Responses to PC-3

PC-3-1:

Comment noted, no change in the EIS required.

PC-3-2:

EIS has been modified, see Chapter 2.

Increases in permitted use will be granted if, and only if, future carrying capacity calculations show that more forage is available on a sustained basis than previous calculations. No increases in permitted use are contemplated as part of this action. However, increases above the ten-year average actual use level and up to the permitted use (i.e., carrying capacity) would be available when: 1) the essential range improvements have been installed; and 2) monitoring demonstrates that riparian and upland standards are being met (See Chapter 2, Sections 2.4.2, 2.4.3, and 2.4.4).

All range improvement projects identified in the FMUD and alternatives are subject to full NEPA analysis prior to implementation. In some cases the NEPA analysis may lead the BLM to conclude that the described projects are either not feasible or not needed. The actual size, scope, and location of each project will be developed through the NEPA process, including full consultation with members of the interested public.

PC-3-3:

See response to comment PC-1-5, above.

The grazing systems were designed to enhance the existing vegetative communities by providing deferment, rest, and dormant season grazing and to address both lentic and lotic riparian concerns. By providing these types of measures both positive indirect and direct effects to wildlife populations will be realized and significant improvements are expected to upland and riparian vegetative communities.

Bryan Fuell, Lorrie West

Sensitive Bird Species EIS Project Managers

BLM Elko Field Office

3900 East Idaho Street

Elko, NV 89801-4611

Dear Mr. Fuell and Ms. West,

I have been looking on the Nevada State BLM office web site for the EIS concerning livestock grazing impacts to sensitive species including sage grouse, golden eagle, burrowing owl, ferruginous hawk and other raptors across three allotments: Sheep Complex, Big Springs and Owyhee. I have not been able to find such an EIS on the Nevada BLM web site or the national BLM web site. It concerns me that this information is not readily available to the public in this era of information technology. This does not meet the current community standards for making information about the environmental impacts of federal projects generally available to the public. The National Environmental Policy Act requires federal agencies to make available to the public information about he environmental impacts of projects and permitted activities managed by those agencies. I have been able to look at the EIS only sporadically and to speak with others familiar with it from time to time.

During the late summer, fall and early winter of 2005 I visited northern Nevada. I spent some time in the Sheep Complex and Big Springs allotments. After spending that time in the Big Springs and Sheep Complex allotments I was alarmed at the condition of springs, riparian zones and the general condition of the region.

My comments cover several aspects of the EIS. Some comments refer to specific legal obligations of the BLM in managing the lands and preparing EISs. Portions of my comments will be about specific observations on the allotments. I have a number of photographs of the allotments which I will place on a CD and send to you.

The BLM has not complied with the Taylor Grazing Act

Since portions of the Big Springs allotment were recently acquired from private ownership those lands must be inventoried and a determination made as to whether or not they are chiefly suitable for grazing. The East Squaw Creek drainage is unique or rare in the low mountain ranges of the Great Basin. Few such flowing streams remain in ranges like the Pequops. Because of the unique riparian areas the East Squaw Creek drainage makes superb sage grouse habitat. Or at least it could if the riparian areas in the main fork and the smaller upper forks were functioning in a normal and desirable manner. Such areas make the best and most appropriate brood rearing habitat for sage grouse. The uplands are covered with sage brush with occasional stands of trees and shrubs. The sage brush under story has been drastically altered from the desirable condition. Grasses are sparse in ost areas and lack the 18 inch height necessary for cover for sage grouse. Sage

grouse are using the area. We found sage grouse fecal pellets near the ridgeline between East and West Squaw Creeks.

2. The presence of surface water could make the East Squaw Creek drainage valuable for recreation.

The proposed action violates the Federal Land Policy and Management Act of 1976

The Federal Land Policy and Management Act of 1976 (FLPMA) states

> [T]he public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources and protect certain public lands in their natural condition: that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use…[43 USC 1701 (a)(8)]

FLPMA further states "…In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands." [43 USC 1732 (b)]

The Big Springs and Sheep Complex allotments do not provide adequate habitat for sensitive species such as sage grouse, golden eagle, burrowing owl, ferruginous hawk and other raptors.

None of the springs and riparian zones I visited could be considered to be in proper functioning condition. This corresponds well with EIS which indicates that about 75% of
3 all riparian zones are not in proper functioning condition.

Via USPS mail you will receive a CD with the following photographs:

- 67 photographs documenting the horrendous condition of springs and riparian areas in the East Squaw Creek drainage
- 11 photographs showing similar conditions in West Squaw Creek
- 9 photographs of Sidehill Spring showing the poor condition of the spring including tire tracks through the spring
- 8 photographs showing the devastation around Pequop Spring
- 17 photographs of other springs and stock developments with similar denuded ground
- a document listing locations and short descriptions of the photographs
- a copy of these comments will also be on the CD

The photographs show a variety of major problems in the area. These problems include

- some of the photographs document the poor conditions of the ecological conditions of the land through a degraded plant community in the interspaces between the sage brush
- several photographs document the presence of sage grouse fecal pellets on the allotment
- several photographs show a severely impacted and declining aspen clone
- stream banks are trampled and denuded of vegetation
- wet meadows are drying and the portions of the meadows that continue to retain significant characteristics of wet meadows are trampled into hummocks
- stream beds are deeply incised
- riparian vegetation such as willows are browsed to stubble height
- there is no stream side shade cover for what little water remains

3...

The photographs clearly show the BLM has failed to protect the scenic, ecological, environmental, water resources of the Big Springs allotment. The BLM has failed to protect any of the resources mandated by FLPMA. The photographs also show incredible levels of unnecessary and undue degradation. This also fails the requirements of FLPMA as noted above.

□The environmental impact statement is inadequate and fails to meet the requirements of the National environmental Policy Act

The National Environmental Policy Act ("NEPA") requires each federal agency to prepare and circulate for public review and comment a detailed environmental impact statement ("EIS") prior to any major federal action that may have a significant effect on the environment. See 42 U.S.C. § 4332(2)(C); 40 C.F.R. §§ 1502.5, 1508.3; Idaho Sporting Congress v. Thomas, 137 F.3d 1146, 1149 (9th Cir. 1998) (holding that "[a]n EIS must be prepared if substantial questions are raised as to whether a project may cause significant deterioration of some environmental factor") (emphasis added); Robertson v. Methow Valley Citizen's Council, 490 U.S. 332, 336, 109 S. Ct. 1835, 1839 (1989); Foundation for North American Wild Sheep v. United States Dept. of Agriculture, 681 F.2d 1172, 1177-78 (9th Cir. 1982).

4

Federal courts have interpreted NEPA to require that, when preparing an EIS, agencies must take a hard look at the potential impacts of a project. See Kleppe v. Sierra Club, 427 U.S. 390, 410 n.21, 96 S.Ct. 2718, 2730 n.21 (1976); Robertson v. Methow Valley, 490 U.S. at 374.

The agency's statement of reasons "'is crucial' to determining whether the agency took a 'hard look' at the potential environmental impact of a project." Save the Yaak Comm. v. Block, 840 F.2d 714, 717 (9th Cir. 1988). Reviewing courts must confirm that "the agency decision is founded on a reasoned evaluation of the relevant factors." Citizens to Preserve Overton Park, 401 U.S. at 416, 91 S.Ct. at 824 (1971).

In addition, Council on Environmental Quality (CEQ) regulations recognize that intelligent decisionmaking can only derive from high quality information. Information included in NEPA documents "must be of high quality. Accurate scientific analysis . . . [is] essential to implementing NEPA." 40 C.F.R. § 1500.1(b). Where an agency has outdated, insufficient, or no information on potential impacts, it must develop the information as part of the NEPA process. In addition, "agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." 40 C.F.R. § 1502.24

NEPA review documents, including EISs, must analyze the "environmental impacts" of proposed actions which include not only the direct and indirect impacts of proposed actions, but also the cumulative impacts of "past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7; see also 40 C.F.R. § 1508.8 (effects include ecological, aesthetic, historical, cultural, economic, social or health impacts, whether direct, indirect or cumulative); 40 C.F.R. § 1508.25(c) (EIS shall consider three types of impacts, including cumulative effects); 40 C.F.R. § 1508.25(a)(2) (EISs must analyze the effects of actions "which when viewed with other proposed actions have cumulatively significant impacts"); Shoshone-Paiute Tribe v. U.S., 889 F.Supp. 1297, 1310 (D. Idaho 1994).

4... The discussion of the environmental consequences in an EIS must include: (1) direct and indirect effects and their significance; (2) possible conflicts between the proposed action and the objectives of federal, regional, state, and local land use plans, policies, and controls; and (3) natural or depletable resource requirements and conservation potential of the various alternatives and mitigation measures. 40 C.F.R. § 1502.16. The direct and indirect effects to be considered include "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health . . .." 40 C.F.R. § 1508.8. In addition, "agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." 40 C.F.R. § 1502.24

CEQ regulations provide that EISs shall "provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. "[A]gencies shall . . . [r]igorously explore and objectively evaluate all reasonable alternatives . . . , [i]nclud[ing] the alternative of no action." 40 C.F.R. § 1502.14. The range of alternatives should be developed "fully and impartially," and should not "prematurely foreclose options that might protect, restore, and enhance the environment."

To the extent that science is used to support the agency's conclusions, the agency must "identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement." Id. Whenever there is incomplete or unavailable information regarding the potential adverse environmental impacts of a proposed action, the agency must note this deficiency and must attempt to obtain the information." 40 C.F.R. § 1502.22.

4... Finally, courts are instructed to set aside agency action, findings, and conclusions that are found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." *Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A).*

<u>The EIS fails to present sufficient information to make an informed decision as required by NEPA</u>

5 It is impossible to determine from the EIS the amount of actual use as opposed to the preferred use of the allotments for a significant portion of the recent grazing history. In fact, the BLM either does not have that information or fails to reveal it in the EIS. Since that is the case has not real basis on which to make future decisions about the permitted number of AUMs. In fact the proposed "Adjusted Grazing" alternative permits grazing AUMs at a 28% increase over current actual use. This is inspite of the fact that current actual use is causing significant detrimental impacts and unnecessary and undue degradation of values to the land through the permitted use of the area for commercial livestock production. In this case the BLM failed to identify and supply the required information as noted above (Where an agency has outdated, insufficient, or no information on potential impacts, it must develop the information as part of the NEPA process. In addition, "agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." 40 C.F.R. § 1502.24).

In this case the EIS fails to reveal, describe or analyze the miracle that would make livestock grazing that is at least a 28% increase over current actual use result in the improvement of the 77% of the riparian areas that are not in proper functioning condition.

<u>The EIS fails to analyze a reasonable range of alternatives as required by NEPA</u>

6 None of the analyzed alternatives considers a significant change of stocking levels or a significant reduction of AUMs. Thus one "...of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment" would include an alternative that allowed the BLM to analyze the impacts of a reduced number of AUMs. According to Galt (2000), "The most basic decision on the new permit is the number of animal units that will be assigned to the allotment." This is the primary decision that determines the environmental impacts of livestock grazing. Yet the EIS does not describe or analyze an alternative that would vary the actual number of livestock grazing the allotments or the AUMs permitted in each allotment.

<u>The EIS fails to look at the research and science available to help make an informed decision about livestock management</u>

The East Squaw Creek drainage harbors an aspen clone that is in decline. <u>Research in Nevada reveals the negative impacts livestock grazing on aspens yet the EIS does not consider the available information.</u>

7 Kay (2001) reported the results of studies of hundreds of aspen clones in the Shoshone, Simpson Park, Diamond, Desatoya and Roberts Mountains on BLM lands in central Nevada. Aspen in these areas are found to be in poor condition and many stands have not successfully regenerated in 100 years or more. Kay observed that where aspen in central Nevada has been protected from grazing, aspen has maintained its position in the

vegetation community and, in fact, has actually replaced sagebrush, contrary to the opinion of some that say sagebrush naturally replaces aspen. Exclosure data indicated that herbivory has had a major influence on aspen stem dynamics and understory composition in central Nevada. Most herbivory was from livestock. Pellet counts were used and showed that 59.3% were from domestic sheep, 40.2% from cattle and 0.4% from deer. All aspen stands regenerated in exclosures that excluded cattle but not deer and in canyons closed to livestock. When fallen trees blocked livestock access, aspen were able to regenerate in the protected spaces. Reductions in livestock numbers also resulted in aspen regeneration. Distance to water and slope were also factors that related to aspen regeneration or the lack of regeneration. Cattle use is generally related to distance from water and slope. Steeper slopes or areas further from water receive less use. Aspen stands further from water and on steeper slopes were in better condition than those nearer water or on more gentle slopes, again indicating that grazing by livestock was the operative factor causing declining health of aspen clones. While Kay cites other research indicating that wildlife have impacts on aspen regeneration, he states that in all cases where aspen is protected from livestock, it successfully regenerated and formed multi-aged stands without fire or other disturbance. He concludes by saying, *"The single, stem-aged stands seen in central Nevada and found throughout the West are not a biological attribute of aspen, but a result of excessive ungulate herbivory. ... In central Nevada, however, domestic livestock are the predominate (predominant) ungulate herbivore."*

7...

On a broader scale the EIS fails to look at the available research about sage grouse and the effects that current livestock grazing levels have on sage grouse populations. (The photographs accompanying these comments show the presence of sage grouse because fecal pellets can be seen in several locations.) The EIS fails to demonstrate how a 28% increase over current actual stocking levels will result in the restoration of sage grouse populations or even the restoration of adequate sage grouse habitat.

Connelly et al (2000) and Braun et al (1977) have shown that sage grouse have declined significantly across their historic range. They have also documented the requirements of sage grouse nesting and brood-rearing habitat. These requirements include minimums for sagebrush canopy of >15%, grass and forb canopy of >15%. Herbaceous vegetation height > 18 cm is needed for cover. They also note that nests and brood-rearing areas include close proximity to water sources, the same areas preferred by cattle. Their analysis reveals that livestock impacts are detrimental to sage grouse through removal of the herbaceous understory in sagebrush habitats. Of course, the concentration of cattle near water results in heavy trampling and removal of the vegetation needed for cover and food for both nesting and brood-rearing. The reliance of sage grouse on forbs, grasses and insects during their spring and summer brood-rearing periods results in direct conflicts with cattle for forage and habitat.

The EIS fails to analyze fully the impacts of grazing on a wide range of wildlife such as deer and elk. Fleischner (1994) has well documented the loss of biodiversity and lowering of population densities of animal populations caused by competition with livestock for food and cover. It is only common sense that what livestock consume is not available to support wildlife populations. I will not go into detail on this subject other

than to touch on the myth that livestock do not compete with deer because deer are "browsers", living on shrubs and livestock are "grazers", living on grasses and forbs.

Julander (1962) pointed out that heavy grazing of mule deer winter range has resulted in a serious reduction or near elimination of the perennial grasses and perennial forbs. This is what the previously cited studies for the Bear River Range have shown. This lack of perennial grasses and forbs creates a serious forage deficiency in early spring and summer when deer prefer the new grasses and then shift to forbs. It is in winter they rely more on shrubs, including sagebrush. During fawn rearing, the combination of inadequate forage on overgrazed spring range coupled with poor winter range is responsible for heavy fawn mortality. The depletion of herbaceous species on summer range by livestock limits reproduction in does. Holechek et al (2001) provide figures for consumption of grass, forbs and shrubs by cattle, sheep and mule deer in sagebrush habitats. Cattle relied on 60 - 76% grass, 3 -10% forbs and 14 – 33 % shrubs; sheep relied on 42% grass, 30% forbs and 28% shrubs; mule deer relied on 0 – 17% grass, 24 – 100% forbs and 0 – 59% shrubs. Clearly, there is dietary overlap and for mule deer, depletion of critical winter, fawning and summer ranges can have significant impacts on the population.

7...

A meta-analysis of the available research on the effects of grazing on the flora, fauna and soils of the arid west revealed "that <u>livestock grazing has detrimental effects on North American arid ecosystems</u>...various features of arid land soils are highly sensitive to cattle grazing..." The EIS fails miserably at describing the impacts of grazing on the flora, fauna and soils of the allotments. The meta-analysis "revealed that rodents react negatively to grazing." The study also showed that "[t]he responses of vegetation itself to grazing were more variable (than the responses of soils and rodents), with four of the eight vegetation response variables testing significantly." This study was quantitative rather than qualitative, measuring the results "of all research articles [which could be located] on the effects of livestock grazing on arid lands in the American West between 1945 and 1996." (Jones, 2002) The meta-analysis shows grazing in the arid west has significant detrimental effects on a large variety of biological categories and geomorphic characteristics. These include rodent species diversity, rodent species richness (both of which are also essential for raptor habitat), shrub cover, grass cover, total vegetation biomass, seedling survival (non-trees) cryptogamic crust cover, litter cover, litter biomass, soil water infiltration rate, and soil erosion. (Jones, 2002)

<u>An adequate range of alternatives is the heart of NEPA (40 C.F.R. § 1502.14.)</u>

One example of the results of analyzing such a limited array of alternatives is the failure to come to terms with the actual needs to perform useful and scientifically meaningful monitoring. Much of the current literature about grazing on public lands and particularly arid western lands point to continued problems with grazing management. Frelich, et al, (2003) wrote a comprehensive critique of grazing management on public lands. The article does not reject commercial livestock grazing as a use of public lands but it does point to six specific effects of grazing on the biological health of grazed lands (primarily in Wyoming and the Great Plains according to the authors). The discussion leads to some very specific recommendations including the following,

8

"It is important that range scientists learn more about the differences between ranched lands and protected areas. Controlled experiments contrasting ecosystems on rangelands to national parks, wilderness areas, and wildlife refuges would help resolve the question posed at the beginning of this article: Are the ranched lands different? The system of large-scale grazing exclosures proposed by Bock and colleagues (1993) should be established and studied. Such scientific research could provide the knowledge necessary to help conserve as much of our ecological heritage as possible." (Frelich, 2003)

8... Understanding the ecological or biological effects of grazing will lead to specific conclusions about many aspects of grazing management which should be reflected in the proposed regulations. Frelich, et al, clearly define the needs for specific monitoring needs. The proposed action does not describe the real needs to perform monitoring that would illuminate and inform changes in grazing management. How could the need to develop an adequate monitoring program evade inclusion in some alternative in a reasonable range of alternatives?

The EIS fails to adequately deal with drought and the native aridity of the allotments

The BLM need only consult the Palmer Drought Severity Index for Region 2 of Nevada (available at http://climvis.ncdc.noaa.gov/cgi-bin/ginterface) to see the history of drought during the last 111 years. The index shows that 42 of the last 111 years have been dominated by drought. During the 28 of those years the drought severity was greater than -3.0 on the scale while only 23 of those years showed greater than normal moisture score of 3.0 on the scale. From the above cited research it is reasonable to assume that resilience of soils and biological systems in the arid west is reduced by livestock grazing and that the effects of drought would be enhance by the continuation of livestock during drought. The recovery from drought does not occur in a single season or even a single year. The recovery from drought for the flora, fauna and soils of the allotments occurs over a several year period. Since 42 of the last 111 years were dominated by drought that means that the entirety of the last 111 years were either in drought or were periods of
9 recovery from drought. With the continued stress of livestock grazing there is no reason to believe that riparian zones could recover with current grazing management or the with the stocking levels proposed in the EIS. It is also the case that the sage brush plant communities will not recover from continued livestock grazing at current or proposed levels.

Anderson , et al (2001) conducted studied the long term effects of grazing on an arid ecosystem in Idaho. The Idaho National Engineering and Environmental Laboratory, established in 1950, exists as the largest reserve of sagebrush steppe in North America. This study analyzes cover, density, and frequency data for plants sampled nine times during 45 years on permanent plots. Forty-seven of the 79 permanent plots have been free of livestock since 1950, and these are the focus of this article. Only two of the plots have burned since 1950. Pronghorn, mule deer, elk, black-tailed jackrabbits, cottontail and pygmy rabbits and locally abundant small mammals are present.

When the reserve was established in 1950, it had apparently been "severely overgrazed," and a drought had existed since 1933, continuing until 1957. The area had "very low

cover of perennial grasses [0.5%], low density and richness of perennial forbs, dominance of plots by two subspp. of *Artemisia tridentata* [big sagebrush], and relative vegetative homogeneity of plots..." (p. 544) The vegetation total cover was 18%.

Hypotheses considered were that (1) the vegetation would be quite static, given the longevity of the sagebrush steppe woody species, usurping of resources by mature woody species, and lack of propagules (e.g., seeds) of herbaceous species; (2) annual or longer term variation in precipitation would be a major driver of vegetative change; (3) plant cover and stability of cover are positively associated with species richness; and (4) vulnerability to invasion by exotics is inversely related to native plant cover and richness.

Major findings of the research

By 1995, vegetation cover was 38%, with shrubs contributing 52% of the cover, grasses 15%, and perennial forbs 7.5%. Annuals and biennials accounted for 24% of the total, of which nearly half consisted of exotics, primarily cheatgrass. Basal cover underestimates the importance of perennial grasses relative to shrubs and forbs in these communities. "Furthermore, the substantial increase in cover of perennial grasses through 1975 was not at the expense of the shrub overstory" (p. 545).

Cheatgrass has only rarely displaced native vegetation, and cover of cheatgrass is "strongly inhibited by cover of native species..."(p. 553). "Thus, the bulk of the evidence available suggests that where native plant populations in sagebrush steppe are thriving, *B. tectorum* [cheatgrass] does not pose the threat that it does where populations of native perennials have been depleted" (p. 553).

9...

Density of big sagebrush has decreased in recent decades; perennial grasses increased sharply in the 1970s, and then have leveled off; and perennial forbs have increased significantly over the past two decades. Species richness of all three have increased in the 45 years. Cover of shrub and perennial grass species have been positively correlated with species richness in most years. "[T]he data clearly support the prediction that cover in sagebrush steppe is generally higher in areas having greater richness of vascular plants..." (p. 551).

The number of plots on which nonnative species were recorded increased, but the average density of nonnative species didn't. In 1995, the greater the cover of native species, the lower the cover of nonnative species, including cheatgrass. "Thus, good cover of perennial species in sagebrush steppe appears to increase resistance to invasion." (p. 552)....[C]over of *B. tectorum* [cheatgrass] is strongly inhibited by cover of native species." (p. 553).

"Despite the depauperate and homogenous conditions in 1950, vegetation on the permanent [livestock-free] plots... has been anything but static over the past 45 [years], clearly refuting the prediction of long-term stability under shrub dominance. Mean richness per plot of all growth forms increased steadily..." (p. 545).

"The 45-yr period has witnessed a substantial increase in heterogeneity in vegetative structure among plots" (p. 549).

Classic range "succession" has not taken place; instead species increases and decreases

have fluctuated over the 45 years. (pp. 546-7). Likewise, prediction of static dominance by big sagebrush has not been shown. Likely this is the result of having "a large number of plots that better represent landscape-scale dynamics" (p. 548).

"Indeed a few other studies have shown that arid and semiarid communities can respond to reduced stocking rates and favorable precipitation with increased production of native perennial grasses and forbs if residual populations of such natives are present [citations]" (p. 548).

"Our data do not support Laycock's [citation] opinion that 'if grazing were completely removed, diversity of both plants and animals on the landscape level probably would decrease on most areas of public lands' in the United States....Laycock's conclusion is probably correct for grassland ecosystems having a long evolutionary history of intense grazing pressure, but it may not be applicable to semiarid ecosystems where unpalatable shrubs are dominants (e.g., sagebrush steppe) or may quickly become dominants with heavy livestock grazing or drought.....[L]ivestock grazing in such shrub-dominated systems intensifies shrub dominance, reduces or eliminates populations of palatable species, and tends to homogenize vegetation at the landscape scale." (p. 550).

Regarding the variable relations individual species had in relation to precipitation: "Our data indicate that individual species within the guild of perennial grasses responded individualistically to temporal environmental variation." (p. 550).

The authors conclude that:

9...

- The increases in species diversity and heterogeneity 1950-1975 are largely recovery from drought and grazing;
- species richness is an important factor driving the functioning of semiarid sagebrush-steppe ecosystems; and
- "...[A]dequate cover of native species appears to render these semiarid communities more resistant to invasion." (p. 553)

"Grime [citation] speculated that high biodiversity might be 'vitally important' in semiarid and other ecosystems that 'experience drastic fluctuations on a seasonal or longer time scale.' Our results support this view by providing evidence for links between plant wpecies diversity and function in sagebrush steppe" (p. 551).

The research raises the following vitally important questions for the BLM.

- Do current BLM policies acknowledge native sagebrush understory as a key feature in maintaining natural fire cycles, resisting invasive species, and supporting cover and native biodiversity?

- Do current BLM policies take into account the negative impacts of livestock grazing in conjunction with drought in sagebrush steppe?

The research raises the following relevant issues for the management of grazing on the three allotments.

- Livestock grazing permits must acknowledge synergism with drought and indicate evidence for the grazing to support natural ecosystems in light of drought.
- "[Under drought conditions,] [t]he most palatable species -- perennial grasses and forbs -- are likely to be the least drought tolerant. Thus, drought and grazing have similar, synergistic effects [citation]." (p. 545).
- Large blocks of sagebrush habitat must be livestock-free to protect and restore native biodiversity, reduce invasive species spread, and provide long-term comparison with sagebrush habitat that continues to be grazed by domestic livestock.
- Capability and suitability of vegetation for livestock grazing must be based on actual, not potential vegetation, including understory vegetation.

<u>The EIS fails to adequately analyze the relationship of invasive and undesirable species to livestock Grazing</u>

During my visit to the Big Springs and Sheep Complex allotments the extent of invasion by cheat grass, halogeton, non-native mustard, tumbleweed, and others. The research from the Idaho National Engineering and Environmental Laboratory (now known as the Idaho National Laboratory) discusses the relationship of invasive species, livestock grazing and drought. It is always surprising the extent to which the BLM evades the responsibility of cattle and sheep in the continuing decline of native species in the arid west. Yet the wealth of information available seems to evaporate when the BLM attempst any analysis of grazing management, permit renewals, annual management plans, recovery projects for threatened, endangered or sensitive species.

<u>The proposed action includes unnecessary and harmful "stock improvements"</u>

A fence along the ridge between East and West Squaw Creeks would negatively impact migrating deer. A fence would also serve as a perch for raptors that prey on sage grouse. (During my visit I found sage grouse fecal pellets on the ridge.) The fences would disturb the current balance between raptors and sage grouse, increasing the rate of prey success of raptors and increasing accidental injuries of sage grouse when flushed near the fence.

Since the current stock watering developments I saw during my visit were all in horrendous shape, some non-functioning and others directly or indirectly causing associated riparian zones to be non-functioning further stock developments would likely only compound the problems with new areas of truly unbelievably degraded ecological conditions.

<u>Remedies to bring the BLM in compliance with FLPMA and NEPA</u>

Prepare a new EIS that fully analyzes the impacts of livestock grazing on wildlife, TES species, native plant communities and invasive non-native plants.

Prepare a new EIS that includes a full range of alternatives including one or more alternative that analyzes the impacts of reduced numbers of actual use.

Take a hard look at the capability and suitability of the allotments for livestock grazing and determine the number of AUMs and utilization rates that will not cause unnecessary and undue degradation to the full range of values and resources found on the allotments.

In taking the hard look at the capability and suitability of the allotments for livestock grazing determine the actual forage production to use in the analysis.

12.. Taking a hard look will also include analyzing climate and drought and the relationship of livestock grazing to the impacts on biological communities during and following drought.

Take emergency action to correct the horrendous condition of East Squaw Creek. The action would require the immediate cessation of livestock grazing in the entire drainage.

In a new EIS (or a sufficiently complete supplemental environmental impact statement) take a hard look at the causes of invasions by non-native species.

Sincerely,

Wayne Y. Hoskisson
263 S. 100 E.
Moab, UT 84532
w.y.hoskisson@frontiernet.net

Enclosure: CD containing photographs, notes about photographs and a copy of this letter.

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Comment Responses to PC-4

PC-4-1:

Unfortunately, the BLM web site was not operating during the period of public comment. BLM issued notices and copies of the DEIS beginning December 2. A notice of its availability was published in the *Federal Register* on December 9, 2005 by the EPA, and on December 21, 2005 by the Department of the Interior, BLM. BLM mailed hard copies or electronic copies to those on the Elko Field Office EIS mailing list (see Chapter 4, Section 4.5). BLM sent copies to anyone who contacted the Elko Field Office following that notification.

PC-4-2:

The BLM did acquire approximately 70,000 acres of land in the Big Springs Allotment in 1999 through a land exchange. These lands had been chiefly used for grazing prior to becoming public, and the BLM had been extending a total of 3,711 AUMs of private land credit to the permittee in the East Big Springs Allotment for these lands prior to the exchange. These AUMs were added to permitted use after the exchange was completed, which did not increase any actual grazing. As a result of the carrying capacity analysis conducted as part of the evaluation process these AUMs were reduced to 2,721.

East Squaw Creek is not meeting the riparian functionality requirements laid out in the Standards for Rangeland Health. Section 4 of the Taylor Grazing Act states “Fences, wells, reservoirs, and other improvements necessary to the care and management of the permitted livestock may be constructed on the public lands within such grazing districts under permits issued by the authority of the Secretary, or under such cooperative arrangements as the Secretary may approve.” The BLM has proposed necessary projects to improve livestock management in the North Pequop Mountains so that we can improve conditions in East Squaw Creek.

PC-4-3:

See response to comment PC-2-1

The EIS focuses on taking action to improve the condition of public lands and make significant progress towards meeting standards for healthy rangelands. As required by FLPMA, BLM is proposing adjustments to grazing use where necessary to prevent undue degradation to upland and riparian habitat caused by grazing. Objectives include restoring springs to proper functioning condition. As discussed in Chapter 1, Section 1.3, “Relationship to BLM Policies and Plans”, all actions proposed conform to the two land use plans covering the Elko District, which were developed, and have been amended, in compliance with the multiple use mandate of FLPMA.

PC-4-4:

BLM is aware of our NEPA compliance responsibilities, and believes the EIS meets the requirements noted.

See also responses for comments PC-1-1, PC-1-2, and PC-1-3.

PC-4-5:

EIS has been modified, see Chapter 2.

See also responses for comment PC-17-1.

The data used for the EIS was presented in the allotment evaluations, which were incorporated by reference and which were subject to public review prior to the preparation of the EIS. This data was used by the BLM to determine that the pre-allotment evaluation grazing system was not meeting land use objectives or standards for healthy rangelands. The EIS analyzed the effects of the alternatives on the existing vegetation through an analysis of impacts of herbivory on plant growth and health. This is the ultimate determination of

whether or not the grazing systems would improve habitat quality for the sensitive species or result in habitat degradation.

While there are several ways to conduct analysis of the situation, a more detailed or complex analysis and collection of additional data would not change the conclusions that grazing systems that provide sufficient growing season rest after grazing, that alter the season of use between years, and shorten the duration of grazing in the pastures and use areas would improve the health and vigor of the plants.

As indicated in the EIS, one cannot look simply at the number of AUMs permitted, actual use, and the impacts to riparian areas to determine what level of grazing is appropriate. The monitoring data demonstrated that upland vegetation was utilized at a slight to light level over vast areas of the allotments because of poor water distribution, topography, and concentration of livestock at existing water sources. Increased distribution, through additional water sources, pasture fencing, herding, grazing systems, and vegetation treatments are all demonstrated means of switching use from riparian areas to uplands. Thus, it is not inconceivable to have increased stocking levels over the current actual average use and still meet riparian objectives. However, in response to public comments, BLM has modified the alternatives to include initial grazing at the ten-year average actual use level (See Chapter 2).

PC-4-6:

See response to comment PC-1-3, above.

PC-4-7:

The BLM discussed the aspen communities in East Squaw Creek in the various documents leading up to and including the Final Multiple Use Decision (FMUD). In the DEIS, aspen is included as part of the riparian habitat, rather than a specific habitat type. Aspen is indeed a BLM concern, and much of the research across central Nevada (Kay 2001) is also true in northeastern Nevada. There is no question that livestock grazing has heavily impacted aspen communities along the East Squaw Creek watershed and around some springs. These conditions are caused by grazing use that lasts throughout the hot season, roughly from July through early September. As indicated in the DEIS, riparian habitat, which includes aspen, was a major consideration in the development of the Alternatives and the need for some of the exclosures.

Management actions proposed under all three alternatives analyzed in the DEIS will lead to improved riparian and aspen conditions within the Big Springs Allotment. Specifically, Alternative 2 proposes protective fencing around aspen stands in the form of exclosures around spring areas and a riparian pasture fence excluding cattle from the main channel of East Squaw Creek until the stream reaches Proper Functioning Condition. Alternative 3 proposes placing East Squaw Creek into a larger pasture that would be grazed in the spring every other year, with rest years in between. Alternative 4 would allow livestock use from 15 September to 31 October every year. All three alternatives would have conditions allowing for no less than a four-inch stubble height in the riparian area and no more than 35 percent utilization of aspen.

BLM did not fail to look at the available research relative to sage grouse. The allotment evaluations included specific objectives and analysis of the data with respect to sage grouse habitats. For much of the Owyhee and Big Springs allotments, lack of sagebrush is not the issue, but the uniform structure and older age class of sagebrush that is present. BLM has proposed vegetation treatments to break up the vast acreages of sagebrush (as provided for in Connelly et al. 2000) and change the canopy cover of sagebrush to provide improved nesting, early brood, and pre-laying habitat for sage grouse. BLM recognizes that the wildfires have removed large acreages of sagebrush, and where the perennial grasses survived the fire, the sagebrush and other shrub species will return, albeit over a long period of time. However, that does not change the fact that there is a shortage of critical production habitats (i.e., nesting, early brood, and pre-laying habitats) in these allotments. For the Sheep Allotment Complex, the low elevation sagebrush sites are on range sites with lower productivity. While suitable for winter habitat, these areas do not provide

optimum nesting or early brood habitats. Much of the area on mid-elevation benches has been subject to invasion and expansion of pinyon-juniper trees, which degrade the sagebrush habitat for sage grouse. In such cases, changes in grazing cannot reverse the vegetation trends. Removing all livestock would not result in more sagebrush and less pinyon-juniper. Vegetation treatments will be required to reverse this trend.

The alternatives proposed and many of the range improvements included in the DEIS were developed to improve riparian habitats, which serve as summer brood habitat. These areas provide the succulent forbs and insects required by growing sage grouse. BLM recognized in the allotment evaluation process that these riparian areas were not meeting habitat objectives for sage grouse. Similarly, the season of use by livestock in sage grouse nesting habitat was recognized as an impact to sage grouse. The alternatives developed for the Owyhee and Big Springs allotments, and the Boone Springs Allotment in the Sheep Allotment Complex, were developed specifically with respect to sage grouse nesting, breeding, and brood habitat.

Other wildlife, such as mule deer and elk, were not considered in the EIS because they were previously and sufficiently analyzed in the allotment evaluation/multiple use decision process. The judges ruling indicated that the previous analysis was sufficient for the other resources, but inadequate for sensitive raptors and sage grouse. Therefore, the other species of wildlife were not analyzed again in this EIS.

PC-4-8:

See response to comment PC-1-3, above.

PC-4-9:

Currently the BLM has determined base leve AUMs (i.e., carrying capacity) based on normal year production and has the discretionary authority to reduce grazing under drought conditions to protect resources. This suggestion would determine the carrying capacity based on drought years. During non-drought years, the BLM would have the discretion to increase the active AUMs through temporary non-renewable use permits.

BLM has the authority to reduce or eliminate grazing during periods of drought to prevent the types of impacts referenced in the comment. As indicated in the DEIS, the Sheep Allotment Complex allotments were subject to such drought closures over the past few years, and voluntary non-use was taken by some permittees in addition to BLM reductions/closures.

While BLM does not disagree that changes in vegetation can take place with the complete removal of livestock, as indicated on the Idaho National Laboratory, but BLM also considers the state at which the vegetation was in when livestock was removed from that area. Anderson (2001) conducted a study on the long-term effects of non-grazing on arid ecosystems in Idaho. What has to be considered in this study is the starting state of the vegetation (after extended drought and overgrazing). An increase in diversity of shrubs, grasses, and forbs would be expected because of the many unfilled “niches” under these extreme conditions. However, as Laycock, NRCS, and others have demonstrated, the shrub-dominated semi-arid rangelands have greater overall plant diversity when shrub cover is moderate (defined relative to the specific range site potential).

The DEIS demonstrates that with grazing systems that address time, timing, and duration of use, vegetation can be sustained in a healthy condition over an extended period of time. However, in the absence of periodic intermediate fires, or other disturbance, the ratio of shrubs to herbaceous material will change as drought, normal, and above normal moisture years interact to change the species composition of these semi-arid rangelands. Livestock grazing influences this process; grazing speeds up the process up and how quickly the changes occur depends on the type of grazing system. A proper grazing system does not push

the system very hard. In contrast, season-long grazing can result in rapid changes. Therefore, to maintain a long-term grazing system requires periodic disturbances, such as the vegetation treatments proposed by BLM to keep the system in the perennial herbaceous “state” (which includes grass-dominated through shrub-dominated plant communities).

PC-4-10:

The EIS addresses non-native, invasive species and their relationship to livestock grazing (Section 3.2.1 for Sheep Allotment Complex, 3.3.1 for Big Springs Allotment, and 3.4.1 for Owyhee Allotment). Changes in plant communities are also addressed in each alternative range improvement discussion as well. Refer, for example, to sections 3.2.1.2.1 Alternative 1 - Non-native Invasive Species – Sheep Allotment Complex, and 3.2.1.2.2 Alternative 2 – Non-native Invasive Species - Sheep Allotment Complex. These sections, and other sections for the other alternatives and other allotments, discuss the potential for non-native invasive species to spread as a result of grazing systems and from range improvements.

A 1998 noxious weed inventory of the Elko District identified six different weed species within the Owyhee, Big Springs and Sheep Allotment Complexes. Note on page 11 of the Big Springs AE, ten noxious and invasive plants were listed. It has been determined that less than 0.005 percent of the Sheep Allotment Complex, 0.33 percent of the Owyhee Allotment and 0.004 percent of the Big Springs Allotment were noted to have noxious weeds, and therefore are not considered a widespread problem within the allotments. Noxious weeds within the allotments are found concentrated along roads and are spread primarily by vehicular traffic and road maintenance activities rather than by livestock. BLM will engage in periodic field inspections to detect any weeds spread by range improvement projects, and BLM will take the appropriate steps to control any weeds found.

In addition to the six different noxious weed species that were found on those allotments, there are several other invasive and undesirable plant species of which cheatgrass poses the greatest threat in some areas. According to Wisdom, et. al. (2000), the risk of cheatgrass invasion is low on the Owyhee Allotment, moderate and high on the Big Springs and Sheep Allotment Complex, respectively, with the greatest risk occurring along the Utah border in the salt desert shrub vegetative community. Wisdom recommends using chemicals or other treatments to reduce the biomass of cheatgrass combined with reseeding of native grasses and forbs (p.81).

Blue mustard occurs in highly disturbed areas associated with stockwatering locations on the Big Springs Allotments (Big Springs Allotment Evaluation).

PC-4-11:

See response to comment PC-1-5, above.

PC-4-12:

See response to comment PC-1-1, PC-1-2, and PC-1-3, above.

It is not necessary to prepare a new EIS. The impacts of a range of reasonable alternatives are adequately analyzed, and the action alternatives conform to land use plans that were prepared to comply with FLPMA and NEPA. The Final EIS (FEIS) includes additional measures to avoid unnecessary and undue degradation caused by grazing to the values and resources, including the sensitive species and their habitat found on the allotments that are the focus of this EIS. The carrying capacity has been determined in accordance with BLM policy. The analysis of the No Action alternative and of the cumulative effects of each alternative takes into account the relationship of the grazing alternatives and interaction with natural events, such as drought, as well as other actions. BLM has proposed alternatives to improve conditions in the upper East Squaw Creek drainage, but does not agree that immediate and emergency cessation of grazing is required. The cumulative effects analysis also adequately recognizes the relationship of the grazing

alternatives in combination with other past, present and reasonable foreseeable actions that contribute to the invasion of non-native weeds throughout the allotments.

See also response to the letter from the Environmental Protection Agency (PC-17) comment PC-17-1. Their review of the Draft EIS supports BLM's determination that it is unnecessary to prepare a Supplemental Draft EIS. However, additional measures are proposed in the FEIS to protect resource values.

Elko County Board of Commissioners

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ROBERT K. STOKES
rstokes@elkocountynv.net

January 20, 2006

Ms. Lorrie West
Bureau of Land Management
Elko Field Office
3900 Idaho Street
Elko, Nevada 89801

RE: ***Sheep Complex, Big Springs, and Owyhee Grazing Allotments Sensitive Bird Species Draft Environmental Impact Statement* (EIS):**

Dear Ms. West:

The Elko County Board of Commissioners supports the preferred alternative, alternative 2, to implement the Multiple Use Decision. With a large percentage of public lands in Elko County, we encourage multiple use activities that benefit the lands, the environment and provide economic benefit to our area. Elko County supports grazing on public lands as part of its position supporting the wise multiple use approach in our area. This alternative does not require reductions in AUM's unless sound management practices indicate modification. Elko County believes the preferred alternative to be part of a wise multiple use program for our public lands.

Sincerely,

Robert K. Stokes
Elko County Manager

Comment Responses to PC-5

PC-5-1:

Comment noted.

"Ginger Harmon"
<ginharmon@cox.net>
01/23/2006 09:03 AM

To <bryan_fuell@nv.blm.gov>, <lorrie_west@nv.blm.gov>
cc
bcc
Subject Grazing Draft EIS

1 The Nevada BLM has NOT done an adequate job on the Grazing DEIS. I have read the statement from Western Watersheds Project about the shortcoming of the DEIS and I surely agree with all the points made by WWP and urge you to act on each and every one of them.

2 I believe a Supplemental EIS is needed. I am a frequent recreational visit to this area. There must be protection from even worse abusive grazing damage than exists now. Thank you.

Ginger Harmon
Box 10191
Ketchum, ID 83340

Comment Responses to PC-6

PC-6-1:

See response to letter PC-39, below

PC-6-2:

See response to PC-1-1.

BLM does not agree that the DEIS is inadequate, such that issuance of a supplemental (Draft) EIS is required. The introductory section to the alternatives chapter (section 2.1) has been revised to summarize the process used to formulate alternatives. In accordance with regulations to implement NEPA, BLM has rigorously explored and objectively evaluated a range of reasonable alternatives. The EIS proposed actions that the analysis shows should correct damage from past grazing, and not cause additional damage.

Bob Brister
<bbrister@greens.org>
01/21/2006 07:36 PM

To bryan_fuell@nv.blm.gov, lorrie_west@nv.blm.gov
cc
bcc
Subject Nevada BLM Grazing Draft EIS

Dear Bryan Fuell and Lorrie West,
I am writing to comment on the Nevada BLM Grazing Draft EIS.
I live in Salt Lake City and enjoy visiting our public lands in Nevada. I am dismayed by the invasive plants and the damage done by sheep and
1 cattle. Please radically decrease livestock grazing on Nevada BLM land so the land can recover. Please prepare a Supplemental EIS that conducts
2 valid scientific analysis of habitat conditions and the needs of the sensitive species. Please remove livestock projects that have destroyed
3 spring flows and remove pipeline trough systems that are jeopardizing sage grouse and special status species habitats. Please reestablish bighorn sheep populations.
4 Give wild horse herds habitat protection instead of catering to cattle and sheep grazing.
Thank you for considering my comments.
Bob Brister
1102 S 800 E #A
Salt Lake City, UT 84105

Comment Responses to PC-7

PC-7-1:

See response to comment PC-1-2 and PC-1-3, above.

PC-7-2:

See response to comment PC-1-1, above.

PC-7-3:

See response to comment PC-1-5, above.

PC-7-4:

See response to comment PC-2-2, above.

GREAT OLD BROADS FOR WILDERNESS

January 20, 2006
Bryan Fuell, Lorrie West
Sensitive Bird Species EIS Project Manager
BLM Elko Field Office
3900 East Idaho Street
Elko, NV 89801-4611

FAX: 775-753-0255

Dear Brian and Lorrie,

Thank you for the opportunity to comment on the Nevada Grazing DEIS. Great Old Broads for Wilderness has been concerned about conditions on the Sheep, Big Springs and Owyhee Allotments for a long time, and the current DEIS falls woefully short of rectifying long-standing problems. Indeed, many of the proposed actions are virtually guaranteed to further degrade Sage Grouse habitat, and should be reassessed. Below are listed our comments and recommendations on the specific actions.

First and foremost BLM should;

1 **Stop abusive grazing practices that are promoting weed invasion, soil erosion and habitat loss in the Wilderness Study Areas.**

Next, BLM should adopt the following;

Prepare a Supplemental EIS.

2 Cheatgrass, halogeton and invasive species are choking out native plant habitats essential for sage grouse and migratory birds and the small animals that provide a prey base for raptors. BLM's existing livestock facilities and seedings have destroyed important habitats, caused weed invasions and killed spring flows. Developing more range facilities that have caused widespread damage to riparian and upland areas and stocking lands with numbers of cattle and sheep 28-50% above the numbers is totally unacceptable. BLM needs to prepare a Supplemental EIS that conducts valid scientific analysis of habitat conditions and the needs of the sensitive species. **Collect and assess new and complete data on special status species habitats and ecological conditions.**

Accurately determine the current suitability, capability and sustainability of grazing on the allotments.

3 BLM must be honest with the public about the condition of the plant communities, and the severity of habitat degradation and loss that exists. BLM must develop management to protect and restore damaged special status species habitats, and act to protect remnant better condition lands.

Develop a new range of alternatives.

4 that focus on realistic and much-reduced numbers of cattle and sheep, and reduced livestock "forage" utilization levels based on current scientific data.

Consider all Area of Critical Environmental Concern (ACEC) Proposals submitted by the public, and Designate new ACECs.

5 BLM must act to evaluate and designate large new ACECs to best protect sage grouse, migratory bird and raptor habitats, plus unique natural communities. WWP, along with CHD and ONDA submitted proposals for the Owyhee, Goshute, and other areas, based on TNC Landscape Assessments and other data.

850 1/2 Main Avenue Durango, CO 81302 • PO Box 2924 • Phone (970) 385-9577 • FAX (970) 259-8303

Abandon proposals for even more livestock projects, seedings and sagebrush mowing.

6 Instead, BLM must remove livestock projects that have destroyed spring flows, remove pipeline trough systems that are jeopardizing sage grouse and special status species habitats.

Act to restore native Bighorn Sheep to the Goshute and Toano Ranges.

7 BLM ignored Nevada Department of Wildlife and public comment on developing appropriate management so that bighorn sheep populations can be re-established. BLM must remove domestic sheep that transmit a fatal disease to native Bighorn Sheep from bighorn-suitable habitats.

Consider impacts to ALL special status and important species and their habitats.

8 including rare bats; pygmy rabbit; migratory birds like the loggerhead shrike; mule deer, antelope and sage grouse populations shared between Nevada, Idaho and Oregon in the Owyhee allotment; and wildlife shared between Nevada and Utah in the Sheep Allotment Complex. The mountain ranges contain pinyon-juniper, mountain mahogany, and montane forest habitat for pinyon jay, northern goshawk, pallid bat, and many other species.

Remove cattle from the damaged East Squaw Creek Watershed in the Big Springs allotment.

9 This largely perennial stream and spring complexes provide critical sage grouse brood rearing habitat and a refueling stop for migratory birds in a very arid landscape. BLM proposes excessive grazing and a harmful series of spring developments and band-aid fences. These developments will de-water springs. Plus, they will cause intense cattle grazing and trampling use to be shifted to any unfenced areas and further dry up flowing stream segments.

It is our hope that the BLM will adopt a more balanced approach to managing these severely impacted resources, and consider the requirements of wildlife and the water and soil health of the allotments as at least equally important as those of domestic cattle and sheep.

Thank you fro your time.

Sincerely, Veronica Egan

Veronica Egan
Executive Director

Comment Responses to PC-8

PC-8-1:

See response to comment PC-1-9, above.

PC-8-2:

See response to comments PC-1-1, PC-1-5, PC-1-7, and PC-4-5, above.

PC-8-3:

See response to comments PC-1-1, PC-1-2, PC-2-1, PC-3-3, PC-4-3, and PC-4-12, above.

PC-8-4:

See response to comments PC-1-1, PC-1-3, and PC-4-12, above.

PC-8-5:

See response to comments PC-1-4, above.

PC-8-6:

See response to comments PC-1-5, above.

PC-8-7:

See response to comments PC-1-6, above.

PC-8-8:

See response to comments PC-1-7, above.

PC-8-9:

See response to comments PC-1-8, above.

Lorrie
West/ELFO/NV/BLM/DOI
01/20/2006 04:12 PM

To karen klitz <kklitz@berkeley.edu>
cc
bcc
Subject Re: EIS COMMENTS

Dear Ms. Klitz,
This is to acknowledge receipt of your comments on the Sensitive Bird Species Draft EIS for the Sheep Complex, Big Springs and Owyhee Grazing Allotments.

Thank you for your interest in management of our public lands.

karen klitz <kklitz@berkeley.edu>

karen klitz
<kklitz@berkeley.edu>
01/20/2006 02:39 PM

To lorrie_west@nv.blm.gov
cc
Subject EIS COMMENTS

Dear Manager West,

I am submitting comments on the EIS that your office submitted to comply with the court order to assess livestock impacts on the Sheep /complex, Big Springs, and Owyhee allotments.

I have been camping and hiking in that part of the country for several decades as my family has roots there. The destructive impacts of livestock have been dramatic all these years and yet the EIS your office released would permit the damage to continue. It increases the AUMs, perpetuates excessive forage use levels, and wastes yet more taxpayer money on destructive construction projects.

1 To address this crisis I ask the BLM to prepare a Supplemental EIS which would seriously address instead of ignore the extant problems. Please consider the following:

2 1. Develop management to honestly assess and address the damage caused by cattle and domestic sheep. The public deserves to have these lands restored. Those remant areas that still have native perennial grasses, for instance, should be protected from any livestock impacts. You should determine realistic utilization levels based on scientific evidence and not wishful thinking with blinders on to protect the livestock industry.

3 2. Collect and assess new scientific data on the habitats and conditions reequired by rare and special status species, such as sage grouse, cutthroat trout, Columbia spotted frog, pygmy rabbits, spotted bats and western red bats, burrowing owls and invertebrates such as rare snails and butterflies.

4 Cattle should be removed from East Squaw Creek in the Big Springs allotment in order to retore important habitat for sage grouse and migratory birds.

5 3. Quit creating additional problems by more livestock projects, such as seeding non-native plants, building fence and pipline systems, and removing sagebrush. Spring "developments" are a travesty of the natural spring ecoystems on which wildlife depend and should not be built.

6 4. Wilderness Study Areas should not have to suffer livestock damage such as weed invasions and soil erosion. Wilderness areas should have a minimum of human-created impacts. Historically damaged areas should be managed for restoration.

7 5. The public wants to see native plant and faunal communities intact. You should activate the policy and create the conditions to restore bighorn sheep to all the appropriate places, such as the Goshute and Toano Ranges.

8 6. Open up the alternatives to enable addressing invasive species as a priority. These plants begin a degredation of ecosystems by replacing plants that prey species depend on for cover and food. We should aim for maximum populations of raptors and other large predators as a signal that the ecosystem is healthy. Weedy species thrive on the soil disturbance and seed transmission provided by cattle.

I urge you to protect the native communities of the arid west from any more damage by livestock and to begin the exciting and rewarding project of restoring our public lands.

Please acknowledge your reception of my comments.

Sincerely,
Karen Klitz

Comment Responses to PC-9

PC-9-1:

See response to comment PC-1-1 and PC-4-12, above.

PC-9-2:

See response to comments PC-1-1, PC-1-2, PC-2-1, PC-3-3, PC-4-3, and PC-4-12, above.

PC-9-3:

See response to comments PC-1-7, PC-2-, PC-4-3, and PC-4-7, above.

PC-9-4:

See response to comment PC-1-8, above.

PC-9-5:

See response to comment PC-1-5, above.

PC-9-6:

See response to comment PC-1-9, above.

PC-9-7:

See response to comment PC-1-6, above.

PC-9-8:

See response to comments PC-1-1 and PC-1-9, above.

<micoad@velocitus.net>
01/20/2006 01:40 PM

To <bryan_fuell@nv.blm.gov>
cc <lorrie_west@nv.blm.gov>
bcc
Subject EIS for

1 I am opposed to the current (as of 1/19/06) EIS proposed by the Elko office of the BLM for development and increased grazing in the Big Springs, etc. allotment area.

I grew up in Owyhee County, Idaho and find the treatment of the landscape, even then, a travesty. Most of the management centered around destroying sage habitat and cutting junipers for cattle. Recent studies have shown that the sage habitat is safer for cattle and provides MORE forage than areas that are stripped.

2 In the area between Jackpot and Wells, NV, much of that area has been stipped of sage and reseeded with non-native grasses, most of these have failed and cheatgrass has invaded. During the spring melt, soil erodes quickly and chokes what few streams there are. During the summer, the area is like a modern dustbowl.

Please, do not strip the vegetation, reduce the number of cattle on the streams and leave the sage brush alone.

3 The BLM needs to put its thinking cap on regarding this proposal and consider the species of special concern, revitalize the grazing proposals to curtail livestock damage, exclude cattle from riparian areas and perform a valid, scientific assessement of how past management has impacted the range resource.

4 Finally, find the manuals which led to the development of this EIS and burn them.

Comment Responses to PC-10

PC-10-1:

Comment noted.

PC-10-2:

See response to comment PC-1-5, above.

The reference to most of the area between Jackpot and Wells, NV having been stripped of sagebrush is incorrect. There are crested wheatgrass seedings in this area, recent wildfires have burned large acreages of sagebrush, and recent insect outbreaks have killed sagebrush in some areas. However, review of the current satellite imagery shows that the majority of this area remains as sagebrush habitat.

PC-10-3:

See response to comments PC-2-1, PC-1-8, PC-3-3, and PC-4-3, above.

PC-10-4:

If you are not in agreement with the manuals that provide direction for preparation of EISs, you should take this issue to your local congressional representative. The Council on Environmental Quality provides the regulations for preparing NEPA documents, not the BLM.

Post-it® Fax Note 7671	Date 1-20-06	# of pages ▶ 1
To Bryan Fuell & L. West	From Mary V. Jones	
Co./Dept. BLM	Co.	
Phone #	Phone # 406-538-8506	
Fax # 775-753-0255	Fax # 406-538-8507	

413 Brassey Street
Lewistown, Montana 59457
January 20, 2006

Bryan Fuell, Lorrie West
Sensitive Bird Species EIS Project Managers
BLM Elko Field Office
3900 East Idaho Street
Elko, NV 89801-4611

Dear Managers,

Unfortunately, your EIS is not available on-line as I would have liked to have read it myself. I must go with what I have heard about the plan.

1 Collect and assess new and complete data on special status species habitats and ecological conditions. In fact, it would be good to collect and assess data on all species as those undocumented with data may very well be the next species to vanish and the Endangered Species Act (ESA) does not say: Save those species that are economically valuable, on the contrary Congress expects us to live compatibly with the flora and fauna on this continent.

2 Accurately determine the current suitability, capability and sustainability of grazing on the allotments. Use the Cascade-Siskiyou National Monument document, A *Plan for Studying the Impacts of Livestock Grazing on the Objects of Biological Interest.* It is complete and specific.

3 Develop a new range of alternatives that focus on realistic and much-reduced numbers of cattle and sheep and consider impacts to all species. As you know, crested wheatgrass is not sage grouse friendly. Native grasses, forbs and shrubs should be the goal for all the BLM land. Reduce the number of cattle. These are the lands which are expected, by the public, to be brought back from deprivation by grazing. We are not against grazing but we could well become so if the BLM does not accurately monitor and enforce grazing which sustains the natural ecosystem dynamics.

4 Restore the Big Horn Sheep to the Goshute and Toano Ranges. Remove the domestic sheep that transmit disease from Big Horn suitable habitat. We have in our Upper Missouri River Breaks National Monument one of America's premier Big Horn Sheep herds. This year 70 of them were moved to sites in other states. This herd brings in sportsmen from far and wide. One of the tags auctioned off for $350,000. BLM needs to rethink its policies and acknowledge the growing economic importance of conservation.

5 Stop abusive grazing practices. Remove cattle from riparian areas. Reduce the number. Move the cattle around so the soil is not eroded resulting in habitat loss. Use the best information you can find on habitat sustainability and use it.

Thank you for accepting my comments.

Sincerely,

Mary V. Jones

Comment Responses to PC-11

PC-11-1:

See response to comments PC-2-1, PC-2-2, and PC-4-7, above.

PC-11-2:

See response to comments PC-1-2, PC-2-1, PC-4-3, and PC-4-5, above.

PC-11-3:

See response to comments PC-1-1, PC-1-2, PC-1-3, PC-4-4, and PC-4-12, above.

PC-11-4:

See response to comment PC-1-6, above.

PC-11-5:

See response to comments PC-1-3, PC-1-5, PC-1-8, PC-2-1, PC-3-3, PC-4-3, PC-4-5, and PC-4-7, above.

January 21, 2006

Bryan Fuell and Lorrie West
Sensitive Bird Species EIS Project Managers
BLM Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-4611

Subject: Comments on the draft EIS for the "Sheep Complex, Big Springs and Owyhee Grazing Allotments Sensitive Bird Species" Project

Dear Mr. Fuell and Ms. West,

I am a recently retired staff-level forest planner from the US Forest Service (Nez Perce National Forest in Idaho, 208-983-1950 if you want to check). I had many duties in that position, but my primary duty was to review all NEPA documents prepared on the Nez Perce Forest for legal compliance with the NEPA, the NFMA, and the ESA.

I know your DEIS is not available for public inspection on the WEB, so I obtained a hardcopy. All of my comments are based on that document.

I read your draft EIS and without a doubt, it is the worst I have ever seen!

Issue #1 - - After reading this poor DEIS, the BLM must drop all future plans for more projects to benefit private ranchers on public land until the BLM does an unbiased environmental effects analysis of livestock grazing.

Whenever the BLM proposes a new grazing project or allotment, I always shake my head. BLM employees' salaries are paid from **MY**

tax dollars and I know quite well how much ecological havoc domestic cow and sheep grazing inflicts on the natural environment.

Unfortunately, the destructive nature of livestock grazing is mostly denied or unrecognized … and thus uncorrected. Our society's blind love affair with cowboys, horses and cows make livestock grazing the most misunderstood and neglected major environmental problem facing public lands in the West.

I ask you this. Why should I pay for my public land to be harmed, just so a private corporation can make big money? Most of these ma and pa ranchers (as the BLM likes to depict them) are really huge corporate operations? Indeed, 10% of grazing permit holders control 50% of all livestock that graze public lands. In comparison, the small family-owned ranchers own 50% of the grazing permits and control only 3% of the livestock.

Below I have listed the environmental effects of livestock grazing everywhere and anywhere. In your pathetic DEIS, these effects were either omitted or minimized as being no big deal, since they could be easily and effectively mitigated. Nothing could be farther from the truth.

- **Livestock Grazing Damages Riparian Habitat for Native Aquatic Species**
  Cows wreak havoc on riparian and wetland areas. Cows congregate in one water source and stay there until all stream vegetation is completely gone. By eliminating this vegetation, fish no longer have hiding cover and without shade, the stream temperatures rise.

  This vegetation provides the necessary of stream bank stabilization, and serves as food for the insects that the fish feed upon, but not after the cows are finished with a stream section.

  Constant trampling, in combination with loss of vegetation causes the stream banks to erode and sediment fills up the stream. This sediment causes direct fish mortality and reproduction problems.

3 • **Livestock Grazing Depletes Forage for Native Ungulates**
According to one study, livestock grazing consumed 88% of available forage, leaving only 12% for wildlife.

4 • **Cows and Sheep Encourage Noxious Weed Spread in Multiple Ways**

- they transport the seeds on their fur, feet and stomach,
- they create patches of bare, disturbed soils that act as perfect noxious weed seedbeds, and
- they destroy the soil enzymes that inhibit weed-seed germination.

5 • **Livestock grazing increases tree densities and the build up of woody vegetation, which causes more intense, stand replacing wildfires**
Livestock eat grass that would otherwise compete with tree seedlings for space, water and nutrients. Livestock create conifer tree thickets appropriately called "doghair."

By removing the green leafy understory, livestock remove the fuel for '"cool" surface fires that kill regenerating trees. Instead, livestock set the stage for stand-replacing wildfires.

No matter what kind of damage grazing may inflict on our environment, the BLM and Forest Service fiercely defend ranching on public land. Federal officials rarely remove cattle to restore the environment.

Even if the adverse livestock grazing effects were minor, I would still be against any degradation to my public gain for the private financial gain of just a few. The BLM forgets that this is publicly owned land. Any for-profit private enterprise that takes place on this land is a privilege … not a right.

6 **Issue #2** - - Remove **ALL** cattle from East Squaw Creek without delay and make no further "livestock improvements" there ever again

This perennial stream and spring complexes provide critical sage grouse habitat and a watering stop for migratory birds in a very arid landscape.

The BLM proposes too many AUMs in East Squaw Creek. More livestock watering developments and fence construction must not be constructed. Once again, let me emphasize that I am outraged that this work to benefit corporations worth many millions of dollars is funded by my tax dollars.

Neither permanent water developments nor fences are ecologically friendly.

Most permanent water developments will very likely de-water springs. Also, while hiking on **my** public land with my family, we always stop
6... to marvel at the beauty of our natural surroundings that has not been manipulated by humans. Then we come across an ugly metal livestock watering trough. The visual tragedy of seeing these things while taking a nature hike is staggering!

Barbed wire fences also have a very unappealing visual character. Just seeing them makes me feel like I am trespassing on private land. Plus, they have a very negative and sad effect on native ungulates. Have you ever seen a deer that has tried to jump a barbed wire fence and didn't make it? I have. Clearly, they died a very painful death as they struggled to free themselves from the barbed wire. Barbed wire has no place on public land anywhere.

Issue #3 - - Bighorn sheep must be restored to the Toano and Goshute mountain ranges, and once they are there, the BLM must provide healthy conditions

7 The BLM must know and understand that domestic sheep carry diseases that can wipe out entire populations of wild sheep. Even with this information, the BLM continues to be lapdogs to corporate sheep ranching businesses in the west, by allowing them to graze publicly owned land for a price so low it is laughable.

The BLM is much like my former employer, the US Forest Service … everything is about money and politics.

7 Once these wild sheep have been planted in Toano and Goshute, I **demand** that the BLM remove all domestic sheep from any and all sheep allotments where the wild and domestic sheep may possibly graze the same ground or make contact.

Issue #4 - - Analyze and document the grazing impacts to all ESA listed and sensitive species (flora and fauna) and their habitats that exist or might migrate through your analysis area.

The Owyhee allotment contains rare (and some ESA listed) migratory birds, mammals, sage grouse, and bats. The BLM is obligated to comply with the ESA to the letter.

8 It's a well-known fact that livestock grazing adversely affects these species. This will and should show up in an unbiased analysis. When it does, then there are so-called tradeoffs between ESA listed and sensitive species and permitted livestock.

In all cases of conflict, I expect the BLM to favor the ESA listed and sensitive species over livestock grazing. What does this mean? All livestock must be removed permanently from such conflict areas.

Issue #5 - - Honestly analyze and determine the capability of the Owyhee, Sheep Complex, Big Springs livestock allotments to be grazed. Document any and all possible negative effects that livestock grazing may inflict on native wildlife and plants.

9 The BLM must be honest with the public about the current condition of the plant and wildlife communities in these 3 allotments.

The BLM must manage these 3 allotments to protect and restore all plant, bird, animal and fish habitats that have been damaged or destroyed by livestock grazing.

This is what being a caretaker of public land is all about.

Supplemental EIS

With all the errors, data omissions, and biased analysis the BLM must prepare a Supplemental EIS to even minimally comply with the Federal court order.

In reading the DEIS, it comes out loud and clear that the intent of the DEIS
10 was to justify livestock grazing with increases in permitted livestock numbers in the Sheep Complex, Big Springs and Owyhee Grazing Allotments.

The most glaring error that the BLM made as they proceeded through the NEPA process was the biased analysis in the DEIS. Whenever there was a tradeoff, the BLM always bent over backwards to make their analysis conclusions favor grazing on public lands.

Conclusion

The entire BLM should be ashamed as an agency to produce a NEPA document this poor. Have you forgotten that your mission is to care for the public lands? How did you get the idea that your mission was to assure a healthy profit margin of private corporations?

I strongly recommend that BLM employees at the Elko Field Office read the 10th Circuit Court of Appeals' decision in DIAMOND BAR CATTLE v USA, No. 97-2140, 1997. The entire text of the decision is found at:

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=10th&navby=case&no=972140>

A short excerpt of this decision states:

> "Plaintiffs (cattlemen) do not now hold and never held a vested property right to graze cattle on federal public lands. At the time the plaintiff's predecessors began ranching, grazing on the public domain was a privilege tactily permitted by the government by an implied license. This license is revocable at the government's pleasure and conferred no right to graze a specific allotment of land."

Kathleen Clarke, I hope you perceive from the tone of my letter that I feel the BLM is doing a very poor job of protecting and conserving **MY** public lands.

Please do something about it. Perhaps top management changes or an emphasis of the BLM mission statement would work.

I expect an expedited response to my letter.

Sincerely,

Richard Artley

Richard Artley
415 East North 2nd
Grangeville, Idaho 83530
dartley@connectwireless.us

CC: BLM Director Kathleen Clarke

Comment Responses to PC-12

PC-12-1:

See response to comments PC-1-3, and PC-1-5, above.

PC-12-2:

See response to comments PC-3-3, PC-4-3, and PC-4-7, above.

PC-12-3:

The purpose of the proposed management actions is to make necessary changes in existing grazing management to achieve or make significant progress towards achieving the multiple use objectives established for the allotments, and to meet the Standards and Guidelines for Rangeland Health for the Northeastern Great Basin Area of Nevada. The attainment of these objectives would result in improvement in forage diversity for all wildlife, including large native ungulates and sage grouse.

Monitoring studies will continue to be conducted and the effects of grazing will be evaluated periodically to determine if progress is being made in meeting the multiple use objectives and significant progress is being made toward attainment of the standards for rangeland health.

PC-12-4:

Please refer to Sections 3.2.1, 3.3.1, and 3.4.1 for analysis of livestock grazing and noxious weeds. The DEIS and FEIS include discussion of livestock transportation of seeds and seedbed preparation.

Cows and sheep do contribute to noxious weed spread as discussed in the DEIS, but to a much lesser extent than by humans along roads and through road maintenance activities. The majority of the noxious weed infestations within these allotments are found along roadways and there is a strong correlation between weed occurrence and roads. Alternative 2 for the Sheep Allotment Complex, proposes a grazing system that would reduce the repeated use of bedding and foraging areas through rotation among use areas. This would reduce the mechanical effects of concentrated and repeated hoof action on the vegetation and soil surface which provides a suitable seedbed for non-native invasive species. The proposed grazing system should slow the spread of invasive and non-native species on the Sheep Allotment Complex. Similarly, the grazing systems proposed for the Big Springs Allotments and the Owyhee Allotment are designed to move livestock and not let them congregate, whereby hoof action can create soil disturbance. The rest and deferment built into these systems will create plant communities with increased plant vigor, which will also help the plants compete with noxious weeds and other non-native, invasive species.

PC-12-5:

Please refer to Sections 3.2.5, 3.3.5, and 3.4.5 of the DEIS or FEIS for discussion of the role of livestock in changing the fire ecology of the rangelands on these allotments.

Stand replacing fire is a natural expression of fire succession within a pinyon/juniper woodland. The growth form of these species until they reach maturity, does not lend itself to frequent/low intensity understory burning such as in ponderosa pine forests, branches occur throughout the tree profile from the ground up, and bark is thin even after maturity. There is evidence of limited understory burning in true woodland ecological sites and some fire scarring can be found, but livestock use in these areas is minimal due to the nature of the soils which are shallow and gravelly. These areas, even without trees would not support much of a herbaceous plant community. Historical fire intervals maintained the trees within these “fire safe” areas by burning the shrub/grass communities along the border too frequently for trees to migrate out and be come established.

In the years post-settlement, fire suppression and unregulated grazing have been documented as reducing fire frequency. The result has been increasing dominance of trees in historic shrub/grass communities. Fires of today obtain access to fire safe stands through the prolific/dense/continuous fuel beds of young and mature trees, grasses and living and dead shrubs. These fuels combine to create flames and heat unlike that of a shrub/grass fire, and provide opportunity for fire to enter the fire safe areas with more intensity than under historic conditions.

The vegetation treatments originally proposed for these allotments would address this issue. Reduction of the woody fuels to allow more herbaceous fuels to exist would provide the opportunity for “cool” surface fires. BLM appreciates your support of these types of projects that provide wildlife habitat, livestock forage, and protection from stand-replacing wildfires.

PC-12-6:

See response to comments PC-1-8, PC-2-5, PC-3-3, PC-4-2, PC-4-3, and PC-4-7, above.

In addition, the alternatives include measures to protect wildlife from the fences necessary to implement the grazing systems. This includes let-down fences in mule deer migration corridors, reflection devices to make fences more visible to wildlife, and use of white-topped t-posts in fence construction to make fences more visible to wildlife.

PC-12-7:

See response to comment PC-1-6, above.

PC-12-8:

See response to comment PC-1-7, above.

PC-12-9:

See response to comments PC-1-2, PC-3-2, PC-3-3, PC-4-3, PC-4-5, PC-4-7, and PC-12-6, above.

PC-12-10:

See response to comments PC-1-1 and PC-4-12, above.

Randall Breeden
<rbreeden54@yahoo.com>
01/20/2006 07:41 AM

To bryan_fuell@nv.blm.gov, lorrie_west@nv.blm.gov
cc
bcc
Subject Comments

Please acknowledge that you have received these comments from me. You can email me at rbreeden54@yahoo.com.

Randall Breeden

1 **1. Prepare a Supplemental EIS.**
Cheatgrass, halogeton and invasive species are choking out native plant habitats essential for sage grouse and migratory birds and the small animals that provide a prey base for raptors. BLM's existing livestock facilities and seedings have destroyed important habitats, caused weed invasions and killed spring flows. Stocking lands with numbers of cattle and sheep 28-50% above the numbers that have caused widespread damage to riparian and upland areas is madness. Pursuing more range facilities and sagebrush killing treatments is madness. BLM needs to prepare a Supplemental EIS that conducts valid scientific analysis of habitat conditions and the needs of the sensitive species. **Collect and assess new and complete data on special status species habitats and ecological conditions.**

2 **2. Accurately determine the current suitability, capability and sustainability of grazing on the allotments.**
BLM must be honest with the public about the condition of the plant communities, and the severity of habitat degradation and loss that exists. BLM must develop management to protect and restore damaged special status species habitats, and act to protect remnant better condition lands.

3 **3. Develop a new range of alternatives.**
that focus on realistic and much-reduced numbers of cattle and sheep, and reduced livestock "forage" utilization levels based on current scientific data.

4 **4. Consider all Area of Critical Environmental Concern (ACEC) Proposals submitted by the public, and Designate new ACECs.**
BLM must act to evaluate and designate large new ACECs to best protect sage grouse, migratory bird and raptor habitats, plus unique natural communities. WWP, along with CHD and ONDA submitted proposals for the Owyhee, Goshute, and other areas, based on TNC Landscape Assessments and other data.

5 **5. Abandon proposals for even more livestock projects, seedings and sagebrush mowing.**
Instead, BLM must remove livestock projects that have destroyed spring flows, remove pipeline trough systems that are jeopardizing sage grouse and special status species habitats.

6 6. **Act to restore native Bighorn Sheep to the Goshute and Toano Ranges.**
BLM ignored Nevada Department of Wildlife and public comment on developing appropriate management so that bighorn sheep populations can be re-established. BLM must remove domestic sheep that transmit a fatal disease to native Bighorn Sheep from bighorn-suitable habitats.

7 **7. Consider impacts to ALL special status and important species and their habitats,**
including rare bats; pygmy rabbit; migratory birds like the loggerhead shrike; mule deer, antelope and sage grouse populations shared between Nevada, Idaho and Oregon in the Owyhee allotment; and wildlife shared between Nevada and Utah in the Sheep Allotment Complex. The mountain ranges contain pinyon-juniper, mountain mahogany, and montane forest habitat for pinyon jay, northern goshawk, pallid bat, and many other species.

8 **8. Remove cattle from the damaged East Squaw Creek Watershed in the Big Springs allotment.**
This largely perennial stream and spring complexes provide critical sage grouse brood rearing habitat and a refueling stop for migratory birds in a very arid landscape. BLM proposes excessive grazing and a harmful series of spring developments and band-aid fences. These developments will de-water springs. Plus, they will cause intense cattle grazing and trampling use to be shifted to any unfenced areas and further dry up flowing stream segments.

9 **9. Stop abusive grazing practices that are promoting weed invasion, soil erosion and habitat loss in the Wilderness Study Areas.**

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Comment Responses to PC-13

PC-13-1:

See response to comments PC-1-1 and PC-4-12, above.

PC-13-2:

See response to comments PC-1-2, PC-3-2, PC-3-3, PC-4-3, PC-4-5, PC-4-7, and PC-12-6, above

PC-13-3:

See response to comments PC-1-3 and PC-4-12, above.

PC-13-4:

See response to comment PC-1-4, above.

PC-13-5:

See response to comments PC-1-3, PC-1-5, PC-3-3, PC-4-3, PC-4-7, and PC-12-6, above.

PC-13-6:

See response to comment PC-1-6, above.

PC-13-7:

See response to comment PC-1-7, above.

PC-13-8:

See response to comment PC-1-8, above.

PC-13-9:

See response to comment PC-1-9, above.

"kotatbay"
<kotatbay@earthlink .net>
01/23/2006 05:53 PM
Please respond to
kotatbay@earthlink.net

To bryan_fuell@nv.blm.gov, lorrie_west@nv.blm.gov
cc
bcc
Subject EIS - sensitive species and birds

Bryan and Lorrie,
Please let me know you have received my email, thank you.

January 23, 2006

Dear Bryan Fuell and Lorrie West,

1 The BLM needs to prepare a supplemental EIS as well as collect and assess new data regarding special status habitats and ecological conditions. Cheatgrass, halogeton and invasive species are choking out native plants which impacts habitats for sage grouse, migratory birds and small animals. It would be ultimate degradation to stock lands with cattle and sheep 28-50% above numbers that have already caused damage to riparian and upland areas.

2 The BLM must abandon proposals for even more livestock projects. Livestock projects are damaging to spring flows and pipeline systems threaten sage grouse and special status species habitat. The BLM needs to focus on range alternatives based on current scientific data which strongly reduce the number of grazing livestock and reduce forage utilization levels.

3 The BLM should remove domestic sheep from bighorn suitable habitats because they transmit fatal disease to Bighorn Sheep. Requests from Nevada Department of Wildlife and public comments regarding developing appropriate management so that Bighorn Sheep can be re-established have been ignored. Action needs to be taken to restore native Bighorn Sheep to the Goshute and Toano Ranges.

4 The BLM needs to consider ALL species and their habitats. Cattle should be removed from the damaged East Squaw Creek Watershed in the Big Springs Allotment. This stream and spring complex provides critical habitat for sage grouse brood rearing. Your proposed excessive grazing and patch work fences will cause changes in the springs including drying up. Extreme cattle grazing will be shifted to unfenced areas causing additional overgrazing damage and further dry up of streams.

5 The BLM needs to stop abusive grazing practices and stop catering to livestock grazing. These practices are promoting weed invasion, soil erosion and habitat loss for several species in Wilderness Study Areas. The BLM land management plans are not an example of managing public lands for multiple use nor are they conducive to existing wildlife and their habitat. The BLM needs to be honest with the public regarding the severity of existing habitat degradation and the further extensive damage your proposed land management practices would produce.

Look forward to your reply.

Respectfully,

Gail Fox
393 Jerseytown Road
Bloomsburg, PA 17815

Comment Responses to PC-14

PC-14-1:

See response to comments PC-1-1 and PC-4-12, above.

PC-14-2:

See response to comments PC-1-3, PC-1-5, PC-3-3, PC-4-3, PC-4-7, and PC-12-6, above.

PC-14-3:

See response to comment PC-1-6, above.

PC-14-4:

See response to comment PC-1-7, above.

PC-14-5:

See response to comment PC-1-9, above.

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Nevada Cattlemen's Association

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Comments Re: **Sheep Complex, Big Springs and Owyhee Grazing Allotments Sensitive Bird Species (Draft Environmental Impact Statement)**

1 1. In general, alternative #2 is the preference of the Nevada Cattlemen's Association (NCA) in all three allotments. A multiple-use concept is the most appropriate use of the range.

2 2. With additional improvement to public lands, resource damage is minimized, wildlife values are enhanced, and soil and forage degradation is reversed and there are appropriate sustainable wild horse populations.

Specific Concerns:

3 Recent introduction of a large herbivore (Elk) was not mentioned in the proposed grazing plans. This population has done very well; the population recruitment has been vigorous, but because of the size of these animals there can be significant impact to the forage and riparian areas.

Because of these introductions the Nevada Cattlemen's Association (NCA) feels that this topic should be mentioned in order to provide a foundation for evaluation of future population ceilings.

4 The BLM should be applauded for their recent removal of wild horses from the Owyhee and Big Springs Allotments, thus enhancing the viability of the remaining population and reducing their negative impacts to the range.

5 Also because the aforementioned species utilize the range for twelve months of the year, with no provision for season of use, duration of use or exclusion from sensitive areas it becomes more obvious that the range improvements outlined in Alternative #2 would be the most beneficial for the overall health of the range. All three allotments include enormous acreages. Better distribution of all species reduces impact to smaller areas.

Respectively Submitted,

Boyd M. Spratling, DVM
President

Comment Responses to PC-15

PC-15-1:

Comment noted.

PC-15-2:

Comment noted.

PC-15-3:

BLM agrees that elk use of forage can incrementally affect both upland and riparian areas, and is adding discussion of it to the cumulative effects analysis for the Big Springs Allotment.

The Goose Creek Management Area (MA) which contains a portion of the Big Springs Allotment has currently reached its targeted population level of 1,070 elk. Monitoring data has been collected specifically for elk within the Big Springs Allotment in 2003 and 2005. In addition, the BLM in conjunction with NDOW and other partners are funding an elk monitoring study to begin in 2006 within the Goose Creek MA to assess resource impacts from current elk numbers.

PC-15-4:

See response to comment PC-2-5.

