

Argenta Cooperative Monitoring Group Meeting Minutes

**BLM Battle Mountain
District Office**

50 Bastian Road
Battle Mountain, NV 89820

March 9 - 10, 2016

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DAY 1 – MARCH 9, 2016

CALL TO ORDER

The meeting was called to order by Mike Lunn, a Conflict Resolution Specialist on the National Riparian Service Team (NRST) at 8:10 AM by welcoming everyone to the meeting. Persons attending the meeting are depicted in Attachment 1.

Laura Van Riper, Social Scientist with the NRST, asked Mike Holbert, owner of Silver State Meeting Minutes, to introduce himself. Mike indicated that he is based out of Spring Creek, Nevada and will be responsible for developing minutes for the meeting. He retired from BLM in December, 2010, after a 33-year career. In addition to taking notes on a computer, five digital voice recorders have been placed around the room to record the meeting's discussions. The recorders are used to ensure the minutes accurately reflect the discussion. The minutes will not be a transcript of discussions but will provide a summary of presentations, pertinent discussions, positions taken, decisions made, action assignments, etc.

Laura added that if the Coordinated Monitoring Group (CMG) would like to have a closed session or not have a discussion recorded, the digital voice recorders could be turned off. Laura explained that she anticipates receiving draft minutes on Monday, March 14 or Tuesday, March 15, which will be reviewed and finalized on Wednesday, March 16.

PARTICIPANT VIEWS OF EXISTING SITUATION AND MEETING EXPECTATIONS

Mike Lunn asked each person to introduce themselves, explain their relationship to the Argenta allotment, and outline their expectations for the meeting. The following is a summary of the expectations raised by the participants.

- Work through and resolve the identified issues;
- Have open and honest discussion;
- Chart a path forward;
- Move the process forward to a successful conclusion;
- Get the process moving;
- Get things worked out;
- Work through the issues;
- Work together cooperatively to be part of the solution - not part of the problem;
- Seek a balance with other resource values on the land;
- Believes an economically viable ranch operation can be environmentally sustainable;
- Learn as much as possible about the allotment and the Settlement Agreement;
- Looking forward to starting the 2016 stockmanship and the first full year;
- Hope the meeting will be productive as there are many other things that need to be done;
- Hope that there aren't a great number of meetings;
- Need to get something done on-the-ground;
- Identify processes, key actions, and steps that need to be addressed to keep the effort moving in the right direction;
- Would have like to see the meeting held one month earlier; and,
- Move the process forward by working together.



Argenta CMG – March 10, 2016

Other points raised during the discussion included the hiring of an individual on the Bureau of Land Management's (BLM) Permit Renewal Team who will officially start on April 17th. Laura Van Riper explained that she had been pulled away from the Argenta allotment process for a couple months to work with the Washington Office on sage-grouse. Mark Gonzalez, Riparian/Wetland Ecologist with the NRST, believes the CMG process is in its "winter", where things have

been somewhat dormant and now that spring is on the way, it's time to re-engage in the process and move things forward. He is optimistic that resolution to the issues will be found.

Mike Lunn explained that the agenda for the next two days is very ambitious. There has been one change made - the *Status Check on CMG Function and Commitment to Work in Good Faith* will be moved to the second day. Mike asked that each person listen with respect and understand without judging why they are saying it. It will be important not to speak over each other or interrupt others when they are speaking. It will be also important to stay focused on making the Settlement Agreement work. There has been a tremendous amount of progress made to date and there is opportunity to continue moving forward this summer.

CURRENT SITUATION

NOVEMBER MEETING REVIEW

Mark Gonzalez outlined that during the November 2015 meeting, Jamie Dafoe addressed the 2015 within season grazing monitoring data, Adam Cochran presented upland utilization data, and Sue Priest presented the riparian monitoring information.

In summary, Mark found that by September 2015 only one within season upland monitoring site (Slaven Use Area) had reached the threshold use level. It appears the upland areas were being grazed appropriately until mid-September but when the monitoring data was collected in October (6 to 7 weeks later) several additional sites either exceeded limits established in the settlement agreement or when the confidence interval levels were considered, they spanned the settlement agreement limits. Confidence interval levels will be addressed later in the meeting.

Despite the concerns raised in the spring about the upland areas, overall, they fared better. We've learned from the riparian monitoring data that the riparian areas are the crux of this allotment, which is not unusual in the western United States. From a riparian standpoint, the Fire Creek Use Area looked fabulous. Except for a few invasive species, it is close to reaching its potential. From an herbaceous standpoint, two other use areas – Indian Creek and Corral Canyon – were in the level where the confidence interval level spanned the use limit threshold. The rest of the use areas exceeded the use limit threshold.

Mark suggested that if the CMG focused its efforts on riparian issues, the upland issues would resolve themselves. It was noted that use of salt and mineral blocks as well as hauling water resulted in livestock using areas that have not been typically used in the past. Using the same approach outlined in the 2016 stockmanship plan with warm season deferments, the potential to construct additional infrastructure (fencing), and implementing a more aggressive within-season monitoring effort to determine when thresholds are being approached is a good approach.

STATUS OF PROJECTS AND MONITORING HIRE

Actions or topics from the November meeting that need to be addressed include:

- South Boundary Fence: A tentative agreement has been reached on the proposed fence's location. There is concern that the appropriate funding to build the fence will not be secured. A suggestion was made was to have BLM furnish the materials, which would allow non-federal funding to be used for labor.

The fence will be seven to eight miles in length principally located on private land with one small piece crossing BLM administered land near Mud Springs. A suggestion was made to build the fence to BLM's wildlife specifications, which was understood to be a given. It was noted that to date BLM has not been engaged in discussions associated with providing materials for this particular project.

It was noted that construction of a boundary fence is a major change in grazing management, which may affect the grazing permit renewal analysis. It was also noted that the basic livestock operation historically used this area

would not change but the fence will stop livestock movement to the north. **ACTION:** Laura Van Riper, Sam Ault, and Kathryn Dyer will address construction of this fence with Jake Vialpando (Permit Renewal Team Leader) to ensure he is aware of the fence as the Grazing Permit renewal process is completed.

ACTION: Completion of the south boundary fence is part of the settlement agreement; therefore, it was agreed Sam Ault would work with the appropriate livestock permittees to ensure the fence is built to wildlife specifications.

A suggestion was made to have a map of the Argenta allotment available during meetings which could be referred to during discussions. **ACTION:** Sam Ault will ensure a map of the allotment is available during CMG meetings.

ACTION: Laura will work with Sam Ault and Kathryn Dyer to prepare a briefing paper addressing the South Boundary fence including the proposed location, funding, Animal Unit Month (AUM) adjustments, etc.

ACTION: Sam Ault will coordinate a meeting with the appropriate livestock permittees on the ground within the next two weeks to discuss the specifics of the South Boundary fence (funding, location, etc.) and actions necessary to move the fence proposal forward.

ACTION: It was agreed an update on the progress made to construct the South Boundary fence should be presented at the next CMG meeting.

- **Round 1 Range Improvement Projects:** As discussed at the November 2015 meeting, signing and approval of the cooperative agreements were delaying construction of the Round 1 riparian fence projects. The National Environmental Policy Act (NEPA) analysis was completed using the Categorical Exclusion authority. Since November, the appropriate cooperative agreements for the Tomera Ranches as well as EddyAnn and Dan Filippini have been signed and they are authorized to pick up fencing material. Once Shawn Mariluch signs the cooperative agreement, he may also pick up his fencing material.

A question was raised if the fencing proposed on private land will also be constructed. It was noted that the fence cannot be constructed on private land until permission from the land owner is received. The landowner has been contacted; however, there is no agreement in place at this time. It is possible to temporarily fence across the riparian area on the private/federal land boundary with a jack rail fence but not tack or weld the fence. If and when permission is received from the land owner, the jack rail fence can be reconfigured to include the spring source and then the fence can be welded in place.

It was noted that in the Slaven Use Area, a solar pump and panel will be installed at the barite mine site from which two small pipelines will be constructed to draw livestock away from the spring source. Livestock are also able to water from the pit area, which should reduce impact on the spring.

A question was asked as to the status of obtaining water rights for the Mule Canyon project. It was noted that the water rights have been obtained and a meeting with Newmont has been scheduled for March 15.

- **Round 2 Range Improvement Projects:** The public comment period on the NEPA document ended on February 29, 2016. The Battle Mountain District Office (BMDO) staff is addressing the public comments to finalize the Environmental Assessment and prepare the Finding of No Significant Impact decision document. There have been some delays in addressing the wildlife comments due to staffing issues and complying with the new Approved Sage-grouse Resource Management Plan Amendment (Amendment). Currently, the proposed decision is expected to be released early next week, which is three to four weeks ahead of schedule.
- **Indian Creek Weed Spraying Update:** Weed infestation areas in the Indian Creek Use Area sprayed in the past could be reseeded; however, the Lander County Conservation District is reluctant to complete additional spraying until there is a livestock management plan in place. A suggestion was made to temporarily fence the sprayed

areas to exclude livestock and reseed the areas. The Conservation District is supportive of the temporary fencing and is working to acquire the temporary fencing materials and complete the reseeding through its weed management conservation grant with BLM. It was noted that if a livestock management plan was in place in Ferris Creek Use Area, reseeding of its weed infestations could be done after the Indian Creek effort was completed.

In a recent meeting, a question was raised if the temporary fencing would be approved by BLM. It was explained that temporary fencing will require a NEPA analysis, which would make the decision to approve (or not approve) temporary fencing. There have been discussions with Sam Castor concerning construction of a permanent fence to divide the two areas in question to provide protection from livestock until the seeding is established. A permanent fence would probably be BLM's preferred alternative; instead of spending funding on a temporary action. There was concern raised if a straight line fence could serve as an effective enclosure to protect the seeded areas.

ACTION: BLM will continue discussions with the livestock permittees and the weed district addressing the temporary fencing suggestion. It will be important the discussions be documented for the record.

- **Status of Hiring a Monitoring Position:** Joseph May has been hired for the 3-year term monitoring position assigned to the State permit renewal team. He will be reporting for duty at the BMDO on April 18. He will report directly to Jake Vialpando in the BLM Nevada State Office but will be physically located in the BMDO. His primary duties will be providing the appropriate information for grazing permit renewals; however, will be working on other range-related needs as time allows. A suggestion was made that the permittees may want to take the initiative to set up a time to meet with Joseph, possibly going to the field, helping him meet other players, etc. A proactive approach to making Joseph's transition into his new position easier will benefit everyone.

