

Public Comment #3 Kenneth Cole - Western Water Shed Projects  
**Year End 2015 Argenta Monitoring Report - Response to Public Comments**

Comment ID#	Key Point(s)	Comment	Response
1	Actual use, lack of information	The accounting of actual use on the Argenta Allotment in the report is inadequate. Actual use reports with the actual number of AUMs for each use area are <b>REQUIRED</b> for the public to adequately understand what happened on the allotment during the 2015 grazing season. The public needs this information to provide informed suggestions for the 2016 grazing year.	The March 14 report includes an account of stocking by unit and pasture. See pp. 43-51. In addition, at the March CMG meeting (see meeting notes, p. 34), it was decided that additional reporting details would be collected and reported in 2016 and 2017 to comply with section 6.9.5 of the Settlement Agreement.
2	Maps, lack of information	There is no map showing the use areas where failures occurred in the 2015 grazing season. This mapping needs to be placed prominently in the executive summary	As pointed out in the TR 17334-03 (Coulloudon et al. 1999, p. 10) it is inappropriate to extrapolate or to suggest that an entire use area or management area "fails" based on data collected at a study site. The KMA or DMA (or study site) is evaluated, not a use area. Inference can only be made to other sites within the same sampling stratum (e.g. an ecological site within the same use area), provided the study sites are properly identified with respect to soils, plant communities, and other relevant environmental factors. Such maps, like those prepared by staff from the BMDO in the past, are inappropriate and misleading because they do not represent conditions throughout the entire use area. Study sites are subjectively located.
3	Grazing permits, bank alteration	Bank alteration standards should be incorporated into the terms and conditions of any future grazing permits.	A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process, which is scheduled to be completed by August 1, 2018. Bank alteration standards may be considered at this point.
4	Bank alteration	The annual report needs to reflect that current science indicates that bank alteration greater than 20% impedes riparian recovery and that even lower bank alteration is better for riparian recovery	NRST is not aware of any peer-reviewed science literature that establishes a threshold on bank alteration. NRST does know from personal experience that the level of bank alteration that might improve, maintain, or degrade varies by (1) the texture (i.e. particle size) of streambank and channel sediment; (2) the root strength of the streambank vegetation; (3) the health and vigor of streambank vegetation. Streambank-alteration data are included in the March 14 report (see p. 34) that was distributed to the public, so the nature of the comment is unclear. Although the bank alteration data were displayed, there was not a compelling reason to go into too much detail over them for a couple reasons. First, the Settlement Agreement (see section 6.9.3) sets no annual limit on this measurement; and more importantly heavy rainfalls and high streamflows occurred immediately preceding data collection. High streamflows obscured and obliterated alteration features at several sites, so the data were not entirely reflective of impacts in the 2015 grazing period.

5	Measuring success, utilization criteria, 4-inch stubble height, Settlement Agreement criteria	The Report should note that under the settlement’s definition of “overall allotment success,” which was based on the number of use areas meeting standards, the allotment failed because 13 of the allotment’s use areas failed standards. Thus, grazing on the Argenta allotment in 2015 resulted in overall failure....The annual report uses invalid criteria to determine success and failure...The report should reflect that the allowable use levels set in the Settlement Agreement were exceeded where the average utilization of the key species was greater than the 40% criteria in the Settlement Agreement. Where monitoring showed that the 4-inch stubble height criteria was exceeded the report indicates that the utilization criteria was not exceeded because the confidence interval was above the 4-inch stubble height criteria. The report should reflect that the allowable use levels set in the Settlement Agreement were exceeded where the monitoring shows that the stubble height did not reach the 4-inch stubble height criterve of impacts in the 2015 grazin	For a detailed response, see issue resolution documents on interpretation of upland utilization data and stubble height.