PC-15-5:

Comment noted. As indicated in the DEIS, wild horses have been identified as one of the causal factors in not achieving allotment objectives on some of the allotments. Several of the range improvement projects were primarily developed to reduce impacts by wild horses, as well as by livestock.

Dec. 13, 2005

Draft Environmental Impact Statement for Sensitive Species
Bureau of Land Management, Elko District
Ms. Lorrie West
3900 Idaho Street, Elko, Nevada 89801

Dear Ms. West,

Standards for Rangeland Health require that habitat conditions of the public lands meet the life cycle requirements of special status species. Under the principles of ecosystem-based management, species at risk of being listed under the Endangered Species Act are managed to prevent the need to list under the ESA.

The Long-Billed Curlew (***Numenius americanus***) has been documented displaying nesting behavior in the sage steppe of Northern Nevada. The Long-billed curlew is considered a *"critically-imperiled "* shoreline species by the U.S. Shorebird Conservation Plan.

The BLM is a member of the U.S. Shorebird Planning Council and helped develop the plan. *(1999-Information Bulletin No. 2000-024)*

The Nevada BLM State Office has designated the Long-billed Curlew to be a proposed Nevada Special Status Species. *(Nevada Natural Heritage Program, Plant and Animal watch list, Feb. 15, 2002)*

The North American Waterfowl Management Plan in its report "Effects of Management Practices on Grassland Birds" *(Dechant, J.A., M.L. Sondreal, D.H. Johnson, L.D. Igl, C. M. Goldade, P.A Rabie, and B.R. Eulis. 2001)* includes details on spring arrival and fall departure for migratory

populations in the Great Plains, peak breeding periods, the tendency to renest after nest failure or success, and the propensity to return to a previous breeding site.

The Long-billed Curlew use expansive, open, level to gently sloping or rolling grasslands with short vegetation such as shortgrass or recently grazed mixed-grass prairie *(Salt and Wilk 1958, Bent 1962, Graul 1971, Stewart 1975, Johngard 1980, Bicak et al. 1982, Cochran and Anderson 1987, Shackford 1987, Eldridge 1992)*

Long-Billed Curlews preferred recently grazed areas and did not use areas that had not been grazed for over one year. *(Cochran and Anderson 1987)*

Additional research has recently been done by Dr. Lew Oring an internationally recognized bird specialist, who concludes that the Long-Billed Curlew habitat is aided by cattle grazing.

Long-billed Curlews arrive on the breeding grounds from about mid-March through May and depart for the wintering grounds from August to October *(Silloway 1900, Sugden 1933, Salt and Wilk 1958, Bent 1962, Maher 1974, Stewart 1975, Allen 1980, Pampush 1980, Renaud 1980, Redmond et al. 1981, Bicak et al. 1982 Paton and Dalton 1994.)*

Proximity to water may be an important factor in habitat selection for the Long-Billed Curlew. *(McCallum et al 1997, Cochran and Anderson 1987, Shackford 1987.)*

Also, rangefire can improve the habitat for Long-billed Curlew by removing shrubs and increasing habitat openness *(Pampush and Anthony 1993.)* Public lands of Northern Nevada have experienced immense wildfires involving millions of acres in recent years providing large, open, level-to-gently rolling grasslands with short vegetation.

Current scientific information indicates that the Long-billed Curlew must be addressed as a sensitive avian species under this Draft Environmental

Impact Statement and the Long-billed Curlew habitat requirements, which are benefited by livestock grazing, be incorporated into relevant BLM standards and management programs.

Any definitive study must recognize a Sensitive Species directly related to grasslands that is positively impacted by grazing and should not propose management programs that would be directly detrimental to its prosperity, while trying to enhance another species habitat.

Respectfully,

Jim Christison

Comment Responses to PC-16

PC-16-1:

The BLM is in agreement that the long-billed curlew is a species of concern within Nevada and that it is a species that can benefit from proper grazing systems. However, the scope of the EIS was determined by the judge, and the Minute Order directed the BLM to consider sage grouse and sensitive raptors on the Owyhee and Sheep Allotment Complex, and just sage grouse on the Big Springs Allotments. Therefore, the long-billed curlew was not a species for inclusion in the EIS.

BLM will consider long-billed curlew in future grazing allotment evaluations and the NEPA documents that evaluate those systems.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 24, 2006

Bureau of Land Management
Elko Field Office
Attn: Bryan Fuell
3900 E. Idaho Street
Elko, NV 89801

Subject: Draft Environmental Impact Statement (DEIS) for the Sheep Complex, Big Springs, and Owyhee Grazing Allotments Sensitive Bird Species (CEQ# 50507)

Dear Mr. Fuell:

The Environmental Protection Agency (EPA) has reviewed the DEIS referenced above. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

On April 14, 2003, three Multiple Use Decisions by the Bureau of Land Management (BLM) Elko Field Office for the Sheep Allotment Complex, Big Springs and Owyhee allotments were challenged in the U.S. District Court. On August 18, 2004, BLM was directed to complete an EIS to determine the impacts of grazing on sensitive birds in the area. This EIS was prepared in response to that direction and proposes to carry forward the alternative from the Multiple Use Decision. Based on our review, we have rated the document as Environmental Concerns-Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). We recognize the need for multiple uses in the area, but we are concerned that the alternative proposed does not fully address environmental concerns in the area. 1

While Alternative 2 would reduce the Animal Unit Months (AUMs) by 3,711 from the historic grazing permits, it still allows an increase of 6,463 AUMs above the actual average use recorded between 1987 and 1999, in an area that has shown past degradation. Therefore, we recommend the selection of an alternative with less permitted use in degraded areas, such as Alternative 4. The elimination of spring and summer use in the North Pequop Mountain Pasture as well as deferred rotation in the East Pequop Branch and Independent Valley Pastures associated with Alternative 4 would offer additional protection to key sensitive species and their habitats. Of the alternatives analyzed, this alternative seems to be the environmentally preferable alternative and may help address the concerns regarding grazing impacts to sensitive birds in these allotments. 2

3 We suggest BLM consider other alternative measures or enhancements that offer additional protection to both degraded habitat and sensitive species such as sage grouse. In addition, the FEIS should include more information regarding the proposed mitigation for related impacts to vegetation and cultural resources identified in the document. In particular, the FEIS should include the mitigation measures that are agreed upon with the State Historic Preservation Officer. We also recommend the FEIS include clarification on the responsible party for annual
4 spring inspection of trough areas and exclosures and the reassessment of existing water developments. The FEIS should include a more detailed discussion of the issues involved in the
5 2003 Multiple Use Decision and how the proposed alternative addresses those previous concerns.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send (2) copies to the address above (mailcode: CED-2). If you have any questions, please contact me at 415-972-3988 or Summer Allen, the lead reviewer for this project. Summer can be reached at 415-972-3847.

Sincerely,

Duane James, Manager
Environmental Review Office

Main ID # 4739
Enclosures: Summary of Rating Definitions

Comment Responses to PC-17

PC-17-1:

EIS has been modified, see Chapter 2.

To facilitate public understanding of EPA's rating of the Draft EIS, EC-2 means: EC (Environmental concerns) 2 (Insufficient information) – EPA's review has identified environmental impacts that should be avoided to fully protect the environment. A rating of "EO" would have indicated they identified 'Environmental objections' that must be avoided. An "EU' rating would have identified adverse impacts of sufficient magnitude that are 'unsatisfactory.' If unsatisfactory impacts are not mitigated, the proposal would be referred to the Council on Environmental Quality (CEQ).

Insufficient Information -- EPAs evaluation of EIS adequacy placed it in Category 2, i.e., "This Draft EIS does not contain sufficient information to fully assess all reasonable alternatives." A Category 3 rating is "Inadequate" and means that the deficiencies in the impact analysis or alternatives are of such magnitude that a revised Draft EIS should be circulated, and the action is a potential candidate for CEQ referral.

In response to this rating and a more specific comment from the public, BLM has added measures to address adverse impacts of livestock grazing on habitat used by the species that are the focus of this EIS. Modifications of the alternatives are described in Chapter 2.

See also response to PC-4-5.

PC-17-2:

EIS has been modified, see Chapter 2.

Alternative 2 has been modified to permit less use where necessary until short-term upland and riparian habitat objectives are met in the Sheep Allotment Complex, Big Springs Allotment, and the Owyhee Allotment. For each allotment, the description of BLM's proposed grazing management decisions for Alternative 2 (Proposed Action) has been modified to define average actual use, and to provide for the conditions under which an increase or decrease in such use will be made as part of the term grazing permit for each allotment. The Final EIS also identifies the reasons why BLM prefers Alternative 2. BLM will identify the 'environmentally preferable' alternative when we issue the Record of Decision, in accordance with regulations found at 40 CFR 1505.2

PC-17-3:

EIS has been modified, see Chapter 2.

The 'Resource Protection Measures' that are common to all alternatives with respect to protecting habitat of key importance to the sensitive species has been clarified (EIS section 2.2.1).

As discussed in section 3.2.2, following the protocol agreement between BLM and the Nevada State Historic Preservation Officer will ensure that our responsibilities to mitigate adverse impacts to cultural resources are met.

PC-17-4:

The description of the alternatives in the EIS specifies responsibilities for maintenance and monitoring of range improvements. Generally, the permittee would have responsibility for inspection of the troughs and exclosures; however, BLM also makes periodic inspections of these facilities. BLM will conduct the reassessment of the existing water developments.

PC-17-5:

EIS has been modified, see Chapter 2.

The introductory section for the Alternatives chapter (section 2.1) identifies that Alternative 2 is BLM's Proposed Action, and explains that it has been modified to include measures that address the concerns with the previously issued decisions.

ELLISON RANCHING COMPANY

Ranches Located in Elko and Lander Counties, Nevada
HC 32 Box 240 Phone (775) 756-6542
Tuscarora, Nevada 89834 Fax (775) 756-6570

RECEIVED
BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE
2006 JAN 23 PM 12: 06

January 23, 2006

Helen Hankins
Field Manager
BLM, Elko Field Office
3900 E. Idaho Street
Elko, NV 89801

Dear Ms. Hankins:

We welcome the chance to provide comments regarding the Owyhee Grazing Allotment Sensitive Bird Species Draft Environmental Impact Statement. We would also like to thank you for giving us the opportunity to meet with your representatives to discuss the matter and the impact it will have on our cattle operation.

Please find attached our comments on the proposal and alternatives that we feel would be just as beneficial to the preservation of the allotment and yet allow us to continue to use the area in our cattle management program.

Sincerely,

William L. Hall

William L. Hall
General Manager

Cc: Kathy McKinstry
Bryan Fuell
Shane Deforest

Ellison Ranching Company
Comments
Owyhee Allotment Environmental Impact Statement

1 The yearly rotations on proposed Alternatives 3 & 4 put cattle into the Dry Creek field during the time of year when water is drying up. It is our belief that early use of Dry Creek is the only time to use this pasture. Also, if the cattle were in Dry Creek late they would be in an area that is not readily accessible to wean calves off in late August and September.

2 Alternatives 3 & 4 propose a rather substantial reduction in AUM's. There is no evidence that there needs to be a reduction in AUM's from the current numbers. There is no evidence with regard to grass stands being heavily damaged beyond regrowth that would have occurred in years past from grazing. Last year was a tremendous water year and photographic evidence shows that Idaho Fescue, Blue Bunch Wheat Grass, Indian Rice Grass was at heights that no older area resident had seen in his lifetime.

3 Winter Creek Seeding will not support the number of cattle that is proposed in both scenarios. Even though both alternatives show cattle in the Seeding in late year, there is no guarantee that water will be in the drainage from Winters Creek. More logical use would be early in the year with snow runoff but, although not a guarantee either. Until the well can be improved to maximize capacity there is only enough water to service 288 head during the time frame indicated for use if there was no water in Winters Creek.

4 We agree with Alternative 2 because the proposed water development and fence construction would enhance the ability to disperse cattle more efficiently, which would result in major improvements to the overall health of the allotment.

5 In order to facilitate our grazing plan, the split dates in Chimney Creek on odd years and Lower 4 Mile on even years would need to be changed to accommodate one bunch of cattle for a continuous grazing period.

6 We question the theory of cattle destroying sage grouse leks when a majority of the leks are near a dirt tank water source. The idea of letting water holes on vegetated playas silt in on their own is not a good idea with a lek in close proximity.

In the FMUD management plan we anticipate problems to be mitigated until all water and fence improvements are in place. In anticipation of improvement projects being completed, cattle movement and dates on and off will have to be managed to attain proper levels of utilization. To mitigate the over use of Lower 4 Mile we feel we can monitor it on a weekly basis and when problems or reoccurring animals are identified we will move these animals to the next pasture that is in the management plan in a timely
7 and effective manner. The earlier usage of the next pasture would only dictate that we leave it earlier as well to stay below carrying capacity. We don't feel this is going to be a problem since we might not utilize all pastures to their carrying capacity. For example, during a drought year the capacity of all pastures will be determined by our ability to haul water or install temporary water distribution from existing wells to accommodate efficient use of a dry pasture.

8 In order to allow management in selected areas, our operation would prefer the flexibility of using the Dry Creek pasture AUMs on a limited basis on the year of rest.

Comment Responses to PC-18

PC-18-1:

EIS has been modified, see Chapter 2.

BLM designed Alternatives 3 and 4 to remove hot season grazing in those pastures that have high priority riparian areas. In order to facilitate this goal, livestock would have to utilize the Dry Creek Pasture during the hot season when water availability is scarce. This is the reason that the interim grazing system would be in place until water developments (for Alternative 3) can be implemented. Alternative 4 included growing season use (June 1 to July 31) in one year followed by rest the second year, but no water developments are proposed.

The BLM does not agree that the Dry Creek Pasture is inaccessible during the weaning period (August – September). There are two very good roads within the pasture; one running east-west and one running north-south. The permittee can gather livestock utilizing temporary livestock handling facilities, wean the calves, and then haul the calves out using motorized equipment on these roads. The permittee can also utilize private lands located adjacent to Dry Creek Pasture for gathering and weaning.

PC-18-2:

EIS has been modified, see Chapter 2.

In response to public comments, the Alternatives have been modified to use the ten-year average actual use as the initial stocking level for Alternatives 2 and 3. AUMs up to the calculated carrying capacity would be available as the essential range improvements are installed and based on monitoring that indicates short-term objectives have been achieved. Adjustments in AUMs would be phased in over time and based on continued monitoring that demonstrates the short-term objectives continue to be met. If short-term objectives are not met, the AUMs would again be reduced.

The reduction in AUMs for Alternative 4 is necessary because no range improvements are included in this alternative and the AUMs were determined by the limiting pasture (Lower Fourmile).

BLM monitoring has indicated that most of the upland objectives have been met in the Owyhee Allotment; however, the riparian objectives are the issues driving the changes in the grazing system. The documented production last year on the uplands and the variety of species observed is a direct result of the recent grazing systems and as stated in the comment, indicates that the grazing of the uplands is not having detrimental impacts, except for some concentration areas around water sources. However, the riparian systems are not fairing as well, and the reduction in AUMs is part of the effort to improve these areas.

PC-18-3:

BLM does not share the current lessee's concern that water is unavailable in the Winter's Creek Pasture. The Winter's Creek Well, located in the south-central portion of the Winter's Creek seeding has always provided reliable water in the past. The revised alternatives include early season use, when water is most likely to be available, but Alternatives 2, 3, and 4 also include late season/winter use. Alternative 3 includes a pipeline extension from the existing well in this pasture, but Alternatives 2 and 4 do not. Monitoring would be used to determine if additional water developments would be necessary. Several water developments originally proposed for the various alternatives in the DEIS have been dropped as not being essential to the implementation of the grazing system. These "non-essential" range improvements have been left as reasonably foreseeable future actions to be implemented as necessary based on monitoring. Additional water sources in Winters Creek Pasture may be a case where one or more of these range improvements is determined to be necessary.

PC-18-4:

The EIS was modified; see Table 2-36. The interim grazing system for Alternatives 2 and 3 does not include a split season for use of the Chimney Creek and Lower Fourmile pastures. The final grazing system for Alternatives 3 and 4 do not include a split season of use.

The current permit holder is Doby George LLC who also holds permits for four other BLM grazing allotments (Cornucopia, VN-Pocket Allied, Lime Mountain, and Andrae allotments). Under this permit, grazing use was historically implemented utilizing all of the BLM allotments in an overall grazing system which included the Owyhee Allotment. Doby George LLC has split up this system by leasing out the allotments between two lessees. The lessee for the Owyhee Allotment is Ellison Ranching Company, and their lease is due to expire at the end of 2007. Therefore, due to the short term nature of this lease, the BLM is not willing to revise the preferred alternative at this time.

PC-18-5:

EIS has been modified, see Chapter 2.

PC-18-6:

The intent of the discussion of impacts was not to imply that livestock would destroy leks, but rather disrupt the breeding activity. Sage grouse have been observed to continue strutting when pronghorn antelope enter the lek, but livestock presence on the lek generally results in the birds leaving for the day. If livestock remain in the area for several days or weeks, there is potential for breeding to be substantially disrupted. Because several of the leks are associated with playas, which potentially hold water in the spring, it is anticipated that livestock use of the vegetation in the vicinity of the playas would occur on a regular basis, in addition to livestock moving to and from the playa to drink. Some of the playas are several hundred acres in size that have a single pit reservoir (most estimated at 0.33-acre or less in size), other have temporary surface water where water availability is dependent on winter and spring precipitation. However, many of the playas do not have pit reservoirs and remain dry regardless of precipitation levels. Movement through the leks has potential to disrupt the breeding activity. The extent of this issue is not known, but the association of the leks near the playas certainly increases the potential for this impact.

PC-18-7:

Comment noted.

PC-18-8:

The BLM has analyzed removing the alternating year of rest from the Dry Creek Pasture under Alternative 3. The Preferred Alternative, Alternative 2 requires rest in the Dry Creek Pasture every other year. The BLM is not willing to revise the preferred alternative at this time, due to the short-term nature of the lease.

PC/19

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2006 JAN 24 PM 3:27

MATTHEWS AND WINES, P.C.

A PROFESSIONAL LAW CORPORATION

ROBERT J. WINES
bobwines@citlink.net

RICHARD J. MATTHEWS
rjmatthews@citlink.net

P.O. Box 511
Elko, Nevada 89803
Telephone: (775) 738-3171
Telefax: (775) 753-9860

January 24, 2006

Bureau of Land Management
Elko Office

Re: Comment on Big Springs MUD Alternative 2

Sheep Complex, Big Springs and Owyhee Grazing Allotments Sensitive Bird Species Draft Environmental Impact Statement - DES-05-70; December 2005

Gentlemen:

On behalf of Big Springs Ranch, LLC, owner of the Big Springs Ranch, I have been instructed to review and comment on the draft EIS above referenced.

It appears that the review with respect to the Big Springs Allotment was very thorough. Larry Schutte, the operator of the Ranch, supports the adoption of Alternate 2. The owner likewise supports MUD Alternate 2, as described in the EIS, which appears to provide the most reasonable multiple use solution. The plan includes adequate description of the additional range improvements to be made, which will allow alternating use of the range, in order to maximize the benefits for livestock and wildlife. The alternatives presented as MUD Alternatives 3 and 4 do not appear to provide the same degree of benefit for either livestock or wildlife, thereby sacrificing use by each. MUD Alternate 2 appears to be the most balanced plan, with the greatest advantage to sage grouse, while still permitting other uses of the range. The Ranch Owner supports the adoption of Alternative 2 for future range use.

Very Truly Yours,

Robert J. Wines
attorney for Big Springs Ranch, LLC

Comment Responses to PC-19

PC-19-1:

Comment noted.

PC-19-2:

Comment noted.

jean public
<jeanpublic@yahoo.com>
12/21/2005 08:22 AM

To lwest@nv.blm.gov
cc
bcc
Subject public comment on federal register of 12/21/05 vol 70 #244 pg 75830

fr doc e57578
nv 910-06-1220-pa
noa sheep complex Big Springs and
Owyhee Grazing Allotments Sensitive Bird Species Draft
Environmental
Impact Statement, Elko County, NV

1 grazing is extremely environmentally damaging to all other forms of wildlife that attempt to live on the lands they damage. grazing brings on erosion. grazing prevents vegetation from growing, except it exacerbates exotic invasive vegetation. streams are damaged.

2 the entire u.s. population has been damaged in the past by blm leasing lands to cattle barons for $5.00 an acre per year and those lands being left in horrendous condition by the profiteering cattle barons.

3 the taxpaying public of this land, which owns those lands, has been scammed and not protected at all by blm in this regard.

4 i think the cattle barons should be thrown off this land. they damage the land. they do not environmentally protect the land. they pay ludicrously low rates for their destruction. and the manure that cattle produce is 3 times that for all people in this country - a real environmental horror.

b. sachau
15 elm st
florham park nj 07932

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Comment Responses to PC-20

PC-20-1:

Comment noted.

BLM manages public lands for multiple use objectives and one of the multiple uses that has been recognized for public lands is livestock grazing. BLM attempts to manage livestock grazing in a manner that protects the other land uses, while recognizing that any one land use may have impacts on the other uses. Through monitoring, BLM attempts to identify where impacts from livestock, wild horses, wildlife, recreational uses, or any other land uses are occurring and then through the allotment evaluation process, adjusts the management to address specific problems, or uses other permitting processes (such as 3809 regulations for modifying mining operations) to adjust management of the non-livestock related issues.

PC-20-2:

Comment noted.

PC-20-3:

Comment noted.

See response to comments PC-1-5, PC-1-7, PC-1-8, PC-1-9, PC-2-1, PC-2-2, PC-2-5, PC-3-3, PC-4-3, PC-4-7, PC-12-4, and PC-12-6, above.

PC-20-4:

Comment noted.

Lydia Garvey
<wolfhowlmama@yahoo.com
>

01/19/2006 08:46 PM

To bryan_fuell@nv.blm.gov, lorrie_west@nv.blm.gov, katie@westernwatersheds.org

cc

bcc

Subject FIX Nevada BLM Grazing Draft EIS!

I strongly urge you to Do your job!- Protect Our Public lands! By:
1. Prepare a supplemental EIS (collect & assess new & complete data or special status species habitats & ecological conditions),
2. Accurately determine the current suitability, capability & sustainablity of grazing on allotments,
3. Develop a New range of Alternatives (that protect),
4. Consider All Area of Critical Envir. Concern Proposals submitted by the public & designate New ACECs,
5. Abandon proposals for more livestock projects,
6. Act to Restore native Bighorn sheep to the Goshute & Toano Range,
7. Consider impacts to All special status & important species & their habitats,
8. Remove cattle from the damaged east Squaw Creek watershed in the Big springs allotment, and
9. Stop abusive grazing practices that are promoting weed invasion, soil erosion & habiat loss in the Wilderness Study Areas!

Your attention to this most urgent matter would be much appreciated by all present & future generations of all species.

Thank you Lydia Garvey 429 S 24th st Clinton OK 73601

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Comment Responses to PC-21

PC-21-1:

See response to comments PC-1-1, PC-4-12, and PC-17-1, above.

PC-21-2:

See response to comments PC-1-2, PC-4-5, and PC-12-3, above.

PC-21-3:

See response to comments PC-1-3, PC-4-7, and PC-4-12, above.

PC-21-4:

See response to comment PC-1-4, above.

PC-21-5:

See response to comments PC-1-3, PC-1-5, PC-4-7, and PC-12-6, above.

PC-21-6:

See response to comment PC-1-6, above.

PC-21-7:

See response to comments PC-1-7, PC-3-3, PC-4-7, and PC-12-6, above.

PC-21-8:

See response to comments PC-1-8, PC-3-3, and PC-4-7, above.

PC-21-9:

See response to comment PC-1-9, above.

Western Watersheds Project

Boise, Idaho Office
PO Box 2863
Boise, ID 83701
Tel: (208) 429-1679
Fax: (208) 342-8286
Email: Katie@WesternWatersheds.org
web site: www.WesternWatersheds.org

Working to protect and restore Western Watersheds

PC/22

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RENEWABLE	✓	
S. S.		
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CF CODE:		
X = ACTION		

December 22, 2005

Shane DeForest,
Bryan Fuell
Elko District BLM
3900 East Idaho Street
Elko, NV 89801

RE: Nevada BLM and Pipelines and Other Range Developments

Dear Shane and Bryan,

Today, I read with dismay Ely BLM's "Proposed Decision" for the Tempiute Grazing Association that would authorize TNR use in the Sand Springs allotment.

Among other things, BLM states; "the abundance of forage due to rainfall in 2005 **combined with the installation of the new pipeline and water troughs** has resulted in additional forage to support additional grazing" (page 1). Later, on page 2, BLM continues: "the proposed action will also assist in **determining if forage is available on a permanent basis to support a permanent change in active use**".

This is precisely the path that Elko BLM is on its Elko SSSS EIS for the Big Springs, Sheep and Owyhee allotments, as well as the outrageous 90 mile pipeline in the Spruce allotment area.

This demonstrates that Nevada BLM's construction of livestock facilities is directly linked to increasing livestock use --- including stocking levels.

Yet, BLM steadfastly refuses to assess the disastrous impacts its existing facilities are having on sage grouse, pygmy rabbit and other important wildlife habitats.

Please consider this letter as a comment on both the Spruce project and the EIS effort. We ask that the Spruce pipeline idea be abandoned. We also ask that the SSSS DEIS be withdrawn, and a new and revised EIS prepared that honestly takes a hard look at impacts to special status species and springs and other important values of these lands, as well as evaluates a reasonable range of alternatives that comply with FLPMA, the Fundamentals of Rangeland Health, BLM's own Land Use Plans, and the public interest.

Sincerely,

Katie Fite

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863

Comment Responses to PC-22

PC-22-1:

See response to comments PC-1-1, PC-1-2, PC-1-3, PC-1-5, PC-1-7, PC-1-8, PC-2-1, PC-2-2, PC-2-5, PC-3-3, PC-4-3, PC-4-5, PC-4-12, and PC-12-6, above.

Per the grazing regulations, there are similarities between the factors considered by BLM in issuing a decision to authorize temporary non-renewable use. However, the Elko Field Office does not agree that any connection can be made between a decision by Ely BLM to allow such use and the grazing actions under consideration in this EIS. Further, the Elko Field Office is re-considering the three multiple use decisions for the allotments under the cover of one EIS as a result of consolidation of your lawsuit against them into one court case. Although BLM has formulated a range of alternatives for the Sheep Allotment Complex, Big Springs, and Owyhee allotments in a similar manner, the grazing actions proposed under each alternative vary according to the circumstances found, and impacts anticipated on the sensitive species in the different areas. This includes any proposals to develop water and/or construct a pipeline. In the case of such proposals for the Big Springs, Sheep Allotment Complex and/or Owyhee Allotment, the underlying need for a pipelines is to prevent concentration of livestock at seeps and springs and along riparian zones, not to increase livestock use, including stocking levels. This may or may not be the case for other allotments in the Ely district, and is not the case for the proposal by the permittee for the Spruce Allotment.

As noted in the July 2005 update to the Elko Field Office Project and Planning Schedule,

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01/14/2006 11:15 AM

To bryan_fuell@nv.blm.gov, shane_deforest@nv.blm.gov, kfite@juno.com
cc
bcc
Subject Sensitive Bird EIS Comments

January 13, 2006

Bryan Fuell
Shane DeForest
Elko District BLM
3900 East Idaho Street
Elko, NV 89801-4611

Dear BLM,

Please incorporate this information into the record of the SSSS EIS these initial Comments of Western Watersheds Project and the Committee for the High Desert. The information described below must be provided in a Supplemental EIS. We will be submitting additional comments.

This information, compiled by Dr. John Carter, demonstrates the pressing need to compile information related to increased forage consumption associated with livestock grazing in the Sheep Allotment, Big Springs and Owyhee allotments. The old assumptions about AUMs, stocking rates and carrying capacity can not be carried forward. As part of the DEIS effort and development of grazing schemes, alternatives and their analysis, BLM must compile current and specific information on cattle and sheep weight changes (and thus changes in forage consumption, compaction and other trampling damage to soils, water consumption from scarce springs and seeps, amount of waste generate and linked water pollution and disease as well as weeds that thrive in higher nitrogen sites, competition with wild horses and special status species for forage, water, cover) across the lands of these allotments. Plus, the heavier the livestock are, the less likely they are to use rocky, rugged or steeper terrain.

Understanding just how much forage livestock are consuming and other impacts linked to weight is critical to understanding appropriate stocking rates and grazing schemes.

For example, DEIS Chapter 2 spends many pages breaking up the lands within the Sheep Allotment into various nebulous and unmapped areas where sheep are to be moved to and through. The weight of the sheep and the size and needs of the lambs will greatly influence forage consumption, water needs and mechanical impacts to soils and microbiotic crusts. BLM has provided no evidence that forage is available to meet the demands of the sheep in the uncertain series of areas where they are to be moved and herded around in.

DEIS Chapter 2 confusing discussion of nebulous and uncertain grazing schemes in the Big Springs allotment even states that various types of livestock may be grazed (steers, cows with calves, etc.) and it is critical to understand the weights of these animals and other factors to determine forage and water availability, and impacts.

1...

Not only this information hopelessly confusing, uncertain and garbled, the whole movement scheme is somehow based on forage and water availability.

Livestock Forage Consumption Rates. An important issue unaddressed in the DEIS is allocating forage to livestock based on underestimating the current weight of cow/calf pairs or domestic sheep. The Society for Range Management in 1974 defined an Animal Unit *"to be one mature (1000 lb.) cow or the equivalent based upon average daily forage consumption of 26 lbs. dry matter per day."* (SRM, 1974) SRM also defined an Animal Unit Month as *"The amount of feed or forage required by an animal-unit for one month."* NRCS defines the forage demand for a 1,000 pound cow as 26 pounds of oven-dry weight or 30 pounds air-dry weight of forage per day (NRCS, 2002). It is important to ensure that forage consumption rates by livestock are based on the size of animals present on the allotment and a reasoned estimate of their daily consumption rates. The following analysis provides some background and proposes a more current forage consumption rate for cow/calf pairs and sheep.

The University of Nevada Agricultural Experiment Station published a report on cattle production in 1943 (Brennan and Harris, 1943). That report analyzed 14 years of ranch operation for eleven ranches in northeastern Nevada. At that time, a mature cow was considered one unit and a branded calf or weaner as ½ cow unit, for a combined total of 1.5 cow units per cow/calf pair. Bulls were considered 1.5 cow units. For the period 1938 – 1940, the average turnoff weight (when they left the range) of mature cows was 959 pounds, calves were 381 pounds and bulls were 1222 pounds. This means that in the 1930's, a cow/calf pair was 1340 pounds. With breeding, supplements and hormones, weights have increased over time, for example, Anderson et al (2000) calculated a 35% increase in dressed weights per animal between 1975 and 1995[1][1].

2

USDA market statistics[2][2] give the average weights of slaughter cattle for the week ending August 14, 2004 as 1251 pounds. The estimate for the same week in 2005 for slaughter cattle average weight was 1260 pounds. The USDA National Agricultural Statistics Service data for average live weight of cattle slaughtered in 2004 was 1242 pounds compared to 1187 pounds in 1995, or an increase of nearly 8.5% in those 10 years[3][3]. The Livestock Monitor is a newsletter produced by the North Dakota State University Extension Service Livestock Marketing Information Center in cooperation with USDA State Extension Services[4][4]. The Livestock Monitor shows for the week ending August 6, 2005, live weights of slaughter cattle averaged 1258 pounds.

The potential weights of mature cows can be even larger than these numbers. For example,

NRCS in its National Range and Pasture Handbook, referenced above, defines body condition scores. A body condition score of 6 which is described as *"Good, smooth appearance throughout. Some fat deposits in brisket and over the tailhead. Ribs covered and back appears rounded."* This body condition score relates to a pregnancy percentage of 88%, which is important as a goal for cow/calf operations as dry cows are usually culled and replaced and the weight gain of calves is important for income. According to Dr. Larry W. Olson, Extension Animal Scientist at Clemson University, a medium frame cow in body condition score 6 could easily weigh 1300 – 1400 pounds[5][5].

Holechek et al (cited above) summarized the weaning weights of calves grazed on various types of rangelands at different stocking rates. The data for the period since 1990 produced an average weaning weight of 430 pounds and a range of 382 – 475 pounds. Ray et al (2004)[6][6] gave a weaning weight of 480 pounds for calves. Using the current market statistics for slaughter cattle at about 1250 pounds and assuming a calf weight of 300 pounds to allow for weight gain during the grazing season, an estimate for the average weight of a cow/calf pair during the grazing season of 1,500 pounds seems is conservative.

2...

As pointed out above, the NRCS used 26 lbs/day of oven dry weight for a 1,000 pound cow and stated this was equivalent to 30 pounds per day air-dry weight. The NRCS Range and Pasture Handbook value of 30 pounds air-dry weight would be 3% of body weight for a 1,000 pound cow. Applying this to the estimate of a current weight of 1,500 pounds for a cow/calf pair, the daily forage consumption would be 45 lbs of air-dry forage per day, or for a month (30.4 days), 1368 pounds of forage per AUM. BLM must begin to calculate stocking rates on current rates of forage consumption and can no longer maintain that a cow/calf pair is 1,000 pounds.

Adult domestic sheep weigh from 165 to 440 pounds[7][7] and lambs about 129 pounds[8][8]. Absent any records of animal weights from the permittees or BLM for the sheep and lambs grazed on these lands, a conservative estimate of the weights of a sheep and two lambs would be 400 pounds (200 for the ewe and 100 each for each lamb). The forage consumption for a 125 pound ewe was given as 4.1 pounds per day with a ewe plus lamb as 7.8 pounds per day in the R4 Range Environmental Analysis Handbook[9][9].

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[1][1] http://agecon.uwyo.edu/RiskMgt/marketrisk/TheCattleCycle.pdf
[2][2] http://www.ams.usda.gov/mnreports/SJ_LS712.txt
[3][3] http://www.usda.gov/nass/pubs/agr05/acro05.htm
[4][4] http://www.ag.ndsu.nodak.edu/aginfo/lsmkt/monitor.htm
[5][5] Email correspondence with Dr. Olson dated 8/18/05.
[6][6] Ray, D.E., A.M. Lane, C.B. Roubicek, and R.W. Rice. 2004. Range beef herd growth statistics. In: Arizona Rancher's Management Guide. Arizona Cooperative Extension, College of Agriculture, University of Arizona.
[7][7] http://www.wildlifeprairiestatepark.org/animalpages/domestic_sheep.htm
[8][8] http://www.usda.gov/nass/pubs/agr04/04_ch7.pdf

[9][9] USDA Forest Service Region 4. 1964. Range Environmental Analysis Handbook Intermountain Region FSH 2209.21.

2... These figures amount to about 3.3% of body weight per day consumed as air dry forage weight. Using the more current weights of mature sheep (ewes) and lambs with two lambs per ewe and a total weight of 400 pounds would result in forage consumption of 13.2 pounds per day for each mature sheep with two lambs.

In addition, as part of this EIS process, we repeat our concerns that BLM must prepare the following based on current data that reflects expanded weed invasions, loss of native perennial vegetation especially larger-statured native bunch grasses, impacts of 5 years of drought, shrub die-off and other factors:

1. **Capability Analysis.** As part of the SSSS EIS effort, BLM must conduct a capability and stocking rate analysis. BLM's Land Use Planning Handbook (H-1601-1, 11/22/00) recognizes the following factors for determining capable acres for grazing, which will be used for the capability analysis: other uses for the land or conflicts such as sage goruse nesting habitat or slickspot peppergrass habitat, terrain characteristics, soil, vegetation, and watershed characteristics, the presence of undesirable vegetation, including significant weed infestations, and the presence of other resources that may require special management or protection, such as special status species, NCAs, Special Recreation Management Areas (SRMAs), WSAs or ACECs. Quantitative capability criteria must be used. The Intermountain Region of the Forest Service established quantitative criteria in the 1960's[9][1] upon which the capability analysis is based. These criteria define capable lands as those within one mile of water, <30% slope for cattle, <45% slope for sheep. The risk of soil erosion must be accounted for by the interaction of slope and soil erosion hazard, excluding highly erodible soils and determining for those soils less than highly erodible, the interaction of slope, ground cover and soil erosion factors. BLM will establish quantitative, science-based capability criteria that provide for resource protection in determining capable lands for cattle and sheep. Capability criteria will then be used in a GIS analysis incorporating the best available vegetation and soil data to delineate all capable lands on the allotments. A map and data base will be generated showing the capable lands, vegetation types, water sources and range developments in each allotment. A table of capable acres by vegetation type and pasture will also be produced. This must be presented as part of the EIS efforts in a Map, Table and text.

3

2. **Determination of Forage Capacity.** Quantitative forage capacity determinations must be made in conjunction with a current Ecological Site Inventory. Multiple transects must be established in pastures and

4

vegetation communities in representative capable areas in sagebrush, salt desert shrub, annual weedlands, and other dominant vegetation types.

3. **Determination of Livestock Stocking Level.** The available desirable forage will be determined by the area of each vegetation type and its current forage production, and adjusted to normal precipitation years. Normal years' desirable forage will then be allocated, providing a range of alternative forage allocations, such as 35% for livestock and the remaining 65% for wildlife and watershed protection. To incorporate the information on the large-scale increases in livestock weight and forage consumption, Permittees may provide sale records to validate current weights of cattle, calves and sheep or submit to inspect during the grazing season to estimate weights according to NRCS guidance. BLM must provide a report as part of the EIS efforts presenting the results of the stocking level determination to the public.

5

4. **Analysis of Historical Grazing Management.** BLM is intended under FLPMA to undergo "effectiveness" monitoring to gauge the success or failure of its management of livestock. The lands of the Sheep Allotment Complex, Big Springs and Owyhee allotments must be analyzed to determine the effectiveness of the various range facilities and grazing management that have occurred since 1960. The following are factors that should be evaluated and compared to the grazing systems and stocking rates employed:

6

a. Grazing systems and stocking rates summarized by year implemented
b. Stocking rates, actual use records (billing statements if necessary) summarized by year for the period of record
c. Upland Trend and utilization data by year, including species occurrence of native species of plants
d. Riparian utilization, stubble height, bank trampling and other assessments of condition by year
e. Range surveys, PFC assessments, Rangeland Health Assessments and Ecological Site Inventory surveys by year
f. Comparison of actual use up to the present to precipitation or drought years
g. Prior capacity determinations.

WWP would be happy to provide you with additional information on the above necessary EIS components and analyses at any time. Please feel free to contact us (I would be happy to provide you with Dr. Carter's contact information in Utah so we could further answer any questions you might have concerning how critical such information is. Please also feel free to contact me if you have any questions about these concepts or concerns. And again, please be sure to incorporate this information as part of the EIS public comments. Please note that we included many of the

same requests in our scoping comments, and you ignored them. Plus, WWP requested you contact us to discuss and tailor ACEC proposals, we requested a field tour with BLM following out fall 2005 observations of the deplorable conditions in 2005 resulting from BLM's now "preferred alternative" Interim grazing system in the Big Springs allotment. BLM failed to do so.

Thank you,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863
Boise, ID 83701

Comment Responses to PC-23

PC-23-1:

There is no doubt that livestock have become larger and heavier over time, with a resulting increase in forage intake. This point is well made and well illustrated in the comment letter. That being said, the method employed by the BLM to calculate carrying capacities already has a built in mechanism to account for these factors. The BLM calculated carrying capacity chiefly through comparing actual use records submitted by the permittee against use pattern maps and key area utilization data. Key areas are set up in areas of the allotment that are typical of livestock utilization patterns within the predominant range sites. As livestock become heavier and consume more forage, the comparison results over time will show the same number of cattle consuming a higher percentage of forage, which will lead to a decreased carrying capacity calculation. The specific methods and results used to calculate carrying capacities for all of the allotments involved have already been released to the public during the allotment evaluation process.

PC-23-2:

See response to comments PC-1-1, PC-1-2, PC-4-5, PC-4-12, and PC-23-1, above.

PC-23-3:

See response to comments PC-1-2, PC-4-5, and PC-23-1, above.

PC-23-4:

See response to comments PC-1-2, PC-4-5, and PC-23-1, above.

PC-23-5:

See response to comments PC-1-2, PC-4-5, and PC-23-1, above.

PC-23-6:

See response to comments PC-1-2, PC-4-5, and PC-23-1, above.

The BLM allotment management system is an iterative process. A grazing plan is developed based on the initial range inventory data. The plan is implemented and monitored to determine if the plan is achieving the objectives for the allotment and standards of rangeland health. Periodically, the allotment is evaluated and changes are proposed with respect to the grazing or range improvements to address the problems identified by monitoring. The cycle is then repeated. Thus each modification builds on the past information. There is no need to re-analyze information back to 1960, other than the trend data that has been collected and used in the allotment evaluation process.

The allotment evaluations conducted in 2000 identified issues that required a change in management. The conditions in 1960 are irrelevant to the decisions that need made today. BLM has followed its approved process for evaluating the allotments and for developing a range of alternatives (see the Management Action Selection Report (MASR) prepared for each allotment) and the alternatives in the DEIS and FEIS.

Re-analyzing the information from 1960 would not change the conclusion that changes in management are necessary, nor would it change the alternatives that have been developed.

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01/24/2006 07:49 AM

To Bryan_Fuell@nv.blm.gov, Lorrie_West@nv.blm.gov, kfite@juno.com
cc
bcc
Subject More Sensitive Bird EIS Comments

Please reply that you have received this, too. Thanks, Katie

January 22, 2006

Bryan Fuell/Lorrie West
EIS Co-Project Leads
BLM Elko Field office
3900 E. Idaho St.
Elko, NV 89801

Dear BLM,

Here are additional comments of Western Watersheds Project on the Sensitive Species EIS for the Sheep Complex, Big Springs and Owyhee allotments.

These comments serve to point out critical info in past BLM documents that show evidence of great habitat loss and degradation for sensitive species in the allotment lands.

Given the staggering weight of evidence of widespread degradation and continued habitat loss for native biota, including important and special status species, BLM must consider a range of alternatives focused on actually decreasing stocking rates, and instituting rigorous and mandatory conservative levels of livestock use. All Alternatives that serve as the basis for any BLM action is actually a LARGE INCREASE over the average levels grazed during the period when FRH violations and widespread ecological problems shown in even BLM's limited analysis were documented. This has been starkly emphasized by NDOW and other agency comments, and by the public THROUGHOUT THIS SEVERAL YEAR PROCESS and is still ignored by BLM, in defiance of a Court Order.

In the woefully deficient EAs and DNA, which were recognized by the Court to be deficient, BLM approached its **limited analyses** – including in the AEs, MASRs, MUDs - as if there would be an on-the-ground reduction in livestock numbers or use. This was false, as the MUDs enshrined grazing levels far above those shown to be sustainable. BLM in those paperwork exercises NEVER considered the ecological impacts of INCREASED livestock use, and more damaging facilities, as its MUDs would authorize.

Now, BLM has wasted over $100,000 of taxpayer funds, and still refuses to provide current data and accurate and scientific analysis of a range of reasonable alternatives that would reduce

numbers and levels of livestock grazing and trampling disturbance to the Owyhee, Big Springs and Sheep Allotment Complex.

2 BLM's being hellbent on charging ahead on projects (or any aspect of decisions) despite its having killed springs and created vast weedlands of destroyed sagebrush-dependent wildlife species habitats in the past. BLM makes a mockery of the EIS process. BLM must prepare an Supplemental EIS, as the current effort is simply a re-massaging of limited, old information.

BLM has steadfastly ignored many NDOW comments on cheatgrass and weeds (which reflect current science), and impacts to wildlife and special status species habitats. WWP has repeatedly provided BLM with references that encompass current science on invasive species, sagebrush ecosystems, wildlife habitats, "range" science, etc.

- BLM hides from the fact that it all alternatives authorize AUMs greatly in excess of the average # actually grazed.
- BLM provides little to no current science on ecological condition of upland vegetation and habitats.

WEEDS/INVASIVES

Livestock degradation causing cheatgrass and other invasive species invasion and dominance of sites is largely irreversible or requires tremendous funds and large-scale restoration with limited or no grazing to reverse. BLM's old documents narrowly focused on "noxious weeds", despite abundant information in the record concerning cheatgrass and other invasives being much more widespread and significant habitat problems across the allotments. WWP has provided abundant scientific references, and Nevada-specific references about harms caused by cheatgrass, halogeton, etc. and other "invasive" species, and many NDOW comments, plus NNHP.

3 Whisenant 1991, Billings 1994, others describe catastrophic ecosystemic change brought about by cheatgrass and the "extensive and disastrous" range fires it causes, Fleischner 1994, Belsky and Gelbard 2000, Knick et al. 2003, Federal Register Notices re: sage grouse, pygmy rabbits. Connelly et al. 2004, Dobkin and Sauder 2004, Nevada-specific references, including Nachlinger et al. 2004, Nevada Natural Resources status Report.

All experts and current science agree these processes operate across the arid West. This is precisely what IS now occurring in Nevada.

BLM had repeatedly claimed "stable" trends are a basis for claiming habitat conditions are acceptable. BLM has NOT measured current conditions – even at the time of Allotment Evaluations, and most data was old or quite limited. Also trend could start out very bad, and remain bad and highly degraded. Just because a poor condition site remains stably poor does not mean that management is proper. Many poor condition sites were termed "stable" (under lower stocking rates that occurred in the past). There is no analysis of how INCREASED use under all DEIS alternatives will affect stable degraded or poor condition sites.

BLM"s own pictures used for white sage/winterfat in the evaluations and Administrative Record

show there are often few if any bunchgrasses and abundant bare soils – providing for weed invasion following livestock trampling disturbance, and then weed spread.

NDOW Big Springs letter (AR 98) at 9: "Data inferred from individual pasture use indicates average actual use has been 10, 827 AUMs since 1987. If permittees were to stock up to the new proposed permitted use, a 57% increase in actual use would be realized. Given the poor condition of riparian habitats **and the trend toward invasion of the allotment by exotic forbs and grasses**, we don't believe this allotment can sustain this use without further resource damage.

AR at 324. Fire Closure Agmt. Big Springs: Describes East Pequop Bench ."the Big Springs fire burned through range sites **dominated by big sagebrush with a cheatgrass understory in the East Pequop Bench pasture ...**"

NDOW AR at 44 (SAC): **"the invasion of cheatgrass is continuing at a rapid rate on some other portions of the Complex"**

AR at 63 (SAC): Noxious weeds. Map. BLM: June 4, 2003.

NDOW AR at 44 (SAC): "the fact that **9 of 15 key area sites show a downward ecological trend** does not provide a good argument for potentially increasing actual livestock use on the allotment complex. While horse numbers appear to be cut in half the recommendations and permitted livestock use remains significantly higher ... than actual use reported through the evaluation period. If operators stocked up to these proposed new levels, we would see an average annual use increase of 60%".

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Thus, there is a very GREAT likelihood of weed increase and spread and degradation and loss of important and special status species habitats, as MORE livestock will mean more disturbance to soils and vegetation, as well as more vectors of weed introduction and spread under ALL alternatives provided for ALL allotments.

Owyhee NDOW letter (AR 72), MASR (AR 75) at 9. "the invasion of cheatgrass on uplands, the lack of woody riparian vegetation and lack of residual herbaceous vegetation are **major** concerns". Yet, BLM failed to provide data, assessment and analysis of the extent of such invasion and its effects in important and special stats species habitats. across these allotments.

Owyhee (AR 72) NDOW letter, "areas in close proximity to water ... which now have **higher densities of cheatgrass**". This demonstrates the impacts of new watering sites or other developments across the uplands, and the drastic alteration in vegetation communities and fire frequency that will result.

Owyhee Owyhee MASR (AR 75) at 14 Nevada Natural Heritage Program: "evaluation fails to address noxious weeds and sensitive plant species ... both current conditions and status, and as to the effects implementation of the Technical Recommendations may have on these vegetative resources. Implementation of the recommended vegetative manipulation measures has **the potential to increase the extent of noxious and invasive weed infestation on the allotment ...**

the known population of grimy ivesia [special status plant] … is bisected by a fence, and "livestock concentrations along this fence could negatively impact this population"

Owyhee MASR page 19 or 20 OAE discusses **'poor forage diversity' and lack of perennial native vegetative cover" and "heavy composition of cheatgrass"**.

Owyhee EA (AR at 81) at 11: **"noxious weeds: "3 species were identified and mapped at 59 sites,** "hoary cress "on 28 different sites" (map in AR shows weeds widespread across eastern half of allotment).

Owyhee EA at 15 minimally refers to "soils", without any description or assessment of microbiotic crusts that are critical to preventing weed infestation. BLM in the DEIS continues to ignore the assessment and inventory of microbiotic crusts, as well as assessment of impacts of increased stocking rates and all associated management actions on them. Microbiotic crusts are critical to preventing weed invasion of important and special status species habitats in arid lands, including sagebrush, salt desert shrub, and pinyon-juniper communities (USDI BLM 2000).

Owyhee EA at 17-18 recognizes that: "noxious weeds can be spread by vehicle tires, livestock and wind", but only addresses noxious weeds – but says nothing about invasive species, which are a gigantic problem across these allotments. With more livestock, there will be more spread of weeds, more loose and disturbed soils and wind erosion and spread of weeds, and more management activity spreading weeds with vehicles hauling water, trying to control herds, etc.

3. . .

Owyhee EA (AR 81) at 27: "with no proposed range improvement activities, a lower chance of noxious weed spread would be likely", yet this is ignored in the DEIS and current analysis, and scope and scale of invasive species linked to existing or proposed activities and the degradation of important and special status wildlife species habitats that will result is never measured, quantified or accurately described by BLM.

Old analyses – such as that for the Owyhee allotment – used only very limited citations, primarily from agencies, and of course the SAC was even worse.

Big Springs MASR (AR 101) at 11: NDOW comment: "the invasion of cheatgrass, **halogeton,** and other exotics are also **major** concerns as these species may be reducing forage availability for our native birds of prey". BLM's DEIS fails to map, detail, quantify, assess or in any way allow reasoned analysis of the current extent of halogeton infestation across these allotments or its impacts to important and special status wildlife species and other species habitats or watershed function and health.

BS MASR (AR 101) at 12: NDOW: "While healthy riparian habitats are indeed critical to the life cycles of several species within the allotment, the majority of wildlife in this allotment depend on healthy, native habitats for their survival". Despite BLM long knowing this,

BS MASR at 20: Pequop Mtn. Pasture – **"cheatgrass competition and livestock grazing"**. MASR at 20 erroneously and illogically concludes "condition and trend met". Despite serious

problems, BLM increased (shifted) more use into this pasture under the MUD, and under Alts. 3 and 4.

Big Springs EA (AR 107) at 26 includes an "Invasive, non-native species" section that only discusses noxious weeds. Yet, NDOW expressed concerns re: cheatgrass. BLM ignored that , and only admits: black henbane, Canada thistle, hoary cress, Scotch thistle. Then later, in cumulative impacts, BLM only discusses "noxious weeds" under heading entitled "Invasive, nonnative species". Thus was never an accurate inventory or assessment of invasive species conducted, and BLM did not conduct such a study as part of this EIS, so has no way to gauge impacts of any of its management actions on important and special stats species habitats.

In Big Springs EA at 29, under the discussion of soils, there is no mention of microbiotic crusts. BLM here admits that livestock spread weeds, yet the EIS never reveals the impacts of increased livestock numbers above actual use under all new action alternatives on livestock spread of weeds into and through important and special status species habitats and watersheds.

SAC DNA. Weeds. BLM admits that the "EIS [Land Use Plan – Wells RMP] was silent on the critical element of invasive, nonnative weeds". BLM then claims element was "present, but not affected" by the proposed action". This stance was continued in the BLM's Responses to WWP, ignoring science, and continues to this day as BLM still has never assessed invasive species/weed infestations and their effects on important and special status species habitats across the allotments.

3

Owyhee MASR at 2: BLM states: "the Elko RMP/EIS contain the needed elements for site specific analysis, i. e. specific levels of livestock use are identified, forage conditions are projected into the future, specific range improvements are identified, and the related impacts of these proposals on other resources are specifically analyzed. The specific design of each project is selected when each project is analyzed more closely prior to approving construction". Well, scientific understanding has changed! Large-scale fires, weeds, habitat fragmentation, new science, species concerns are escalating. The old LUPs no longer allow BLM to rely on them for baseline conditions, current inventories or facility or other impacts analyses. BLM needed to conduct such analysis in this EIS to understand the impacts of facilities on fragmenting habitats and these impacts to local, regional and nationally significant populations and habitats. BLM has failed to do so.

HARM FROM FIRE CYCLES/HABITAT FRAGMENTATION

Big Springs EA at 11 describes "the Big Springs Fire of 2000", largely ignored by BLM in its DEIS. Big Springs EA (AR at 107) 11 describes "the Big Springs Fire of 2000", and maps show a large irregular fire pattern in the North Pequop Pasture.

4

SAC FMUD, **Appendix 2**. SAC Fire Mgmt Plan. SAC contains 5 mgmt polygons. B3 polygon is one of "areas of annual vegetation". These are shown on Map 1, and constitute significant areas.

B3 Polygons are located:

White Horse allotment on West side of Goshute Range
Large area extending north-south from Leppy Hills to Utah-NV north to Lead Hills allotment (= extensive areas of the valley edge/alluvial fans along the eastern Toano and Goshute Ranges. Wedge-shaped area in the northern Boone Springs allotment. Is this cheatgrass dominance a significant factor in the extirpation of Boone Springs leks???

"Current condition" of this polygon is described as: **"cheatgrass and other annuals dominate these polygons"**. RNOs: "to restrict the expansion of cheatgrass": "primary emphasis is on preventing the spread of fire into areas of native veg."
"fire history in these areas is dominated by large acreage fast-burning fires that often exceed 20,000 acres", and "these fires expand the annual veg areas by burning native vegetation, which allows the annuals to colonize the burned areas".

Fire history: "The SAC has a moderate number of wildland fires", "surprisingly, [many of the fires occurred in the low sage/desert shrub community"... "most of the fires were small. However, there are a large number of fires ranging from 300 to over 3000 acres in the low sagebrush/salt desert shrub community. **The probable explanation for this is that these areas have been invaded by cheatgrass, which has altered the fire regime in this vegetation type, leading to more frequent and larger acreage wildland fires**. Normally, this vegetation type has low fire occurrence". "

4... Plus, in its FMUD at 31, BLM plans to establish 2 new Key Areas in burns – indicating they are a significant part of the landscape. And under "other management" FMUD at 33: BLM plans to examine a large block of land to see "if this area **should be changed to a cheatgrass polygon"**.

SAC AE at 63. **Lead Hills** allotment "much of Key Area 1014 (Ferguson Flat) is **dominated by cheatgrass (BRTE) causing the ecological status to decline**". SAC at 64. **White Horse allotment. "Much of key area 1004 is dominated by rabbitbrush and cheatgrass".**

Plus, in discussions of antelope habitat in the AR show that in some areas 99% of the land is cheatgrass! So yes, extensive cheatgrass and weedland monocultures do exist, but nowhere in previous analyses or the DEIS does BLM assess how extensive this is, or relate it to important and special status species habitats and populations, and losses or changes in habitats, sightings or populations over time.

NDOW has observed a "rapid rate" of cheatgrass invasion on portions of the SAC. See AR No. 44. Cheatgrass invasion of the uplands here, along with lack of residual herbaceous vegetation, is considered a "major" concern by NDOW (See AR No. 75, at 9), and also notes its occurrence in areas impacted by heavy livestock use.

Owyhee allotment fires affected 3.7% of acreage between 1986 and 1999. Owyhee AE (AR 65) at 10: BLM termed # of wildfires "moderate", based on 1996-1980 fires. See Fire Mgmt. Appendix. AE Appendix 3 at 4: Total acres 1980-1996- 14,017 acres.

HOWEVER, Owyhee MASR (AR 75) at 24 shows there had been significant new fires. "the **large fires that have occurred in this vegetation type in the past two years** have been predominately in over-mature closed canopy sagebrush stands **with an understory of cheatgrass**". "As an example, the Cricket fire in 2000 burned **62,000** acres. The Owyhee allotment encompasses 376,268 acres. Now, we have the Wilson Fire burning 50,000 acres in or near the allotment in 2005. So, it is likely that one third of the Owyhee allotment may be greatly lacking in sagebrush and other shrubs required for sage grouse, jackrabbits as prey of golden eagles, many small bird and mammal prey species of raptors, etc. On top of this, BLM has destroyed areas of sagebrush with mowing. And nowhere in the DEIS is the complete fire history and scale of shrub loss revealed, nor is the cheatgrass dominance of the understory in still unburned lands ever assessed.

These fires have resulted in widespread – yet unrevealed by BLM and unassessed – increase in cheatgrass, an unsustainable forage. Scientific literature is replete with info on cheatgrass causing long-term, often irreversible changes and livestock grazing disturbance being a causal factor in spread of cheatgrass and other weeds.

Big Springs FMUD (AR 108) Map 2. Map shows area of "West Pequop Fire" 2001. – approx. 8 sections. Map 3 - shows Big Springs Fire – 2000.

Owyhee AE at 19. Mule deer habitat conditions in the huge Star Ridge Pasture **"heavy composition of cheatgrass"** at one of only 3 BLM monitoring sites. Nowhere can a reader of the DEIS understand the condition of any mule deer, sage grouse, or any other species current habitats in any allotment, nor of the extent of cheatgrass occurrence in, and dominance of, understories.

4...

Owyhee AE at 46. **Cheatgrass invading Key Area while native grass decreased.**

Owyhee AE at 66: Cheatgrass "an undesirable annual grass that competes with native vegetation and **effectively compromises forage diversity and cover on the site".** This compromise of forage diversity and cover on sites has never been adequately assessed, nor has the irreversible harm it has caused to important and special status species habitats. By increasing stocking rates above past use levels under all alternatives, BLM will only ensure accelerated loss.

AR at 70 (Owyhee) letter. From NNHP, NV Clearinghouse: BLM's "evaluation fails to address noxious weeds and sensitive plant species, both as to their current conditions and status on the allotment, and as to the effects implementation … may have on these veg. resources"… " **implementation of the recommended veg. manipulation measures has the potential to increase the extent of noxious and invasive weed infestations on the allotment if these measures occur in or near existing infestations".**

Owyhee AR at 93. Noxious Weed Infestations in the Owyhee Allotment. Map shows widespread infestations throughout eastern portion of allotment. Dated June 10, 2003. Canada thistle: 220 acres, Hoary Cress 985 acres; Scotch thistle 175 acres, thistle spp. 1500 acres. When this is compared to the 1998 data, large-scale increases are seen. It must be emphasized that BLM weed

inventories in almost all instances are only concentrated along roads, and do not reflect infestations in the hinterlands.

STOCKING RATE

BLM claims that conditions have been "stable", and trend stable. BLM has NOT measured current conditions – even at the time of AEs – as most data used was old or very limited. Regarding claims that Trend is stable: trend could start out poor/very bad. A stable very bad site may be very vulnerable to weed invasion. Conditions can be terrible, and stable. Bad sites were "stable" under lower stocking rates of average actual use. The DEIS provides no analysis of expected Trend under INCREASED use of the DEIS Alternatives.

SAC stocking rate (now Alt. 2) under MUD was 10,547 higher AUMs than average actual use reported during the period. Yet, SAC AR at 54: "frequency of key forage species had **declined** over the evaluation period" - during the same period when actual use was low!

The numbers now proposed for livestock are the result of old adjudication AUMs that were not based on reality, but only fantastic claims by ranchers. BLM describes the SAC adjudication: " **Adjudication was based on vegetation whether it was available or not". The DEIS carries this forward in all Alternatives.**

5 SAC Carrying Capacity (AR at 54): "To determine the grazing/carrying capacity, we commonly analyze the levels of utilization of key forage plants in relation to actual use for the year … when there is insufficient actual use and/or utilization data to determine the carrying capacity for an area, we often refer to earlier vegetation inventories …"".... Where BLM had "insufficient info", BLM said "we had insufficient information … the carrying capacity was based on **a pre-evaluation forage inventory**. = BLM used old, stale data and no systematically collected forage inventory data was presented as part of the analysis. Thus, in no way can it determine the proper stocking rate in 2006, as it relies on decades old data.

BLM describes SAC key areas: "a key area is a relatively small portion of a unit selected because of location, use, or grazing value … if properly located, will reflect current grazing management over similar areas in the unit". Nowhere is there a systematic examination of whether or not each Key Area that BLM's flimsy out-dated data is based on is "properly located". BLM has very few Key Areas, and even if each one was properly located, it would be impossible to determine the condition of habitats, watersheds, etc. from Key Area data alone.

Big Springs EA (AR 107) at 35 falsely bases its analysis of livestock impacts on the claim that "livestock AUMs would decrease". Big Springs EA at 38, claims this for impacts to Wilderness, too, "due to the decrease in cattle". Well, under the DEIS Alternatives, stocking rates would increase greatly above the average Actual Use.

Big Springs EA (AR at 107) "range" cumulative impacts – BLM again claims that it would implement a reduction in active use in examination of cumulative impacts. Of course, that is not the case.

See Big Springs Response to Protest (we [CHD, WWP] assert Big Springs – use has been increased in Holborn, Lower Squaw Ranch, East Squaw Creek, Windmill Seeding, Railroad Field. BLM's Big Springs MUD (now Alt. 2) significantly increased the stocking rate of cattle on lands with a known concentration of sage grouse leks. The "Pre-Evaluation Stocking Rate" for livestock in the North Pequop Mountain Pasture was 1866 AUMs of "Livestock Permitted Use". However, the "Post-Evaluation Stocking Rate" is 1168 AUMs (West Side) and 1244 AUMs (East Side), for a total of 2412 AUMs, an increase in stocking rate of 546 AUMs (AR No. 108 at 4). BLM's AE Map, AR No. 95, at 7 reveals that 4 of the 9 leks known to be located within the allotment occur in this North Pequop area, which also contains important mule deer, elk and other wildlife habitats. AR No. 108, at Appendix Map 2 "Big Springs Allotment Proposed Projects Northern Pastures" Map shows that two new projects # 3 (new water location, i.e. a well to be drilled) and # 14 (a pipeline extension from the new well) are proposed for this lek concentration area. These projects would extend heavy or severe livestock use into previously
5... less grazed areas – and result in extreme new degradation and habitat fragmentation, as has occurred in association with other water developments throughout these three allotments. Such impacts (and this increased use is present under all Alternatives), no matter how BLM tries to gloss over them, would be greatly harmful to sage grouse.

NDOW BS letter (AR 98) at 9 refers to this increase: "Data inferred from individual pasture use indicates average actual use has been 10,827 AUMs since 1987. If permittees were to stock up to the new proposed permitted use, a 57% increase in actual use would be realized. Given the poor condition of riparian habitats and the trend toward invasion of the allotment by exotic forbs and grasses, we don't believe this allotment can sustain this use without further resource damage. It is our opinion that **data does not support any increase in stocking rates for the North Pequop Pasture ...**".

TREND/CONDITION/PRODUCTION/NO DATA

Under the stocking rates and grazing management, not much is very different from what is now claimed to be great changes in the DEIS:

BS MASR (AR 101) at 4. "... **there are only a few white sage plants remaining**". USE against BLM photos.

6 BS MASR at 8 (AR 101): "heavy use was recorded at some key areas"

BS MASR at 8 "the recommended stocking rate was based primarily on actual use and utilization data from 1997, 1998, and 1999". Yet, those were exceptionally wet years! The same occurred with the Owyhee allotment data on utilization. Thus, BLM's data cherrypicks bumper production years, and in no way reflects the impacts of prolonged drought.

BLM is required to **"enhance wildlife habitat to the maximum extent possible"**, so being content with a trend of "stable" at a depleted site is not ok.

BS MASR AR 101 at 12: NDOW (AR 98) comment **"Summaries of Studies Data. There appears to be a consistent lack of data in the use pattern mapping and pasture production arena from which one can draw legitimate conclusions".**

BS NDOW letter (AR 98) at 10: **data critical for an appropriate analysis of current livestock grazing systems is lacking".**

BS NDOW letter (AR 98) at 8, BS MASR NDOW AR 101 at 14:" Pages 67-70. Allotment Specific Objectives. **It is hard to believe that any legitimate conclusions can be drawn from the small pool of trend data which was collected within many pastures of the allotment".**

Owyhee NDOW letter. (AR at 72): describes habitat ratings that are **"severely compromised"** because the same vegetative components were not compared.

Owyhee AE at "Carrying Capacity Section" Appendix. The Dry Creek Pasture is around half the total land area of the allotment – see Map "Owyhee Allotment and Land Ownership". BLM used 1991 data, so there is no current data of any kind for half the allotment.

Grazing Schemes proposed by BLM do not require removal of livestock when any utilization goals, stubble height, etc. is met. Thus, year after year, degradation can occur. NDOW Owyhee letter (AR at 72): "our experience has shown that rest rotation systems which do not include specific stipulations on the removal of livestock follow[ing] the achievement of utilization goals fail to obtain the veg. improvement that they seek.

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SAC MASR (AR 49) at 3: "the fact that 9 of 15 key area sites showed a downward ecological trend, combined with the fact that several LUP and RPS objectives were met does not provide a good argument for potentially increasing livestock use on the allotment complex" ... **how does the Bureau expect to meet LUP and RPS objectives in the future when any reductions in livestock use are simply on paper and do not extend into the field?".** As the woefully deficient EIS shows, BLM has ignored this and all comments related to stocking rate.

MASR at 15. NDOW: "Since many of the allotment objectives were not met, it would be beneficial to know what level of livestock use ..." occurred.

Plus, BLM repeatedly claims its grazing systems will do great things – yet Owyhee AMP, Big Springs (see Visser Memos), already has grazing system or movements, and not season-long grazing in place, Yet, the many ecological problems stem from grazing management not very different from that proposed under the various Alternatives.

BS MASR at 2 identified MANY specific areas of concern over utilization spanning pastures across the allotment: "Specific areas of concern include use on white sage in the IV pasture, North Pequop mtn, Collar and Elbow Pasture, Payne Basin Pasture, East Pequop Bench Pasture, Shafter Pasture. Plus, concern with use of large-sized native bunchgrasses – bluebunch, Indian ricegrass (ORHY).

DEPLETION

Widespread depletion and desolation of vegetation amounts to desertification. WWP commented and provided references demonstrating that BLM needed to assess desertification (Sheridan CEQ 1981, Knick et al. 2003, Connelly et al. 2004), as depletion of larger-statured grasses, forbs, shrubs, or other important components of native vegetation communities are critical to sage grouse, raptor prey, migratory birds, and other important wildlife species, and are essential to protect soils from erosion, help prevent weed invasions, etc.

Owyhee AE at 21, found "no" forbs at monitoring sites.

Owyhee AE at 22: "in 1994, forage production data indicated that forb production was poor at OW-04 (Chimney Creek pasture) and nonexistent to marginal (0.0% to 4%) at other key areas.

The same is found in almost all Owyhee AE Key Areas, Big Springs AE Key Areas, SAC AE Key Areas – a drastic depletion of forbs or productive and larger-sized native bunchgrasses across the allotments, with serious impacts to habitats.

7

Depletion and Sage Grouse: Owyhee AE at Table 3: "Summary of habitat conditions for sage grouse in the vicinity of established key areas …"

- Perennial grass basal cover: **Not measured** at 7 of 9 Key Areas 94-96
- At 2 of 9 Key Areas where it was measured as "recently" as 94-96, AY-T 6.7% and 5.8% on "unknown" species, and AY-1-03 total of 5.1%.
- The last basal cover data at **7 sites** was under 8%.

These conflict with sage grouse habitat requirements.

How much worse have habitat parameters for important and special status species gotten since this data was collected??? The DEIS provides no new information whatsoever.

SAGE GROUSE

BLM has claimed that the local SG Working Group plan has found livestock grazing to not be a problem. This is of course dead wrong. However, if BLM was to be believed, then these allotments are exceptionally degraded. BLM's own findings in the Owyhee allotment found that grazing was harming sage grouse habitats. This is also not consistent with the science BLM uses (Gregg 1994) nor is it consistent with an abundance of other peer-reviewed lit, and current WAFWA science, and Connelly et al. 2004.

8

Owyhee MASR at 20, in response to public comment on residual cover, BLM responded: **"any proposed residual cover objectives are in conflict with key upland species utilization objectives"**. As the same Objectives are carried forward under the various increased Alternatives in the EIS, BLM has demonstrated that cow and sheep use trumps special status species habitat requirements.

8 This is a violation of the Land Use Plans! This to illustrate what drives the whole system – cows and sheep and not inconveniencing permittees. BLM's responses to WWP's comments and legal submissions have consistently claimed any deviation from its MUDs would inconvenience permittees. BLM ignores its own RMP protections and objectives for special status species, FLPMA, and its own policies.

Stubble Height. SAC – In areas where livestock are removed by March 31, BLM claims no problems for sage grouse. BLM ignores the science that shows that sage grouse rely on **residual** grass cover **and** sagebrush canopy cover. Sheep consume, break or trample both. Removal of livestock does not ensure adequate residual cover, which is last year's growth, and that is especially true under the high utilization levels.

Gregg et al. 1994. "information from other Oregon 1994 studies indicates that … and specific height and basal cover of understory vegetation surrounding nest sites were factors that improved nest success".

Owyhee AE at 24: "Basal cover of all perennial grass species encountered during monitoring that do or do not potentially allow at least a seven-inch height of residual growth, where measured, ranged from 1% to 6.7%". This means there were VERY FEW larger sized native grasses remaining, indicating depletion of the site.

9 This demonstrates that the composition of larger-sized grasses is very poor, and much below levels that science shows are needed for sage grouse nesting, or broodrearing habitats.

AND: "from 1994 to 1997, "average **forb composition ranged from none to 12.9% and would be considered a limiting factor … at most key areas**". YES, indeed as: Owyhee AE at 22: "in 1994, forage production data indicated that forb production was good at OW-04 (Chimney Creek pasture) and nonexistent to marginal (0.0% to 4%) at **all** other key areas. Owyhee AE at 25: "Key Areas where "monitoring has indicated forb composition is a limiting factor" ….

Owyhee AE at 24: "Ocular surveys … indicated that livestock-accessible riparian areas potentially used by sage grouse are characterized by heavy grazing, lowered water tables, **severe** erosion, and loss of plant species associated with moist soil profiles" … riparian areas in poor condition would be considered a limiting factor in brood-rearing/summer habitat since they are major foraging areas as the summer season progresses".

Owyhee AE at 24, discussion of Key Area near lek and Silver Lake (vegetated playa), describes **concern** about potential excessive utilization of native vegetation … Improper use … could affect range site dynamics and allow decreases in perennial native grass and forb species, and mosses, and increases in annual vegetation".

Under all of BLM's DEIS Alternatives, numbers of livestock greatly in excess of those grazed in the past would be stocked on these depleted areas.

The extraordinarily limited data in relation to sage grouse or other wildlife species is illustrated by Owyhee AE at 41-42: There is only one Key Area in the allotment where evaluation of veg. near any leks occurred. And, at this Key Area, there was **concern** about potential excessive utilization of native vegetation .... Improper use ... could affect range site dynamics and allow decreases in perennial native grass and forb species, and mosses, and increases in annual vegetation". "AE at 42: "**this site is highly susceptible to disturbance as indicated by low densities of cheatgrass and high composition of povertyweed ...** NRCS description ... when management results in abusive livestock use, Nevada bluegrass and mat muhly decrease as povertyweed and other annual forbs increase in composition".

9...

BLM's management response to its own analysis? Dramatically increase stocking rates above the very use levels that had caused these problems in the past - under all alternatives in the DEIS.

RIPARIAN

BLM's Own Spring Developments and Rangeland Projects Are Cause of violations of rangeland health standards, and the cause of Functioning-At-Risk and Non-Functioning NF condition, so BLM claims that "developments" and projects will improve conditions are false.

Big Springs EA (AR 107) at 32: re: springs: "the areas assessed as FAR or NF "were rated as such mostly due to livestock use **and water development**".

Owyhee EA at 30: Under the NAA: "hot season grazing would continue in accordance with the 1987 AMP. "Hot season grazing would continue and even if it would include rest every other year, it would not allow for recovery of stream and riparian habitats". BLM perpetuates harmful hot season grazing in this manner in the Big Springs and Owyhee allotments.

10 Owyhee AE at 24: "Ocular surveys ... indicated that livestock-accessible riparian areas potentially used by sage grouse are characterized by heavy grazing, lowered water tables, **severe** erosion, and loss of plant species associated with moist soil profiles" ... riparian areas in poor condition would be considered a limiting factor in brood-rearing/summer habitat since they are major foraging areas as the summer season progresses".

Riparian Protection Criteria What BLM terms "protection", is very often actually development - and photos (BLM's, WWP's), and NDOW comments show that past developments have resulted in failures – and complete **nonfunctionality** of these rare spring oases. See discussions of the "NON-functional projects in Big Springs, and BLM's photos of developed springs in SAC and BS in the AR.

Photos of Spring Developments: Big Springs AR in loose binders:

Upper ?acon Spring (developed troughs, muck, labeled #71).
#74 spring is ALL developed, with muck, shown on two sheets,
#80 ALL pipe visible
#82 Middle Fork E. Squaw, several sheets, mainly developed

#83 E. F. Squaw. Developed
#110. Developed?
#111. Developed.
#116. Developed.

BS NDOW letter (AR 98) at 8: "BLM identifies 25 springs/seeps/ponds within the allotment and admits that 13 are nonfunctional and that four are at risk of not functioning (68%) ... reasons states are **livestock grazing feral horse grazing, and/or water development design**". NDOW then stresses importance of riparian oases, and BLM's plans to improve only 5 to good or excellent condition are unacceptable. .

BS NDOW letter (AR 98) at 9, "Data inferred from individual pasture use indicates average actual use has been 10,827 AUMs since 1987. If permittees were to stock up to the new proposed permitted use, a 57% increase in actual use would be realized. **Given the poor condition of riparian habitats and the trend toward invasion of the allotment by exotic forbs and grasses, we don't believe this allotment can sustain this use without further resource damage. It is our opinion that data does not support any increase in stocking rates for the North Pequop Pasture particularly from a riparian condition standpoint ...".**

BS NDOW letter (AR 98) at 9: "no more than 50% use on herbaceous riparian species or 4-6" stubble height remaining in **all** riparian habitats ... once objectives are met, cattle would be moved". vs. BLM - only some areas it claimed 4" end of season oon riparian areas would occur, but 4 " was not met, and was not a use trigger.

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BS MASR NDOW "Of extreme concern is the state of existing riparian habitats in the BS allotment ... most areas are heavily impacted by grazing and developments. Only 23% of the springs on the allotment are in PFC. " ... to provide suitable habitats ...improvement of these riparian areas must be a priority. ...the Bureau must examine all developed springs to see if they can be modified to recreate historic stretches of riparian habitat.

BS MASR NDOW AT 13: All 17 springs, that are not PFC, should be **improved to good or excellent condition within three years ... redesigned ... improved management of livestock** .

Owyhee MASR (AR 75) at 10, BLM claims: "riparian habitat problems on the SFO in the Star Ridge and Lower Four Mile Pastures area function of **season of use**". Yet, BLM did not develop a range of alternatives that would restrict or alter season of use, and instead relies on increased stocking rates and harmful livestock facilities that will destroy critical sage grouse and raptor habitats in uplands.

NDOW: "rest rotation seasons that do not include specific stipulations for **the removal of livestock follow [ing] the achievement of utilization goal levels fail to obtain** the veg. improvements they seek".

Owyhee EA at 17: recognizes "reductions in grazing on floodplains would lead to an improvement", yet BLM increases stocking rates on flood plains under all DEIS alternatives.

Big Springs EA at 13-14" – only in North Pequop Mtn. Pasture (EA at 12), and Squaw Creek Ranch Field (EA at 13).

BLM did not systematically assess the condition of Fourmile Creek, Winters Creek, Chimney Creek, Threemile Creek and other intermittent drainages and playas in the Owyhee AE. This has not been done in the EIS, and maps do not even show some of these drainages. In order to understand impacts of its actions, it was essential for BLM to assess these critical sage grouse brood rearing areas and raptor and special stats species habitats.

Livestock concentrations and other impacts to playas have been documented concerns in the Owyhee allotment, with threats of heavy to severe grazing in vicinity of playas. BLM has conducted **no systematic assessment** of the health of these important and unique areas and habitats for sensitive species and raptor prey . Under the EIS alternatives, stocking rates will be increased above past actual use on all playa areas.

Owyhee AE at 14. Dry Creek pasture – "moderate and heavy use" – Chimney Creek, Threemile Creek (intermittent). Chimney Creek pasture: Fourmile Creek (intermittent).Upper 4-mile Pasture: "heavy use along Fourmile Creek". Lower 4-mile: "heavy use in one year. Winters Creek seeding: "heavy use along Winters Creek (intermittent)". These all contain mesic areas important to sage grouse brood rearing.

10...

SAC Riparian PFC Assessments – for Tunnel Spring, Rock Spring, Spring Gulch Spring, Sidehill Spring, Blue Lakes Spr9ing, Little Mud Spring, Felt Spring, Serviceberry Spring, Perkins Spring – all were done on 6/02/99 (SAC AR 161), long after winter sheep use tracks would not be evident. Thus, BLM had no monitoring data to show whether or not domestic sheep grazing was impacting these areas, but instead blamed it all on horses.

SAC AE 41: Notes **"more than 26 springs and seeps"**. Yet the AE at 42-43 describes assessment of only 8 of these. Despite being required to evaluate the impacts of grazing to all riparian areas and special status species habitats, BLM ignored this, and wasted taxpayer dollars with a flawed and incomplete analysis.

SAC AE at 65. UT/NV #1 allotment. This described 14 other springs **(unassessed)** in similar topography with similar uses. Nowhere does the EIS present any information on these riparian areas.

Owyhee EA at 19: BLM recognizes that "increases in growth and establishment of herbaceous and woody riparian vegetation along the SFO would improve its ecological condition", and describes healthy riparian zones. EA at 21: describes harms of "hot season grazing" – "tends to result in overuse of riparian areas as uplands become desiccated and water sources become limited" at 23 "soil compaction is greatest when soils are moist". Well, BLM allows hot season grazing to continue on other riparian areas in the Owyhee and Big Springs allotment under the DEIS, and there is no certainty, with the extreme flexibility, of any controls on season of use.

SCIENCE

Even the very lit. BLM relies on includes Gregg et al. 1994. Vegetational cover and predation of sage grouse nests in Oregon. Journal of Wildlife Management. 58 (1):162-166. This supports 7-9" of residual (last year's) cover for sage grouse, which can only be achieved under a much more conservative stocking rate and utilization levels of 25% or less, that should form the basis of all DEIS alternatives. Plus, it is critical that lower use levels, as well as lower browse use/nipping/breakage standards on all shrubs be required under alternatives to protect remaining better condition communities and important and special status species habitats. Under BLM's high use levels, largely carried forward in the DEIS, and to be intensified even more under high
11 stocking rates, grazing has caused weed invasion, and grass, forb and sagebrush, winterfat and other shrub decreases or loss. These are critical habitat components for the important ad special status species.