SCHEDULE CHANGES AND PROCESS MOVING FORWARD

The February 2016 public meeting was cancelled after a discussion between Doug Furtado (BLM Battle Mountain District Manager) and John Ruhs (BLM Nevada State Director) who agreed the intent of the settlement agreement would be met by preparing a report and releasing it to the public, which was believed to be a more effective tool for providing information to the general public.

To date, the 2015 monitoring report has been distributed and reviewed by the CMG and the BLM is waiting for input from its Washington Office prior to releasing the document. When the Washington Office will respond is unknown at this time. The original schedule called for the monitoring report to be released on March 9 or 10; however, Laura requested its release be delayed until after this meeting. **ACTION:** Laura will discuss release of the report with the BLM Nevada State Office public affairs staff after this meeting.

One benefit from the delayed release of the 2015 monitoring report and its separation from the grazing application approval process has been extending the public comment period on the 2015 monitoring plan from 7 to 15 days.

ACTION: When the 2015 monitoring report is released to the public, Laura will provide the CMG with a copy.

A question was asked if delaying the release of the 2015 monitoring report would affect the livestock permittees' turn out dates. The delayed release of the report will not affect the livestock turn out dates, which are based on on-the-ground conditions; not release of a document.

A question was asked if the current version of the document is the same as the one reviewed earlier by the CMG. It was noted that extensive comments had been received from some CMG members as well as the Western Watersheds Project (WWP.) Those comments will be considered and revisions made as appropriate prior to the release of the document to the public for review.

To meet the spirit and intent of the Settlement Agreement, Steve Leonard and Steve Cote worked with the livestock permittees' to develop the 2016 Stockmanship Plan. The Settlement Agreement provides an opportunity for the public to make comments on the 2015 monitoring plan, which may affect the actions outlined in the 2016 Stockmanship Plan.

Therefore, it was recommended the current 2016 Stockmanship Plan be considered draft or interim depending on the adjustments that might be made based on the public comments. It was noted that an ongoing assumption has been the annual stockmanship plan would be adapted as needed regardless of the process (public comment, monitoring, actual use records, etc.) used to identify a need for change.

A question was asked if the Settlement Agreement outlined a process for making significant changes. It was noted that from BLM's administrative perspective, permittees' are billed by use area, which is somewhat awkward for the Argenta allotment as it is considered one large use area. Typically, the bill will identify where livestock are authorized. Thought has been given to using a phased billing approach (for example a 30-day bill) where changes to the Stockmanship plan can be incorporated when a subsequent bill is prepared.

Concern was expressed with the "billing by use area" approach as on-the-ground conditions vary between use areas. It was noted that after completion of the permit renewal process, it is likely forage capacities will be set by use area, which is also a concern to the livestock permittees. The different use areas are not physically fenced but are imaginary lines on a map. Such an approach will require significantly more discussion before being implemented (or not implemented). To date, there has been limited discussion with the permittees if this approach were proposed for implementation in 2016. The permittees were assured the approach will not be implemented for the 2106 grazing season but something to discuss in the future.

A question was asked as to why the change may be made to which it was noted that it is a possible outcome from the permit renewal process. Such a change is theoretical at this time but is a possibility for the future. It is important the permittees are aware of this possibility so that they are informed and prepared for discussions that will occur with the permit renewal team.

As the Argenta CMG process moves forward, the intent is to have regular communication between the NRST, BLM Nevada State Office, and the BMDO to ensure everyone is onboard and appropriate conversations occur as early as possible. While we're currently focused on meeting the intent of the Settlement Agreement, it is important to recognize that grazing management after the Settlement Agreement period will eventually need to be addressed.

A question was raised if this issue was generated from the BLM Nevada State Office. It was generated from a discussion between Sam Ault and Shawn Mariluch that occurred approximately two weeks prior to this meeting. It was raised today merely for informational purposes only. This may be a potential issue worthy of discussion so that it doesn't become a major point of contention at some point in the future.

FREEDOM OF INFORMATION ACT REQUESTS

Laura Van Riper noted that the NRST and the BMDO are currently responding to four Freedom of Information Act (FOIA) requests (Table 1).

Table 1

Current FOIA Requests

Receiving Office	Requestor	Items Requested
NRST	Wildland Defense Western Watershed Project	All background documents, documents created during the process, and communication between any party remotely involved in the Argenta process
NRST	Not identified in the discussion	Unknown – request has been tabled
NRST	Not identified in the discussion	All records and e-mails of individual conversations with the NRST
Battle Mountain District	Not identified in the discussion	All communication between the BMDO, Nevada State Office, and the BLM Washington Office with the NRST

In the interest of full disclosure, FOIA requests pertaining to the Argenta allotment process are forwarded to the CMG for informational purposes only.

2015 STOCKMANSHIP PLAN REVIEW

Steve Leonard and Steve Cote provided an overview of the implementation of the 2015 Stockmanship Plan. At the time the 2015 Stockmanship Plan was developed, the strategy was to use a multiple herd rotational approach where large groups of animals would be moved through stockmanship (riding) combined with low moisture block supplements to pull animals from riparian areas.

Unfortunately, factors such as the delayed Settlement Agreement and obtaining various authorizations for activities such as water hauling compromised implementation of the 2015 Stockmanship Plan. Overall, the 2015 Stockmanship Plan did not work well; however, use of low moisture block supplements did work well particularly in the areas used by the Filippini Ranching Company.

An evaluation of the 2015 Stockmanship Plan was completed using the process outlined in Appendix 1 from the Settlement Agreement entitled *Use Area End of Season Assessment Process Flow Chart Questions & Resulting Actions, Interim Management Period (IMP)*.

APPENDIX 1 – ITEM 1

Data obtained from the 2015 Monitoring report were used to address the first question (insert) identified in the Appendix 1 process.

While there were some successes, overall implementation of the 2015 Stockmanship Plan was not well done.

Upland use levels were at least within the range of variability on 79% of the use areas. Two¹ of the 10 identified riparian monitoring areas met both residual herbaceous and woody browse limits.

Appendix 1 – Item 1

Was grazing management strategy implemented as agreed and were end of season use levels met (grazing use criteria)?

APPENDIX 1 – ITEM 2: ASSIGN CAUSE AND SIGNIFICANCE

Appendix 1 – Item 2

Assign cause and significance

Is failure the result of a design problem or changed condition within the control of the permittee and/or will impacts hinder improvement of resource conditions?

2015 failures on uplands and riparian areas were examined to identify changes that should be made to the 2016 Stockmanship Plan. One identified problem was insufficient water for the large number of animals at one time. Overall, there was sufficient water for the total number of animals but not for all animals at one time.

Different causes were identified such as the inability to complete a water well in the Slaven Use Area, equipment breakdowns, riders, etc.

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¹ Fire Creek and Corral Creek.

OTHER ACTIONS THAT SHOULD BE ADDRESSED IN 2016

In addition to addressing the various causes for not meeting the Settlement Agreement use level thresholds, there are a number of other actions that need to be addressed which are summarized below:

- Develop long-term objectives for representative or critical upland and riparian monitoring locations;²
- Determine appropriate annual use indicators relative to grazing actions and achievement of specific objectives;
- Implement protection measures for most sensitive riparian areas; and,
- Begin developing a long term plan³ and infrastructure necessary to effectively meet the objectives.

In addressing the second bullet, there are annual use indicators identified in the Settlement Agreement; however, a determination needs to be made if those indicators are sufficient or if other indicators need to be identified.

Two 2016 grazing goals (inset to right) have been identified of which one is dictated by the Settlement Agreement and the other is a proactive effort to address emerging issues identified in the Sage-grouse Resource Management Plan (RMP) Amendment.

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2016 Grazing Goals

Demonstrate progress required by the Settlement Agreement

Begin to address emerging sage-grouse issues

² It was noted that developing long-term objectives tied to monitoring locations is a scheduled calendar event that will be discussed later in the meeting.

³ Defined as being after the Settlement Agreement Interim Management Period.

APPENDIX 1 – ITEM 4: IDENTIFY AND DISCUSS ADAPTIVE MANAGEMENT (AM) ACTIONS

With failure to meet the Settlement Agreement established use levels and the identification of causal factors within the control of the livestock permittees, the next step under the Appendix 1 process is to address Item 4 (inset).

The following actions are proposed to be implemented as part of the 2016 Stockmanship Plan to address issues identified in implementation of the 2015 Stockmanship Plan.

Appendix 1 – Item 4

Identify and Discuss Adaptive Management (AM) so that end of season use levels will not be exceeded in Year 2 in failed use areas; changes will be made to timing, intensity and/or duration of grazing.

Table 2

2016 Objectives and General Actions

Goal	Objective	Action
Demonstrate progress required by the Settlement Agreement	Light use on key upland species	<ul style="list-style-type: none"> • Disperse early season use to minimize active growth utilization except for Fire Creek and Sansinena • Defer late season use⁴ in Mule, Crippen, Trout, North Fork Mill, and Fire Creek • Defer use in Sansinena until after seed ripe • Use stockmanship and multiple supplement stations where possible with smaller groups of livestock to avoid habituation to local areas and concentrated trailing.
	Meet riparian stubble height and woody browse use limits	<ul style="list-style-type: none"> • Disperse early season use when riparian use is minimal • Defer late season use in Mule, Crippen, Trout, North Fork Mill, and Fire Creek to facilitate regrowth • Use strategically placed water developments/hauls to attract livestock from riparian areas • Focus stockmanship efforts and multiple supplements stations where possible to disperse livestock in suitable upland areas • Improvements and allotment boundary adjustments
Begin to address emerging sage-grouse issues	None ⁵	<ul style="list-style-type: none"> • Dispersed livestock use at light use levels from April 1 – June 30⁶ to maintain residual and live perennial grass cover where shrub cover is <25% and minimize concentrated disturbance • Deferment of select use areas to maintain upland and near riparian cover and height during late brood rearing as well as progress toward PFC • Use developed/haul water to attract use away from riparian areas during brood rearing • Use stockmanship to minimize riparian and near riparian use during brood rearing as well as maintaining upland perennial grass and forb cover

⁴ End of June or early July.

⁵ Representative ecological sites have not been evaluated relative to objectives identified in the sage-grouse management plan amendment.

⁶ Sage-grouse nesting period identified in the Sage-grouse RMP Amendment.

The actions recommended in Table 2 will also meet Appendix 1 – Item 5 (inset).