6	Dispute resolution, bias	The report was issued before active dispute resolution submissions about several prominent issues were resolved which leaves us to question the legitimacy of the dispute resolution process. We have found that the NRST, BLM, and CMG have been highly biased towards the interests of the permittees.	The issue resolution documents have been shared with the commentor, the CMG, and have been posted to the Battle Mountain website for public consumption. Also note that a report addendum has been completed indicating changes to FY15 EOS report (and subsequent reports) that were made following the resolution of disputes. This addendum and the final response to public comments will be posted to the web.
7	Confidence intervals, averaging across species, bias, TR 1730-11	The report continues to base allotment success or failure using the most biased method available to reduce the likelihood that utilization standards were exceeded. The NRST uses confidence intervals and averaging across species to effectively lower the utilization standards on the Argenta allotment. Western Watersheds Project notes that <b>TR 1730-11</b> (page 262) says: “Because the true population parameter can be anywhere inside of the confidence interval, it is quite possible that the true population parameter has, in fact, crossed the threshold.”	This comment has been addressed in NRST and BMDO responses to the WWP issue resolution on interpreting upland utilization data and stubble height. For a detailed response see those issue resolution documents.
8	Drought, precautionary principle	The BLM should use the precautionary principle in managing these highly degraded landscapes that are experiencing severe drought conditions and take action to protect these plant and habitat resources from further degradation	The BLM made a commitment to the courts in signing the settlement agreement, and intends to fulfil its commitment to that court, by following the interm management plan.
9	Confidence intervals, reporting information	In circumstances where monitoring indicates that the stubble height criteria have been exceeded, it should also be noted that the majority of the confidence interval lies below the 4” stubble height criteria. We feel that it is incumbent on the BLM to manage these resources with the public interest in mind and to the benefit those resources over the interests of a few ranchers. In circumstances where monitoring indicates that the utilization criteria have been exceeded, it should also be noted that the majority of the confidence interval lies above the 40%utilization criteria. We feel that it is incumbent on the BLM to manage these resources with the public interest in mind and to the benefit those resources over the interests of a few ranchers.	For a detailed response, see issue resolution documents on interpretation of upland utilization data and stubble height.

- 10 Averaging across key species, limiting factors The BLM should not be averaging utilization across more than one key species or across key areas. A reading in excess of the 40% utilization standard should be considered a failure to meet the standard. Heavy utilization of more palatable species over time can result in reductions of these species. These processes can be accelerated during drought conditions. Idaho Fescue - Ratliff and Reppert (1974)<sup>2</sup> reported that continuous grazing unduly subjects the plants to heavy pressure during dry years. The BLM must consider individual species as limiting factors to ensure against undue degradation of public resources. Averaging across species and key areas serves only to mask utilization on the limiting factor. Some species measured were subject to 72% utilization. In some areas, like the North Fork Mill Creek, there were species that utilization exceeded the 40% threshold but, because the choice was made to average across species, standards were met for the use area
- For a detailed response, see issue resolution documents on averaging utilization.
- 11 Horse Haven Use Area On the Horse Haven Use Area, the average utilization was 48.2% for POSE but the report goes on to state: *When the 95% confidence interval is used to evaluate annual use, this site had moderate use (48.2% +/- 14.8%) that still was within the allowable use levels set in the Settlement Agreement. The monitoring data indicate with a 95% confidence interval that actual use was from 33.4% to 63%. Because part of this range is below the 40% allowable level, the monitoring information is interpreted as being within the allowable level.* Stated simply, the utilization at the Horse Haven Use Area site was 48.2%, not 33.4% and not 63%. It exceeded the 40% utilization standard in the settlement agreement which simply states: *The End of Season use levels for upland areas (except for the Mule Canyon Use Area) will be light use, i.e. 30% use for key woody species and 40% use for key herbaceous species, respectively (not a combined average use of the two), as measured at Key Areas.* The report should reflect that the use excve of impacts in the 2015 grazing period.nditions and planning for subsequent grazing
- For a detailed response, see issue resolution documents on interpreting upland utilization data and on averaging utilization.