SAC MASR at 2. **"Viable management decisions can not be made until current surveys ensue".** These surveys were NOT conducted in the AE process, or in the DEIS. BLM knows it can not make viable management decisions until it conducts necessary current baseline surveys.

NDOW describes habitats as "critically important" to the long term health of the ferruginous hawk and golden eagle nesting populations (NDOW comment letter of September 5, 2000).

NO TERMS AND CONDITIONS TO LIMIT USE OF VEG

In the permits, there is no Term and Condition of the permit that requires permittees to meet ANY utilization level identified in the EA - or RMP - or any other docs. Yet, in Owyhee MASR at 23: BLM states: "the Elko RMP/EIS contain the needed elements for site specific analysis, i. e. **specific levels of livestock use are identified**, forage conditions are projected into the future, specific range improvements are identified, and the related impacts of
12 these proposals on other resources are specifically analyzed.".

"The Elko Rangeland RPS further refined the degree of allowable use to an objective level not to exceed 50% utilization on key native forage species" (Owyhee MASR at 21).

Big Springs (EA at 11, for example) was full of promises of % utilization – yet this was not part of Terms and Conditions, and is not in the DEIS, so there is NO requirement that ANYTHING will be met.

BLM PHOTOS

BLM Response Brief photos of Independence Valley Pasture Key Area, KA-01 demonstrate weed problems, ignored and covered up by BLM throughout this process.

13

Big Springs FMUD (AR 108), Appendix 1, (unnumbered page 2) discussion of Allotment Specific Objectives for **KA 01**: "maintain or improve the ecological condition rating of this shallow calc. loam". Revise the frequency trend objective to read "maintain or increase the

percent frequency of Indian ricegrass and the needlegrass component". " This ecological site is normally dominated by black sagebrush, Indian ricegrass, and needle and thread grass, with white sage being a small component. However, the percent composition of white sage at this key area is at least twice as high as the percent allowable in a range site description; therefore increasing white sage will not improve the condition rating. To increase the condition rating significantly, Indian ricegrass will need to increase" The percent composition for Indian ricegrass that is allowable is 35%; however it currently represent **only 2%** composition by weight, whereas both black sagebrush and rabbitbrush exceed the allowable composition".

BLM admitted that its Key Areas in BS didn't accurately or adequately reflect/track conditions/trends. Big Springs FMUD, Appendix 1 (AR 108) at 3. For Key Areas 4306-03 and 04 and 06: "delete the condition and trend objectives … develop condition and trend objectives for the proposed new key areas following collection of baseline data … **Rationale: "the establishment of new key areas will better represent the highly preferred forage grasses in areas that are preferred sites for livestock grazing in this pasture. The existing key areas have not received consistent use by livestock and/or the studies didn't capture the highly preferred key forage species". Thus, BLM's whole carrying capacity analysis, that uses Key Area Utilization, is bogus and INVALID. This flawed and extremely limited data is carried as the basis for stocking under all DEIS Alternatives!**

13... This demonstrates that to understand impacts to habitats, BLM needed to collect new systematic vegetation, soils, watershed, habitat, etc. data, and it has not done a thing for this EIS. New Fundamental of Rangeland Health Determinations also need to be made.

Of Upland Key Areas:

Key Area 4306-2 "this area has been disturbed in the past and now support only rabbitbrush along with a small amount of wildrye ... the community won't change significantly as along as rabbitbrush dominates.

Then, "delete KA objectives for THREE sites": 4306-03 and 04 and 06.

4306-5: "the previous objective called for significant increases in bluebunch wheatgrass, Thurber needlegrass and western wheatgrass." But, there was very little blueunch wheatgrass left over the period of the evaluation, so BLM now essentially forgets about bluebunch, and revises focus on others. This demonstrates depletion over "recent" time – just like SAC Key Area data in AE. Thus, this is **NOT HISTORICAL** depletion, as BLM repeatedly claims, but ongoing and chronic depletion under the Actual Use that occurred in the past.

4306-19. Key area was burned twice in the 1990s, and area was seeded.

SAC AE Tables 11-18 at 21-27 shows that Key Area declines in Indian rice grass, winterfat seen in Leppy Hills, UT/NV 1, Lead Hills, White Horse, Sugarloaf, Ferber Flat, West White Horse allotments.

SAC AE at 33-35. **Pronghorn Habitat** is plagued with **"poor forage diversity"** – Leppy Hills, UT/NV#1, Lead Hills with "poor forage diversity, White Horse "poor forage diversity", Sugarloaf "poor forage diversity", Ferber Flat "poor forage diversity", West White Horse –"poor forage diversity", Boone Springs "poor forage diversity". (These are also areas where vast cheatgrass weedlands are known to occur. As examination of data sheets shows:

13... Leppy Hills KA-1007 1988 ORHY 33% frequency to 1999 5% frequency, and winter fat (white sage) 1988 - 39.5% to 1999 - 23% .

Despite these large-scale depletions, and losses, BLM's only response is to develop an EIS that examines increased stocking rates greatly above average actual use under all alternatives, and apply very high utilization and browse levels.

PROJECTS/FRAGMENTATION

In the Big Springs FMUD Response to Protests, BLM claims "the completed EA for [Big Springs] FMUD analyzed the impacts of projects **"at the activity plan level"**. Since this was not adequate, BLM needed to do this in the EIS, and of course has not done so, Only the sketchiest of information is provided.

Plus, BLM pays lip service to cleaning up past project junk – yet never guarantees that it will do this.

Owyhee AE (AR 68 at 25): **"man-made structures near lek areas have been identified ... High Risk Assessment** for sage grouse include fences, pit reservoir berms, corrals that serve as perches/rests for avian predatory species, and vertical structures that could limit vision of sage
14 grouse or act as intimidating factors ... These structures exist near several leks on the allotment ... sage grouse fly low and direct in their habitat, at, or just above standard fence heights. Mortalities have been documented ...".

Owyhee AE (AR 68 at 42). "Manmade structures near leks. Repeats High Risk Assessment ...

AE at 65 "recommendation 4": complete actions to mitigate effects on wildlife resources ... predatory bird proofing, visually outline objects, etc.

NDOW Big Springs letter (AR 98 at 9): 'The Bureau has developed a series of elaborate systems to accommodate continued livestock use at current or increased levels. It has been our experience that **the more complicated the grazing system, the less likely it is to be followed"**. MASR NDOW at 14. – NDOW: Harmful impacts of fences: "we would be opposed to any permanent fence structure running along the crest of the Pequop Range due to conflicts with big game movements".

SOILS

15 BLM has tried to argue that its limited or old, utilization, actual use data somehow translate into

an assessment of soil health. The truth is that it has no data on soils and their health.

As several species of raptor prey are burrowing mammals (ground squirrels, kangaroo rats), direct impacts of trampling, soil compaction, burrow collapse, etc. must be assessed.

Standards and Guides. Upland Sites. Soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form. BLM provides no sampling methodology (not even a map of soils), various erosion hazards, etc. that examines and systematically samples various soil types across the allotments. BLM provides no information of any kind on infiltration and permeability.

15... Plus, BLM tries to argue that it's extraordinarily limited - and acknowledged-to-be inappropriate, sites in the BS allotment (see preceding discussion of **inappropriate Key Area** sites) are sufficient for FRH evaluation of soils. These are NOT sufficient for determining the condition or health of soils or microbiotic crusts under the Taylor Grazing Act, FLPMA or the FRH. Plus, photos BLM submits of BS Key Areas illustrate that soils are largely unprotected from both wind and water erosion. The weedlands of SAC provide poor soil protection. Large fires have de-stabilized Owyhee soils, on top of livestock impacts.

Yet, BLM provides has NO systematically collected information on soils across the allotments that would allow it to determine soil and watershed health, and the condition of habitat for burrowing mammals (raptor prey) as well as burrows used by burrowing owl and pygmy rabbit. This is essential too for determining wind and water erosion hazards, etc.

HORSES ARE NOT THE PROBLEM

7/26/94 Gallegos Memo in the SAC: There was **little sign of horse use at several springs**. Rosebud, Summit, Mud, Felt. Plus, if springs are trashed by horses, they should be doing it in the summer. If sheep can't get to springs in winter, don't expect horse use then, either.

NDOW AR at 44 (SAC): " … although there is evidence of damage done by horses, we have also documented significant damage by domestic livestock on Perkins Spring in the Boone Springs allotment".

16 BLM PFC assessments occurred as one point in time - nearly a decade ago during summer period, and never examined sheep use periods.

Lococo letter, (AR at 73) at 3-4: Actual use of AUMs in the three Owyhee pastures that support horses was:

- Dry Creek pasture – 89% cattle. 8% horses;
- Chimney Creek pasture – 95% cattle, 5% wild horses;
- Star Ridge pasture – 89% cattle, 11% wild horses.

This demonstrates that cattle and/or sheep are the overwhelming disturbance and degradation

agents across these lands.

SAC – Old Developments: AR at 161, 0003 (Tunnel), 0004 (Rock), 0005 (Sidehill).

SAC AR 161, 0006 – 7/26/94. Gallegos Memo. **Mud** Spring – "spring doesn't appear to be getting a lot of wild horse use", **Felt Spring**, "some light horse use", Serviceberry – dry - **no horse use.**

16...

SAC AR 0008 – Felt PFC was Functional at Risk. 0008 – with cheatgrass. This demonstrates how BLM over-estimates the condition of springs.

0006. Notes "old posts and barbed wire", evidence of past, failed projects at springs.

BLM HAS FAILED TO ASSESS IMPACTS OF PRIVATE LAND

IN response to WWP Photos in Declarations in Briefs (taken in the Independence Valley in 2005), BLM claimed that some photos used to be private land. All lands over the vast area on the east side of the Independence Valley where photos were taken are managed as a whole. Fences do not separate BLM from private lands. In fact, a distance of 20 miles north-south from the I-80 in the IV area of the Big Springs pasture, lands are managed as a whole.

17

BLM has also ignored important BLM riparian areas. BLM claimed that Independence Creek is "private". BLM land status map copy "Map 1 East West Division" shows reaches of Independence Creek, including where photo was taken, as BLM Lands.

BLM has never systematically assessed and studies the Suitability and Capability of all lands acquired in the BSR land exchange for livestock grazing. It has not been allocated or adjudicated properly under the Taylor Grazing Act.

CURRENT GRAZING DEPLETION

As evidence that 1) Things are depleted, and 2) Current livestock grazing - not historical - is a cause, an examination of BLM's Long-Term Objectives, and Key Area discussions shows, for example:

SAC Complex FMUD, Appendix 1: Long-Term Objectives for Upland Key Areas: Most of these set a goal to **increase % frequency of ORHY** (ricegrass) or other perennial grasses, and show how low the current composition of ORHY is at Key Areas.

18

Big Springs FMUD, Appendix 1: Long Term Objectives: Most of these set a goal to improve. Plus, **key species described here that BLM is supposed to be managing FOR, are all larger sized native bunchgrasses** - to counter BLM claims that the grasses (made in relation to why Nevada doesn't have to follow best Available Science on sage grouse) can't grow to 7". (Note: in the case of BS, these appear to be the same as the previous Long-Term objectives, and they are just being carried forward. It it has been part of BLM's Long-Term plan to improve these larger

stature grasses - so all is not the fault of "historical" use.

The preceding shows that the limited info that BLM collected in the past demonstrates large-scale problems of habitat loss and depletion across the allotments under the Use that occurred in the past. It also demonstrates BLM has ignored its own findings, and degradation that is widespread, and instead seeks to continue wildly unsustainable livestock stocking rates and management schemes across the important wildlife habitats of these allotments. This will cause undue degradation.

A Supplemental DEIS must be prepared that accurately reflects current conditions and develops management that protects important and special status species habitats and populations, and other wild land values.

Sincerely,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863
Boise, ID 83701

Comment Responses to PC-24

Note: Many of the comments in this letter were comments submitted during the public comment period on the allotment evaluation process (FMUDs) and the EAs that were prepared for the FMUDs. As such, these comments are not relevant to any specific portion of the DEIS. The comments imply that BLM did not address certain issues, yet the issues are addressed in the DEIS. The use of comments to other documents, rather than the DEIS, is misleading and confusing to the general public. The comments should have been confined to the DEIS as presented.

PC-24-1:

See response to comments PC-1-1, PC-1-2, PC-4-5, and PC-4-12, above.

PC-24-2:

See response to comments PC-1-1, PC-1-3, above.

WWP provided a list of references that only serve to support the case that livestock grazing is damaging to the land and vegetation. While BLM readily recognizes this body of science, it also recognizes that much of these studies were conducted on grazing systems that have no relevance to the current alternatives. Season-long grazing or systems that do not provide for some growing season rest and opportunity for the plants to maintain production and vigor will lead to loss of palatable species. Systems that allow annual hot season use of riparian vegetation will result in degradation of the riparian areas. BLM did not ignore the "science" that WPP provided. Instead, an objective measure of grazing impact was used that can be applied to any grazing system, based on plant physiology and responses to grazing. This eliminated the need to cite numerous and often conflicting studies that purport to have determined the effect of grazing on vegetation, riparian areas, wildlife, etc. The assessment used in the DEIS evaluated whether or not the alternatives would create conditions favorable for maintaining plant vigor based on the duration of grazing, the time of the grazing relative to the plant physiology, the amount of plant material left following grazing to complete the plants' physiological needs, and the amount of leaf material left to allow sufficient growing points for the next growing season.

BLM also recognizes that there are grazing systems that can improve the riparian vegetation and the upland vegetation. The Elko Field Office has implemented several of these systems through the allotment evaluation process and through mitigation for potential impacts to special status species with very good results.

PC-24-3:

The BLM agrees that microbiotic crusts are an important resource to the semi-arid climate of northeastern Nevada. Unfortunately, we lack the data to determine if microbiotic crusts are present in the allotments or what the appropriate goals would be to manage the crusts. It is difficult to say whether the crusts are absent at the key areas or whether the observers did not pay close attention to the crusts or did not have had a hand lens to observe them. The presence and amount of microbiotic crusts also vary with soil type, the amount of cover present from vegetation and/or rock, and precipitation. Average precipitation for Great Basin crusts ranges from 7-15 inches. In the future, personnel performing cover transects will pay closer attention to crusts to determine how much is present.

Although BLM recognizes the importance of microbiotic crusts, at the time that cover data was collected on these allotments, we were just beginning to collect microbiotic crust data as part of our nested frequency. Microbiotic crusts were recorded in the nested frequency plots on the Lead Hills and Leppy Allotments, however, the data was not summarized.

The EIS does discuss invasive species, including cheatgrass, in addition to noxious weeds. It recognizes that level of non-native invasive species throughout the Sheep Allotments is increasing (DEIS, p.3-15). As discussed in the EIS, Sheep Allotment Complex Alternative 2, the spread of nonnative, invasive weeds is anticipated to be reduced while the vigor of native perennial shrubs and grasses will be improved under each of the action alternatives as compared to the No Action alternative.

The EIS discussion for invasive species in the Owyhee allotment acknowledges that cheatgrass, halogeton, and tumble mustard occur in disturbed sites, roadsides and burned areas. The grazing system under Alternative 1 would reduce the spread of non-native, invasive species as a result of increased vigor of native grasses. Under alternative 2, the proposed range improvements could potentially allow for establishment of non-native species. However, the improved distribution systems in areas currently receiving heavy use would reduce the potential for non-natives (DEIS, p.3-66). Improved conditions in the proposed riparian exclosures would also reduce the potential for establishment of non-native, invasive species.

According to Wisdom, et. al, the risk of cheatgrass is low in the Owyhee (except South Fork Owyhee River) and part of the Big Springs allotments. BLM has and continues to address this issue through management alternatives and fire rehabilitation efforts.

The references to the EAs regarding non-native, invasive species are not relevant to the DEIS, as the DEIS examined the impact of the alternatives on the establishment and spread of non-native, invasive species. The comments should be directed as to the adequacy of the DEIS, not the adequacy of the EAs. BLM recognizes the impacts that non-native, invasive species have on rangeland ecology, but the focus has been primarily on noxious weeds because they generally cannot be controlled just by management of the perennial, native species. In contrast, many of the non-native, invasive species that are not noxious weeds can be controlled by changing management practices; this is one of the distinctions between the definition noxious weeds and invasive species. The non-native, invasive species can establish readily where management results in disturbed ground or stress on the vegetation. When the system is allowed to recover, the perennial species will often out-compete the annuals. Others, like cheatgrass, cannot be controlled simply by changing management. However, a change in management is often *part* of the recovery.

PC-24-4:

Comments regarding cheatgrass are incorrect, misleading, or taken out of context. Extensive areas of cheatgrass monocultures are not common on the allotments, but cheatgrass is present as a component of the vegetation in all of the allotments. There area areas where cheatgrass is the dominant species; areas that have burned, have been used repeatedly as bedding areas for sheep, areas of concentrated use around corrals or upland water sources. Thus when making reference that 99 percent of the land is cheatgrass, the comment implies that cheatgrass is the dominant species, when the data taken from the allotment evaluation indicates that cheatgrass is present, but not dominant, in 99 percent of the allotment. While this still represents a condition that is not acceptable, it is quite different than having a monoculture of cheatgrass over 99 percent of the allotment.

The cheatgrass-dominated areas cannot be adequately addressed until the grazing system has been implemented. Treating the cheatgrass and seeding the areas before there is a grazing system in place would result in cheatgrass returning. BLM has the option of treating non-native, invasive species at any time as a result of the existing programmatic documents for weed control. The analysis of cheatgrass is included in the DEIS relative to the grazing alternatives.

One way to combat the spread of cheatgrass, or lessen the probability that a stand replacement fire will occur that could lead to cheatgrass domination, is to treat the vegetation to reduce fuel loading, which would result in a less intensive wildfire should lightening strike. However, WWP has also objected to these

vegetation/fuel treatments. Thus, resolving the cheatgrass issue is going to require some movement of WWP's position; even complete removal of livestock would not solve this issue.

PC-24-5:

The allegation that BLM has not measured current conditions at the time of the allotment evaluations is not true. The BLM issued all three of these evaluations in 2000. All three contained data on resource conditions collected within months of the issue date.

The point about trend is valid. However, "*Regarding claims that Trend is stable: trend could start out poor/very bad*."…this statement is based on speculation and hypothetical situations. A trend study that starts out in poor condition could remain in poor condition and therefore be "stable". However, ecological status inventory collected across all allotments in the past showed that all three were in mid- to -late seral condition. This indicates that much of this land started out in good condition. The BLM further determined ecological status at key areas, often at multiple intervals during the evaluation period. All of this information is presented in the evaluation documents.

Carrying capacity calculations in the Sheep Allotment Complex were based on current information. The method of using older data from the adjudication studies is used *only in cases where we lack sufficient current actual use and utilization data to draw any meaningful conclusions about forage available on a sustained yield basis.* In the case of the Sheep Allotment Complex the *only* place where the BLM used adjudication summary data was on old sheep trails that were phased out and added to the various allotments. All other carrying capacity conclusions were based on current data.

As for Big Springs, the BLM is indeed implementing a significant reduction in permitted use; from 21,598 AUMs to 16,963 AUMs, a decrease of over 22 percent. It is true that this amount is above the "average actual use" *during the evaluation period.* However, the evaluation period cannot be looked at in a vacuum, as resource conditions have been heavily influenced by a century of prior grazing use. Census data in 1880 recorded 5,617 sheep and 69,716 cattle within Elko County; however, the actual numbers are much, much higher than recorded numbers. In 1882 John Sparks and John Tinnin reportedly ran more than 175,000 cattle on the combined Winecup, H.D., and Shoe Sole ranches in northeastern Elko County; in 1885 they branded 38,000 calves. Sheep bands moving eastward used trails passing through Nevada, and by 1880 these trails carried over 150,000 sheep each year. A Federal Disease Inspector estimated the total number of sheep in Elko County in 1910 at 1.5 million. This historical grazing use, which is far above actual use during the evaluation period, has to be considered in any discussion of the known "actual average use" period.

The BLM is aware of the close proximity of some of the proposed projects to sage grouse leks in the North Pequop Mountains. As a result, the BLM has always proposed the following stipulation as part of this project. "*Sage grouse strutting grounds are located near this new proposed use area; therefore, this water would not be operated earlier than July 1 so that all of the grass growth each year is available for hiding cover for sage grouse nesting and brood rearing activities."* The intent of these water projects is not to "extend heavy or severe livestock use into previously less grazed areas". Additional livestock use would be expected to occur around any new waters; however, this would result in more even utilization patterns overall, with a much lower level of overall utilization across the allotment. This can only benefit overall plant community health across large areas.

As for the NDOW letter, the BLM provided the following response: "*Actual livestock and wild horse use during the evaluation period is located in Appendix 4, Key Area Data in the allotment evaluation. With the exception of riparian sites, most of the other allotment specific objectives, including upland condition and trend objectives, were met or adequate progress was being made towards the long term objectives. The recommended stocking levels for livestock use are based on analysis of upland forage capacities under*

proper use. Generally, actual livestock use during the evaluation period was at or below the recommended stocking levels. Actual livestock use at times was below the recommended stocking level due to various reasons which included stocking down during drought conditions, or a shortage of cattle available for lease, or during periods of transition to new grazing permit holders. Achievement of the riparian objectives will be through fencing and adherence to stubble height and woody riparian utilization limits." The utilization limits on riparian areas were based on an unrealistic expectation that livestock could be kept from the East Squaw Creek watershed during the hot season without improvements; the BLM is currently working with the permittee to severely limit grazing use in this area until the needed projects can be completed.

PC-24-6:

See response to comments PC-1-3, above, regarding short-term objectives included in the Alternatives and see the changes in the Alternatives in Chapter 2 regarding the need to achieve short-term objectives.

PC-24-7:

WPP points out what the allotment evaluation concluded in 2000, that a change in the grazing system was needed. The alternatives proposed in the DEIS and modified in the FEIS address the lack of forbs in the understory of the various key areas.

PC-24-8:

You have incorrectly interpreted the Northeastern Nevada Stewardship Group's statement. Within the Owyhee Allotment, the 2004 Strategy concluded that sage grouse populations in the Desert PMU were not at high risk and that a number of factors, including livestock grazing, were potential limitations on the sage grouse populations. Factors identified as having moderate impact on sage grouse populations or habitats included habitat quality (water distribution and too much large, contiguous areas of sagebrush), habitat quantity (large areas of over-mature sagebrush, poor understory, condition of riparian zones, and annual grass invasion), and livestock grazing (livestock distribution during the dry season). The most recent collaborative assessment of sage grouse population numbers (Elko County Sagebrush Ecosystem Conservation Strategy 2004) did not identify livestock grazing as a "high risk factor" for any of the allotments; although it is rated as a moderate risk factor in many of the allotments. The implication of the moderate rating is that with some change in the grazing systems, much of the risk to sage grouse can be eliminated.

For informational purposes only, Year 2000 aerial lek search efforts resulted in observation of 118 male sage grouse on seven leks; these same leks had 155 males in 2005. Note that these are one-time single-day observations and should not be used to determine trend. Trend leks (checked several sequential times during lek period on an annual basis for an indefinite number of years) are needed to more fully determine any upward trend. NDOW has expressed an interest in establishing at least one trend lek within the Owyhee Allotment. Three previously undocumented leks were identified in 2002 and 2003, including two on old wildfire burn areas with a total of 47 males in 2003 and another on a playa with 8 males. Two previously undocumented leks have been identified in 2005 including one with 40 males on a playa and another six males within the Winter Creek Seeding. Worthy of note is the unsuccessful search in 2005 for an undocumented lek on Star Ridge Pasture reported by the livestock permittee with an estimate of 50 male birds.

The 2004 Strategy did not reach a conclusion regarding sage grouse population trends within the Sheep Allotment Complex. However, the 2004 Strategy did identify habitat quantity and habitat quality as being major risk factors in the East Valley PMU. Due to the soils, elevation, and precipitation, much of this area is dominated by salt desert shrub, which does not provide sage grouse habitat needs. In many areas, salt desert shrub and sagebrush habitats are intermingled within a transition zone, which also limits the quality of the habitat for sage grouse. This PMU is also on the western edge of a void in the sage grouse populations;

a large area of the west desert in Utah does not provide sage grouse habitat. The East Valley PMU is adjacent to this void and is considered to include marginal habitat for sage grouse. Therefore, it is not unexpected to see high variability in year to year lek counts for these populations on the margin of the range.

Within the Big Springs Allotment, the 2004 Strategy concluded that sage grouse "populations were stable to declining" in the area which included the Northern Pequop Mountains and the 2004 Strategy concluded that sage grouse populations "were declining" in the area which included the southern portion of the Pequop Mountains, where known sage grouse breeding and nesting habitat along the southern portion of the Pequop Mountains has experienced impacts due to wildfire in the past 13 years. These impacts are likely to remain until sagebrush recovers on the impacted areas. BLM has completed fire rehabilitation actions on public land portions to facilitate recovery of sage grouse habitat. This includes site-specific seeding of various big sagebrush species and western yarrow, a native forb species.

It is irresponsible to assign livestock as the cause for everything “negative” on these allotments. There are other human uses, non-human and non-livestock caused changes to the landscape, as well as livestock grazing that all act independent of each other as well as interacting with each other to change the landscape.

Owyhee MASR at 20:

Sage grouse is a Elko Resource Management Plan-featured species where habitat was evaluated on the Owyhee Allotment. BLM considers the Western Association of Fish and Wildlife Agencies (WAFWA) Sage Grouse Guidelines in the planning process. The guidelines outline optimum habitat parameters and do not impose mandatory requirements; in fact, they recognize that areas within sage grouse breeding habitats may not have the site potential to produce optimum height of herbaceous understory. The Owyhee, Big Springs and Sheep allotments all contain vegetation communities where the potential for the herbaceous understory to reach optimum heights does not exist due, in part, to ecological site potential and plant associations. Lateral herbaceous cover is one of several habitat components needed to help provide for optimum sage grouse nesting success. Many successful sage grouse nests have been found in herbaceous cover much shorter than those shown for optimum conditions**.** A uniform residual cover requirement would not be appropriate to all sites within all of the allotments based on the variability of range sites. Where the vegetation community contains taller stature grasses, moderate utilization limits, in conjunction with the grazing systems which include deferment and or rest, will help to provide residual growth that will carry over to the next breeding and nesting season. This residual cover along with new growth the next spring will help to provide adequate nesting cover. BLM has considered residual cover needs and has incorporated these needs into the grazing management systems as described in the FMUDs. Use pattern mapping data collected in all of the allotments shows broad areas of little to no use by livestock. These areas are also expected to help provide adequate amounts of desirable perennial herbaceous cover as a component of wildlife habitat, including sage grouse habitat. The DEIS examines the alternatives relative to their potential for impact to sage grouse nesting habitat.

PC-24-9:

Owyhee AE at 24:

The allotment evaluation includes Specific Objectives for terrestrial wildlife habitat and rangelands. Technical Recommendations include efforts to improve forage and cover diversity for terrestrial wildlife. The technical recommendations that include efforts to increase the basal cover of perennial grasses are included in the Wildlife Management Decision items on Pages 15-18 in the Final Multiple Use Decision for the Owyhee Allotment. This Decision was completed after responding to comments from the public as part of the MASR.

Both comment PC-24-8 and PC-24-9 are comments on the allotment evaluation, not the DEIS. It is not the BLM's intent to respond to comments on the allotment evaluation; the public comment period was for submitting comments on the DEIS, not the allotment evaluations, MASRs, FMUDs, etc.

PC-24-10:

Comment PC-24-10 is a comment on the allotment evaluation, not the DEIS. It is not the BLM's intent to respond to comments on the allotment evaluation; the public comment period was for submitting comments on the DEIS, not the allotment evaluations, MASRs, FMUDs, etc.

PC-24-11:

The grazing systems were developed with sage grouse nesting habitat as one of the multiple uses to be achieved and the Alternative 4 for each allotment where sage grouse were present was specifically directed at benefiting sage grouse. By including rest, rotation, and deferment, much of the cover for sage grouse nesting will be available. There will still be areas near water sources or natural "collection areas" where livestock will congregate and residual cover will not be adequate for sage grouse nesting. However, these areas are generally the same locations each year. Therefore, adequate sage grouse nesting habitat should occur in each of the allotments where sage grouse occur.

PC-24-12:

The BLM does not lay out the specific utilization criteria in the permits. All such requirements outlined in the decisions are covered by the following term and condition:

"*Grazing use in the _____ Allotment shall be in conformance with the Final Multiple Use Decision dated _____ ."*

This above term and condition, which appears on all permits affected by this EIS, incorporates all requirements laid out in the individual decisions.

The DEIS was modified to include the terms and conditions relative to each alternative and each allotment. Short-term and long-term objectives are also included in the appendices.

PC-24-13:

See response to comment PC-23-6, above.

PC-24-14:

See response to comment PC-1-5, above.

BLM has modified the alternatives to only include the project essential to implementation of the grazing systems. Other projects would be included on an "as needed" basis after the grazing system has been implemented and the monitoring is conducted. If an issue is identified at that time, an additional project directed as lessening the impact would be proposed and evaluated through the NEPA process.

The old post and wire at the springs are left over from old horse traps, built prior to NEPA and the establishment of the BLM. WWP has identified the "old post and barbed wire" as evidence of failed projects, but these structures (horse traps) are historic, and therefore cannot be removed without a cultural survey.

PC-24-15:

BLM uses the NRCS Order III soil survey data and does not collect data on each soil within the allotment. The standards for soil health do not require a study of each soil, but the examination of the soil condition and vegetation growing on the soil relative to characteristics that promote infiltration, rooting depth, soil water holding capacity, etc. Evidence of soil exhibiting infiltration and permeability rates that are appropriate to soil type, climate and land form includes the lack of rilling, sheet erosion, vegetation appropriate to the site, lack of pedestalling of the vegetation, etc. One does not have to do an individual study on each soil type to determine if the soil standards are being met.

The systematic collection of soils data across the allotments was conducted by NRCS. The presence of burrows of burrowing owls, rabbits, ground squirrels, etc. indicate that suitable conditions for burrowing exist. Trampling of a burrowing owl nest is considered incidental. Just walking on a burrow does not guarantee collapse; the type of soil, depth of the burrow, and number of livestock at the site all determine if a burrow would collapse. WWP raises this issue, but does not provide any supporting evidence as to the magnitude of this issue. BLM has not observed this as an issue within the allotments, and NDOW has not indicated any concern that such “trampling” is limiting burrowing owl populations.

PC-24-16:

WWP sites some memos from the Administrative Record. The springs in the 1994 memo do not get much use by wild horses. Rosebud spring is almost dry. Mud spring has an exclosure around it. Summit is located on top to the Goshutes and Felt is located just north of Ferguson Mountain. These springs do get some use by wild horses, but wild horses in the Goshutes have repeatedly gone to the same springs (Rock, Tunnel, Sidehill, Morgan, Dead Cedar, Perkins, and Sheep Camp).

The comment by NDOW is unsubstantiated. NDOW informed the BLM that one of their Biologists had seen and taken pictures of cattle at the spring. NDOW was asked where the cattle came from since the Boone Springs Allotment is a sheep grazing allotment, and why did NDOW not contact the BLM regarding the alleged cattle use at the spring. NDOW informed BLM that their Biologist had supposedly taken some pictures of what he thinks was cattle at Perkins Spring, but could not find the pictures and he did not know why NDOW did not contact the BLM.

It is curious that WWP chides BLM for using old, outdated information in the analysis, and then cites memos that are 12 years old regarding horse use of the springs. BLM has conducted monitoring on each of the allotments and due to the unfenced nature of the springs, wild horses have been identified as *part* of the impact to riparian areas. Even with the horse gathers that have occurred to achieve appropriate management levels of wild horses, there is still the potential for impact to the riparian areas because the wild horses are territorial and use the same springs throughout the summer. With the grazing systems proposed in the alternatives, the livestock can be moved when certain criteria are met; the wild horses would remain in these pastures or use areas long after the livestock are removed. Or in the case of the Sheep Allotment Complex, there is no summer livestock use of these allotments and hot season use/damage of the riparian vegetation cannot be caused by livestock.

This conclusion that wild horses are part of the cause for riparian areas not being in proper functioning condition resulted in the identification of exclosure projects and water development projects to protect the spring source and to provide water outside of the spring area for livestock and wild horses.

PC-24-17:

Maps in the EIS show where private land occurs within the allotment. The effects of actions of others, regardless of if they occur on public or private lands are addressed by the cumulative effects analysis. Because BLM has no jurisdiction on the private land, there is no data to include in the analysis.

PC-24-18:

The DEIS does not claim that all of the issues are a result of historical, and not current livestock grazing. The allotment evaluations assessed the recent, not historical grazing, and found that changes in the system were required. However, it must also be recognized that the historical grazing created many unsuitable conditions on the landscape that still exist today, and these conditions that took over 100 years to create are not going to be fixed in one or two grazing cycles. In addition, the vegetation changes, combined with the livestock grazing, have changed the fire ecology of the landscape. These are the types of changes that have occurred and continue to occur without changes in management. The alternatives developed in the DEIS and modified in the FEIS address many of these issues.

Alternative 2 for each of the Allotments was modified to include short-term objectives as well as long-term objectives from the FMUDs, and allotment-specific objectives have been included in a new Appendix C to the FEIS.

BLM does not concur with WWP that degradation is widespread, and that BLM seeks to continue “wildly unsuitable livestock stocking rates” that will cause undue degradation.

January 22, 2006

Bryan Fuell/Lorrie West
EIS Co-Project Leads
BLM Elko Field office
3900 E. Idaho St.
Elko, NV 89801

Dear BLM,

Here are additional comments of Western watersheds project on the Sensitive Species EIS for the Sheep Complex, Big Springs and Owyhee allotments.

WWP attended the Open House on the DEIS held in Elko. BLM's statement at the Open House concerning why the EIS was prepared is revealing. BLM stated; 'because the judge told us to". From our review of the EIS, and presentations and materials provide at the Open House, it is clear that BLM has viewed this as a paper exercise, ignored the Court order to collect new information, and has made no real effort to understand the impacts of livestock grazing on special status species, springs and seeps, and the array of public land values it is obliged to consider under its Land Use Plans, federal regulations and policies.

BLM Blinders

1 BLM has unlawfully constricted and restricted its analyses, claiming it only need really address impacts to: Sheep Allotment Complex sage grouse; Owyhee allotment sage grouse and raptors; Big Springs allotment – Sage grouse.

2 BLM states "Scope" in Public Meeting presentation: "to the extent applicable to the sensitive species the BLM shall evaluate the impacts of grazing, considering spreings, seeps and riparian areas".

3 First, these species and their habitat needs and current status and fate under BLM's grazing and other management schemes can not be viewed in isolation, or without understanding the interrelationships with other species.

4 To understand the impacts of grazing (and all associated actins), and to understand the feasibility of actions, BLM must acquire current information on flow rates and nay changes over time, invasives, changes in understory composition, shrub die-off, impacts of drought, etc.

5 BLM must consider new information that is presented to it, and address concerns raised during the EIS process. WWP presented information on: weeds, invasive species, feeding of livestock on public lands, shrub mortality, facility degradation, lack of water and other failures at existing and proposed project sites, etc.

BLM claims (DEIS at 1) that it 'evaluates the direct, indirect and cumulative and residual environmental impacts

6 BLM's own purpose and need (DEIS at E-1) is: "to manage livestock grazing in the subject allotments to maintain and enhance productivity for **all** rangeland values, including habitat of the sensitive bird species … the need for the action is to adjust grazing management to make significant progress" towards meeting the FRH, and achieve the multiple use objectives established by the Elko or Wells RMP and RPS.DEIS at 1-1 states that the purpose is to enhance productivity for **all** rangeland values including habitat for sensitive bird species".

BLM has not done this, as it has not relied on current data and information on 2005-2006 conditions, has not relied on current ecological science or science related to rangeland management, has scorned consideration of actions necessary to maintain and enhance productivity (especially of special status species), and has not developed management actions that can be shown to achieve its stated goals, or that comply with its LUPs.

BLM Picks and Chooses with No Rhyme or Reason

7 E-1 states that alternatives 3 and 4 were developed in relation to public comment "expressing concern about range developments, and that a grazing system was developed in response to public comment. Yet, BLM ignored a wide range of public comment relating to addressing existing habitat fragmentation, standards of use, stocking rate, ACECs, false premises, etc. BLM has provided no rationale why some components of public comment are claimed to be recognized on alternatives and others are not.

BLM has also not provide a legitimate rationale for rejection of many public comments. BLM claims that "through the scoping "it was determined that grazing effects on sage grouse and the sensitive raptors were most likely to occur as a result of changes to the species' habitat". Well, BLM knew this long before scoping.

8 BLM at E-iii makes great claims about all the evaluating that occurred. The bottom line, though, is that it did NOT have any, or had woefully insufficient current data, to base an analysis on. To understand the effects of short or long-term herbivory, time, duration and intensity, BLM first needs to understand the condition and productivity of the existing communities. BLM's analyses relied on largely old and inadequate data. The information was collected before a prolonged drought. The public and other agencies supplied information and concerns about the CURRENT – not the old situation in the allotments – yet these were ignored.

9 Plus in its evaluations, BLM makes sweeping conclusions and fails to support them with science. Moreover, all actions and conclusions are tentative, as nothing firm is really stated in much of the analysis.

BLM Forsakes RMP

BLM Is Not Meeting Wells RMP objectives, including:

* Provide for livestock grazing consistent with other uses

- Monitor and adjust grazing management systems and livestock numbers as required … livestock stocking rates may be adjusted according to what the range will support. The range has not been shown to be capable of supporting AUMs from 24% to 48% in excess of the average actual use that has occurred here in the past. BLM knows the adjudicated AUMs were based on gross exaggerations, and these are carried forth in many ways in all the alternatives.
- 10 Conserve and or enhance wildlife habitat to the maximum extent possible while eliminating al of the fencing hazards in crucial big game habitat, most of the fencing hazards ion non-crucial big game habitat and all of the high and medium priority terrestrial habitat conflicts ….". Instead, BLM proposes to increase fence hazards for big game in crucial and non-crucial habitats, and has even failed to provde information delineating these areas. Plus, since the days of the LUP, new science has shown the harmful impacts of fences on avian species, including sage grouse, raptors, owls, and migratory birds. Fences serve both as collision hazards that kill or injure birds, as well as perch sites for nest predators such as magpies or ravens and as observation posts for brood parasites such as the brown-headed copwbirf. Additionally, livestock concentrate along fences and degrade areas, often resulting in weed infestation. Even worse, by constructing ever more fences, BLM can extend heavier use into the few areas with little remaining use ...

Deceptive and Misleading Descriptions

BLM's alternatives and alternatives analyses are based on fantasy and deception.

BLM is proposing large-scale increases in grazing AUMs above Average Measured Use. BLM has forsaken analysis and understanding of the basic sustainable capacity of the land, and its duty to manage for sustainable public resources.

Stocking rates that resulted in the degradation of upland and riparian habitats averaged 48% below preference.

11

Under its "best" and claimed to be environmentally friendly alternative, BLM would enshrine a 28% increase in preference above average. This in no way represents an "environmentally friendly" alternative. It includes AUMs above actual use, crested wheatgrass seedings/range "improvements", fences harmful to sensitive species, no firm monitoring commitments, no firm commitments, makes no effort to incorporate current science relating to burrowing owl, ferruginous hawk, makes no commitment to restore the greatly degraded riparian and upland areas in the Big Springs allotment/Pequops, is based on stocking that does not reflect drought use/impacts.

BLM appears to acting only to prop up the value of the public lands grazing permit, in defiance of common sense and the public interest.

Additional New Info:

BLM has steadfastly claimed that sheep in the Sheep allotment complex do not access springs and seeps due to snow. This is simply not valid. See photos of site visit.

Facilities as Deathtraps.

No flows at developments, indicating great need to carefully study facility impacts, degradation under actual use levels far below proposed stocking rates, etc.

Winter feeding.

Shrub die-off.

Long-term effects of drought.

Poor condition of existing seedings.

Weeds, EIS.

Developments

Exploration

De-watering

Land disposal

Mining and Oil and Gas Boom

Regional and National Significance of Lands

vvv

No New Data

12 Little if any new data or information has been collected or analyzed related to soils, vegetation, watersheds, invasive species, native vegetation communities (condition and areal extent, ecological site, forage production, carrying capacity, etc.), suitability of lands for graaing or under garzing without special managmetj attention, ACEC values, .

Much of BLM's extremely limited data used in the old EAs/DNAs and assessments was based on mid-90s or older information.

This is despite significant new information ranging from the scope of the problem of invasive species engulfing BLM lands including these allotments to the impacts of habitat fragmentation and cases of fragmentation such as roads and fencing on sage grouse and other sensitive native wildlife species (see Knick et al. 2003. WWP provided summaries of such information to BLM, and a large bibliography. Our ACEC proposals and the TNC Nachlinger et al report on which they were largely based also stressed the science on the importance of protecting native vegetation communities and species habitats form invasion and fragmentation. BLM ignored this, too.

12...

BLM's Vegetation Treatment EIS states:

This is the current context in which an assessment of impacts of livestock grazing and BLM management to special status species habitats across these allotments must be undertaken.

Weeds

WWP presented BLM with scientific references and analyses from federal government and peer-reviewed science and other reports that demonstrate the harmful impact of invasive species on these lands. WWP also presented BLM with information on the widespread occurrence of invasive species on these allotments. BLM itself acknowledged the large-scale occurerence of weed probels across vast upland areas of the allotments.

13

BLM Ignores Current Ecological Conditions and Grazing Capacity

BLM must understand the currnet ecological condtion of the lands, the suitability of the lands for grazing, the carrying coapacity and the grazing capacity. Unless it does that, it can not comply with the Taylor Grazing Act (sustainable use of resources and protection of soils and vegetation), FLPMA (current inventory of lands), the FRH (including special status species provisions), and its own policies and guidance.

14

BLM RMP

Even BLM's old RMPs state.

Without baseline and current data or information (and especially the integration of old information with new information to udestand changes such as domaintation of lands by invasives, shrinking of spring and wet meadow arreas, loss and replacemet of larger-sized native grasses with weeds or smaller less productive grasses) on habitat conditions and health of the public lands,

15 BLM Ignores Current Ecological Science

BLM ignores current science, and does not support sweeping assertions and conclusions with data, analysis or science.

15... In addition, lands of the EIS area lie within the Interior Columbia Basin. WWP provided excerpts, summaries and analyses by both federal agency and independent peer-reviewed science and reports that demonstrated the importance of conducting current and up-to-date analyses. See Wisdom et al. 2000, Nachlinger et al. 2002, Nevada natural Resources report XXX, Connelly et al. 2004, Dobkin and Sauder 2004).0 XXX.

BLM Has Not Changed Grazing Use Levels

16 BLM ignores any assessment of modern-day levels of livestock garzing use on vegetation in either upland or riparian habitats.
Under no alternative does BLM apply more restrictive levels of use, or levels of use that are step with current range science.

Dr. Jerry Holechek.

WWP spent rtwo weeks in Elko in an IBLA hearing, presenting a large body of science on livestock garzing impacts to important ans special status species, vegtaitn, watersheds. And on the role of livestock garzing and levels of use and garzing managent on depletion and loss of native vegetation, and its replacement with invasive species that are largely unpalatable species, poor watershed stabilizers, aggrsssive comp[eititors with native vegetation,. Moreover, species like cheatgrass are highly variable in forage production and under BLM's own regulations, can not serve as a baiss for a permanent stocking rate.

BLM Applies False and Misleading Terms

BLM terms various alternatives

Management Scheme is nebulous, and Highly Uncertain

BLM can not even evaluate the impacts of its actions, as everything is tentive, and the public has no guarantee that any action wil occur.

Wilderness.

17 BLM fails to address degradation of WSA lands by livestock. Degradation is occurring in the XXX WSA on the west slope of the Pequops where livestock concentrate in winter on areas of canyons that are snowfree, thus leading to intensive use and depletion of native vegetation and irreversible increases in invasive species such as cheatgrass. The same applies to domestic sheep grazing across snow free or limited snow areas - especially on south facing slopes on the east side of the Goshute Range in the XXX WSA.

18 BLM continues to propose harmful livestock water developments or re-developments across lands of the WSAs, without collecting necessary site-specific information.

19 E-iii-iv claims that a litany of outcomes "was determined' to do various things. Yet, the there is no basis for BLM to conduct an analysis, as critical information was lacking.

20 Despite all the information provided by 100 commentors and agencies, BLM's "preferred alternative" is "implement the Multiple Use decision" (E-iv). This is despite even BLM's weak-kneed and deficient analysis finding that under the MUDs:

21 Sheep Allotment there was only "potential" to improve upland vegetation, with "some areas of continued adverse impact", and 'could adversely impact sage grouse nesting habitat, and habitat for long-eared and short-eared owls".

22 Big Springs allotment there was only "potential" to improve upland vegetation, with "some areas of continued adverse impact", and "potential to reduce the amount of winter habitat as a result of vegetation treatments".

23 Owyhee allotment there was only "potential" to improve upland vegetation, with "some areas of continued adverse impact". This does not fulfill the requirements of the LUPs or the FRH, and BLM's own regulations.

24 We note that Nevada Department of Wildlife has withdrawn its name as a Cooperator, please correct 1-1.

:

25 BLM claims "all appropriate mitigation" is identified with EIS alternatives. Of course, that is simply not true, and BLM provides no rationale for this wild claim.

Comment Responses to PC-25

PC-25-1:

As explained throughout Chapter 1, BLM has determined the scope of the EIS, to include the actions, alternatives and impacts, to be consistent with the judge's order. Raptors were included in the analysis for the Sheep Allotment Complex.

PC-25-2:

As explained throughout Chapter 1, BLM has determined the scope of the EIS, to include the actions, alternatives and impacts, to be consistent with the judge's order.

PC-25-3:

BLM has provided analysis of the other resources in the previous NEPA and allotment evaluation documents, which were incorporated by reference into the DEIS. The judge found the previous analysis to be deficient only in the coverage of sensitive raptors and sage grouse. Consequently, the DEIS examined the grazing systems with respect to impacts to these species with consideration of riparian habitat and upland vegetation/habitats (including non-native, invasive species).

PC-25-4:

BLM does not agree with this statement. One can understand a system without making measurements of such things as flow rates, changes over time, etc.

BLM inventoried all the water resources on public land between 1979 and 1984 as part of the district water inventory. Flow from springs was measured when feasible. In the case of Big Springs Allotment, some of the springs were acquired as part of the Big Springs Land Exchange, so they were not included in the original inventory. However, those springs that were acquired in the exchange were inventoried prior to the acquisition. Water sources are revisited or inventoried as time allows, but it is not possible to revisit more than 6,000 water sources that occur in the Elko District on a regular basis.

Most of the springs on public land are low flow springs associated with perched aquifers where flow is highly affected by the amount of precipitation. It is difficult to measure flow from the low flow springs because the flow is often spread out over a large relatively flat riparian area. Photo documentation is often the best tool to document change over time.

The springs on the Big Springs Allotment were visited as part of the lentic PFC assessment which was conducted between November 15 and 18, 2004. Lentic PFC assessments were conducted on springs and reservoirs on the Sheep Allotment Complex between October 20 and November 1, 2004. Additionally other spring and seep site visits are sometimes made while conducting other work in the area.

BLM does monitor drought conditions and has the regulatory authority to institute drought closures whenever climatic and resource conditions make such closures necessary. As noted in the EIS, such closures were issued for seven of the nine allotments in Sheep Complex in November 2003.

The allotment evaluation does recognize that the Big Springs Allotment experienced a drought cycle during the evaluation period. There were also years of above normal precipitation. The evaluation period was representative of the normal fluctuations in precipitation and its effect on forage production and plant community conditions and trends. We also recognize the permittees have, on their own initiative, reduced their stocking levels during those years when water and/or forage were in short supply.

BLM monitors these variables to determine if the management system is achieving the rangeland health and allotment specific objectives, but understanding the system does not require these response variables

be measured. The analysis used in the DEIS is based on scientific study of the response of vegetation to herbivory; specifically the physiological changes the plants undergo when herbivory is applied at different times, different intensities, and different levels of herbage removal. Therefore, “understanding the system” requires that the various alternatives be evaluated with respect to when the herbivory occurs (in a given year and in subsequent years), how long the plants are exposed to herbivory in any single grazing period, and how much plant material will be removed (or alternatively, how much will be left). These factors are the major factors determining the ability of the plants to recover and remain vigorous. This can then be related to habitat requirements for the various sensitive species under consideration.

The measurements of the response variables were used in the allotment evaluation process to determine that the previous management system was not achieving the desired results. Once the Record of Decision is issued and an alternative is selected and implemented, the response variables will be measured to determine if the new system achieves the desired results.

PC-25-5:

BLM did consider the information presented to it by WWP and others. However, much of the information presented was not relevant to the EIS. Violations of the permit terms and conditions, when substantiated, are dealt with directly, not through the EIS process. BLM was already aware of the non-native invasive species and this issue was addressed in the DEIS. Impacts of drought have been addressed through the drought closures and voluntary non-use by the permittees. The non-functioning water developments were addressed in the DEIS, etc.

PC-25-6:

The 2005-2006 conditions are not directly relevant to the EIS analysis. The data collected and used in the allotment evaluation was sufficient to indicate a change in management was necessary. Inclusion of the conditions on the allotments in 2005-2006 would not change that conclusion. The alternatives were developed to address the enhancement of productivity for all rangeland values, regardless of the conditions found in 2005-2006.

PC-25-7:

BLM conducted an accepted screening process for assessing public comments and identifying issues as opposed to concerns, opinion, issues not relevant to the scope of the EIS, etc. The public comments raised the issue of impacts of range improvements to the sensitive species and their habitat (especially through spread of non-native, invasive species). This was addressed in the DEIS as well as in response to public comments on the DEIS (i.e., the alternatives have been modified to include only those range improvements essential to the various grazing systems).

Many of the other concerns raised in the public comment were not relevant to the EIS.

PC-25-8:

See response to comment PC-25-6, above.

BLM did not ignore current information provided by the public and other agencies. However, not all information provided was relevant to the EIS analysis, and such irrelevant data was not included in the EIS.

PC-25-9:

The conclusions reached in the DEIS are based on the impacts of the proposed alternative grazing systems and range improvements on the vegetation that makes up the habitats of the subject species. The impacts on the vegetation were determined through the application of scientific studies on the effects of herbivory on plant health. A determination that a given alternative provides for healthy plants was an indication that habitats for the subject species would be sustained in a condition suitable for those species. This also included consideration of the terms and conditions, short-term objectives, etc. for each allotment, which also ensures that certain habitat conditions are maintained.

As for the tentativeness of the conclusions, BLM recognizes that with any biological system, firm predictions are meaningless. Because of distribution of forage, shade, and water, the variability in topography within an allotment or pasture, and many other variables, that there may still be areas where livestock concentrate and the vegetation will be impacted more than other portions of the allotment or pasture. That does not mean the grazing system is a failure, but does mean that additional measures may be required to alleviate these isolated problem areas. In the DEIS, BLM tried to anticipate as many of these isolated problem areas as possible, and suggested range improvements (in addition to the overall grazing system) to minimize the number of these isolated problem areas. Due to the concern over the number of range improvements proposed, the BLM scaled back the alternatives to include only those range improvements necessary to implement the grazing system – i.e., to distribute the livestock and to protect specific resources. Other range improvements were dropped from consideration as part of the proposed action, but kept as reasonably foreseeable future actions in the event that monitoring demonstrates one or more of these range improvements are needed to address problem areas. This involves a trade-off of benefits and impacts. The fewer number of range improvements reduces the potential for non-native, invasive species establishment and some impacts to the subject species (i.e., less potential for sage grouse mortality due to fence collisions), but the rate of improvement or extent of improvement in the habitat may not be as great without the range improvements (i.e., recovery of riparian habitats used by sage grouse broods).

Monitoring in the future will be used to determine if the impacts are of sufficient magnitude to require the implementation of additional range improvements. If such a determination is made, the proper NEPA analysis for the proposed range improvements would be conducted.

PC-25-10:

All of the action alternatives for the Big Springs Allotment provide for adjusting livestock grazing consistent with other uses. Each of the alternatives are expected to result in making significant progress for meeting standards for healthy upland and riparian sites and wildlife habitat, and monitoring of use to meet RMP objectives is common to all alternatives. Measures to conserve habitat are included, as well as actions to reduce fencing hazards to big game as well as birds. Measures to reduce weed infestations and improve distribution of livestock use where possible are also analyzed. The analysis of the EIS alternatives supports the land use plan conformance statement (section 1.3.1).

Eliminating fence hazards is not the equivalent of removing fences or not building new fences. The Elko Field Office has fence standards that address hazards to wildlife. Constructing new fences to these standards or rehabilitating existing fences to these standards, is within conformance with the RMP. To imply otherwise is misleading and deceptive.

Similarly, all of the action alternatives for the Sheep Allotment Complex have been evaluated with respect to the RMP and have been found to be in conformance with the RMP.

PC-25-11:

See response to comments PC-1-2, PC-1-5, PC-1-8, PC-2-1, PC-3-2, PC-3-3, and PC-4-5, above.

The alternatives in the DEIS and as modified in the FEIS are based on data collected from the allotments and calculations of carrying capacity based on that data. There is no deception or misleading descriptions in the alternatives. The majority of the upland vegetative objectives are being met or progress is being made towards attainment of those objectives. Those areas where the objectives are not being met are primarily due to distribution of livestock grazing (i.e., concentrated use around water sources and riparian areas). It is not a question of whether there is sufficient forage, but a question of distributing the use of the forage over time and space to eliminate the areas of concentration.

BLM has not claimed that the sheep do not access springs and seeps due to snow over the entire allotment, but certain springs at high elevation in the Goshutes are generally not accessible in most winters. BLM has also stated that the lower elevation springs show impacts from hot season use. The sheep are not present on the allotment during this time period, therefore, the hot season use impacts have to be from wild horses and/or wildlife. Based on monitoring at the sites, wild horses have been identified as the causal factor. The high elevation springs that are not used by sheep have also been determined to be impacted by wild horses. There is a big difference between use and impact. WWP is incorrect in stating that BLM has previously stated that the sheep do not use the springs.

As discussed for PC-25-4 above and in the EIS, BLM does monitor drought conditions and has the regulatory authority to institute drought closures whenever climatic and resource conditions make such closures necessary.

PC-25-12:

The data collected for the allotment evaluations and since the allotment evaluations has been adequate to determine that changes in management are needed and to identify the issues that need to be addressed by management. Additional data would not change the analysis or the conclusions of the analysis. BLM has identified, for example, that riparian objectives are not being met based on the data through 1999. Additional data from 1999 to 2005 would not change that conclusion as the grazing systems and range improvements have not been changed or implemented to the extent that responses in vegetation would be observable. It would be more of the same data, leading to the same conclusions. Additional data will be collected to monitor the response to the grazing system and range improvements that are included in the Record of Decision.

PC-25-13:

See response to comment PC-1-9, above.

BLM does not dispute the harmful effects of noxious weeds or other invasive species on rangelands. BLM states this in the DEIS and the analysis is based on these types of impacts. We fail to see the point of this comment.

PC-25-14:

See response to comments PC-1-2, PC-1-8, PC-2-1, PC-4-5, PC-25-4, PC 25-9, PC-25-11, and PC-25-12, above.

PC-25-15:

See response to comment PC-25-9, above.

BLM used scientific studies to conduct the analysis. The documents referenced by WWP were reviewed and used as appropriate. However, a report that points out that cheatgrass is present in a particular

allotment was not new information. BLM is aware of the cheatgrass on the allotments. Similarly, the other documents referenced in the WWP comment are not specific to the allotments and indicate general information about species or plant communities, or how these species or plant communities were impacted by other grazing systems. While this information provides some perspective, it does not change the analysis that the grazing systems described in Alternatives 2, 3, and 4 would improve the existing habitat conditions. It does not take additional information to determine the impacts of the grazing alternatives on the existing vegetation.

PC-25-16:

The BLM used current monitoring studies to establish the carrying capacities for the three allotments. The conclusions did not support a need to impose overly restrictive seasons of use.

PC-25-17:

There is no “XXX WSA” in the Elko Field Office area, although the BLM does manage the Bluebell and Goshute Peak Wilderness Study Areas within the Goshute Mountains.

The south facing slopes of the Goshute Mountains are frequented by deer and sheep in the winter time; however the upper slopes (inside the WSAs, north of White Horse Pass) are frequented more by deer in the winter time.

PC-25-18:

There are no proposed new livestock water developments proposed with the WSAs. However there are existing developments that need to be inventoried for reconstruction or alteration. Re-design of such developments would incorporate features to address concerns to wildlife including impacts to habitat. The removal, repair, or design of spring developments and fences to mitigate wildlife concerns and improve habitat conditions, as time and funding allows, is identified as an action that is common to all alternatives in the EIS (section 2.2.1).

Within the Sheep Allotment Complex many of the spring developments are left over from old horse traps that were built long ago. BLM has received comments about the "old post and barbed wire" as evidence of failed projects, and at the same time the BLM has been informed that these structures (horse traps) are historic. Thus, any proposal to remove or re-design the structures would be subject to compliance with the NHPA as well as NEPA.

PC-25-19:

Same comment as PC-25-8, above. See response to comment PC-25-8, above.

PC-25-20:

This comment is incorrect. There were only 26 comment letters received, with only 14 different people or organizations responding. A total of 148 comments were included in the 26 comment letters.

PC-25-21:

BLM is accurate in describing improvements as “potential”, just as impacts are described as “likely” or “potential”; there are no guarantees. BLM also recognizes that it is likely that given the variability of the water distribution, vegetation distribution, and the topography of the allotments, it is likely that the grazing systems and range improvements included in the Alternatives (either those in the DEIS or those in the FEIS) will not solve every issue on the landscape and “some areas of continued adverse impact” are likely. However, the alternative selected is likely to have the greatest level of improvement and any remaining issues would be identified through the allotment monitoring and modified through the allotment evaluation process. This is the system that BLM has in place to make iterative changes in management to continually

improve the health of the rangelands. It is inherent in this system that not every issue will be resolved on the first attempt. The BLM has identified for the various alternatives where some impacts could remain, which provides the authorized officer with a basis for selection among alternatives.

PC-25-22:

See response to comment PC-25-21, above.

PC-25-23:

See response to comment PC-25-21, above.

PC-25-24:

WWP is incorrect in this statement. The Nevada Department of Wildlife remains a cooperating agency for this EIS.

PC-25-25:

BLM has included appropriate mitigation for the impacts identified.

kfite@juno.com
01/22/2006 11:31 AM

To Lorrie_West@nv.blm.gov, Bran_Fuell@nv.blm.gov, kfite@juno.com, sforee@ndow.state.nv.us, pbradley@ndow.state.nv.us
cc
bcc
Subject Sensitive Bird EIS

BLM: Please reply that you have received this message. Thanks! Katie Fite

January 21, 2006

Sensitive Bird Species
Bryan Fuell and Lorrie West
BLM Elko Field Office
3900 E. Idaho St.
Elko, NV 89801-0200

Dear Bryan and Lorrie,

Attached is an electronic copy of an example of one of many templates that could be used to assess wildlife habitat requirements and to make land use decisions regarding impacts to important and special status species habitats, and develop necessary protections for habitats for the Sheep Complex, Owyhee and Big Springs allotments in a Supplemental EIS. Please enter this document, and this letter, into the Project Record.

Please note that this Milk River study was conducted in an environment where climax grasslands are native vegetation communities with dependent native animals, which is NOT the case with the sagebrush biome of Elko BLM lands.

Thus any similar effort for Elko lands must be based on specific species habitat requirements and attributes, derived from the scientific literature, scientific expert opinion and consultation with appropriate state and federal wildlife agencies, and also using information from USGS Sagemap and other federal databases. I had specifically spoken about these important sources of information with former EIS Project Manager Lister, after personally contacting USGS biologists and GIS mappers about information that was available to BLM, but BLM ignored this input.

Such Habitat Assessment (Milk River study) by itself is NOT ALONE sufficient to understand species habitat needs, but must be undertaken as **one part** of any effort made to comply with the Federal District Court Order.

As you can see, such efforts require QUALITY current information on vegetation community attributes, including specific measurable attributes, and their spatial distribution across the landscape. Thus, current site-specific information on canopy shrub cover and structural diversity of canopy cover for various native plant communities, understory composition including

cheatgrass dominance, annual weedlands, current ecological condition info such as depletion of larger-sized native grasses or forbs, etc. must be collected, elements of fragmentation such as roads, weedlands, sheep bedding sites, livestock pipelines, etc. must be integrated into a Habitat Assessment.

2 The DEIS and its unscientific, narrow and livestock-industry biased approach must be scrapped, and a Supplemental EIS prepared.

We will be submitting additional comments, and you have already received information from us last week on the need to conduct a current suitability, carrying capacity and other studies, as well as accurately apply weight or life cycle of livestock grazed on these lands to determine AUMs of forage being consumed, trampled, etc.

Sincerely,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863
Boise, ID 83701

Electronic Attachment: Milk River Study SSS DEIS Habitat Milk River.doc SSS DEIS HAB Milk River SAR_86.pdf

Comment Responses to PC-26

PC-26-1:

BLM agrees that there are many templates that could be used to assess wildlife habitat requirements and to make land use decisions. BLM chose not to use the template provided by WWP, and instead used a model of effects of herbivory on plant growth and vigor to assess the impacts of the grazing system on the habitat of the subject species.

BLM did not ignore the input from WWP. BLM used many of the sources provided by WWP and other sources not identified by WWP. However, there is general disagreement on the approach to the analysis. This has been discussed in response to comments above.

PC-26-2:

See response to comment PC-1-1, above.

kfite@juno.com

01/09/2006 10:02
AM

To thawthorne@nv.blm.gov,
kfite@juno.com,
shane_deforest@blm.gov,
bryan_fuell@blm.gov
cc
Subject
Travel Planning, Spruce, SSSS EIS

January 9, 2006

Tamara Hawthorne
Bryan Fuell
Elko BLM
3900 East Idaho St.
Elko, NV 89801-0611

Dear Tamara and Bryan,

I just read the Elko BLM Press Release concerning Travel Planning. Please consider these comments from Western Watersheds Project as part of that process, and as coments on the SSSS DEIS.

1 Roading and off-road motorized use across Elko lands must be viewed as causes of habitat fragmentation, weed infestation and hazardous fuels problems. Instead of focusing on removing roading, limiting motorized use, and treating cheatgrass and other weeds associated with motorized use, road corridors, or degraded arid lands, BLM is instead acting to extend disturbance and roading through its vegetation treatment proposals. Disturbed burned, chained, chopped or otherwise altered areas entice off-road use that it is impossible for BLM to control.

2 WWP is very concerned about the impacts of BLM vegetation/hazardous fuels/livestock forage, etc. projects on clearing vegetation such as pinyon-juniper or dense sagebrush or moutnain shrubs – that then opens the door for ease of extended OHV use.

We have observed OHV tracks snaking through existing openings or clearings in places such as Spruce Mountain. BLM proposals to clear or thin vegetation here will only exacerbate this largely uncontrollable use.
Standing live trees and other woody vegetation are often your best line of defense against expanded OHV use.

Plus, BLM veg treatments have resulted in enlarging or widening of small two tracks, pounding them into major roads, often through purposeful blading undertaken during the project.

We have recently received a blizzard of Oil and Gas and other exploration proposals. As BLM never sends out hard rock mining exploration proposals to the public, we can not even imagine how many must be occurring, if the HT Forest serves as any measure.

BLM must act to severely limit new mining exploration and development in all sensitive special status species and Threatened and Endangered Species areas, not just the few places specified in the out-dated Land Use Plans.

BLM must map all areas that have suffered mining, Oil and Gas, geothermal, and other surface or underground exploration (from disturbed surface sites) activities

3 BLM must also map all livestock facilities and roads, and determine which roads are linked to facility construction, water hauling, etc.. As part of this process, BLM must act to identify and close unnecessary and unauthorized roads that have sprung up in association with livestock fences, spring projects, pipelines, ponds, water hauling, etc. Permittees have horses, and can readily ride them to do fence and most other maintenance.

BLM must map all roading that is related to vegetation treatments conducted from 1950 to the present. These include roads, tracks, or trails resulting from chaining, burning, spraying, etc.

4 Road restoration/rehab must then be accomplished in important wildlife habitats, or where roads are contributing to watershed degradation – such as in LCT habitats. This will help to lessen loss and degradation of sage grouse, pygmy rabbit, loggerhead shrike and other important and special status species habitats. It will also lessen human disturbance to wild horses.

5 BLM must place a moratorium on new livestock projects – such as the 90 mile Spruce pipeline or projects BLM continues to trumpet in the SSSSS DEIS - that would result in new, extended, or intensified roading/road use in the Spruce Mountain, Owyhee, Big Springs, Goshute Range and other Areas.

It is our observation that road after road in Spruce Mountain, the Owyhee allotment and other areas has resulted from livestock projects/water hauling, or shortcuts to projects/water hauling, etc.

Across many BLM lands, permittees driving to place salt or minerals pioneer new roads that are then driven by the public. As part of this process, closure of the hundreds if not thousands of unnecessary salt placement roads must occur. Permittees have horses and can readily place salt using horses. Closure and rehab of these roads must be a top priority. As part of this process, BLM must prohibit this activity through Terms and Conditions placed on grazing permits.

There is an increasing trend among permittees to ride OHVs and use them to herd or move cattle, often driving crosscountry. As part of this process, BLM must prohibit this activity through Terms and Conditions placed on grazing permits.

As both the Wells and Elko RMPs are very outdated, and nearly all BLM lands are left wide open to motorized use under the archaic and damaging mindset of these documents, BLM must public a closure in the Federal Register banning off-road motorized use on all Elko and Wells lands until completion of new RMPs. This is needed due to:

- Unprecedented mining, oil and gas and other leasing or development activities fragmenting habitats;

- Large increases in motorized use (at times linked to BLM itself – or its employees through involvement in non-BLM activities Elko Travel group), advertising or encouraging intensive motorized use – as in the case of Spruce
- A growing number of human-caused fires on public lands that are linked to vehicle catalytic converter or OHV use;
- Growing recognition and importance of harmful effects of roading to sage grouse, pygmy rabbit and other important and special status species.

BLM must also act to sharply limit competitive and other OHV and other events such as the flagrantly wasteful Hummer tour. In days of fuel spiraling fuel prices, it is not in the national interest - and defies common sense - to encourage recreational motorized events by notorious gas guzzlers like Hummers.

6 Instead of acting to hold your ground on existing motorized disturbance across Elko BLM lands, we see BLM, unfortunately, acting purposefully to extend habitat fragmentation and roading on BLM lands. The Draft Special Status Species and Springs EIS for the Owyhee, Big Springs, and sheep Allotment complex continues on this path of extending harm.

During a recent visit to the sheep allotment complex, we were appalled at the amount of roading, especially in lower elevation areas, that appears linked to hauling sheep wagons around.

We have also become increasingly concerned that the excessive roading – especially in areas such as the Pequop Range in the north Big Springs area, is exacerbated by BLM allowing competitive motorized events here that entice additional use from OHV enthusiasts.

Please keep us fully informed of all steps of this process, and all motorized activities so that we may provide comments in a timely manner.

Please also consider this letter as part of WWP's comments on the Draft SSSS EIS. In that process, BLM has utterly failed to identify roads and tracks (many directly linked to livestock facilities or activities) causing habitat problems and act to change management).

Sincerely,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863
Boise, ID 83701

Comment Responses to PC-27

PC-27-1:

Over 95 percent of the public lands in the Elko Field Office area are currently classified as “open” for OHV use. The claim that “disturbed burned, chained, chopped or otherwise altered areas entice off road use that is impossible for BLM to control” is not entirely true. While these new openings may entice OHV use, part of the treatments also includes signage (typically Carsonite signs and stickers) advising users to avoid travel cross country in these areas. Some individuals respect the signs and some do not.

As we enter in Travel Management Planning, the issues raised, such as habitat fragmentation and weed infestation, will be addressed in each of the various areas that we look at intensively. The end result may be that OHV us is limited throughout the Elko Field Office area to only existing designated roads and trails. Public information kiosks to advise users in the area of the potential for OHV damages, critical resource values present, and the need to stay on established designated routes would hopefully be a tool to reduce the enticement that a small percentage of the OHV users see when they view open, un-roaded landscapes.

PC-27-2:

In woodlands and brush zones, untreated buffer strips are left along the main travel routes so that the treatment areas are not easily observed (to meet VRM objectives), and also to leave a natural “barrier” that discourages indiscriminate OHV use. Carsonite signs at any access points into the treated areas would also curtail OHV use of these areas.

With each action the BLM takes to manage a specific resource, there are benefits and there are impacts. As with this grazing EIS, the impacts are identified and the risks determined so that the authorized officer can make an informed decision. However, we cannot stop all management of vegetation because some individuals will create some impact on the landscape. We cannot close all areas of the Elko Field Office area to OHV use and still meet our mandates for multiple use and recreational opportunities and be in conformance with our RMPs. So we must recognize that vegetation treatments have a risk of unauthorized use by some people.

BLM cannot just simply “severely limit” new mining exploration and development. Each application is evaluated with respect to listed species and sensitive species. Where impacts are identified, mitigation is identified that will eliminate or reduce the impacts.

The public lands are open to certain uses by law and managed by the BLM for multiple uses. While each user of public lands has some paradigm on how they should be managed, it is not BLM’s role to manage for one paradigm. The comments by WWP indicate there should be limited use of public lands for uses other than those that WWP finds acceptable. To do so would result in BLM being out of conformance with the land use plans, federal laws, and other BLM policies. Every user of public lands contributes some level of degradation of these lands. The trips that WWP takes on the allotments require traversing through areas with non-native, invasive species, or are conducted when roads are muddy and easily damaged or increase erosion, or may harass wildlife by driving through an area when the wildlife are present, etc. Closing the public lands to all uses is not the answer. Managing multiple uses for sustainability, managing vegetation for resiliency, etc. are the means at BLM’s disposal for allowing the multiple uses to occur without permanent harm to the ecosystems. This requires responsibility on the public land users and BLM does not have control over the public.

PC-27-3:

As part of the Travel Management Planning process, all existing motorized routes are inventoried. Working with the public and grazing permittees in reviewing these existing routes, those routes that are no longer determined to be necessary may indeed be abandoned and reclaimed. The public planning process requires a collaborative effort to review each of these areas and then come to consensus as to which routes should be closed and which should remain open. A range of alternatives would be developed for each area, each with a varying degree of routes that would remain open.

Again, WWP as a member of the public will have opportunity to be involved in this process, but it is not for WWP to dictate what should and should not remain open.

PC-27-4:

See response to comment PC-27-3, above.

PC-27-5:

See response to comment PC-27-2, above.

While roads can create impacts, they are also necessary to allow for monitoring, maintenance, and access to recreation areas. Not all roads were created for livestock improvements, but BLM and/or the permittee need to be able to access any constructed improvements to monitor their condition or effectiveness. WWP has indicated in other comments that BLM must monitor and evaluate the range improvements, such as riparian exclosures and water developments, and then also comments that the roads that allow BLM and/or the permittee to do so should be closed.

Not all new livestock projects require “new, extended or intensified road/road use…” Most are designed to utilize existing roads instead of creating new travel routes. Those that do create new travel routes to implement the project can also include provisions to rehabilitate and close the route once the project is in place.

PC-27-6:

While the alternatives do include fences and/or water developments that will require monitoring and maintenance, others will be rehabilitated (i.e., pipelines). The DEIS does not authorize or include any new OHV use areas or trails.

kfite@juno.com
01/24/2006 08:05 AM

To Bryan_Fuell@nv.blm.gov, Lorrie_West@nv.blm.gov, kfite@juno.com
cc
bcc
Subject Sensitive Bird EIS More comments

Please reply that you have also received these comments.

January 23, 2006

Bryan Fuell and Lorrie West
EIS Co-Project leads
BLm Elko Field Office
3900 E. Idaho St.
Elko, NV 89801

Dear Bryan and Lorrie,

Here are additional comments of Western Watersheds Project, Committee for the High desert and the Oregon Natural Desert Association related to deficiencies of the BLM 's sensitive species EIS for the Sheep Complex, Big Springs and Owyhee allotments.

More Special Status Species Analysis and Data Concerns

BLM and its contactors have done a terrible job here nearly devoid of meaningful information of any kind, and showing utter disregard for the public interest, and for the wildlife and special status species habitats on lands that belong to all Americans.

WWP Commented:

BLM must collect adequate baseline biological data on wildlife habitats and populations and vegetation and other ecological conditions in the EIS lands. This will require a minimum of two years of intensive effort, and must include new on-the-ground inventories for special status species and analysis of habitat conditions for these species. This information must be thoroughly and systematically collected, as it will be used in developing the EIS that will govern management here for the next decade or longer.

BLM has failed to provide evidence of any systematic effort to collect, compile and assess comprehensive information. It must provide information necessary to assess a range of alternatives that take a hard look at the effects of livestock grazing and management actions on both important species – such as antelope, mule deer, elk, as well as special status species – sage grouse, golden eagle, pygmy rabbit, loggerhead shrike, bats that rely on insects produced over broad areas of upland habitat, and other essential information for the public to understand the

impacts of actions proposed.

2 DEIS Maps and information on special status species habitats or populations are woefully deficient. Little circles depict raptor (species unknown) habitat, yet nowhere is habitat for each species of raptor and its prey related to vegetation community condition, acreage, or specific habitat attributes, critical habitat components, etc. in the allotments and surrounding lands ever identified. Where are there now cheatgrass, halogeton weedlands, and how does this impact raptor prey species? Where does cheatgrass, of limited value to raptor prey or sagebrush obligate migratory bird species, dominate sagebrush or salt desert shrub understories? What areas have burned and no longer harbor native shrubs that are critical for functioning native ecosystems? What lands provide little if any, or poor quality sage grouse, loggerhead shrike, or golden eagle foraging habitat?

3 Where are remaining better condition habitats? This must be scientifically identified, based on current ecological information, and a range of alternatives developed to maintain or enhance these remnant better condition habitats. Due to the importance of these remaining better condition habitats in these allotments or surrounding lands, BLM must designate ACECs to allow necessary prompt and focused management to be applied to prevent further loss, extirpation or extinction. For example, since BLM inked the MUD Decision on Big Springs, TWO SAGE GROUSE LEKS HAVE BLINKED OUT under its deplorable interim management that would become the final management under the Preferred Alternative. Not only that, three additional leks located in the southern portion of the Big Springs allotment are in danger of disappearing. They are isolated from all other leks by mountains, salt desert shrubs, and a significant part of the big sagebrush nesting and brood rearing habitat burned, and was re-seeded by BLM with inappropriate invasive exotic --- forage kochia. The burn is now dominated by dense cheatgrass with some forage kochia – in other words it has become a habitat void for sage grouse. We note that BLM could not even be bothered to supply current year's survey information for sage grouse in the Big Springs allotment.

Instead of acting to restore native sagebrush and understory communities here, BLM converted the site to an alien invasive species wasteland. See WWP photos.

4 BLM repeatedly claims benefits for short-eared and long-eared owl, yet a reader has no way of knowing how many, if any, of the little circles represent these species. While these are important species, most of the raptors - certainly in both species and numbers in the allotment are greatly dependent on the health of upland communities, and not riparian areas. BLM may be purposefully masking the species so as to thwart full public understanding of its shallow and deficient data and analysis.

5 BLM fails to even mention important special status species and sightings and describe how alternatives may affect these –across the allotments.

6 Maps such as Map 3-3 show location of sage grouse leks, but the DEIS is devoid of information on location of historic leks (necessary to gauge changes over time – and if the intensity and thoroughness of any survey efforts used to determine lek presence over time), numbers of birds at

leks, changes in numbers of birds at leks over time, analysis of type of population and habitat conditions for populations on these allotments and surrounding lands. We are provided no evidence that systematic repeated surveys for ANY special status species were conducted across these allotments.

7 Many drainages, riparian areas, roading and other important information are not all shown, and not labeled so as to allow any understanding of these lands and the geographic location and configuration of habitats.

BLM does not reveal when, where and how the very few surveys for any special status species were conducted, or MOST importantly, depict areas lacking in surveys, especially current surveys.

8 BLM constantly uses claimed improvement in long-eared owl and short-eared owl habitat as a very significant "improvement", yet at the same time fails to mention the many other special status raptors and other species (shrikes, bats - foraging) that rely on food, cover and space provided by UPLAND native vegetation communities that encompass 99% of these allotments.

9 BLM ignores even showing the fire boundaries on these and surrounding allotments, so that the public can understand how disturbed there lands are by fire in the past 20 years. Such maps and information must be provided, as well as mapping and information that shows areas of cheatgrass dominance so that a reader can understand where livestock grazing has been the dominant factor in cheatgrass, halogeton, weed dominance in the absence of fire.

"At Risk" Lands Must Be Identified/BLM Must Conduct A Risk Assessment

10 Given that sage grouse leks are disappearing, large-scale fires have consumed habitats, weeds are engulfing raptor territories, etc., BLM as part of the SEIS must identify existing habitat areas, and all remaining habitat areas that are "at risk" of additional losses to invasive species proliferating with livestock disturbance, fragmentation, and other losses, disruption of nesting or other critical habitat areas by increased numbers of livestock, etc. BLM then must act to remove or significantly decrease risk factors.

Interstate Wildlife Populations

11 BLM ignores the interstate nature and importance of the wildlife population in the Owyhee and SAC allotments, and provides no data or information related to important or special status species of wildlife linked through seasonal habitats or interbreeding populations in neighboring states (see for example WWP Owyhee ACEC proposal, and comments). These wildlife populations are an interstate resource.

BLM must also work with agencies in Idaho and Oregon to better understand the current uses of these lands and habitats by wildlife populations, including special status species, shared across a tri-state area.

needs to be restored; the need to address the impacts of ditching and alteration of the streamcourse; the importance of the area to sage grouse and other sagebrush-dependent wildlife.

WWP's Fite returned to this area in October 2005, and was horrified at the level of damaging use that BLM had allowed to occur here. WWP notes that BLM DID NOT provide, in response to a FOIA request, current riparian monitoring data on conditions here as a result of the 2005 grazing season. See Photos. All riparian areas accessible to livestock in the East Squaw Creek watershed in the North Pequops pasture received sever to extreme livestock utilization, with riparian and mesic vegetation grazed to levels as low as possible for a cow to graze (one or two inches). WWP immediately contacted Elko Manager DeForest, and asked that BLM conduct riparian and upland monitoring here immediately, and that Manager Deforest visit this site with us. This did not occur, and BLM never contacted us about a site visit. In January 206, Manager DeForest told us that he had NOT visited these lands.