Table 2 Objective: Light Use on Key Upland Species

When discussing early use deferment in the Sansinena Use Area, a question was asked in reference to the early use made in 2015 in the Sansinena Use Area which was used again later in the grazing season. Shawn Mariluch noted that the first use in the Sansinena Use Area in 2015 was made in early March, which was prior to the growing season. A follow up question was asked if the area had received monitoring to document the regrowth and the subsequent livestock use later in the season. **ACTION:** Laura Van Riper indicated she remembered this issue being addressed in an e-mail and agreed to locate the e-mail.

Table 2 Goal: Begin to address emerging sage-grouse issues

The actions proposed are interim surrogate action to address objectives identified in the Sage-grouse RMP Amendment. It was noted that sage-grouse were identified as an emerging issue during the November 2015 CMG meeting. The riparian objectives identified in the sage-grouse amendment are different than those identified in the Settlement Agreement. Sage-grouse is identified on the agenda for discussion later in the meeting.

Steve Leonard was asked to define “light use”, which is defined with different percentages depending on the professional literature used. Steve indicated that livestock use must not exceed the use levels identified in the Settlement Agreement, which will be accomplished by dispersing livestock by stockmanship efforts. It was noted that the Settlement Agreement does define “light use” (below). BLM monitoring protocol defines “light use” as a range between 21 and 40%. This question was raised with the intent of building a thought process that should continue into the permit renewal process and beyond. The definition of “light use” identified in the Settlement Agreement will be used to define acceptable use at this time.

Item 3.6 on Page 3 of the Settlement Agreement reads as follows – “...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 End of Season use levels in the Mule Canyon Use Area will be light to moderate use, i.e., 30% use of all key woody species and 50% use of all key herbaceous species, respectively (not a combined average of the two), as measured at Key Areas.”⁷

A question was asked if the Nevada Department of Wildlife (NDOW) had a map displaying late brood rearing habitat. In response, it was noted the U. S. Geological Survey (USGS) has released a model map that takes into account many different parameters to identify sage-grouse seasonal use areas. The map should be available on the Internet at the Sagebrush Ecosystem Technical Team’s website. It was noted that the website for the Sagebrush Ecosystem Technical Team has a link to a USGS site that has actual maps as well as GIS information. **ACTION:** Kathryn Dyer will refine the USGS GIS data to highlight the Argenta allotment and will send the USGS link to the CMG.

(The remainder of this page was left blank intentionally.)

⁷ It was noted during the discussion that Mule Canyon is different as there are no sage-grouse in this use area.

2016 STOCKMANSHIP PLANS

REVIEW OF FEBRUARY 25, 2016 REPORT

The 2016 Stockmanship Plan for each of the three distinct grazing operations (inset) within the Argenta allotment were summarized by displaying a general use map. The generalized actions addressed in Table 2 were specifically tailored to each individual livestock operation.

The 2016 general use maps for the Filippini, Mariluch, and Tomera Ranches operations are depicted in Attachments 2, 3, and 4, respectively.

General discussions relating to each general use map are summarized below.

Dan and EddyAnn Filippini

This operation utilizes the Mill Creek and Harry Canyon Use Areas. The primary approach will be dispersed use keeping the livestock spread out. There is relatively poor access within these Use Areas which limits use of low moisture block supplements.

Livestock would be placed in both use areas and kept dispersed through stockmanship efforts. As use levels are approached in a particular area, livestock will be moved to a different area within the two use areas. Or, if it is the end of season, the livestock will be removed. There is a written description of the approach provided in the report which will accompany the map.

Shawn and Angie Mariluch

Grazing would begin in the Fire Creek Use Area to utilize the upland areas early, which will minimize use of the riparian areas. Approximately June 1 the livestock will be moved into the Horse Haven and Whirlwind Valley Use Areas. Later in the season, after seed ripe, the livestock will be moved into the Sansinena Use Area where they will remain until either the use levels or the end of the season is reached.

The key to this rotation pattern will be keeping the livestock dispersed through stockmanship efforts and use of additional water sources. The additional water sources were part of the Round 1 projects and sources located on non-federal land. At this time, no additional water projects have been initiated on federal land in these use areas.

Tomera Ranches

As on-the-ground conditions permit, livestock will be dispersed across the East Flat and West Flat Use Areas (blue arrows on map). As early as conditions will allow, some livestock will be placed in the Mule Canyon Use Area. Using stockmanship efforts, the livestock will be dispersed throughout these use areas. As conditions allow, the livestock will be allowed to move up the mountain as early as possible, again, maintaining dispersal through stockmanship efforts (white arrows on map).

In early to mid-July, livestock will be removed from the Mule Canyon, Crippen, Trout, North Fork, and Mule Canyon Use Areas and placed with the rest of the livestock in the Maysville North and South (yellow arrows on map). Stockmanship efforts will be focused on riparian areas. As use levels are reached or in early September (whichever comes first), livestock will be moved into the East and West Flat Use Areas.

When asked if the livestock permittees had anything additional to add, Pete Tomera indicated that when they remove livestock from the Trout Creek Use Area, they remove all livestock. Unfortunately, livestock have a tendency to drift back into the Trout Creek Use Area. Riders watch this area closely to prevent a potential trespass situation. It was noted

Distinct Livestock Operations in the Argenta Allotment

Dan and EddyAnn Filippini

Shawn and Angie Mariluch

Tomera Ranches

that considerable energy and money was spent in 2015 to address the straggler situation - energy and money that could have been used for other efforts.

CURRENT CONDITIONS RELATING TO AVAILABLE FORAGE AND SOIL CONDITIONS

A slide presentation was given displaying soil and vegetative conditions on the ground as of March 7, 2016. In summary, throughout the allotment, soil moisture conditions and plant growth are good for this time of year especially as compared to previous years. In short, the ground has been absorbing the winter and early spring moisture with soils being moist but firm. Vegetative growth varied by species but overall is progressing very well. Nothing about current plant or soil conditions would suggest that current conditions don't permit turnout on scheduled turnout areas. Conditions on the ground should support livestock turnout in the near future.

ACTION: Steve Leonard was asked to provide the photographs taken on the March 7th field tour to Sam Ault.

A question was asked as to the why some turnout dates are March 1 and others are March 15. It was explained that many factors come into play in determining livestock turnout. From a legal standpoint, most Grazing Term Permits begin on March 1. The livestock permittees are responsible for determining when on-the-ground conditions (soil moisture, vegetative growth, etc.) are appropriate for livestock turnout, which is normally done in coordination and consultation with BLM. From a workload perspective, BLM does not have the personnel to assess on-the-ground conditions throughout the district; therefore, must rely on the grazing permittees to determine when conditions are appropriate. In the Battle Mountain District, approximately half of the livestock grazing bills are issued on March 1 with the remaining being issued between March 15 and December 1. Other factors such as elevation, ecological sites, livestock management (branding, calving), etc., also play a role in determining when livestock should be turned out.

It was agreed to postpone the *Process for Providing Actual Use and Other Information Going Forward* and the *Status of Non-Signatory Permittees* discussions to later in the meeting.

Prior to initiating the Greater Sage-grouse update, a question was asked if the raw data from the October 2015 monitoring effort had been made available to the CMG as referenced in the CMG's November 2015 meeting minutes. Adam Cochran indicated that the data was made available to the CMG.

UPDATE ON GREATER SAGE-GROUSE REQUIREMENTS

Kathryn Dyer provided an overview of specific components of the Approved Greater Sage-grouse (GRSG) Resource Management Plan Amendment (Amendment) that apply to the livestock grazing program. Specific reference was made to Table 2-2 (Habitat Objectives for GRSG) from the Amendment.

In total, 23 livestock-specific management decisions are identified in the Amendment.⁸ A request was made to ensure that MD LG 1 (page 2-23) and MD LG 7 (page 2-25) be addressed in today's discussion. The information presented in Table 2.2 will be important not only in terms of the context of the Settlement Agreement but also during the permit renewal process.

Implementation training has been provided to BLM staff throughout Nevada addressing the decisions and actions outlined in the Amendment. An NDOW presentation given during the BLM staff training addressing seasonal Sage-grouse habitat objectives was provided to the CMG and is summarized below.

⁸ Beginning on page 2-3 of the *Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment*, which was signed by John Ruhs, Acting Nevada BLM State Director and James G. Kenna, California BLM State Director on September 15, 2015.

In developing the seasonal habitat objectives, several range-wide analyses were used as well as local site specific studies (collared birds, etc.) Within Nevada, there were 11 study sites that were used to establish habitat objectives that are specific the bird's needs within this area.

As depicted in Table 2.2, major components or attributes examined were cover, security, and food. Indicators of these attributes included sagebrush extent and cover, conifer encroachment, residual and live perennial grass cover, annual grass cover, and proximity to tall structures. Desired conditions for each major component were also described.

The Habitat Assessment Framework (HAF), used to determine if sage-grouse habitat needs are met, identifies four orders (or levels) where Order 1 is the largest (range-wide) and Order 4 (on-the-ground) is the smallest scale. The 3rd and 4th orders which identify leks, nesting habitat, brood rearing (upland and riparian), and winter habitat will be most pertinent to the Argenta allotment.

Scientific studies addressing different attributes at various levels of scale (Order 1 through Order 4) were used to develop the indicators and desired conditions outlined in Table 2-2. Attributes included (but were not limited to) sagebrush density, percentage of annual grass cover in nest sites, and conifer encroachment at the Order 1 level to the availability of sagebrush cover, pinyon or juniper cover, and proximity to tall structures (Orders 3 and 4). The number and complexity of scientific studies and publications addressed in the presentation were such that a detailed discussion of each is not feasible for these minutes. **ACTION:** Steve Foree was asked to contact Shawn Espinosa (author of the presentation) to determine if the presentation can be provided to the CMG.

During the presentation, a discussion ensued concerning the appropriateness of using PFC as a desired condition for brood rearing summer habitats in riparian areas. One point raised is that PFC, which is a hydrologic function, doesn't have anything to do with sage-grouse habitat requirements. One person noted that maintaining an intact riparian system does relate to habitat requirements. The assessment of PFC takes into account soil, vegetation, and hydrology as they relate to the physical integrity and functionality of the system. The primary reason for attaining PFC is to sustain forage, habitat, and water quality values. They are related but one does not necessarily equate to the other.

In discussion following the presentation, a question was asked concerning the relationship of tall willows in a riparian area and the bird's preference for using such habitat. It was noted that birds will use riparian areas with tall willows for shade and protection. It may not be a preferred habitat but the birds will use those areas.