- 12 Mill Creek Use Area The same criteria were used at the Mill Creek Use Area site. For ACLE9 the average utilization was 44.7% and the average utilization for BRMA4 was 41.2%. For both of these species, the 40% utilization criteria was exceeded. It doesn't matter what the confidence interval is for these species, yet, the report goes on to state: Use on the key species is moderately high; however, when the 95% confidence intervals are accounted for, the use is within the allowable level set in the Settlement Agreement. With an abundance of desirable, highly-palatable, native, deep-rooted perennial grasses, this should be a site that receives close attention during the grazing period to ensure the allowable limits are not exceeded. The report should reflect that the use exceeded the allowable level set in the Settlement Agreement for the Mill Creek Use Area
- For a detailed response, see issue resolution documents on interpreting upland utilization data and on averaging utilization.
- 13 North Fork Mill Creek Use Area For the North Fork Mill Creek Use Area, the report shows that for BRMA4 the average utilization was 55.6%, ELEL5 the average utilization was 35.8%, and for FEID the average utilization was 43.1%. When the the three species are averaged, the average utilization was 44.8% yet the report falsely states: *When use on the three key species is averaged, the use is within the allowable level set in the Settlement Agreement.* The report should reflect that the use exceeded the allowable level set in the Settlement Agreement for the North Fork Mill Creek Use Area
- For a detailed response, see issue resolution documents on interpreting upland utilization data and on averaging utilization.

14	Corral Creek	For example, the Corral Creek DMA measurements showed that the average stubble height was 3.6 inches but the report goes on to state: <i>When the 95% confidence interval is considered the residual stubble height is within the allowable 4-inch level.</i> The annual report should reflect that the 4-inch stubble height criteria was not met on Corral Creek	For a detailed response see issue resolution regarding stubble height.
15	Indian Creek	The Indian Creek DMA measurements showed that the average stubble height was 3.7 inches but the report goes on to state: <i>The average measurement for key species stubble height on this site was 3.7 inches with a confidence interval of +/- 0.7 inches, which is high enough to meet the allowable 4-inch limit (Table 22.</i> The annual report should reflect that the 4-inch stubble height criteria was not met on Indian Creek.	For a detailed response see issue resolution regarding stubble height.
16	Lack of info, stockmanship plans, AMUs	The information for livestock numbers and AUMs contained in the 2016 stockmanship plans is inadequate. The plans need to be detailed with the number of livestock used in each use area, the dates they will be moved on and off of the use areas. These plans need to explain how they differ from the 2015 grazing season in timing and number of AUMs	The March CMG report includes the requested information. See pp. 51-60. It was decided that additional reporting details would be collected and reported in 2016 and 2017 to comply with section 6.9.5 of the Settlement Agreement (see p. 34). The Settlement Agreement is not based on calendar dates but on within-season use levels. See pp. 31-32 of March CMG report regarding decisions about additional monitoring. See also issue resolution document on actual use and within-season data.
17	No Comparison data	There is no comparison of the 2015 monitoring data to the monitoring data gathered in the 2014 grazing season. There is no comparison of the 2014 actual use data to the 2015 actual use data.	There was no intent to compare the 2014 and 2015 data within the 2015 end-of-season monitoring report; however the data are available for such comparisons.