In response to a WWP FOIA requesting monitoring information for the three allotments subject to the EIS, we received NO fall 2005 riparian monitoring information or data of any kind for the
12... Big Springs allotment.

BLM's sworn claims in federal court Declarations stated that 4" stubble height would be applied to these areas of the Big Springs allotment, and would protect the riparian areas. Shamefully, this was not met, as WWP's site visit revealed (see Photos) and extreme use leaving riparian areas bared to accelerated and irreversible gullying in runoff events occurred in 2005, as it likewise had in 2004.

These lands are extremely damaged, and simply are not suitable for continued livestock continued cattle grazing, and BLM's developments will only serve to de-water springs or the better perennial segments, and shift, and intensify use and dry up all non-protected riparian areas.

WWP also noted that the extensive fencing that BLM proposes would further fragment habitats for sage grouse, and serve to increasingly restrict sage movement and isolate the birds using the 3 small leks south of I-80 – leks for which BLM provides NO current data.

BLM has provided no analysis of the suitability of important wildlife habitats for continued livestock grazing under its schemes, nor how stocking rates and carrying capacity was applied to these important habitats.

Local, Regional and Rangewide Wildlife Population Trends and Habitat Importance of EIS Lands Are Ignored

13 The importance of these lands and the wildlife populations that they harbor are ignored.

Plus, BLM never describes the functioning population units of important and special status species here.

In addition, lands on the Sheep Allotment Complex are home to native wildlife that rely on habitats spanning Utah and Nevada. This has never been addressed, nor has the impact of military training activities associated with the Utah Test and Training Range/Hill AFB, including
11 proposed expansions in military overflights.

BLM never reveals how important and special status species and upland or other habitat conditions and populations of wildlife may be linked with/shared with Utah, or with Ely BLM lands --- in both the SAC and Big Springs allotments.

BLM Failed to Assess Suitability or Capability of Important or Critical Habitats for Grazing

WWP commented:

Less fragmented and relatively intact lands in the Owyhee and Big Springs allotment that are essential for maintenance and recovery of sage grouse, raptor prey, migratory bird, pygmy rabbit and other important or special status species populations, and where this feature is being harmed by the grazing of large numbers of AUMs and/or threatened by new livestock facilities or vegetation treatments should be found unsuitable for grazing – giving the increasing importance of these competing values. The solution is not to juggle seasons of use - but to determine, when weighing relative values, if livestock grazing is not a compatible use of this land, or if should be withdrawn from grazing.

The steep forested slopes of the Sky Island Goshutes, Pequops and other ranges are unsuitable for livestock grazing (slope, erosion, values of pinyon-juniper and other forest communities), and should be found unsuitable for grazing.

12 *Depleted seedings that have lost productivity should be identified for restoration to native vegetation, and removed from the "forage" base. If ranchers did not take care of seedings, the public deserves to have the lands restored and taken out of the forage base. Their depletion shows the unsustainability of grazing livestock on them.*

In a letter of June 2005, WWP documented conditions observed in a site visit to East Squaw Creek in the Big Springs allotment,

We are strongly opposed to the construction of a riparian pasture here – it will only serve to shift livestock use to areas outside the pasture, which are woefully damaged by livestock already. Plus, the area you are proposing is much too small to be a pasture – and make a meaningful difference in the overall watershed health, even if some measure of improvement occurs. We note that the MUD, which BLM claims to be following here, shifts and INCREASES livestock use in the North Pequops. Having spent the better part of 2 days hiking in the Squaw Creek watershed and other areas, plus visiting other portions of the allotment in previous years, and observing and photographing conditions, I firmly believe that this entire watershed should be excluded from livestock grazing, due to: proliferation of exotic species in areas disturbed by livestock; livestock-caused erosion and desiccation of stream, meadow and spring areas that

As an example, WWP commented:

These canyons are located in the Interior Columbia Basin, and are part of the headwaters area of the unique Owyhee-Bruneau Canyonlands, the largest complex of exposed rhyolite canyons in the world (Owyhee Canyonlands Coalition 2000). These lands are rich in biological, geological and cultural values.

Diverse wildlife habitats occur here in a locale of scenic beauty. Large playa complexes (perhaps the largest complex in the Interior Columbia Basin) provide important migration stopover sites for waterfowl and shorebirds, as well as critical sage grouse brood rearing habitat. Canyon walls provide nesting sites for a wealth of raptor species, and roosting sites bats, including several special status species. The vast uplands, with large amounts of Wyoming big sagebrush, provide very important habitat for sagebrush-steppe obligates and other declining migratory birds, as well as small mammals and reptiles. These uplands are home to the prey species for raptors nesting in the canyons. They also produce insects necessary for bat survival.

13 *Recent mapping efforts show that it is part of one of the largest contiguous expanses of sagebrush left in the West (ICBEMP Mapping in Wisdom et al. 2000, Connelly et al 2004, Dobkin and Sauder 2004 and provides Source habitat for many species. Recreational visitors are increasingly drawn to the remote Owyhee canyons and uninhabited sagebrush plateaus. Vistas include the forested Bull Run and Independence Mountains to the east. The Santa Rosa Mountains lie to the West, with broad uninhabited sagebrush uplands, cut by numerous intermittent drainages, sweeping westward.*

The combination of canyonlands juxtaposed with broad areas of relatively low elevation Wyoming big sagebrush upland plateaus provide a unique opportunity to protect a large, functioning sagebrush ecosystem, similar to that of the Snake River Birds of Prey Area, but with much more significant sagebrush-steppe values still present. In the long-run – if necessary conservation action is undertaken to prevent the fragmentation and conversion of the Owyhee sagebrush to annual grassland, Nevada's Owyhee is far more sustainable as a haven for healthy wild raptor populations. Sadly, the SRBOPA is undergoing ecological collapse – a combination of relentless livestock grazing (at levels and in the manner Elko BLM is trying to impose here), fire and other human disturbance resulting in extensive habitat fragmentation with documented impacts to raptors, migratory birds, ground squirrels and jackrabbits. See BLM/IDANG 1995, Knick et al. 2003. The SRBOPA has recently undergone catastrophic change and conversion of Wyoming big sagebrush habitats to cheatgrass, with harm to raptor habitats and populations. Plus, sage grouse still persist in the Nevada Canyonlands of the Owyhee, unlike the SRBOPA.

Critical Habitat of Free Flowing and Healthy Isolated Desert Riparian Areas (Springs and Seeps Is Ignored

14 BLM ignores the critical importance to migratory birds including birds of prey of the scarce riparian habitats that are found in these allotments. Essential information on springs, seeps,

streams, aquifer characteristics, flow rates, type of spring, stratigraphy; known or foreseeable changes in flow rates over time, impacts of existing facilities or developments, assessment of areal loss of wetted habitats due to development and/or livestock grazing and trampling, alteration of grazing has not been documented at new or proposed facility or any other riparian area. (See WWP scoping comments) Instead, BLM proposes to barrel ahead in ignorance, ignoring collection of information on many unassessed springs in the Sheep Complex and Big Springs, and developing and de-watering new sites across the allotments without any analysis of the relative scarcity of such sites across the landscape. Understanding these factors is also critical to understanding the necessary size of any livestock-free area that may be developed, including for source water protection. We note that while BLM ballyhoos that it plans to construct exclosures it never reveals the fact that existing exclosures have not been maintained, and have been trampled into oblivion – as in the East Squaw Creek watershed. Nor does it at the same time in the DEIS even tell a reader that it plans to graze even the so-called exclosures – so that they
14... are not even exclosures! They are just small cow pastures. Nor does it reveal impacts to any unfenced wetted/riparian areas and the habitats that they provide or would be capable of providing if livestock damage was alleviated, and healthy herbaceous and woody vegetation communities and stable and undisturbed banks were allowed to develop and exist.

BLM makes no effort to make up for gross deficiencies long known to it. Example: NDOW commented (9/5/00), "[BLM] describes 26 springs in the Complex, but we can't find a summary on the general trend of these springs". This is never provided by BLM. WWP discusses unassessed or unrevealed riparian area impacts throughout our comments – ranging from important riparian habitats in the Owyhee allotment to the extensive riparian areas (although extraordinarily damaged) in the Big Springs East Squaw Creek watershed.

Watershed Level Impacts Ignored

Impacts of grazing and management to wildlife across the WATERSHED must be understood to understand the impacts of grazing or facilities see, for example, Lusby paper on winter sheep
15 grazing destruction at the watershed level and the impacts to livestock grazing on riparian areas and linked watersheds. Duff 1977, Lusby 1979, Fleischner 1994, Chaney et al 1990, Chaney et al 1993, Ohmart, 1996,Galt, 1999, Belsky and Udelman 2000, Sada et al. 2001, Sada and Herbst 2001, Sada and Pohlman 2003.

Local, Regional and Rangewide Habitat Trends and Fragmentation Are Ignored

BLM omits critical information local, regional or rangewide habitat trends, existing or foreseeable fragmentation, or population changes/declines. See Wisdom et al, 2000, Knick et al. 2003, Connelly et al. 2004.

16 What are the Best Available science methodologies used to determine such critical information on species occurrence, population and habitats?

This information must be provided for all important or special status species, in order to understand the impact of any actions taken under various Alternatives. For example, BLM's

grossly deficient analyses for special status species never revealed the occurrence, outside a list, of the pygmy rabbit in the South Fork Owyhee. Now in the EIS, BLM states that the pygmy rabbit has been documented in several areas of the allotment (1996, now near playas). Yet, nowhere does BLM assess the recent astonishing loss of habitat loss due to fires, or other alterations such as mining - since the late 1990s. This includes the giant 2005 Esmeralda, Wilson and other fires (EAs Attached). Pygmy rabbit populations (as they are both special status species as well as prey species for raptors such as golden eagle or prairie falcon, and others) must be examined in relation to current habitat loss and local, regional and rangewide/sagebrush-biome wide losses in habitat and populations. Please fell free to contact us if you need clarification or additional information on any of this, or the information submitted.

WWP incorporates by reference the Administrative Record for the Squaw Valley and Spanish Ranch allotments (which is in BLM's possession) as this record includes documents and testimony that have important relevance to pygmy rabbit habitats and populations, other special status species populations, and sage grouse populations, including sage grouse that may move into the lands of the Owyhee allotment on a seasonal basis, and onto these other allotments that have undergone sudden large-scale habitat loss of critical components for sage grouse, pygmy rabbit, loggerhead shrike, rare bat species, sage thrasher, Brewer's sparrow, vesper sparrow, and other species habitats. All impacts of livestock grazing and trampling degradation of these 16... species habitats must be assessed, a range of suitable protective alternatives developed, and ACECs established to protect these values as part of a Supplemental EIS. WWP notes that documented pygmy rabbit occurrences in the SV/SR Admin Record may have now been consumed and destroyed in the Esmeralda or other 2005 fires.

How fragmented has the sagebrush habitat required by sage grouse become across these allotments, and what are likely impacts to populations? We note that fires consumed large expanses of Wyoming big sagebrush highly susceptible to weed invasion, as well as low sagebrush that is exceedingly slow to recover from fire. How fragmented has the pygmy rabbit habitat become? Please note the differing habitat requirements and mobility of these species. How are populations of each defined geographically and temporally?

What actions can be taken by BLM as part of the SEIS process to restore habitats, or reconnect now fragmented populations? How are various important or special status species limited in dispersal capabilities? What has been identified as a functional population unit of each species?

What are minimum numbers of each species necessary to provide maintain viable breeding populations of each species? what barriers/fragmentation exists to limit species movement, or occupation of habitats?

Please see Collopy et al. 1995, Braun 1998, Connelly et al. 2000, Conservation Biology Institute 2000, Wisdom et al. 200, Knick et al. 2003, Welch and Criddle 2003, Connelly et al. 2004, Dobkin and Sauder 2004.

17 **BLM Ignores or Hides Impacts of Existing Facilities and Refuses to Live Up to Duties to Protect Lands from Undue Degradation, and Not Create Adverse Impacts to Special Status**

species Habitats

17... BLM has ignored extensive comments on the need for complete information and analysis of existing livestock facilities and projects that may be damaging important and special status species habitats, and prioritizing damaging facilities for removal.

WWP commented:

After compiling a comprehensive inventory and analysis of range installations, BLM must identify those which are no longer working/in repair, and also those which are causing harm to special status species, raptor prey, springs, watershed, or other important public lands values, and act to remove them. It does not matter if these facilities were built pre-FLPMA or not. BLM must review all project information in its files, and thoroughly examine the facility network on-the-ground, visit all installations, collect complete and systematic information on their impacts on soils, microbiotic crusts, native vegetation, watersheds, wildlife, and cultural sites, and determine whether it is in the public interest to remove them and restore damaged lands.

We are tired of visiting Elko BLM wild lands and encountering seas of livestock feces, bare dirt or weeds surrounding cattle tanks, and on closer examination seeing extensive areas of lithic scatter being newly exposed by erosion from livestock concentration, or expanses of halogeton or white top emanating outward from them. In addition, even modest maintenance and protective measures for native wildlife are often lacking. Floats to promote water flow conservation are lacking, there are no wildlife escape ladders so troughs are deathtraps for migratory birds, etc.

BLM must also evaluate the impacts of fences and fence posts on special status species and their habitats. For example, if a fence is located in important sage grouse nesting habitat and it is providing perches for sage grouse nest predators such as ravens, the fence should be removed. See Connelly et al. 2004 for a discussion of harmful impacts of fences.

In the past, the construction of these facilities has been the justification for continued excessive stocking rates. A key part of BLM's analysis must be the suitability/capability studies, and reduction in livestock numbers and changes in livestock management practices that includes facility removal and subsequent site restoration.

REMOVAL OF LIVESTOCK WELLS AND PIPELINES

In particular, BLM must assess the impacts of all wells, pipelines, water haul sites, stock ponds and other artificial upland water sources on special status species, watersheds, and native vegetation, and analyze the removal of harmful artificial livestock water sources in the EIS alternatives. These artificial water sources are resulting in serious damage to surrounding lands due to concentrated and/or increased livestock use. These facilities and the excessive livestock use associated with them is a serious threat to special status species. It greatly increases site vulnerability to exotic species invasion, creates habitat and behavioral conflicts with wildlife, degrades recreational experiences, etc. These artificial water sources are not

compatible with achieving enhancement or restoration of damaged special status species and sagebrush sea habitats.

17.. We reiterate these comments, and refer BLM to Braun 1998, Connelly et al. 2000, Kinick et al,. 2003, Welch and Criddle 2003, Freilich 2003, Connelly et al 2004, Dobkin and Sauder 2004. BLM only proposes more of the same, without addressing the devastation, soil erosion, weeds, fragmentation of habitats, depletion of native vegetation over large areas, and other impacts caused by existing facilities and projects sch as seedings.

Watershed/Habitat Reference Areas and Better Condition Lands Areas Ignored

BLM both ignores making any comparison between habitat quality and quantity for important and special status species in any existing less grazed or ungrazed areas, as well as ignores establishing suitable watershed-level references areas so that it can better understand and provide for healthy sage grouse, raptor and important and special status prey species habitats across the allotments. Even range science has long reciognized the need to make qualitative and quantitative assessments and comparisons between less grazed and more intensively grazed lands.

18 BLM fails to identify land areas in species habitats that are in good or better ecological or habitat condition for meeting any wildlife species needs across the allotments. This is critical to understanding the impacts of existing and proposed facilities, habitat quality, increased, intensified or shifted livestock use under management schemes, and fragmentation between habitats of differing quality, etc.

WWP also commented:

BLM must designate large (greater than 10,000 acres) sites, and entire watersheds, over several representative portions of the EIS area to act as scientific reference sites to provide refugia for native species whose habitats have been degraded by livestock grazing practices and livestock facilities, and to allow evaluation of livestock grazing impacts to these wild lands.

BLM does not guarantee that a single acre will be ungrazed. BLM, instead, proposes grazing even its so-called 'exclosures', and this is in fact a step backwards from previous permits and authorizations for grazing use here.

Significance of Lands to Wildlife

19 BLM must review and incorporate in a SEIS all of WWP's Scoping Comments and all ACEC submissions and supporting documentation and scientific references that it has ignored in the DEIS. We note that BLM NEVER contacted us, as requested, concerning the ACEC proposals and any refinement of them.

BLM can not hide for the importance of these lands to viable populations of native wildlife. As an example, NDOW in 2000 commented:

"The [Sheep] allotment complex is **critically important** to the longterm health of ferruginous hawk and golden eagle nesting populations in the area" (9/5/00).

"There is little, if any mention made in the document of the **significant role** this area plays in terms of providing nesting and wintering habitat for birds of prey" (9/5/00).

"There are 39 known birds of prey nesting territories (14 ferruginous hawk, 17 golden eagle, three prairie falcon, three northern goshawk, one burrowing owl and one American kestrel on record in within the Complex".

Yet, in the EIS readers are not even told what species are where, how many of each species are found there, how thorough surveys have been, where areas without systematic surveys are located, the date of all sightings/records of occurrence (critical to determine historical vs. current occupancy and loss or abandonment of degraded or suboptimal habitats, etc). What season of the year have surveys been conducted, and sightings made? Have they been conducted in all appropriate habitat types?

Are clusters of "raptor sites" on maps artifacts of concentrated/ease of access observers? Are the "raptor sites" all current? Did EIS preparers make a systematic effort to visit all previous
19 observation raptor sites/territories during appropriate periods of the year (nesting, winter) to see if territories were still occupied for this EIS effort? If not, why not?

Maps do not even identify if raptors such as northern harrier, or prairie falcon were plotted on the maps. Many other map deficiencies are discussed throughout our comments.

What distance from all nest sites would raptors be expected to forage? What is the approximate area in good, fair, poor condition habitats? What habitat conditions (good, fair, poor, non-existent) would they encounter there?

There is no information provided on changes in territory occupation over time. Have golden eagle territories/nest sites been abandoned?

BLM must review NDOW's 2000 letter on raptor species presence in the SAC, or NDOW's concerns for emptying burrowing owl territories, show that the species that BLM spends a lot of time talking about species (such as short and long-eared owls) that are not abundant in more than small or isolated areas of the allotments. Thus, BLM's skewed analyses and great claims of how very much habitats for short and long-eared owls would improve under this alternative are shown to be applicable to only very small land areas, and are exaggerated by BLM greatly out of proportion to the extensive habitats that are critical to other raptor and many special status and important species. The make or break habitats for most of the raptors is the uplands that are being destroyed by grazing depletion and weed invasion. See WWP Photos. UT/NV allotment.

BLM was provided with important info such as the NDOW letter at the very start of the AE process, yet despite a Court order, has steadfastly ignored assessment of habitats, and impacts of

grazing to these important species and their habitat needs, in violation of FLPMA, Land Use Plans and the agencies own policies.

BLM Must Address Species Needs, Collect Data and Use Best Available Science Necessary to Understand Impacts

NDOW in 2000 commented regarding the SAC: "this evaluation should address the needs of these species [raptors] when assessing the impacts of annual use on pastures, especially where **no rest years** are built in pastures".

The DEIS continues this failure. So, what BLM terms "rest" are not rest years, as ANNUAL grazing occurs across the allotments.

As an example of the type of goals and management that should be developed to achieve goals, the Burrowing Owl:

"The known burrowing owl resource within the complex appears to be far lower than would be expected for the area … we would recommend adding the objective of maintaining a minimum number of occupied burrowing owl nesting territories… this minimum number would be based on survey data, habitat availability, and recommendations form the NDOW non-game biologists and the bureau's staff wildlife biologists". (9/5/00).

20

How must BLM change management to recover native burrowing owl habitat? How does sheep grazing and associated activities alter BO prey base, burrow availability, etc? What exactly is the condition of burrowing owl habitat across the allotments?

At that time, NDOW commented that there was no known empirical data linking burrowing owls and livestock, there is now new research that shows that livestock trampling can collapse owl nesting burrows (Holmes et al 2003). Thus, there is now a direct impact that causes nest loss and abandonment. Herding large numbers of sheep across burrows, especially when soils are wet may compact soils, move soil material into any burrows and plug them, and otherwise destroy suitable burrow sites. Plus, there are very important indirect impacts of sheep/grazing/trampling use of essential ground squirrel and other badger small mammal prey, resulting in badger population declines. There is growing concern over badger populations across the species range. How have badger populations been tracked in Nevada, in the sagebrush biome, and what has been found?

Cattle grazing and trampling and soil disturbance on top of burrows during nesting periods can cause abandonment.

Burrowing owls, besides consuming small mammal prey, also eat large insects. Insect populations can be greatly affected by livestock alteration of vegetation communities, and trampling impacts – especially to species with larval or life cycle stages in soils that may be compacted or otherwise altered. As weed invasion progresses under BLM's poor management (see key Area data), diversity of native species, and thus diversity of insect prey base, has been altered. BLM fails to address such impacts to native biota.

Please see Attached (electronic) Merriam 1879 reference showing burrowing owls to be a characteristic species of the sagebrush biome, and not a "disturbance-related" – i. e. cheatgrass and weed species, as BLM implies.

20 Again, burrowing owls rely primarily on badger burrows. Despite WWP comments requesting specific information on APHIS/Wildlife Services predator killing activities that may occur here, BLM failed to provide any assessment of predator killing location, numbers of predators and species killed, etc. that may explain potential loss of badgers and thus nesting burrows in the SAC, Big Springs and Owyhee allotments.

The DEIS is devoid of information necessary to assess impacts of livestock grazing and associated activities such as predator killing on burrowing owl.

Templates for Scientific Analysis

BLM failed to collect and assess information necessary to understand impacts of its actions. BLM did not use Best available science, or established scientific procedures.

WWP has submitted in a separate letter and electronic Attachment e-mailed to BLM an example of Habitat Model for the Milk River area that provides a template for what should be one of several components of a current scientific analysis of livestock impacts to wildlife and special species habitats in the allotments.

What does the established scientific literature say about local, regional and range-wide status and habitats of species of concern? What scientific methodologies have been used to identify important habitat parameters and habitats, and to determine their condition? Please note that WWP's Fite specifically contacted USGS in Boise, and then contacted Ray Lister then in charge
21 of this project, with information on modern day mapping and other techniques that could be applied to identify and assess habitat parameters, including fragmentation or degradation. BLM ignored this.

How can information in this literature, and from scientific experts at the local, state and national level be used to provide a basis for understanding and assessing habitat needs?

The Milk River paper provides information on one layer of assessment to be undertaken, but to be valid, it must be based on quality and current scientific information including field data that allows understanding of the current conditions of habitats. HIS models estimate the value of habitat for wildlife by relating structural and spatial variables of vegetation to particular life requirements (food, cover). Habitat variables are physical, chemical or biological characteristics of the habitat. These should be identified by scientific experts and knowledgeable biologists.

This must be combined with assessment of fragmentation that exists across the landscape for each species.

Once such a model is developed, science can be used to determine the effects of different levels of livestock use, or project development, in habitats. It must also be used to determine where livestock grazing conflicts may be greatest, and where grazing should be removed, or greatly decreased. In contrast, the BLM's Alternatives - on the basis of NO habitat information or analysis - cuts up the SAC in unfenced and nebulous 'Use Areas" with no legitimate rest, and seeks to intensify use and increase stocking in each area. Instead, BLM should identify areas where grazing use should be avoided to benefit raptors and prey species, and to accelerate recovery of depleted or degraded sites, or to protect the remaining less weed sites.

Please also note the critical importance of understanding PREY species habitat needs and abundance. Example: ferruginous hawk relies on

An example of specific information to be integrated into an analysis at the local scale Attached is a paper "Tree nesting raptors in Nevada". Although conducted in the Ely District, it provides illuminating information, and helps to identify critical habitat components.

A survey of the entire 4 million acre Egan RA turned up only 27 ferruginous hawk nests, compared to 14 in the ferruginous hawk territories in the SAC as described in NDOW's 2000 letter. This further illustrates the importance of the SAC to the ferruginous hawk. Note that this number was hard number, whereas estimate by Stiver may have been greatly inflated. At any rate, the habitat is described here as;

21...

"within juniper stringers on big sagebrush or black sagebrush knolls, within 2 miles of a white sage *Ceratoides lanata* vegetation type".

Egan lands are very close to the lands of this EIS, and this is a very valid assessment of some habitat needs. How many such potential sites exist within the SC or BS or surrounding lands? Please provide a map based on current vegetation inventories. What is the condition of white sage sites that fit this description? How are such sites impacted by sheep grazing and trampling, cattle grazing and trampling, weed invasions, sheep camp siting, roading, water hauling, OHV use, etc.? Where have they become dominated by cheatgrass, halogeton or other weeds? How have conditions at these sites changed over time? BLM and its hired contractors could readily have visited known sites, and conducted studies necessary to determine the answers to these questions.

Also note nest with eggs as early as late March, so BLM will not avoid impacts to nest initiation or nesting birds.

BLM's pathetic DEIS at 3-30 states: "no direct impacts to the raptor species were identified … although golden eagles and ferruginous hawks occasionally nest on or near the ground, which would create potential for destruction of the nest by livestock, this would have to be considered a rare event.

Note that the preceding Nevada study specifically describes ferruginous hawks nesting on the ground. Impacts to ground-nesting hawks, especially during early spring (March) nest initiation

in the SAC, and by cattle throughout the nesting season in Big Springs must be thoroughly described. BLM claims it shifts livestock use in Big Springs (ostensibly at times to accommodate sage grouse), even under BLM's limited view, it must assess honestly impacts of this use and nest destruction or other disturbance to ground-nesting raptors. Plus, ferruginous hawks nesting in Big Springs a part of a linked population, and young birds fledged in Big Springs may forage over the Sheep Complex, and vice versa.

BLM (3-30) refers to rangeland habitats – without ever defining what this means. We mote that the EIS and preceding analysis failed to accurately and adequately describe vegetation communities in relation to raptor habitat needs.

21... Despite the Wells RMP identifying, even by its primitive methods, 18 vegetation communities across the FO, BLM's pathetic analysis even lumps all "sagebrush" – ignoring the fact that several species or subspecies of sagebrush occur ion the allotment, and that these communities provide habitats for different special stats and key species.

BLM falsely claims "there is no evidence that the prey base is limiting these populations of raptors". WWP submitted comments and documents relating to the impacts of fire and grazing on the Snake River Birds of Prey Area, and habitat fragmentation and loss for small mammals, migratory birds, raptors and other sagebrush obligate species. Long-term studies at the BOPA demonstrate the harmful impacts of livestock grazing, weed invasions, altered fire cycles, and resultant habitat fragmentation on all sagebrush-dependent biota, including raptors. WWP also submitted references such as Wisdom et al. 2000, and Dobkin and Sauder 2004, that described important habitat parameters and conditions for native biota in the Project Area. BLM must use Best Available Science, and not claim "no data".

Plus, BLM shows it has just misrepresented prey impacts, as on 3-31 it states; the loss of native vegetation, through conversion, to non-native invasive species, such as cheatgrass and halogeton, represents a loss of prey habitat. Less prey habitat = less prey, right?

More Examples of How Chapter 3 Information "Setting and Consequences" on Avian Sensitive Species is Woefully Lacking and Deficient

22 BLM (3-31) and all Alts. only examine livestock use of dried grasses, not the significant green-up that occurs. Plus, use of grasses at these levels, especially the very depleted and depauperate smaller sized grasses, removes large amounts of the only above ground biomass and screening/hiding cover, as well as removes large amounts of new fall through winter through early spring green-up. .

3-30. Have peregrine falcons been observed in the area – in migration or otherwise? If so, please assess habitats and impacts.

3-31. 2005 surveys have found NO GROUSE at known leks in the Boone Springs allotment. This is a documented loss in birds from these leks since the MUD process began. Please provide all counts over all years for these leks so that a reader can determine rapidity of change. Instead of claiming it can't imagine how livestock could be involved, BLM must assess:

Sheep grazing and trampling damage to herbaceous cover (grasses and forbs), sheep alteration – through browse, breakage, bedding, camping/herding, etc. .Also this is a matter of great concern, as these leks are at the margin of the "known" sage grouse range here, and they have just blinked out.

Is predator killing of larger predators of domestic sheep conducted here? Has this resulted in mesopredator release, i.e. small predators like foxes and skunks are flourishing, and thus more likely to prey on grouse eggs.

Thirty five percent use of smaller statured grasses - which are the dominant - or only –remaining grasses across these allotments – is not adequate for sage grouse nesting cover. See WWP Scoping Comments, see USDI BLM Jarbidge Grazing EAs demonstrating the small amount of standing grass cover that remains under use levels of 35%, or of the 50% or greater applied by BLM. See also Connelly et al. 2004, describing importance of residual cover - which is linked primarily to larger stature native bunchgrasses.

22... The same (lek disappearance and sage grouse extirpation is likely to occur at the sage grouse leks in the Big Springs allotment in the south Pequops (3 known leks) at margin of suitable sage grouse range, and then as the full effects of BLM's Decisions would be put in place – fencing, water developments shrinking wetted areas, new wells destroying upland vegetation communities.

Plus, BLM allows continued damaging presence of sheepherders, dogs, disturbance to this area, despite leks being on the verge of, or already having, blinked out. BLM claims it would only be a "measurable impact" if it occurred frequently enough to effect breeding. BLM ignores the impacts of such disturbance and flushing or movement of birds into suboptimal habitat resulting in increased predation mortality – even with ONE disturbance event. BLM NEVER collects or provides data on the condition of sage grouse habitats within 3 miles or more of the leks. Quantitative and qualitative habitat assessments must occur in a SEIS, and efforts undertaken to re-establish sage grouse here. BLM must assess the condition of habitats on adjacent allotments, and describe any impacts form private lands, too.

This extirpation of sage grouse from the leks in the Boone Springs allotment demonstrates the extreme harms being caused to the lands of this allotment by grazing under the Actual Use that occurred during the eval period, and even LOWER utilization since.

BLM ignores the fact that grazing is basically the ONLY land use in this area, and extirpation of leks must be viewed as being caused by deleterious impacts of grazing.

What is the health of the population and habitats to which the likely extirpated Boone Springs

birds were tied?

WHY did BLM not count sage grouse leks in 2005 in Big Springs, or provide any current data? Why did BLM not provide lek information and other data on sage grouse for surrounding allotments, too?

BLM also ignores providing any information on forbs, which may be essential for hen nutrition, (Hockett et al. 2003, Connelly et al. 2004).

BLM continues to ignore NDOW comments documenting livestock impacts to Perkins Spring, and BLM keeps on blaming impacts on wild horses.

BLM admits that kangaroo rats are important prey species for long-eared owls, yet never addresses the upland degradation and weeds across the allotment caused by sheep grazing.

Plus, at 3-31, BLM admits loss of native veg through conversion to invasive alien species, and "winter use of the residual grasses also has the potential to reduce the quality of early spring habitat". BLM ignored the impacts of compressing sheep use into shorter periods of time, and the impacts of the stocking rates that would be authorized under all alternatives. This is made even less certain as herders rarely speak English, access on muddy roads is difficult, and BLM provides no certainty of timely monitoring and compliance monitoring that will ensure any schedule is complied with.

3-32. Under Alt. 2, BLM claims rest and rotation would provide benefits. Well, in few of the areas is ANY rest whatsoever applied. Plus without significant reductions in stocking rates, no benefits would be realized from rest rotation (even if it was being practiced, and it is not) that compresses livestock use into shorter periods with much greater numbers. Example, West White Horse – no rest. Plus, as the use areas are not fenced separately, and BLM never provides sufficient maps, it is quite likely that sheep will be trailed back and forth across any "rest" areas, greatly increasing impacts. Nowhere is the physical layout, and the methods of getting herds of sheep (How many separate bands are there? What is there movement? No prohibitions are applied to trailing activity) back and forth are never assessed. As previously discussed, BL provides no information that provides data on the amount of "forage" usable by sheep in each use area. This is essential to understanding the impacts or sustainability of use, especially under the drastically high stocking rates.

BLM provides limited, and often hopelessly vague, general or irrelevant references. BLM avoids providing a broad range of scientific literature that provides concrete info on habitat requirements and behavior.

BLM never even provides a species list for the allotments, or any documentation related to the prey species, and the abundance of raptor prey across the allotments.

What are sizes of territories of raptors? What is the composition and condition of vegetation

communities in the habitats within these territories?

See also discussion at XX.

3-23. What species of ground squirrels occur here? What is the difference in their activity or emergence patterns? What prey species are available for spring or fall migrating raptors? How much does use of the area vary between spring and fall migration? How are ground squirrels and other prey species affected by shrub loss, invasive species dominance of understories? What impacts does this have for populations and abundance of prey species? How does prey species composition and abundance change (diversity, availability, suitability or density of suitable prey) with degradation of native vegetation, increase or dominance of invasive specie such as cheatgrass? 50% utilization levels? Trampling and bedding events?

If golden eagle reproductive success as been linked to jackrabbit numbers, BLM must assess the quality and quantity of jackrabbit habitats across the allotments. What are ALTERNATIVE prey species in years of low jackrabbit abundance? Jackrabbits require taller sagebrush or other shrub cover. Where has this been replaced by weedlands, or where are native shrubs browsed to such low levels, burned, or otherwise altered that jackrabbit habitat is reduced or eliminated across the allotments?

It is nice that BLM uses Swedish references (as for goshawk at 3-24, but please provide habitat assessments, and mapping and other information that examines the goshawk in the arid montane Great Basin habitat and prey environment, and other attributes of Nevada habitats.

BLM lists habitats that ferrguinous hawks may occupy. How many acres of each habitat vegetation community) exists across the allotments, and what is the condition of these habitats? How much land area is included in a typical ferruginous hawk territory? What is the condition and vegetative composition of existing occupied ferruginous hawk territories in these lands and this region? How does this compare to the composition and condition of sites where ferruginous hawks may have been lost?

We note that state conservation goals are to implement management that would promote healthy, diverse forb components in ALL valley sagebrush habitats. Unfortunately, the DEIS itself is replete with practices and management actions that will NOT achieve this. Example: expanded sheep bedding, no rest for veg communities, excessive levels of livestock use, (see Holechek Anderson 1991, Anderson and Holte 1981, Anderson and Inouye 2001, Belnap 1995, Belnap and Gillette 1997, Belnap et al. BLM Tech/ bull. 2001, Belsky and Gelbard 2000, Beymer and Klopatek 1992, Braun 1998, Connelly et al. 2004, Donahue, 1999, Federal Register 68 943, 2003, Fleischner 1994, Freilich et al. 2003, Galt et al. 1999, Galt et al. 2000, Gelbard and Belnap 2003, Hockett 2002, Holechek 1996b, Holechek et al. 1998, Holechek et al. 1999 a and b, Holechek et al. 2000, Holechek et al. 2001, Holmes et al. 2003, Hutchings and Stewart 1953, Knick and Rotenberry 1995, Knick et al. 2003, Mack and Thompson 1982, McLean and van Ryswyck 1973, Nachlinger et al. 2001, Nevada Natural Resources Status Report 2002, Pyke 1999, Connelly et al. 2004, Ricketts et al, 1999, Sheridan CEQ 1981, Welch and Criddle 2003,

Whisenant 1990, Wisdom et al. 2000, and healthy forb components can only be found in lands in healthy ecological condition with intact or non-weedy shrub and bunchgrass components, and these components will not be fostered under the actions of the various alternatives.

Just how many potential Swainson's hawk nesting sites are there in the allotments? Very few. BLM must provide some information on the relative potential and importance of the habitats here to various raptor species. Are there 20 prairie falcon eyries, compared to 2 long-eared owl nests?

BLM must provide important information on linked prairie falcon-ground squirrel declines in the SRBOPA (Knick et al. 2003, USDI BLM/IDANG 1995, and the impacts of drought on reduced food for ground squirrel prey on depleted lands. As lands become dominated by annual invasive weeds such as cheatgrass, production of native vegetation declines. Native vegetation, however, produces more reliable food for ground squirrels during drier periods, thus, invasion of annual grasses results in more extreme population lows of ground squirrels, and lowered reproductive success of prairie falcon. BLM notes: "prey species abundance is the most important characteristic associated with nest site preference", yet it claims elsewhere that populations in prey-rich areas may be limited by suitable nest sites. Well, BLM has not shown any limitation of cliff nest sites here (for example, see WSA write-ups in BLM's own Wilderness Inventory documents such as the Wells Wilderness EIS). However, BLM must address the much greater question of what is the likelihood that populations may be limited by lowered prey abundance, due to weeds and livestock alteration and depletion of habitats?

BLM references Hawkwatch, but never provides citations or data to document any claims it makes.

While it is nice that BLM uses Naturserve (informing us that short-eared owls breed in hayfields – of which there are NONE here), why doesn't it spend taxpayer dollars seeking out and comparing information on measurable or concrete habitat quality parameters and measurements that would enable BLM to assess habitat conditions within suitable nest sites distance for these and other raptors? The total habitat assessment provided for the prairie falcon is "foraging occurs over the sagebrush and salt desert shrub communities". Well, just WHERE are these communities, and what is the condition of these communities, what is the condition of prey species habitats, and what type of habitat (good, fair, poor) do they provide for raptor prey species? How does cheatgrass affect lizards or small mammal prey? Where are: maps, acreages, and what prey species are tied to them. And how will prey habitats and abundance over time be affected by BLM's grazing schemes, stocking rates, etc?

A broad body of scientific literature demonstrates that utilization and browse levels and livestock disturbance at high levels as applied by BLM are greatly excessive for the health of native plant communities, as well as healthy microbiotic crust that protect soils from erosion and weed invasion, and help retain site moisture. Please see :

Holechek Anderson 1991, Anderson and Holte 1981, Anderson and Inouye 2001, Belnap 1995, Belnap and Gillette 1997, Belanp et al. BLM Tech/ bull. 2001, Belsky and Gelbard 2000, Beymer and Klo[atek 1992, Braun 1998, Connelly et al. 2004, Donahue, 1999, Federal Register 68 943,

2003, Fleischner 1994, Freilich et al. 2003, Galt et al. 1999, Galt et al. 2000, Gelbard and Belnap 2003, Hockett 2002, Holechek 1996b, Holechek et al. 1998, Holechek et al. 1999 a and b, Holechek et al. 2000, Holechek et al. 2001, Holmes et al. 2003, Hutchings and Stewart 1953, Knick and Rotenberry 1995, Knick et al. 2003, Mack and Thompson 1982, McLean and van Ryswyck 1973, Nevada Natural Resources Status Report 2002, Pyke 1999, Rich et al. 2004, Ricketts et al, 1999, Sheridan CEQ 1981, Welch and Criddle 2003, Whisenant 1990, Wisdom et al. 2000.

Why does BLM provide an estimate of potential short-eared owl habitat size – 100 acres – but none for other raptors. We believe it is because BLM wishes to underplay the vast areas of healthy soils and vegetation required to support golden eagles, prairie falcons and most other species here. BLM must provide information on size of territories, how prey abundance may affect that etc.

Where is the discussion and assessment of Threatened bald eagle requirements here??? Where is there evidence of consultation?

Please see discussion of burrowing owl and other sagebrush-dependent species observations by Merriam 1879, describing Burrowing owls as being a characteristic species of sagebrush. This means that BLM's claims that they live in vacant lots (none on the allotments) and other such areas, including "grasslands", must be greatly expanded on to detail habitat requirements in the sagebrush and salt desert shrub habitats.

Although BLM states Burrowing owls have been documented here, and "the low sagebrush and black sagebrush communities, along with salt desert shrub communities, provide suitable habitat, it fails to reveal that habitat s so deficient that very few (NDOW 200 letter documents only ONE) nest site is known here, and the EIS fails to present any information on current surveys using current best Available Scientific protocols.

Flammulated owl. As with goshawk, BLM fails to reveal that pinyon-juniper habitats may provide important components for this owl. Where are maps showing dense forested or other habitat that may be used by owls here?

Why has BLM not conducted current inventories using the best available science for inventories and habitat assessment for each of these species? What are the sources of the limited info it provides (as on the poor maps)?

Calls for Systematic Sensitive Species Surveys Long Ignored by BLM

23 NDOW (2000) asked for BLM to address burrowing owls and set management goals on minimum number would be based on survey data, habitat availability, and recommendations from the NDOW non-game biologists and the bureau's staff wildlife biologists". (9/5/00). BLM's EIS provides no evidence of any survey data, habitat availability, and NDOW recommendations and input.

Importance of Migration Corridor

24 The EIS fails to assess the importance of the lands in these allotments and surrounding areas in providing critical migration habitat for birds of prey and other avian species. To support migrants, habitats for healthy small mammal and bird prey populations must be protected.

ESA-listed species Concerns Ignored

"The area is home to one of the largest bald eagle winter roosts documented in Nevada" (9/5/00).

25 Has the entire area been systematically surveyed for bald eagle winter roosts? What studies have been conducted on bald eagle occupancy and use here? What combination of factors attract bald eagles to the area? Proximity to wetlands and dead fish? Road-killed jackrabbits (and thus a need for healthy sagebrush and salt desert shrub jackrabbit habitat here)?

Special Status Species Shunned

Over 100 people commented on the EIS, yet only a hand full of people ever commented on, or saw, the old nearly incomprehensible documents where BLM claims that essential info to understanding this EIS is to be found. BLM claims it examined special status species concerns (other than sage grouse and raptors there – so it does not have to do anything here).

"Nongame wildlife is given less attention than BLM sensitive Birds of Prey. Other than the mention of a few bats and the historic falcon eyrie near Blue Lakes, nongame wildlife is for the most part left out of the document". NDOW (2000). Such deficiencies continue.

26 This alone necessitates preparation of a Supplemental EIS.

BLM fails to represent information that allows a reader of the DEIS to understand how its assessments and previous actions were conducted or the information that they are claimed to be based on.

Even if one accepted BLM's claims that it can disregard consideration of impacts to all special status species because they were not told specifically to do so by a Judge (and we do NOT believe BLM can legitimately put on blinders), BLM can not understand impacts of new alternatives, or take into account new science, changed circumstances, etc. without assessing impacts to ALL special status species.

Critical Info on Fire Omitted

27 BLM omitted critical information on fires over the past decade, including 2005 fires: Wilson Fire

BLM/EK/PL-20015/016, Esmeralda fire complex BLM/EK/PL-2005/015, Mint Fire BKM/EK/PL-2005/023 EAs. Information from these EAs is summarized below.

Wilson Fire complex – 53,228 acres. Fires have resulted in construction of many miles of additional and new fence, shifted and altered livestock use, loss of critical shrub cover for the long-term, accelerated cheatgrass invasion, new seedings, and other serious new environmental impacts with, and in the immediate area of the Owyhee allotment.

Due to loss of vegetation it is possible that vehicle travel across the plateau will increase. BLM lists 58 miles of roads within the Wilson Fire alone.

BLM cuts out the public from post-fire grazing management, as it will be "determined based on BLM and permittee agreements …".

EAs reference fuelbreak seedings, but there is no indication if these are in addition to vegetation treatments already conducted or proposed.

BLM states that: exclusion of livestock grazing is necessary in order to allow seedling establishment, restore plant vigor and seed production, and to allow reestablishment of preferred species and to deter invasion of undesirable species.

Recovery of riparian vegetation is critical to preventing excess runoff and erosion, ash and sediment in runoff will cause short term impacts by depleting oxygen levels in the water".

BLM fails to provide information on actions within the Owyhee allotment and surrounding lands – such as location and composition of seedings, where and how livestock may be shifted around – space, time. Increase or shifted use on upland and riparian vegetation, etc.

BLM states that the only small amounts of the vegetation within the fire perimeter remained intact. Thus seed sources for shrubs are gone, and BLM does not seed sagebrush over the entire 2005 fire areas.

Scotch thistle is present throughout the burned area and along the major access roads of the Wilson Fie complex".

The area provides habitat for Terrestrial Wildlife designated as Special status Species, including threatened bald eagle, and 21 species designated as Nevada BLM sensitive species".

BLM "shall implement management plans … and BLM shall ensure that actions authorized, funded, or carried out by BLM do not contribute to the need for the species to become listed". And, " the protection provided by the policy for candidate species shall be used as the minimum level of protection for BLM sensitive species".

Affected upland areas provide suitable foraging habitat for bald eagles during the late fall and winter period …areas that provide intact habitat with shrub cover for prey species such as

black-tailed [jackrabbit] … and adjoining areas with open water foraging areas increase the suitability of use of habitat on the area".

BLM has never identified lands in all allotments with "intact habitat with shrub cover", how it defines "intact", what the plant species composition or cover may be, structural attributes of shrubs, percent understory composition of cheatgrass. Such information is essential to assessment of the impacts of any actions on important and special status species. Such info was NOT provided in BLM's old MUD processes, and has not been conducted now.

Readers of the EIS are not told info about sage grouse PMUs. The Wilson Fire occurred in a PMU where fire is a "high risk". WWP notes that BLM can not rely solely on its Elko PMU, as this has not undergone NEPA, and is not based on the Best Available Science. But even this info is lacking in the EIS.

The area affected by the Wilson Fire Complex provides habitat on xeric area. Affected sage grouse populations are either associated with leks (breeding display sites) scattered over the estimated 700,000 acre portion f the Owyhee Desert and the adjoining 95,000 acre YP area to the east within Nevada, **or move to the area from relatively long distances for seasonal needs".**

To understand the impacts of its decisions, and to evaluate a full range of alternatives then BLM must assess current information and data on habitat conditions and especially deficiencies in habitats on other lands, in contrast to possible habitats remaining on the EIS allotments. For example, if BLM's sagebrush mowing removes critical wintering habitat important to an interstate population of grouse, then it will have much greater impacts to sage grouse than if the lands where sagebrush is to be killed were not used by wintering sage grouse.

The fire "affected **vast areas that provide nesting, early (upland) brood-rearing and fall-winter habitat**. The burn affected late (riparian/meadow) brood-rearing habitat on isolated spring and associated meadow complexes ... and along two estimated 2.5 mile stretches of the South Fork Owyhee river".

EA admits that "no formal surveys have been conducted on the burn area, habitat was likely affected. An observation was made in 1996 to the west on the Owyhee desert between 12-Mile flat and Star Ridge". Pygmy burrows have also recently been observed to the west near Corral Lake, Silver Lake and Twelvemile Flat". These area [sic] provide Wyoming big sagebrush-dominated habitat similar to the burn area". PLEASE add this as additional supporting and updated information to the Owyhee ACEC proposal that WWP has submitted to you as part of this process.

"Water quality on the South Fork is meeting standards except for temperature". Fourmile Creek is intermittent … riparian vegetation on Fourmile creek is limited but it is an important component of the South Fork Owyhee river system".

Burns affected portions of the South Fork Owyhee WSA, and a wealth of native wildlife "mule deer. Pronghorn, antelope, mountain lion, bobcat, coyote, river otter, beaver, raptors, waterfowl,

chukar and other birds, and redband trout".

Crucial mule deer winter range and a migration corridor were also consumed in the fire. "depending on population levels, the affected areas provide habitat for hundreds of mule deer on seasonal use areas". The affected area on Peterson Table and areas to the south on the south side of the SF Owyhee river provides critical winter range. Several hundred pronghorn have been documented in the 1990s wintering collective[ly] on Peterson Table." The majority of the burn area provides summer range. Sagebrush is habitat component needed for forage and cover diversity during both the winter and summer period".

"Overall, there are approx 100 bird species, 70mammal species, and several reptile and amphibian species that can be found in sagebrush habitats ... with many more additional species also found in the vicinity of riparian and meadow habitats on a seasonal or yearlong basis".

Upper and Lower Fourmile Pastures on the Owyhee allotment were closed with a "reduction of 7472 AUMs". BLM never reveals if livestock are excluded from the entire burn, or shifted to other use areas, so that use there is intensified.

"Since Scotch thistle, Canada thistle, musk thistle, and hoary cress are currently present within the burned area … and along the major access roads, **it is expected that infestations of these plant species exist elsewhere within and adjacent to the burn**. Nonnative invasive plant species and noxious weeds are invasive by nature and would continue to spread rapidly through the burned area and increase in density unless treated".

This must be contrasted with BLM's minimizing weed infestations in the DEIS.

"The Wilson Fire Complex set back the successional processes of many mid to late seral plant communities. The loss of perennial vegetation allows for the encroachment of nonnative invasive plant species, such as cheatgrass. The burned area provides a window of opportunity or niche for nonnative invasive species …cheatgrass is a highly invasive undesirable plant species that thrives in the Great Basin due to its competitive nature and ability to create monocultures and less diversity on the landscape. The shallow root systems increase erosion potentials and decrease watershed health and function. Cheatgrass has low nutritional value for livestock and wildlife, which negatively impacts critical wildlife habitat. It is a fine flashy fuel that increases fire frequencies".

BLM continues: "loss of shrub species in the plant community has destroyed vegetation structure and altered the makeup for wildlife habitat. Shrubs, particularly the browse species, provide high protein food during the winter for mule deer and antelope. Another impact to wildlife from the loss of vegetation is the lack of cover for sage grouse and birds. Vegetative cover is used for protection from the weather as well as for nesting".

This demonstrates that BLM is well aware of the serious problems caused by cheatgrass and habitat fragmentation and loss across the lands of the EIS analysis area. BLM provides no estimation of extent, density or frequency of occurrence of cheatgrass in pastures, use areas, and

allotments in the EIS area and surrounding lands, or how much cheatgrass invasion coupled with loss of sustainable native vegetation as "forage", has affected suitability, capability, carrying capacity, forage production, and a sustainable level of use and stocking rate on these lands.

BLM must also consider the DEFICITS in wildlife habitat that this cheatgrass invasion has caused including invasion in the wake of recent firs and/or drought across these allotments, and establish stocking rates appropriate for 2006 conditions. Unless it does that, it can not make any claims (except negative impact claims) about the impact of ALL new alternatives.

BLM also fails to assess the impacts of increased competition and use by native wildlife herbivores as well as domestic livestock on shrubs in remaining unburned lands. BLM provides no use levels of any kind for sagebrush bitterbrush and many other native shrubs in the Big Springs or Owyhee allotments. Not only do livestock consume sagebrush, especially n depleted ranges, they also alter and reduce the structural diversity and integrity of shrub canopies by breakage and physical impacts Thus, the ability of shrubs to shade the ground, help pertain moisture, and to provide the proper screening canopy cover for species like sage grouse, pygmy rabbit, black-tailed jackrabbit (important golden eagle prey), ground squirrels (prey of prairie falcon and other raptors), Brewer's sparrow, loggerhead shrike, is reduced. See Attached Electronic Copy of the Pygmy rabbit petition and associated bibliography. Feel free to contact WWP at 208-429-1679 if you need any additional information on this harmful impact of livestock grazing, and the need to apply measurable annual nipping/breakage restrictions as Terms and Conditions of livestock grazing permits in these allotments. This will help guard against depletion of remaining intact vegetation communities, and is especially critical in light of the large-scale recent losses of shrubs in these and surrounding allotments.

As several recent fires have occurred in the EIS allotment lands, and several past fires have shown limited if any recovery and have become increasingly dominated by weeds, current estimate of the effect of such firs to sustainable perennial native vegetation and plant community seral status must be prepared and analyzed as part of this process.

Impacts include:

Elimination of vegetation as the result of the burn; covering unburned veg with ash, soil ash, dust; and seed may have been consumed. In many areas throughout the burn, "fire intensities were high enough to consume and kill many brush species, such as Wyoming big sagebrush rabbitbrush, and spiny hopsage. Shrubs such as Wyoming big sagebrush don't respond well to a fire, which reduces the potential for plant regeneration and viability of native seed".

Loss of the shrub species in the plant community has destroyed the vegetation structure and altered the makeup of wildlife habitat. Shrubs, particularly the browse species, provide critical cover and often food components for special stats species and/or their prey.

BLM notes that temporary fencing (with unassessed impacts in the DEIS!) has been constructed. WWP notes that Owyhee projects like Four Mile well and trough, pipeline extensions and other parts of this decision such as stocking rates would be directly influenced by the actions of these

EAs, ESR and other BLM documents/projects here.

WWP incorporates into the EAs into the EIS record by reference all BLM documents related to the 2005 fires.

We also note that there is no record of BLM consulting WWP about these actions as they were being developed, and there is no mention of any kind of litigation and BLM requirements related to the EIS and this litigation.

Although BLM provided a BLM sensitive species list for the for Wilson Fire area includes golden eagle, burrowing owl, ferruginous hawk, Swainson's hawk, greater sage grouse, loggerhead shrike, vesper sparrow, short-eared owl, long-eared owl, prairie falcon, black-rosy finch, yellow-breasted chat, pygmy rabbit, spotted bat, small-footed myotis, long-eared myotis, fringed myotis, long-legged myotis, Yuma myotis, Pacific Townsend's big-eared bat, Prebles shrew, no such list is provided for any allotments in the DEIS.

For lands just to the south, additional species were included: mountain quail, vesper sparrow, Lewis' woodpecker (BLM EA Esmeralda fire complex). Noxious weeds include: Scotch thistle, black henbane, musk thistle, bull thistle, hoarycress. This fire burned 96,896 acres.

Other recent fire impacts must also be assessed.

WWP incorporates by reference the Administrative record for the Squaw Valley/Spanish Ranch Hearing, and discussions of fire, special status species, livestock grazing, construction of over a hundred miles of additional fence, BLM's failure to involve the public, etc.

Mitigation Is Grossly Inadequate, and Nothing Is Guaranteed

DEIS at 3-73 to 3-75 claims that "no conservation or mitigation recommendations for veg have been made for Alt. 1". BLM ignores the many promises of mitigation it has made in the past, and actions that it claims it does.

BLM claims "annual inspection" of springs and weeds is mitigation. This is not mitigation this is compliance.

28 Residual impacts under Alt. 2 "include non-achievement of rangeland health standards for the upland sits and riparian areas … shrubs and grasses would continue to suffer the effects of early spring defoliation, heavy utilization near water sources, and repeated hot season use. Non-native species would continue to spread throughout the allotments where livestock concentrate and where wild horse impacts occur. **Well this same suffering will occur under ALL of the action Alternatives.**

Under all alternatives MORE livestock would be grazed than have been grazed on these lands at any time on the past 25 years or more. Early spring grazing defoliation occurs in all allotments.

Alt. 2. "The additional water sources proposed under this alternative have the potential to create heavy to severe use areas … mitigation would include monitoring for invasives and treatments.

This is not mitigation, it is simply BLM doing what it supposed to be doing, anyway. WWP notes that BLM makes NO commitment to provide free flowing water at the head of every developed spring, no commitment to do anything about the horrible invasive species problems at existing facilities, salt sits, etc. Apparently, these weed holes will be allowed to continue. This is the situation at scores of facilities across the allotments - stock ponds, trough sites, salt sites, etc.

For example, wildlife. Examples: BLM projects are to have wildlife escape ladders in them. That is supposed to be an ongoing SOP for wildlife. It is not "mitigation". Of course, BLM is not doing this, as WWP's letters documenting conditions show.

BLM claims, "Under this alternative, no non-native invasive veg would continue to establish within the allotments, albeit at reduced rates than under the current management system".

BLM then claims that more looking for weeds –at VERY limited sites - would somehow make much of a difference. BLM ignores an examination of roading spreading weeds that are then scattered across wild lands through livestock disturbance and transport. See Gelbard and Belnap 2003, Belsky and Gelbard 2000. Worse, it proposes to seed exotic soil-depleting species such as crested wheatgrass. This would continue to harm native wildfire –as least some of the weeds produce some sizable seeds that may eaten by wildfire – but crested wheatgrass is pretty much worthless.

Not building projects at certain seasons in no way offsets the chronic and long-term harm that projects will cause to sage grouse, raptor and special status species habitats.

Residual impacts would be "potential for non-native invasive species to spread within the allotments, and for sage grouse "at the spring exclosure if the exclosure vegetation became shrub dominated … the value of this area would decline for sage grouse". WWP has commonly observed sage grouse in the shade under willows, ans overhead or escape cover of shrubs is critical for predator protection.

BLM ignores the harmful impacts of facilities in shrinking the areal extent of, and de-watering wetted and mesic areas essential for sage grouse brood rearing, as well as the physical impacts of the fence that may kill grouse or raptors, as well as impede grouse use of the area, and provide collision hazards.

BLM claims that "mitigation" for exclosures would include "occasional, short term grazing or other shrub treatment to keep the riparian area at least partially as a meadow complex for sage grouse". This is NOT Mitigation. This would be extremely damaging –not just to sage grouse, but to migratory bird habitats, and all native wildlife. It also shows BLM is not even interested in having a single ungrazed site as a reference to gauge how devastating its sheep and cattle numbers and levels of use are on native pant communities. Plus, if BLM took an integrated,

watershed-level approach and reduced grazing pressures, it would likely see increased moisture in such areas that would preclude establishment of many shrub species.

The same applies to Alts. 3 and 4. We are puzzled why BLM suddenly believes it has to manage suitable meadows for dense ground cover for the long-eared owl: in Alt 4, but not Alt. 2. This is inexplicable, but serves as one of myriad examples of the unscientific methods used throughout the EIS.

At any rate, BLM does not understand what mitigation is, and instead claims Standard Operating Procedures, many required already by its LUPs are "mitigation". BLM abjectly fails to reveal and assess a broad range of residual impacts --- ranging from soil erosion caused by livestock stocking rates with decreased vegetative cover and increased trampling above use levels that have occurred here in the past under all new Alts. --- to increased avoidance and inhibited antelope movement due to fences in critical habitats --- to reduced food, cover and space for raptor prey species under the increased stocking rates of all new action alternatives.

Mitigation should include large, livestock free reference areas; preserving all areas in remaining good or better ecological condition from any additional livestock impacts and de-stocking to one third or less of these same areas so as to preserve them. Mitigation for the destruction of the large number of livestock would be livestock exclusion from all of the East Fork Squaw Creek watershed. Mitigation in the Owyhee allotment would be removing all troughs/pipelines that may be causing degradation of pronghorn, burrowing owl, sage grouse or other habitats, or decommissioning of wells doing the same. Mitigation must be very significant, as significant new areas have been consumed in wild fire, so wildlife habitats regionally are much more impacted, and ALL use (livestock, wild horse, wildlife is compressed into a smaller area. Under these circumstances, BLM must maximize conservation of habitats for sage grouse and other important or special status species.

BLM ignores mitigation by avoidance, or providing "in kind" ungrazed habitats for all lands where grazing would be extended under its grazing schemes or projects.

BLM fails to provide an accurate setting description in many ways. For example, BLM ignores the impacts of roading related to livestock facilities and management, or the vegetation and soil alteration – still visible to this day, from Oil and Gas or mining exploration activities.

BLM paints a picture of massive historical change, but disregards the ongoing, chronic damage from livestock grazing.

Cumulative Impacts

29 Current impacts to habitats on intermingled or adjacent private lands must be assessed.
Current impacts to habitats from BLM vegetation treatments must be addressed.
Current impacts to habitats important for species linked to these allotments on neighboring or adjacent BLM lands must be assessed. That includes adjacent Idaho and nearby Oregon lands in the West Little Owyhee allotment, Tent Creek allotment in Idaho and other adjacent lands and

habitats. Plus, the wildlife that may winter here may roam over even greater areas. Loss or impact to migrating birds that use waters of the South Fork and playas on min-ravaged lands to the south may make these areas of even greater importance. Livestock pollution of waters, de-watering or diminishment of surface flows from development, coupled with potential contamination of waters by mercury from gold roasting operations. BLM provides no measures of mercury or other contaminants in spring or stream flows across the allotments. Salmon Falls Reservoir, downwind from Nevada gold roasting operations, has become contaminated with mercury. See NY Times article. The more reduced flows are, the more readily they may become contaminated. Sage grouse face increasing threats from West Nile virus. These threats are exacerbated in areas of stock ponds, or margins of riparian or playa areas where muddy livestock hoofprints collect water suitable for mosquito larval growth. On top of cattle or sheep . Major highways, likelihood of increased fire, development or disturbance from I-80 and other paved roads. Reduction in stream flows - due to mining activities or de-watering in South Fork Owyhee headwaters. Pollution of water, or de-watering from livestock operations, or hay raising on private lands. Degradation by private land owners – example, bulldozing south fork of Owyhee River that occurred within the past coupe of years by base property owners. Loss of sustainable forage in wild horse herd areas due to drought and fire must be assessed. Impacts of any facilities on wild and free roaming horses must be assessed, and the impact of any proposed facilities. Impacts of extensive ditching and de-watering of East Squaw Creek. Large-scale loss of hydric and mesic sites due to spring and other developments. New and expanded OHV activity.

Cumulative impacts are much too limited (we also discuss this in separately submitted comments) BLM ignores extensive mining, oil and gas or other exploration that may have taken place across these allotments and relevant habitats to wildlife of these allotments on nearby lands, or that may be planned. BLM ignores utility, gas or other corridors and other areas where development has occurred, or is foreseeable. For example, MET towers, communication and other facilities in the Pequops.

BLM Violates Provisions of the RMP and RPS.

The Wells RPS envisioned construction of 265 miles of fence, 5 reservoirs, develop 30 springs, install 80 miles of livestock water pipeline. WWP believes BLM has exceeded LUP numbers of ponds, fence, spring developments, and livestock pipelines. How many exist across the Wells District?

30 BLM is to identify 50,000 acres if critical mule deer winter habitat for improvement. **Maintain all existing wildlife projects, manage nondeteriorated riparian areas to prevent decline to less than good condition.** BLM never reveals how its actions in the DEIS relate to such goals. BLM is also to "improve rangeland habitat to attain reasonable numbers of big game. BLM is to conduct studies in "an intensive, coordinated monitoring effort in which all affected interest groups are encouraged to participate. Well, we invested considerable time in visiting Wells allotments, communicated in letter e-mail and phone call with Elko BLM about conditions, and our concerns were cast aside in this EIS process. BLM does not even provide ANY of the current monitoring data –as for East Squaw creek watershed, or any other springs in East or West Big Springs.

Plus, vast acres have burned, far beyond the level of big game, sage grouse, raptor, special status species habitat loss envisioned under the RMP or RPS. Much of the land has been seeded with crested wheatgrass, forage kochia and other harmful of invasive alien species. How many acres of Wells lands have been seeded with crested wheatgrass?

Grazing Impacts to Vegetation, Soils, Watersheds

Instead of collecting necessary data on soils, watersheds, native vegetation communities and ecological conditions necessary to understand the impacts of livestock grazing on critical components that describe the health and sustainability of habitats, BLM avoided: 1) undertaking necessary current or baseline studies; 2) using current and accepted scientific methodologies to understand and measure habitat conditions, especially as they relate to requirements of native wildlife 3) examining current science demonstrating harms of its management schemes to these values of the public lands; 4) developing precautionary management actions necessary to maintain sage grouse, raptor and sensitive and important species and their vegetative habitat components.

For example, WWP commented:

*There is an extensive body of scientific literature on desertification of watersheds, including in the western United States. Desertification is defined as: "a change in the character of the land to a more desertic condition", involving "**The impoverishment of ecosystems as evidenced in reduced biological productivity and accelerated deterioriation of soils** and in an associated impoverishment of dependent human livelihood systems". See Sheridan 1981, CEQ Report 1981 at iii. Major symptoms of desertification in the U. S. include: declining groundwater tables;*
31 *salinization of topsoil or water; reduction of surface waters; unnaturally high soil erosion; desolation of native vegetation (Sheridan CEQ at 1). The existence of any one can be evidence of desertification. As lands become desertified, they become **less productive**, and activities such as livestock grazing become **less sustainable**. Continuing activities like livestock grazing may result in grazing becoming permanently unsustainable across the landscape. In many areas of these allotments, ecological conditions because of desertification and degradation processes that has already occurred and which is still underway, have already crossed the threshold between sustainability and, essentially, "mining" of increasingly **non-renewable** natural resources. Desertification can be both a patchy destruction, often exacerbated by drought, as well as **the impoverishment of ecosystems within deserts**.*

The SSSS EIS must assess the levels and degree of desertification that have occurred across these allotments and surrounding lands. This is necessary to understand the suitability of these lands for livestock grazing, the productivity and carrying capacity of these lands for grazing, the effects of any alternatives developed here, the ability to meet any objectives, and the ability to sustain, enhance or restore habitats and populations of special status and other important species and native plant communities. For example, how has the extensive depletion of understories in many areas of Wyoming big sagebrush and salt desert shrub vegetation affected the degree and rate of desertification processes across the allotments? How has this affected

livestock patterns of use, acres per AUM, etc.? What are the acres per AUM across all vegetation types in all conditions across these allotments? How many acres per AUM are required to sustain cattle or sheep in the lower salt desert shrub or Wyoming big sagebrush communities of these allotments? What actions can be undertaken to halt desertification processes and begin recovery? BLM must also assess the combined effects of desertification and exotic species/weed increase and infestation.

Even PRIA acknowledged that production on many BLM lands was below potential, and would decline even further."

To continue the current level of grazing under BLM's proposals is madness. BLM provides no current science supporting the stocking or use levels.

All Alternatives will result in increased and accelerated rate of loss of soil, microbiotic crusts, native vegetation with its replacements by weeds, water, watershed integrity, wildlife habitat, and forage on these allotments. They would allow livestock numbers greatly in excess of those grazed here in recent decades, with nearly unlimited "flexibility". The fact that AUMs/stocking rates much below the high permitted levels were actually grazed, demonstrates the continued loss of productivity on these lands.

WWP further clarified our concerns, and documented them during field visits to the allotments in 2005. See WWP letters, Photos.

Desertification symptoms in arid lands include: Sparsity of grass; presence of invading plant species - both native and non-native, in grass areas that have survived: plants are of poor vigor; topsoil losses - in many places, topsoil is held only by pedestals of surviving plants. Surface signs of soil erosion include: pedestaling, gullies, rills, absence of plant litter to stabilize soils.

Desiccation and erosion caused by livestock can cause water tables to drop, rilling, gullying and arroyo cutting to occur, and result in sediment flow from degraded areas (Sheridan CEQ at 14). Grazing creates extremely dry site conditions for plants due to removal of litter, loss of soil cover, and trampling of the ground that prohibits rainfall from reaching plant roots (CEQ at 15). Livestock grazing exacerbates any climate changes and shifts that may be occurring (CEQ at 16). This is of particular concern in the northern Nevada landscape periodically plagued with severe drought, and which is facing increasing heat and aridity due to global warming.

The near-absence of many species of native bunchgrasses, such as larger-sized native grasses from many areas of the allotments, such as the diminished state of the once abundant Indian ricegrass (Oryzopsis hymenoides), signals stress of overgrazing (CEQ at 19). Such losses are vividly shown in BLM's Key Area data for these allotments, as shown in the Assessments.

Absence of plant litter makes germination of natives more difficult. Recovery of lower elevation areas will be exceedingly slow, especially considering the aridity of the project area. Arid land recovers very slowly; massive soil erosion has exposed soils that are less able to support plant

life because of lower organic content; and invader species have become well established and have the competitive edge (Sheridan CEQ at 21). Even though it is well recognized that ***"the way to end overgrazing is to reduce the number of livestock in the end"*** *(Sheridan CEQ at 22), political pressures from ranchers results in strong political opposition to reduced grazing. Political pressures have hamstrung implementation of the Taylor grazing Act.*

This EIS process provides BLM a special opportunity to gain a better understanding of the actual capability and productivity of the vegetation and soils that meets the desires and needs of the public on these lands.

Sagebrush, pinyon-juniper and salt desert shrub vegetation communities in Nevada are now showing signs of "extensive changes" and significant stresses, with livestock grazing and aggressive non-native weeds recognized as among important causal factors. Nevada Natural Resources Status Report 2002 http://dcnr.nv.gov/nrp01/bio02.htm . Continued grazing disturbance, degradation and weed invasion will cause native plant communities to cross thresholds from which recovery is very difficult, if not impossible. The decline in Nevada's sage grouse populations and other species dependent on arid land shrub habitats is a landscape-scale biological indicator that the loss of functions and values of sagebrush ecosystems are serious and widespread. These are also signs of desertification processes across the landscape.

Our comments, ignored by BLM, are supported by a broad range of current ecological science, Nevada Natural Resources Status Report 2002.

BLM ignores a record replete with evidence of severe degradation, desertification and loss. Example: 3/28/01 memo of Bruce Thompson to allotment files,
"Frequency of key forage species had declined over the evaluation period. The evaluation of existing data indicated that utilization objectives were not being met. Frequency of key forage species had declined over the evaluation period … standards for rangeland health are being met for cover, but are not being met for riparian **and** habitat … adjustments in grazing use levels were deemed necessary".

BLM's discussion ignores soils, microbiotic crusts, and soil health, and casts aside analysis of fundamental tenets of 'range" science tied to sustainability under the Taylor Grazing Act. BLM ignores the fundamental building block of rangeland health.

Soil productivity is limited in project areas, as in the Wells District. High temperatures and low rainfall promote rapid drying of soils, and most soils are "poorly developed" Wells DRMP. Wind and water erosion pose problems for soil management, yet nowhere is the EIS or BLM allotment analyses are soils described, or erosion loss assessed. How has soil erosion, soil disturbance, etc. resulted in degradation or loss of habitats for important and special status species?

See Anderson 1991, Anderson and Holte 1981, Anderson and Inouye 2001, Belnap 1995, Belnap and Gillette 1997, Belnap et al. BLM Tech Bull. 2001, Belsky and Gelbard 2000, Beymer and Klopatek 1992, Braun 1998, Connelly et al. 2004, Donahue 1999, Fleischner 1994, Freilich et al.

2003, Galt et al. 1999, Galt et al. 2000, Gelbard and Belnap 2003, Hockett 2002, Holechek 1996b, Holechek et al. 1998, Holechek et al. 1999 a and b, Holechek et al. 2000, Holechek et al. 2001, Holmes et al. 2003, Hutchings and Stewart 1953, Knick and Rotenberry 1995, Knick et al. 2003, Mack and Thompson 1982, McLean and van Ryswyck 1973, Nachlinger et al. 2001, Nevada Natural Resources Status Report 2002, Pellant and Hall 1994, Pyke 1999, Ricketts et al. 1999, Sheridan CEQ 1981, Welch and Criddle 2003, Whisenant 1990, Wisdom et al. 2000

Some Additional Land Use Plan Concerns, and Wilderness and Other Information

32 Wells. BLM has prepared no hydrological studies to determine the feasibility of the wells, pipelines or other projects on which convoluted management schemes and stocking rates hinge. This introduces added uncertainty, as it is clear that BLM plans to intensify and increase use (part of the basis for the wildly high and unsustainable stocking rates) through such facilities. Without understanding if they are even feasible in the first place, or providing data on past failures/wells gone dry, etc. BLM can not assess management or project feasibility.

BLM is to employ, at all times, **best available scientific information:** "Physiological requirements for the management of different vegetation types will be determined by BLM based on the best available scientific information. Methods will be determined through CCC and public involvement.

BLM must comply with Wilderness Study Area directives. While existing multiple-use policies, including grazing, may continue, "but new or expanded existing uses will be allowed only if the impacts would not impair the area's suitability for designation as wilderness. BLM has not shown, on the basis of site-specific data and analysis, and monitoring of livestock impacts to vegetation, soils, cultural sites, recreational uses, and important and special status species habitats, that its actions will NOT impair wilderness values. The unique birds of prey attributes of the Goshute and Bluebell WSAs, based on natural functioning wild land ecosystems, are important components of the naturalness and special values of the WSAs.

BLM actions OUTSIDE the WSAs – for example, intensified grazing, or grazing under the very high use levels of all alternatives that leads to cheatgrass invasion and shrub weakening or loss, may destroy habitat for golden eagle jackrabbit prey. Thus, eagles nesting in the Wilderness will no longer have a suitable food base and will abandon territories or die out – with significant local, regional and national impacts, as this is a unique wild land area and harbors unique resident and migratory raptor and other species habitats populations.

It is critical that BLM link the impacts of its actions OUTSIDE WSAs– related to foraging, wintering or other habitats for important and special status species – to raptor or other species that may nest or roost INSIDE the WSA, including the Threatened bald eagle.

BLM's incredibly poor maps fail to even label Big Springs allotment in relation to the WSA lands and adjoining areas that provide raptor or other habitat. However, when one views Map 3-1, the juxtaposition of the non-WSA and WSA lands are shown, and it is vividly clear that raptor species that may soar and hunt over dozens of square miles in the course of a day must be

viewed as part of an ecosystem, and BLM's childish and biologically ignorant attempts to limit analysis to only SOME species in SOME areas are not valid, based on the basic biological requirements and home ranges of species such as golden eagle, northern goshawk, ferruginous hawk, etc. BLM does not even label the Big Springs allotment, or other allotments, on the entire West side of Map 3-1, nor depict the habitats on these other allotments that may be critical to raptors, special status bat species, or other important species that nest or roost in the Sheep Complex.

The Sheep Complex and Big Springs are the most important allotments to Wilderness management and integrity in the whole Wells District, contain over half the Wilderness Study Area lands, and by far the biggest block of contiguous wild lands. Thus, it is critical that BLM provide quality information, based on best available science, to assess impacts of its management, stocking rates and developments on the Bluebell and Goshute Peak WSAs.

The impacts on special status species of existing or potential designated corridors or planning corridors must be addressed, along with impacts of corridor use or development such as increased fire, weed invasions, human disturbances, movement barriers fork exiting developments and corridors.

BLM has failed to assess impacts of livestock grazing and its management schemes to forested lands, and the important economic features of pinenut harvesting, nontraditional forest products, fuelwood cutting, Christmas tree cutting, and post cutting, and sustainable uses of these forest attributes.

Plus, BLM has failed to assess the importance of forested lands in providing watershed protection, moderating climate, and shelter for wild horses or wildlife during winter conditions.

This is even more critical in lands that may subject to inversions – such as the Goshute Range, where wildlife move up put of cold and ice fog. Unfortunately, BLM's own records show that domestic sheep in the SC are herded up out of the inversion into snow-free forested areas and more open south-facing slopes. Cheatgrass, halogeton, purple/blue mustard and other weeds are spreading in their wake. Plus, this winter use of higher elevation sites (where snow has melted out of inversions), has resulted in extreme use at spring areas, and soil compaction and erosion that is leading to shrinking and loss of wetted areas of springs (coupled with impacts of developments). Fite 2005 winter field observations show snow-free well above sites claimed by BLM to not be grazable by sheep. These impacts are unassessed, and BLM has hidden them from the public throughout the process. Plus, BLM ignores use of best available science related to protection or enhancement of springs and seeps, and has never even examined most of the springs in areas such as the Sheep Allotment Complex. Please recall the extensive information provided to BLM by us on impacts of land uses to springs and seeps, such as see Sada et al 2003.

These same impacts, of cattle seeking sun above inversions or shelter from winter conditions in canyons is causing extensive degradation of lands in the Bluebell and Goshute WSAs in canyons. Native bunchgrasses, forbs and shrubs are being heavily to severely grazed, soils trampled, and

as a result cheatgrass and other weeds are permanently replacing native vegetation (Belsky and Gelbard 2000, Pyke 1999,Gelbard and Belnap 2003) decreasing sustainable forage production and harming natural and wild features of the WSAs.

Yet, under its proposed actions, BLM would INCREASE grazing and trampling use in these very same sites. BLM has conducted no monitoring on these sites, and has no current rangeland health information related to these very important areas. Such sites may also be important for foraging goshawks, Cooper's hawks, golden eagles, and other raptors. As cheatgrass increases under livestock degradation of vegetation and soil disturbance of microbiotic crusts, the diversity and composition of the prey base will be altered, with harmful impact. Plus, livestock concentration here, especially during inversions or bouts of bad weather, increases livestock competition with wild horses for food and space.

BLM is to conduct monitoring studies "until sufficient data is obtained". It has not done so, in defiance of the Court Order. Livestock stocking is to be adjusted based on these studies. BLM provides little to no site-specific or habitat-level monitoring of important and special status species habitats.

BLM is to maintain water at sources of spring developments, and of course it has not done so in the past, and does not even guarantee the public that it will restore water to every damaged de-watered spring under this EIS. BLM must prove it can restore water to the damaged sites.

BLM is to place emphasis on management of browse on deer winter ranges. The EIS fails to provide data and analysis necessary to undertake this. BLM hides the chronically degraded conditions, weed invasions and new losses of mule deer winter ranges, and antelope winter ranges. Not only does BLM fail to develop management to protect these areas, it places no use mandatory measurable livestock limits of any kind on these habitats. Plus, BLM shifts and increases livestock browse and structural damage use through damaging stocking rates and seasons of use on these crucial habitats. BlM also ignores the impacts of disturbance and stress of mule deer and wildlife during sensitive periods of the year – for example, intrusion of livestock in large numbers during critical wintering periods.

Eighteen different vegetation types are present in the Wells District (Wells DRMP), and nearly all eighteen are found in these allotments Yet, BLM fails to provide essential information and analysis on important and special status species that may inhabit each of these communities, components for healthy habitats, and effects of management actions on important and special status species habitat components in each of these vegetation types, including in WSAs.

BLM ignores the fragile and unique resources in the Project Area. Sagebrush and pinyon-juniper and some higher elevation forests montane forests are suffering, or have undergone significant new mortality – due to insects (outbreaks due to plant stress or climate change/warming), global warming, climate change, drought, degradation of the environment that weakens or kills trees – such as soil compaction by livestock in recent years, or erosion or understory vegetation changes that increase site aridity. BLM fails to provide accurate mapping or description of the extent of die-off of woody vegetation, or its impacts to important and special stats species habitats or

populations.

BLM fails to present quantitative or qualitative information on the condition of nearly all vegetation communities, and important habitats including crucial or critical seasonal habitats for native wildlife and wild horses across the allotments and surrounding lands.

Further, BLM provides no information on either the range condition class (good, fair, poor) based on surveys across the allotment, or on the seral status. As "poor" condition lands may provide sub-optimal habitat (forb and grass cover deficient habitat) for sage grouse or raptor prey species, an accurate acreage, mapping and analysis must be provided.

Soil productivity is limited in project areas, as in the Wells District. High temperatures and low rainfall promote rapid drying of soils, and most soils are "poorly developed" Wells DRMP. Wind and water erosion pose problems for soil management, yet nowhere is the EIS or BLM allotment analyses are soils described, or erosion loss assessed -both historic and ongoing losses must be described or quantified. This must be tied to particular habitats, as several raptor prey species rely on burrows. Of great importance is how soils or soil degradation caused by livestock may be inhibiting plant growth. Example: pedestaled grasses smaller in size, lower in vigor, more susceptible to herbivore pressures and mortality.