It was noted that without confidence interval levels identified for the data presented, it is difficult to understand what the information really means.

A question was asked if there were plans to give similar presentation to livestock permittees in Nevada. It was noted that providing agency training was first priority and that there will be permittee training offered throughout the state in the future. Laura Van Riper noted that there have been internal BLM discussions to hold meetings with key stakeholders within each state to discuss policies, current efforts, etc. The target date for the key stakeholder meetings is April 2016.

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BLM LAND HEALTH STANDARDS AND GUIDELINES

As a result of the 1994 Rangeland Reform effort, in 1995, the BLM grazing regulations (43 Code of Federal Regulations (CFR) 4100 were revised to include subpart 4180 – Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.⁹

The fundamentals of rangeland health (43 CFR 4180.1) address the items below.

Fundamentals of Rangeland Health

Watersheds are properly functioning

Ecological processes (hydrologic cycle, nutrient cycle, energy flow) support healthy biotic populations and communities

Water quality meets state standards and meets BLM biological management objectives (e.g. clean water for fish)

Wildlife habitat is being restored or maintained for special status species (threatened/endangered, etc.)

Minimum standards required by 43 CFR 4180.2(d) to achieve rangeland health must include the items identified in the inset.

Livestock grazing guidelines address:

- Promoting adequate ground cover;
- Maintaining healthy soil physical and biological conditions;
- Maintaining or restoring riparian/wetland processes and functions;
- Maintaining healthy habitat for plants and animals; and,
- Promoting use of native species wherever possible (not exclusively) in vegetation restoration efforts.

Minimum Rangeland Health Standards

Watershed function

Nutrient quality and energy flow

Water Quality

Special Status Species

All other native species habitat

The grazing guidelines are general rules that, if followed, would be expected to achieve or establish a trend that is moving toward achieving the rangeland health standards.

While the 1995 grazing regulations established minimum requirements for rangeland health standards, local BLM Resource Advisory Councils (RAC) were charged with developing appropriate rangeland health standards and guidelines for their local areas. The RAC S&Gs were required to include the minimum requirements outlined in 43 CFR 4180 but could include other standards/guidelines as appropriate for their local area.

In Nevada, there are three RACs – Mojave-Southern Great Basin; Northeastern Great Basin; Sierra Front-Northwestern Great Basin – which developed S&Gs for their specific areas in 1997. The Argenta allotment falls under the S&Gs for the Northeastern Great Basin RAC. In 2001 and 2009, BLM's 4180 handbook and manual, respectively, were approved.

⁹ The 1995 grazing regulations remain in effect today.

Grazing regulations pertinent to the use of S&Gs include:

- 43 CFR 4130.3-1(c) – Permits and Leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part”.
- 43 CFR 4180.2(c) addresses in part that when a rangeland health assessment determines that (1) one (or more) standard(s) are not being met or making significant progress toward achieving that standard(s) and (2) livestock are determined to be a casual factor, appropriate action must be taken by the beginning of the next grazing year.

Table 2.2 does not change the 1997 Northeastern Great Basin rangeland health standards and guidelines, which apply to all species; not just the Greater Sage-grouse. Table 2.2 will provide a more uniform approach to assessing the standard for meeting sage-grouse habitat requirements through the land health assessment process. Using the information outlined in Table 2.2, the HAF will be used to determine if each sage-grouse seasonal habitat is suitable, marginal, or unsuitable.

A question was asked if there would be opportunity to modify or revised the information outlined in Table 2.2. There is a concern with using an arbitrary figure of 65% of the landscape in sagebrush cover when the area did not evolve that way. As an example, using the Land Fire model, it is possible to determine how much Lahontan Big Sagebrush should be in a canopy class from 0 to 10% that just burned. Determining what proportion of the landscape should be in that canopy class is dictated by how it evolved. In response, it was noted that the 65% figure will apply to ecological sites that are sagebrush dominate. In regards to the larger question of a site meeting or progressing toward achieving a standard, if a fire affects a site, it can still be determined to have been progressing toward achieving the standard. It is recognized that fire is a disturbance driver within the Great Basin. There will always be a mosaic pattern of disturbance across the landscape where some areas haven't been disturbed for a long time, others being recently disturbed, and others at some stage of recovery.

In the interest of time, the decision was made to stop the discussion associated with the need to revise information presented in Table 2.2. If necessary, a separate meeting to address sage-grouse and the permit renewal process can be scheduled. It is more important at this time to address (1) how the *Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment* affects the Settlement Agreement and (2) how the Settlement Agreement will respond to the Amendment. It was noted that the permittees should be more concerned with the fourth order level of scale where lek, nesting, brood rearing, riparian meadow, and winter standards are addressed on a site specific scale. It would be appropriate to have additional discussion relating to the various desired condition percentages when the permit renewal team visits various monitoring sites on the ground. **ACTION:** Identify an alternative venue and time for continuing the discussion associated with the various desired condition percentages outlined in Table 2.2.

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RESPONSE TO WWP NOVEMBER 17, 2015 COMMENT LETTER

On November 17, 2015, the WWP submitted a letter to the BLM¹⁰ identifying (1) recommendations for the Annual Review and Adaptive Management Process and (2) new obligations under the *Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment*.

Laura Van Riper read the following statements from the November 17th letter (below) that she would like the CMG to address.

“Separately, management provisions in the Sage-grouse RMP Amendment and Great Basin Record of Decision (ROD) require reductions of AUMs on each use area where allowable use levels were exceeded in 2015, regardless of any process under the Settlement Agreement”.

“Under MD LG 1, when “livestock management practices are determined to not be compatible with meeting ... achievable habitat objectives,” BLM must modify grazing. Amendment at 2-23. Specifically, MD LG 7 requires that “where post livestock removal use monitoring results in utilization levels that exceed allowable use levels ... reduce [AUMs] grazed the following year.” 2-25. AUMs cannot be applied to another pasture.”

MD LG 1: When livestock management practices are determined to not be compatible with meeting or making progress toward achievable habitat objectives following appropriate consultation, cooperation, and coordination, implement changes in grazing management through grazing authorization modifications, or allotment management plan implementation. Potential modifications include, but are not limited to, changes in:

- Season of timing of use;
- Numbers of livestock;
- Distribution of livestock use;
- Duration and/or level of use;
- Kind of livestock (e.g. cattle, sheep, horses or goats)(Briske et al.2011);
- Grazing schedules (including rest or deferment);
- Class of livestock;
- Grazing schedules (including rest or deferment); and,
- Making allotment unavailable to grazing.

It was noted that MD LG 1 is not new and refers directly to the permit renewal process. It is essentially the same as the existing rangeland health standards except that habitat objectives are now combined with the standards.

As noted above, MD LG 1 directly relates to the permit renewal process; therefore, it is not possible to address MD LG 1 until further in the permit renewal process, which will include data collection and analysis to determine if progress toward achieving habitat management objectives is being met. From a long-term perspective, it is important that the CMG to note the actions listed in MD LG 1 is not an all-inclusive list of actions that could be taken when standards are not being met or progress is not being made toward meeting standards which include not meeting or making progress towards meeting sage-grouse habitat objectives.

It was noted that the approach outlined in MD LG 1 is similar to the approach being taken under the Settlement Agreement. If a use level was not met, we are making adjustments in the grazing strategy to achieve a different effect the

¹⁰ The letter was addressed to John Ruhs, BLM Nevada State Director; Doug Furtado, Battle Mountain District Manager; and Mark Gonzalez, Argenta Project Lead on the NRST.

following year. A concern was raised that we're basing changes in grazing strategy to meet annual use indicators as opposed to meeting long-term objectives.

While we are currently operating under annual use indicators, a significant amount of time was spent in 2015 and will be spent in 2016 to stratify upland and riparian monitoring sites and collect baseline data to strategically position ourselves to effectively collect representative long-term trend data.

Actions taken or processes used under the Settlement Agreement are not in direct conflict with direction provided in sage-grouse Amendment. Implementation monitoring should not be used as a substitute for effectiveness monitoring in setting management objectives, assessing long-term conditions, compliance with 4180, etc.

A question was raised concerning where the information will come from for making the determination of meeting or making progress toward achieving rangeland health standards. In response, the information will be collected and analyzed through the permit renewal process. **ACTION:** When meeting with the permit renewal team, stress the importance of maintaining communication with the permittees in terms of the direction of the permit renewal analysis.

A commitment was made during the November 2015 CMG meeting that any information sent from the BMDO to the permit renewal team should also be provided to the CMG. CMG members indicated that they have not received any information that may have been sent to the permit renewal team. **ACTION:** Sam Ault will ensure the information previously sent to and any information sent to the permit renewal team in the future is shared with the CMG. Sam Ault indicated that the data organization for permit renewals is done by the permit renewal team. **ACTION:** When Laura Van Riper, Kathryn Dyer, and Sam Ault meet with the permit renewal team, they will stress the importance of sharing all information with CMG.

MG 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 the animal unit months (AUMs) grazing the following year accordingly. AUMs cannot be applied to another pasture that is already being used by livestock or is being purposely rested.

It was noted that the established utilization levels are not set to meet sage-grouse standards. As a precursor to MD LG 7, appropriate allowable utilization levels must be defined as described in MD LG 6.¹¹ If utilization levels have not been identified for sage-grouse in a given pasture, they cannot apply. The Settlement Agreement establishes utilization levels; however, those levels are not based on the appropriate level required for maintaining or improving sage-grouse habitat. Another point raised is that MD LG 7 requires livestock to be identified as a causal factor, which also hasn't been done.

It was noted that MD LG 6 falls under the first livestock grazing objective (LG 1) (inset) which as noted above hasn't been accomplished. The utilization levels outlined in the Settlement Agreement do not apply the way the Sage-Group RMP Amendment intended. BLM's Washington Office believes the utilization levels have been identified in the Settlement Agreement would apply in this instance.

A question was raised if the Argenta allotment lies entirely or partially with either a PHMA or GHMA. This question couldn't be answered until the latest map of PHMAs and GHMAs is obtained. **ACTION:**

Objective LG 1

Manage permitted livestock grazing to maintain and/or enhance PHMAs and GHMAs to meet or make progress towards meeting all GRSG life-cycle requirements and habitat objectives (Table 2.2), based on site potential.

¹¹ "Appropriate allowable utilization levels will be defined through the grazing permit renewal process. At least one alternative in the NEPA process will consider the utilization levels identified in MD LG 5."