18	Executive Summary, actual use, Settlement Agreement	The executive summary needs to explain that the permittees failed to provide actual use reports and adequate written updates to the BLM and CMG during the 2015 grazing season as required by section 6.9.8 the settlement agreement. <i>6.9.8 Because it is difficult to predict in advance where cattle will be in a location, on which days, how many, and for how long, CMG-member photo point monitoring and observation notes will be important to document what happened in terms of the grazing management strategy employed during the grazing year to inform end of grazing year review and plans for the next grazing year. Because the Stockmanship Plan is driven not by number of livestock but rather by when within-season move triggers are reached, this Agreement requires that Permittees provide consistent reporting of actual use numbers and what was done throughout the year in terms of movement, when Within Season triggers were met, End-of-Season Use Levels, weather, water, etc. This information is critical to informing the assessment and interpretation of year end conditions and planning for subsequent grazing years.</i>	The March CMG report includes the requested information. See pp. 43-51. It was decided that additional reporting details would be collected and reported in 2016 and 2017 to comply with section 6.9.5 of the Settlement Agreement (see p. 34). You can also find a signed Dispute Resolution Form covering this topic on the Argenta Allotment Information website housed on the BLM Battle Mountain District webpage: <a href="http://on.doi.gov/2bWP19s">http://on.doi.gov/2bWP19s</a>
19	Executive Summary, actual use, Settlement Agreement	The executive summary needs to list "Where change in grazing management is needed, changes may be made to the timing, duration, and/or intensity of grazing (e.g., stock density/livestock numbers, season of use, length of use, range improvements, and/or rest)." as the first adjustment that will be considered.	The sentence in question is a standard principle of rangeland management. There is no universal "first" adjustment. This is a generic list of management actions with no priority assigned or intended. Adjustments to stock density/livestock number may or may not be the first or most effective adjustment.

20	Executive Summary, turnout	The executive summary needs to explain that, despite the failures to meet objectives in the 2015 grazing year, the BLM has agreed to approve grazing applications so that permittees will be allowed to turnout on March 1, 2016 without any range readiness analysis because the permittees were experiencing "anxiety".	Current conditions related to soil conditions and forage availability were performed prior to turnout by NRST. See March CMG notes, p. 13. Please also reference the Issue Resolution Form addressing this topic on the Argenta Allotment Information website: <a href="http://on.doi.gov/2bWP19s">http://on.doi.gov/2bWP19s</a>
21	Public comment period changed	The executive summary needs to explain that the BLM originally proposed a 30- day public comment period for this report but that it was changed at the recommendation of the NRST	For a detailed response, see Issue Resolution Documentation regarding comment period. The CMG March meeting notes pp. 6 and 21 will also be a helpful reference for this concern. The decision was made to allow for a 15-day comment period, p. 21 of CMG March meeting notes. All of the mentioned reference materials can be found on the Argenta Allotment information page: <a href="http://on.doi.gov/2bWP19s">http://on.doi.gov/2bWP19s</a>
22	ARMPA	The executive summary needs to explain that grazing in the 2016 grazing year must comply with the NVCA ARMPAs and that: <i>MD LG 7: In pastures where post livestock removal use monitoring results in utilization levels that exceed allowable use levels and livestock are identified as a causal factor, reduce animal unit months (AUMs) grazed the following year accordingly. AUMs cannot be applied to another pasture that is already being used by livestock or is being purposefully rested.</i>	The GRSG RMPA currently does not apply to the settlement agreement, which was in place prior to the GRSG RMPA. Additionally the implementation of the GRSG RMPA will be through the evaluation process as identified in the GRSG RMPA. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process, which is scheduled to be completed by February 28, 2018.
23	Policy, executive summary	The executive summary needs to explain that livestock were allowed to remain in use areas after upland and riparian utilization criteria were exceeded.	This exact comment was addressed on p. 53 of the CMG March Meeting notes. Pursuant to section 6.8.1 of the settlement agreement, permittees moved livestock either within Use Areas or to another Use Area once within-season use levels were met. However, there were a series of issues and problems with livestock drift and herding that have been discussed and documented in numerous FY15 CMG reports (all posted on the web). Although the BLM (MLFO) chose not to pursue unauthorized use during the FY15 grazing season (per 6.8.1); the problems in controlling drift were recognized and a plan was developed (2016 stockmanship plan) to address this in those areas where it resulted in a failure to meet EOS use levels (see March CMG notes p 10). Additionally, the NRST recommended and CMG agreed to "implement more frequent within-season monitoring at the sites that did not meet the prescribed use levels or sites where the 95% confidence interval spans the prescribed use levels in 2015...[A]s within-season use levels reach predefined levels, the frequency of within-season monitoring will increase so the permittees can move livestock in a timely fashion before prescribed limits might be exceeded" (CMG March meeting notes p. 31-32 and FY15 EOS report p.4).