BLM has provided no evidence that it has conducted soil and vegetation inventories necessary to support management decisions and provide a baseline for monitoring programs.

BLM is to monitor, and to measure progress towards achieving management objectives. Yet, BLM has not provide any updated or new information that would allow a reader of the EIS to understand the sufficiency of its monitoring, and any changes that may have occurred since the limited, old data of the MUD process was collected. This is essential to understanding the current scenario and environmental setting. BLM is to determine stocking levels based on monitoring. That is why current comprehensive use pattern, utilization, stubble height, ecological site condition, etc. monitoring info is critical.

BLM has failed to determine if any of its proposed projects are cost-effective, and has never revealed how cost-effective (or ineffective) existing projects are. A new GAO report reveals just how costly even BLM management is to taxpayers. Under no scenario can increased facilities be considered cost: effective. Facilities are for the most part dilapidated piles of junk or broken down or failing to achieve the promises that ABLM made about them in the first place. This demonstrates no agency or permittee care being taken of protecting the investment of funds already sunk into these allotments. What, exactly, has BLM claimed would be the benefits of all existing facilities here? Please review NEPA and/or project files, and report on this in the SEIS. How much have existing facilities cost in current dollars. What would the cost of more projects be? As BLM's proposed grazing regulation changes

BLM must evaluate all ACEC proposals submitted during scoping. We specifically requested that BLM work with us if they needed any information, clarification, etc. New events have made the ACEC proposals even more necessary. These include the large new fires in the Owyhee

allotment and surrounding lands that have resulted in huge losses of native shrubs essential to sage grouse and other important and special status species to pinyon-juniper or sagebrush die-off.

BLM is to protect special habitat features and special wildlife use areas through ACEC designation, and to consider: the diversity and/or abundance of species use; the relative scarcity of the type of feature in the general area; the irreplaceability of the feature; the degree to which one or more wildlife species may depend on the feature/area for survival.

For all of the essential resources, BLM is to prevent undue degradation. The range of increased stocking and development alternatives proposed by BLM all will result in undue degradation of lands, waters, and important and special status specie habitats across the allotments.

BLM is to manage riparian habitats to improve them, or to maintain them in at least good condition. Nowhere does BLM provide data on all riparian habitats, and nowhere does BLM provide an assessment of management actions to do this.

BLM fails to describe how conditions at ecological sites may affect important and special status species habitats (critical components of cover, food) and how they may be dispersed over the area used by these species. BLM never links even its old data to particular locales and habitats for species, as is essential to understanding the impacts of livestock grazing and management on wildlife species. Ecological sites differ in their ability to produce vegetation ("forage") and respond differently to management (Wells PRMP). They represent the product of all environmental factors responsible for their development. Native plant communities differ in the kind or production of plant species or in total proportion. Nowhere does BLM relate the ecological sites, and their current extent and composition and condition to essential habitat features for wildlife of concern and other important values such as protection of soils form erosion, protection of cultural sites, etc. For example, a Wyoming big sagebrush community on a particular soil type maybe a unique ecological site. Ongoing livestock depletion of forbs on these sites – and degree of deviations from the Potential community – may represent habitat degradation and loss for sage grouse (Connelly et al 2000, 2004). This loss of critical components – such as forbs or taller native grasses – is part of the desertification process (CEQ Sheridan 1981) driven largely by livestock grazing, including current grazing impacts, under BLM management. By allowing increased stocking rats under all alternatives, BLM will only hasten desertification, and loss of important components of healthy ecological sites. BLM does NOT reveal that, its range "Key Forage Plant" method often is based on monitoring of plants that due to grazing loss have become a minor or small component of the vegetation community and sustainable forage base. For example, a key Area may have undergone continued loss of bluebunch wheatgrass or Indian ricegrass, which have been replaced by smaller less productive and less palatable grasses and weeds. Yet, BLM still continues to monitor use on the rare larger sized grasses, and ignore the fact that livestock are deriving most of food from smaller or less nutritious grasses, shrubs and weeds. During drought, the weeds do not produce "forage", and suddenly there is nothing for livestock to eat. Yet, it takes years for BLM to react, and in the meantime, grasses and shrubs die and weds move in, and long-term damage is done to native plants, soils, vegetation, and wildlife habitats. The changes and composition of key forage plants is essential to understanding and interpreting why ecological changes may have taken/are taking

place.

BLM fails to reveal the ecological status of these lands - and links to habitat features. No information is provided that allows understanding of condition across habitats. This all is essential to understanding the impacts of herbivory/grazing consumption.

Elk have expanded, and/or been introduced into portions of the Big Spring allotment since BLM's flawed earlier "analyses" of these lands. The impacts of this to facilities (and likely fence failure), as well as vegetation use and other factors are not addressed.

BLM must prepare a Supplemental EIS.

Please contact us if you need clarification or additional information on any points made in these or other comments.

Sincerely,

Katie Fite
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Western Watersheds Project
PO 2863
Boise, ID 83701

Comment Responses to PC-28

PC-28-1:

See comment PC-2-1, above.

Judge McKibben's Court Order is specifically for "burrowing owls, raptors and sage grouse" on the Owyhee Allotment and Sheep Allotment Complex and sage grouse for Big Springs Allotment. The Order includes, "To the extent applicable to these sensitive species, the agency shall evaluate the impact of grazing, considering springs, seeps, and riparian areas, uplands, and land use plans." Please see Owyhee Allotment, Big Springs Allotment, and Sheep Allotment Complex evaluations for wildlife habitat condition monitoring information relative to the FMUD. The BLM is not aware of any part of the Order that directs BLM to complete systematic population surveys, and BLM does not consider such information essential to formulating and analyzing the reasonable range of alternatives in this EIS.

PC-28-2:

The sensitive species maps are generalized in the EIS to allow for a degree of confidentiality on where these sites are located. These maps show the reader that, with the exception of those areas on the Sheep Allotment Complex away from the Boone Springs Allotment, sage grouse habitat is widespread throughout the allotments. It also shows the reader that raptors have been observed within the allotments throughout broad sagebrush habitat areas. BLM and NDOW exchanged and updated information regarding new site records and the current list of sensitive raptors that may be affected relative to this EIS process. Maps in the Final EIS have been modified to provide additional information as to which of the raptor species assessed have been sighted in the vicinity of the allotments.

Burned areas were included in the Fire Management Appendix in the Allotment Evaluation for information up to early summer 2000. After the Allotment Evaluation was finalized, the Three-Mile Fire affected 3,379 acres during Summer 2000 and the Wilson Fire Complex affected 21,973 acres on the Owyhee Allotment during Summer 2005. Essentially all Year 2000 and earlier fire burn areas have a sagebrush component within the burn perimeters. The Wilson Complex is being seeded with a native seed mixture that includes sagebrush during Winter 2006.

The only habitats specific to raptor species are nesting habitat. Most of the raptors forage over all of the other vegetation types within the allotments. Therefore, mapping habitat by species is somewhat meaningless. As indicated in the discussions for each species (Chapter 3), nesting habitat is primarily rock outcrops and cliffs for all but the ferruginous hawk, burrowing owl, long-eared owl, short-eared owl, and sage grouse. The long-eared owl and short-eared owl nest in riparian areas (with different habitat structure), sage grouse nesting areas are not well defined on the allotments because of the condition of the shrubs – sage grouse nest where suitable shrub cover and structure exist and where the herbaceous cover is adequate. Burrowing owl nests sites are also in a variety of habitats and are not site specific, like a cliff. ferruginous hawks nest in specific habitat conditions, but NDOW does not wish to disclose the locations of these nests as they usually are quite accessible.

PC-28-3:

See response to comment PC-2-1, above.

BLM does not agree that all the habitats or condition of the habitats need to be known or mapped in order to manage habitat for these species. The changes in the grazing system are designed to improve the health of the vegetation, regardless of condition or type of habitat. As was indicated in the allotment evaluations and the DEIS, the problem areas are not over the entire allotments, but restricted to areas where livestock concentrate, such as riparian areas, water sources, natural barriers, etc. Improvement in the riparian areas will benefit all of the subject species, with the possible exception of the burrowing owl, which may not

depend on riparian vegetation for any habitat requirements. Improvement in the upland habitat will also benefit the prey species, and therefore, the raptors which feed upon the prey species. The intent of the grazing plan is to manage the entire allotment to meet rangeland health standards, not to manage for a specific habitat for a specific species. Within an allotment or group of allotments, there may be a specific wildlife habitat management plan that focuses on one or more species of wildlife, but the grazing system is designed to allow livestock to forage on public lands in a manner that maintains the sustainability of the vegetative resources for the benefit of a variety of species. The wildlife habitat objectives for each allotment are intended to identify if the grazing system is meeting basic habitat needs. However, there are other actions that can be taken to manage habitats (e.g., vegetation treatments, exclosures, fire rehabilitation, etc.). The grazing permit is not the only action that BLM takes on public lands.

PC-28-4:

The claims of improvement for long-eared owl and short-eared owl are based on changes in the grazing that would benefit riparian vegetation, which is the preferred nesting habitat for these two species. The short-eared owl is more dependent on tall meadow grasses and the long-eared owl is more dependent on willow habitat. Changes in the grazing system and installation of riparian exclosures would improve conditions for both of these species. BLM does not predict how many more individuals of either species would be found on the allotments, but does anticipate increased nesting as the conditions favorable to these species are created.

Most of the grazing changes and range improvements were designed to improve the riparian habitats, as these are the areas identified in the allotment evaluations as not achieving rangeland health standards. The uplands have not been ignored, the alternatives would also improve upland habitat condition; however, this has not been as much of an issue on the allotments as the riparian areas have been.

PC-28-5:

The site records of special status species on the allotments have been mostly random observations. The exception has been for sage grouse, a Resource Management Plan-featured species, where more intensive lek survey and research efforts have been completed. Thus discussing the observation of a ferruginous hawk that cannot be related to a nest territory or specific activity does not provide much meaning in the EIS. The site records, over time, will provide some information as to general areas where species may be found, habitats that may be used, and nest locations. But given the number of subject species and the number of sight records that have been entered into the data base, there are no specific conclusions that can be made about habitat use, only presence or absence (or not known) of the species within the allotment. As has been previously stated, the BLM does not make a systematic survey of the allotments for wildlife. NDOW has the responsibility for managing populations of wildlife.

PC-28-6:

See response to comment PC-2-1, above.

As with random observations of raptors, the action of plotting active and historic leks on a map is not analysis. One cannot conclude that just because a lek is no longer active it is a cause and effect relationship with the grazing management. For example, some leks that were once in more open terrain get invaded by brush over time and become unsuitable for breeding display. Other leks have adjacent habitat burned during wildfires. Many leks were destroyed in the 1950s, 1960s, and 1970s when crested wheatgrass seedings were being conducted. Some “leks” are observed one year and no other activity is ever recorded at the sites again; it is not clear that these really observations are of leks or just some subadult males displaying during a feeding session.

If a lek that was observed active for several years and then becomes inactive, it does not necessarily mean the sage grouse are no longer in the population. They may have moved to a different lek, or started a new lek where habitat conditions had improved. Many new leks have been found in the last few years as a result of the focus on sage grouse conservation. We don't know if these leks are new leks that just started to be used, or historic leks that were never observed. One cannot assume that all leks, historic and new have always been used consistently over time. Therefore, plotting all the active and historic leks on a map is not analysis, it does not allow for any real conclusions to be drawn.

NDOW does have trend leks, leks that are counted multiple times each year using standard procedures, that are used to give some indication as to the overall population changes in Elko County over time. The number of leks is limited to what NDOW can survey in the spring and there is not a trend lek in every allotment. Therefore, using lek counts on non-trend leks within the allotments would not be following standard scientific protocols and any analysis based on those counts would be invalid.

PC-28-7:

See response to comment PC-2-1, above.

BLM did not map every vegetation type, roads, etc. as the intent of the DEIS was to analyze the impacts of the grazing alternatives on the habitat of the subject species. Given the size of the allotments and number of vegetation types, this was not possible. The analysis was done based on how the time, timing, and intensity of grazing would impact the plants, regardless of habitat type. Grazing systems that provided for plant health and vigor were judged to improve habitat conditions, those that impacted plant health and vigor were judged to degrade habitat condition.

PC-28-8:

The focus on riparian areas was due to the results of the allotment evaluations that indicated most of the areas not achieving rangeland health standards were riparian areas. However, the uplands were not ignored. The analysis was applied to both upland and riparian vegetation. The riparian areas are likely to respond to management changes more quickly than the uplands, so noticeable improvements in nesting habitat for short-eared and long-eared owls is likely to occur within only a few years after management has been changed. The upland habitats are primarily habitat for prey species upon which the raptors depend for food. Other than sage grouse, changes in the upland habitats are not likely to improve nesting habitat for the other raptor species.

However, without some vegetation treatments, to which WWP is opposed, significant improvement in prey populations and prey diversity is not likely on these allotments. There is more occurring on these allotments that just livestock grazing and until the plant community dynamics are addressed, the changes in grazing can have limited impact on the uplands with the exception of the burned areas.

PC-28-9:

The DEIS analyzed the effects of the alternatives on the health of the vegetation, whether or not the vegetation was in a riparian area, upland area, or burned area.

PC-28-10:

See response to comments PC-28-1, PC-28-2, PC-28-3, PC-28-6, PC-28-7, PC-28-8, and PC-28-9, above.

PC-28-11:

BLM recognizes the interstate nature of some of these species. However, the Elko Field Office can implement management on public lands within the field office area. Improving the habitat for these species, whether it be nesting, foraging, or winter habitat, etc. is within our jurisdiction.

PC-28-12:

See response to comments PC-1-2, PC-1-8, PC-2-1, and PC-4-5, above.

PC-28-13:

See response to comment PC-1-4, above.

PC-28-14:

The alternatives were developed primarily to address riparian issues.

Information on functionality of springs is available in the allotment evaluation documents. Many of these springs are not in proper functioning condition, with a combination of grazing (both livestock and wild horse) and/or past development leading to the non-functionality. The BLM notes that very few exclosures have ever been built on the Big Springs or Sheep Complex Allotments, refuting the “lack of maintenance” claim.

A term and condition on all grazing permits states that “All riparian exclosures, including spring development exclosures, are closed to livestock use unless specifically authorized in writing by the Assistant Field Manager for Renewable Resources.” The BLM is not planning to open these exclosures to livestock use as alleged in the comment except to accomplish specific resource objectives. The only exception to this would be the Upper East Squaw Creek Riparian Pasture proposed in Alternative 2, which would enclose the main channel of East Squaw Creek. This pasture would be rested until achieving Proper Functioning Condition, at which time it would be re-opened to no more than three weeks of livestock grazing each year. This information is clearly presented in the EIS.

PC-28-15:

The intent of the DEIS was not to analyze the impacts of the historic grazing, but to analyze whether or not the action alternatives would improve the habitat conditions for the subject species. Given that riparian and upland areas were assessed, any improvement would contribute to improved watershed condition.

PC-28-16:

BLM did not ignore information on local, regional, or rangewide habitat trends, etc. The information that was relevant to the analysis of the effects of the action alternatives on the subject species was utilized. There is no local information on the trend of raptors for these allotments. Regional trends do not relate to the allotments – i.e., if the habitat on the allotments is improved will this translate into an increased regional trend in any of the species? Because no systematic process exists for collecting the trend data at the local level or relating trend back to specific management actions, the analysis did not speculate on these issues. Regional and rangewide trend data indicate there may be a problem, but do not indicate that a change in management on any of these allotments will reverse the trend. Therefore, BLM analyzed how the grazing alternatives would impact the vegetation on the ground in these allotments and made conclusions relative to habitat condition for the subject species.

PC-28-17:

See Section 2.2.1, Resource Protection

The action alternatives include provisions for evaluating the functionality of existing range improvements and to either fix or remove those that are not functioning.

PC-28-18:

The data does not exist to make such comparisons on these allotments. None of the subject species restrict themselves to grazed or less grazed areas to any degree that a comparison of numbers of raptors or sage grouse between grazed or less grazed areas could be scientifically conducted.

Discussion of impacts of existing range facilities is discussed as it relates to the Sheep Allotments Complex and Big Springs allotments beginning in Chapter 3 Alternative 1 (no action). This discussion re-emerges in relation to proposed range facilities (improvements) at numerous locations throughout Chapter 3. In these discussions, impacts to vegetation including riparian areas and uplands, and sensitive species including raptors and sage grouse are analyzed. The discussion of impacts to existing range facilities was inadvertently left out of the discussion for Alternative 1 for the Owyhee allotment. A discussion has been added to address this omission.

The Impacts of proposed range facilities is discussed with respect to the various alternatives, for each allotment area in Chapter 3. Cumulative impacts of existing and proposed range facilities are discussed in the respective sections by allotment, also in Chapter 3. Maps 2.2, 2.4, and 2.8 portray existing range improvements for the three analysis areas. Other maps portray the various projects proposed by alternative.

When a project is determined to no longer be meeting the goals under which it was constructed, a determination is made whether to remove or reconstruct it and appropriate action is taken as funding and manpower allows. BLM is actively installing wildlife escape ramps.

PC-28-19:

See response to comments PC-1-4, PC-28-1, PC-28-2, PC-28-3, PC-28-6, PC-28-7, PC-28-8, and PC-28-9, above.

PC-28-20:

See response to comments PC-1-2, PC-1-5, PC-1-7, PC-1-8, PC-2-1, PC-3-3, PC-4-3, PC-4-5, PC-4-7, and PC-12-3, above.

PC-28-21:

The purpose of the EIS was to analyze the impacts of the grazing system alternatives on the subject species, not develop a habitat model for each of the species. The intent of the Habitat Model for the Milk River area was not the same as the intent of the EIS; therefore, the template was not used.

BLM does not deny that conversion of sagebrush habitats to cheatgrass would impact prey numbers. However, BLM makes the distinction between data from other areas, such as the Snake River Birds of Prey Area, where fires have converted extensive areas of sagebrush to cheatgrass, to the three areas under analyses in the DEIS where most of the allotments still have the native vegetation. Thus on these allotments, there is no evidence that prey abundance is limiting the number of raptors. The conclusion that prey base is limiting numbers of raptors in the Snake River Birds of Prey area is based on intensive studies that are not possible within these individual allotments.

Just because some habitat has been converted to cheatgrass does not mean there is not sufficient prey to support more raptors. There are other factors such as inter- and intra-territorial tolerances that determine

how many raptors can inhabit an area, or the number of suitable nest sites, etc. BLM stands by the statement that there is no evidence that the prey base is limiting the populations of raptors.

PC-28-22: *Note: Most of the issues included in this comment have been previously addressed in the responses above and are not repeated here.*

WWP overstates the significance of the lek surveys at Boone Springs. Single count surveys often record no activity at historic leks. That cannot be interpreted as no birds using the lek, but that on a given morning, birds failed to show up or were flushed from the lek prior to the observer's arrival. It is precisely for this reason that leks used in trend counts must be counted a minimum number of times spaced out over the breeding season. One visit is not a reliable indicator of inactivity. Although no sage grouse were actually observed on the leks in 2005, on the ground observations indicated an abundance of sage grouse activity (droppings and feathers). Thus the morning of the survey, no sage grouse were present, but the lek is still active.

There are also many other factors that could have contributed to leks not being active. The birds may have moved to a new lek. Impacts to habitat on other portions of their seasonal habitats may have occurred that forced the birds to use new areas and move with other sage grouse to other historical leks. Not every change in nature on these allotments can be attributed to livestock.

PC-28-23:

See response to comment PC-2-1, above.

PC-28-24:

Assessing the importance of the land in these allotments as providing critical migration habitat for birds of prey was not the intent of the DEIS. The DEIS analyzed the impacts of the grazing alternatives on the subject species. Grazing systems that improve the habitat quality would improve these areas as migration corridors.

PC-28-25:

See response to comment PC-1-7, above.

Bald eagle was not identified as a sensitive species of concern for analysis in the judge's order. However, impacts to the bald eagle were previously considered by the NEPA analysis completed to support issuance of the multiple use decisions. The results of this analysis is summarized n the EIS, as a critical element previously analyzed (3.1.2.2). We have updated the information concerning the bald eagle roosts in the Sheep Complex as it was noted by NDOW's comments on Sheep Allotment Complex, and for the Owyhee Allotment.

PC-28-26:

This comment is incorrect. There were only 26 comment letters received, with only 14 different people or organizations responding. A total of 148 comments were included in the 26 comment letters.

See response to comment PC-1-1, above.

PC-28-27:

The DEIS has been modified to include fire information.

However, the alternatives were developed with the fire impacts in mind. Adjustments in the grazing would be made during fire closure of any pastures or portions of pastures that were determined to have severe fire effects and in need of rehabilitation. Once these areas were determined to be ready, they would be grazed according to the alternative selected in the Record of Decision.

The rest of these comments are comments related to the fire rehabilitation EAs and not the DEIS.

PC-28-28:

No conservation measures or mitigation for Alternative 1 were made because as stated in the DEIS, Alternative 1 is strictly for comparative purposes and is not a viable alternative for selection. It was demonstrated in the allotment evaluation processes that Alternative 1 was not achieving the objectives and standards for rangeland health in each allotment.

See response to comments PC-1-1, PC-1-3, PC-3-3, and PC-4-3, above.

BLM was not aware that native wildfire eats seeds. This is new scientific information and if you have a reference that documents this, BLM would like to have the reference.

BLM recognizes that noxious weeds and other non-native, invasive species occur in and around the allotments. That won't change even if the grazing of the allotments is eliminated. BLM clearly states in the DEIS that the grazing systems provided in Alternatives 2, 3 and 4 will not eliminate noxious weeds or non-native, invasive species from the landscape, and that best, improved range conditions would slow the spread on noxious weeds. The intent of the grazing system is not to control noxious weeds, but to improve the health of the native perennial plants.

The mitigation for each of the alternatives includes annual inspection "and treatment, as necessary". WWP failed to include the treatment in their comments. As with many of the comments submitted by WWP, text was taken out of context to imply that BLM was doing the opposite of what the DEIS stated.

BLM has many riparian exclosures that were constructed to protect sage grouse habitat and to preserve the spring source. Many of these exclosures have become overgrown with willows and other shrubs that make the riparian area less attractive to sage grouse. Sage grouse visit the riparian areas for succulent forbs, not to feed on willows or other browse. The shrubs provide cover for predators. Therefore, where BLM has identified sage grouse as the focus species for protection of a riparian area, periodic grazing is necessary to maintain the herbaceous vegetation and to control the woody vegetation. In contrast, where long-eared owls are the focus species, a rank growth of willow would be allowed to develop. Riparian habitats come in many forms – meadows, willows thickets, aspen stands, shrubs such as woods rose and currant, etc. Each of these habitat types has a different compliment of wildlife species that use the different habitats. The mitigation mentioned in the DEIS is an effort to maintain one of the habitat types on the landscape for the benefit of sage grouse. See the Nevada Comprehensive Wildlife Conservation Strategy: "Intensive use by livestock and feral equids has negatively impacted some wet meadow habitats in lowland systems, through excess removal of emergent vegetation and trampling of water sources. Conversely, an absence of disturbance in some of these systems, by fencing or removal of grazing, has resulted in intense emergent vegetation growth which has limited the utility of sites for certain species, including endemic amphibians." Consequently, there is rationale for allowing grazing in the exclosures as a habitat management tool, just as the exclosure is a habitat management tool.

PC-28-29:

BLM has addressed mining and exploration as part of the past use of these lands. Where reclamation has been achieved, the impacts have been reduced or eliminated. The sites have been stabilized and native species from the adjacent vegetation have begun to establish in these reclaimed areas. BLM has addressed the cumulative impacts of fire and changes in fire ecology. BLM fails to see how livestock hoofprints increase the threat of West Nile virus when these hoofprints allegedly occur next to playas and riparian areas where suitable mosquito habitat already exists. If livestock hoofprints create mosquito habitat, this would also be true of elk and deer, which also visit the riparian habitats for water and forage.

PC-28-30:

As stated in the EIS (section 1.3.1), BLM believes the proposed action and alternatives conform to the decisions and objectives of the RMPs. The RMPs provide for the evaluation and updates to the RPS based on monitoring to measure progress toward meeting our goals and objectives. Reporting miles of fences or pipelines, numbers of water development or exclosures, or acres of vegetation treatments such as seedings, or acres of crucial mule deer winter habitat improved against such numbers as projected in the RMPs or RPS would do little to inform the public as to the degree to which the alternatives considered would meet resource management objectives.

All affected interests, including WWP, participated in the allotment evaluation and multiple use decision process as well as in the scoping process for this EIS. BLM disagrees with the perception that we have "cast aside" WWP's concerns in this EIS. WWP had an opportunity to review monitoring data used in the allotment evaluations and is again being provided with updated information as part of this EIS process.

Seeding with crested wheatgrass and forage kochia is not in violation of the RMPs. Use of native perennial grass and forb seed is currently emphasized. Native perennial grass and forb seek has been emphasized for us on recent seeding projects as seed cultivars have been developed that successfully grow on lower elevation sites and as seed costs have declined in recent years. As WWP has pointed out repeatedly in their comments, cheatgrass is a significant threat to the existing native vegetation. Fire rehabilitation of low precipitation zone sites or soils with marginal water holding capacity are areas where cheatgrass tends to establish and dominate after fires. Crested wheatgrass and forage kochia can establish on these low precipitation sites and poorer soils, and both have shown resistance to competition from cheatgrass. Therefore, BLM views stabilization of the site following wildfire as the primary objective of fire rehabilitation. Once stabilized, and dominance by cheatgrass is thwarted, then facilitated succession can occur. This does not happen overnight, but the vegetation in these rehabilitated areas can eventually be converted to wildlife habitat. Seeding areas with only native species is a lofty goal, but there have been relatively few successes at these low elevation, low precipitation areas.

Consistent with the RMP amendment for fire management, as an SOP, all projects are designed to follow current WAFWA guidelines for sage grouse and sagebrush habitat. BLM views stabilization of the site following wildfire by including crested wheatgrass and forage kochia in the seed mix with native species as one way to help restore wildlife habitat. Overseeding with forbs and perennial grasses has been shown to make these habitats attractive to mule deer, elk, antelope and other wildlife species, in addition to the sensitive sage grouse and the prey species upon which the raptors, that are the focus of this EIS, depend.

Although the EIS identifies pastures that were seeded with crested wheatgrass in the past, there are no proposals to complete seeding projects solely with crested wheatgrass. Many of the older seedings were conducted prior to the approval of the RMPs in the 1950s, 1960s, and 1970s, and they now have considerable shrub cover. The proposed multi-species seedings will increase forage production and diversity for livestock and wildlife, and provide a forage reserve to provide flexibility to manage for native communities.

PC-28-31:

There is a basic disconnect between WWP's position that every relationship on the landscape needs to be quantified to understand how systems work and BLM's position that while perfect knowledge may be wonderful, it isn't available and decisions must be made by taking available data and making reasonable assumptions and then making decisions. These decisions are not final; they can be changed and are changed when monitoring indicates the decision was not correct. The entire allotment evaluation process is based on this premise: implement a sound grazing system that addresses the landscape problems, monitor the system, evaluate the data, and if necessary make adjustments in the system. This is the basis of adaptive management. The development of the alternatives was a result of just such a process. It was obvious from the allotment monitoring data that certain objectives and rangeland health standards were not being met and that through the allotment evaluation process a new grazing system was developed.

BLM does not disagree that a change in management is needed, going back and rehashing old data or collecting new data to come to the same conclusion is not only unnecessary, it is also a waste of time and effort. Thus BLM has developed three alternatives that change the former system, reduce grazing, change the time, timing, and duration of grazing to accommodate plant health and vigor.

BLM is aware of the citations provided by WWP and the information which they provide. However, none of the articles listed evaluate the alternatives that have been proposed for the subject allotments and the range sites and soils of these allotments. Literature that states that abusive grazing has impacts is not news and not necessary to the DEIS analysis. BLM has incorporated its own successes in managing riparian systems through the types of grazing systems proposed in the DEIS.

PC-28-32:

A well site investigation is usually conducted by a BLM hydrologist, geologist, or engineer, who has had training in this. BLM has well logs for existing wells which provides information such as static water level, general water quality, and well yield. Additionally the Nevada Division of Water Resources provides a well log database on their website which BLM uses. These wells do not have to produce year-long; they are intended for short periods of use to better distribute the livestock and prevent the types of impacts that WWP has been complaining about.

See response to comments PC-1-9, PC-1-2, PC-1-4, PC-1-5, PC-1-7, PC-1-8, PC-2-1, PC-3-3, PC-4-2, PC-4-3, PC-4-5, PC-12-3, above.

kfite@juno.com
01/24/2006 11:45 AM

To Bryan_Fuell@nv.blm.gov, Lorrie_West@nv.blm.gov, kfite@juno.com
cc
bcc
Subject Sensitive Bird EIS

January 23, 2006

Sensitive Bird Species EIS
Bryan Fuell and Lorrie West
BLM Elko Field Office
3900 E. Idaho St.
Elko, NV 89801-0200

Dear Bryan and Lorrie,

Attached is an electronic copy of C. H. Merriam's early 1870s expedition across sagebrush country in Idaho and Nevada (ending at the railhead at Wells).

Attached is an Electronic copy of an ESA listing petition for the pygmy rabbit, and an associated bibliography.

WWP references these documents in our comments on the Sensitive Species EIS, and are providing them to you here for incorporation into the EIS record, and in the hope that you will examine discussions of native biota and habitats (Merriam) and livestock impacts to sagebrush vegetation communities and rare and declining sagebrush species (Pygmy Petition and bibliography).

Sincerely,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863
Boise, ID 83701

PYGMY RABBIT Petition.doc Pygmy Lit..doc merriam.1891.na.fauna.pdf

Comment Responses to PC-29

PC-29-1:

BLM is not sure what point WWP is trying to make with C.H. Merriam's 1870 expedition across the west. One cannot compare the conditions that occurred at that time to the conditions of today. For 300 years just prior to Merriam's expedition, North America was experiencing the "Little Ice Age", a period of cooler and wetter conditions in the Intermountain West. The location of certain plants on the landscape had shifted (e.g., mountain big sagebrush was found on lower elevation sites that it is found today), the abundance of plants was greater due to the increased annual moisture and change in the seasonality of that moisture. Streams had higher flows today due to the increased precipitation and extend period of snowpack. Since the end of the Little Ice Age, there has been a trend toward warmer temperatures and less precipitation. Livestock were also introduced into Nevada at the end of the Little Ice Age. The landscape had much more herbaceous material because of the climatic conditions. Historic, uncontrolled grazing combined with climatic changes have combined to cause many of the changes in the landscape that we see today. While the damage that was done by historic grazing cannot be ignored, one cannot also ignore the effects of climate change.

If WWP wants to manage for the conditions found at some earlier time period, we could just as easily pick a period of historic drought, such as occurred approximately 2,000 years ago. The level of Lake Tahoe was 80 feet lower than the current level, and pine trees occurred along the shoreline. These stumps of these trees have been preserved by the cold water and anaerobic conditions of the lake and core samples have determined that the trees were about 300 years old. Thus the drought was severe and extended over several hundred years – long enough to drop the lake level and to grow 300-year old trees. During this period of time the vegetation on the landscape was vastly different than what we have today – many fewer herbaceous plants and certainly less productivity, without livestock grazing.

The point is that trying to manage for some landscape condition that occurred in the past, when the climate has changed and the factors that created that landscape condition have changed is not a worthwhile pursuit. However, developing grazing systems that provide a product for the American public, contributes to the local and regional economy, and sustains the multiple uses of public lands is a worthwhile endeavor. BLM does not claim perfect knowledge, but on allotments the practices that are included in the alternatives have been implemented, there have been improvements in watershed values, plant diversity, wildlife diversity, control of non-native, invasive species, and improved habitat quality for aquatic species. Even on these allotments, there are still problem areas that need to be addressed, but getting the proper grazing systems in place is the first step and results in dramatic improvement. This first step slows down the march of cheatgrass and noxious weeds across the landscape, it helps reduce the risk of wildfire, and it buys some time to allow projects to be implemented for rehabilitation of degraded areas.

Comment noted.

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Working to protect and restore Western Watersheds

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ELKO FIELD OFFICE
2006 JAN 26 AM 7:30

January 23, 2006

Bryan Fuell/Lorrie West
EIS Co-Project Leads
BLM Elko Field office
3900 E. Idaho St.
Elko, NV 89801

RE: Sheep Complex, Big Springs and Owyhee Grazing allotments sensitive Bird Species DEIS.

Here are more comments of Western Watersheds Project, the Committee for the High Desert and Oregon Natural Desert Association on the DEIS. We request preparation of a Supplemental EIS.

WWP attended the 2006 Open House on the DEIS. BLM's statement at the Open House concerning why the EIS was prepared is revealing. BLM stated: 'because the Judge told us to". From our review of the EIS, and presentations and materials provide at the Open House, it is clear that BLM has viewed this as a paper exercise, and has made no real effort to understand the impacts of livestock grazing on important and special status species, springs and seeps, and the array of public land values it is obliged to consider under its LUPs and regulations.

1 BLM collects or compiles little to no current or additional information on the condition of habitats and populations and public lands resources in these nationally significant wild lands that are home to a world famous raptor migration site, contain parts of the Owyhee sagebrush ecosystem, and harbor other important values as well as large tracts of unroaded wild lands.

2 So great is BLM's disdain for obtaining any real understanding of how grazing is affecting and will affect important species and other public land values in the allotments that BLM never really provides site-specific science-based data and analysis of habitats for important or special status species, few if any details on the affected environment for any species, omits description of areas of habitat loss/fragmentation, and ignores sound evidence of the role of current livestock grazing or management actions in habitat impairment or loss.

3 There is no information on specific condition of many critical raptor, sage grouse and other important species habitat components across the allotments and surrounding lands; and there is no information on local or regional population trends of any special status species, and how native species in these lands are tied to local, regional or national populations. In a separate comment letter, WWP supplied BLM with just one of dozens potential science-based approaches to aid understanding and analysis of wildlife habitat needs and the habitats conditions. Such analysis, fine-tuned for the sagebrush-biome,

should have been incorporated by reputable contractors. It is readily available on the Internet, if one bothers to conduct even simple key word searches.

4 BLM even fails to reveal to the public if it BLM has not even conducted current inventories of sage grouse leks on all lands, as in the Big Springs allotment, the EIS is devoid on information on current numbers of birds at Owyhee or Boone Springs and surrounding lands inhabited by grouse populations. Detailed current data is critical for understanding the health of populations, and understanding the need for large-scale efforts to protect or restore habitats - in areas such as the southern Big Springs allotment where 3 isolated leks are found. There is no current systematic survey information provided for any other special status species. Note: a 2005 wild fire consumed 50,000 acres in the area of the Owyhee allotment, plus vast areas of adjacent sage grouse habitats in neighboring allotments.

5 Yet, at the same time, BLM produces complicated and misleading Tables of fantastically derived livestock stocking rates and periods of use. None of this is done in relation to the important species or public lands values – instead all is done in relation to livestock. An example of how BLM misleads the EIS reader is its claim that the Tables of grazing use in the Sheep Complex incorporate Rest. They do not. Another example is BLM's claims that exclosures will improve conditions. Deep in the EIS is buried the fact that BLM intends to allow grazing of exclosures, and erases provisions protecting existing exclosures from Terms of Grazing permits.

The complicated Tables themselves are rendered meaningless for analysis purposes, as BLM allows nearly unlimited flexibility in stocking at any particular time, and leaves the door wide open to abandon schedules of grazing use. Moreover, Permit Terms and Conditions are devoid of any measurable standards of livestock use.

BLM Blinders

6 BLM has unlawfully constricted and restricted its analyses, claiming it only need really address impacts to: Sheep Allotment Complex sage grouse; Owyhee allotment sage grouse and raptors; Big Springs allotment – Sage grouse.

7 BLM stated as the "Scope" in Public Meeting presentation: "to the extent applicable to the sensitive species the BLM shall evaluate the impacts of grazing, considering springs, seeps and riparian areas".

8 First, these species and their habitat needs and current status and fate under BLM's grazing and other management schemes can not be viewed in isolation, or without understanding the interrelationships with other species, and the impacts any management changes related to BLM's claimed species of special focus would have on them.

9 To understand the impacts of grazing (and all associated actions), and to understand the feasibility of actions, BLM must acquire current information on habitat conditions across the allotments, ranging from flow rates at springs and any changes over time (indicative

of habitat loss and loss of potential) coupled with current monitoring data for all sites, current extent of invasive species presence and composition, changes in understory composition (key to knowing how much "sustainable" forage is out there), shrub die-off or depletion, impacts of drought, and a wide range of additional site-specific information on upland and riparian habitat conditions..

9...

BLM must consider new information that is presented to it, and address concerns raised during the EIS process. WWP presented information on, for example: scientific methodologies, important and special wild land values and values related to ACEC designation, invasive species proliferation and dominance, feeding of livestock on public lands, shrub mortality, widespread facility neglect and disrepair, destruction of springs and lack of natural water and other failures at existing and proposed project sites, etc.

10

BLM claims (DEIS at 1) that it 'evaluates the direct, indirect and cumulative and residual environmental impacts' is false. BLM ignores, omits and hides information.

BLM's own purpose and need (DEIS at E-1) is: "to manage livestock grazing in the subject allotments to maintain and enhance productivity for **all** rangeland values, including habitat of the sensitive bird species ... the need for the action is to adjust grazing management to make significant progress" towards meeting the FRH, and achieve the multiple use objectives established by the Elko or Wells RMP and RPS.DEIS at 1-1 states that the purpose is to enhance productivity for **all** rangeland values including habitat for sensitive bird species".

11

BLM has not done this, as these and other comments we have submitted will show. BLM has not relied on current data and information on 2005-2006 conditions, has not relied on current ecological science or science related to rangeland management, has scorned consideration of actions necessary to maintain and enhance productivity (especially of special status species), and has not developed management actions that can be shown to achieve its stated goals, or that comply with its LUPs.

The one thing that BLM claims it has to consider, and where its old, out-dated analysis was deficient, is some special status bird species. Well, BLM has not used **best available science**, current accepted scientific methodology and has not collected necessary baseline data and surveys and conducted analysis necessary to understand or assess impacts any better than it had before being ordered by Federal Court to do so. BLM specifically rejected use of current techniques, including systematic survey techniques and regional trend data to study sensitive bird species and their habitats, and the overwhelmingly body of scientific literature related to impacts of livestock and management and grazing schemes on these species needs, and current methodology to assess habitat conditions.

12

This is despite the fact that BLM has known since NDOW comment letters on the original evaluation processes (circa 2000) that there were serious habitat and grazing management problems/conflicts facing sensitive birds and other wildlife such as wintering or migrating mule deer on these allotments.

BLM has steadfastly refused to use best available science and develop stocking rates and management schemes appropriate to protect and enhance - and not cause adverse impacts to - special status and important species.

This is particularly egregious, as these lands harbor an internationally significant and **unique** raptor locale, greatly important wild sagebrush landscapes, and sage grouse populations at the fringe of occupied habitat – including populations of Boone Springs in the Sheep Complex that have now become extirpated/blinked out under BLM's flawed and nearly unlimited "flexible" MUD management (implemented since Final Decision
13 was signed). Other important populations that are in significant danger of suffering serious further declines, or blinking out altogether, including southern leks and birds in the Big Springs allotment/South Pequops, increasingly isolated pygmy rabbits in the Owyhee allotment, likely ferruginous hawk or burrowing owl territories in the increasing cheatgrass/halgeton weedlands, etc. See Map 3-2, Big Springs allotment, showing disjunct habitat areas north and south of I-80, with 3 leks south of I-80 and separation from other habitats by I-80. These southern lek birds have also suffered significant habitat loss from fire and inappropriate BLM forage kochia seedings post-fire, with the seedings now dominated by cheatgrass.

Part of the management action that must be undertaken as part of this EIS process is conducting current resource inventories and surveys. This is necessary to provide a baseline of information, as in many cases (livestock, special status and important species, cultural, watersheds, spring and seep condition, vegetation condition, etc.) The DEIS has provided no information that allows a reasoned analysis of impacts of alternatives. For example, to determine stocking rates as specified under various alternatives, you must know the condition, composition, extent and current production of degraded vegetation communities, where critical wildlife habitats are located and where livestock use must be
14 minimized, where territories of nesting raptors have been abandoned and habitat restoration must be accomplished in the absence of livestock grazing, etc. Recent large-scale changes have occurred – such as the 50,000 acre Wilson Complex fire in 2005 in large parts of the Owyhee allotment, and several previous fires where no systematically collected data and information on current conditions is provided. This is essential to determine if you have a reasonable range of alternatives, and to understanding how to manage livestock grazing. See Fleischner (1994) detailing livestock alteration of basic composition, function and structure of plant communities and ecosystems.

BLM repeatedly states (as in EIS at 2-31) that the No Action alternative was taken as the baseline condition. While the alternative may be the baseline in some instances, it is inadequately described (BLM's Environmental Setting section of the EIS is laughable). It
15 must be stressed that the No Action Alt. and preceding documents used to justify Alt. 2 and the entire flawed analyses of the DEIS do not provide an adequate environmental baseline to understand and assess impacts of 2006 management.

Mapping and Data/Analysis Deficiencies

Many wildlife species are mobile, and travel over large areas of land in the course of a year.

WWP commented:

With the GIS capabilities available today, BLM can overlay values or threats such as cheatgrass domination of understories, old seedings, understories lacking forbs, areas that have undergone or are threatened by wind or water-caused erosion, relatively intact communities, etc. and produce maps that clearly show important lands, threats, etc. Following the very disappointing statements about lack of mapping information made by BLM at the public meeting, I have followed up with USGS in Boise, spoken to several scientists there, and have learned that a wealth of mapping information can be tapped into for this effort, and have spoken and e-mailed Elko BLM about this. Then, the next step in adding ***habitat information*** *necessary to understand special status species occurrence, habitats and needs is to gathered, assessed, map and analyze information from systematic* ***on-the-ground surveys.***

WWP (Fite) also contacted Ray Lister by phone, and NDOW (then a Cooperating Agency), and provided agencies with information on available mapping that could greatly aid information and analysis in the EIS effort.

Some other examples of gross deficiencies:

Sage grouse populations may be either migratory or non-migratory (Connelly et al. 2000, Connelly et al. 2004). Understanding the migratory vs. non-migratory nature of the populations is critical to understanding habitat components, the viability of populations that use habitats, and the degree of fragmentation and threats to a popualtion. BLM ignores essential information and descriptions of populations and behavior.

16

Big Springs Allotment sage grouse Map 3-2 fails to depict sage grouse leks and habitats outside the boundaries of the allotment. Sage grouse do not stop at allotment boundaries. What are the habitats, and what is the status of local or regional population? How has their habitat been fragmented?

Map 3-1, Sheep Allotment Complex Wildlife Concerns, indicates "raptor sites". Yet, it is not described whether these are foraging sightings, eyries/nesting sites, the time of year the sightings occurred, whether these are current or old/historic sightings, etc. We understand the sensitivity of raptor nest site locations, but more information must be provided to enable understanding of the context of this limited mapping, and BLM could readily have provided meaningful information to the public.

17

We are dismayed that no systematic effort was made to collect current information on raptor species use over all seasons of the year in habitats across these allotments.

Like the sage grouse habitat map, no sightings/info on any lands outside the boundaries of the allotments (some portions of Big Springs - unlabeled - appears to be on here, too)

is provided. No date is provided for any of the raptor information. Worse, there is no indication what species of raptor is indicated by the "raptor sites" circles. Is a viewer looking at information from 1950, or 2005? Are we looking at burrowing owls or peregrine falcon sightings? Are the circles representing nesting, migrating, or wintering birds? How have occurrences changed over time? What former nesting territories are now vacant, and what habitat changes have occurred in these areas? What has happened to the habitat in those lands where raptors had been found, and no longer are? This is critical to understanding the current status of habitats and populations, understanding landscape and site-specific changes related to habitat degradation, loss and fragmentation, and for BLM to derive viable alternative management actions that comply with its duties under FLPMA, its policies and regulations. We provided a bibliography and information relevant to raptor habitat use and populations to BLM as part of this process, and BLM ignored this input.

18 Without BLM having conducted current and systematic surveys (even a few days in the field in a pick up truck), BLM can not have accurately mapped "raptor sites" in the allotment and surrounding lands. BLM can not just consult databases.

Map 3-3, Owyhee Allotment Sensitive Species Habitat Areas. This, like all allotment maps is deficient in failing to provide information on other known occurrences of special status species. This includes several bat species, Pygmy rabbit, loggerhead shrike.

Nowhere does BLM provide any meaningful or systematically collected data or information on the current condition of existing upland habitats for any special status species.

Additional discussion of mapping and analysis errors, flaws and shortcomings are found throughout our comments.

More Deficiencies

Nowhere does BLM provide maps of the lands that it considers suitable and capable of grazing livestock. This is essential to understanding the impacts of grazing on various Use Areas or pastures – especially such factors as concentrations of livestock that may disturb wintering, nesting or other important wildlife habitats and stress, disturb or 19 displace wildlife. Water sources and areas of concentration must be overlaid with suitable and capable lands that provide sustainable forage – and not wildly variable annual weedlands.

Maps fail to depict range facilities – such as troughs linked to pipelines and other livestock water sources that exist on intermixed private land, especially in checkerboard ownership areas.

20 BLM knows that stock ponds have been constructed across many areas of these allotments, especially the Owyhee and Big Springs allotments. Yet, there is no map that depicts stock ponds, which are water sources known to result in degradation of

intermittent or ephemeral drainages or upland areas where they may be constructed, as well as often being constructed so as to provide elevated perches for raptors.

21 DEIS Chapter 2 describes water hauling. Nowhere is a map of existing or proposed water haul sites under all alternatives. This is critical, as water hauling often results in road improvement, extension of roads, zones of intense livestock concentration, introduction and spread of weeds, depletion of native vegetation, etc. One-time water hauling events can resulting new weed infestation and spread.

BLM fails to provide information on existing sheep camp locations, and trailing routes and bedding sites. This is essential to understanding zones of concentration, likely weed infestation pathways, and areas of devastated habitat and maximum disturbance for important and special status species.

BLM fails to provide information on bedding areas, and watering areas, or where livestock congregate in harsh weather. Canyon mouth after canyon in the foothills of the Goshute and Toano range, as well as the alluvial fans areas, are infested with cheatgrass, halogeton, Erodium, and increasingly purple/blue mustard. This may include lands where cherrystem roads enter the WSAs, and these activities may have significant harmful impacts on naturalness and other values of the WSAs.

22 Such livestock impacts, coupled with chronic grazing and trampling disturbance to native eplant communities, is causing weeds to flourish and dominate plant communities, resulting in cheatgrass fire hazards. Plus, with the increased motorized or OHV use (increasing in part due to BLM's allowing a series of OHV or other events here), wildland fire danger is escalated even more. Both livestock management and other activities are INCREASING hazardous fuels (cheatgrass and other weeds) across the allotments.

Water hauling occurs across many areas, and is having tremendous impacts, including in concentrating livestock use and allowing impacts of intensified grazing to WSA lands. Map 2-2 depicts no specific water haul areas for sheep grazing. Yet, under the range of alternatives, elaborate movement patterns are supposed to occur with sheep. Where will where this herding occur, where will sheep obtain water, and how does this overlap important raptor habitats, or loss of essential habitat components?

Map 2-3 claims to depict the Sheep Allotment Complex Range improvements, yet the Map and the DEIS fails to provide essential details of type and location of projects and any troughs, fences, wells, pipeline routes, bulldozing, road alteration, etc. that may be undertaken. Much more detailed information is essential to understand the impacts of facilities on wildlife, special status species, wild horse, and recreational uses of these lands.

A comparison of Map 2-3 (showing water sources and topographic relief - but not water haul sites for which the EIS is devoid of information) with Map 2-2 and DEIS text, shows that domestic Sheep Use Areas (labeled with letters) include both all of the spring project

sites where BLM plans "developments", and large wild land areas. This map conflicts with information presented in the earlier assessment about large areas of unsuitable lands in the allotment, and sheep not using much of this area. Here, BLM appears to include ALL lands in the Complex as grazable ands. Is that the case? If not, please identify all grazable lands, and provide a map. This map also illustrates that BLM has failed to apply range science – and common sense – to defining use areas. Sheep can't graze on rocks in dense forests. What are the lands – location and acreage - that BLM bases stocking rates on? Is there a minimum level of sustainable forage production used by BLM to determine grazing-suitable or capable lands?

22

BLM in Declarations filed in the litigation concerning these allotments, claimed that domestic sheep do not use the lands where the springs are located due to snow cover during the periods when sheep are grazed. That is false. Snow cover does not preclude sheep movement in some areas up steep south-facing slopes, as snow readily melts off in some areas, and the springs are not located at the higher elevations. I observed a lack of snow at springs accessible (sites with roads not too muddy) in the allotment in late December 2005. See photos. During that period when sheep are gazed here, soils may be very wet, and even in the middle of winter, thawed during the day, and tremendous and unassessed damage from sheep trampling activity occurs. Snow-free areas on south and west-facing slopes extend up slopes significant distances, and can be readily accessed by sheep.

23

BLM must mesh its assessment of lands grazed by sheep with the facts on the ground, and reveal just how much of the land is actually suitable for grazing by sheep. BLM must be honest with the public, and incorporate this new information into a Supplemental EIS.

Nowhere are the specific Use Areas in all the grazing system Tables in the EIS for the Complex or Big Springs mapped/depicted.

BLM has failed to provide analysis that reveals the real impacts to WSAs (Bluebell and Goshute) and wild lands of these proposed developments, many located inside WSAs. How many undeveloped, natural flowing spring sources will remain in the WSAs, or in the allotments, if they projects are carried out? This is essential to understand the relative scarcity of the resources involved, and the impacts on the natural values of WSA or other wild public lands. See WWP Scoping comments detailing essential information on springs and seeps that BLM has failed to provide.

24

Maps that show "improvements" do not show facilities or water haul sites on adjacent public lands.

It is essential to depict established water sources on private lands intermingled with BLM Lands, as these are in nearly all cases not fenced separately, and intensity (and thus stocking rates) related to livestock use of public lands may be dependent on private land water, or vice versa. Thus, serious harmful impacts to vegetation, soils, important and special status species habitats, cultural sites, weed invasions, wild horse use areas, and recreational uses on these lands. Has this been done?

25

When Map 2-4 is visually overlaid with maps 2-5 and 2-6, it becomes clear that BLM is heaping project on top of project in some areas, yet proposing no projects over other areas of the allotment. No rationale is provided for why so many projects are claimed to
26 be necessary in some areas. Again, we stress that BLM fails to show many existing projects such as ponds. Plus, BLM fails to provide any map that adequately represents the ditching and various alterations to various tributaries of the East Squaw Creek watershed.

Additionally, BLM fails to provide any map or information that accurately depicts or describes water in availability in intermittent or ephemeral drainages across these allotments, or the condition of these drainages and how they are affected by livestock grazing and trampling. As winter or spring grazing is a basis for stocking in all allotments here, it is essential that BLM provide mapping and analysis of habitat conditions of these sites where livestock will water in winter and may severely impact riparian or mesic
27 vegetation and bankside soils of intermittent and ephemeral drainages.

Map 2-4 does not accurately depict springs and intermittent drainages in the Big Springs allotment. It is especially deficient in failing to depict intermittent and perennial areas of drainages in the East and West Fork of the Squaw Creek watersheds.

Inexcusably, BLM fails to reveal any information showing vegetation communities across these allotments. Please review WWP's ACEC recommendations (based in part on Nachlinger et al.), and letters and comments that describe a diversity of vegetation communities across these allotments. The Wells DRMP notes 18 vegetation
28 communities, and many of these are found in the Wells allotments of the EIS. These communities are often complexly interspersed across the landscape, and natural vegetation heterogeneity and complexity exists in many areas.

Map 2-4 "Existing Range Improvements" fails to show many of the troughs and existing spring de-watering projects that have been constructed across these allotments. This is critical data to provide a baseline of understanding current developments, their
29 maintenance and upkeep, and their impacts. Accurate mapping simply has not been done in the North Pequops and other areas. Maps also do not reveal the paths of existing pipelines that emanate out from wells or spring de-watering projects across these lands.

Map 2-9 does not allow a viewer to understand existing water sources in areas where facilities are proposed, without providing any information on ponds and a series of intermittent drainages that seasonally hold water, the dispersion of water sources across
30 the allotment can not be determined. The ephemeral, intermittent and perennial drainages in the allotment are critical to sage grouse brood rearing, and big game species such as antelope, yet these riparian areas are not adequately addressed, and there is no guarantee that they will be in PFC.

31 BLM also fails to accurately map and reveal playas and other natural water sources across the Big Springs and Sheep allotment complex. This information is essential for

understanding the interspersion of existing water sources, and likely areas of habitat degradation, weed infestation, etc. across these allotments.

Under no alternative does BLM examine removal of facilities across these allotments where facilities may be interfering with or causing harm to special status species populations or habitats. The only thing that receives passing mention is possible removal of some berms and allowing some playa-dug reservoirs in the Owyhee allotment to fill in. Nowhere is an assessment of the number of natural playas left. What similar actions could be taken in the other allotments, or in relation to other facilities? What wells or troughs can be disabled? 32

While BLM maps some facilities, the public is presented with no information that reveals the current repair or operative state of these facilities. Existing project sites across the allotments are littered with junked troughs, pieces of pipe strewn around, and other debris. BLM fails to use information on the neglect of existing facilities in evaluation 1) their effectiveness; or 2) the effectiveness of any new facilities. See photos.

Map 3-1 shows a large wedge of private lands in the Boone Springs allotment. Is this a mistake?

Map 2-4 lists 23 wells. Yet there are **even more** well symbols on the map than are identified in this list. As you propose to construct even more wells here, please provide detailed information on the current 2006 operational nature, state of repair, impacts, water production, linked trough systems on both public and private lands, etc. tied to each well. Please also provide correct mapping information – at a much larger and more detailed scale so that public understanding of just how much development already exists in these wild lands impossible. 33

Roading

BLM maps do not depict existing roads, two tracks and jeep trails in these allotments. This is essential to understand the fragmentation caused by roading; wildlife and sensitive species disturbance and stress caused by roading; or the link between existing or proposed facilities and management activities such as water hauling and important as special status specie habitats. It is essential to provide a baseline of current roading, and assess how development of additional livestock facilities or water hauling or livestock management activities across these lands may increase or extend roading, introduce or expand weeds, disturb sensitive species and their habitats, etc. Conservation Biology 2002, Gelbard and Belnap 2003, Gilbet 2005. 34

Impacts of Fire/Recovery (or Lack) of Burned or Seeded Areas Post-fire

BLM fails to provide current information on the success, health, and current production of burned areas in the Owyhee, Big Springs and allotments, or on the proliferation of invasive species such as cheatgrass and loss of sustainable forage in supposedly "rehabbed" fire areas. BLM ignores the appalling cheatgrass infestation in the burned 35

lands on the benches of the south Pequops range in the Big Springs allotment. See photos. This area, in close proximity to three isolated leks, is now essentially a dead zone for sage grouse. Just how much suitable sage grouse habitat remains in lands used by grouse tied to these leks? What is the current count of sage grouse on these leks, and how has this number changed over time. We note that BLM's maps do not reveal if these are active or historic leks. 35

BLM Picks and Chooses Inadequate Alternatives and Issues to be Addressed with No Rhyme or Reason

No alternatives are presented that limit grazing to levels below the average actual use grazed here in the past. DEIS at 2-39 to 2-40 eliminates analysis of the No Grazing Alternative, or any Reduced Grazing Alternatives for no valid reasons. All that is presented is a range of INCREASED AUMs greatly above the levels grazed here in the Eval. Period as well as the period since then (past 5 years). 36

What has the Actual Use in all Use Areas/Pastures in all allotments been from 1999 to the present? BLM must use this information at all levels of its assessment, and stocking rate and management alternatives development in a Supplemental EIS.

DEIS at E-1 states that alternatives 3 and 4 were developed in relation to public comment "expressing concern about range developments, and that a grazing system was developed in response to public comment. Yet, BLM ignored a wide range of public comment relating to addressing existing habitat fragmentation, standards of use, stocking rate, ACECs, false premises, etc. BLM has provided no rationale why some components of public comment are claimed to be recognized in alternatives and others are not. 37

BLM has also not provided a legitimate rationale for rejection of many public comments. BLM claims that "through the scoping … it was determined that grazing effects on sage grouse and the sensitive raptors were most likely to occur as a result of changes to the species' habitat". Well, BLM knew this long before scoping. 38

BLM at E-iii makes great claims about all the evaluation that occurred. The bottom line, though, is that BLM relied on insufficient, or no, current data. To understand the effects of short or long-term herbivory, time, duration and intensity, BLM first needs to understand the condition and productivity and depletion of the existing communities. BLM's analyses relied on largely old and inadequate data. The information was collected before a prolonged drought where weakening or mortality of sustainable forage plants occurred. WWP incorporates by reference all BLM documents from 1999 to the present relating to drought and its effects in these allotments. The public and other agencies supplied information and concerns about the CURRENT – as well as the OLD situation in the allotments – yet these were ignored. 39

In its old evaluations, BLM makes sweeping conclusions and fails to support them with science. Moreover, all actions and conclusions are tentative, as little is really stated in much of the analysis. 40

BLM claims it has based AUMs on "normal year production", and claims it has authority to reduce numbers (as in the SAC) – so there is no need to reduce AUMs. However, even in higher moisture years, conditions are so degraded and weeds have overrun so much of the land that plants may be weak, palatable forage limited, and plant community composition is drastically altered with now-vast weedlands. Even BLM's extremely limited AE data showed increasing or near-complete cheatgrass and weed dominance at some of the few Key Areas where BLM deigned to examine ecological problems. BLM presents no information to show that it does not base stocking rates on unsustainable and unpalatable cheatgrass or weed production.

Even after drought, some SAC allotments remain closed and elsewhere grazing is reduced. This demonstrates the long-lasting degradation and forage deficit here. Plus, it always takes BLM years to react to the onset of drought, and by the time it does react, significant harm to soils, vegetation, watersheds and habitats has occurred. There is a
41 time lag between when drought sets in, and BLM action. Loss of vigor of vegetation across these allotments, mortality of plants, etc. are the consequences, with communities vulnerable to invasive species. This is exacerbated by the high stocking rates and levels of use that are out of step with current range science.

BLM discounts setting stocking rates based on drought year production with a nonsensical statement, claiming: "because the alternative system does not provide any real alternative to resource protection, the alternative is not considered in the EIS". If BLM means that setting lower stocking rates would not help to diminish the effects of drought, it is dead wrong. Lower stocking rates would increase vigor of more plants. Fewer plants would be grazed to harmful levels, and thus subject to death or loss of vigor during drought. Soils would be less disturbed and damaged by trampling as livestock numbers would be less. Native plants typically grow more during drought than weeds – thus they are even more a target of livestock grazing pressure during these drought stress periods.

BLM forsakes analysis of any alternatives that would restore even an acre of native vegetation, falsely claiming that BLM can address this through the allotment evaluation process. Well, the reason BLM is undertaking this EIS is that it FAILED to address this and other critical actions relating to important and special status species habitats in any preceding data collection and analysis.

BLM continues largely the same levels of use, nearly unlimited flexibility, the same Terms and Conditions, across all alternatives with no significant variation.

Bighorn Sheep Introduction Ignored

42 Both the public and NDOW recommended re-introduction of bighorn sheep in the Goshute-Toano Ranges of the SAC.

BLM casts aside this alternative component without scientific rationales – or even any consideration of reduction in AUMs to levels that actual use has occurred and de-stocking but still allowing some cattle use in the large areas of trashed weedlands in the SAC . BLM could readily require diligent herding, which coupled with lack of water in many areas, would control cattle use.

42... Plus, BLM never presents data on the fatal diseases domestic sheep transmit to bighorns, nor the many debilitating diseases such as Q fever, liver flukes (sheep) or Giardia (cattle ad sheep) that livestock may transmit to humans. BLM must test soils for Q fever. With the greatly increased numbers of livestock under all alternatives, more disease organisms will be introduced into the lands and waters in livestock waste.

Actual Use and Derived Carrying Capacity Data Is Flawed

Mixing of livestock/Use from other areas. BLM fails to describe feeding of livestock, and mixing of livestock with other allotments, and other problems that make calculation of actual use, and thus forage and stocking rates derived from it, impossible. See 1989 Notes/Memos of K. Visser Attached. These show:

BLM documents livestock roaming back and forth between the Wood Hills and the Big Springs allotment, making separation of use impossible.

BLM has documented feeding on private lands that are not fenced separately from BLM lands, thus (Notes/Memo of K. Visser). Thus, calculations of how much forage is available in BLM lands is impossible by the methods BLM has used. Further, BLM misled WWP in response to our letter documenting 2005 feeding of hay to livestock on BLM lands and claimed that it was not aware of any previous feeding. Yet, its own
43 records show this has been a long-term problem in the allotment.

"The actual use data has limited value when compared to the utilization data by key area for purposes of evaluating the allotment management".

Warm Springs Use Area: "cattle mixed freely with the cattle authorized on the Wood Hills allotment" as well as used the private pasturelands … the boundary is unfenced ... the cattle have learned to go around the boundary fence to the water sources in the Wood Hills allotment".

Shafter/Silverzone Use Area. "The use shown on the actual use report does not account for the fact that Dahl periodically removed 100-150 head bunches … and fed them at Big Springs Ranch".

East Squaw Creek. "The perennial East Squaw Creek was grazed severely (to the dirt again) … [referring to mostly private lands that are now public land since the land exchange].

Mixing of cattle between Baker Spring and North Pequops is referenced. In Payne Basin, BLM had to fix exclosure fence – expect it was cut. In North Pequops: "No way to determine" what happened with cattle. BLM identifies "problems with the lack of hard and fast actual use data".

43.. In a 1989 Visser Memo to allotment file. "herd mixed with Wood Hills allotment"; rancher feeding livestock on private lands for periods of time in winter – thus confounding an understanding of use that actually occurred on BLM lands; "no doubt" intermixing of herds will occur.

This demonstrates the lack of certainty in any BLM estimates of livestock use on which this DEIS is based.

BLM Forsakes RMPs

BLM Is Not Meeting Wells RMP objectives, including:

- Provide for livestock grazing consistent with other uses. BLM's use levels and stocking rates are not consistent with necessary habitat for sage grouse such as residual grass cover of 7" or greater in height (Connelly et al. 2004); are leading to weed invasion that destroys habitats for many special status species.
- Monitor and adjust grazing management systems and livestock numbers as required … livestock stocking rates may be adjusted according to what the range will support. The range has not been shown to be capable of supporting AUMs from 24% to 48% in excess of the average actual use that has occurred here in the past. BLM knows the adjudicated AUMs were based on gross exaggerations, and these are carried forth in many ways in all the alternatives.
- Conserve and or enhance wildlife habitat to the maximum extent possible while eliminating all of the fencing hazards in crucial big game habitat, most of the fencing hazards on non-crucial big game habitat and all of the high and medium priority terrestrial habitat conflicts ….". Instead, BLM proposes to increase fence hazards for big game in crucial and non-crucial habitats, and has even failed to provide information delineating these areas. Plus, since the days of the LUP, new science has shown the harmful impacts of fences on avian species, including sage grouse, raptors, owls, and migratory birds. Fences serve both as collision hazards that kill or injure birds, as well as perch sites for nest predators such as magpies or ravens and as observation posts for brood parasites such as the brown-headed cowbird. Additionally, livestock concentrate along fences and degrade areas, often resulting in weed infestation. Even worse, by constructing ever more fences, BLM can extend heavier use into the few areas with little remaining use ... Plus, roads inevitably grow up along fencelines, resulting in weed corridors, wildlife disturbance, and new jumping-off points for off-road use. Instead of constructing additional projects here, BLM needed to assess a range of alternatives to reduce existing fence hazards in the Big Springs and Owyhee allotments. Fences are even more problematic as elk in Big Springs will cause maintenance problems.

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"Even" distribution is caused by extending and increasing livestock use in previously less grazed areas. Fences enable this to happen. In these allotments it is the areas that are less intensively grazed that are providing the best, or primary habitats for sensitive species or their prey. By constructing facilities to extend livestock use, these habitats that retain larger-statured native bunchgrasses, or fewer invasive species, will become increasingly degraded.

This shift in livestock use under all Alternatives partially through facilities that may extend use to the remaining better condition communities sets new losses of native species and invasive species proliferation and destruction of microbiotic crusts in motion. Meanwhile, recovery of degraded arid communities with few if any larger statured native bunchgrasses present, even those not overrun with invasives as is the case in many salt
44... desert and Wyoming big sagebrush communities here, will not be accomplished under the high stocking rates and levels of use. These degraded and desertified (see CEQ 1981) lower elevation communities recover very slowly from disturbance, and if any improvement occurs, it will only be in the long-term. Thus, these communities will not suddenly have bunchgrass communities providing suitable habitat or nesting protection for sage grouse or for critical small mammal prey of raptors. The end result - especially under the alarmingly high stocking rates and intensified livestock use and flexibility of all alternatives - will be degradation and loss and weed invasion of better condition habitats. Net result: short, mid and long-term habitat losses to wildlife. This same analysis applies to all water developments and water hauling associated with these allotments.

Deceptive and Misleading Descriptions

BLM's alternatives and alternatives analyses are based on fantasy and deception. BLM is proposing large-scale increases in grazing AUMs above Average Measured Use. BLM has forsaken analysis and understanding of the basic sustainable capacity of the land, and its duty to manage for sustainable public resources.

Stocking rates that resulted in the degradation of upland and riparian habitats averaged 48% below preference. (Based on Actual Use to 1999). What has been the Actual Use since then?

Under its "best" and claimed to be environmentally friendly alternative, BLM would enshrine a 28% increase in preference above average. This in no way represents an
45 "environmentally friendly" alternative. It includes AUMs above actual use, crested wheatgrass seedings/range "improvements", fences harmful to sensitive species, no firm monitoring commitments, no firm commitments, makes no effort to incorporate current science relating to burrowing owl, ferruginous hawk, makes no commitment to restore the greatly degraded riparian and upland areas in the Big Springs allotment/Pequops, is based on stocking that does not reflect drought use/impacts.

BLM appears to be acting only to prop up the value of the public lands grazing permits, in defiance of common sense and the public interest. This is particularly egregious, as some large permits are held by mining interests seeking to sell base property lands for

high prices and cash in on the Clark County land sales revenue, as well as hobby ranchers.

New Information

BLM has steadfastly claimed that sheep in the Sheep allotment Complex do not access springs and seeps due to snow. This is simply not valid. See photos of WWP December 2005 site visit.

Facilities as Deathtraps. WWP provided photos of dead rabbits, bats and other wildlife in existing decrepit facilities in the Sheep Complex and the Spruce allotment that borders the Big Springs allotment. Nowhere has BLM assessed the toll such facilities take on native wildlife species. See WWP letter.

Facility Neglect. The project-killed springs and the disrepair and junk of facilities was documented by WWP. These terribly degraded conditions indicate a great need to carefully study facility impacts, and degradation under actual use levels far below proposed stocking rates, etc.

BLM grazing actions. BLM's just acted in a neighboring allotment to vacate the 1998 YP Decision, and there has not been no description of what new action BLM may be contemplating here – and this allotment borders large areas of the Owyhee allotment.

46 Trespass, mixing of livestock, feeding. Winter feeding was documented by WWP, casting doubt on BLM measurements of forage use, especially when viewed with the many problems of the Visser memos, ignored by BLM in analysis.

Shrub die-off has been documented. Pinyon-juniper die-off is occurring.

Long-term effects of drought persist for years after drought is over, and affect sustainable forage production. Lack of sagebrush growth in the SAC on sheep-browsed and stressed sagebrush, continued weed domination, etc. show this.

Poor condition and lack of production of existing seedings. BLM hid the very poor condition of existing seedings. Spring 2005 field tour visited degraded seedings in Big Springs, and WWP pointed this out to BLM

Air Space and Military Disturbance Changes. There is a new proposal to allow low level and very loud military overflight activity and maneuvers in many of these lands. This will result in additional stress on wildlife populations, as low level flights result in noise that can startle or stress native wildlife, or cause them to react and make them more vulnerable to predators. BLM has never described military uses of these lands or airspace that can result in disturbance of native wildlife (noise/auditory and visual startle, stress), fires (use of flares), use of littering chaff, etc.

BLM has failed not only to assess impacts of new or proposed military activity, but also of all existing military activity over these lands, and how it may affect native species and public lands resources. Military use of flares causes range fires, and chaff may harm wildlife/aquatic species.

Acting to provide the best possible vegetative cover and habitat integrity, while minimizing other sources of human disturbance and stress such as disruptive livestock management activities or projects, is essential to maintain healthy and viable populations of wildlife in the face of additional disturbances.

Land disposals/Development of private lands. BLM has proposed Baca Land Sales in nearby areas, to expand population and development. The outcome of these actions has not been decided. In addition, likely development of any disposed lands, or development of the large acreage of checkerboard lands in the northern Sheep Allotment Complex and the Big Springs allotment will dramatically increase fragmentation of habitat for important and special status species, and greatly amplify impacts of existing and proposed fragmentation on BLM lands, especially that resulting from livestock grazing and management activities (roads, fences, corrals, powerlines, troughs, water hauling leading to improved road and increased wildlife disturbance), as well as greater demands on – and depletion of – existing wildlife waters in these very arid allotments. As BLM has failed to provide essential baseline information and data on existing fragmentation for sensitive species here, it can not possibly assess the impacts of this very likely and foreseeable development across the landscape. BLM can not gauge impacts to sensitive species, and can not comply with its regulations or Land Use Plans. For sale signs are found in checkerboard parcels of the Big Springs allotment. How would development of these lands affect sensitive species (particular nest sites, important habitats)? What can BLM do to minimize impacts of such development houses, powerlines, roads, etc.?

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Absentee owners, transient lessees. Some Permits are held by absentee hobby ranchers or mining companies. Herds of unknown origin, grazing on lands with unknown and unassessed weed problems may be introduced to these allotments. BLM provides no quarantine or other requirements to keep weeds from moving onto these lands in livestock feces, mud on hooves or fur.

BLM proposed Grazing Regulation Changes. BLM proposes large-scale Grazing Regulation changes that would turn over partial ownership of projects to permittees – thus new water projects, fences, etc. would be affected, decrease public involvement and otherwise alter oversight of public lands and habitats in relation to grazing.

BLM Weeds/Treatment EIS. This proposes massive treatment of vegetation – especially in Nevada. Deforestation or other treatments. BLM must provide and incorporate data it submitted as part of the Vegetation treatments Using Herbicides DEIS (aka Weed EIS) and the accompanying PER. BLM states in both the Weed DEIS and PER that information submitted by individual BLM Field Offices. A large number of projects to be carried out under the DEIS and PER are proposed to take place in Nevada, and the original Sheep Complex assessment documents and Big Springs refer to

treatments/manipulations, and BLM carries forth sagebrush removal/destruction projects as part of alternatives in the DEIS for the Big Springs and Owyhee allotments. BLM must fully reveal its plans for treatments of the lands in or near the 3 subject allotments, as well as the entire District and adjacent Ely or other lands. This information is necessary to understand the short, mid and long term impacts of the facilities and treatments, as well as the stocking rates and management schemes proposed in the DEIS. How much MORE sagebrush habitat will be lost due, disturbed, overrun by weeds, due to possible treatments or failed treatments?

Large-scale deforestation is proposed for nearby lands, and important winter ranges for wildlife linked to the Big Springs and other allotments. BLM has recently undertaken large-scale destruction of non-weedy n native species composition Wyoming big sagebrush communities that provide winter habitat for sage grouse and mule deer and foraging for raptors. It replaced native vegetation with crested wheatgrass - and invasive halogeton and other aliens have proliferated. This is an example of the ongoing habitat fragmentation and habitat destruction that must be examined to allow BLM to understand: the health of the habitats and populations of wildlife affected by its actions and management in the EIS allotments and surrounding lands. Additional and increased habitat destruction is proposed in the neighboring Spruce and the Valley allotment lands, too, and its effects are unassessed. See Spruce EA, in BLM's files. WWP incorporates by reference this EA and our Appeal. Huge new sagebrush eradication and fragmentation is planned on Nearby Winnemucca BLM lands in the Owyhee ecosystem.

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We are frankly dismayed at the lack of necessary information on the current health of vegetation communities in these allotments, and the harms being caused by BLM mismanagement. This, too, is essential to understand the impacts of any treatments that may result in additional habitat loss.

OHV activities, new trails, new roads. BLM has never provided maps and other information related to areas used by OHVs or other wheeled or motorized recreation on these lands. Where have competitive events been allowed, and over what routes? How have events expanded over time? What foreseeable new or expanded use may occur? Has BLM allowed the development of new trails or roads in or near these allotments? Are any planned? Where are these located? Were trails disused in the DEIS authorized by BLM, or did they develop, and now BLM is blessing/legitimizing them? What part of the OHV trail network was developed by OHVs? Are these routes now being used by permittees for livestock management? What portions of the routes were develop in relation to livestock facilities, and now have become pounded in due to OHV use?

BLM must provide an up-to-date map of roading, and especially roading as it relates to livestock facilities and management across these lands. This is essential to understanding habitat fragmentation, weed invasion, etc. It is also necessary to understand additional foreseeable roading and habitat alteration and fragmentation that may result from proposed facilities or expanding motorized uses.

Please provide a detailed description of routes and activities of various OHV events and development proposals in the Big Springs and Sheep allotment Complex and surrounding lands, and assess impacts of these activities.

Exploration Activities. There has been a tremendous increase in Oil and Gas leasing, exploration and development proposals on northern and central Nevada BLM and Forest lands. Nearby lands have been covered in a current lease EA, and more are proposed. Plus, BLM has already leased over 2 million acres in the Elko District. Are any lands in these allotments currently leased? If so, where are they located? What exploration has occurred, and when? What would the impacts of development be?

There has been a tremendous increase in hard rock mining (particularly gold) exploration and development activity across public lands (BLM, Forest, private) in northern and central Nevada. Where has such mining exploration occurred in or near these allotments? What exploration or development has occurred, where, and what are impacts? Is more likely? Where?

Toxic mercury is now known to spew into the airsheds of northern Nevada, eastern Utah and southern Idaho from Nevada gold mine roasting operations. Mercury emissions are likely to be expanded. This mercury must be viewed in context with increased mercury pollution from several huge coal-fired plants planned just to the south in White Pine
46... County, and also near Gehrlach. There is also likely pollution in the air, on vegetation and in surface waters of these allotments from the Valmy and other coal-fired plants. Health of watersheds may limit runoff of toxic substances into surface waters of the allotments. Contaminants such as mercury bio-accumulate, and the pollution of waters of these allotments that are used by wildlife, special status species, or human recreational visitors may cause serious ecological problems.

In addition, what are other proposed or potential energy projects in these allotments? We have observed what appears to be a MET tower on the ridgeline of the Pequops. Is wind energy proposed here, or elsewhere in the allotments? If so, how will wind development and associated infrastructure affect special status species habitats and populations – when viewed in light of the actions under the various alternatives.

The Ely DRMP proposes massive new developments, and deforestation, alteration or treatment of sagebrush and pinyon-juniper across over 4 million acres of BLM lands just to the south. This is likely to result in regional losses in ferruginous hawk and other wildlife populations, elevating the importance of remaining habitats in the DEIS allotments even more.

Massive power plant proposals may impact populations of sensitive species across northern and central Nevada, through both air pollution and subsequent deposition of pollutants on lands and in surface waters. Besides this, extensive infrastructure such as power grids is likely to increase. Where might or is this proposed to occur in or near the allotment lands?

De-watering. BLM has not provided any significant information of any kind on springs, seeps, wet meadows and streams in these allotments, or past or foreseeable proposals to export water from or across these lands. As numerous proposals to de-water remote desert aquifers are now in the works in Nevada, and water export from Big Springs has been considered (Vidler), BLM must provide basic information on water sources, aquifers, flow rates, etc.

Diversions/ditches. BLM has failed to describe or assess the impacts of ditches that serve to alter flows, desiccate channels, or speed up downstream water flow in the East Squaw Creek or other watersheds. BLM has ignored responding to restoration proposals by WWP for these eroding and harmful ditches. See WWP letter describing East Fork Squaw Creek watershed, and photos. BLM outrageously carries forward a proposal to irrigate formerly private lands – as a cow pasture – something that was in no way
46... addressed in the MUD. As described in WWP's letter shows, the old ditching, roading and livestock projects throughout the unique East Squaw Creek watershed are contributing significantly to rangeland health woes – including poor water quality, progressive headcutting of drainages with subsequent desiccation and loss of surface waters. BLM has failed to live up to its inadequate promise - in Declarations to the Court - to maintain a 4" stubble height on the extensive system of riparian areas connected to the various forks of the East Squaw Creek watershed, and across the Big Springs allotment.

The full impacts of the BSR Land Exchange have never been assessed.

Watersheds and drainages unassessed were and ignored in previous analyses. This includes drainages like Independence Creek in Big Springs and several Owyhee intermittent drainages.

Regional and National Significance of Lands

A reader of the EIS is left with no understanding of any kind of the relative importance and national or regional significance of lands in these allotments. WWP supplied BLM with important information in bibliographies and specific ACEC proposals that demonstrated the significance of these wild lands. Instead of acting on this information to develop appropriate management to comply with FLPMA, its Land Use Plans, and its own regulations, BLM has only sought to further damage and gross overstocking and new harmful development for rewarding livestock interests – who have caused the serious rangeland health problems and weed invasion through past and ongoing use levels
47 far below those BLM applies under any alternative.

As examples:

* Goshute Range. See WWP ACEC proposals. This site is unique in the world. Harmful sheep grazing is increasing irreversible weed invasions that will destroy habitats for essential prey of resident and migrant raptors and other migratory

Birds and special status species. The prey base for raptors lined to the unique Goshute migration and nesting site includes both the lands of the Sheep Allotment Complex and Big Springs. BLM's alternatives extend harmful levels and types of grazing use into less grazed areas that may be important refugia for special status species (example: Morris Basin).

*Owyhee canyons and uplands. This site harbors a unique canyon and wild sagebrush upland area, providing important habitats in a nationally recognized wild ecosystem. BLM's various alternatives ignore important values, and seek to place livestock use far in excess of past actual use, as well as fragment, alter and destroy sagebrush communities critical to healthy raptor prey base, important special status species including loggerhead shrike, and declining sagebrush-obligates sage sparrow, Brewer's sparrow, sage thrasher.

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These are just some of the significant values at stake here. We ask that carefully review the ACEC proposals and the scientific references and other information provided to BLM, and BLM drastically revise its description of the environmental setting and consequences, and develop management actions to maintain, enhance and protect these very significant areas in a Supplemental EIS with appropriate ACEC designation.