Sam Ault will provide a map of PHMAs and GHMAs (in a .pdf format) as they apply to the Argenta allotment to the CMG.

It was noted that Appendix 1 of the Settlement Agreement is the tool to be used during the 3-year interim period to identify and implement necessary changes in the allotment's livestock grazing strategy; however, there is a disconnect between the Court-ordered Settlement Agreement and its processes and procedures and direction provided in the Sage-Grouse RMP Amendment. **PROPOSAL 1:** A proposal was made for the CMG to continue forward with the Settlement Agreement for the three-year period after which we should have the grazing permit renewal process completed. If necessary, MG LG 6 should be addressed at that time, if necessary.

One member of the CMG doesn't believe the actions being taken to change the 2016 livestock grazing strategy based on 2015 monitoring data is out of line with MD LG 7.

A point was raised that WWP was making an assumption that (1) the utilization levels established by the Settlement Agreement were exceeded (in some circumstances) and (2) the only acceptable action is a reduction in AUMs. Based on the CMG's discussion, it is believed the assumption made by WWP is incorrect. In addition, it was noted that under MD LG 1, reducing livestock AUMs is one option but there are several other options that could possibly be taken.

Based on the discussion to this point, two basic questions were raised:

1. Does MD LG 7 apply under the Settlement Agreement and the appropriate allowable utilization levels have not been defined through the permit renewal process?
2. If MD LG 7 were determined to apply under the Settlement Agreement, how are we not in compliance with MD LG 7?

A question was raised if the Sage-Grouse RMP Amendment automatically amended all Grazing Permits/Leases. In response, the amendment does not automatically amend the grazing permits and leases. Such an action requires a NEPA analysis.

Laura Van Riper appreciated the extent of this discussion as it meets the intent of Item 13.3 of the Settlement Agreement, which states (in part):

“... In the event that new laws, regulations or land-use plan amendments affect the implementation of this Agreement during the Interim Management Period, the Parties will meet and confer to determine its effect. If the Parties do not agree on how this affects the Agreement, any party may terminate this Agreement as to any use area(s) for which management actions under this Agreement would change at which time the BLM retains its authority to issue a new decision based upon the new law, new regulation, new land use plan amendment and/or new information at that time for such use area(s).”

The appellant parties who signed the Settlement Agreement were asked if they believe the Sage-Grouse RMP Amendment represents a change to the Settlement Agreement. Prior to receiving a response to that question, Sam Ault indicated that the Solicitor's office suggested that if the Settlement Agreement had been signed after the Sage-Grouse RMP Amendment was approved, the Amendment would be binding. Since the Settlement Agreement was signed before the RMP Amendment was approved, the CMG is not legally bound to follow the RMP Amendment; however, the Settlement Agreement does include (in Item 13.3) a provision where the CMG could voluntarily accept those parts of the RMP Amendment that were deemed to be appropriate. It will be important that the CMG have a discussion to determine if we would like to adopt parts of the RMP Amendment or continue forward under the Settlement Agreement as written.

PROPOSAL 2: One member of the CMG thought it would be prudent to adopt the RMP Amendment as the U. S. Fish & Wildlife Service will be reevaluating the process in five years to determine if the plan is working. Most of that 5-year period will have passed by the time the Argenta allotment completes the Settlement Agreement and permit renewal processes. It will be important to be in conformance with the RMP Amendment as much as possible to demonstrate progress and that the Amendment is effective.

Another member thought the Argenta allotment is already ahead of the process as we have a permit renewal effort scheduled. Without the Settlement Agreement, the allotment might not be a state priority for completing the permit renewal process.

If, in three years, progress toward meeting the rangeland health standards can be demonstrated, we will have met the intent and will be in a better position in 2017 and 2018.

A question was asked how such actions would be implemented without (1) getting out on the ground and (2) going through the permit renewal process. It was stressed that the Sage-Grouse RMP Amendment is in effect but hasn't changed the Grazing Permit or Lease until the permit renewal process has been completed. Although today's discussion addressing the permit renewal process isn't immediately applicable, it is important for the permittees to understand the process before we undertake that effort in the future.

One CMG member felt that if we begin addressing sage-grouse issues by adopting the Sage-Grouse RMP Amendment, we must adopt it in whole; not pick and choose the parts we like. Or, do what we can under the Settlement Agreement as written.

It was noted that a dispute has already been raised through the November 17th WWP letter, which must be addressed by the CMG. **ACTION:** One CMG member questioned if the WWP letter was a valid dispute, to which, Laura Van Riper indicated that NRST will have to discuss this concern further.

ACTION: The NRST will make a recommendation to John Sherve on two proposals outlined below:

- Continue forward with the Settlement Agreement as written for the three-year period after which we should have the grazing permit renewal process completed; or,
- Adopt and integrate the Sage-Grouse RMP Amendment into the CMG's implementation of the Settlement Agreement.

John Sherve will make a decision to accept the NRST recommendation or take another course of action. If there are disagreements with the John's decision, they will be handled through the dispute resolution process.

At the end of the discussion, Mark Gonzalez provided a brief summary of an article addressing annual use indicators. In summary, in 2004, the University of Idaho convened a Stubble Height Review Team, who issued several papers.

As a result of those papers, two things occurred:

1. Creation of the Multiple Indicator Monitoring for Streambanks and Rivers protocol, which stressed the importance of basing management actions on long-term indicators as compared to short-term (annual) indicators; and,
2. Served as the impetus for creating Appendix 1 of the Settlement Agreement.

Use of Appendix 1 will result in a consistent approach regardless if we adopt the Sage-Grouse RMP Amendment or not.

ACTION: Mark Gonzalez will send an electronic copy of the article addressing annual use indicators to the CMG on Monday, March 14.

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2015 MONITORING REVIEW

RECENT HISTORY OVERVIEW

Mark Gonzalez initiated the presentation by providing a brief history since the CMG's November 2015 meeting.

There was a public meeting scheduled to present the 2015 monitoring report but it was postponed to February 18, 2016. On February 12, 2016, discussions between the BMDO and the Nevada State Office resulted in a decision to cancel the meeting and, in its place, release a public report that discussed the main points of the Settlement Agreement including the 2015 monitoring results and the 2016 adjustments to livestock grazing. After release of the report, there will be a public comment period.

In anticipation of the January public meeting, Sarah Peterson and Mark Gonzalez prepared a write-up on the 2015 riparian monitoring effort and issues. Steve Leonard and Steve Cote, working with the livestock permittees, prepared a summary of the 2015 Stockmanship and outlined a discussion on the 2016 Stockmanship Plan. Sam Ault, Adam Cochran, and Kathryn Dyer prepared a summary of the 2015 upland monitoring efforts and issues.

Prior to the cancellation of the January public meeting, Mark had prepared a 15 to 20-page executive summary document which the public would have received at the public meeting. The Executive Summary was shared with the BMDO who created a more comprehensive report. On February 19, representatives from the BMDO met with Kathryn Dyer and Mark Gonzalez at the Nevada State Office and, sometime during that time frame, the BMDO District Manager asked the NRST to complete the 2015 Monitoring Report. The intent was for the NRST to make their recommendations in the report.

The NRST received feedback from Bob Schweigert and Jack Alexander on the 2015 monitoring report.¹² When the decision was made on February 12 to replace the public meeting with a public report, there were two time-sensitive actions that must happen. First, there was a perception based on an e-mail that the grazing application process was going to be tied to a 30-day public comment period, which given the date (February 12) and the scheduled turn-out dates (early March) would be difficult. Secondly, there was an intent to comply with the Settlement Agreement which required a public meeting be held in either January or February. Had the public report been released on February 29, 2016, there would have been a 7-day comment period prior to this meeting where the comments were to have been reviewed and the 2016 Stockmanship Plan finalized. When the decision was made to release a report, the assumption was made that the report must be released in February. Now that one or both of those actions have either transpired or are no longer relevant, the CMG will need to identify other avenues to (1) finalize and release the final report and (2) finalize the 2016 Stockmanship Plan.

A comment was made that the public is waiting for the final report and that it should be released as soon as possible. It was noted that a 15-day comment period will follow release of the public report.

UPLAND MONITORING DATA

CONFIDENCE INTERVALS

Mark Gonzalez provided an overview of the 2015 utilization of herbaceous species by use area. Of interest in the graph presented to the CMG, were the four Key Management Areas (KMAs) in the Lewis, Slaven, Sansinena, and Trout Creek Use Areas where the parameter estimates were above the 40% threshold level as was the bottom of the 95% Confidence Level interval. From a statistical standpoint, when the confidence interval and the parameter estimate both exceed the utilization limit that is interpreted as exceeding the utilization limit. Under the Settlement Agreement, the Appendix 1

¹² The feedback received on the report was shared with the CMG.

process must be used to address the overutilization of those KMAs, which was done as discussed earlier for the 2016 Stockmanship Plan where many of the livestock move dates, defined deferment dates, etc., were tied to these four use areas.

In six use areas,¹³ the top of the blue line (parameter estimate) exceeded or came close to the utilization limit and the top or bottom of the confidence interval limit straddled the utilization limit. Following the guidance provided in BLM technical references and statistical interpretations of confidence intervals, those use areas are considered that have not exceeded the utilization limit. This determination does not necessarily trigger the need to follow the Appendix 1 process; however, we (as a group) do not want to see the successes of the 2015 grazing season become failures in 2016. Mark indicated that in the final report these six sites are identified as requiring a rigorous, frequent, well defined within season monitoring program. What that monitoring program will look like will require further discussion; however, Mark is recommending monitoring begin 30 days after livestock turnout. If utilization levels remain in the slight utilization category, a second monitoring check could be made 30 days later. If the first monitoring results depict movement toward the light utilization category, the time interval for the second monitoring check should be reduced to 14 days. If data indicates livestock use is approaching the 40% use level, a decision will have to be made to either schedule the next monitoring visit in 7 days or begin scheduling a movement of livestock.

The CMG will need to discuss how to articulate a well-structured monitoring approach that alerts the range manager that other range management or livestock distribution actions may be necessary to extend the life of that particular use area.

There were four remaining use areas¹⁴ where the 2015 utilization levels as well as the 95% confidence interval levels were well below the maximum utilization level.