24	Executive summary	There needs to be a section accounting for the \$268,000 that has been spent so far by the NRST ( <i>see attached FOIA response</i> ). -- 'section refers to executive summary in this comment.	It is not typical for the BLM to include the cost of its staff in Allotment Monitoring reports.
25	MD LG 18	The stockmanship plans don't identify any of the upland supplement locations, and whether those are within 1 mile of riparian areas, springs, and meadows in compliance with MD LG 18. MD LG 18: <i>Locate salting and supplemental feeding locations, temporary or mobile watering, and new handling facilities (e.g., corrals and chutes) at least 1 mile from riparian areas, springs, and meadows. The distance can be greater based on site- specific conditions.</i>	The GRSG RMPA currently does not apply to the settlement agreement, which was in place prior to the GRSG RMPA. Additionally the implementation of the GRSG RMPA will be through the evaluation process as identified in the GRSG RMPA. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process, which is scheduled to be completed by February 28, 2018. Also see response to #21.

26	New documents should be added to the report	The report needs to acknowledge that there have been dissenting opinions on a number of issues and there needs to be documentation of the the dispute resolution submissions, and letters of concern about the process and conditions on the allotment. There needs to be documentation that there has been opposition to building new range projects, opposition to the failure to implement reductions in livestock numbers or reductions/changes to timing of grazing.	Relevant documents, including dispute resolution forms have been distributed among the CMG and posted on BMDO website for public review. All issue resolution forms can be viewed here: <a href="http://on.doi.gov/2bWP19s">http://on.doi.gov/2bWP19s</a>
27	UTM coordinates	There are several places throughout the report where UTM's coordinates are incomplete. There are several monitoring sites where coordinates aren't provided	To our knowledge, all UTM coordinates have been updated and provided in the March 14, 2016 public report.
28	Unauthorized use	The report fails to document incidents where unauthorized use occurred. There were side discussions about unauthorized use occurring in the Corral Canyon and Fire Creek use areas. If this unauthorized use occurred, it needs to be documented in the annual report	The Settlement Agreement addresses how unauthorized use will be addressed and can be viewed on the Argenta Allotment Information webpage here: <a href="http://on.doi.gov/2bWP19s">http://on.doi.gov/2bWP19s</a>
29	Rock Creek, Mule Canyon, no monitoring	The report needs to discuss why no monitoring took place on Rock Creek and that conditions there likely did not meet standards due to the very high levels of use. • The report needs to discuss why no monitoring took place on Mule Canyon after the blowout. The report needs to convey that blowouts are less likely to occur when riparian conditions are healthy and stream banks are armored with deep rooted woody vegetation.	The issue regarding Mule Canyon was previously addressed during the July CMG meeting (see report pp. 7-8) and the November CMG meeting (see meeting notes, pp. 3-4) -- both posted on the web and shared with CMG members. The same answer applies. Because the Ratfink DMA suffered extensive damage during a high-intensity storm in 2015, there were no forage species on a greenline to monitor stubble height. Even proper functioning riparian areas do fail during high-intensity, low-frequency events. The CMG technical committee is concluding the stratification and DMA site selection process; and Rock Creek is slated for monitoring in October 2016 and beyond as explained in the August CMG meeting notes pp. 8-9 -- meeting notes posted on the web and shared with CMG members.
30	Call to action, recommendations, reduction in cattle	Western Watersheds Project recommends reductions of livestock to 1/3 of the 2015 livestock levels in use areas where monitoring showed that utilization levels were marginally exceeded. This number would be more manageable and would be less likely to rapidly exceed triggers set in the Settlement Agreement. If these levels of livestock again exceed triggers then rest and further reductions should be considered in subsequent years. Western Watersheds Project recommends rest in use areas where monitoring showed that utilization levels were greatly exceeded. In the subsequent year, livestock numbers should be reduced to ¼ of the 2015 livestock levels. If these levels of livestock again exceed triggers then rest and further reductions should be considered in subsequent years	A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process, Which is scheduled to be completed by August 1, 2018.