No New Data

Little if any new data or information has been collected or analyzed related to soils, vegetation, watersheds, invasive species, native vegetation communities (condition and areal extent, ecological site, forage production, carrying capacity, etc.), suitability of lands for grazing or under grazing without special management attention, ACEC values, stocking rates, use of current science (related to livestock, ecological conditions, important as specialist species and their habitats, wild land values, invasive species, etc.).

Much of BLM's extremely limited data used in the old EAs/DNAs and assessments were based on mid-90s or older information.

This is despite significant new information ranging from the scope of the problem of invasive species engulfing BLM lands including these allotments to the impacts of habitat fragmentation and cases of fragmentation such as roads and fencing on sage grouse and other sensitive native wildlife species (see Knick et al. 2003. WWP provided summaries of such information to BLM, and a large bibliography. Our ACEC proposals and the TNC Nachlinger et al report on which they were largely based also stressed the science on the importance of protecting native vegetation communities and species habitats form invasion and fragmentation. BLM ignored this, too.

48

BLM's Vegetation Treatment EIS claims weeds are spreading like wildfire across BLM lands, and proposes large-scale 'treatment" for Nevada in particular. This is the current context in which an assessment of impacts of livestock grazing and BLM management to special status species habitats across these allotments must be undertaken.

WWP presented BLM with scientific references and analyses from federal government and peer-reviewed science and other reports that demonstrate the harmful impact of

invasive species on these lands. WWP also presented BLM with information on the widespread occurrence of invasive species on these allotments. BLM itself acknowledged the large-scale occurrence of weed problems across vast upland areas of the allotments.

BLM Ignores Current Ecological Conditions and Grazing Capacity

BLM must understand the current ecological condition of the lands, the suitability of the lands for grazing, the carrying capacity and the grazing capacity. See WWP scoping comments, and additional comment letter on DEIS. Unless BLM does that, it can not comply with the Taylor Grazing Act (sustainable use of resources and protection of soils and vegetation), FLPMA (current inventory of lands), the FRH (including special status species provisions), and its own policies and guidance. Despite extensive citations and comments provided to BLM, BLM forsook current science related to appropriate use levels and stocking rates to maintain, enhance and/or protect ecological values and
49 habitats of these lands.

BLM's old RMPs are woefully outdated and do not reflect current habitat loss and weed problems plaguing public lands.

Without baseline and current data or information (and especially the integration of old information with new information to understand changes such as domination of lands by invasives, shrinking of spring and wet meadow areas, loss and replacement of larger-sized native grasses with weeds or smaller less productive grasses) on habitat conditions and health of the public lands,

BLM Ignores Current Ecological Science

BLM ignores current ecological science, and does not support sweeping assertions and conclusions with data, analysis or science. In addition, lands of the EIS area lie within the Interior Columbia Basin. WWP provided excerpts, summaries and analyses by both federal agency and independent peer-reviewed science and reports that demonstrated the importance of conducting current and up-to-date analyses and understanding the current status of important and special status species habitats and populations. See USDI BLM IDANG 1995, Collopy and Smith 1995, Braun 1998, Knick and Rotenberry 1999, Knick
50 and Rotenberry 2000, Conservation Biology Institute 2000, Wisdom et al. 2000, Nachlinger et al. 2002, Nevada Natural Resources report 2002, Welch and Criddle 2003, Knick et al. 2003, Connelly et al. 2004, Dobkin and Sauder 2004).

BLM never recognizes and assess the impacts of the **increased** grazing levels greatly above past actual use that it would put in place.

BLM ignores any assessment of modern-day levels of livestock grazing use on vegetation in either upland or riparian habitats.

Under no alternative does BLM apply more restrictive levels of use, or levels of use that are step with current range science.

BLM ignores current range science in application of livestock use levels (which are then the basis of stocking rates) under all Alternatives. BLM does not use current science in application of use levels, plus has no Term and condition that even the excessive use levels be met and damage even beyond that predicted be inflicted to soils, vegetation, watersheds, habitats and other values. See Anderson 1991, Anderson and Holte 1981, Anderson and Inouye 2001, Belnap 1995, Belnap and Gillette 1997, Belnap et al. BLM Tech Bull. 2001, Belsky and Gelbard 2000, Beymer and Klopatek 1992, Braun 1998, Connelly et al. 2004, Donahue 1999, Fleischner 1994, Freilich et al. 2003, Galt et al. 1999, Galt et al. 2000, Gelbard and Belnap 2003, Hockett 2002, Holechek 1996b, Holechek et al. 1998, Holechek et al. 1999 a and b, Holechek et al. 2000, Holechek et al. 2001, Holmes et al. 2003, Hutchings and Stewart 1953, Knick and Rotenberry 1995, Knick et al. 2003, Mack and Thompson 1982, McLean and van Ryswyck 1973, Nachlinger et al. 2001, Nevada Natural Resources Status Report 2002, Pellant and Hall 1994, Pyke 1999, Ricketts et al, 1999, Sheridan CEQ 1981, Welch and Criddle 2003, Whisenant 1990, Wisdom et al. 2000.

WWP spent two weeks in Elko in an IBLA hearing, presenting a large body of science on livestock grazing impacts to important and special status species, vegetation, watersheds, and on the role of livestock grazing and levels of use and grazing management on depletion and loss of native vegetation, and its replacement with invasive species that are largely unpalatable species, poor watershed stabilizers, aggressive competitors with native vegetation. Moreover, species like cheatgrass are highly variable in forage production and under BLM's own regulations, can not serve as a basis for a permanent stocking rate. WWP incorporates by reference the Administrative Record and Transcript of this the Squaw Valley/Spanish Ranch hearing.

Management Scheme is Nebulous, and Highly Uncertain

BLM can not even evaluate the impacts of its actions, as everything is referred toby BLM as tentative (use of "would" instead of "shall"), and nearly unlimited flexibility is applied. BLM and the permittees in secret will be allowed to change anything at any time under this scheme.

51

The public has no guarantee that any action claimed to be the basis for FRH compliance RMP compliance, etc. in the weak and unsubstantiated analyses of the EIS will occur.

Wilderness

BLM fails to address degradation of WSA lands by livestock. Degradation is occurring in the WSAs on the west slope of the Pequops where livestock concentrate in winter on areas of canyons that are snowfree, thus leading to intensive use and depletion of native vegetation and irreversible increases in invasive species such as cheatgrass. The same applies to domestic sheep grazing across snow free or limited snow areas - especially on south facing slopes on the east side of the Goshute and Toana Ranges in the WSAs.

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53 BLM continues to propose harmful livestock water developments or re-developments that dig into the heart of wild land springs, and construct mazes of fences across lands of the WSAs, without collecting necessary site-specific information.

54 DEIS E-iii-iv claims that a litany of outcomes "was determined' to do various things. Yet, there is no scientific basis for BLM to conduct an analysis, as critical information was lacking.

55 Despite all the information provided by 100 commentors and agencies, BLM's "preferred alternative" is "implement the Multiple Use decision" (E-iv). This is despite even BLM's weak-kneed and deficient analysis finding that under the MUDs:

56 Sheep Allotment there was only "potential" to improve upland vegetation, with "some areas of continued adverse impact", and 'could adversely impact sage grouse nesting habitat, and habitat for long-eared and short-eared owls".

57 Big Springs allotment there was only "potential" to improve upland vegetation, with "some areas of continued adverse impact", and "potential to reduce the amount of winter habitat as a result of vegetation treatments".

58 Owyhee allotment there was only "potential" to improve upland vegetation, with "some areas of continued adverse impact". This does not fulfill the requirements of the LUPs or the FRH, and BLM's own regulations.

59 We note that Nevada Department of Wildlife has withdrawn its name as a Cooperator, please correct 1-1.

60 BLM claims "all appropriate mitigation" is identified with EIS alternatives. Of course, that is simply not true, and BLM provides no rationale for this wild claim.

BLM Ignores Sage Grouse Habitat Needs

61 BLM claims that the lands in Nevada are somehow unique, and thus Nevada does not meet or can not meet or manage for the habitat requirements of sage grouse. This is an attempt to countenance excessive grazing damage while at the same claiming that the vegetation communities are not capable of supporting necessary habitat components (see Connelly et al. 2004), such as tall residual cover, and is belied by Ecological Site data and soils survey info for Elko County to the contrary. Sage grouse habitats in these allotments are perfectly capable of supporting all sage grouse habitat requirements – but unfortunately BLM does not manage them to allow this to occur. Example: Utilization levels do not allow sufficient cover, stocking rates and other management activities do not allow recovery of taller stature grasses. This demonstrates, including on the lands of these allotments, that vegetation communities supporting larger-statured native bunch grasses are the natural vegetation communities on these sites. It is only past and ongoing management by BLM that has resulted in depletion and loss of necessary grass and forb vegetation essential for nesting and brood rearing food and cover for sage grouse. Under

all alternatives, BLM continues stocking rates, management activities and use levels that conflict with sage grouse grass, forb and shrub habitat requirements (Braun 1998, Wisdom et al 2000, Connelly et al. 2000, Hockett 2002, Connelly et al. 2004).

WWP incorporates by reference all available soil survey and soils information compiled by SCSC, NRCS for these lands, as well as all information in BLM's files on Ecological Site Inventory, including plant community descriptions, and field data sheets showing ESI results in the Elko District and adjacent lands. As BLM relies on claims that the lands of these allotments are somehow unable to produce identified important habitat components for sage grouse it must provide evidence of the potential natural community and ESI data for these lands, and compare this information to the current vegetation communities. This will demonstrate that the lands COULD provide all habitat components, but are so degraded by BLM management paradigms that they are unable to do so. It is also essential to understand any current carrying capacity, or the current condition of habitat components of food and cover for important and special status species, including raptor prey species.

61...

BLM must provide a new range of alternatives that allow for restoration and recovery of native habitat components such as native forbs and large-statured native bunch grasses that are critical for sage grouse life cycle requirements.

BLM forsakes its management requirements for special status species by claiming only that it will "consider" (and NO guarantee that any of these will be implemented) NV guidelines along with WAFWA guidelines. This interjects more uncertainty, and further imperils the sage grouse of the Big Springs and Owyhee allotments.

Migratory Birds, Including Special Status Species, Are Forsaken by BLM's Livestock-Driven Alternatives

BLM is undertaking a series of actions that will have significant short, mid and long term harmful impacts to migratory birds, including migratory raptor species and special status migratory birds such as loggerhead shrike.

The MBTA and the Executive Order direct BLM to: integrate bird conservation principles; restore and enhance the habitat of migratory birds, and prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds.

62

BLM claims it only has to what is "practicable". Yet, BLM has conducted no science-based analysis that provides a rationale for what is "practicable" here. It has developed a range of alternatives and rehashed old, stale data, and has no basis for determination of what is or isn't "practicable" in 2006.

The one thing that BLM claims it has to consider, and where its old, out-dated analysis was deficient, is special status bird species. Well, BLM has not used best available science, and has not collected necessary baseline data and conducted analysis necessary to understand or assess impacts any better than it had before. BLM specifically rejected

use of current techniques to study sensitive bird species and their habitats. See separate WWP comments, related to scientific methodology and habitat studies.

Terms and Conditions Lack Measurable Standards of Use and other Necessary Requirements

The proposed grazing permit Terms and Conditions (DEIS at 2-2) under all alternatives lack measurable standards of use, and thus the claimed levels of use and impacts to wild lands and waters and special status species habitats are not enforceable. This means that there is little likelihood they will be met, and there will be no permit action required if they are not.. This means that BLM really is not serious about requiring that these use levels be met on an annual basis. It is much more difficult for BLM to act to change management. Lack of specific required use levels also interjects a great deal of uncertainty into an already highly uncertain process.

These near-substanceless Terms and Conditions will not bring about compliance with the FRH.

In addition, even if one accepts BLM claims that AUMs (forage supposedly removed) drive the system and determine impacts on everything including sensitive species, BLM has not provided necessary data and analysis to understand just how many AUMs are being harvested. See WWP's separate comments, and the significant increases in cattle and sheep weight in recent years, the need to know size, age class, if calves are present
63 and what size of calf is present, to understand how much forage is being removed, or to calculate AUMs – and hence stocking rates.

Serious flaws in BLM's analysis throughout the EIS are revealed by the statement that livestock numbers would be "flexible" and most outrageously "the grazing system is based on the number of animal unit months [an animal unit month is the amount of forage necessary for the sustenance of one cow or its equivalent] AUMs that may be removed from each pasture/use area. Livestock numbers and periods of use would be applied on an annual basis". BLM then states: Deviations beyond the flexibility described above may be allowed …".

Thus, as BLM states this flexibility would be included in all grazing permits, there is absolutely NOTHING that BLM will not allow – under any alternative.

Plus, the wording is not even binding. BLM uses the word 'would" and not "shall".

Even if one accepts BLM's notion that AUMs "forage" production are really all that matter (and we certainly don't, especially in these extremely arid, and often rugged lands), BLM establishes no firm monitoring of any kind that would even it allow it to understand the levels of use and ecological damage being inflicted to the lands, waters, and important habitats of the allotments.

The notion of basing stocking and systems on 'forage' defies suitability, and also is deeply flawed as it is based on BLM's grossly inadequate Key Areas, and its old and limited data.

Under the nearly unlimited "flexibility", large numbers of livestock, basically, can be any where at almost any time in the allotments. 7000 AUMs could be in one pasture for an abbreviated period. Imagine the impacts if large herds descended on sage grouse nesting habitats during incubation and brood rearing disturbance to nests, disruption of broods, etc. Or imagine the competition with wintering wild horses in HMAs if the same thing happened.

This unbridled "flexibility" will be devised and implemented behind closed doors, as BLM's annual meetings with permittees are closed to the public, and there is no environmental review conducted. This flexibility and unlimited ability to change use periods, livestock numbers, livestock management, and everything else violates the Taylor grazing Act, FLPMA, the FRH, and makes NEPA analysis impossible.

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An example of how NEPA analysis is thwarted by this unbridled flexibility: DEIS at 3-73 claims that "Dry Creek Pasture would receive summer use alternating with complete rest under this alternative". Well, under the permit Term sand conditions, this is not required to happen. In fact, the Term and condition addressing so-called flexibility (more appropriately called anything-goes) would allow BLM to abandon this rest on an annual basis. Thus, any conclusion that the EIS preparers may make about how wonderful this rest would be for sage grouse, native vegetation, etc. are negated.

Since BLM makes no commitment for scheduled mandatory annual during and after grazing episode monitoring of the lands and waters of these allotments, use levels greatly in excess of those claimed to be applied may be exceeded for a many years before BLM even notices. Under all alternatives, BLM must apply scheduled mandatory annual during and after grazing episode monitoring of the conditions and livestock use of the lands and waters of these allotments. This includes monitoring of: utilization levels, use pattern mapping, browse/nipping/breakage use on both upland and riparian shrubs, bank trampling on accessible riparian area banks, stubble heights.

BLM's Alternative Violates Conservation Plans

BLM discusses the Nevada Bird Conservation Plan, the Nevada Comprehensive Wildlife Strategy, and various sage grouse plans. BLM's effort here is woefully deficient (see WWP Scoping comments related to avian conservation plans), and demonstrates that BLM does not take seriously the commitments made in various MOUs, or to get funding. Note that 1-5describnes development of a strategy being necessary to obtain federal funding under state wildlife grants. The goal of the state wildlife strategy is 'to maintain healthy, self-sustaining populations of Nevada's Species of Conservation Priority and their habitats".

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Not only does the DEIS fail to present essential information on sage grouse and raptor populations, habitat, and habitat use, BLM would undertake - under all alternatives - a series of developments, grazing schemes and livestock management actions that directly conflict with healthy and self-sustaining populations of avian species of concern.

BLM, in a SEIS, must define populations and threats at the local, regional and national level, and demonstrate how a drastically revised series of alternatives affect populations and habitats of important wildlife and special status species, and all species of conservation concern, on these allotments.

BLM Misrepresents, or Limits with Bias Shown, Issues Raised by the Public and Agencies during Scoping

Table 1-1 fails to include, misrepresents, minimizes, or misleads in description of many issues raised by the public during scoping, including:

ACECs and relevant and important criteria; systematic baseline surveys; current data; population information; conservation importance of lands in the allotments in a local, regional and national perspective; assessment of ecological condition and health of important vegetation communities in the allotments; desertification; impacts of existing facilities and their condition; assessment of habitat fragmentation; roading impacts; stock pond, water haul, salting and mineral site location and impacts - since documented in WWP letters; critical information on watersheds, soils, riparian areas including springs and seeps; many foreseeable new developments, actions or intrusions on wildlife and sensitive species habitats in allotments and surrounding lands.

BLM also categorizes comments as "grazing may affect species". BLM ignores specific identified harms to species.

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BLM claims (1-8) that the public identified 'livestock grazing suitability" and the Issue is identified as "use of current data and literature". BLM then proceeded to ignore this comment, relying instead on regurgitating old, incomplete out-dated information and no new studies or no systematically collected current data of any kind – instead continuing to derive AUMs and grazing schemes from old inflated and exaggerated adjudication AUMs. We have no idea how BLM derived AUMs per pasture or Use Area. Data must be presented in a SEIS. Likewise, with regional analysis of special status species, landscapes/ecosystems, watersheds and aquifers, stating 'use *of most current* data and science to evaluate the impacts of Proposed Alternatives'. BLM never reveals, in these and many other instances, how much and how current its data is.

BLM continues to live inside its old musty and data-deficient documents. Commentors raised the issue of: "grazing suitability and capability analysis - BLM must re-evaluate old forage adjudication studies; must evaluate suitability of grazing". BLM responded: "use of best information available (carrying) grazing capacity". Grazing capacity is not suitability. Where are conflicts with sage grouse so great that

What lands are so degraded that they are not supporting 200 lbs/acre of forage? What is the current forage production of lands in all Use Areas or pastures? BLM ignored any study of the current condition and thus carrying capacity of vegetation across the allotments, despite severe environmental factors having strongly affected vegetation since the old data (if any) was examined. These include recovery (or lack) from fires, success (or failure) of post-fire seedings, etc.

In the case of sage grouse, this is directly relevant to the lands of the Big Springs and Owyhee allotments); extensive weed invasions. Lasting impacts of drought and shrub and grass die-off, NEW reports and/or peer-reviewed science demonstrating harmful impacts of BLM facilities or contemplated management actions. New agency policies, guidance and planning documents that elevate

EIS at 1-8. The public raised the issue of inclusion of all BLM sensitive species and other avian species, and BLM ignored this. BLM ignored analysis of importance of areas for migrants.

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The preceding illustrates just some of the many omissions, misrepresentations, and downright ignoring of public and agency comments and issues raised during scoping.

Plus, BLM abjectly ignores current and important science on range management and ecological evaluations, conditions and impacts, including how livestock alter community composition, structure and function. See Anderson 1991, Anderson and Holte 1981, Anderson and Inouye 2001, Belnap 1995, Belnap and Gillette 1997, Belnap et al. BLM Tech Bull. 2001, Belsky and Gelbard 2000, Beymer and Klopatek 1992, Braun 1998, Connelly et al. 2004, Donahue 1999, Fleischner 1994, Freilich et al. 2003, Galt et al. 1999, Galt et al. 2000, Gelbard and Belnap 2003, Hockett 2002, Holechek 1996b, Holechek et al. 1998, Holechek et al. 1999 a and b, Holechek et al. 2000, Holechek et al. 2001, Holmes et al. 2003, Hutchings and Stewart 1953, Knick and Rotenberry 1995, Knick et al. 2003, Mack and Thompson 1982, McLean and van Ryswyck 1973, Nachlinger et al. 2001, Nevada Natural Resources Status Report 2002, Pellant and Hall 1994, Pyke 1999, Ricketts et al, 1999, Sheridan CEQ 1981, Welch and Criddle 2003, Whisenant 1990, Wisdom et al. 2000.

Wild Horse Herds and the Health of Lands

BLM has not determined AML based on the current ecological condition of the upland and riparian areas of the affected Antelope Valley, Goshute, Owyhee and other HMA lands.

BLM has failed to conduct a current study of suitability, capability, stocking rate, etc.

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BLM has failed to systematically and with the use of current data, evaluate the food, cover and space available for wild horses under all alternatives, and ignored honest assessment and analysis of conflicts with livestock stocking levels, management actions and facilities under the various deficient alternatives.

BLM has failed to provide data or analysis that methodically collects and assesses data and separates the impacts of livestock use, compared to wild horse use, on special status status species, riparian areas and upland habitats across the allotments, WSAs, recreational and other important values.

BLM has failed to provide sufficient site-specific data and analysis that separates horse and livestock use, especially that examines the often separate geographic areas grazed by horses and domestic livestock. Cattle graze flatter terrain, while horses roam over much hillier and more rugged topography. Additionally, horses travel very long distances from water – in contrast to cattle. This must be provided in an expanded range of alternatives. It is impossible to determine from the EIS the layout of the HMAs, the areas used by wild horses on a regular basis within the HMAs, the conditions of the lands outside the allotments that are essential to the wild and free roaming horses, the impediments to horse use or movement, management conflicts or disturbance of horses due to management of livestock, livestock developments or habitat conditions that conflict with management mandates to maintain a thriving ecological balance.

The EIS fails to provide information on upland vegetation and water sources that clearly separates horse vs. livestock use, and to provide evidence that timely compliance monitoring has allowed BLM to clearly differentiate sheep/cattle and wild horse use.

The EIS fails to provide information on the impacts of human developments on wild horses in these and all lands of the HMAs. Information that clearly separates horse and cattle use and impacts to soils, waters, native vegetation, cultural sites, recreational uses, special status species habitats, MIS species habitats, etc. is lacking, and must collected and used in assessment of a range of alternatives that provides sufficient habitat components to horses. Impacts of the shifts in livestock use and increased numbers of livestock have not been assessed on the HMAs and the horse bands and herds of the allotments.

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What wild horse monitoring has been conducted specifically in WSAs or wilderness areas? Please provide this data.

What percent of the land area and population of HMAs does this land area represent? How are HMA lands outside the allotments being impacted by livestock grazing, facilities, Oil and Gas, mining, water loss, fire, etc.?

How do current utilization or other measurable standards or use levels applied on Ely BLM, Tonopah BLM, and Ely Forest lands mesh with scientific information on levels that maintain a thriving ecological balance? What are the standards in each pasture in each allotment in the HMA?

When were the livestock AUMs in all allotments in the affected HMAs adjudicated or allocated? What was done to verify the validity of these stocking rates? Were all adjudicated AUMs ever actually grazed/used? If so, when? Have AUMs been cut in the

past from adjudicated levels? If so, when and by how many? Were allotments changed from sheep to cattle use? If so, what AUM reductions occurred? Was this paper cut or a cut in numbers actually grazed on these lands? How have wild horse numbers fluctuated in comparison to livestock actual use by year up to the present on these HMA lands? How have numbers of wild horses in the HMAs fluctuated since censusing began?

In what areas, and when, has monitoring of utilization, use pattern mapping, browse, stubble height, etc. occurred in HMAs. How was the difference between domestic animals and wild horses determined? Please provide schedules of grazing use and BLM compliance monitoring data that show the presence/absence of domestic livestock during periods covered by monitoring. How does wild horse use vary seasonally?

What are the characteristics of a healthy wild land system providing food, cover and space for a viable population of free roaming horses?

Please present this information so livestock and wild horse AUM levels in specific areas and pastures and Use Areas of the lands in the allotments can be compared.

Wild horse typically occur in bands, and bands use specific areas. Horses are not equally distributed across lands of these allotments and other portions of the HMA. In order to understand:

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- the availability of "forage" for sheep/cattle and horses;
- the level of conflicts (human and livestock management disturbance and displacement);
- impacts and feasibility of existing and proposed facilities;
- impacts and feasibility of existing and proposed cattle/sheep grazing management schemes (including timing of use, patterns of use, stocking of Use or pasture areas, etc.);
- characteristics/condition of lands and the ecological integrity of balances between food, cover and space for wild horses vs. livestock.

BLM must provide data and detailed analysis that identifies and clearly distinguishes these factors in order to understand the environmental effects of its proposed management.

We note that the extreme utilization of upland and riparian areas that WWP observed in 2005 in the North Pequops occurred in an area that is NOT grazed by wild horses. It is some of the most damaging grazing we have observed across these allotments.

How does upland utilization across the allotments in areas grazed by domestic livestock relate to wild horse numbers and their use of areas where monitoring information has been collected?

Please describe the impacts of motorized use and other human disturbance on the horses and wildlife. How does sheepherding, sheep camps, guard dogs, livestock management, water hauling, etc. affect horses?

How many water sources (natural and artificial) are there in these allotments and surrounding lands? EA at 5 refers to data that shows horse impacts. Please provide this, in detail, in an EIS.

What changes need to be made in cattle or sheep management to maintain a thriving or natural ecological balance, prevent the range from deterioration, and maintain multiple use relationships?

How has grazing use conflicting with wild horses resulted in shifted or altered wild horse use over the years? What will be the effects of the management actions?

66.. How do horses impact vegetation, soils, watersheds, riparian areas, special status specie habitats, etc. in contrast to sheep or cattle grazing? Are there differences in impacts of herbivory: To individual plants? To species or type of plants? Differences in trampling impacts to vegetation? Differences in use of steeper slopes? Differences in distance traveled to water?

What predator control activities are carried out here, and how does this impact wild horses or their use of areas? For example, on the Owyhee Front in Idaho, APHIS gunning coyotes for the supposed benefit of a sheep operator has been documented to spook and frighten horses. How do any of these predator control efforts impact native wildlife or sensitive species? For example, golden eagles are known to get caught in traps. Stable coyote pairs are known to cause fewer depredations than areas where the social structure has been disrupted by removal of mature pairs and where younger inexperienced animals move in. How do any predator control activities affect or disturb important or special status species and their habitats?

Drought

How have ecological conditions in these lands been affected by a prolonged drought? What impacts has drought had to soils, vegetation, watersheds, riparian areas and special status species habitats?

67 How was livestock use changed during or in the aftermath of drought? What longer lasting effects did drought have on native vegetation? Please provide site-specific data and analysis that shows effects of drought on wild horses, livestock and wildlife use of, and impacts to, wild land areas, and maps that depict the location of the studies.

We are very concerned that BLM has not collected necessary to assess the current suitability, carrying capacity and productivity of the lands in these where drought is commonplace. Plus, BLM has ignored the effects of desertification processes and loss of

"forage" species, on these lands, and its impacts on habitat of important and special status species.

False Claims about Alternative Components/Inclusivity

BLM claims that all alternatives it evaluated:

- Administer grazing and developments within WSAs in full compliance with the WSA Interim management Policy. This is false. BLM has provided no current or complete data on springs and seeps to be irreversibly dug into and developed, (see WWP scoping comments on important analyses that must be conducted to understand direct, indirect and cumulative impacts of actions, especially as they are integrated into watershed management and special status and migratory bird habitat needs. Critical data has not been collected and analyzed. BLM has never even collected data on many riparian areas in the allotments. 68
- While wild horse AMLs were previously established, the new livestock use areas, levels of use under various alternatives, etc. will affect horse use, and the health of the lands and waters. BLM has failed to collect data and conduct analysis to reveal if actions and grazing schemes are consistent, and are compatible with HMA and AML management. BLM can not assume that the removal of horses would be the same under all alternatives, or that there may not be a need to set a new AML. Under al Alternatives, BLM would inflict increased stocking rates on HMAs. 69
- While BLM claims that it will remove horses from horse-free areas, BLM has not determined how its actions tha concentrate or shift livestock use may force horses into non-HMA or sub-optimal areas, and result in increased stress. Livestock conflicts with wild horse and wildlife food, space and cover needs must be assessed. 70
- BLM claims it will "treat" invasives, but takes not action to prevent weed infestation and spread. It is impossible to treat the vast acreages of halogeton, cheatgrass, tumbleweeds, etc. without removal of livestock grazing and significant efforts and investment to restore native vegetation communities. This must be done if BLM is to live up to its own policies and regulations related to special status species, and sustainability of public wild lands. 71
- BLM is not managing sage-grouse habitats in the manner it claims, as it ignores essential habitat needs by allowing conflicting stocking rates, use levels and management schemes, as well as under the Sheep MUD management, the Boone Springs leks have been extirpated. It appears that BLM is really managing for extinction. 72
- BLM does not even commit to implementing minor mitigation measures related to facilities or projects, stating it will only implement them "when practical". Thus, there is no basis provided for evaluating any actions with any certainty. 73
- BLM has not evaluated projects to be removed, and has not guaranteed that any projects will be fixed, or are even reparable. 74
- BLM has not removed or adjusted livestock use in relation to weed proliferation and spread. 75

76 • Allotment-specific objectives may be the same across all alternatives, but it is impossible to meet those objectives with increased stocking, high use, the flexibility and resulting uncertainty that BLM applies.

WSA Data and Analysis Woefully Deficient

BLM has no reasoned basis or evidence for claiming non-impairment of WSAs. BLM provides no systematic monitoring data, including current information, on livestock use, livestock use patterns, monitoring sites and utilization, browse, trampling and other impacts over time, current ESI or weed data, etc.

77 BLM must collect data on springs and seeps including flow rates, spring type, aquifer characteristics, in order to understand not only the impacts of any development, but also the impacts to habitats across the landscape, watershed function and integrity, ecological processes, etc. This is also necessary to understand the relative scarcity of natural, undeveloped or unaltered springs, seeps, and wet meadows across the landscape. WWP presented BLM with information on the horrible disrepair and neglect, poor maintenance and harmful impacts of existing facilities.

We note that BLM claims permittees are responsible for facility upkeep – as part of its analysis, and to understand the certainty of any claimed actions occurring, BLM must provide data and analysis of the abysmal condition of and junk associated with many existing facilities in these allotments.

Actual Use from 1999 to 2006, and All Monitoring Data Must Be included in EIS

78 Sheep Allotment complex 1985-1999 Actual Use was 17, 573 AUMs, 21, 247 AUMs below permitted use. BLM must provide Actual Use for all years from 1999 to the present for ALL allotments. We believe that this number is even lower, and best reflects any remotely "sustainable" stocking rate for these lands.

Some Specific comments:

<u>Sheep Complex</u>

Descriptions of grazing patterns within use areas appear to deviate from, and be much more embellished than those described in the original Decisions.

79 2-8. Alt. 2. Annual utilization on current year's growth – not to exceed 30 percent on salt desert shrubs and 50 percent on grasses. If utilization is exceeded in two consecutive years the off-date would be adjusted to March 31. Annual utilization on previous year's growth is not to exceed 50 percent on salt desert shrubs and 60 percent on key herbaceous species. As sheep use spans periods when old and new growth may be present on plants, livestock may remove much more than that when both old and new growth are viewed together.

BLM does not provide current data that shows available shrubs can support this level of use – especially in many of the allotments and use areas that have had drought closures.

Alt. 4, Annual utilization on previous year's growth in the three use areas would not to exceed 50 percent on the salt desert shrubs and other key species (e.g. black sagebrush), and 50 percent on key herbaceous species. Then, 2-10 describes grazing of Alt. 4 as "the grazing would be similar to Alt, 2 except all early spring grazing eliminated". This is false, as Alt. 2 only allows 30 percent utilization on salt desert shrub current years growth, plus flexibility allows many unknown and unpredictable changes.

BLM does NOT adequately assess the impacts of allowing an additional 20 percent use on salt desert shrubs under Alt. 4, and on important raptor and special status species habitats.

BLM falsely claims that: "the key sensitive species habitats addressed by this alternative include sage grouse nesting habitat and white sage or winterfat habitats that are important raptor prey species' habitat".

BLM means black sage, not white sage here, or is this redundancy?

79 BLM's high levels of use would remove plant tissue that helps insulate sensitive growing points of grasses from winter killing. The levels are applied as average use, and many plants will receive greater use than 50 or 60 per cent.

BLM has failed to provide data and rationales showing how it has determined AUM and stocking levels for all use areas of the allotments under all of these alternatives and tie this to the differing use periods or allowable levels of livestock browse or forage consumption.

BLM claims that old grazing systems really didn't exist. That is incorrect, as shown by reference to UT/NV AMP, the Owyhee AMP, Visser Memos, etc. (at 2-8). BLM fails to adequately describe the grazing management situation and scheme in place under Alternative 1. What, exactly was the annual grazing schedule and sheep movement pattern, under previous management. This is necessary to understand just how different any new or proposed schemes are. What were all utilization and browse levels that were applied in all areas of the SAC? Were these Terms and Conditions of the grazing permits?

Alternatives do NOT all address FRH concerns. Serious ecological problems exist across many of the weed-infested lands of the SAC grazed by sheep. Yet, this is not adequately addressed in Alternatives 2 and 3.

Even if one believed BLM's extraordinarily limited Key Areas were valid in representing levels of use and ecological conditions in the allotments, BLM has presented no evidence that the division of use areas is based on sustainable available forage and water in these

areas, or sufficient Key Areas to determine current vegetation condition, health, productivity and sustainable use.

Big Springs

Actual use 1987-1989 in West Big Springs: 2730 AUMs, East Big Springs: 7770 AUMs, with wildly fluctuating numbers of livestock grazed.

BLM provides no information of any kind on the Actual Use from 2000 to the present, which is critical to understanding the current situation.

BLM fails to provide adequate information on grazing use schedules and livestock movement in the past.

BLM claims the No Action alternative represents the Baseline. However, this is not NO Action, as BLM has implemented the MUDs over the past few years – with disastrous consequences as in the extirpation of the Boone Springs leks. The public needs to know how grazing was conducted on the ground throughout the Alt. 1 and Alt. 2 periods to date to understand a baseline. It is claimed that in the past, the lands were under a year-long grazing system. Well, that continues into the present, especially with the unbridled flexibility.

80 2-13 describes kind of livestock permitted within the allotment includes cow/calf pairs, dry cows, and yearlings. Please see WWP separate comment letter relating to capability, suitability, carrying capacity, stocking rates, and current livestock weights and forage demands from different age class or size of livestock.

Alt. 2, 3, 4 describes "the interim grazing system would be implemented until all range improvements have been completed". However, the interim grazing system is the final system (see 2-16) just with projects all built and sagebrush destroyed by seedings, so there is no difference.

BLM describes use areas for the Independence Valley and other pastures, but provides no map or information that shows the exact location of these use areas. Where, exactly, are the boundaries of the areas described. This is essential for understanding forage allocations, conflicts with important or special status species habitat, etc. 2-15 states livestock use would be controlled by turning water off and on.

WWP's site visits reveal that during periods of the year (fall, winter and spring) when water is found in puddles, livestock roam over large areas of this (Independence Valley) and other pastures. Thus, they can not be controlled by turning water off and on – that is a fiction.

Without detailed understanding of water hauling (2-15), no assessment of impacts or use during dry periods or in dry areas can occur.

2-15-16 describes livestock being moved from Holborn pasture to North Pequop Mountain pasture "earlier than the planned turnout date" in dry years. This shows the uncertainty of any grazing schemes BLM claims to evaluate here.

Great uncertainty surrounds the seeding proposition.

BLM claims there is lack of grasses and forbs in the plant communities. BLM plans new water sources to intensify use here. BLM also claims seeding would not be a large block, but would be "several small seedings". There is no specific information where this would occur, and whether the destruction of sagebrush for seedings would occur in portions of a 1000 acre block, or over larger areas of land. There is a significant difference in the impacts of seeding primarily within a block of land vs. seeding portions of across thousands of acres. Maps show seedings within discrete areas, but the text and verbal description seem to imply the seeding would occur across portions of a much larger land area.

Seedings "to restore productivity" show that BLM's stocking rates have depleted these lands, even under the much-reduced actual use that has occurred over the past 20 years (where is the 199-2006 data???).

BLM's claim that a new well in the North Pequops Mountain bench area's operation would be limited to until July 1 "to discourage livestock grazing" is not in any way limiting livestock use on essential nesting cover.

80...

While text describing developments, such as at 2-17 "several water developments and an allotment boundary fence are proposed", and "the water wells and developments would be located: on the North Pequop Mountain bench ...". Yet, when one examines EIS Map 2-5, one can find no symbol or description of wells. Letters indicate pipelines, but the path and the water source location are NOT shown. It is impossible to understand how any of this will work or play out on the land. This information must also be overlaid on a map of roads and two tracks, as the link between new or expanded roading and livestock facilities must be examined. Roads have many harmful impacts n wildlife species (Connelly et al. 2004, Wisdom 2000), and their impacts on top of and in relation to livestock projects must be addressed.

BLM fails to provide necessary information to understand the extent and condition, and special status species use and habitats of areas previously seeded, treated or chained or otherwise altered in the big Springs area, as well as the current condition of the lands to be converted/manipulated/seeded.

Uncertainty abounds. DEIS at 2-19 East Squaw Creek pasture – the pasture contains critical sage grouse and other special status species and big game habitats, yet BLM states that "grazing would be planned on an annual basis". Plus, BLM at 2-19 proposes to allow repeated use in both spring and fall without any assessment of the harmful impacts of this "double dipping" use to important and special status species and their habitats. BLM has no way to measure repeat or combined use that accurately shows how much

vegetation is being consumed, and also the completely unassessed and unaddressed impacts to soils, watersheds, and ecological integrity.

More uncertainty: BLM proposes to somehow keep cattle use in check in unfenced areas of the North Pequop Mountain pasture – without requiring specifically scheduled herding by the permittee, and without a regular scheduled of mandatory compliance and use monitoring being conducted throughout the grazing period. BLM proposes only that the permittee move cattle in a "timely" manner. What, in the world, is a timely manner - one day, or three weeks?

The stocking rate and use levels here are outrageously long, and represent a proportional INCREASE in AUMs from the levels previously grazed in the North Pequops Pasture. The effects of such an increase in stocking rates on top of the prolonged and uncertain season of use and lack of controls over permittee actions, as well as inappropriately excessive livestock use levels and periods of use.

Hot season grazing uncertainty. Under the Terms and Conditions to be included in all grazing permits (DEIS at 2-2) unlimited flexibility - to which even additional "deviations" would be allowed - and unknown changes in everything from stocking rates (huge numbers of cattle could be placed in any pasture – at any time, including the most sensitive periods of the year for native species), no conclusions other than that ecological harm will be extremely likely, can be drawn from the description of actions under this or any alternative.

Does this **flexibility** mean that all cattle being grazed in the allotment so as to consume what BLM supposes is 9454 (12,175) AUMs can be placed in any one pasture at any one time – say for a few days, as long as pasture or allotment AUMs are not exceeded?

We note that under Alt. 2, the "Preferred Alternative", there is no chart of AUMs by pasture or use area provided, vs. Alternative 3. Does that mean that there is no AUM limit to any pasture or use area under Alt. 2?

Even if BLM claims there is a limit – can, say, all AUMs slated to be grazed in a pasture during an annual use period be placed in/ "taken" in the pasture during an abbreviated or compressed period of time? For example, suppose as in Alt. 3 3, there 1139 AUMs in the North Pequop Mountain pasture – this means -say one cow for a period of a month. Could this instead be 4556 cows grazed for one week? What are the different effects of grazing greatly increased numbers of livestock for compressed or shorter periods of time here? How would these vary depending on seasons, rainfall, precip., etc. What would the effects to soils, microbiotic crusts, watersheds, riparian areas, upland vegetation communities, important as special status species habitats, including prey base, cultural sites, recreational uses, etc. be? Plus, would be the varying effects of cows weighing 800 lbs. compared to cows with calves that might weigh 1200 lbs., under any scenario?

Table 2-25 does not even adequately apply the meager riparian stubble height requirements.

Is BLM applying these stubble heights to lands outside its proposed exclosures, too? How will they be measured? Will BLM average stubble heights inside and outside exclosures at riparian areas where unfenced perennial, or intermittent flows occur both inside and outside any proposed exclosures? Unless standards are applied (with "averaging" of areas closed to grazing – and we note that Terms and Conditions of permits would not even close any exclosures to grazing use – there is no likelihood of improved conditions over riparian areas of the Big Springs or other allotments, and no guarantee that the FRH will be attained. Significant riparian areas exist outside the pastures proposed for specific riparian use standards. Worse, it is impossible to understand the impacts of wither the use standards, and how they will be applied, until BLM provides much more extensive and detailed information including maps and other information - including quantitative information on flow rates, and seasonal variations in water availability and flows, showing in much greater detail the location of any fencing projects/exclosures, and the lengths of unfenced riparian areas that will be subject to intensified and shifted livestock use.

Unfortunately, we have repeatedly seen BLM claim that riparian areas within band-aid exclosure areas are at PFC, and ignore the conditions of riparian areas outside exclosures. BLM thus countenances destruction and loss of all riparian areas outside exclosures by claiming improvement has occurred inside exclosures. Is that what is planned in application of stubble height, trampling, browse and other criteria here? Spring projects are enabled by small exclosures, as BLM then claims improvement while disregarding harmful impacts including desertification, reduction in areal extent – both from de-watering for livestock facilities as well as due to intensified impacts (see Sada et al 2003, and WWP's scoping comments.

Will these criteria be applied under all alternatives?

These criteria appear to be largely voluntary and nonbinding, as BLM uses the word "would" and not "shall", and they are not identified as Terms and Conditions of grazing permits.

BLM is required to act to bring all riparian areas, not just some, or some portion, into PFC. Developments with intensified or shifted uses onto shrunken, unfenced riparian areas or grazed shrunken fenced areas, will not accomplish this.

Nowhere does the EIS or any other document present a map or other information that depicts the location sand extent of all riparian areas across the allotments, show which areas have been studied for habitat condition or other attributes, when this occurred, etc.

Tables (such as 2-31) present range projects under all alternatives include enlarging a reservoir. Yet nowhere is there an analysis of watershed conditions necessary to determine the feasibility of this project – including such studies as runoff production, and downstream effects of such projects. This is despite BLM knowing that reservoirs have caused significant problems for sage grouse – as in the Owyhee allotment. What is the

current capacity of the Reservoir? How much would it be changed? How would this affect downstream wetlands, flows, or springs and seeps? Would this be constructed in public or private lands?

2-28 fails to explain why seeding protection fences are required under this alternative, but not Alts. 2 or 3. The harmful impacts of seedings and fences have never been evaluated. Seven miles of fence would have serious deleterious impacts to sagebrush-dependent species, and its impacts must be fully assessed. It is impossible locate this proposal on Map 2-7. Would this fence and seeding encompass both BLM and private land? What is the interrelationship between any of the facilities and private lands? Would troughs or other developments linked to facilities on or crossing BLM lands be placed on private lands? How many additional miles of fence may be erected on private lands?

When Map 2-5 is viewed, it appears that seedings may include both public and private lands – this again demonstrates why it is essential that maps of much greater detail be provided, so that projects can be understood, and direct, indirect and cumulative impacts of the massive new developments on top of exiting developments can be understood by the public.

No Map is provided that shows existing seedings such as post-fire seedings of forage kochia now dominated by cheatgrass in the Big Springs allotment. Map 2-4 claims to show existing improvements, but omits many – as the dozen or more spring developments and troughs that and often with ditches that exist n the East Squaw Creek watershed.

Under grazing systems presented, as in Table 2-33, Alt. 4, whole pastures are missing from Tables, when this information is compared to Map 2-7, so it is impossible to understand what the grazing scheme really means.

Footnote to Table 2-33, EIS at 2-30 states that figures assume the public land remains the same, and livestock numbers may decrease if the public land increases. What does this mean? Does this mean that private lands are stocked at higher, or different numbers than BLM lands? Please describe in great detail just how BLM has calculated stocking rates for BLM lands, and how it has determined forage use, etc. for private lands. This is essential to understand, as huge checkerboard land areas are found in the Big Springs allotment. Are land exchanges foreseeable, or in process? If so, what lands are involved?

Please also clarify how BLM both assessed conditions of, and allocated AUMs to, all private lands acquired in the recent exchange. What conditions were placed on lands in the exchange?

How has BLM calculated Actual Use on private lands – as across many areas, livestock are free roam back and forth at will. Plus, in our correspondence with BLM , BLM has washed its hands of any management oversight on checkerboard private lands – as when WWP complained about deplorable conditions at a well in the east Big Springs allotment that extended on t private lands.

How, in the EIS or previous documents, has BLM assessed watershed-level conditions, habitat conditions for important and special status species, and other values of the public lands. How does private land interjects much uncertainty into management schemes, etc. For example, private land owners could feed large amounts of hay on private lands in depleted areas, and BLM could not control this. BLM has no idea how much feeding may or may not have occurred on private lands here in the past, thus artificially inflating potential stocking rate AUMs, due to the flawed methodology used by BLM to calculate stocking rates.

BLM must have a very good idea of all private land water and other facilities if it is to assign stocking rates on its intermingled lands. Yet nowhere is analysis of these facilities and other livestock-related actions on private lands adequately provided. Nowhere is thee an assessment of habitat fragmentation and degradation on private lands, including the private lands that were placed into public ownership by the recent exchange.

In addition, BLM must answer the following questions: What specific data does BLM have on lands subject to the recent BSR exchange. Our visits to the East Squaw Creek watershed have shown us that the situation on the ground is far more complicated than BLM's incomplete, limited and now out-dated information on upland, riparian and watershed shows. Did BLM collect rangeland health data on all lands that entered public ownership under the exchange? If so,where is that data?

BLM (at 2-17) states "existing spring developments were developed by capturing all of the water from the spring or source". . BLM claims it would evaluate the projects to see "if modification was warranted". BLM violates state law and policy by not mandating removal of de-watering piping, and providing natural flowing water at springs sits. Perhaps BLM fails to so this because it has killed surface expression of spring waters at sources, and does not want to collect necessary data that will demonstrate this.

This is precisely why BLM was required by the Federal Court to fully understand the condition and impacts of livestock and management actions on springs, seeps, wet meadows and other riparian areas and habitats, and this EIS fails abysmally in doing this. Critical data collection and analysis was ignored.

2-18 states the East Pequop bench pasture is closed to grazing until fire rehab criteria are met. Was this opened? What were the criteria/How have this and other fires affected critical habitat components for sagebrush-obligate and other wildlife species? What exotic species have been seeded, and how have they altered

See photos of weeds and cheatgrass (unsustainable forage) that has proliferated in wake of BLM post-fire seeding in the south Pequop bench area. BLM provides no data or analysis that uses current data on this and other fire sites. Seeded half-shrub forage kochia is not used by sage grouse for either food or cover, and is of limited value as cover to native species such as jackrabbits. BLM must supply current data to support analyses under alternatives.

EIS at 2-19 (Alt. 2) states "grazing in the use areas would be planned on an annual basis through a coordinated effort between the permittee and the Elko Field Office".

Owyhee

1981 to 1999 Average Actual use: 18,862 AUMs, with wild variation between 10,247 AUMs and 29,379 AUMs. How much use occurred in each pasture, use area or the equivalent, during that time? Please provide this information for all of the allotments.

81 The footnote to Table 2-35 includes other info that was not described in previous documents. Is this tied to the new owner? What is the specific relation between the Lime Mountain and Cornucopia allotments, and the Owyhee allotment? What are the current habitat conditions, invasive species, etc. in these allotments?

2-32. Again here, BLM allows unbridled "flexibility", and there is no requirement that any periods of use or conditions ever be met.

Whose responsibility has facility maintenance been in all EIS allotments in the past? Please provide this information for all facilities, as it is necessary to understand risk or potential compliance or non-compliance and uncertainty with the Decision and grazing actions.

BLM includes "other Management Actions' that are not supported by science, and on which no specific actions were put forth. 2-33 is open-ended, and provides no understanding of actions that may occur. Plus, BLM provides no information on existing natural vegetation mosaics and the 'diversity" that already exist across this and other allotments – in the aftermath of fires, seedings, livestock degradation, etc. See Montana Department of Fish, Wildlife and Parks 1995, Welch and Criddle 2003.

We agree with fence modifications, and are aghast that BLM has still not taken even these simple steps, despite the MUDs being final for several years now.

BLM has provided no evidence of the effectiveness of "predatory bird-proofing", or how it may harm recreational, cultural or other uses of these lands. Facilities in these allotments have not been kept in repair, and the same will occur with any so-called bird-proofing device.

BLM references some of the important playa complexes here, yet fails to provide any analysis or information on the conditions of the playa complexes and importance to native species such as sage grouse, migrating or nesting waterfowl or shore birds, etc. Please see WWP ACEC Scoping comments.

BLM makes reference to relocation of water sources, but provides no information on the sites to which any facilities would be relocated, the number of sites and reservoirs involved, the location of the affected clay pits, or the impacts of such relocation to

remaining good or better condition vegetation communities and important wildlife and special status species habitats in this allotment. This "relocation" can only mean even MORE wells, pipelines and harmful livestock water developments impinging on habitats for important and special status wildlife species.

Most outrageously, BLM in its limited alternatives and analysis has not revealed the full extent of livestock facilities such as stock ponds across the Owyhee allotment. Nor has it examined grazing systems that do not rely on construction of additional extremely damaging pipelines and pipeline extensions, and provides no data or analysis that would allow a reader to understand the impacts, including depletion and disturbance of existing facilities. When (date) were all existing facilities constructed? Were roads present before construction? Are roads present now as a result of construction or use? What impacts have these facilities and roads had on the condition of native vegetation communities in lands within 2 miles. What mitigation actions were promised, and have they been taken?

Including stock ponds, what is the density of existing water sources here? What if one includes the intermittent and ephemeral drainages (Dry Creek, Chimney Creek, etc.), and puddles in roads and in depressions, and other water sources. BLM must present this information in map and text form so that a reader can understand the current environmental setting and how it may be affected under the stocking rates and actions of alternatives, as well as developing and applying appropriate mitigation actions.

BLM at 2-34 presents number ranges of wild horses in the Star Ridge, Dry Creek and Chimney creek pastures, but never provides a rationale for setting livestock stocking rates in relation to these number ranges.

What are the chances of disease transmission between domestic horses and the wild horses? Between domestic livestock and wild horses?

BLM Map 2-9, proposed Owyhee allotment range improvements, shows gap fencing. How much gap fencing will occur, how much already exists and has it worked, and why has BLM not considered requiring diligent herding of manageable numbers of livestock , as the ranch is located very close, and herding could readily be applied.

2-35 indicates there is little if any change in grazing schemes under Alt. 2 compared to the No Action Alt. Thus, it is hard to understand how the new facilities can be necessary.

BLM has not provided information on the impacts of winter use on soils, vegetation, watersheds and wildlife habitats. For example, Dry Creek and other areas may receive winter livestock use – what are the impacts of such use on soils - especially during thaw and runoff periods? Has BLM measured soil compaction at any sites in this or other allotments? This is necessary to understand problems such as lack of infiltration, restricted root growth pedestaling of native grasses, etc. How does winter grazing here conflict with wintering important and special status wildlife species? With wild horses? What are the wild horse wintering areas? DEIS Table 2-35, Alt 2 with winter or early

spring use in Star Ridge, Chimney Creek, Upper Four Mile, Winters Creek, Lower Four Mile and Dry Creek pastures – essentially the entire allotment.

BLM fails to reveal herding patterns, assess herding impacts, or otherwise describe if repeat use, diligent regular herding and manageable numbers of stock, may occur in these lands, or the seasons of year when this may occur - and the associated impacts.

Map 2-9 does not show many of the proposed Projects, as its title suggests it does. Compare Map to Table 2-36.

Map 2-10 bizarrely shows a pipeline in the middle of nowhere that is not linked to any well or facility shown on Map 2-8. Just how many wells, pipelines, trough locations, water haul sites, stock ponds, salting sites, etc. exist in the Owyhee allotment but are not ever mapped by BLM? Please provide a detailed list of all existing projects in the project files and the year they were constructed, and an inventory of their condition including current well flow rates, flow rates from spring developments, etc.

The public simply cannot evaluate these complicated actions without much more detailed and accurate maps that reflect current and potential developments, treatments, etc. across these lands.

We are very concerned about how fencing and de-watering at Bookkeeper Spring, especially since it would border private lands and where hostility towards wild horses may exist. Fences may create bottlenecks, hazards or deathtraps for horses or wildlife.

BLM never assess the impacts of domestic horses being grazed on these lands in the Upper Four Mile Pasture. If gates are left open, will they mingle with wild horses? As they are present nearly year-round, trampling and forage removal and disturbance of wildlife habitat may be significant. What are the water sources for these horses during the period they are grazed?

BLM refers to "growing season deferment", but here as throughout the EIS, fails to define the exact growing season, active growing season and critical growing season for all forage species for all pastures. This is essential to analyze impacts, and to understand Alternative actions. See Anderson 1991, describing serious concerns with sensitivity of native grasses and forbs and growing season and other use.

The DEIS omits any application of measurable standards of livestock use to any riparian areas in the entire Owyhee allotment. Why, if stubble heights, browse, trampling were applied to some (and only some) riparian areas in the Big Springs allotment, are they not applied to Dry Creek, Chimney Creek, South Fork Owyhee river, and required to be met?

Under Alternative 4, BLM could readily apply mandatory 6 inch, less than 5% accessible bank area standards to livestock use on the South Fork, or change season of use. Instead, it doesn't apply any standard so that it can justify its fence that sets in motion the extremely damaging upland water developments, as shown in Table 2-39.

Table 2-35 fails to include essential information to determine if the South Fork Owyhee will be a pasture or an exclosure, and the full impacts of recent fires.

DEIS at 2-35 would "complete actions to … identify existing range improvements" and modify for sage grouse. Yet, the EIS fails to provide information for all such facilities and fails to evaluate the effectiveness of the supposed mitigation measures, and fails to analyze a range of alternatives that would remove such facilities, and thus remove facilities impeding use or causing mortality.

BLM has also not provided data and analysis necessary to determine if the fence it proposes will limit livestock access, or if additional fencing will be proposed.

Plus, BLM fails to fully reveal the horribly degraded conditions of the South Fork - collapsing banks, putrid algal blooms of livestock waste, hot temperatures, etc. here and in other areas bordering the YP allotment. If it did so, it might be obliged to consider a permanent exclosure here, instead of a pasture. We are mystified why BLM won't take require management actions such as diligent and regular herding by the mining company (Doby George) cattle/horse permittee.

BLM fails to describe the link between grazing in this allotment and other grazing, such as in the South Fork Owyhee River bordering the YP allotment. Information on allotment boundaries, proposed developments, status of Appeals, etc. must be provided so that a full understanding of linked actions can be made.

Please provide data and the promises made by the AMP referred to in this document. Did the AMP claim to solve livestock problems? What conditions did it document, and how have conditions changed? How many developments (including all ponds, wells, pipelines and fences) and vegetation manipulation projects were undertaken were in the aftermath of the AMP? Where were these projects constructed/undertaken? EIS at 2-31 states that a combination of rest rotation and deferred-rotation grazing was conducted. Please describe in detail how that differs from what is now proposed.

Additional Comments:

82 BLM's "Summary Comparison" fails to provide adequate citations and science data-based rationales for sweeping conclusions. BLM claims its riparian projects would improve riparian habitat, yet many areas of riparian habitat are not slated for any specific action on the Big Springs and Owyhee allotment, and BLM can not demonstrate that its fencing projects will not result in increase degradation of all riparian areas outside the fence, with and that this, along with the uncertainty surrounding digging into and de-watering springs – the surface expression of springs will be killed – thus resulting in NO natural riparian habitat remaining.

BLM - SAC - shows bias in evaluation of alternatives, claiming only "some" improvements due to wild horse cuts in examination of Alt. 3. BLM could readily make a

83 mandatory sheep permit Term and Condition that kept sheep out of springs as part of this alternative – instead, BLM acts under Alt. 2 to extend sheep use into Morris Basin Springs. Keeping sheep out of the entire Boone Spring region would improve conditions, but BLM refuses to do so.

84 Alt. 4 "would result in improvement in the upland vegetation "at least to the extent of the improvement anticipated under Alt. 2 or **even greater due to the elimination of the growing season livestock grazing". Benefits to the raptor species are likely to be realized".** Where will growing season grazing occur, and benefits to raptor species NOT be realized? What species, and how many nest sites, will be negatively impacted?

85 BLM's Table of Alternative Comparison minimizes impacts. For example, BLM claims that there would be "some areas of impact" to upland vegetation. As in the preceding analysis, BLM found that upland vegetation would not improve nearly as much as in Alt. 4, and upland vegetation constitutes **99%** of the allotment, "some" areas of impact thus encompasses a vast area. BLM with great bias claims long-term poor quality of habitat from Alt. 3. BLM has failed to provide any Alternatives that would not increase stocking rates greatly above theoretical past actual use.

86 BLM's comparison does not examine watersheds, ecosystem processes, soil health, health of macrobiotic crusts, native vegetation (and particular plant communities) vs. weeds, water quality, impacts to cultural sites, etc. for any of the allotments.

87 At 2-44, BLM only acknowledges "some impacts" from livestock trampling in relation to facilities – yet under all alternatives, much greater numbers of livestock would be grazed that have been grazed in the past. Nowhere are the tremendous impacts of trampling and impacts to soils across the uplands assessed. Plus, the "some" impacts are severe, as WWP photos of livestock facilities demonstrate.

Plus, here as in Alternatives, it is impossible to evaluate the outcome, as BLM's nearly unlimited "flexibility" thwarts any reasoned analysis.

88 Big Springs (2-44). 0BLM at 2-44 makes a wildly unsubstantiated assertion, claiming "the impact to grasses from sagebrush density combined with the grazing near the water sources cannot be alleviated by only a change in the grazing system". BLM appears to be using sagebrush density --- and dense sagebrush provides critical habitat for many important species, including sage grouse and raptor prey species - as an excuse to destroy the sagebrush cover in seedings. See Welch and Criddle 2003, WWP Pygmy Rabbit Petition submitted electronically.

89 Under Alt. 3, BLM claims **"the potential for non-native invasive species to establish is less under Alt. 3".** Given that invasive species are a serious problem in all three allotments, why in the world wouldn't BLM choose actions to minimize invasive species. See WWP Photos.

90 2-46 BLM claims "rehab" of nesting habitat in the Holborn Paste. BLM is taking no action to "rehab" nesting habitat – instead it is acting to destroy it in the Holborn Pasture (at 2-46).

2-46. Alt. 4 would result in improvement of the grass and shrub vigor … impacts from non-native, invasive species would be similar to alt. 3" … "sage grouse would benefit from this alternative due to improved nesting habitat and some improvement in summer brood habitat. ".

91 BLM claims the upland in the Owyhee allotment were improving under the existing system, yet BLM fails to consider soils, invasive species proliferation (cheatgrass, white top, mustards), and large-scale recent changes due to drought and fire. Alt. 2 would not address many riparian issues. BLM omits mention of the many riparian areas (playas, perennial and intermittent drainages. BLM has **NO basis** for concluding that "the range improvements would have an overall benefit to sage grouse" under Alt. 2 in the Owyhee allotment. Constructing vast pipelines and new wells in uplands will destroy sage grouse habitats over vast, and unassessed, areas. Livestock impacts radiate from new water sources. BLM will undoubtedly extend any new pipelines even further in the future. This will result in large, degraded areas for sage grouse – in a population reeling (this is ignored and unassessed by BLM) from the aftermath of huge fires.

92 BLM Table 2-44 claims under Alt. 2, "reduction of disturbance at leks", but never shows which leks may have reduced disturbance, or the impacts of the action on all leks other than those that may have a berm near. The human disturbance - management and livestock – at leks may have severe consequences, as may all livestock projects – for which little accurate information is provided. BLM provides no information that accurately overlays or allows understanding of all livestock developments and leks.

93 BLM at 2-48, Alt. 3, "would eliminate disturbance at leks in the Dry Creek pasture, and "recovery of riparian habitat in Upper and Lower Fourmile and Chimney Creek pasture would improve sage grouse brood habitat". Yet, BLM allows unbridled flexibility and deviations from grazing schedules such that large-scale disturbance from livestock and management activities - especially under increased stocking rates and high use levels, may well continue.

94 BLM claims that if veg treatments aren't conducted, "the improved habitat for sage grouse, burrowing owl, and short-eared owl would not be realized". First, BLM has not demonstrated that its actions would improve sage grouse habitats. See Welch and Criddle 2003,Connelly et al. 2004. Second, BLM omits mention or analysis of the destruction of habitat for other raptor prey species and several special status species such as loggerhead shrike and pygmy rabbit from such projects. See Pygmy Rabbit petition. Without current and systematic baseline surveys and full consideration of impacts, BLM can not make ANY conclusions - especially about any "beneficial" impacts of treatments. This is especially the case in a landscape increasingly fragmented by fire, and where wildlife populations have lost crucial sagebrush and dense sagebrush habitats.

Special Status Species

BLM and its contactors have done a remarkably deficient job --- showing complete disregard for the public and wildlife and special status species habitats on lands that belong to everyone.

95 BLM can not get away with failing to provide comprehensive information and a range of alternatives that take a hard look at the effects of livestock grazing and management actions on both important species – such as antelope, mule deer, elk, as well as special status species - loggerhead shrike, bats that rely on insects produced over brad areas of habitat, and other essential information for the public to understand the impacts of its actions.

96 Over 100 people commented on the EIS, yet only a hand full of people ever commented on, or saw, the old nearly incomprehensible documents where BLM claims that essential info to understanding this EIS is to be found. This alone necessitates preparation of a Supplemental EIS. Plus, BLM misleads the public by claming that the EIS was sent to parties listed. BLM fails to represent information that allows a reader of the DEIS to understand how its assessments and previous actions were conducted or the information that they are claimed to be based on.

97 DEIS Maps of special status species habitats are woefully deficient. Little circles depict raptor (species unknown) habitat, yet nowhere is habitat for each species of raptor and its prey related to vegetation communities condition, acreage, etc. in the allotments and surrounding lands ever identified. Where are there now cheatgrass, halogeton weedlands? Where does cheatgrass, of limited value to raptor prey species, dominate sagebrush or salt desert shrub understories? What areas have burned, do not harbor shrubs, and provide little if any suitable sage grouse, loggerhead shrike, or golden eagle foraging habitat?

98 BLM repeatedly claims benefits for short-eared and long-eared owl, yet a reader has no way of knowing how many, if any, of the little circles represent these species. While these are important species, most of the raptors - certainly in both species and numbers in the allotment are greatly dependent on the health of upland communities, and not riparian areas. BLM may be purposefully masking the species so as to thwart full public understanding of its shallow and deficient data and analysis.

99 BLM fails to even mention important special status species and sightings and describe how alternatives may affect these –across the allotments.

100 Maps such as Map 3-3 show location of sage grouse leks, without any information on numbers of birds at leks, changes in numbers of birds at leks over time, analysis of type of population and habitat conditions of populations on these allotments. Where in the allotment do birds. We are provided no evidence that systematic repeated surveys for ANY special status species were conducted across these allotments.

101 Drainages, roading and other important information are not all shown ,and not labeled so as to allow any understanding of these lands.

102 BLM does not even depict private lands on the Owyhee allotment.

103 BLM does not reveal when, where and how any surveys for any special status species were conducted, or MOST importantly, depict areas lacking in surveys, especially current surveys.

104 BLM constantly uses claimed improvement in long-eared owl and short-eared owl habitat as a very significant "improvement", yet at the same time fails to mention the many other special status raptors and other species (shrikes, bats - foraging) that rely on prey and insect production from native vegetation communities.

105 BLM ignores even showing the fire boundaries on these and surrounding allotments.

106 Elk have expanded, and been introduced into areas of these allotments since BLM's flawed earlier "analyses" of these lands, and the impacts of this to facilities, vegetation, etc. are not addressed.

Interstate Wildlife Populations

107 BLM ignores the interstate nature of the wildlife population in the Owyhee allotment, and provides no data or information related to important or special status species of wildlife linked through seasonal habitats or interbreeding populations in neighboring states. These wildlife populations are an interstate resource. Likewise, BLM never reveals how important and special status species and upland or other conditions may be linked with Utah, or Ely BLM lands in the Sheep Allotment complex.

Treatments

108 BLM's alternatives include various treatments.

In the area of the Owyhee allotment, BLM states that a fire that consumed 50,000 acres in 2005. This is in addition to large areas of the allotment that have burned in previous years. WWP's site visits show that many lands in this and neighboring allotments such as Spanish Ranch have become dominated by cheatgrass and lost sustainable forage and critical habitat components for important and special status wildlife species. BLM has provided no current or updated information on sustainable "forage' in burns that have occurred since data was collected for the old assessments, nor has it incorporated.

109 BLM provides no new or updated information on grazing use, trespass, evidence of trespass compliance checks, etc.

110 EIS at 2-19 states that during the fire closure of the North Use Area, use in the South Bench, hardy or Pipeline Use areas would be planned so that utilization of key forage

species would not exceed forty percent use by the end of the critical growth period". BLM provides no information on whether it has monitored this, if so where, and has never explained shifts and variations in use that have been made as a result of fire.

111 BLM fails to set stocking rates and allocate resources based on the fact that drought, fire and other events or ecological disturbances are commonplace.

112 BLM (at 3-1) assumes that SOPs (sec 2.2) will be met. Of course, BLM's own records show that little if anything is ever met on the allotments. See, for example, Visser Memos, WWP letters, Photos. BLM can't even keep an accurate record of cattle out there. WWP's has repeatedly submitted info to BLM demonstrating rampant ongoing degradation and neglect of nearly every facility, lack of compliance, supplemental feeding the served to lessen utilization and thus allow BLM to claim a basis for increased stocking rates in its flawed carrying capacity calculations, etc.

113 Definitions: Short-term – One grazing cycle (what is that?) Annually, what? Long-term – "over several" grazing cycles. BLM cannot define impacts based on grazing cycles. Example, page 2-6, Table 2-5: Leppy Hills Use Area. Either 2 or 4 years, depending on how one views the chart of ab,ab. Compare this to Table 2-6, 3 years.

Then, Table 2-22, Boxcar Well is always the same – so it appears its grazing cycle would be one year, compared to Holborn Pasture, where the grazing cycle would be 4 years. BLM provides no science-based rationale for this.

114 As we have previously explained, the 'standard procedures" are highly uncertain, and contain measures that can be changed at any time behind closed doors. These serve as no basis for analysis of the "affected environment" and "environmental consequences". BLM has not demonstrated that the nebulous, non-binding, or ever-changeable measures would 1) reduce potential impacts;, or 2) comply with laws, as it claims at 3-1. It is impossible to predict or assess what the direct, indirect and cumulative impacts of an ever-flexible grazing system where no measurable use standards are mandatory or required to be met, and with no penalties for not meeting them, would ever be. This situation is made even worse by the shocking lack of current science and current data provided by BLM.

115 3-1 BLM policy is to "ensure that actions authorized, funded or carried out by BLM do not contribute to the need for the species to become listed …". BLM provides no information on local, regional status and condition of habitats. BLM provides no data on existing elements of fragmentation and its spatial occurrence across these allotments and surrounding lands that would enable assessment of impacts.

116 BLM woefully fails to provide sufficient information for a reader to understand the environmental setting. WWP provided abundant references and text citations that form a basis for general understanding of issues to be considered and laid out by BLM in its description of the "setting". BLM merely lists some special status species, and provides

no information on habitat acreages, vegetation community types and their condition, scarcity of springs, etc.

BLM is Wrong In Determining Critical Elements Not Affected/Previously Analyzed

BLM falsely concluded that air quality, environmental justice and floodplains were not affected.

BLM falsely claims that cultural resources, Native American religious concerns, migratory birds, threatened and endangered species, water quality drinking/ground and soil were "previously analyzed". These "previous analyses" consists of a sentence or two fleeting reference. BLM outrageously concludes that there were no significant impacts, and these are not significant issues. BLM's previous analyses were woefully deficient, environmental circumstances have changed significantly, information submitted by the public and current science all demonstrate that BLM is wrong.

Cult. Resources. First, grazing or management actions may affect cultural resources by: breaking artifacts, disrupting site stratigraphy, accelerating soil erosion that leads to site loss or degradation or looting, etc.

Erosion and damage to soils and vegetation from abusive grazing, spread of invasive species that are poor watershed stabilizers and that cause unnatural fire cycles where fires flash across the landscape (Whisenant 1991, Billings 1994, Knick et al 2003, Connelly et al 2004) all serve to make cultural artifacts and sites more vulnerable to livestock grazing trampling, displacement or breakage or human vandalism.

117

WWP specifically sought clarification of the role of the SHPOs office, questioning whether existing horse traps and other sites were historic structure. It turns out BLM had not even contacted that office, and has not even provided it with a copy of the DEIS. BLM ignores impacts to setting of historical trails.

BLM has not adequately consulted with Native Americans, and undertaken contact necessary to understand the implications of its actions, especially large-scale construction of livestock facilities in wild land areas and important special species habitats, including species of primary importance to Native Americans. BLM claims its actions are "generally expected to lead to healthier habitat for sage grouse raptors". BLM ignores analysis of impacts of its actions to traditional, medicinal or sustenance plants, such as pinyon and pine nut production.

BLM fails to adequately address historic resources, including trails and other features that occur on these lands.

BLM provides no basis for its claim that digging into and permanently altering springs and seeps – and potentially killing all surface flows through water developments - would benefit cultural sites of significance.

Migratory Birds. At 3-4, BLM claims that it evaluated impacts to migratory birds is laughable.

It is impossible to evaluate impacts given the flexibility, lack of mandatory use patterns or measurable standards of use. Impacts of grazing during migratory bird nesting season, such as for ground or low shrub nesting species may be severe, especially under the unknown flexibility BLM allows. All projects that extend livestock use into previously less grazed uplands will fragment habitats – either directly or indirectly. See Knick et al. 2003.

Water Quality/Ground and Soil

BLM claims water quality would improve at seven springs, yet never provides data and analysis necessary to determine if its developments will kill/dry up all water at spring sources (it has dried them up time after time already in these same lands!), or provided information sufficient to understand if unfenced riparian areas would exist outside exclosures. BLM failed to provide any evidence that exclosures would be maintained, or horses not damage them. Piping water to nearby troughs would still result in infiltration of wastes into ground water. Extensive soil disturbance of uplands will result in sedimentation and likely algal problems in riparian areas. 118

In short, spring development in these allotments in the past has led to a net loss of riparian habitat – as all surface waters have dried up at many springs and seeps tat have been developed – BLM never provides systematically or scientifically collected information on alteration and loss of surface waters.

BLM's proposed Alternatives here even backpedal from the original MUDs as those would have examined existing developments. With the increased stocking rates under all alternatives, more soil disturbance, and more coliform bacteria andother livestock pathogens will pollute waters. This is likely to cause increased algal problems, including potentially lethal algal toxins in waters. With flow reductions caused by de-watering, this will have even greater impacts. BLM somehow claims it will be "reducing the amount of time" livestock spend around springs in the North of Home pasture – yet any time reduction – which has not been proved because in many cases the proposed grazing movement and use is little different from what occurred in the past – under REDUCED stocking rates from those of the new alternatives. BLM is proposing stocking the land with many more livestock than the average that has been grazed here in the past. 119

Nowhere does BLM assess the impacts of the increased stocking rates on unprotected riparian areas that will remain, especially in the Big Springs and Owyhee allotments.

BLM (at 3-5) claims WSAs, proposed WSRs, Salt Lake ACEC are addressed – somehow. And that analysis for those factors "are integrated" into analysis of Veg, wetland and riparian areas and avian sensitive species (that BLM limits to sage grouse and raptors ONLY). Of course, any claimed analysis is not adequate, and BLM's assessment is such that NO scientific conclusions can be drawn. 120

Forest Impacts Ignored

BLM's RMPs requires it to manage for sustainable forest and woodland products. BLM, despite unrevealed acreages in (see WWP ACEC descriptions, to get sense of forested expanses and values) comprised of forested vegetation. Belsky and Udelman (1997) detail some livestock impacts to forests.

Several special status raptor species are known to inhabit or use these forests, including migrants. Forests are of critical importance to the pinyon jay, Clarks's nutcracker and other species that are increasingly of concern due to habitat loss, tree die-off, etc. See WWP Scoping Comments.

BLM provides no information of loss of forested vegetation in this and surrounding lands (several fires). Example: North Pequops, Wood Hills.

BLM provides no monitoring data for forested sites, despite the Big Springs and SAC allotments containing – combined – likely greater than a hundred thousand acres of forested vegetation including WSA lands. 121

BLM fails to reveal forest "treatments" that may have occurred here in the past, and impacts of these to forests.

There is proposed destruction and loss of forested vegetation the adjoining Spruce allotment, where sagebrush has also recently been destroyed in livestock seedings. Forested sites may also contain important cultural areas, as traditional pine nut harvest or big game hunting sites may be in forested areas.

Water Quality. EIS at 3-2 describes wells and springs that re municipal water sources, and refers to "delineated water quality protection zones". Yet, BLM has never identifies these zones, or reveals their condition to the public.

Assessment Methodology (at 3-5). It is impossible to understand BLM's statements about its "methodology" at 3.1.2.3. This must be clarified, and the methodology clearly described and it must be subject to peer review.

<u>Veg Effects</u>

122 BLM states that the potential for non-native invasive species to establish and spread is primarily a function of surface disturbance changes in plant communities, and transportation of seeds". Well, under all Alternatives much larger numbers of livestock will be grazed, and there will be much greater spread of weeds.

123 BLM cites Bedumah and Sosebe, but we can not find this in the biblio. BLM rambles on for several pages about grazing effects on grasses and fails to provide a sound scientific

basis for this discussion. Grazing impacts on forbs, shrubs, trees are completely ignored. Impacts on soils, microbiotic crusts, watersheds, water pollution, etc. are ignored.

124 BLM fails to provide critical current information on condition and extent of native or invasive vegetation communities and their species composition and health in all use areas, pastures, habitats of special status species. Without this information, no analysia can be conducted.

BLM's lengthy description of what it claims are the effects of "herbivory" in Chapter 3 is fatally flawed.

125 BLMs "yardstick" fails to assess the impacts of increased stocking rates, despite DEIS at 3-7 admitting "the more herbivores present over a given period of time increase the probability that a plant is browsed one or more times", and 3-9 "with more animals, more bites are taken".

126 BLM fails to assess the impacts of INCREASED utilization and browse use that will occur under the increased stocking rates above actual use levels under all alternatives.

127 The impacts of trampling, breakage and other damage by livestock (see pygmy Rabbit Petition) to shrubs, grasses and forbs are not addressed.

128 The impacts of trampling damage in weakening plants, or breaking off pants are not addressed.

129 BLM ignores important information in Anderson 1991, BLM's own Technical Bulleting regarding the impacts of even ONE TIME over-use of bluebunch wheatgrass or other grasses.

130 BLM ignores the impacts of winter defoliation/grazing – that removal of standing dry exposes sensitive root crowns and growing points to winter freezing and desiccation (Mack and Thompson 1982).

131 BLM ignores the fact that removal of plant growth in winter decreases shading, or trapping of snow, thus increases drying out and desiccation, resulting in less soil moisture and less forage grass/shrub growth.

132 BLM ignores the impacts of DOUBLE use that may occur – as with its fall, winter and early spring use, livestock may consume not only the dried residual grasses, but new green leaves on cool season grasses (most of the grasses here).

133 BLM does NOT apply REST to lands. REST means an entire year rest, not partial rest, as its fatally flawed analyses of impacts to wildlife falsely claims.

134 BLM ignores impacts of shifted or increased use that would occur.

135 Changes in nutritional composition: once grass is grazed to levels near those allowed by BLM, livestock have removed the most nutritious parts, leaving coarse, unnutritious basal parts.

136 And of great importance is that BLM does not provide adequate current information of the composition, condition/health, depletion and species composition of the vegetation communities. For example, related to condition: use on native vegetation during drought years, may be greatly increased, as weeds (which in some years may be providing the majority of the forage, grow much less).

137 Plus, the more depleted, and the fewer larger sized native grasses and forbs, the greater the distance livestock must travel and trample on a regular basis. Thus, trampling, soil compaction, damage to microbiotic crusts, and soil erosion by wind and water is amplified on depleted lands.

138 Plus, as plants are grazed, and areas closer to water depleted, and overrun by weeds, their potential to provide sustainable forage is much diminished.

139 BLM never provides any data or information plant PRODUTION/forage production. This is despite BLM referring to "productivity" in its flawed herbivory analysis. If you don't what the productivity is to begin with – of palatable sustainable vegetation, you don't know how to gauge use levels.

140 BLM ignores the pattern of long-term depletion of vegetation, emanating outward in a "bulls-eye" pattern from water sources.

141 So – BLM's discussion of "herbivory" omits critical baseline information, and only provides limited and flawed analysis of the true impacts – affecting pant community composition, function and structure –caused by livestock grazing in arid lands (Fleischner 1994).

142 Thus, BLM's "yardstick" is being applied in a vacuum that does not have current information on conditions, in aftermath of drought, fires, continued grazing depletion, new and extended weed domination, etc.

143 Then, as BLM assess impacts, it ignores such fundamental impacts as sheep consuming both dried and greened up cool season grass vegetation. Example, 3-11, "sheep would use dormant species in winter and dormant grasses'. Well, greened up cool season grasses and weeds that green up in the fall would all be consumed, and much in preference to dried grasses. Plus, shrubs like sagebrush are NOT dormant. Note sagebrush in the SAC is still stressed from sheep eating it during the drought.

144 Table 3-1 shows that even under the actual use that occurred in the 80s and 90s, and during very moist years (1997, 1998, 1999), large areas of the SAC received moderate or greater use. Given such information, it is incomprehensible to think that BLM proposes increased stocking under all new Alternatives. Also, see WWP photos of weeds and

cheatgrass. BLM shamefully (3-13) tries to downplay the very high and damaging use that has occurred her on winterfat.

Please see Ellison 1960, Maclean and Tisdale 1972, Galt et al 1999, Galt et al. 2000, Hockett 2002, Holechek 1996a, Holechek 1996 b, Holechek et al 1998, Holechek et al 1999 a, Holechek et al 199b, Holechek et al 2000, Holechek et al 2001. Federal Register 68, 430 2003,

Cheatgrass and Weeds Are Downplayed.

145 DEIS at 3-15 admits cheatgrass prominence in the White Horse and West Whitehorse allotments. BLM fails to reveal and address the extensive cheatgrass moncultures found in many other areas of the SAC. See WWP photos. UT/NV north. BLM claims "repeated use" and bedding has caused this. Well, each area will receive much more and REPEATED annual use with NO REST, and even greater and bedding and trailing impacts due to stocking with MORE sheep.

146 WWP downplays noxious weeds. Noxious weeds are not the biggest problem here –it is the rampant spread of more common and uncontrollable weeds.

147 BLM outrageously claims: to date, the level of non-native, invasive species throughout the allotments are increasing. **These increases are beyond the control of the permittee**". This is NOT the case. Livestock disturbance causes weeds, so this is very much IN the permittee's control. See Belsky and Gelbard 2000, Pyke 1999, USDI BLM 2000 re: microbiotic crusts and weeds, etc. This is just another example of BLM showing extreme bias towards the livestock industry, and failing to use Best Available Science.