A 2007 Interior Board of Land Appeals (IBLA) decision was distributed to the CMG that might have implications on data interpretation where averaging of the data was used. A copy of the decision was distributed to the CMG. In summary, there were differing opinions on what BLM did for quantifying utilization as compared to the range consultant's process. The issue involved averaging utilization across multiple key species. At this point in the discussion, a question was asked if other lawsuits addressing the averaging of key species were going to be discussed today. If other cases are not going to be discussed, the CMG member did not want to discuss this case any further.

This issue addresses the methodology chosen by the CMG to address utilization of key species. The intent of today's discussion was to raise the issue for the CMG's consideration; not to get into a legal debate. **PROPOSAL 1:** A proposal was made to have the BLM makes its case based on the 2007 IBLA decision and then allow the NRST to review all of the pertinent background and information available in making its recommendation. **PROPOSAL 2:** If Proposal 1 was not acceptable to the CMG, an alternative approach would be to discontinue further discussion today, note the record that the IBLA decision was given to the CMG with a concern with averaging utilization across key species, and allow NRST to make its recommendation.

BLM was asked to express their concerns without making reference to the IBLA case. In summary, BLM concerns with averaging centers around the phonological differences between species. Averaging utilization across several key species may introduce a potential problem of palatable species being grazed heavier than less palatable species thus bringing their average down and weighting them down to a lower utilization level.

Another CMG member raised a concern where a key species are not representative of the use area. The example provided was the use of Crested Wheatgrass as a key species, which only received three hits when utilization studies were conducted. It was noted that species with low encounters were not considered when averaging the utilization across more

¹³ Horse Haven, North Fork, Mill Creek, Whirlwind Valley, Maysville South and East Flat.

¹⁴ Mule Canyon, South Fork, Indian Creek, and Maysville North.

than one key species. There was another situation where miles of walking were required to record a sufficient number of hits on a particular key species. In that case, it appears the key species is not a representative species in that use area.

A suggestion was made that the KMA may not be appropriate. It was noted that the discussion initiated last year concerning the appropriateness of KMAs was to be continued this year. A question was raised if this was the appropriate time to continue that discussion.

A CMG member indicated that she didn't believe addressing the averaging of utilization across several key species is a major issue in terms of the 3-year Settlement Agreement period but will be important in terms of the approach over the long term (beyond the Settlement Agreement.) We currently have the use data by species which will be used through the permit renewal process and in developing long term objectives. It is important the CMG understand that actions permissible under the Settlement Agreement may not be permissible as we transition through the permit renewal process to the longer term.

In response to the concern raised by BLM in relation to species palatability, this issue was discussed in the field last fall and again in the office. If the key species are selected in accordance with technical references, they should be appropriate. Key species should not be selected onsite in the field. Key species should be selected when the KMA is established and should be tied to the objectives for that KMA. When the key species are tied to the KMA objectives that should be the appropriate time to discuss and agree upon how the data will be interpreted.

It was noted again that we're not losing the individual species data and if we observed a downward trend in those key species as a result of excessive utilization we would have that data. BLM noted that the Settlement Agreement prohibits the averaging of herbaceous species with woody species but the permittees and their consultants believe averaging of key species is permissible under the Settlement Agreement.

A question was asked as to the difference between averaging and not averaging. There were two sites¹⁵ monitored in 2015 where averaging made the difference between the utilization use level being met or not met.

While discussing the utilization data displayed on page 25 of the final report for the Maysville South Use Area, it was noted that an outstanding 2015 issue was the need to field verify curves that have potential issues.

A recommendation was made that the CMG use the language as stated in the Settlement Agreement. For example, the language used in the Settlement Agreement describes utilization as met or not met; not pass or fail as has been used several times today.

A question was raised as to how a site could be determined to have not met the use level when two key species met the level and only one species did not meet the level. A BLM member of the CMG indicated that the language in the Settlement Agreement addressing averaging of species is vague. It was noted that the averaging of species utilization has not been seen before. It is important to retain the individual species information. If we know the phenology of the plants, their ecology, and their seasonal preference by livestock; we can use stockmanship tools to defer certain seasons of use to ensure a single species is not over utilized. When you have multiple key species, you should not manage livestock based upon their preference for a single species. The Settlement Agreement indicates that management decisions should be based on the utilization of the site. It does not make reference to removing livestock when the use level of a single species is exceeded.

Annual use data is not going to help with the long-term management of the Argenta allotment. The CMG must move toward establishing long-term objectives and a management plan that speaks to those objectives.

¹⁵ Maysville South Use Area for ACH7 and North Fork Use Area for Mountain Brome.

A question was asked if BLM's reluctance to use averaging utilization across species is an effort to fail more use areas or is there a scientific or legal reason. It was noted that there are different science and legal interpretations on this issue. A question was asked if the subject was raised due to a scientific reason. It was explained that often legal precedence become de facto BLM policy to some degree; therefore, it is important that decisions made by the CMG are scientifically sound and follow BLM policy and legal precedence.

Adam Cochran noted that with the open pastures where there is a limited ability to manage livestock there is a need to manage to the limiting factor. He has repeatedly raised this point from the beginning of discussions on this issue. In this case, the limiting factor will be that specie that is the most heavily used. Utilization (a short-term indicator) at a light level, according to the science, should result in improvement over time. Discussions with the author of BLM's technical reference found that by averaging species or averaging different sites you're masking the utilization on the limiting factor. This approach is typical across the BLM and is used throughout the Battle Mountain district.

Shawn Mariluch responded to the point raised by Adam that this concern was been raised since discussions on the issue began. Mr. Mariluch indicated that the first time they collected utilization data on the Sansinena Use Area they were told it would be an average of all key species. When they received the report, it identified one species did not meet the maximum utilization level, which was not the way it was explained to them in the field.

It was noted that the author referenced by Adam was John Willoughby who helped develop the California S&Gs, which allow averaging across key species. Under those standards, if utilization levels are exceeded three out of five years, adjustments in livestock grazing use must be made. The approach being suggested by BLM does not have a scientific basis and is merely a threat hanging over the permittees head.

BLM indicated that there is a perception from some sectors of the public such as WWP that the agency is using every approach possible to demonstrate the utilization level is being met - averaging the utilization, using the most forgiving level of the confidence intervals, averaging key areas, etc. It is important that we're transparent and share the data with the public but when it comes to making a determination, the Settlement Agreement says we'll assign an overall allotment success and that BLM needs to be very open, honest, and neutral in its approach.

One member indicated that there are a number of different factors affecting the discussion. First, there are no long term objectives. Secondly, if there are species being consistently overgrazed that is different than a one-year met or not met determination. Long term monitoring is required to determine if there is a trend of consistent over or under use. Considering the number of issues being addressed and only one year of data, it is difficult to determine if averaging utilization across species is good, bad, or indifferent. It isn't possible to tell if a species is consistently over or under grazed with the information we have at this time.

A concern was raised with the appearance that the BLM is "cherry picking" the various legal cases available to support their opinion. Shouldn't the Solicitor be asked if BLM's position would be supported based on a review of all legal precedence?

It was noted that this same issue was brought up in litigation on the Cottonwood allotment, which is also within the BMDO. The discussion at that time found that you cannot average individual readings across two species but if you have a single incident of a reading in excess of the guideline then you fail to meet the allowed utilization level.

A concern was expressed with the statement made by BLM that the literature supports the BMDO's approach and that it is used all across the BLM. It would be very difficult to find literature addressing utilization based on the "limiting factor" theory.

The utilization paper out of Idaho referenced earlier in the discussion addressed this issue quite thoroughly and concluded that this is one of the misuses of utilization. There appears to be a notion that we are "cheating" by using confidence intervals, however technical references recommend the use of confidence intervals when evaluating data.

It was agreed that there is not a formal dispute associated with the averaging of utilization across species but there is significant disagreement within the CMG. A recommendation was made to have a formal dispute prepared which can then be vetted through the Appendix 1 process.

There is hesitancy by some members of the CMG to enter into the formal dispute process as there have been instances in the past where the BMDO continued to informally raise several disputes without resolution, and when pushed to submit a formal dispute resolution, the result was a Congressional request asking why there are disputes within the BLM. The intent of this group is to revolve questions or issue when they arise. While it is obvious that there is disagreement on this issue, initiation of the formal dispute process at this time may not be necessary. Instead of filing a formal dispute, a suggestion was made to have the NRST to take time to consider the discussion that occurred, research the literature, and make a recommendation, which, if there is disagreement, could trigger the formal dispute process.

A question was raised that there were at least two use areas that would not have met the maximum use level target had averaging of use across species had not been used. In response, the Settlement Agreement was established with the intent that there would be improvement from one year to the next. Had there been more use areas that exceeded the maximum use level, the same actions would have applied. Using the process outlined in Appendix 1, a strategy is developed for the following year that addresses the issues identified in the previous year. It doesn't matter if two use areas failed to meet the use level and the remaining areas were successful in meeting the level. We would address why the two areas failed to meet the standard and make appropriate changes in the next year's stockmanship plan.

A member of the CMG indicated that resolving this issue before the start of the 2016 grazing season is important when making decisions as to when livestock need to be moved from one area to the next. In response, it was noted that based on the discussions today, it is hard to rationalize making decision based on a single species when we don't have the appropriate information to establish viable long term objectives that provide the rationale to focus on a single species. It is hard to believe that the CMG will change their minds on this issue.

Mark Gonzalez noted that we appear to be chasing a "red herring" that is side tracking the CMG from more important objectives. There is much work that must be backtracked, which is why the integrated management process – a systematic way of going through the process – was introduced at the November 2015 meeting (also presented at the April meeting). One reason that he did not object to the collection of annual use data is that it allowed an opportunity to engage the dispute resolution process to revisit some of the monitoring sites that might not be in the right location. That process identified other points that should be addressed to determine a site's suitability as well as providing an opportunity to work out the "kinks" in the monitoring methods. A very ambitious schedule has been calendared out for 2016, which starts with going back to the beginning of the integrated management process and using an systematic approach to collect the data so for the first time there will be management objectives that we can work towards. When we reach that point at the end of 2016, that's when we'll be able to show species composition is an issue based on long-term data; not annual use data. The Settlement Agreement is clear that we need to have a long-term plan, which is where we will make the most progress in moving the process forward. Mark believes the upland utilization issues will resolve themselves once we begin to address riparian issues, which is the "big elephant" in the room.

It was noted that whenever you have two parties who disagree and a third party "expert", generally, the party whose science is supported by the third party will be satisfied and the other party will accuse the third party of being biased. Recognizing that there is disagreement within the CMG over this issue and there is a lack of trust, the only avenue to resolution is to have processes in place that allow us to move forward.