148 BLM falsely portrays the grazing systems as offering rest, misleading the reader. DEIS at 3-17, "the early spring defoliation is followed by one or two years rest". That is false. BLM misleads readers, and abandons basic definitions precepts of range science to justify its damaging periods and levels of use.

149 BLM also apparently plans to EXPAND sheep bedding areas –thus new areas will be destroyed and become weedlands, especially with MORE sheep (DEIS at 3-18). All sheep should be confined to existing destroyed bedding areas, and these zones of devastation NOT expanded.

150 BLM fails to asses the impacts of livestock grazing on small mammal prey –especially during critical winter periods when small mammals must rely on seeds cached, in nests, or construct under-snow tunnels or burrows that are exposed during snow melt, and subject to trampling damage. Compaction of soils as sheep are grazed during very wet, muddy periods (Fite winter 2005 field observations and COMMON SENSE), impacts to prey species are never assessed. As many of the important raptor and other special status prey species

151 More sheep = more disturbance = more weeds, no matter how BLM biases its EIS analyses (as at 3-21 to 3-22).

152 Recent observations show that exotics like cheatgrass and halogeton may be only the first in a wave of exotics and that new infestations of aggressive species such as white top or knapweed occur in areas overtaken by weeds. Thus, BLM's current practice of using these weeded areas as "sacrifice zones" for excessive levels of livestock use only increases chances of invasion by new and even more aggressive exotic species.

Info from Owyhee AMP is Relevant

153 The Owhee AMP from 1987 shows that this had been a primarily a domestic sheep winter use allotment. Map 2, Owyhee allotment – shows rugged and rocky topography that the near-featureless BLM maps do not. From 1981-1986, average use was 14,002 AUMs. Note that this, too is much lower than the use levels allowed under BLM's Alternatives. Thus, the intense cattle use is only recent, and has resulted in extensive disturbance, and rapid deterioration of native communities with cheatgrass and weed invasions, even under much lower long-term use than is proposed in the DEIS.

154 Northern Owyhee allotment – mule deer winter range, large area: year-long. Year-long habitat for wildfire. Bighorn sheep may drift into this allotment. Why does Elko not focus on enhancing bighorn upland habitats?

Antelope – middle part includes crucial antelope habitat.

155 Rare Plants are known to occur in the Owyhee allotment – are entirely unassessed in the EIS. BLM ignores assessment of its alternatives on rare plant habitats across the allotments. Existing populations of rare plants, such as Grimes ivesia and smooth stickleaf, may be impacted by livestock facilities, or grazing and trampling impacts. BLM provides no evidence is systematic baseline surveys ever having been conducted here.

156 There is a natural gas pipeline (3 miles wide), plus another 5-mile wide planning corridor, and 100 miles of seismic lines from 1982 to 1986 (Dry Creek pasture). How many of these are now driven?

157 The AMP refers to "many small undrained playas". How many? The reader of the EIS has no idea, yet playas provide important habitat for migratory birds, and special status avian species and raptor prey.

158 p. 14 "the majority of the allotment is in mid-seral ecological status and is producing **below its potential.** BLM's DEIS fails to reveal just how much below its potential the allotment is now producing.

159 Crucial antelope habitat is in fair condition due to lack of forbs and competition between antelope, wild horses and domestic cattle. Well, what is the condition now, after a series of large, recent fires, including the Wilson fire? Is it poor?

160 Exsiting Mapping of the Owyhee allotment shows only VERY SMALL areas underused. Projects are planned for areas not known to be 'underused'.

161 Wild, free roaming horses are known to be restricted by existing fences in the Owyhee allotment, yet BLM never analyzes any alternative that would remove these impediments in the DEIS

162 BLM is to maintain 318,187 acres in present good ecological condition, as identified in the RMP. With all the fires and continued cheatgrass invasion and spread – the allotment has likely lost at least 100,000 acres, and likely much more, of these lands form the condition they were supposed to be maintained in. Ecological Condition Goals of the RMP Owyhee AMP (p. 17) - Are these being met?

163 What are current wildlife/herd area numbers, and how have they changed over time. How will various alternatives of the DEIS affect these numbers?

164 The Memo of Jensen – dictated to BLM by the former permittee. 1/20/00. (AR at 68) shows that the livestock facilities and other actions that BLM follows in the DEIS were driven by permittee desires, and not the health of the lands.

Fires and Treatments

165 BLM proposes widespread alteration of sagebrush structure without any plan –either for effective fire control (BLM has presented no evidence that it has scientifically determined either the effectiveness, need form or outcomes of any treatment) or that would allow analysis of impacts under any alternative. BLM fails to provide any systematic review ad data on the results and effectiveness of past treatments. The proposed treatments may resul in habitat fragmentation over tens of thousands of acres (as is possible because BLM has never clarified wither the treatment includes lands within mowed strips, vs. blocks of land within treatment would occur). A large body of sagebrush-steppe literature shows the harmful impacts of habitat fragmentation from treatments on important ad special status wildlife species populations and habitats (Braun 1998, Connelly et al. 2000 Connelly et al. 2004, Dobkin and Sauder 2004).

Treatments/Vegetation Manipulation/Seedings

166 In its cursory and substanceless discussion of the "past and present actions" (EIS at 2-41), BLM mentions the 50,000 acre Wilson Creek fire and what is termed a fuels reduction project. Yet nowhere is any map or other information these activities provided, nor is there any evidence of systematic or scientific planning for fuels reduction. Where is the fire? What reductions in AUMs occurred due to the fire? Was animal use just shifted or concentrated elsewhere in the allotment? It is critical that BLM present data on and detailed planning on the so-called fuels treatments, as these are developed behind closed doors with the most minimal of environmental reviews, the public has no chance to comment or review, and there is basically no accountability to the public that important

and special stats species habitats will not be damaged – this includes pygmy rabbit, loggerhead shrike, golden eagle, sage grouse, etc. Was this mowing – which can kill 50 to 100 year old sagebrush and replace it inadvertently with cheatgrass, thus fundamentally altering sagebrush ecosystems.

167 BLM makes rosy claims about how wildlife love this mowing, yet no short, mid or long term studies have been done to demonstrate its impacts, or its effectiveness –especially if it becomes invaded by cheatgrass. We note that the 2005 Jarbidge fire burned right across greenstrips and vast areas lacking shrubs (similar to mowed lands) and also extensive crested wheatgrass seedings. BLM ignores the problems caused by continuous fine grassy fuels in wild land fire proliferation and spread. The location and pattern of any fuelbreaks and mowing is essential in understanding habitat fragmentation and potential shifts in livestock use into areas without shrubs, thus leading to increased site degradation.

168 Returning from the Elko Public Meeting on the DEIS, I stopped just south of Dinner Station and walked for approx. 2 miles in along the road to Dorsey Reservoir. I was appalled at what I saw. See Attached letter, with photos providing evidence of the severe fragmentation resulting from sagebrush mowing, as proposed for the Owyhee allotment.

169 DEIS at 2-42, BLM states it will continue to suppress fires and implement rehab measures – yet it never describes the extent, impacts, or success of rehab lands across the allotments, or how these actions would be conducted in the future. Past actions have often relied on aggressive and/or alien species. How they will be implemented can dramatically affect important and special status species and their habitats.

170 BLM has not presented assessments of the condition of the vegetation; major human causes of degraded condition of the vegetation; opportunities for prevention of soil disturbance or vegetation problems and recovery; opportunities for conservation of native vegetation, results of past restoration treatments; the comparative likelihood treatment effectiveness; and existing treatments across the landscape.

171 There is no methodology presented that prioritizes treatments based on scientific evidence of efficacy; or that cessation or reduction of activities that impeded recovery (i. e. passive restoration) has been examined or applied.

172 BLM has failed to assess a range of alternatives that rely on passive restoration, reductions or cessation of livestock use to achieve recovery goals in areas of these allotments. Instead, BLM focuses solely on invasive and aggressive disturbance likely to rely on crested wheatgrass, forage kochia and other alien species – and also likely to continue to be degraded due to the same – or increased – stocking levels that have degraded existing 'treatments" in the which the public has already invested large sums of tax dollars across these allotments. It is precisely the use of such treatments in the past that has destroyed large areas of sagebrush and pinyon-juniper dependent species habitats across the West --- and resulted in the special status species being imperiled in the first place!

BLM provides no information (necessary to determine condition of existing vegetation in 2006 and/or the location or extent of any treatment. Such information (Listed immediately below) is likewise **critical** for understanding and assessment of ecological condition and trends of important and special status species habitats:

A.
Key areas of native vegetation and high ecological integrity; areas of mixed native and exotic vegetation; areas of low ecological integrity;
Suitable and critical habitat for habitat-specialist terrestrial and aquatic species;
Suitable habitat for wide-ranging species that require use of extensive or temporally diverse habitat areas within the ecoregion;
Hotspots of plant or wildlife diversity;
Habitats "at risk" of further fragmentation or degradation;
Important aquatic areas, such as riparian areas, steep/unstable slopes, wet meadows, and aquatic species' strongholds;
Important areas, such as wintering, brood rearing, fawning, birthing nesting and other habitats, foraging/prey species and the condition of these important habitat areas. (BLM provides only limited maps and provides little to no specific information of any kind on habitat conditions in uplands, including critical information on condition, fragmentation connectivity, loss (weed invasion). Where have essential habitats for prey species been lost - in the short, mid and long-term - across these allotments?
173 Areas where restoration/treatment will increase potential for habitat connectivity;
Areas that could benefit from improved habitat management or restoration to maintain or enhance ecological integrity.
Systematically collect current field data.

B.
Consult databases, experts, competent scientists with expertise and knowledge about species of concern and management needs. Lack of data may mean that **no reliable inventories** have been conducted. <u>The DEIS woefully lacks information on the basis for mapping and analysis that it makes.</u>

C. Systematically Collect Current field data. Identify and map spatial and temporal association of particular vegetation problems and compare and contrast with the spatial and temporal occurrence of past and continuing human activities.

Overlay the field data and habitat maps and information with:

- A grazing allotment assessment with the goal of phasing out or significantly reducing grazing in sensitive areas over time. These include degraded areas, key habitats, and areas where grazing is clearly incompatible with native vegetation and habitat maintenance or recovery for important or special status species.

- A roads and off-roads vehicle routes assessment with the goal of closing and decommissioning roads and off-road vehicle routes in ecologically sensitive areas

including riparian areas, unstable slopes, sensitive watersheds, and wildlife migration corridors.

- A livestock facility (pond, pipeline, well, trough, fence, corral)/water haul/salting/bedding site assessment with the goal of closing and decommissioning facilities (and often linked roads that grew up primarily as a result of facilities) in ecologically sensitive areas including riparian areas, unstable slopes, erodible soils, sensitive nesting, fawning, birthing, wintering or other important habitats, sensitive watersheds and migration corridors.

- An existing vegetation manipulation/treatment/project, and wild land fire site assessment with the goal of restoring healthy native vegetation communities to seeded, treatd or burned lands. Note: Large acreages have been consumed by fire, and undergone accelerated and expanded alien species/weed invasions since old data for the assessments were collected.

173..

Prior to implementing site-specific management, prepare goals based on:

1. vegetation conditions, including invasive species concentrations
2. vulnerable wildlife and plant species and habitats
3. habitat important for threatened, endangered, and sensitive species and carnivores; connectivity for habitat-specialist wildlife and sensitive species
4. past and present activities within the watershed leading to vegetation problems
5. passive and active restoration needs
6. feasible restoration goals

174 Both wild and prescribed fire results in long-term habitat loss and fragmentation of pygmy rabbit and other sagebrush-dependent species habitats including sage grouse and raptor prey species. Both wild and prescribed fire can result in death of native species. Big sagebrush killed by fire is slow to reestablish on burned sites. On the Upper Snake River Plain, big sagebrush did not recover to prefire densities until 30 years after an August fire (Tesky 1994 citing Harniss and Murray 1993). Big sagebrush is killed by fire, and does not resprout from roots. Big sagebrush may be eliminated due to repeated fires. Prescribed fire can kill or and harm native bunchgrasses (See Jarbidge Sage Grouse Plan fire chart). It may weaken or kill bluebunch wheatgrass, Basin wildrye, and other native grasses.

175 Fire cycles in sagebrush steppe are no longer "natural". Nearly all big sagebrush habitats, 98% of which have suffered mechanical treatment by cattle or sheep (Braun 1998), and have been radically altered by livestock grazing. Exotic species invade livestock-disturbed and fire-disturbed sites and alter fire cycles (BLM 2000 Nevada sage grouse guidelines). Post-fire grazing with minimal periods of rest leads to further declines in native vegetation, as remaining native grasses formerly protected by woody shrub structure are now exposed to herbivory by livestock.

The displacement of native plants by nonnative species is a major problem in sagebrush-steppe habitats of the Intermountain region, as exotic annual species (especially cheatgrass) have invaded livestock degraded sagebrush-steppe (67 FR 135 – USFWS Proposed rule for listing of slickspot peppergrass as an endangered species under the ESA). The invasion of cheatgrass has shortened fire frequencies from between 60 to 110 years to less than five years in some sites. Cheatgrass provides a continuous, highly flammable fuel through which fire can travel quickly (Whisenant 1991, 67 FR 135). The result has been conversion of vast areas of the former sagebrush-steppe ecosystem into nonnative annual grasslands. An estimated 2 to 2.43 million hectares (5 to 6 million acres) of sagebrush steppe in the western Snake River Basin has been converted to nonnative annual vegetation dominated by cheatgrass and medusahead (67 FR 135). 176

As early as 1994, agencies have been aware of the dramatically altered ecosystems resulting from alien grass invasion of lands in the intermountain area. At that time, 3.3 million acres were acknowledged to be dominated by cheatgrass and annuals, and another 76.1 million acres were classified as "infested" or "susceptible to invasion" (refers to lands in Nevada, Oregon, Utah, Washington and Idaho), (Pellant and Hall 1994). Pellant and Hall (1994) Map figure 4 is important for FS to note (plus add in cheatgrass dominance in understories and/or whole community). This is occurring in salt desert shrub, sagebrush, mountain mahogany and pinyon juniper communities, and especially in sites disturbed by livestock grazing and trampling.

Most populations of sage grouse require large wild land areas of intact sagebrush in annual movements. They require 9" of herbaceous cover and dense sagebrush canopy cover for successful nesting. 177

The current scientific literature overwhelmingly shows that livestock grazing is a primary cause of problems affecting native vegetation, including altered fire frequencies and altered fuel situations. BLM must fully address livestock as a causal agent, and assess all direct, indirect and cumulative impacts of livestock use and management scenarios as part of this EIS process, as well as fully analyze cessation of livestock use/grazing permit retirement as part of any treatment analysis that is conducted. Federal fire funds should be used to buyout the grazing permits on lands that are treated, or determined to be at risk to weed invasion, and fire and fuels problems due to livestock grazing effects. 178

BLM must prepare honest and accurate assessments of "risks" of various management treatment disturbances to the affected lands to accelerating cheatgrass and weed invasion.

ICBEMP assessed lands and categorized them "at risk" to weed invasion. This EIS effort can build on that, and take a much more detailed look at the EIS lands affected by this proposal. Shockingly, ICBEMP also found that only a very small portion of "rangeland" had even "moderate" ecological integrity (PNW-GTR-385 at 118, Map 18). 179

A FULL RANGE OF PASSIVE TREATMENTS MUST BE EVALUATED

Passive treatments primarily minimize site disturbance, and generally remove or minimize an environmental irritant that is affecting the health of the plant community. Thus, they have less risk of soil erosion, weed invasions and other negative impacts associated with them, and have a high probability of being beneficial to watersheds, native wildlife habitats and populations and the economic well-being of western 180

communities that are increasingly dependent on tourism and recreational uses of public lands.

An array of passive management actions exist that will enable BLM to treat many of the affected lands. Such treatments include:

Livestock grazing reductions: Livestock grazing reductions can reduce spread of flammable invasive species, heal damaged understories so that more natural, cool-burning fires can occur, and reduce the proliferation of doghair thickets of dense young trees which serve as ladder fuels. Management actions should include significant reductions in livestock numbers much below those of actual use, accompanied by prudent utilization and trampling standards in plant communities found to have damaged understories vulnerable to invasion by flammable exotic species.

Closure of pastures with known exotic infestations. Closure of lands to grazing that have known exotic species infestations is a prudent first step toward control of spread of flammable, watershed-altering exotics.

Livestock removal: Grazing permit buyout and permit retirement using federal fire funds is a very reasonable action that will heal damaged lands, help restore natural fire cycles,
180... minimize the spread of exotics and other hazardous fuels.

Livestock facility removal: Livestock facilities (fences, artificial watering sites – especially troughs associated with pipelines and water haul sites, corrals, etc.) serve as zones of livestock concentration, and result in areas of severe disturbance readily colonized by highly flammable exotic species. Removal of damaging facilities and restoration of disturbed zones will limit spread of invasive flammable species, and help develop healthy understories.

Road/ORV trail closure and rehab/restoration: Closures and restoration treatments quell the spread of flammable invasive species from disturbed road and trail edges.

Allowing natural successional processes and healing processes to occur in plant communities that are still relatively intact is the most cost-effective method of attaining natural fire cycles, reducing buildup of hazardous fuels over time, etc. Natural mortality occurs in sagebrush, sagebrush-bitterbrush and other vegetation types. Allowing natural processes to play out, while removing or minimizing those agents that are disturbing natural ecological processes takes patience, but minimizes risks of exotic invasion that accompany aggressive intervention such as fire or mowing.

Restoration

Restoration of native vegetation communities and ecological processes must be evaluated
181 under all alternatives. Restoration means restoring and maintaining ecological integrity. Ecological integrity is the ability of an ecosystem to support and maintain a balanced,

adaptive community of organisms having a species composition, diversity and functional organization comparable to that of natural habitats within the region.

Lands of primary focus for most active restoration should be: Lands that have been invaded by exotics such as cheatgrass; Lands purposefully seeded to exotics such as crested wheatgrass following past agency vegetation manipulation or fire. These should be prioritized for treatment on the basis of: Geographic location and continuity/connectivity that restoration would provide for native species. Restoring the native sage-steppe vegetation on these sites as habitat for sage grouse and pygmy rabbit should be top priority, as well as prevention of any further degradation to still-native communities.

182 BLM must focus significant treatment and restoration efforts and spending of federal fire funds on restoration of crested wheatgrass seeded as post-fire "rehab", and lands overrun by cheatgrass, halogeton, etc. The current abundance of federal fire funds should be used to follow-through on BLM post-fire rehab actions that have failed in the past, or where crested wheatgrass and other exotics were planted as a first step in arid lands rehabilitation.

For lands still in reasonable health with reasonable ecological integrity, passive actions that maintain and enhance native vegetation communities should be applied. Management that minimize soil and native vegetation disturbance should be the first steps taken.

Prevention of Weed Invasion and Spread Must Be Addressed in All Alternatives

Arid lands may become so degraded that they can never recover. These communities have been described (Archer and Smeins 1991) as crossing a "transition threshold" –with loss of topsoil, dominant species that have become locally extinct, and introduced species that have become so dense that weedy annuals become the climax species. All efforts must be made to keep plant communities from crossing this threshold, and thus requiring massive amounts of funds and elaborate treatments to attempt restoration.

Moderately degraded communities can become severely degraded if preventive action is not taken.

183

Pristine and near-pristine efforts should be protected using all possible techniques, especially passive restoration techniques such as immediate removal of much of the livestock disturbance from important habitats for native species and protection of biodiversity. Economically, it is a lot more cost-effective to keep lands from becoming degraded than it is to conduct widescale treatments after they have become degraded.

Prevention is especially critical in upland communities, as they are not resilient to recovery following site disturbance.

184 Almost universally throughout the Elko District, wetlands (springs, seeps, streams, playas, etc.) have been heavily damaged by livestock grazing and trampling activity. This has altered their morphology, areal extent of water tables/wetted soil areas, plant and animal species composition, plant and animal ecology. However, the current path of livestock shifting use onto upland sites to take pressure off riparian areas is an ecologically destructive path, and prevention must be conducted in an integrated way.

185 BLM must also develop strategies to restore extirpated species or degraded habitats – such as the recently (since the AE process began) extirpated leks of Boone Springs.

186 Disturbance related to livestock grazing, livestock grazing facilities, ORVs and extensive road networks are causes of weed invasion. Removing these sources of disturbance from "at risk" lands, and any lands that have been treated is a vital and integral part of protecting important habitats, as well as allowing restoration activities to proceed.

187 BLM must prepare a Supplemental EIS that analyzes a suitable range of credible science-based alternatives to protect and restore important and special status species and their habitats.

188 BLM must stop artificially propping up the value of public lands grazing permits by continuing wildly inflated AUM/stocking levels and harmful management schemes.

Please feel free to contact us if you need any additional information, or clarification of information presented to you.

Sincerely,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863
Boise, ID 83701

An independent assessment by qualified ecologists not tied to Western Land Grant universities or BLM should be undertaken. BLM working to ensure its EIS is based on current ecological science and the science of arid lands restoration.

Comment Responses to PC-30

Note: this letter is basically a compilation of all the previous comments submitted by WWP and most have been previously addressed.

PC-30-1:

See response to comments PC-25-12 and PC-1-4, above.

PC-30-2:

See response to comment PC-25-6, above.

PC-30-3:

See response to comment PC-28-16, above.

PC-30-4:

See response to comment PC-28-6, above.

PC-30-5:

See response to comment PC-25-11, above.

Rest is defined as no grazing during the active growing season. The deferment, rotation, and alternate years of use provide rest to the plants during the active growing season.

PC-30-6:

See response to comment PC-25-11, above.

WWP is incorrect in stating that the BLM is only addressing impact to sage grouse in the Sheep Allotment Complex. BLM is also addressing impacts to raptor species.

PC-30-7:

See response to comment PC-25-2, above.

PC-30-8:

See response to comment PC-25-3, above.

PC-30-9:

See response to comment PC-25-4, above.

PC-30-10:

See response to comments PC-25-5 and PC-25-15, above.

PC-30-11:

See response to comment PC-25-6, above.

PC-30-12:

See response to comment PC-25-8, above.

PC-30-13:

See response to comments PC-25-15 and PC-28-11, above.

PC-30-14:

See response to comments PC-25-12 and PC-28-1, above

PC-30-15:

The No Action Alternative (Alternative 1) is described in detail in Chapter 2.

PC-30-16:

See response to comments PC-2-1 and PC-28-2, above.

PC-30-17:

See response to comments PC-2-1 and PC-28-2, above.

PC-30-18:

See response to comments PC-2-1 and PC-28-2, above.

PC-30-19:

See response to comments PC-25-12 and PC-28-5, above.

PC-30-20:

The maps have been modified.

PC-30-21:

Water sites that will be provided by water hauling will vary from year to year to prevent repeated concentrations of sheep in the same areas each year.

PC-30-22:

These sites will vary from year to year to prevent repeated concentrations of sheep in the same areas each year. A term and condition has been added to the FEIS: “Sheep camps will only be located in areas approved by the authorized officer.”

All sheep bedding areas will only be located in areas approved by the authorized officer. Sheep may not be bedded in the same location more than seven consecutive days before being moved. Once moved, the next bedding area may not be within ¼ mile of the previous bedding area.

There are four sites in which the permittees acquire water for water hauling in the Sheep Allotment Complex. The main site is Ferguson Springs (located on private land). Water is also obtained from the Continental Mine and the City of West Wendover in the north and Boone Springs (located on private land) in the south.

As depicted in Map 2-3, the proposed exclosure fences would be around identified springs. There are no proposed pipelines in the Sheep Allotment Complex and no proposed bulldozing.

PC-30-23:

See response to comment PC-25-11, above.

In the Sheep Allotment Complex, the seeps, springs and wet meadows are mainly at elevations that preclude livestock grazing. While some of the springs may be accessible to livestock the allotment evaluation determined that wild horses, not livestock, were the causal factor in the non-attainment of the riparian standard for the Sheep Allotment Complex.

WWP provided the BLM with photos taken of springs in the Sheep Allotment Complex in October and December 2005. The October pictures were taken prior to livestock turnout. The photos at the springs depict

use by wild horses, not livestock. The pictures in December were taken shortly after livestock were turned out or and in areas currently closed to livestock by a November 19, 2003 drought closure. The photos at the springs depict use by wild horses, not livestock. The impacts appear to be wildlife, and not sheep. Large numbers of deer have been documented using springs in the Goshute Mts. during the fall, winter, and early spring. The Sheep Allotment Complex FMUD did establish use areas in the WSA, however the season of use for the use areas is late fall, early winter, and early spring. Livestock are removed from the Complex in early spring and do not return until late fall. Wild horses in the Complex frequent the springs (some more than others) almost year round.

PC-30-24:

See response to comment PC-1-9 and PC-25-17, above.

All of the springs in the Goshute Mts. (Sheep Allotment Complex): The old post and wire at the springs (Tunnel, Rock, Morris, Mud, Sidehill, Morgan, Rosebud, Erickson, Chokecherry, Summit, Spring Gulch, Felt, Dead Cedar, and Perkins) are left over from old horse traps, built prior to NEPA and the establishment of the BLM. WWP has identified the "old post and barbed wire" as evidence of failed projects. However, these structures (horse traps) are historic and cannot be removed until cultural surveys and documentation have been completed.

PC-30-25:

See response to comments PC-2-1 and PC-28-7, above.

PC-30-26:

The projects proposed in the DEIS, and modified to include only those essential to implementing the grazing systems in the FEIS, are located due to specific needs. Where riparian areas need protection, fences or water developments were identified. Where there was not identified need for projects, none were proposed.

PC-30-27:

See response to comments PC-30-25 and PC-28-7, above.

PC-30-28:

See response to comments PC-28-7 and PC-28-31, above.

PC-30-29:

See response to comment PC-30-20, above.

PC-30-30:

The discussion of the need for each range improvement was provided in the allotment evaluations, which were incorporated by reference. The existing water sources, or lack thereof, were discussed in those documents.

PC-30-31:

See response to comment PC-28-7, above.

PC-30-32:

See Section 2.2.1, Resource Protection Measures.

The DEIS has been modified to include inspection of all water developments and an assessment of whether they should be removed, modified, or repaired.

WWP provided the BLM with photos taken of springs in the Sheep Allotment Complex in October and December 2005. The October photos were taken prior to livestock turnout; therefore the impacts noted in the photos depict use by wild horses and wildlife, not livestock. The photographs from December were taken shortly after livestock were turned out. The areas from which the photos were taken were closed to livestock by a November 19, 2003 drought closure (i.e., an area where livestock have not had any use in two years); therefore, the photographs of these springs depict use by wild horses and wildlife, not livestock.

PC-30-33:

See response to comment PC-30-20, above.

PC-30-34:

See response to comments PC-28-7, PC-30-22, and PC-30-25, above.

PC-30-35:

See response to comment PC-28-9, above.

PC-30-36:

See response to comment PC-1-3, above.

PC-30-37:

See response to comments PC-1-3, PC-1-4, and PC-25-7, above.

PC-30-38:

See response to comments PC-4-12 and PC-25-7, above.

PC-30-39:

See response to comments PC-5-6 and PC-25-8, above.

PC-30-40:

See response to comment PC-25-9, above.

PC-30-41:

See response to comments PC-1-3 and PC-4-9, above.

PC-30-42:

See response to comment PC-1-6, above.

There is no authorized cattle grazing in the Sheep Allotment Complex.

PC-30-43:

See response to comments PC-1-2, PC-1-8, PC-2-1, and PC-4-5, above.

PC-30-44:

See response to comments PC-25-10 and PC28-30, above.

PC-30-45:

See response to comments PC-1-2, PC-1-3, PC3-2, and PC-4-5, above.

PC-30-46:

See response to comments PC-25-5, PC-24-15, PC25-11, PC-1-2, PC-27-1, PC-27-2, and PC-27-3, above.

PC-30-47:

See response to comments PC-1-4, PC-4-3, and PC-28-11, above.

PC-30-48:

See response to comments PC-25-5, PC-24-15, PC25-11, PC-1-2, PC-27-1, PC-27-2, and PC-27-3, above.

PC-30-49:

See response to comments PC-1-2, PC-1-3, PC-1-8, PC-2-1, PC-4-5, PC-4-10, and PC-25-15, above.

PC-30-50:

See response to comments PC-1-2, PC-1-3, PC-1-8, PC-2-1, PC-4-5, PC-4-10, and PC-25-15, above.

PC-30-51:

The use of the terms “would” instead of “will” and “should” instead of “shall” are required to be used in the preparation of the NEPA document. The reason for using such language is that until the Record of Decision is reached, all action alternatives are tentative; all effects “would” occur if a particular alternative were selected. However, in the Record of Decision, the voice is active and the terms “will” and “shall” are used to convey that this action and mitigation measures will be implemented. WWP has incorrectly interpreted the tentativeness of the language as BLM not being able to conduct a proper analysis.

PC-30-52:

See response to comments PC-1-9 and PC-25-17, above.

PC-30-53:

See response to comment PC-1-5, above.

PC-30-54:

See response to comments PC-1-2, PC-1-8, PC-2-1, PC-4-5, and PC-4-10, above.

PC-30-55:

Comment noted. See response to comments PC-1-3 and PC-25-20, above.

PC-30-56:

See response to comments PC-25-21 and PC-28-4, above.

PC-30-57:

See response to comments PC-25-21 and PC-28-4, above.

PC-30-58:

See response to comments PC-25-21 and PC-28-4, above.

PC-30-59:

This statement is incorrect. NDOW is a Cooperating Agency for this EIS.

PC-30-60:

See response to comment PC-25-25, above.

PC-30-61:

This statement is incorrect. BLM has correctly stated that some range sites do not have the potential to provide for certain seasonal habitat requirements for sage grouse. Low elevation, shallow soil sites that receive less than six inches of precipitation may support sagebrush, but the sites have extremely low potential. The sagebrush is short in stature, and the perennial grasses are too widely spaced to provide suitable nesting cover. These sites may provide some winter habitat in extreme years, but generally they are not used by sage grouse. Similarly, there are sites at higher elevations that receive more moisture, but also have shallow soils that support Wyoming big sagebrush which is very short. These areas are generally snow covered in winter and do not provide winter habitat for sage grouse. During the spring and summer, these habitats are less productive and generally not used by sage grouse because of nearby better quality habitats. BLM's point was just because it is mapped as sagebrush does not mean it is sage grouse habitat. Trying to managing a site as nesting habitat that does not have potential to provide nesting habitat is not likely to result in success. Therefore, BLM has made the distinction that certain sites that have sagebrush are not likely to provide certain seasonal habitats for sage grouse and management of these sites should not focus on sage grouse. This is completely in conformance with the sage grouse guidelines (Connelly et al. 2000).

The wording in the Memorandum of Understanding between the BLM and the Western Association of Fish and Wildlife Agencies states that the land management agencies would "consider" the sage grouse guidelines in their management of public lands. This is in recognition of the multiple use mandate that the federal agencies have and that sage grouse are just one species to be considered in the management actions.

PC-30-62:

See response to comment PC-1-7, above.

PC-30-63:

Terms and conditions have been included in the FEIS. These were incorporated by reference in the DEIS. Additional objectives for the allotments are included in Appendix C.

PC-30-64:

See response to comments PC-1-5, PC-1-7, PC-2-1, PC-3-3, PC-4-3, PC-4-5, and PC-12-6, above.

PC-30-65:

See response to comments PC-1-4, PC-1-2, PC-1-5, PC-1-7, PC-2-1, PC-3-3, PC-4-3, PC-4-5, PC-4-10, PC-12-3, PC-12-4, and PC-12-6, above.

Much of the literature listed in the WWP comment are regional assessments that demonstrate that livestock grazing has changed fire ecology of rangeland habitats, or that cheatgrass invades degraded sagebrush habitats, etc. This is not new information and this information is included in the DEIS and FEIS. BLM does not disagree that abusive grazing has impacts and has had impacts on a variety of range resources. The grazing systems in the alternatives in the EIS provide for rest, deferment, and for the health of the native range plants. That does not mean that the systems are completely devoid of impacts, but these impacts can

either be mitigated, or are less than significant, or can be addressed as a result of future monitoring and changes in management.

PC-30-66:

See response to comments PC-1-2, PC-1-3, PC-2-1, PC-2-2, PC-2-4, PC-2-5, PC-2-5, PC-12-2, and PC-15-4, above.

PC-30-67:

See response to comment PC-4-9, above.

PC-30-68:

See response to comment PC-1-9, above.

PC-30-69:

See response to comments PC-2-2, PC-2-5, PC-12-2, and PC-15-4, above.

PC-30-70:

Wild horses compete with livestock for the same resources, although wild horses are known to range farther from water. Monitoring data has shown that excess numbers of wild horses have an impact to horse movement to areas outside of HMAs. As the wild horse population grows, horses will move to reduce competition for resources and studs' ability to maintain their herd size.

PC-30-71:

Changes in the grazing system will improve plant health and vigor, and make the plant communities less susceptible to invasion by non-native, invasive species. Until the grazing systems are implemented, and progress is being made toward achieving rangeland health standards, rehabilitation of halogeton, cheatgrass, tumbleweeds, etc. is not likely to be successful. However, BLM has indicated in the DEIS and FEIS that any new projects would be inspected for noxious weeds and treated as necessary.

PC-30-72:

The alternatives include adjustments in grazing specific to address sage grouse seasonal habitat requirements.

PC-30-73:

As indicated in the DEIS and FEIS, BLM will treat noxious weeds that establish in areas disturbed as a result of installation of any of the range improvement projects. However, it is not practical to address all of the non-native, invasive species that may establish. The disturbances associated with the range improvements would be seeded with a suitable seed mix; however, cheatgrass or other non-native, invasive species may establish on these sites with the seeded species, which would not be treated.

PC-30-74:

See response to comment PC-24-14, above.

PC-30-75:

See response to comments PC-1-1, PC-1-8, and PC-4-10, above.

PC-30-76:

See response to comments PC-1-2 and PC-1-3, above.

PC-30-77:

See response to comments PC-1-9 and PC-25-4, above.

PC-30-78:

Average actual use for the last ten years (as outlined in the Sheep Allotment Complex Allotment Evaluation) was used as the recommended stocking rate. Use since the FMUD does not reflect average actual use as portions of seven of the nine allotments have been impacted by the November 19, 2003 drought closure.

PC-30-79:

Alternative 4 is similar to Alternative 2, except, as stated in the DEIS, the early spring grazing has been eliminated. The DEIS also states that Alternative 4 has different utilization allowance than does Alternative 2. The utilization objective would be dormant season use. Utilization was incorporated as a term and condition in the FEIS.

The reference to “white sage or winterfat” is in reference to the same species; winterfat is commonly called white sage, even though it is not a sagebrush species.

Average use of 50 percent is adequate to protect the sensitive growing tissues.

The grazing systems under Alternative 1 were primarily “follow the green” and there were no specified periods of movement. Complete descriptions of the previous grazing systems are included in the allotment evaluations.

See the allotment evaluations for the determination of use areas.

PC-30-80:

As noted in many previous responses, the BLM prepared this EIS following a court order to do so. The court let the existing FMUDs and NEPA analysis stand in all respects save for the resources specified in the minute order. The analysis conducted in the EIS is therefore an extension of the existing NEPA analysis, and as such the pre-FMUD grazing systems are appropriate as the baseline/no action alternative.

The grazing in the Big Springs Allotments will not affect the leks in Boone Springs. See response to PC-28-22 for a discussion of this lek.

See PC-23-1 for a discussion of livestock weights and how the methodology BLM uses to calculate carrying capacity and stocking rates takes those factors into account.

The interim and final grazing system on the West Big Springs Allotment are the same, as none of the proposed improvements will make a difference in season of use in any pasture. However, there are several differences between the interim and final grazing systems prescribed for the East Big Springs Allotment that are dependent upon completion of specified range improvement projects.

BLM refers the reader to Map 2-4 in the Draft EIS, which clearly identifies the locations of all wells used to determine the various use area boundaries within the Independence Valley Pasture. There are no topographic or structural barriers separating the various use areas, and some drift will occur, especially when water is freely available as noted in the comment. However, this free water is normally not available for more than short periods of time, which will limit the amount of drift between use areas. The wells are the

only dependable source of water in the pasture. The BLM has no plans to construct physical boundaries separating the various use areas from each other.

The BLM would be irresponsible if it did not allow for some flexibility in the grazing system. No two years are the same, and a grazing strategy that works well in one year may completely fail the next. Some ability to adapt grazing use to variations between years needs to be incorporated.

Records documenting long term changes in these plant communities are not available. We do see areas today with poor forage diversity and we know from the site potential descriptions that the site is not performing to potential (either plant diversity or production). That being said, livestock grazing is just one factor in the general long-term decline in the abundance of grass and forb species. Other factors include long term climate change, fire exclusion, brush invasion/encroachment, the potential for the sites to even support communities other than what exists now, and other factors. These lands were subjected to very abusive historical grazing use; trend studies established within the past 20 years have generally shown stable plant communities. The BLM has proposed seedings in Alternatives 2 and 4 of the EIS in areas with poor forage diversity today, in relation to the site potential. The BLM has not made final determinations as to the exact location, size, and description of the proposed seedings, as that will be decided on a case-by-case basis prior to project implementation. Seeding projects identified in the DEIS would occur on public lands only; it is possible that private interests may choose to seed private lands in conjunction with any seeding on public lands.

On map 2-5 well locations are identified as “water developments”. The issue of roads and livestock developments is already addressed in PC-27-5, and the issue of livestock using one of the proposed wells after July 1 and the impact to sage grouse is already addressed in PC-24-5. As with the seedings, the FMUD and this EIS only identified general project locations and descriptions, which did include specific water source locations; the exact locations would be identified through further analysis. This holds true for all project proposals contained within the DEIS.

Chapter 3 of the DEIS contains detailed impact analysis of how the various proposed alternatives will impact the affected resources to the extent of the minute order. Any allegations of un-assessed impacts are false.

The flexibility language on DEIS page 2-2 outlines how deviations from the grazing use prescribed in the FMUD can be obtained. In all cases the grazing use prescribed by the grazing decision must be adhered to unless a deviation in accordance with that language is approved.

Alternative 2 should have had a table showing calculated carrying capacity by pasture. This information was inadvertently left out of the DEIS. However, the DEIS does incorporate the Final Multiple Use Decision for the Big Springs Allotment by reference, and the missing table does appear in that document.

In comparing Table 2-33 to Map 2-7, the <u>only</u> pasture currently appearing on the map that is not included in the table is Six Mile, which is part of the Payne Basin Pasture.

The method that BLM uses to calculate stocking rates is well documented in other comment responses and in other documents incorporated by reference. Prior to the 2002 FMUD the BLM based carrying capacity calculations off of existing adjudication maps, which indicated AUM values by section on public and private lands. The FMUD resulted in a significant reduction in carrying capacity calculations over the adjudication maps, and the calculated carrying capacity for intermingled private lands were reduced at the same proportion as the calculated carrying capacity for public lands. The BLM extends private land credit in the

grazing permit to incorporate private lands owned or controlled by the permittee that are not fenced separate from public lands.

The BLM has no authority to apply or dictate any management on intermingled private ground unless the agency has a right-of-way or easement for a specific project or purpose. The BLM does know of at least the wells located on private lands, and these are used in calculating carrying capacities. Many of the wells and other water sources indicated on Map 2-4 are located on private land.

Nevada Revised Statutes §533.367 states "*Before a person may obtain a right to the use of water from a spring or water which has seeped to the surface of the ground, he must ensure that wildlife which customarily use the water will have access to it. The state engineer may waive this requirement for a domestic use of water*." This law does not say where the water must be made available- a strict interpretation leads on to believe that a development that captures all of the water and delivers it to a trough would meet this regulation so long as the wildlife could continue to access the water in the trough. In any case the state legislature passed this law in 1981, and all of the current spring developments in Big Springs are much, much older than that and are therefore grandfathered in. The BLM is under no legal mandate from the state to modify the existing developments as the comment implies. However, the BLM has already identified the springs that are rated as non-functional during the allotment evaluation process, and those springs that are in their condition due to development and/or grazing will be re-designed and re-developed to the extent practicable in such a manner that water will be left at the source.

The fire closure on the East Pequop Bench pasture remained in effect through late fall 2002, when it was lifted.

PC-30-81:

Average actual use for the last ten years has been used as the recommended stocking rate.

Terms and conditions have been added to the alternatives and objectives for the allotments have been added in an appendix.

Average actual use by pasture for the years 1977-2000 were provided in the Owyhee Allotment Evaluation, Range Appendix, Data Summary Section.

The footnote to Table 2-35 was carried forward from the Owyhee Allotment Management Plan (AMP) which was prepared to facilitate a grazing system that incorporated four other allotments which were on the same grazing permit. See response to PC-18-4. Although the current lessee does not have a grazing permit for any other allotments except the Owyhee, the grazing system from the AMP was carried forward to the FMUD and will remain as written for Alternative 2. The split season of use within the Chimney Creek Pasture was removed from the system under Alternatives 3 and 4. This footnote will be removed from the table for the final EIS.

The BLM is not allowing "unbridled flexibility". The term and condition which allows the livestock operator to increase numbers of livestock or change the turnout dates is standard. It does not allow an increase in permitted AUMs. For example, the livestock operator may normally graze 100 cows for one month (30 days) for 100 AUMs or he may chose to run 200 cows for 15 days for 100 AUMs if the shortened season of use meets with resource objectives. Conversely, the operator may chose to run 50 head of cows for 2 months for 100 AUMs, again, if the season of use will still meet resource objectives. That is what is meant by "flexibility in livestock numbers".

As range improvement projects are constructed, the BLM enters into "cooperative agreements" with either the livestock operator or in some instances, wildlife conservation groups or NDOW (wildlife guzzlers, etc.).

Maintenance responsibilities are spelled out in these cooperative agreements or co-ops and are maintained for each project in project files at the BLM office. Each project is unique; some projects are maintained by the livestock operator, some by wildlife groups or NDOW and some by the BLM. It would be very difficult to include that information with the SSEIS.

Other Management Actions listed under Alternative 2 have been moved to Section 2.7.3.2 Reasonable Foreseeable Actions and are analyzed there. Each action would comply with NEPA prior to construction or implementation.

Fence modification comment noted.

“Predatory bird-proofing” efforts are mitigation measures. These measures are efforts to help to decrease any negative effects of proposed or existing actions. For example, removal (an action already completed by the livestock permitee) of the corral fence that existed in close proximity to the Silver Lake sage grouse lek would remove potential perch sites for predatory birds. Considerations for “recreational, cultural or other uses of the land”, and “repair” as maintenance, would be addressed in the NEPA process relative to a given proposed action. Any maintenance responsibilities for site-specific actions would be confirmed in a Cooperative Agreement

A key area study transect is located on a vegetated playa for monitoring rangelands an wildlife habitat. This information and proposed actions to improve habitat conditions on vegetated playas are found in the Owyhee Allotment Evaluation and FMUD.

The Owyhee FMUD and Alternative 2 in the DEIS discusses the "relocation of water sources away from…vegetated playas". Some of the vegetated playas currently have pit reservoirs located on their edges. These pit reservoirs were constructed many, many years ago and it has since been determined that there are better places on the allotment to locate water. The BLM may "consider" allowing these existing pit reservoirs to fill in naturally, but only after alternative water sources have been developed. WWP is correct in stating that this may "mean even MORE wells, pipelines…", however, the new water developments would only be constructed after full compliance with NEPA. In the meantime, the permittee will continue to be allowed "normal maintenance" of existing pit reservoirs. Normal maintenance as defined by BLM Handbook H-1740-1 “Renewable Resource Improvement and Treatment Guidelines and Procedures” consists of "…periodic inspection, repairing minor spillway headcutting or channeling, removing trash from the spillway, and sealing minor seeps with bentonite. Slumps, major headcutting, unusual leaks, or other problems must be reported to the BLM. Silt removal from reservoirs is not required as normal maintenance but may be done by a user/cooperator with authorization from the Bureau. Silt removal from reservoirs will normally be confined to the area disturbed by the original construction. The method of removing silt and handling of spoil material will be established by the BLM on a project-by project basis."

The BLM provided an alternative in the SSEIS that does not rely on range improvements and this is Alternative 4. Existing range improvements were depicted on Map 2-8 in the Draft SSEIS and a map depicting known (and assigned job description numbers) pit reservoirs will be provided in the Final EIS. The 1987 Owyhee AMP was the document that proposed the construction of several new pit reservoirs. After the approval of the AMP and corresponding environmental analysis, the reservoirs were constructed; most in the early 1990's. Some pit reservoirs exist on the Owyhee Allotment that were constructed prior to 1950 using vested water rights that existed prior to 1905; some of these very old reservoirs have been documented by the BLM, while others have not. There are some two-track roads that lead to the various range improvement projects while other roads that haven't been used in over 50 years are impossible to locate.

WWP's request that BLM provide a map of all of the existing "puddles in roads and in depressions" is ludicrous. The BLM would have to be mapping the 376,270 acre Owyhee Allotment on a daily basis to

provide such a map and mapping water that might be available one day and not the next is pointless. A livestock operator must have reliable water to run a viable operation, not puddles in the road.

The BLM presents wild horse information in Table 2-37, not Table 2-34 as stated by WWP. The appropriate management level for wild horses was determined by analyzing data presented in the Owyhee Allotment Evaluation and Final Multiple Use Decision.

There is little chance of disease transmission between domestic horses and wild horses on the Owyhee Allotment, as domestic horses are limited to the Upper Fourmile Pasture which is a separately fenced pasture and not part of the Owyhee HMA.

The BLM has no documented existing gap fencing on the Owyhee Allotment, however there is evidence of scattered gap fencing in the rimrock above the South Fork of the Owyhee river. This existing gap fencing is very old; most likely built prior to 1950. The BLM has reconsidered the viability of gap fencing and is considering a solid fence to prevent cattle from accessing the river. This option will be further analyzed in a site specific NEPA document for the project.

Alternative 1, the No Action Alternative would continue grazing under the existing Allotment Management Plan. Only fence modifications and mitigation proposals that were developed as a result of field monitoring would be implemented under this alternative, as all of the range improvements, except for the Star Ridge Well Pipeline outlined under the AMP have been implemented. This pipeline would still be an option under Alternative 1. The Owyhee FMUD determined that not all of the resource objectives were being met under the existing grazing system that is why new range improvement projects were proposed to improve livestock distribution and make progress toward attainment of objectives.

Prior to 1949, the Owyhee Allotment was primarily a winter allotment for domestic sheep, cattle and horses due to lack of water during the summer. As other water sources were developed, cattle use increased and sheep use declined to just trailing in the fall. Fences were constructed in the 1950's, 60's and 70's and the operation became more of a year-round system due to the availability of additional water. Generally, winter livestock use causes the least amount of soil impacts. Frozen or snow covered soils are resistant to compaction. Microbiotic crusts, on all soil types, are also least vulnerable to disturbance when the soils are frozen or snow covered (USDI Technical Reference 1730-2, 2001). Livestock caused compaction impacts are variable and depend on soil texture, moisture content, and livestock concentration. Soil compaction occurs when moist or wet soil aggregates are pressed together and result in reduced pore space (USDA Soil Quality Information Sheet 4), which generally does not occur until spring. Livestock caused soil compaction is not a problem in upland areas, unless there is an area of concentrated livestock use, such as near a water source. One of the SOPs says that water troughs would be located on soils that are resistant to compaction, whenever possible. Compacted soils generally occur at the soil surface in rangelands (USDA). The winter use in the Star Ridge and Dry Creek Pastures is followed by a year of complete rest from livestock use. This complete year of rest from grazing would allow freeze thaw cycles to break up compacted surface soil layers, should they occur.

BLM did not measure soil compaction directly; however, other indicators, such as platy, blocky, dense, or massive appearing surface soil, or restricted, flattened, turned, horizontal or stubby plant roots are a visual indicator of compacted soil.

Wild horses inhabit the Owyhee Allotment/HMA year-round and the BLM recognizes that there is overlap of the habitat of wild horses and livestock. Competition between wild horses and livestock was analyzed through the Elko Wild Horse Amendment and Environmental Assessment completed in 2003.

Observations by the BLM on the allotment during the early to late April period of 2000, and 2002 through 2006 indicate the livestock use has been dispersed on authorized use areas. Although this is during the early spring period, it is likely that this dispersed livestock use also occurs during the winter period. The BLM

is not aware of any areas where both livestock and “wintering important and special status species” use “conflict.”

The Owyhee FMUD continues the two-pasture rest-rotation system and two-pasture deferred rotation system developed for the Owyhee AMP. Under this system, cattle are gathered and moved to different pastures every 3-4 months. This type of intensive grazing system requires extensive herding and handling of livestock every few months.

Map 2-9 does certainly depict proposed range improvement projects as outlined in Table 2-36.

The EIS has been modified to show a proposed well connected to the proposed pipeline the map of proposed range improvement projects for Alternative 3. The request by the commenter, that the BLM provide a detailed list of all existing projects in the projects is not germane to the choice between Alternatives presented in the EIS. Such a list exists and is available upon request.

The maps in the EIS have been modified, however it is difficult to present a detailed map of a 376,270-acre allotment which would fit on 11x17 inch paper in the EIS. Detailed maps of the allotments are available at the BLM Elko Field Office.

Any development at Bookkeeper Spring would be done only after a professional survey is conducted to determine the exact land status at the spring. The previous owner of the private lands were agreeable to some type of cooperative effort to improve this spring; however the BLM has yet to reach any type of cooperative agreement with the current land owner. This is not due to lack of willingness on the part of the current landowner, but rather a lack of time to proceed on the proposed project since the change in ownership. There is no "hostility towards wild horses" by the current private land owner. Any spring development at Bookkeeper Spring would be designed so as to improve access for wild horses to reliable water, not keep them from it. The development would also be designed to improve riparian conditions at the spring. The spring is currently in a degraded state due to yearlong use by wild horses. The spring has improved somewhat (visual observations) since the wild horse population has been reduced to appropriate management level and with the two consecutive years of over normal precipitation.

Domestic horses are permitted to graze the Upper Fourmile Pasture. These horses obtain water from private lands along Fourmile Creek. Utilization by cattle and domestic horses has not exceeded objectives levels during the evaluation period and trampling of forage has not been determined to be an issue. The rest of the comment as it relates to wild horses is not relevant to this sensitive species EIS as wild horses are not considered to be sensitive species.

The Owyhee Allotment grazing system was developed to allow for complete growing season rest following a year of growing season use in the Star Ridge and Dry Creek Pastures. Growing season deferment in the Chimney Creek and Upper and Lower Fourmile Pastures was designed to allow the key herbaceous species in the pastures (bluebunch wheatgrass, Thurber's needlegrass, Sandberg's bluegrass, bottlebrush squirreltail, Great Basin wildrye and Nevada bluegrass) to complete their growth cycle prior to livestock use, every other year. Data from a study conducted in 1979 on the phenology of Nevada range plants indicates that these species typically start growth in late March to early April (with the exception of the bluegrasses which start growth in early to mid-March); start flower in late May; heads out fully in early June and has produced dry seed by early to mid-July. These obviously are very general dates as they can vary depending on precipitation and daily temperatures. Allowing livestock into these pastures after July 1 (Lower and Upper Fourmile every other year) and after August 1 (Chimney Creek every other year) allows the herbaceous species to complete their growth cycle.

Chimney Creek is an intermittent drainage which only flows northward into the Owyhee Allotment from the Spanish Ranch Allotment in wet years; the BLM does not apply stubble height criteria to intermittent drainages. There is no creek named Dry Creek in the Owyhee Allotment, Dry Creek is the name of a

pasture. The BLM believes that the grazing system proposed for the Star Ridge pasture will result in improvement of stream and riparian habitat conditions along the South Fork of the Owyhee River. As stated in the Owyhee Allotment Evaluation and elsewhere, the portion of the South Fork of the Owyhee River that flows through the Lower Fourmile Pasture is proposed for fencing and will not be grazed by livestock. Fencing and exclusion of livestock and wild horses is proposed to protect the spring source at Bookeeper Spring. In the absence of a grazing system or fencing scheme designed to improve riparian habitat conditions, establishment of utilization/trampling standards may be critical to limiting adverse impacts. However, in the case of the Owyhee Allotment, the strategies proposed for limiting livestock use of riparian areas have been proven to be effective without the application of utilization/trampling standards. In general, use of riparian areas is limited to early in the season. Objectives (standards) for improvement of stream and riparian habitats are based on changes in functionality including health of the riparian zone, channel morphology, channel stability, and other parameters. We concur that utilization/stubble height and trampling information may provide an important basis for making necessary adjustments in season and use and/or stocking rates and should be evaluated as part of the implementation of the grazing system.

The commenter, WWP is mistaken in that the BLM is proposing any fencing under Alternative 4. If the commenter had carefully read the EIS, they would realize that Alternative 4 calls for very limited early season of use within the Lower Fourmile pasture (3/1-5/30), followed by a year of no use. This system would greatly improve the riparian area associated with the South Fork Owyhee River and stubble height objectives would be unnecessary. Table 2-39 is associated with Alternative 3 **not** Alternative 4. Table 2-41 is the correct range improvement table associated with Alternative 4.

Table 2-35 outlines the Final Grazing System under Alternative 2. It is not intended to depict impacts of wildfires.

The only new fences being proposed under Alternative 2, (and we can only assume that is the Alternative WWP is referring to) is the limited gap fencing on Fourmile Creek and fencing to prevent livestock access to the South Fork Owyhee River within the Lower Fourmile Pasture. This fence would be designed to exclude livestock grazing, not limit it or to create a new pasture.

The section of the South Fork Owyhee River which borders the YP Allotment has a June 30 off date followed by a year of complete rest from livestock use in the Star Ridge Pasture. This grazing system has and will continue to improve riparian conditions within the Star Ridge Pasture. Issues that stem from livestock use on the YP Allotment is a separate matter as WWP well knows (long history of litigation between the BLM and WWP). WWP makes sweeping allegations of "horribly degraded conditions of the South Fork Owyhee River" yet BLM personnel have floated the entire section of this river from the YP to the pipeline crossing and do not agree with this generalized assessment of riparian conditions. Abundant wildlife, including river otter, fish, raptors, and waterfowl were documented during this trip as were good and excellent riparian conditions.

The Owyhee AMP was discussed in the Owyhee Allotment Evaluation of which WWP has a copy. BLM does not believe that summarizing it would promote the public's understanding of the issues addressed in this EIS.

The AMP is a management plan, not a list of promises. As with all the grazing plans, the process is an iterative one in which issues are identified, management actions are identified to address the issues, management actions are selected and implemented, and monitoring is used to determine if the actions were sufficient to address the issue. If the issue is not resolved, or if new issues are identified, the process is repeated. Throughout the process, the multiple use concept is included to try to balance the use of the public land to achieve multiple goals.

PC-30-82:

The summary comparison is just that, a summary of the analysis. The details are included in Chapter 3. If all the details were in the summary, it wouldn't be a summary.

PC-30-83:

As stated in the document, and as acknowledged in WWP's own comments, wild horses occur in bands and the bands tend to use a territory or home range. As a result, the wild horse use water sources and riparian vegetation throughout the year, whereas under the grazing systems, livestock are moved out of pastures or use areas and only use the water sources and riparian areas for specified periods of time. Therefore, without exclosures, it is likely that "some" impact from wild horses will occur, and only "some" improvement in the riparian areas will occur as a result of moving the livestock, as compared to installing exclosures and piping water outside the riparian area. This would allow the vegetation to recover and the spring source to be protected. A term and condition has been added to the FEIS regarding livestock near springs.

PC-30-84:

Please provide the allotment to which this comment applies.

PC-30-85:

As stated in Chapter 3, and not detailed in the Summary Table, the grazing systems in the alternatives and the proposed range improvements increase the distribution of use within the pastures/use areas and limit the amount of time livestock have access to certain water sources. This will reduce the concentrated use at the few existing water sources, resulting in improvement. However, there will still be some areas of concentrated livestock use around troughs and other water sources, as was identified in the DEIS as "some areas of impact". The BLM realizes that areas of concentrated use will occur, but having more water sources and better distribution of livestock reduces the time that livestock can concentrate around a given water source, thereby reducing impacts from the existing condition.

PC-30-86:

BLM analysis includes the issues described in the minute order.

PC-30-87:

See response to comments PC-30-83 and PC-30-85, above.

PC-30-88:

BLM does not deny that dense sagebrush provides habitat for many species of wildlife. However, there are other species, including sage grouse, which also need areas with less dense sagebrush and more herbaceous vegetation (see Nevada Comprehensive Wildlife Conservation Strategy). BLM recognizes that when sagebrush reaches approximately 15 percent cover, there is a decrease in the herbaceous cover as sagebrush continues to increase. Consequently, in areas of high density (i.e., high cover) sagebrush, grasses are not going to suddenly cover the ground if livestock are removed. The vegetation treatments proposed by BLM include taking out some sagebrush and seeding with perennial grasses and forbs.

PC-30-89:

There is potential for non-native, invasive species to establish in any plant community, whether it is grazed or ungrazed. However, healthy, fully stocked plant communities are less likely to be invaded. Therefore, BLM was acknowledging that there were differences in the alternatives relative to the potential for non-native invasives to establish. The selection of one alternative over another is based on overall impacts, not just the impacts from non-native, invasive species.

PC-30-90:

BLM disagrees with WWP's assessment of the vegetation treatment in Holborn Pasture.

See response to comment PC-30-88, above.

PC-30-91:

WWP makes sweeping conclusions about the effects of fire, range improvements, sage grouse populations, etc. but has provided no data to support these conclusions. The studies that have been provided are not specific to the allotments under analysis.

PC-30-92:

Under Alternative 1, the Dry Creek and Star Ridge Pastures would be grazed according to the 1987 AMP, which implemented the two-pasture rest-rotation and two pasture deferred system. Therefore both pastures receive a year of complete rest following a year of winter/spring use.

The summary table does not provide all the details, as it is a summary of the impacts of the alternatives. In Section 2.8.3 of Chapter 2 and in Chapter 3, it clearly states that the leks in the Star Ridge and Dry Creek pastures have potential to be disturbed by livestock due to the spring use in alternate years.

However, there have been no observations of cattle disrupting lek activities while conducting point-in-time aerial lek survey and search efforts throughout the Owyhee Allotment from 2000 to 2005.

PC-30-93:

BLM stands behind the conclusions in the text. In regards to "unbridled flexibility" see response to comment PC-30-81. The BLM will not permit flexibility beyond the permitted use by pasture as outlined in the final grazing system.

PC-30-94:

As indicated in Connelly et at. 2000 and Connelly et al. 2004, the seasonal habitats for sage grouse differ in the amount of sagebrush cover and herbaceous cover among seasons. The Owyhee Allotment has an abundance of one seasonal habitat and a lack of other seasonal habitats. The proposed vegetation treatments would address this imbalance of seasonal habitats. In addition to sage grouse, there are a variety of bird and mammal species that can be found in habitats with less sagebrush cover. Given the vast area of the Owyhee Allotment and the amount of sagebrush in one cover class, there would seem to be room for some additional habitats to benefit sage grouse, raptor prey species, and increase biodiversity in general.

PC-30-95:

See response to comment PC-4-7, above.

PC-30-96:

This comment is incorrect. There were only 26 comment letters received, with only 14 different people or organizations responding. A total of 148 comments were included in the 26 comment letters.

See response to comment PC-1-1, above.

PC-30-97:

See response to comment PC-28-2, above.

PC-30-98:

See response to comment PC-28-2, above.

PC-30-99:

While the focus of the DEIS was the subject allotments, improvement in range conditions would benefit the subject species that move across allotments.

PC-30-100:

See response to comments PC-28-2, PC-1-7, and PC-2-1, above.

PC-30-101:

See response to comment PC-28-7, above.

PC-30-102:

Maps 2-8, 2-9, and 2-10 in the DEIS depict the private lands on the Owyhee Allotment.

PC-30-103:

See response to comment PC-2-1, above.

PC-30-104:

See response to comments PC-28-4 and 28-1, above.

PC-30-105:

The maps have been modified to show the fire boundaries.

PC-30-106:

See response to comments 15-3 and 28-1, above.

PC-30-107:

See response to comment 28-11, above.

PC-30-108:

Prior to the 2005 Wilson Fire, only 3.7 percent of the Owyhee Allotment had been affected by wildfire. The largest fire prior to the Wilson Fire was the 3,378 acre Three Mile Fire which burned in August of 2000. Monitoring conducted in 2001 and 2002 indicates that perennial herbaceous species such as Indian ricegrass, bottlebrush squirreltail, sandberg's bluegrass and thickspike wheatgrass have successfully reestablished on the site contrary to WWP's contention that the burn is dominated by cheatgrass. Although conditions on the Spanish Ranch allotment are outside the scope of this EIS, the BLM must dispute WWP's allegation that vast areas of this allotment have burned and have become dominated by cheatgrass.

PC-30-109:

See response to comments PC-1-3, PC-4-5, PC-17-2, and PC-18-2, above.

PC-30-110:

The BLM lifted the fire closure on this pasture in the later part of 2002, and the FMUD was not implemented until 1 March 2003. Thus, the East Pequop Bench pasture has been grazed as described in the FMUD since the FMUD was implemented. No shifts or variations in use have occurred as a result of this fire since the FMUD was implemented.

PC-30-111:

See response to comment PC-4-9, above.

PC-30-112:

The BLM disagrees with the characterization that “little if anything is ever met on the allotments”. Prior to the current FMUDs no management plans existed to say when and where cattle should be, and BLM records show that grazing adhered to the management plans in place on the Owyhee Allotment and on some of the allotments contained within the Sheep Complex. The BLM maintains a good accounting of cattle on these allotments through the application/billing and actual use records; there have been some problems in the past with some permittees, but those permittees are no longer involved with these allotments. There is only one example of supplemental feeding on these allotments that BLM has on record, and that due to an emergency wintertime feeding; the BLM has never observed permittees deliberately placing feed to skew carrying capacity calculations.

PC-30-113:

The grazing cycle is the number of years required to complete the rotation or deferment. It varies by allotment and by alternative, because the systems are different.

PC-30-114:

Comment noted.

PC-30-115:

BLM is not proposing in the EIS any actions that would contribute to the listing of any sensitive species. Each of the alternatives is designed to improve conditions for the subject species.

PC-30-116:

See response to comments PC-25-4, PC-25-9, PC-25-15, PC-28-3, and PC-28-7, above.

PC-30-117:

See section 3.1.2 of the FEIS.

PC-30-118:

Spring developments referred to by WWP were developed prior to NEPA and these types of developments are not currently approved by BLM. BLM developments leave water at the spring source and riparian area. Developments are one means of protecting the spring source and riparian vegetation while still providing water for wildlife, wild horses, and livestock.

PC-30-119:

BLM still intends to examine existing spring developments.

No dewatering is proposed in the DEIS.

PC-30-120:

The effects of the alternatives would occur within or outside of the WSAs and ACEC, as the grazing in these areas is included in the various alternatives. Thus if an alternative is found to improve the upland vegetation through the changes in time and timing of grazing, then this would occur equally in or out of the WSAs or ACEC.

PC-30-121:

Forest resources were not identified as being affected by the alternatives as livestock do not feed extensively on the pinyon, juniper, subalpine fir, limber pine, and other species found at elevation.

Map 8 in Appendix 1 of the Big Springs Allotment Evaluation displays these water quality protection zones. This is briefly discussed on page 8 of the Evaluation.

PC-30-122:

Because most of the noxious weed infestations occur along roads, there is much greater opportunity for the spread of weeds from vehicles than from livestock. While livestock are one mode of seed transportation, wind, water, vehicles, wildlife, and humans are also modes of seed transportation. These allotments are subject to changing world ecology, where non-native species and non-endemic species have established throughout the U.S. This is not just a livestock issue, and the grazing systems can help reduce the potential, but they cannot be the solution.

PC-30-123:

The DEIS has been modified to show the correct citation. Bedunah and Sosebee were editors of the book.

Grazing impacts on shrubs are included in the DEIS. Because forbs have many growth forms, they were not directly addressed. However, where grazing systems have been implemented that improve perennial grasses and shrubs, forb diversity has also increased.

PC-30-124:

See response to comments PC-4-5, PC-4-7, and PC-4-10, above.

PC-30-125:

The comment is taken out of context. The increased distribution, shorter grazing periods, and timing of the grazing reduce the potential that a plant will be grazed one or more times in a growing season. The carrying capacity determines how many animals will be allowed to graze, the grazing system is used to distribute them and control the time and timing.

PC-30-126:

BLM indicated that in an effort to design alternatives that favor the riparian systems, some upland pastures would receive hot season use to a greater extent than currently occurs. This is often the time of the year when livestock will browse on shrub leader growth. This is identified as a concern in the DEIS for the North Pequop Pasture (Big Springs Allotment) and this situation is to be monitored. If shrub utilization is exceeded, the livestock will be moved.

PC-30-127:

Better distribution of the livestock will result in less trampling (i.e., repeated travel over the same ground) than the current situation. These impacts are noted in areas of concentration (i.e., around water sources) and are limited in extent within the allotments.

PC-30-128:

See response to comment PC-30-127, above.

PC-30-129:

BLM does not ignore the information by Anderson (1991); however, if the information is correct, why after 150 years of grazing, much of it abusive grazing, are any bluebunch wheatgrass plants left? Bluebunch wheatgrass has been shown to be a highly productive forage under grazing systems that avoid the early

season, short cropping, and extended growing season utilization, such as proposed in the alternatives in the DEIS.

PC-30-130:

BLM does not ignore the impacts of winter herbivory. The utilization standards that are part of the grazing system provide ample protection of the growing points.

PC-30-131:

BLM does not ignore the impacts of winter herbivory. The utilization standards that are part of the grazing system provide ample residual stubble to trap moisture. Shrubs are much more important in trapping and drifting snow than are grasses, where both occur together. In meadows or recently burned areas, residual stubble of grasses is necessary to trap winter moisture.

PC-30-132:

BLM did not ignore the “double use” that would occur when winter use extends into early spring. The use in early spring is quite short, and in the FEIS the alternatives have been modified to address this issue.

PC-30-133:

Rest is defined in the document as no grazing during the growing season. Removing dormant leaf material has far less effect on the plants than growing tissues and as long as the utilization objectives are met, the amount of residual stubble is sufficient to protect the growing points from winter damage and to allow fall greenup when moisture is available. The two pasture rest-rotation system outlined for the Owyhee Allotment under alternative 1, 2 and 4 provide an entire year of rest for the Dry Creek and Star Ridge Pastures.

PC-30-134:

This comment does not reference any specific text in the DEIS and it is not clear what the point the comment is making.

PC-30-135:

The grazing systems in the alternatives are designed to leave sufficient time after growing season grazing for continued leaf growth in most of the pastures. Those pastures or use areas used in June and July are less likely to have regrowth, but these pastures are rested or deferred the following year. Consequently, there are always some pasture in which there is forage for wildlife after the livestock have grazed and some pastures in which wildlife can obtain the forage before livestock graze.

PC-30-136:

See response to comments PC-1-4, PC-2-1, PC-4-5, and PC-4-9, above.

PC-30-137:

The alternatives analyzed in the DEIS and the modified alternatives in the FEIS are designed to improve plant health and vigor, reducing the very concerns identified in this comment.

PC-30-138:

The improved distribution, time, and timing of the grazing are intended to address these issues.

PC-30-139:

It is not necessary to know the current production of a plant to know that improved grazing systems will increase the health and vigor of the plant, and therefore, the plant productivity.

PC-30-140:

The grazing system and range improvements were designed to address this issue.

PC-30-141:

BLM's analysis is based on plant physiology – how the plant responds or is affected by herbivory. This is the basis for understanding any impacts of grazing on rangeland plants.

PC-30-142:

BLM's yardstick does not depend on all of the variables that WWP identifies. The BLM yardstick examines basic plant physiology and how herbivory can create long-term impacts to the plants, or how herbivory can be compatible with plant health and vigor.

There is a basic disconnect between the BLM and WWP on how plants grow. Most plants produce more foliage than is necessary to sustain the plant. Removal of the foliage above the growing points allows the plant to regrow and continue to nourish the roots and growing points. Periodic rest from grazing during the growing season allows the plant to produce the "excess" foliage and completely replenish root reserves and increase the amount of growing points for the next year. Thus a grazing system that allows plants to be grazed to a moderate level of utilization without removing growing points, and includes periodic rest or deferment, will promote plant health and vigor. WWP implies that any grazing by livestock is detrimental and results in desertification.

PC-30-143:

As indicated in the DEIS, the term dormant is used to identify periods when shrubs or grasses are at a greatly reduced transpiration state, and that there is really no time when the plants are completely "dormant". Thus the context of the term as defined, applies to the hot season for grasses and the winter season for grasses and shrubs. Even though sagebrush has active leaves during winter, its rates of photosynthesis and transpiration are greatly reduced from the growing season rates. Sheep use of weeds that green up in the fall, as pointed out by WWP, and annual grasses such as cheatgrass is actually a benefit as it can reduce the vigor of these plants and reduce seed production in the spring.

PC-30-144:

See response to comment PC-1-3, above.

PC-30-145:

The alternatives include use areas to rotate the livestock to prevent repeated use of bedding areas.

PC-30-146:

WWP is not aware of the definition of noxious weeds and "more common and uncontrollable weeds". If the common weeds were uncontrollable, they would have been added to the state noxious weed list. BLM recognizes the issues with cheatgrass, and the other non-native, invasive species that are not noxious weeds. Many of these, including cheatgrass, can be kept in check with healthy rangelands (not controlled or eliminated, but kept at levels that do not interfere with other land uses). As stated above, the grazing systems need to be implemented before actions to rehabilitate these areas can be initiated.

PC-30-147:

See response to comments PC-1-1, PC-1-2, PC-1-3, PC-2-1, PC-3-3, PC-28-22, PC-30-176, and PC-30-178.

The incorporation of grazing systems and objectives will help promote healthy rangelands.

PC-30-148:

See response to comment PC-30-133, above.

PC-30-149:

WWP in comment PC-20-145 indicates that repeat use of bedding areas is a concern. In this comment they suggest that repeat use of bedding areas is the solution.

BLM does not plan to extend sheep bedding areas as stated by WWP. Term and conditions have been added to the FEIS; see Chapter 2.

PC-30-150:

The grazing systems proposed in the alternatives increase the amount of forage and seed available for prey species. The utilization levels, rest, deferment, and rotation allow for healthier plants and completion of the growth cycle (i.e., seed production) each year.

PC-30-151:

Comment noted. BLM does not agree.

PC-30-152:

See response to comment PC-30-149. WWP suggested in comment PC-30-145 that these areas should be used as sacrifice zones.

The term and condition limiting bedding areas would confine disturbance to discrete areas which would enable for more efficient implementation of resource protection measures which include weed treatment.

PC-30-153:

The 1987 Owyhee AMP provides a brief historical background which states that prior to the development of water, the Owyhee allotment was primarily winter range for sheep. In 1949, fences began to be constructed and waters were developed and the area was converted to cattle use. WWP correctly replicates information from the 1987 AMP concerning the six year average annual use of 14,002 AUMs, but they conveniently omit the information that follows this data which was: "Due to economics, Roaring Springs Associates has been running about half the number of cattle they have preference for during the past few years." WWP is incorrect when they sate that the "intense cattle use is only recent" when historical accounts put livestock numbers at 10,000 head on the Spanish Ranch alone in 1890 (Mike Hess, NDOW 1989). This number is significant when one realizes that the winter country for the Spanish Ranch was the Owyhee Desert prior to the construction of fences in the 1940's. Another recent study shows that Elko County has experienced a reduction of 44,311 AUMs during the period of 1980 through 1999 (RCI report prepared for State of Nevada, Department of Agriculture, 3/26/04). The historical record is full of such information that cannot be regurgitated here. WWP's conclusion that intense cattle use is "only recent" is completely false.

PC-30-154:

The proposed alternatives would improve habitats for wildlife.

PC-30-155:

As indicated in the DEIS, range improvements would be analyzed in separate NEPA documents and issues such as rare plants, cultural resources, etc. would be addressed at that time. The exact location of proposed range improvements is determined after the MUD. The projects are laid out on the ground (i.e., flagged) and then the cultural surveys, etc. are conducted. In the case of a pipeline or fence, if a resource is present, the route is relocated to avoid the impact and the new route is surveyed. Once all the baseline data is available,

the NEPA document can be prepared. This is part of what is referenced in the DEIS as Standard Operating Procedures. The impacts are identified in the field and avoidance measures are taken to eliminate the impacts.

PC-30-156:

Comment noted.

PC-30-157:

Comment noted.

PC-30-158:

BLM could not find this statement in the DEIS and the reference to page 14 is incorrect.

PC-30-159:

Actually, the fire may improve pronghorn antelope habitat in the near future. Pronghorn prefer vegetation of low stature and frequent burned areas. The new growth in areas that did not burn intensely will be used by pronghorn in the next year. Areas that are seeded as part of the fire rehabilitation effort will be used by pronghorn in the future. As shrubs begin to reestablish on the site, pronghorn use will continue. When the burned area is in dense shrubs, it will be more suitable as mule deer habitat than pronghorn habitat.

PC-30-160:

The Owyhee Allotment Evaluation included use pattern maps that were prepared during the evaluation period. WWP assertion that only "VERY SMALL areas are underused" is not correct. The use pattern maps of the Dry Creek Pasture show the VAST majority of the pasture as receiving "slight use" and a large area receiving "no use". Under the different alternatives there are projects proposed for these areas. There are also projects proposed which would decrease use in heavy use areas; the BLM is not proposing projects simply to increase use in areas that are deemed "under utilized".

PC-30-161:

The EIS was intended to assess the impacts of the grazing systems on sensitive species identified in the Minute Order.

PC-30-162:

The RMP sets goals that drive the BLM management. Just because some of the allotment has burned does not mean that the vegetation that returns will be in poor condition. In areas where perennial grasses return, the sites will be managed to allow shrubs and other desired species to establish. In areas that were determined to be in need of fire rehabilitation, the fire rehabilitation projects will be managed to return the resource values of the various range site.

PC-30-163:

See response to comment PC-4-7, above.

PC-30-164:

As documented in the memo by former rangeland management specialist, Mike Jensen, the BLM and livestock permittee on the Owyhee Allotment were working together in cooperation, coordination and consultation to improve range conditions on the Owyhee Allotment. The memo is full of references of how the proposed range improvements would improve livestock distribution, improve riparian conditions and improve the availability of water for wild horses. There are NO references to how the range improvements could help the livestock permittee.

PC-30-165:

This comment is an overstatement. The acreages involved in the treatments are minimal with respect to the amount of area in the allotments and the amount of sagebrush habitat that would be treated. Changing successional stages is not habitat fragmentation, it is habitat management. Changing from sagebrush to an alfalfa field would be fragmentation, but change in the successional stage of a vegetation type is the only means of maintaining habitats on the landscape. The lack of such changes has allowed pinyon-juniper to replace sagebrush in the Big Springs and Sheep Allotment Complex allotments. The lack of such changes are part of the cause of sage grouse declines. This comment demonstrates a complete lack of understanding of the ecology of the desert sagebrush ecosystem. The work by Connelly et al. (2000) and Connelly et al. (2004) indicate that these types of treatments should be considered when extensive stands of one age class of sagebrush occurs and suitable seasonal habitats for sage grouse are not present.

PC-30-166:

The fuels project would be evaluated once the project has been located in the field and surveys for various resources have been completed. The treatment is included in the DEIS because the general impacts with respect to the subject species can be evaluated with respect to habitat improvement.

PC-30-167:

The treatment will be conducted in a manner to minimize cheatgrass invasion and increase perennial herbaceous species and promote shrub reestablishment.

PC-30-168:

See response to comment PC-30-165, above.

The projects referenced in the comment are not in the subject allotments.

PC-30-169:

Where native species are likely to establish, the seed mix is dominated by native species. Where cheatgrass or other non-native invasive species are likely to establish, other desirable non-native species are used to initiate facilitated succession, with the eventual long-term goal the reestablishment of sagebrush and native perennials.

BLM's implementation of rehabilitation treatments will continue to be in accordance with the 2004 RMP amendment for fire management. Refer to the EA prepared for RMP Amendment and the 2000 Normal Fire EA for a description of the extent of impacts anticipated. Rehabilitation treatments to be applied are determined on a case-by-case basis following a fire, and the effectiveness of the treatments in meeting the objectives is monitored. The EIS discusses the cumulative effects of fires that have occurred in the allotments.

PC-30-170:

Comment noted.

PC-30-171:

The treatments will be evaluated in the project-specific NEPA documents.

PC-30-172:

See response to comments PC-1-1, PC-1-3, PC-3-2, and PC-4-12, above.

PC-30-173:

See response to comments PC-1-2, PC-1-8, PC-2-1, and PC-4-5, above.

The goal of the treatments is to restore healthy native vegetation and increase the quality of wildlife habitat.

PC-30-174:

Fire has been a natural part of the sagebrush ecosystem. While there has been a change in the fire ecology, prescribed fire and other treatments have been used to reduce sagebrush cover, not eliminate it, and start the succession of the stages that make up the sagebrush ecosystem. Not all sites are suitable for prescribed burning, and other treatments can be applied. The result is a mosaic of age classes of sagebrush, not habitat fragmentation. These different patches of habitat provide for many more species, including various sagebrush obligates and sensitive species, than any single age class of sagebrush over an extensive area.

PC-30-175:

BLM agrees that fire cycles in many sagebrush areas have been altered and that the build up of woody fuel (dense sagebrush) and the presence of cheatgrass in the understory creates a condition that is likely to convert the sagebrush to cheatgrass following a wildfire in the hot, dry summer months. However, prescribed burns under different conditions, when fuel moistures are higher, soil moistures are higher, relative humidity is higher, air temperatures are lower, and burned under specific wind conditions have an entirely different effect than the hot summer fires. These prescribed fires do not remove the sagebrush, but leave islands and fingers of sagebrush intertwined with the burned area and these areas of sagebrush are the seed source for reestablishing sagebrush on these “cool” burn areas.

PC-30-176:

The management strategy proposed by WWP, of no treatments, no grazing, no recreational use, no mining or exploration, and no oil and gas exploration, will not change the altered fire cycles and will not stop summer lightning fires from occurring and converting sagebrush lands to cheatgrass. BLM is well aware of the problem and willing to do something to break this cycle. Sitting back and watching it burn is not the answer.

PC-30-177:

This comment is incorrect. Sage grouse need a variety of shrub and cover requirements (Connelly et al. 2000, Connelly et al. 2004) and not extensive stands of one age class of sagebrush.

PC-30-178:

There is also a body of literature that recognizes that in addition to man’s influence on the landscape, the plant-plant dynamics are also at work in changing the fire cycles. The interaction of man’s influence and the plant dynamics have created unnatural fuel loadings. When combined with the presence of non-native, invasive species, the stage is set for long-term degradation. The grazing systems and vegetation treatments included in the alternatives are designed to break this cycle.

PC-30-179:

BLM is well aware of the risks to rangelands.

PC-30-180:

This demonstrates WWP’s lack of understanding of sagebrush ecology. The vegetation is at a threshold point and passive treatments will not keep the vegetation from crossing the threshold. Paige and Ritter (1999) state that before European settlement “spotty and occasional wildfire probably created a patchwork of young and old sagebrush stands across the landscape, interspersed with grassland openings, wet meadows, and other shrub communities.” Miller and Eddelman (2001) state that the “Wyoming big sagebrush and low sagebrush cover types, with less frequent disturbance events but slower recovery rates,

and the mountain big sagebrush cover type, with more frequent disturbance but faster recovery rates, created a mosaic of multiple vegetation successional stages across the landscape." "In addition, fire patterns were patchy, leaving unburned islands, particularly in the Wyoming big sagebrush cover types, because of limited and discontinuous fuels. Plant composition ranged from dominant stands of sagebrush to grasslands" (Miller and Eddelman 2001).

The indiscretions of the past cannot be fixed by passive management. There are no "natural successional processes and healing processes" in these altered landscapes. The global movement of species is not going to stop. Therefore, if we are to keep sagebrush landscapes from transitioning across thresholds to other vegetative states, active management is required. Where these thresholds have already been crossed, such as monocultures of cheatgrass or other non-native, invasive species, substantial energy is required to move the vegetation back across the threshold to a desired state. BLM is limited in resources and manpower, and therefore, the cost: benefit ratio is much higher in spending effort to keep plant communities from crossing the thresholds (prevention) rather than trying to restore or rehabilitate vegetation that has already crossed the threshold. Passive management will only work where the ecosystems are still intact and non-native, invasive species have not established. Unfortunately, there aren't many of those areas left in the sagebrush ecosystem, and the longer we wait to manage the altered landscape through preventative management, the more acres that will cross the threshold.

PC-30-181:

BLM agrees, only in a multiple use context this is a bit more complicated than WWP would lead others to believe.

PC-30-182:

The BLM is not sure what "current abundance of federal fire funds" WWP is referring to, but the priority is to maintain the lands "still in reasonable health with reasonable ecological integrity" as stated above in response to comment PC-30-180. Spending limited dollars on restoration is risky at best and diverts funds from maintaining the integrity of the functional systems that are left. WWP has its priorities reversed.

PC-30-183:

BLM addressed weed invasion and spread in all alternatives.

PC-30-184:

BLM has demonstrated on several allotments that changing the grazing system to improve the riparian systems and to address upland concerns can be accomplished. The alternatives proposed in the DEIS are all variations of this proven success. The alternatives are not just simply shifting use from the riparian to the uplands, but changing the timing and duration of the use of both uplands and riparian can influence the health and vigor of the plants in both areas.

PC-30-185:

See response to comment PC-28-22, above.

This statement is incorrect. No extirpation of leks has occurred at Boone Springs Allotment.

PC-30-186:

BLM manages under a mandate of multiple use, and rather than eliminate uses, is attempting to manage resources for a variety of uses.

PC-30-187:

See response to comments PC-1-1 and PC-17-1, above.

PC-30-188:

Comment noted.

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PC/31

Working to protect and restore Western Watersheds

January 21, 2006

Sensitive Bird Species
Bryan Fuell and Lorrie West
BLM Elko Field Office
3900 E. Idaho St.
Elko, NV 89801-0200

Dear Bryan and Lorrie,

Here is an excerpt from comments prepared by Dr. John Carter of Western Watersheds Project in relation to BLM grazing actions in Utah. These comments are directly applicable to Elko BLM's failures to address grazing management and important values of public lands such as special status species habitats; conditions of springs, seeps, intermittent and perennial riparian areas, playas; a diversity of upland vegetation communities (big sagebrush subspecies, low sagebrush, salt desert shrub, mountain mahogany, pinyon-juniper, etc.) across the Owyhee, Sheep complex and Big Springs allotment. Attached are pages 7-15.

Studies have shown severe displacements and stress on mule deer, their reproduction and fawning success due to competition with cattle for forage[14,15,16]. The spring and summer diets of deer consist of grasses and flowering plants resulting in damage to their populations and reproduction when forage is consumed by livestock. These effects are not addressed in any analysis

. Failure to do this type of analysis are violations of NEPA's requirement for a "hard look", integrated analysis of issues and consideration of best available science.

Sage Grouse Habitat Requirements. Several scientists have researched and documented the biology and habitat requirements for sage grouse during their various life stages. These life stages include leks or breeding, nesting, brood-rearing and wintering. Braun et al (1977) in their review[17] found that leks or breeding sites were generally open areas surrounded by sagebrush and that nesting areas appeared to occur within a few kilometers of the lek sites. The maximum distance between leks and nesting sites reported was 12.9 km, with 59% being within 3.2 km. Successful nest sites had significantly greater sagebrush canopy cover (27%) as opposed to unsuccessful sites at 20%. An important component of the nesting sites is also the cover provided by herbaceous vegetation, particularly grasses. Connelly et al (2000)[18] reported a range of grass height at nest sites between 14 – 34 inches and a mean of 20 inches with canopy cover of grasses ranging from 4 to 51% with a mean of 16%. During brood-rearing, grouse with chicks preferred more open sagebrush uplands at about 10% - 14% canopy, while loafing of adults occurred in stands with 30% canopy. Beginning in June and during mid-late summer, broods moved to more mesic sites such as meadows. Hockett (2002)[19] stressed the importance of riparian and wet meadow sites during summer and fall. Wintering sites were reported to have greater than 20% sagebrush canopy cover.

[14] Julander, Odell. 1962. Range management in relation to mule deer habitat and herd productivity in Utah. Journal of Range Management 15(5):278-281.
[15] Kie, John G. 1996. The effects of cattle grazing on optimal foraging in mule deer (Odocoileus hemionus). Forest Ecology and Management 88:131-138.
[16] Loft, Eric R., John W. Menke and John G. Kie. 1991. Habitat shifts by mule deer: the influence of cattle grazing. Journal of Wildlife Management. 55(1):16-26.
[17] Braun, Clait E., Tim Britt and Richard O. Wallestad. 1977. Guidelines for maintenance of sage grouse habitats. Wildlife Society Bulletin 5(3):99-105.
[18] Connelly, John W., Michael A. Schroeder, Alan R. Sands, and Clait Braun. 2000. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28(4):967-985.
[19] Hockett, Glenn A. 2002. Livestock impacts on the herbaceous components of sage grouse habitat: a review. Intermountain Journal of Science 8(2):105-114.

Connelly et al (2000) summarized characteristics of sage grouse habitat in the following table which is reproduced from their paper. The sagebrush canopy characteristic for breeding habitats is reported as a broad range, but it is important to remember that successful nests occur in areas with canopy cover at the high end of the range or higher. Diets of sage grouse vary through the year and by age. Sage grouse depend entirely on sagebrush from October through April. In May, they shift to a forb-dominated diet (20 – 60%) with the remainder being mostly sagebrush. They shift back to sagebrush during September. Chicks begin life depending heavily on insects at about 60%, then shift to a forb dominated diet with about 15% sagebrush during the second month.

	Breeding		Brood-rearing		Winter[e]	
	Height (cm)	Canopy (%)	Height (cm)	Canopy (%)	Height (cm)	Canopy (%)
Mesic sites[a]						
Sagebrush	40–80	15–25	40–80	10–25	25–35	10–30
Grass-forb	>18[c]	≥25[d]	variable	>15	N/A	N/A
Arid sites[a]						
Sagebrush	30–80	15–25	40–80	10–25	25–35	10–30
Grass/forb	>18[c]	≥15	variable	>15	N/A	N/A
Area[b]	>80		>40		>80	

Braun et al (1977), Welch et al (1990)[20], Connelly et al (2000) report that spraying, burning and mechanical treatments of sagebrush resulted in declines of sage grouse. Other activities such as construction of roads, power lines, fences, reservoirs, ranches, farms and housing developments have resulted in sage grouse habitat fragmentation and loss. Structures such as fences and power lines provide perch sites for raptors that prey on sage grouse and also result in injury or death when grouse collide with these. Connelly et al (2000) and Hockett (2000) reported that sage grouse have high seasonal fidelity to seasonal ranges and females return to the same area to nest each year. Promoting additional cattle concentrations to invade important nesting habitat will have negative effects on these birds, but then BLM provides no information on sage grouse use areas in relation to existing and proposed developments or to areas in good or poor condition. BLM, in its EA described several fires that occurred in the Dry Canyon allotment, conversions to cheatgrass, seedings and juniper encroachment. No analysis was done as to the effects of these disturbances combined with livestock grazing on sage grouse populations.

Beck and Mitchell (2000)[21] and Hockett (2002) reviewed the effects of livestock grazing on sage grouse. They report that livestock, by consuming herbaceous vegetation and reducing grass cover needed to conceal grouse nests from predation, reduce grouse production. Ground squirrels favored by high levels of grazing, combined with drought conditions account for significant nest predation. The depletion of forbs and

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[20] Welch, Bruce L., Fred J. Wagstaff and Richard L. Williams. 1990. Sage grouse status and recovery plan for Strawberry Valley, Utah. USDA Forest Service Intermountain Research Station Research Paper INT-430. 10p.

[21] Beck, Jeffrey L. and Dean L. Mitchell. 2000. Influences of livestock grazing on sage grouse habitat. Wildlife Society Bulletin 28(4):993-1002.

loss of associated insects can directly impact chick survival. Mattise (1995)[22] noted that *"we have poor strategies for protecting important brood rearing habitat during severe drought conditions. Riparian areas, springs and seeps are not being managed to provide vegetative recovery and enhancement."* Since BLM wishes to do away with any riparian standards for Dry Canyon, its proposed decision is counter to the science and validates this statement.

Rich (1985)[23] reviewed historical studies of sage grouse populations from 32 years of monitoring in southern Idaho and northwestern Utah. He concluded that sage grouse experience cyclic population patterns with 10 year highs. Mitchell and Maxfield (2001)[24] analyzed results of lek counts in Utah from 1967 through 2000. They found a decreasing trend in numbers of males per lek site, and their data clearly shows a 10 year cycle of peaks and valleys. The last valley was found in 1996 with an uptrend through 2000. It is important to reflect on these possible trends when analyzing results for short periods. Rich (1985) states, *"evaluations of grouse population responses to habitat changes are critically dependent on understanding the long-term population dynamics of the species, especially where such evaluations may be done over a period of a few years."* He concludes that *"Ten years data may be required to even begin an adequate definition of just the breeding habitat of a population."* These scientific papers and reports provide a significant body of knowledge that BLM should have relied upon in addressing sage grouse needs and monitoring in Dry Canyon. The EA provides no evidence any of this was considered.

Migrant Birds. Woodyard et al (2003)[25] conducted bird censuses along an elevational gradient in east-central Nevada. These censuses were conducted in study plots monitored in 1981 and 1982 by Dean E. Medin and found fewer species and total numbers of birds (62% less). Parrish et al (2002)[26] also describe the declines in these birds due to a variety of factors relating to habitat. They provide descriptions of the birds in Utah most in need of conservation and describe their habitat requirements, threats and management considerations. They discuss habitats most in need of conservation. Habitats such as shrub-steppe occurring in the Dry Canyon allotment are described as in need of protection. Medin et al (2000)[27] provide a discussion of bird-habitat relationships for the Great Basin that provide insight into the habitats that occur in the Dry Canyon allotment and their relationships to these birds. Many of these birds are dependent on riparian areas as well. BLM's EA did not describe the species of migrant birds that should occur on the Dry Canyon allotment, their habitat

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[22] Mattise, Samuel N. 1995. Sage grouse in Idaho: Forum '94. Idaho BLM Technical Bulletin 95-15. 10p.

[23] Rich, Terrell. 1985. Sage grouse population fluctuations: evidence for a 10-year cycle. Idaho BLM Technical Bulletin 85-1. 20p.

[24] Maxfield, Brian D. and Dean L. Mitchell. 2001. Sage grouse in Utah. Utah Division of Wildlife Resources. 10p.

[25] Woodyard, John, Melissa Renfro, Bruce L. Welch and Kristina Heister. 2003. A 20-year recount of bird populations along a Great Basin elevational gradient. USDA Forest Service Rocky Mountain Research Station Research Paper RMRS-RP-43.

[26] Parrish, Jimmie R., Frank Howe and Russell Norvell. 2002. Utah Partners in Flight Avian Conservation Strategy Version 2.0. Utah Division of Wildlife Publication No. 02-27. 305p.

[27] Medin, Dean E., Bruce L. Welch and Warren P. Clary. 2000. Bird habitat relationships along a Great Basin elevational gradient. USDA Forest Service Rocky Mountain Research Station Research Paper RMRS-RP-23. 22p.

needs, population status or how past and proposed management has affected these species.

Paige and Ritter (1999) cite population declines of 63% and 70% in shrub dependent and grassland bird species during the last 30 years across the U.S. In the Intermountain West, more than 50% of shrub- and grassland species show downward trends with sagebrush steppe as the highest priority for conservation based on trends for habitat and bird populations. They provide detailed descriptions of the history, characteristics and management of these systems with management recommendations. They note that cattle grazing in sagebrush steppe first select grasses and forbs and avoid browsing on sagebrush. In addition, even light grazing can put pressure on the herbaceous plants favored by livestock and intensive spring grazing prevents bunchgrasses from reproducing, eventually eliminating the palatable native bunchgrasses. They also discuss the response time for recovery of these systems and parasitism by cowbirds, a significant factor in decline of songbirds in some areas.

Taylor (1986)[28] evaluated the effects of cattle grazing on birds nesting in riparian habitats. He found that increased grazing resulted in decreased shrub volume and density and decreased bird abundance. *"The longer the time since a transect was last grazed correlated significantly with increases in bird abundance, shrub volume and shrub height"*. Bird species decreased with increased grazing, bird counts were 5 to 7 times higher on an area ungrazed since 1940 that on 2 areas grazed annual until 1980 and 11 to 13 times higher on a transect severely disturbed.

Krueper et al (2003)[29] studied the changes in vegetation and breeding birds in the San Pedro River, Arizona following removal of cattle in 1987. Birds were monitored for five years. Mean numbers detected along riparian transects increased by 23% per year or from 103/km in 1986 to 221/km in 1992. Earnst et al (2004)[30] compared songbird abundance in 2000-2001 to that in 1991-1993, following cattle removal from the Sheldon National Wildlife Refuge in 1990. Of 51 species for which abundances were sufficient to calculate changes, 71% exhibited a positive trend. Detections of ground/low cup and high cup nesting species, ground/understory foraging species, aerial and overstory foraging species increased significantly.

Rich (2002)[31] evaluated the ability of riparian PFC assessments as employed by BLM to account for the habitat needs of birds and noted that they lacked the ability to incorporate assessment of land breeding bird communities. He constructed a list of riparian-obligate birds that should occur on a site during the breeding season and used that to score the site based on the percent of those occurring there. This is

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[28] Taylor, Daniel M. 1986. Effects of cattle grazing on passerine birds nesting in riparian habitat. Journal of Range Management 39(3):254-258.

[29] Krueper, David, Jonathan Bart and Terrell D. Rich. 2003. Response of vegetation and breeding birds to the removal of cattle on the San Pedro River, Arizona (U.S.A.). Conservation Biology 17(2):607-615.

[30] Earnst, Susan L., Jennifer A. Ballard, and David S. Dobkin. 2004. Riparian songbird abundance a decade after cattle removal on Hart Mountain and Sheldon National Wildlife Refuges. USDA Forest Service Gen. Tech. Rep. PSW-GTR-191.

[31] Rich, Terrell D. 2002. Using breeding land birds in the assessment of western riparian systems. Wildlife Society Bulletin 30(4):1128-1139.

simple monitoring that BLM could have performed to evaluate the impacts of water development on these springs and their riparian areas, but they did not.

Guidelines for Management of Sage Grouse and Migrant Bird Habitat. These authors (Braun et al, Connelly et al, and Welch et al) have provided a variety of guidelines for management of sage grouse habitat. These include:

- Sagebrush eradication should not be practiced. Treatments can be used to thin dense sagebrush stands to a range of sagebrush cover from 15% to 25%. Burns should be avoided in xeric Wyoming big sagebrush habitats). Only small burns to create mosaics in mountain big sagebrush should be contemplated and these are considered experimental.
- Rehabilitation following wildfire or other disturbances should focus on re-establishing sagebrush and native herbaceous plants. Annual grass establishment following fire is detrimental. Grazing should not be allowed on seeded areas until plant recruitment has occurred.
- Range seedings should focus on establishing forbs, native grasses and sagebrush. Monoculture seedings of crested wheatgrass and other non-natives are discouraged.
- Applying insecticides to summer habitat is not recommended.
- Livestock use around water sources and wet meadows in brood rearing areas should be regulated through fencing or other management to restrict overuse.
- Grazing practices should be adjusted to maintain residual grass growth essential for nest concealment and then delay grazing the same areas until after nesting.
- Plot sage grouse use areas including leks, nesting areas, wintering sites, meadows and summer range or brooding areas on maps.
- No sagebrush will be treated or removed until a comprehensive plan has been formulated for management of the area.
- Sagebrush control projects will include provisions for long-term quantitative measurement of vegetation before and after to determine effects on habitat and whether objectives were met.
- No sagebrush control projects will be done on areas where live cover is less than 20%, on steep slopes or upper slopes with skeletal soils where big sagebrush is less than 30 cm.
- No sagebrush control along streams, meadows or intermittent drainages. A 100 meter strip of live sagebrush should be left on each edge of meadows and drainages.
- When sagebrush control is found to be unavoidable, treatment measures should be applied in irregular patterns using topography and other ecological considerations. Widths of treated and untreated areas can vary except treated areas will not be wider than 30 meters and untreated areas will be at least as wide.
- Manage breeding habitats to support 15 – 25% canopy cover of big sagebrush, perennial herbaceous cover ≥18 cm in height with ≥ 15% canopy cover of grasses and ≥ 10% canopy cover of forbs.

Partners in Flight (Paige and Ritter, 1999)[32] provide management recommendations for sage grouse and migratory birds obligate to sagebrush-steppe. These include:

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[32] Page, Christine and Sharon A. Ritter. 1999. Birds in a Sagebrush Sea: Managing Sagebrush Habitats for Bird Communities. Partners in Flight, Western Working Group. 47p.

- Identify and protect those habitats that still have a thriving community of native understory and sagebrush plants.
- Maintain large, continuous blocks of unfragmented habitat
- Maintain seeps, springs, wet meadows and riparian vegetation in a healthy state
- Avoid practices that convert sagebrush to non-native grassland or farm land.
- Maintain stands of sagebrush for a balance between shrub and perennial grass cover.
- In large disturbed areas, sagebrush and perennial grasses may need to be reseeded to shorten recovery time.
- To maintain bluebunch wheatgrass vigor, avoid grazing during the growing season until plants begin to cure. Bluebunch wheatgrass is especially sensitive to heavy grazing during the growing season. Recovery of these plants following heavy grazing during a single spring can require 8 years under the best management and environmental conditions.
- Grazing plans will depend on the current condition and plant composition of the area. Defer grazing until after crucial growth periods. Note that in the presence of cheatgrass, deferred grazing can favor the cheatgrass.
- For sage grouse maintain average grass height of at least 18 cm in May and early June. Sharp-tailed grouse require 20 cm.
- Consider livestock exclusion from heavily damaged areas, particularly wet sites.
- Livestock concentrations around water developments can increase cowbird parasitism.
- Use fences with smooth top and bottom wires for exclosures around wet sites.

Miller and Eddleman (2000)[33] also provide an excellent review of sage grouse ecology, habitat and management. They emphasize that sage grouse habitat management plans must take into account landscape heterogeneity, site potential, site condition and habitat needs of sage grouse during different parts of their life cycle (breeding, nesting, brood rearing, wintering). <u>They also stress the importance of accurate resource inventories and assessments before making management decisions as to when and how each community across the landscape should be managed. Grazing management plans must identify potential conflicts between sage grouse and livestock.</u>

<u>Pygmy Rabbits</u>. Welch (2004, in press)[34] reports his research in which he walked 300 miles in pygmy rabbit habitat, covering areas where pygmy rabbits were previously reported. In 37 stands of big sagebrush in northern Utah, he found 11 pygmy rabbits, with 8 occurring in a single stand of sagebrush. Out of 11 sites previously reported as supporting pygmy rabbits, he found no signs of occupancy with only four sites now having suitable habitat.

Suitable habitat consisted of big sagebrush ≥ 20% canopy cover and ≥ 22 inches in height. He reports on significant deterioration and loss of habitat for pygmy rabbits

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[33] Miller, Richard F. and Lee L. Eddleman. 2000. Spatial and Temporal Changes of Sage Grouse Habitat in the Sagebrush Biome. Oregon State University Agricultural Experiment Station Technical Bulletin 151. 35p.

[34] Welch, Bruce L. 2005. A Three Hundred Mile Search-Afoot for Pygmy Rabbits. Rocky Mountain Research Station (In Press).

through conversion of sagebrush stands to agriculture and treatments designed to improve forage conditions for livestock by reducing sagebrush cover. In his literature review, he gives some additional parameters describing wintering habitat for pygmy rabbits. The research showed the areas of highest winter use were in basin big sagebrush with canopy cover of 51%, compared to areas with moderate use having 42.7% canopy and low use in 38.6% canopy. Diets consist of 99% sagebrush in winter and 51% during summer.

DOI (2001)[35] summarizes additional diet characteristics for pygmy rabbits. In particular, they were reported to rely on 39% grasses such as native Agropyron species and 10% forbs. Other characteristics described in both references include descriptions of soil conditions amenable to burrowing. BLM did not account for the needs of pygmy rabbits for this herbaceous forage which is also preferred by cattle and the consequences of this forage competition on rabbit populations.

Hormay [37](1961) wrote the original guidance for rest-rotation grazing based on intensive field studies. He stated, *"While the idea of incorporating rest in grazing management is not new, the concept of longer rest periods than have heretofore recommended, at least for mountain bunchgrass ranges, and of closer correlation of resting and grazing with plant growth requirements, is new."* Some points of interest from the study were that, even with the rest-rotation system, some areas were more heavily used than others, regrowth was minimal on clipped plants after the seed-in-milk phase and clipping during active growth reduced total herbage yield during that year. A single season of clipping reduced basal area of forbs and grasses the next year. Four consecutive seasons of clipping at the seed-in-milk phase reduced basal area of Idaho fescue 80%, bottlebrush squirreltail 62%, longspur lupine 91% and wooly wyethia 16%.

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[35] DOI. 2001. Endangered and Threatened Wildlife and Plants; Emergency Rule to List the Columbia Basin Distinct Population Segment of the Pygmy Rabbit (Brachylagus idahoensis) as Endangered. Federal Register 66(231):59734-59749.

[36] WWP. 2004. Letter to Sally Wisely. May 8, 2004.

[37] Hormay, A. L. and M. W. Talbot. 1961. Rest-rotation Grazing – A New Management System for Perennial Bunchgrass Ranges. USDA Forest Service Production Research Report No. 51.

Hormay, also found that cool-season grasses such as Idaho fescue varied in production by a factor of three due to changes in annual precipitation, while the beginning of growth varied by up to a month with similar variations on time to flowering and seed ripening. In clipping studies, he found that a single clipping of Idaho fescue reduced the basal area of the plant by 49%, while four years of consecutive clipping at the seed in milk phase reduced basal area of Idaho fescue 80% and killed 20% of the plants. Four years' rest after four years' clipping resulted in little or no recovery of Idaho fescue, wooly wyethia and longspur lupine. The basic principle enunciated by Hormay, based on his quantitative research, was to require adequate years' of rest to allow the native plants to recover their vigor before again being grazed. This requires multiple years of rest between grazing periods. They also recommended that it is important to include adequate monitoring of each grazed unit or pasture to determine if these rest periods are sufficient to maintain or restore production.

As mentioned above, grazing and rest requirements for key species of grass can be critical. Native cool-season perennial bunchgrasses can be very sensitive to defoliation and growing season use. For example, Anderson (1991)[38] stated in regards to bluebunch wheatgrass, *"Effects of growing season defoliation injury are well documented: basal area, stem numbers and both root and forage yields are reduced and mortality can be high. ... Defoliation to very short stubble heights during the boot stage has been reported to essentially eliminate plants within as few as three years. ... Vigor recovery has been found to require most of a decade, even with complete protection from grazing."* The author went on to describe experiments in which a single clipping of the grass during the growing season produced 43% less herbage and 95% fewer flower stalks the following year than unclipped plants. Under a deferred system in eastern Oregon, it was reported that bluebunch wheatgrass could not be maintained at 30 – 40% use in the boot stage (early June). A one time removal of 50% of the shoot system during active growth may require six years' rest even in an area with 17" precipitation.[39] Anderson (1991) also makes the point regarding bluebunch wheatgrass that, *"The belief that range improvement will occur after one or two years of rest following a single season of more than 'light' use during the growing season is erroneous."* Mueggler (1975) also determined that Idaho fescue of moderately low vigor required 3 years of rest for recovery and that plants of bluebunch wheatgrass and Idaho fescue in very low vigor may require 8 years and 6 years of rest, respectively for recovery. BLM failed to consider the recovery, growth and maintenance requirements for these sensitive native grasses in its current or proposed management.

Eckert and Spencer[40, 41] concluded that no management system appears to be satisfactory if that system results in overgrazing during the growing season in order to defer or rest vegetation in other grazing periods. They concluded that the amount of deferment and rest provided by the 3 pasture system was not sufficient to overcome the effects of periodic overuse. They recommend the use of utilization levels that allow plants of desirable species to respond to proper management by adjusting stocking

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[38] Anderson, Loren D. 1991. Bluebunch wheatgrass defoliation, effects and recovery – A Review. BLM Technical Bulletin 91-2, Bureau of Land Management, Idaho State Office.
[39] Mueggler, W.F. 1975. Rate and pattern of vigor recovery in Idaho fescue and Bluebunch wheatgrass. Journal of Range Management 28(3):198-204.
[40] Eckert Jr., Richard E. and John S. Spencer. 1986. Vegetation response on allotments grazed under rest-rotation management. Journal of Range Management 39(2):166-174.
[41] Eckert Jr., Richard E. and John S. Spencer. 1987. Growth and reproduction of grasses heavily grazed under rest-rotation management. Journal of Range Management 40(2):156-159

rates to forage production levels. The research they conducted involved heavy grazing at levels similar to those on Dry Canyon.

Recovery Rates in Absence of Livestock Grazing and Implications In studies at INEEL in Central Idaho following exclusion of livestock, Anderson and Holte[42] found recovery of perennial grasses was slow, but nevertheless it gradually occurred. Basal area of perennial grasses increased from 0.28% to 5.8% over 25 years. In a later publication, Anderson and Inouye[43] found that cheatgrass was less competitive and able to establish in areas where native perennial grasses were thriving. McLean and Tisdale[44] found it took 20 to 40 years for bunchgrasses to fully recover from poor to excellent condition under complete rest. Evanko and Peterson[45] found that 18 years of livestock exclusion of an area heavily grazed for 50 years resulted in a decrease in unpalatable forbs and shrubs, while grass cover, herbage yield, litter cover and water absorption were greater in the protected areas than in those areas that continued to be grazed. Orr[46] found that more than one complete season of rest was needed for significant soil recovery as measured by pore volume and infiltration. Bryant et al[47] found that under increasing trampling frequency, soil compaction increased and resulted in a significant decrease in forage production for tramplings in June and September. Kauffman et al[48] studied upland and wet meadow communities that had livestock excluded for 9 – 18 years. They found major differences between these ungrazed communities and those continuing to be grazed. In each case, the area without grazing had greater belowground plant biomass, lower soil bulk density and higher soil pore space. In dry meadows the infiltration rate was 13 times greater than those continuing to be grazed and in wet meadows, infiltration of rested areas was 2.33 times greater. Bohn and Buckhouse[49] found that grazing systems including season-long, rest-rotation and deferred grazing did little to enhance and sometimes hindered infiltration and beneficial soil properties. Grazing during wet periods such as spring and fall had negative impacts on these attributes.

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[42] Anderson, Jay E. and Karl E. Holte. 1981. Vegetation development over 25 years without grazing on sagebrush-dominated rangeland in southeastern Idaho. Journal of Range Management 34(1):25-29.

[43] Anderson, Jay E. and Richard S. Inouye. 2001. Landscape-scale changes in plant species abundance and biodiversity of a sagebrush steppe over45 years. Ecological Monographs 71(4):531-556.

[44] McLean, A. and E.W.Tisdale. 1971. Recovery rate of depleted range sites under protection from grazing. Journal of Range Management 25:178-184.

[45] Evanko, Anthony B., and Roald A. Peterson. 1955. Comparisons of protected and grazed mountain rangelands in southwestern Montana. Ecology 36(1):71-82.

[46] Orr, Howard K. 1975. Recovery from soil compaction on bluegrass range in the Black Hills. Transactions of the ASAE, 1076-1081.

[47] Bryant, H. T., R. E. Blaser and J. R. Peterson. 1972. Effect of trampling by cattle on bluegrass yield and soil compaction of a meadowville loam. Agronomy Journal 64:331-334.

[48] Kauffman, J. Boone, Andrea S. Thorpe, and E. N. Jack Brookshire. 2004. Livestock exclusion and belowground ecosystem responses in riparian meadows of eastern Oregon. Ecological Applications 14(6):1671-1679.

[49] Bohn, C.C., and J.C. Buckhouse. 1985. Some responses of riparian soils to grazing management in northeastern Oregon. Journal of Range Management 38(4):378-381.

Sincerely,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863
Boise, ID 83701

Comment Responses to PC-31

PC-31-1:

Although Dr. Carter's comments were interesting, we failed to see the relevance of comments that were prepared for another grazing decision, in another state, on a grazing system that is not described and therefore cannot be compared to the alternatives in the DEIS or FEIS. There is no way to compare the allotments that are the focus of the comments with the allotments that are the subject of the DEIS. There is no information relative to elevations, soils, type or kind of livestock, precipitation amount or timing of precipitation, etc.

Comment noted.

Terry_Rich@fws.gov

01/30/2006 09:45
AM

To lorrie_west@nv.blm.gov,
neel@ndow.state.nv.us,
Eric_Lawton@blm.gov, jbair@tnc.org,
cal_mccluskey@blm.gov
cc

Subject Sheep Complex DEIS

Hi Lorrie,

Thanks for sending the CD of the DEIS. I actually obtained a hard copy on Jan 22 and was able to read it over the weekend. However, I was not able to get my comments to you by the deadline of Jan 24. Nonetheless, I am interested in these birds, this geographic area, and the process. So, I offer the following brief remarks for your consideration. FYI, I worked for BLM for 20 years and contributed to several land use plans and many EISs.

These comments are my own as an ornithologist and do not represent those of the U.S. Fish and Wildlife Service

1) Best Science

I was disappointed to see that not all of the best science was used in preparation of this document. The following publication is the best current source of information on the conservation status of all species on your list:

Rich, T. D., C. J. Beardmore, H. Berlanga, P. J. Blancher, M. S. W. Bradstreet, G. S. Butcher, D. W. Demarest, E. H. Dunn, W. C. Hunter, E. E. Iñigo-Elias, J. A. Kennedy, A. M. Martell, A. O. Panjabi, D. N. Pashley, K. V. Rosenberg, C. M. Rustay, J. S. Wendt, T. C. Will. 2004. Partners in Flight North American Landbird Conservation Plan. Cornell Lab of Ornithology. Ithaca, NY.

This continues to be widely distributed in North America, including within BLM. So, I was puzzled to see no mention of it. I'll send you a copy.

Four of the species in the DEIS are on the Partners in Flight Watch List - Swainson's Hawk, Short-eared Owl, Flammulated Owl, and Greater Sage-Grouse.
This puts them among the 100 most vulnerable species in the US and Canada.
We have also established population objectives for each

Swainson's Hawk - maintain/increase
Flammulated Owl - maintain/increase
Short-eared Owl - double
Greater Sage-Grouse - double

The way in which these objectives apply in Nevada are presented in a step-down plan. A plan was created for each state for the CWCS process by Partners in Flight, the International Association of Fish and Wildlife Agencies, and Cornell Lab of Ornithology. Nevada's and all the other states' plans can be found at:

1 http://www.iafwa.org/bird_conservation/landbird_reports.htm

This proposes what the NV responsibility is, by Bird Conservation Region, in our collective attempt to increase populations of these species. BLM may agree or disagree with the proposed objectives, but we would like to see those objectives considered and then receive feedback. This process would constitute good science.

2) The discussion of the relationships among habitat conditions, prey supply, and raptor population responses is entirely speculative. No data were presented and you are not
2 proposing to gather any as far as I can determine. So, you really have to wonder what possible use it can be.

3) Cumulative Effects

When no data are presented and no quantitative estimates made, then it is impossible to
3 produce a good cumulative effects assessment. What we need is a quantification of population sizes, trends, and cumulative effects on those populations and trends over time. Nothing is presented - just generalities and guesswork. It seems that agencies and partners are incapable of doing or demanding a decent cumulative effects analysis.

4) Monitoring

This is similarly vague and lacking in specifics. I would encourage you to establish real raptor monitoring programs that actually obtain the data needed. To get you started,
4 check out the landbird monitoring needs assessment (an assessment for all species not just Watch List species) at http://www.partnersinflight.org/. But even more important is to establish the link between habitat condition, grazing, prey base, and populations trends of raptors. Lots of people are focusing on sage-grouse so I won't comment on that species.

As I said, I am mainly interested in getting these sorts of analyses to a higher level, now that so much more information for birds is available.
This DEIS is hardly different from those I saw 25 years ago.

Thanks,

****

Terrell D. Rich
Partners in Flight National Coordinator
U.S. Fish and Wildlife Service

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Next National PIF Committee Meetings
19-20 March 2006, Columbus, OH
4th International Partners in Flight Conference
13-16 February 2008, McAllen, Texas
****

www.PartnersInFlight.org
****

Comment Responses to PC-32

PC-32-1:

BLM is aware of the Partners In Flight North American Landbird Conservation Plan and the Nevada Comprehensive Wildlife Conservation Strategy. Because there were no population estimates for the allotments for the species on the Partners in Flight Watch List, the BLM's contribution to the population objectives (maintain/increase for Swainson's Hawk and Flammulated Owl; double for Short-eared Owl and Sage Grouse) is to improve the quality of the habitat for these species.

As indicated in the Nevada Comprehensive Wildlife Conservation Strategy, "Much of basin big sagebrush and Wyoming big sagebrush range in Nevada currently lacks understory of native bunchgrasses and forbs that were historically present. Shrub cover has increased from what are generally regarded as pre-settlement conditions, and non-native annual grasses, most notably cheatgrass, have invaded big sagebrush and black sagebrush range, bringing with them an accelerated fire interval that precludes sagebrush regeneration." The alternatives included in the DEIS are designed to maintain the health of the existing perennial grass and forb species, and the treatments are intended to reduce shrub cover to more natural levels. This is entirely in conformance with the conservation strategies, and therefore, would be considered "best science". The comprehensive plan also indicates that the various seral stages of the sagebrush ecosystem provide habitat a variety of species, and that any one seral stage does not provide for all the species or all of their seasonal habitats. Therefore, the intention to create a mosaic of seral stages on the allotments is in keeping with the conservation strategies for these species.

The conservation strategy for sagebrush in Nevada includes the objective of: "Restore healthy range condition to degraded sagebrush habitat through 2015". One of the actions to achieve this objective is to: "Improve understory condition and diversity of native forb communities through progressive grazing management. Design grazing management strategies that initiate range recovery while providing the compensations necessary to maintain livestock operation objectives." The alternatives included in the DEIS and FEIS are in conformance with this objective and action.

Another action is: "Using state-of-the-art scientific knowledge such as current range states/transition theory, and working through collaborative stakeholder processes, develop a proactive strategy for the judicious application of sagebrush management treatments to rejuvenate habitat and minimize risk of plant community breakdown and exotic plant invasion." This is precisely the intent of the treatments included in the DEIS.

The conservation strategy for wet meadows in Nevada includes the objective of: "Improve the hydrological and vegetation community condition of existing wet meadow habitats and restore hydrological and vegetation community condition to meet the life history needs of species dependent on this habitat type." One of the actions identified to achieve this objective is to: "Restore degraded wet meadow habitats through a combination of passive techniques (e.g., fencing out disturbance sources) and active techniques (e.g., physical recontouring of eroded or down-cut sites)." The riparian exclosures proposed in the DEIS and FEIS are intended to implement this action.

Another action is: "Design grazing strategies on wet meadows that improve site condition and integrate specific wildlife management and livestock production objectives, including changing season of use and altering the rest-rotation cycle." The alternatives provided in the DEIS and FEIS implement this action.

PC-32-2:

The discussion of the relationships among habitat conditions, prey supply, and raptor population response is general in nature because there is currently no data from the allotments regarding prey abundance and raptor populations. BLM does not have jurisdiction over wildlife populations and therefore, does not census

the species of wildlife on the public lands. NDOW has responsibility for wildlife populations and although the Nevada Comprehensive Wildlife Conservation Strategy calls for inventory of the various species, this is beyond the capacity that NDOW currently has with respect to manpower and funding. However, the same "speculation" that was used in the conservation strategies (national and state) was used in the DEIS; improved habitat conditions would lead to increased prey abundance, which would lead to increased raptor abundance (if prey is indeed the limiting factor on raptor populations).

PC-32-3:

BLM would provide a quantitative analysis of cumulative effects if data on raptor and sage grouse populations and habitat conditions were available for these allotments. However, this information is not available and therefore, a qualitative discussion was provided.

PC-32-4:

As stated above in response to comment PC-32-2, and in response to comment PC-2-1, BLM does not have the responsibility for monitoring raptors, prey species, or sage grouse. Although BLM provides assistance to NDOW for these actions, BLM is not the lead agency for this type of monitoring.

The Toiyabe Chapter of the Sierra Club

Nevada and Eastern California

PO Box 8096, Reno, NV 89507

One Earth, One Chance.

BUREAU OF LAND MANAGEMENT ELKO FIELD OFFICE 2006 JAN 26 AM 7:30

January 23, 2006

Helen Hankins, Manager
BLM/Elko Field Office
3900 E. Idaho St.
Elko, NV 89801

Dear Manager Hankins,

Thank you for providing a copy of the draft EIS on the Sheep Complex, Big Springs, and Owyhee Grazing Allotments Sensitive Bird Species (draft EIS). Unfortunately, a week greatly reduces our ability to analyze this document. We request a 30 day extension of the comment deadline.

Our first reaction to this draft EIS is great disappointment, as the BLM proposed actions do little to improve habitat for sensitive species impacted by current livestock levels and, in fact, will probably worsen both range conditions and wildlife habitat conditions. In the interim, our preliminary comments follow:

1 **1. INCREASED GRAZING LEVELS:** Every alternative in the draft EIS will substantially increase grazing levels, both in sheep and cattle numbers and in AUMs, from the actual average livestock use in the 3 areas. Since the degraded range and wildlife habitat conditions have occurred under the actual livestock use levels, please explain how increasing stocking levels will result in grazing meeting standards and guidelines for healthy range.

2 **2. CARRYING CAPACITY CALCULATIONS:** The increased stocking levels appear to be based on gross overestimations of carrying capacity. How did the BLM calculate carrying capacity? Do they include 100% of the acreage in allotments? Or were areas unsuitable for grazing due to slope, lack of access, lack of water, etc. eliminated from the calculations? Please provide the documentation on how carrying capacity estimates were done in each of the 3 areas.

3 **3. OVERUSED AREAS:** Use pattern mapping reported in the dEIS shows heavy use around springs and watering areas and the degradation or elimination of riparian vegetation from the South Fork of the Owyhee River. Is 60-90% use now accepted as appropriate by the BLM? How will increasing stocking rates reduce concentrations of livestock in riparian areas?

4 **4. INADEQUATE RANGE OF ALTERNATIVES:** We could find no alternative which provides specifically for habitat benefits for wildlife - the purpose of the EIS. Why doesn t the BLM analyze reduced livestock numbers in at least one of the alternatives? Why isn t hot season use included in all the alternatives to address non-functioning or poorly functioning springs, livestock concentration areas, and degraded riverine riparian areas? Why isn t deferring early spring grazing included in alternatives for areas in which Sage Grouse hens need early greenup to improve condition for breeding? Why are crested wheatgrass seedings included in any area needed by Sage Grouse for winter, spring, summer, and fall seasonal habitat; ie. food? Why are fences being proposed by BLM which will directly block deer migration routes?

5 **5. LOSS OF PRODUCTIVITY:** Degraded rangelands are harmful for livestock as well as for wildlife. How much productivity do allotment areas in poor and fair condition provide for livestock and for wildlife - compared with productivity in rangeland areas in good and excellent condition?

6 **6. ALTERNATIVE FOUR:** The Adjusted Grazing Alternative, purportedly the environmental alternative includes a 28% increase in grazing use. This is a disingenuous alternative at best and should be relabeled properly.

7 **7. SAGE GROUSE:** Exotic crested wheatgrass seedings do not improve habitat for Sage Grouse. Despite the excellent information on Sage Grouse habitat requirements in the dEIS, BLM seems to have missed the point that destroying sagebrush destroys Sage Grouse habitat. The BLM has totally missed the opportunity to use livestock as a tool to improve Sage Grouse habitat, especially re-establishing the early spring forbs needed by sage hens and the summer forbs needed for broods, and preserving stubble height of grass or wildflowers needed to screen Sage Grouse nests from predators. Destroying sagebrush to provide cleared areas for new Sage Grouse leks appears to be newly created science. Please document this benefit to Sage Grouse.

8 **8. MONITORING:** There is a significant lack of commitment by the BLM to monitor grazing use on an annual basis or the effectiveness of the numerous proposed livestock improvement projects. What is periodic monitoring? Every year, every five years, every 10 years, every 50 years? What are the consequences if BLM does not do annual monitoring? Will grazing permits not be issues annually?

9 **9. ALTERNATIVE 2:** Since the BLM is under court order to write an EIS on negative grazing impacts on sensitive species because of the poor MUD decisions, why has BLM selected the MUDs as its preferred alternative for all 3 areas?

10 **10. MITIGATION:** Mitigation IS NOT monitoring,contrary to numerous statements in the dEIS. BLM is required to manage livestock grazing to meet standards and guidelines for healthy rangelands. This cannot be done without monitoring grazing impacts. Please change this inappropriate (and illegal) language.

11 **11. RANGE IMPROVEMENTS:** The dEIS does not explain why so many range improvements are in such bad conditions. Isn t permittee maintenance of range improvements a normal condition on grazing permits? Please explain. How much of the poor condition of range improvements is due to wild horse numbers and use?

12 **12. WEEDS:** The greatest single long-term failure of this dEIS is in proposing actions which will increase the spread of weeds - significant increases in actual livestock use of the 3 areas and range improvements which will increase disturbed areas and habitat for invasive weeds. Mitigations proposed or maybe proposed for weeds by BLM appear to be expensive, infeasible and noneffective.

In the face of increasing degradation of public rangelands, increasing invasion by noxious weeds, and changing global climate changes, BLM has missed this opportunity to work with wildlife agencies and organizations and local permittees to develop livestock management practices to improve wildlife habitat. Frankly, this dEIS appears to be a waste of public funds and BLM staff time. Significant improvements must be made to this inadequate EIS before it is finalized.

Sincerely,

Rose Strickland, Chair
Public Lands Committee

Comment Responses to PC-33

PC-33-1:

See response to comments PC-1-2, PC-1-3, PC-2-1, PC-3-2, PC-3-3, PC-4-5, PC-30-71, PC-30-85, PC-30-125, PC-30-135, and PC-30-184, above.

PC-33-2:

See response to comments PC-1-2, PC-1-3, PC-2-1, and PC-4-5, above.

The methods BLM used to evaluate carrying capacity are well documented in the allotment evaluations. Please see those documents.

PC-33-3:

The alternatives in the DEIS were designed to relieve the use around springs, watering areas, and riparian areas. BLM does not accept 60 to 90 percent use as appropriate. The stocking rates have been revised in the FEIS.

PC-33-4:

See response to comments PC-1-3 and PC-4-12, above.

PC-33-5:

Comment noted.

The alternatives in the DEIS and FEIS are designed to increase productivity.

PC-33-6:

The alternatives have been modified.

PC-33-7:

See response to comment PC-30-88, PC-30-94, PC-30-165, PC-30-167, PC-30-174, PC-30-175, and PC30-180, above.

There are no proposals to complete seeding projects solely with crested wheatgrass. NEPA compliance for any seeding projects would consider the WAFWA Sage Grouse Guidelines, as adopted for use in Nevada.

As of the 2000 Owyhee allotment evaluation, the Winters Creek Seeding was the only known area where crested wheatgrass has been seeded on the allotment. As per Range Appendix Carrying Capacity figures, this area supports 2,787 out of 40,598 AUMs, or less than seven percent of the allotment total. On the Three Mile Fire burn area, which burned during summer of 2000, Siberian wheatgrass and Hycrest crested wheatgrass comprised approximately 11 percent of the bulk pounds of the seed mix. With the exception of less than one percent Ladak alfalfa, the remainder of the seed mix was composed of native shrub, grass and forb seed.

Crested wheatgrass seedings, in general, allow potential for management actions where they are used for grazing in lieu of use on “native” pastures where utilization of native vegetation could be harmful to some native plant species during certain periods of the year. Crested wheatgrass seedings could actually provide wildlife cover in areas where shrub composition is present, but not dominating, in combination with an understory provided by any tall residual growth of crested wheat (McAdoo et al. 1989, McAdoo et al. *in press*). These seedings are sometimes in close proximity to native rangeland where lateral herbaceous nesting cover is limited. With sage grouse as an example, depending on cover provided, sage grouse hens could select these areas where any tall growth affords needed lateral cover for nests. This lateral cover provides protection from the elements and predators. Other wildlife species may inhabit the seeding areas

on a seasonal or yearlong basis and inhabit them in concert with use on native range areas. Seedings such as these provide “de facto” fuelbreaks, in the event of a wildfire, for thousands of acres of intact native range that provide sage grouse habitat. Crested wheatgrass can retain succulence, due to plant phenology, relatively longer on some ecological sites than native cool season grasses within native range areas during the mid-summer period.

A sage grouse lek was documented by BLM and NDOW for the first time in April 2005 on the mid-portion of the Winters Creek Seeding. This seeding has Wyoming big sagebrush as a shrub component.

PC-33-8:

Monitoring information has been included in the FEIS.

PC-33-9:

Under Judge McKibben’s Minute Order, BLM was directed to analyze impacts (both positive and negative) of grazing on sensitive species. The ruling made no specific determination as to the adequacy of the MUDs. However, the lack of a ruling which set aside the MUDs or remanded them back to BLM implies they were of a satisfactory quality.

The ruling instructed BLM to conduct additional analysis with, respect to sensitive species, of the impacts of grazing considering springs, seeps, and riparian areas, upland habitat and land use plans. In compliance with this ruling, BLM conducted additional analysis focusing on these areas. While alternatives 3 and 4 would accomplish protection and livestock management goals, in different ways or on a more rapid schedule. The analysis of the four alternatives and their inherent differences led us to the conclusion that alternative 2 (Implement the MUDs), when supplemented by some additional conservation and mitigation measures, still represented the most desirable mix of resource protection and livestock management actions.

PC-33-10:

In review of the Conservation/Mitigation Measures sections of the DEIS the “monitoring” that is required in mitigation is to examine sites or facilities to determine if noxious weed treatment is necessary and to treat as necessary.

PC-33-11:

Many of the range improvements are on private land, land that was private prior to the land exchange, or projects that were built prior to NEPA. BLM is in the process of evaluating the condition of the projects and determining if they should be removed, fixed, or modified. In addition, some of the projects identified in the scoping process as range improvements were actually historic wild horse traps. These will require consultation with SHPO before they can be removed or altered.

PC-33-12:

BLM disagrees. The alternatives will improve vegetation condition over large acreages, reducing the potential for weed establishment where is currently is quite high. BLM acknowledges that surface disturbing activities are potential sites for weed establishment, but the range improvements are relatively easy to monitor for weeds each year in comparison to vast acreages of open range. It will require a change in management to reduce the risk, and the range improvements are part of the change in management. However, the alternatives have been modified in the FEIS to only include the range improvements essential to the implementation of the grazing system. All of the remaining range improvements from the DEIS have been moved to reasonably foreseeable future actions and will only be implemented if future monitoring indicates they are needed to facilitate the grazing system and resolve outstanding allotment issues.

It has been determined that less than 0.005 percent of the Sheep Allotment Complexes, 0.33 percent of the Owyhee Allotment, and 0.004 percent of the Big Springs Allotment were noted to have noxious weeds and therefore are not considered a widespread problem within the allotments. Noxious weeds within the allotments are found primarily concentrated along roads and are spread by vehicular traffic and road maintenance activities rather than by livestock. Other non-native, invasive species such as cheatgrass, grows in several areas on the east side of Pequops, Payne Basin south of I80 around Nanny Spring and north toward I 80, and south of Big Springs Ranch on the east bench of the Pequop Mountains, which were likely associated with previous burns. Blue mustard has invaded highly disturbed areas around stockwater and tumbling mustard is common in the desert shrub ranges in Goshute Valley and east Pequop bench that burned in the early 1990s. BLM will engage in periodic field inspections to detect any weeds spread by range improvement projects, and BLM will take the appropriate steps to control any weeds found. The Elko Field Office has an aggressive noxious weed reduction program which includes herbicide application, disking, grubbing and planting more desirable vegetation.

blazingtrailspr@aim.com

01/26/2006 06:20
PM

To bryan_fuell@nv.blm.gov

cc lorrie_west@nv.blm.gov

Subject Cattle on Public Lands

1 Wild horse herds are constantly being blamed for everything on land. The fact is, it is the non-native Eurasian species, the COW, that is killing our environment!

Please -- get these cattle OFF our public lands! They do not belong there and it is an abuse of federal land. Can I have my wild horse herds on public lands?!

Mrs. Barbara Adams
Parker, CO
Check Out the new free AIM(R) Mail -- 2 GB of storage and industry-leading spam and email virus protection.

Comment Responses to PC-34

PC-34-1:

Comment noted.

NNY C. GUINN
Governor

STATE OF NEVADA

Director

PC/35

RECEIVED
BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE

2006 JAN 26

ELKO DISTRICT		
DM		
ADM		
PLAN/NEPA		
LAW ENF		
NON-REN		
RENEWABLE	✓	
S.S.		
FIRE		
REHAB		
Brian Incall		
CF CODE:		
X=ACTION		

DEPARTMENT OF ADMINISTRATION
209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
Fax (775) 684-0260
(775) 684-0213

January 23, 2006

Lorrie West
Bureau of Land Management
Elko Field Office
3900 East Idaho Street
Elko, NV 89801-4611

Re: SAI NV # **E2006-227**

Reference: **1793/4130 (NV-012)**

Project: **Sheep Complex, Big Springs, and Owyhee Grazing Allotments Sensitive Bird Species Draft EIS (DEIS).**

Dear Lorrie West:

Enclosed are comments from the agencies listed below regarding the above referenced document. Please address these comments or concerns in your final decision.

Division of Water Resources

This constitutes the State Clearinghouse review of this proposal as per Executive Order 12372. If you have questions, please contact me at (775) 684-0209.

Sincerely,

Zosia Targosz
Nevada State Clearinghouse Coordinator/SPOC

Enclosure

Zofia Alicja Targosz

From: Brandi Marthen
Sent: Wednesday, December 21, 2005 4:17 PM
To: Zofia Alicja Targosz
Subject: E2006-227

-----Original Message-----

From: Zosia Targosz [mailto:zosia@budget.state.nv.us]

Sent: Thursday, December 15, 2005 11:02 AM

To: Robert K. Martinez

Subject: E2006-227 Sheep Complex, Big Springs, and Owyhee Grazing Allotments Sensitive Bird Species Draft EIS (DEIS). - Elko Field Office

NEVADA STATE CLEARINGHOUSE

Department of Administration, Budget and Planning Division

209 East Musser Street, Room 200, Carson City, Nevada 89701-4298

(775) 684-0209 Fax (775) 684-0260

DATE: December 15, 2005

Division of Water Resources

Nevada SAI # E2006-227

Project: Sheep Complex, Big Springs, and Owyhee Grazing Allotments Sensitive Bird Species Draft EIS (DEIS).

Comments:For all alternatives any water used on the described lands should be provided by an established utility or under permit issued by the State Engineer's Office. All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise.

A permit is not required for wildlife guzzlers.

Currently, waters of the Owyhee River, main stem and South Fork are under State administered adjudiciation poroceedings and any use of the waters that are subject to said adjudication are subject to final determination under State Law. Any water or monitor wells, or boreholes that may be located on the subject federal lands are the ultimate responsibility of the federal entity who is acting as the landlord and/or their permittee who was authorized by them to utilize the property at the time and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3).

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

http://budget.state.nv.us/clearinghouse/Notice/2006/E2006-227.pdf

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Monday, January 23, 2006.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Zosia Targosz, Clearinghouse Coordinator, (775) 684-0209 or zosia@budget.state.nv.us.

____No comment on this project ____Proposal supported as written

AGENCY COMMENTS:

Signature: Date:

Distribution:

Wayne Howle, Attorney General

Gary McCuin, Department of Agriculture

Sandy Quilici, Department of Conservation & Natural Resources Stan Marshall, State Health Division Cathy Barcomb, Commission for the Preservation of Wild Horses Sherry Rupert, Indian Commission Skip Canfield, AICP, Division of State Lands Pete Anderson, Division of Forestry Mike Dondero, Division of Forestry Rich Harvey, Division of Forestry David Pulliman, Department of Wildlife, Director's Office Steve Foree, Department of Wildlife, Elko Robert Martinez, Division of Water Resources James D. Morefield, Natural Heritage Program Steve Weaver, Division of State Parks Zosia Targosz, zzClearinghouse Reese Tietje, zzClearinghouse -Reese

Brandi Marthen
Division of Water Resources
901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701
775-684-2840
bmarthen@water.nv.gov

Comment Responses to PC-35

PC-35-1:

Comment noted.

BLM routinely coordinates with the Division of Water Resources regarding the installation of wells or development of water sources, and would do so on any projects proposed for the subject lands.

A well site investigation is usually conducted by a BLM hydrologist, geologist, or engineer who has had training in this.

Owyhee Allotment – One, or maybe two, new wells are proposed in Alternative 2, although several pipelines or pipeline extensions are proposed.

Sheep Allotments - Only one well is proposed on the Sheep Allotments Alternative 2, Leppy Hills Well.

Big Springs – Three new wells are proposed on the West Big Springs Allotment, under Alternative 2 (MUD). One new well is proposed on the East Big Springs Allotment, Lower Hardy Creek Well.

Due to current restrictions on water rights ownership for stockwater by BLM, these projects may not occur, unless the permittee is willing to fund most of the developments, or management can make an exception in unusual situations.

VAN HYNING

VAN HYNING & ASSOC., INC.
6835 43 St. S.W.
Great Falls, Montana 59404
406-453-6039 FAX 406-452-8565

FAX MESSAGE

DATE: January 21, 2006
TO: Bryan Fuell,
Sensitive Bird Species EIS Project Managers
BLM Elko Field Office
3900 East Idaho Street
Elko, NV 89801-4611
FAX Number: 775-753-0255 **Total Pages: 2**

Dear Bryan Fuell:

I am a member of the Western Watersheds Project in Great Falls Montana. The organization has been instrumental in supplying scientific data on for public lands range management administrated under the multiple use and sustain yield concept of the Federal Land Policy and Management Act and the National Environmental Policy Act.

New scientific information is now available on the effects of grazing on public lands in the Cascade-Siskiyou National Monument November 2005, A plan for studying the impacts of livestock grazing on the objects of biological interest. A major part of the plan is employ large enclosures of non grazed areas to study the effect of grazing on the land.

In Montana we work cooperatively with the BLM on all type of improvements such as water projects including piped water facilities, reservoirs reiteration, and all fence must comply with the BLM Fencing BLM Manual Handbook H-1741-1.

I am asking Elko Field Office of the BLM to do the following:

1. Prepare a Supplemental EIS.

Cheatgrass, halogeton and invasive species are choking out native plant habitats essential for sage grouse and migratory birds and the small animals that provide a prey base for raptors. BLM's existing livestock facilities and seedings have destroyed important habitats, caused weed invasions and killed spring flows. Stocking lands with numbers of cattle and sheep 28-50% above the numbers that have caused widespread damage to riparian and upland areas is madness. Pursuing more range facilities and sagebrush killing treatments is madness. BLM needs to prepare a Supplemental EIS that conducts valid scientific analysis of habitat conditions and the needs of the sensitive species. **Collect and assess new and complete data on special status species habitats and ecological conditions.**

2. Accurately determine the current suitability, capability and sustainability of grazing on the allotments.

BLM must be honest with the public about the condition of the plant communities, and the severity of habitat

degradation and loss that exists. BLM must develop management to protect and restore damaged special status species habitats, and act to protect remnant better condition lands.

3. **Develop a new range of alternatives.**
that focus on realistic and much-reduced numbers of cattle and sheep, and reduced livestock "forage" utilization levels based on current scientific data.

4. Consider all Area of Critical Environmental Concern (ACEC) Proposals submitted by the public, and Designate new ACECs.

BLM must act to evaluate and designate large new ACECs to best protect sage grouse, migratory bird and raptor habitats, plus unique natural communities. WWP, along with CHD and ONDA submitted proposals for the Owyhee, Goshute, and other areas, based on TNC Landscape Assessments and other data.

5. **Abandon proposals for even more livestock projects, seedings and sagebrush mowing.**

Instead, BLM must remove livestock projects that have destroyed spring flows, remove pipeline trough systems that are jeopardizing sage grouse and special status species habitats.

6. Act to restore native Bighorn Sheep to the Goshute and Toano Ranges.

BLM ignored Nevada Department of Wildlife and public comment on developing appropriate management so that bighorn sheep populations can be re-established. BLM must remove domestic sheep that transmit a fatal disease to native Bighorn Sheep from bighorn-suitable habitats.

7. Consider impacts to ALL special status and important species and their habitats,

including rare bats; pygmy rabbit; migratory birds like the loggerhead shrike; mule deer, antelope and sage grouse populations shared between Nevada, Idaho and Oregon in the Owyhee allotment; and wildlife shared between Nevada and Utah in the Sheep Allotment Complex. The mountain ranges contain pinyon-juniper, mountain mahogany, and montane forest habitat for pinyon jay, northern goshawk, pallid bat, and many other species.

8. **Remove cattle from the damaged East Squaw Creek Watershed in the Big Springs allotment.**

This largely perennial stream and spring complexes provide critical sage grouse brood rearing habitat and a refueling stop for migratory birds in a very arid landscape. BLM proposes excessive grazing and a harmful series of spring developments and band-aid fences. These developments will de-water springs. Plus, they will cause intense cattle grazing and trampling use to be shifted to any unfenced areas and further dry up flowing stream segments.

9. Stop abusive grazing practices that are promoting weed invasion, soil erosion and habitat loss in the Wilderness Study Areas.

Sincerely,

Dyrck Van Hyning

Comment Responses to PC-36

PC-36-1:

See response to comments PC-1-1 and PC-4-10, above.

PC-36-2:

See response to comments PC-1-2 and PC-2-1, above.

PC-36-3:

See response to comments PC-1-3 and PC-4-12, above.

PC-36-4:

See response to comment PC-1-4, above.

PC-36-5:

See response to comment PC-1-5, above.

PC-36-6:

See response to comment PC-1-6. above.

PC-36-7:

See response to comment PC-1-7, above.

PC-36-8:

See response to comment PC-1-8, above.

PC-36-9:

See response to comment PC-1-9, above.

RECEIVED
BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE

2006 FEB -2 AM 7:30

1940 W. Idaho Blvd.
Emmett, Idaho 83617
January 30, 2006

ELKO DISTRICT		
DM		
ADM		
PLAN/NEPA		
LAW ENF		
NON-REN		
RENEWABLE	✓	
S.S.		
FIRE		
REHAB		
CF CODE:		
X=ACTION		

Brian Fuell
Sensitive Bird Species EIS Project Manager
BLM Elko Field Office
3900 East Idaho Street
Elko. NV 89801-4611

Dear Mr. Fuell:

I originally sent this letter via E-mail about ten days ago but the address I used was invalid..

I can understand the dilemma you face in trying to utilize your educational and experience base in carrying out your duties, while being subjected to immense political pressure to just do whatever will generate the most dollars for a privileged few. The reality is that time is running out, and if nobody steps up to the plate to try and salvage whatever is left, the West isn't going to be what it used to be, or can be.

The U.S. Congress established requirements for Environmental Impact Statements for a good reason -- to force environmental decisions to be made upon the basis of facts, not politics.

While the game-playing is going on (poor or no EIS) valuable time is being lost. The beneficiaries of this arrangement couldn't care less about environmental losses, and in fact, probably benefit from every failure by your department by reserving every blade of grass for their over-grazing cattle.

The reality is that you are making a decision between good and evil. On the one hand, you are managing lands that are owned by every American citizen, whose elected officials have laid out a program for recovering the lands you manage, from many years of serious over-grazing by cattle and sheep. On the other, you have relatively few rancher beneficiaries who don't want any living grass-eating animal left alive to consume grass they feel belongs to their cattle for a lousy $1.75 per month for two animals.

Ordinarily, under these circumstances, even somebody with "Gentlemen C's" from Harvard would have no problem deciding that the will of almost the entire populace of the U.S. should prevail over a few cowboys. Unfortunately, low-population states like Nevada are controlled by relatively few rural people who get their ten gallon Stetsons out of the closet whenever a t.v. camera shows up, and put the Marlboro man act on.

It is a fact that most of these people haven't been on a horse since

the pickup and ATV were invented. So the choice is yours. Please protect your professional integrity and consider being a sacrificial lamb by doing the right thing. Start whacking out a legitimate EIS for the Elko region and be prepared to fight like our women in Iraq. Who knows? You may find that some of the people who have been ruining your professional lives are really paper tigers.

Do the right thing. Start doing your job like you know it should be done. You may even end up receiving the congratulations of millions of people who want to save what is left of the environment.

I would greatly appreciate acknowledgement of this letter via E-mail rebowden@juno.com. Thanks.

R. E. Bowden

Raymond E. Bowden

Comment Responses to PC-37

PC-37-1:

Comment noted.

kfite@juno.com
12/20/2005 12:07 PM

To shane_deforest@nv.blm.gov, brian_fuell@nv.blm.gov, kfite@juno.com
cc
bcc
Subject SSSS EIS concerns

Hi Shane and Brian,

1 I have quickly reviewed the SSSS EIS, and I can not tell you how very disappointed WWP is in this effort. We believe BLM has forsaken its duties, once again, to manage public lands for an array of important values, and for the benefit of the American people, and not just the livestock industry.

2 This project has been tainted from the very beginning by BLM reliance on a local contractor with ties to local interests, and Elko BLM's own steadfast failure to truthfully examine ecological conditions, and the environmental consequences of its management actions.

WWP is happy to work with agencies, and come to reasonable agreements with agencies over public lands management, as we have done in our recent Jarbidge settlement.

3 Elko BLM shows no sign of reasonableness in this DEIS, is merely paying lip service to environmental concerns, and is not managing public lands as required by FLPMA.

4 Why is Elko BLM so unwilling to use current science - and instead insistent on ecologically harmful practices such as more seedings and ever more developments- especially when developments and seedings have already destroyed vast acreages of sagebrush-dependent species habitats across the District? Why is BLM hiding the current conditions of DEIS-area lands and sensitive species habitats from the public?

5 This EIS provided BLM an opportunity to to take a hard look at environmental conditions, and act to conserve or enhance special status species habitats. Instead, the primary focus is extending livestock disturbance while ignoring or glossing over its impacts.

Katie Fite

Comment Responses to PC-38

PC-38-1:

Comment noted.

PC-38-2:

The contractor selected for this project is a firm with offices worldwide and not a local contractor. While they do have an office in Elko, most of the work they are involved with is mining, industrial, and municipal, not grazing. Of the six individuals that provided text or review of the document, only two reside in Elko, two reside in Reno, and two reside in San Francisco (and work for another consulting company). So the claims about ties to local interests cannot be substantiated.

The contractor was selected based on the proposals submitted.

PC-38-3:

Comment noted.

PC-38-4:

See response to comments PC-1-2, PC-1-5, PC-3-3, PC-4-3, PC-4-5, and PC-4-12, above.

PC-38-5:

Comment noted.

"Bill - America's BookShelf"
<Bill@AmericasBookShelf.com>

01/20/2006 11:13 PM

To <bryan_fuell@nv.blm.gov>

cc <lorrie_west@nv.blm.gov>

Subject Please protect our beautiful Nevada

1. Prepare a Supplemental EIS.

1 Cheatgrass, halogeton and invasive species are choking out native plant habitats essential for sage grouse and migratory birds and the small animals that provide a prey base for raptors. BLM's existing livestock facilities and seedings have destroyed important habitats, caused weed invasions and killed spring flows. Stocking lands with numbers of cattle and sheep 28-50% above the numbers that have caused widespread damage to riparian and upland areas is madness. Pursuing more range facilities and sagebrush killing treatments is madness. BLM needs to prepare a Supplemental EIS that conducts valid scientific analysis of habitat conditions and the needs of the sensitive species. Collect and assess new and complete data on special status species habitats and ecological conditions.

2. Accurately determine the current suitability, capability and sustainability of grazing on the allotments.

2 BLM must be honest with the public about the condition of the plant communities, and the severity of habitat degradation and loss that exists.
BLM must develop management to protect and restore damaged special status species habitats, and act to protect remnant better condition lands.

3. Develop a new range of alternatives.

3 that focus on realistic and much-reduced numbers of cattle and sheep, and reduced livestock "forage" utilization levels based on current scientific data.

4. Consider all Area of Critical Environmental Concern (ACEC) Proposals submitted by the public, and Designate new ACECs.

4 BLM must act to evaluate and designate large new ACECs to best protect sage grouse, migratory bird and raptor habitats, plus unique natural communities. WWP, along with CHD and ONDA submitted proposals for the Owyhee, Goshute, and other areas, based on TNC Landscape Assessments and other data.

5. Abandon proposals for even more livestock projects, seedings and sagebrush mowing.

5 Instead, BLM must remove livestock projects that have destroyed spring flows, remove pipeline trough systems that are jeopardizing sage grouse and special status species habitats.

6. Act to restore native Bighorn Sheep to the Goshute and Toano Ranges.

6 BLM ignored Nevada Department of Wildlife and public comment on developing appropriate management so that bighorn sheep populations can be re-established. BLM must remove domestic sheep that transmit a fatal disease to native Bighorn Sheep from bighorn-suitable habitats.

7. Consider impacts to ALL special status and important species and their habitats,

7 including rare bats; pygmy rabbit; migratory birds like the loggerhead shrike; mule deer, antelope and sage grouse populations shared between Nevada, Idaho and Oregon in the Owyhee allotment; and wildlife shared between Nevada and Utah in the Sheep Allotment Complex. The mountain ranges contain pinyon-juniper, mountain mahogany, and montane forest habitat for pinyon jay, northern goshawk, pallid bat, and many other species.

8. Remove cattle from the damaged East Squaw Creek Watershed in the Big Springs allotment.

8 This largely perennial stream and spring complexes provide critical sage grouse brood rearing habitat and a refueling stop for migratory birds in a very arid landscape. BLM proposes excessive grazing and a harmful series of spring developments and band-aid fences. These developments will de-water springs. Plus, they will cause intense cattle grazing and trampling use to be shifted to any unfenced areas and further dry up flowing stream segments.

9 9. Stop abusive grazing practices that are promoting weed invasion, soil erosion and habitat loss in the Wilderness Study Areas.

BACKGROUND ON THIS SENSITIVE SPECIES AND BIRD EIS

In 2004, the Elko Field office of the BLM was ordered by a Federal Court Judge to prepare an Environmental Impact Statement (EIS) to assess livestock grazing impacts to sensitive species including sage grouse, golden eagle, burrowing owl, ferruginous hawk and other raptors across three vast allotments (Sheep Complex, Big Springs and Owyhee) in the Sagebrush Sea of northern Nevada's Elko County. The court order was a result of a lawsuit filed by Western Watersheds Project and the Committee for the High Desert.

These lands include the Owyhee Allotment in the headwaters of the South Fork Owyhee River, the Big Springs Allotment comprised of the forested Pequop and Toano Ranges

and surrounding valleys, and the Sheep Allotment Complex including the Goshute and Toano Range near Wendover.

The EIS BLM produced is a travesty. It relies on the same old, limited and deficient data and mindset. It ignores the national importance of these lands and the wildlife that inhabit them. Under ALL new action alternatives in the EIS, BLM proposes to: Increase cattle and sheep AUMs from 28% to as much as 50% above AUM numbers grazed in the past; perpetuate excessive forage use levels; construct new wells, pipelines, spring developments; and eradicate sagebrush with new crested wheatgrass seedings and mowing.

Elko BLM's EIS effort to date serves as a poster child for the increasing imperilment of sage grouse. It demonstrates how agency actions are purposefully imperiling sage grouse, and why sage grouse protection under the Endangered Species Act is necessary.

The Sheep Allotment Complex includes the world famous Hawkwatch Goshute Raptor migration site, and portions of the Bluebell and Goshute Wilderness Study Areas. Nevada Division of Wildlife commented in 2000: "the Allotment Complex is critically important to the long-term health of ferruginous hawk and golden eagle nesting populations in the area".

The Big Springs allotment includes sage grouse lek complexes that are threatened by habitat loss and the high stocking rates of cattle and damaging levels of use. BLM proposes to shift increased livestock numbers into critical sage grouse habitats, and construct new wells, pipelines and seedings. New fences are proposed that will block mule deer migration routes and fragment sage grouse habitats. Despite several existing dilapidated spring "developments" in both this and the Sheep Allotment Complex having killed all surface _expression of springs, BLM proposes extensive new spring developments in its EIS.

The Owyhee allotment, whose sole permittee, Doby George, is a mining company, contains still-intact expanses of big sagebrush communities, and
11 known sage grouse leks and year-round habitat. It is part of the interstate Owyhee ecosystem shared between Idaho, Nevada and Oregon. Sage grouse, raptors, migratory birds, antelope and mule deer habitats here are threatened by high numbers of cattle, excessive use levels, new wells, new pipelines, new fences and open-ended sagebrush mowing schemes that would carve up and destroy sagebrush habitats. It includes portions of the Owyhee River Canyon WSA and the South Fork Owyhee WSA.

Wild horse herds are found in all three allotments in several Herd Management Areas. Although blamed by BLM for every problem under the sun, wild horse numbers in these allotments are only a small fraction of the cattle and sheep numbers grazed here.

Comment Responses to PC-39

PC-39-1:

See response to comment PC-1-1, above.

PC-39-2:

See response to comment PC-1-2, above.

PC-39-3:

See response to comment PC-1-3, above.

PC-39-4:

See response to comment PC-1-4, above.

PC-39-5:

See response to comment PC-1-5, above.

PC-39-6:

See response to comment PC-1-6, above.

PC-39-7:

See response to comment PC-1-7, above.

PC-39-8:

See response to comment PC-1-8, above.

PC-39-9:

See response to comment PC-1-9, above.

"Michael
\"Buffalo\"
Mazzetti"
<mbuffalo@purewat
er.org>

01/23/2006 02:56
PM

To bryan_fuell@nv.blm.gov,
lorrie_west@nv.blm.gov

cc

Subject Sensitive Bird Species EIS Project

Please respond to
mbuffalo@purewater.org

Michael "Buffalo" Mazzetti
PO Box 433
Tonasket, WA 98855
www.purewater.org

Bryan Fuell, Lorrie West
Sensitive Bird Species EIS Project Managers BLM Elko Field Office 3900 East Idaho Street Elko, NV 89801-4611

Dear Bureau Of Land Management Official,
Please send me a reply acknowledging my e-mail has been received.

First I oppose the fact that the deadline for comments on this proposal is January 24, 2006 and despite BLM's claims to the contrary, the EIS is not available to the public on-line. The BLM Nevada Website is still shut down, and it is not posted on the national site. Therefor I request an extension. Many of us have not had the opportunity to extensively examine your proposal. Please post this EIS on the BLM Nevada Website, or the national site, then let me know...
Until then, here are some of my comments.

1. Prepare a Supplemental EIS.

Cheatgrass, halogeton and invasive species are choking out native plant habitats essential for sage grouse and migratory birds and the small animals that provide a prey base for raptors. BLM's existing livestock facilities and seedings have destroyed important habitats, caused weed invasions and killed spring flows. Stocking lands with numbers of cattle and sheep 28-50% above the numbers that have caused widespread damage to riparian and upland areas is madness. Pursuing more range facilities and sagebrush killing treatments is madness. BLM needs to prepare a Supplemental EIS that conducts

valid scientific analysis of habitat conditions and the needs of the sensitive species. Collect and assess new and complete data on special status species habitats and ecological conditions.

2. Accurately determine the current suitability, capability and sustainability of grazing on the allotments.

2 BLM must be honest with the public about the condition of the plant communities, and the severity of habitat degradation and loss that exists. BLM must develop management to protect and restore damaged special status species habitats, and act to protect remnant better condition lands.

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3 that focus on realistic and much-reduced numbers of cattle and sheep, and reduced livestock "forage" utilization levels based on current scientific data.

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5 Instead, BLM must remove livestock projects that have destroyed spring flows, remove pipeline trough systems that are jeopardizing sage grouse and special status species habitats.

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6 BLM ignored Nevada Department of Wildlife and public comment on developing appropriate management so that bighorn sheep populations can be re-established. BLM must remove domestic sheep that transmit a fatal disease to native Bighorn Sheep from bighorn-suitable habitats.

7. Consider impacts to ALL special status and important species and their habitats,

7 including rare bats; pygmy rabbit; migratory birds like the loggerhead shrike; mule deer, antelope and sage grouse populations shared between Nevada, Idaho and Oregon in the Owyhee allotment; and wildlife shared between Nevada and Utah in the Sheep Allotment Complex. The mountain ranges contain pinyon-juniper, mountain mahogany, and montane forest habitat for pinyon jay, northern goshawk, pallid bat, and many other species.

8. Remove cattle from the damaged East Squaw Creek Watershed in the Big Springs allotment.

8 This largely perennial stream and spring complexes provide critical sage grouse brood rearing habitat and a refueling stop for migratory birds in a very arid landscape. BLM proposes excessive grazing and a harmful series of spring developments and band-aid fences. These developments will de-water springs. Plus, they will cause intense cattle grazing and trampling use to be shifted to any unfenced areas and further dry up flowing stream segments.

9 9. Stop abusive grazing practices that are promoting weed invasion, soil erosion and habitat loss in the Wilderness Study Areas.

BACKGROUND ON THIS SENSITIVE SPECIES AND BIRD EIS

In 2004, the Elko Field office of the BLM was ordered by a Federal Court Judge to prepare an Environmental Impact Statement (EIS) to assess livestock grazing impacts to sensitive species including sage grouse, golden eagle, burrowing owl, ferruginous hawk and other raptors across three vast allotments (Sheep Complex, Big Springs and Owyhee) in the Sagebrush Sea of northern Nevada's Elko County. The court order was a result of a lawsuit filed by Western Watersheds Project and the Committee for the High Desert.

These lands include the Owyhee Allotment in the headwaters of the South Fork Owyhee River, the Big Springs Allotment comprised of the forested Pequop and Toano Ranges and surrounding valleys, and the Sheep Allotment Complex including the Goshute and Toano Range near Wendover.

The EIS BLM produced is a travesty. It relies on the same old, limited and deficient data and mindset. It ignores the national importance of these lands and the wildlife that inhabit them. Under ALL new action alternatives in the EIS, BLM proposes to: Increase cattle and sheep AUMs from 28% to as much as 50% above AUM numbers grazed in the past; perpetuate excessive forage use levels; construct new wells, pipelines, spring developments; and eradicate sagebrush with new crested wheatgrass seedings and mowing.

Elko BLM's EIS effort to date serves as a poster child for the increasing imperilment of sage grouse. It demonstrates how agency actions are purposefully imperiling sage grouse, and why sage grouse protection under the Endangered Species Act is necessary.

The Sheep Allotment Complex includes the world famous Hawkwatch Goshute Raptor migration site, and portions of the Bluebell and Goshute Wilderness Study Areas. Nevada Division of Wildlife commented in 2000:

"the Allotment Complex is critically important to the long-term health of ferruginous hawk and golden eagle nesting populations in the area".

The Big Springs allotment includes sage grouse lek complexes that are threatened by habitat loss and the high stocking rates of cattle and damaging levels of use. BLM proposes to shift increased livestock numbers into critical sage grouse habitats, and construct new wells, pipelines and seedings. New fences are proposed that will block mule deer migration routes and fragment sage grouse habitats. Despite several existing dilapidated spring "developments" in both this and the Sheep Allotment Complex having killed all surface expression of springs, BLM proposes extensive new spring developments in its EIS.

The Owyhee allotment, whose sole permittee, Doby George, is a mining company, contains still-intact expanses of big sagebrush communities, and 11 known sage grouse leks and year-round habitat. It is part of the interstate Owyhee ecosystem shared between Idaho, Nevada and Oregon.
Sage grouse, raptors, migratory birds, antelope and mule deer habitats here are threatened by high numbers of cattle, excessive use levels, new wells, new pipelines, new fences and open-ended sagebrush mowing schemes that would carve up and destroy sagebrush habitats. It includes portions of the Owyhee River Canyon WSA and the South Fork Owyhee WSA.

Wild horse herds are found in all three allotments in several Herd Management Areas. Although blamed by BLM for every problem under the sun, wild horse numbers in these allotments are only a small fraction of the cattle and sheep numbers grazed here.

Comment Responses to PC-40

PC-40-1:

See response to comment PC-1-1, above.

PC-43-2:

See response to comment PC-1-2, above.

PC-40-3:

See response to comment PC-1-3, above.

PC-40-4:

See response to comment PC-1-4, above.

PC-40-5:

See response to comment PC-1-5, above.

PC-40-6:

See response to comment PC-1-6, above.

PC-40-7:

See response to comment PC-1-7, above.

PC-40-8:

See response to comment PC-1-8, above.

PC-40-9:

See response to comment PC-1-9, above.