Sam Ault indicated that the Mount Lewis Field Office has expressed its concerns with averaging across species and appreciated hearing the rationale expressed by those favoring the use of averaging across species. The field office will stick with the NRST's suggestion on averaging across species. The NRST provides the field office with direction and will take their recommendation.

Mark Gonzalez indicated that he will read the 2007 IBLA decision but it is important to understand that there are other situations that went in other directions. There must be a nuance in the decision that will be important in understanding how this particular case is different than the other cases.

Before leaving the upland monitoring discussion, a question was asked why there was an insufficient frequency in plant species and these numbers were included in the report. It is inappropriate to include such information, which could lead the reader to an incorrect conclusion. The example provided addressed Letterman's Needlegrass in the North Creek of Mill Creek, which appears to have received heavy to severe use when it did not. That is a statistically incorrect reporting of numbers that have no bearing. In response, it was indicated that they were included in the report merely to document their presence. From a statistical standpoint, the points raised are valid. When averaging species together, those species were not integrated into those calculations. Only those species with a frequency greater than ten were included in the key area average. In response, it was noted that including such figures in the report creates confusion and a biased representation that is not statistically appropriate for inclusion into the report.

Another member of the CMG agreed that if there isn't an adequate sample size it would be more appropriate to document that a measurement had been taken; however, a statistically appropriate sample size was not obtained and not report the numbers.

Two options were suggested to address this issue – (1) remove the number and reference that there was an inadequate sample or (2) remove the species and information from the table.

BLM indicated that the material had been consolidated in a very short time period and that an effort was made to ensure a notation addressing the insufficient sample size per these species was made on each page.

A suggestion was made that the species could be included in the summary but the data should not be included as it was insignificant.

DECISION: The decision was made to remove all reference to the utilization figures and reference where there was an inadequate sample size.

RIPARIAN MONITORING DATA

Data addressing browsing on key woody riparian species was presented for four DMAs.¹⁶ There was browsing of key woody riparian species on two additional DMAs;¹⁷ however, there wasn't a sufficient sample size to include in the data in the report.

A criterion considered in selecting the DMA sites was stubble height, which required open areas within the riparian area. Areas with heavy willow growth throughout the riparian area were not considered. Some DMAs did not have areas with openings; therefore, there wasn't data to report.

It was noted that Table 22 (page 33) of the report included Corral Creek and Trout Creek which did not have a sufficient sample size and should be removed.

Woody riparian browse plants were present in sufficient numbers at 4 of 11 DMAs. At the 4 DMAs, the woody browse level ranged from 62% to 77%, which exceeded the annual woody browse level of 30%. There are two main reasons for the heavy browse on woody species. First, there is a seasonal phenomenon where later in the grazing season the palatability of forage in the upland areas decreases resulting in a change of dietary preference to woody riparian species. Secondly, in the summer or hot season, there isn't necessarily a shift in forage preference but a change in the quantity of desired (herbaceous) forage resulting in increased use of woody browse species. On average, when the height of herbaceous species is below four inches, livestock shift to consuming woody riparian species.

¹⁶ Harry Canyon, Indian Creek, Ferris Creek, and Crippen Creek.

¹⁷ Corral Creek and Trout Creek.

It was suggested that as long as there is adequate herbaceous forage (more than four inches in height) in riparian areas during the active growing season, it may not be necessary to conduct woody browse species monitoring. From an efficiency standpoint, it is suggested that measuring stubble height on sites every 30 days and once a trigger is reached, begin monitoring on a 14-day period, and, then, at another trigger or threshold, go to a 7-day monitoring period. Collection of browse data on woody riparian species at the end of the season is still critical.

There are ecological and functionality reasons for maintaining a four inch stubble height on herbaceous species in riparian areas. The 4-inch stubble height is a guideline; not a standard as some systems required more and some less depending on the other factors that provide armor cover for the system.

More specific to the Argenta allotment, the Fire Creek Use Area did very well while there were issues in Corral Creek and Indian Creek with the confidence intervals. It was noted that the Fire Creek Use Area met the riparian stubble height requirement but for the wrong reason. In the riparian areas, Spikerush (*Eleocharis palustris*) grew early in the season and was the single key species that provided the height at this DMA. In the spring, water was probably abundant in this section resulting in good growth. When the water subsided, Spikerush plants dried to a broom consistency, which was undesirable to livestock.

Future discussions addressing site selection should address the possibility of using a perennial site or determine if this year was an anomaly because we are in the fourth year of a drought.

On the other DMA sites, the stubble height was low. Based on Mark's experience and the species on which stubble height measurements were taken, there appears to be a shift in plant composition in the riparian area inferring that this is not a one-year phenomenon. It appears that many of the desirable sedge species have been lost and the community has shifted to early seral or disturbance species such as Red Top (*Agrostis gigantea*).

Warm season deferment is a panacea for this issue. Livestock will not use deep canyons in the cool season as temperatures in these areas are lower and more desirable, green vegetation is available in the uplands. Conditions in the hot season are different, which was noted in the 2015 Stockmanship presentation, resulting in recommendations for moving livestock in early to mid-July in several use areas in the 2016 Stockmanship Plan.

Given the stubble height measurements fell well below the 4-inch limit, it is recommended that an within-season riparian monitoring program be established for 2016. The rangeland consultants and/or their staff are welcome to participate in the collection of within-season riparian monitoring data, which is scheduled for May. It was noted that the NRST will be conducting Multiple Indicator Monitoring (MIM) training in Winnemucca, Nevada from August 8 – 12, 2016. In addition, there will be a riparian grazing course conducted in Ely, Nevada from July 26 – 28, 2016, which is geared toward the permittee/agency cooperative approach.

A question was asked why the Fire Creek Use Area was so good in 2015. Shawn Mariluch indicated that the livestock went into the use area early and were removed early. The upland areas were very close to or exceed the maximum utilization level as there was a concentrated effort to keep the livestock out of the riparian areas.

A question was made if it was necessary to review the comments submitted by Bob Schweigert and Jack Alexander on the draft 2015 monitoring report. Jack Alexander indicated that his comments were self-explanatory and did not need to be reviewed. Bob Schweigert indicated that he felt strongly that his comments should be incorporated. If the NRST decided to not incorporate the comments, the comments will as least on record. Bob would like to see a clean report where rangeland health type statements are not included.

A concern was raised about the use of shad scale (*Atriplex confertifolia*) or squirreltail (*Elymus elymoides*) which were not appropriate in the ecological site. It was noted that this issue appears to be a remnant of a past problem where site selection was not based on ecological site descriptions and not was vetted through the CMG. In addition, the document applies long-term health assessment descriptions to short-term utilization monitoring data in a public format, which is not scientifically appropriate.

In addition to the comments received from Bob Schweigert and Jack Alexander, there were comments received from WWP that were addressed later in the meeting.

While the confidence interval presentation was being brought up on the computer, Laura Van Riper indicated that the 2015 monitoring report will need to be posted on the Internet in the near future. Once the report is released, the public will raise questions such as how the 2016 Stockmanship Plan addresses sage-grouse that (1) could be included in the report at this time thus delaying its release or (2) releasing a draft report, respond to questions when they are raised through the public comment period, and release a final report at a later date. A suggestion was made to complete a quick review of the report as currently written redlining unsubstantiated information and/or information that people feel strongly is not appropriate for the report. If that approach is taken, there would be opportunity to reinsert information at a later date if appropriate (i.e., information is substantiated, etc.)

DECISION: The 2015 Monitoring report will be released for public review in a draft format. Following the public comment period, the CMG will have opportunity to review and comment on the revised document (based on public comment) after which the final 2015 Monitoring report will be completed.

Mark Gonzalez indicated that he had not read the comments in detail but felt that they were not substantive. It would be worth the time now as they would improve the quality of the report without a large investment of time. An informal decision was made to not accept the suggestion to redline the document at this time but to incorporate the comments that have been received from Bob Schweigert and Jack Alexander.

CONFIDENCE INTERVALS (CONTINUED)

The following discussion on confidence intervals is a continuation of the discussion that occurred earlier in the day.

Section 3.6 of the Settlement Agreement outlines End of Season indices and use levels (Attachment 5). Key components of Section 3.6 pertinent to this discussion are highlight in the inset.

It was noted that all key herbaceous species in ripian areas will be averaged to determine maximum use level, which is specifically addressed in the MIM protocol.

The inter-agency technical reference TR 1734-3 (Coulloudon et al. 1996, p. 133) describes confidence interval as “In rangeland monitoring, the true population total (or any other true population parameter) can never be determined. The best way to judge how well as sample estimates the true population total is by calculating a confidence interval. The confidence interval is a range of values that is expected to include the true population size (or any other parameter of interest, often as an average) a given percentage of the time (Krebs 1989). Confidence intervals are the principal means of analyzing utilization data.”

The “true population” can only be determined if you have a complete inventory and measurement of every single plant in the sample area, which is impossible to do. Somehow, WWP believes that the number being generated is somehow a hard and fast “true” number or parameter, which, in reality, is a parameter estimate.

The best way a sample estimates the true population or parameter is by calculating the confidence interval. The confidence interval is a range of values that is expected to include the true population size. Confidence intervals are the principal means of analyzing utilization data. A parameter estimate should not be treated as a true population parameter. The parameter estimate is only meaningful when the confidence intervals are included. The estimated parameter with the confidence interval indicates that within a certain probability we have the true parameter.

Factors affecting confidence intervals include sample size, measurement precision, variability of measurements, natural/environmental variability (site variability), observer bias, degree of confidence desired, and statistical power. Examples of how the factors affect confidence intervals were discussed but not included in the minutes.

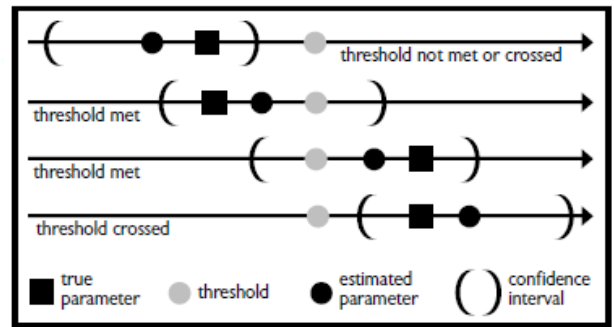
Key Components for Section 3.6 Pertinent to Confidence Interval Discussion

... Will be light use, i.e... 40% use for key herbaceous species, as measured at Key Areas.

For riparian areas will be ... 4” stubble height on all key herbaceous species as measured at DMAs.

Using information from BLM Technical Reference 1730-1 (Elzinga et al.) – Measuring and Monitoring Plant Populations - the relationship between true parameters, estimated parameters, and confidence intervals or the interpretation of confidence intervals was explained.

In the inset, the true parameter is depicted as a black box for illustration purposes only. In reality, the location of the true population is never known. Confidence intervals are calculated using the MIM protocol, which has a default confidence level of 95%. The 95% confidence level is used for upland sites as well unless there is a reason to change that figure. Given the factors that affect confidence intervals, we can say that we are 95% confident that the value we monitored (estimated parameter) lies between the low and high end of the confidence interval range. Without confidence intervals, conclusions cannot be made.



A summary of how each of the examples either met or did not meet the threshold level was discussed (inset.) In the top example, both the estimated parameter, the true parameter, and the confidence interval fall below the threshold so it is easy to determine that we're 95% confident that the threshold was not met or crossed. The same logic applies to the bottom example where the estimated parameter, true parameter, and the confidence interval all fall above the threshold. In this case, we're 95% confident that the threshold was exceeded. It is more difficult when the threshold spans the confidence interval as depicted in the middle two examples. This type of situations have been customarily treated as having met the standard in the agency technical references.

As mentioned earlier in the meeting, the CMG should use terms outlined in the Settlement Agreement (i.e., met/not met versus pass/fail). A suggestion was made modify the 2015 monitoring report to ensure consistency with the language used in the Settlement Agreement. It was also noted that the diagram (inset) could also be used in the monitoring report as long as the top example was modified to replace the term "threshold not met or crossed" with "threshold met".

ACTION: Mark Gonzalez will modify the 2015 monitoring report to ensure consistency with language used in the Settlement Agreement. It was also noted that a footnote should be included to define the term "met".

It was noted that in these areas we cannot conclusively state that the threshold level wasn't exceeded. A suggestion was made to indicate that we're quantifying making improvements on the sites. It was noted that when the confidence level spans the threshold, the sites are essentially the same as those that exceeded the threshold in the sense that the following years within-season monitoring must be equally vigilant at those sites to ensure the site doesn't move from a met to not met in subsequent years. It was also noted during the discussion that approach is consistent with the overall allotment success, which is defined in Section 3.12 of the Settlement Agreement. Another point raised in the discussion addressed language in Section 6.10 (End of year assessment & adaptive management) which states (in part) ... If end of season use levels are exceeded two years in a row, the NRST and BLM will consider whether the Use Area needs to be rested the following year.

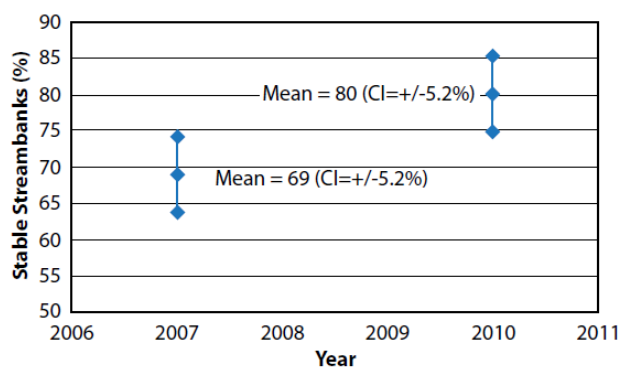


Figure F1. Detecting change through time using 95 percent confidence intervals (CI) from table F7. Change here would be significant given that both intervals do not overlap.

In his presentation, Mark indicated that from a long-term perspective a site would be found to display a positive trend when the confidence intervals do not overlap (inset). If monitoring data collected in 2010 in the example indicated a mean of 72 with the same confidence interval as used in the 2007, you could not state an upward trend is being observed.

Within the agencies, we must abide by the principals of statistics, technical references, etc., which is the most honest way to interpretate and portray monitoring data.

As mentioned earlier, MIM was created as a result of problems with stubble height and the need for something more than a single use indicator. Reference was made from Technical Reference 1737-23 which states “With respect to compliance, for example, if the stubble height allowable use criterion is 4 inches and the precision of the measurement is 0.96 inches, an observation of 3.6 inches would not imply that the criterion was exceeded” (Burton et al. 2011, p. 120). This is an ongoing battle learned one district at a time.

The following statement from the University of Idaho Stubble Height Review team was reviewed.

“Precision of data sampling must also be taken into account. For example, samples that do not have the sensitivity to detect means within ½ inch, may not be able to differentiate between 3½ and 4 inches of stubble height.” (University of Idaho Stubble Height Review Team 2004, p. 10).

There were two use areas that we struggled with – Indian Creek at 3.7 ± 0.6 inches and Corral Creek at 3.7 ± 0.65 inches.

Mark appreciates the feedback he receives from the CMG, which allows him to understand and better address the outstanding issues within the CMG.

Comments received expressed a concern with tying annual use measurements to condition. If the physical condition on the ground is sustainable then the family operation is sustainable. Rangeland literature will not support the notion that annual use data (such as stubble height) serves as an objective. Annual use data is also not a reflection of condition as the annual variability is too great. It is important to differentiate between implementation monitoring (annual use monitoring) and effectiveness monitoring. Implementation monitoring addresses the question if the livestock grazing went the way we expected.

In summary, when dealing with statistics it is important to understand the limitation of the number. The parameter estimate is never a true parameter. BLM technical references serve as our guiding documents as to how we conduct business.

ACTION: Mark Gonzalez will send an electronic copy of the *Annual Use Indicators* power point presentation to the CMG.

DAY 2 – MARCH 10, 2016

REVIEW OF FEBRUARY 25, 2016 REPORT (CONTINUED)

COMMENTS ON FEBRUARY 25, 2016 REPORT

INTERMOUNTAIN RANGE CONSULTANTS & SYNERGY RESOURCE SOLUTIONS, INC.

As referenced in yesterday’s discussion, comments were received from Bob Schweigert and Jack Alexander on the February 25, 2016, report. While there were many editorial or minor editing comments, there were some substantive comments that need to be addressed.

Bob Schweigert was asked to identify the substantive comments that he would like to have addressed today.

- **BACKGROUND SECTION:** The first area raised involved language addressing rangeland health assessments, trend statement, ecological site descriptions, trend discussions, departures from expected, drawing conclusions, or anything that did not address the purpose of being in the field (actual use measurements) should be removed from the various individual use area background sections in the report as well as in the Field Observation and Summary sections.

In response, it was suggested the site location information which is provided in terms of their Universal Transverse Mercator (UTM) coordinates should be retained in the report. There was a concern with retaining the UTMs as not all sites had their UTM coordinates identified in the report.

For the purpose of the monitoring report, it would be appropriate to identify the species that were present, species that were monitored, and the monitoring results (data).

It was agreed that the Field Observation section could be retained in the report as long as the observations are general in nature. The example used was the East Flat Use Area. The items should be removed as there has not been a rangeland health assessment, the actions associated with such an assessment haven't been completed, and we aren't monitoring for long-term trend.

DECISION: It was agreed to (1) remove any information not associated with annual use from the document, (2) in the Field Observation sections it is appropriate to identify the species that were present or identified, the key species measured, and in the appropriate tables, report the data on those measurements and for those species as identified as having an insufficient sample size, it is appropriate to indicate the frequency or number measured noting that there was an insufficient sample size but not calculate the utilization number; (2) visual observations may be recorded but don't include interpretations tied to a specific Ecological Site description; and (3) ensure UTM information is identified for all sites and retain that information in the report. When there are multiple species, the average utilization figure will be included.

- **SUMMARY SECTIONS**

- General: A recommendation was made to ensure the language used in the report is consistent with the language used in the Settlement Agreement (e.g. met/not met, indices, utilization levels). As appropriate, definitions for those terms should be included in the report. Change the terminology of pass/fail to met/not met, where appropriate. Limit the narrative to what was found and measured.

- Confidence Interval Language: Additional language to be added to the document is provided below:

“When recognizing the suitability of a site, appropriate language to be included would be “monitoring data indicated with a 95% confidence interval level actual use indices and utilization level met the Settlement Agreement. Because part of this range is below the 40% allowable level, the monitoring data is interpreted as being within the allowable level.”

Language will be added addressing the need to be vigilant with within-season monitoring.

- Riparian Monitoring: After a lengthy discussion, the language provided below was approved for inclusion into the 2015 monitoring report. It was stressed that the language will serve as a guideline that may be adjusted to local livestock (large versus small herds, etc.), climatic (temporal) conditions, etc.

Riparian Monitoring – Stubble Height: Monitor on a monthly (30 day) frequency until a stubble height of 5 inches is identified at which time the monitoring frequency will reduce to 7 days. Once a stubble height of 4½ inches is reached, a livestock move should be scheduled.

There will be a need for frequent and clear communication between individuals completing the within-season monitoring and those responsible for managing the livestock so that appropriate livestock management tools (i.e., movement of low

moisture supplement blocks, water haul sites, stockmanship, etc.) can be implemented.

In the discussion, it was noted that the livestock permittees (or their contractors) are responsible for conducting the within-season monitoring; however, as much as possible, BLM should participate in that monitoring. It was noted that this monitoring should be completed on the DMAs; however, visual observations should be used to evaluate conditions at non-DMA areas. Involvement of the new Rangeland Management Specialist assigned to the permit renewal team but physically located in the BMDO in the within-season monitoring efforts needs to be a priority for this individual. **ACTION:** Sam Ault and Kathryn Dyer will discuss the priority for Joseph May's involvement in the within-season monitoring efforts with Jake Vialpando.

- Upland Monitoring: After a short discussion the following language was agreed to be included in the 2015 Monitoring report.

Upland Monitoring: Monitor on a monthly (30 day) basis until a 20% utilization level is achieved at which time the monitoring frequency will be reduced to 14 days. When a 30% utilization level is reached, schedule a move.

It was agreed the utilization level on upland sites will be calculated using an average of all key species on that site.

A question was asked in relation to addressing Crested Wheatgrass (*Agropyron cristatum*) utilization. It was suggested that utilization of Crested Wheatgrass be discussed in the CMG Technical Subgroup when they discuss stratification, appropriateness of existing KMAs, etc.¹⁸ Background information on Crested Wheatgrass was presented but is not summarized in these minutes.

- **REPORT CLARITY:** A suggestion was made to improve the clarity of the report for the average lay person by including an acronym list or a glossary as well as an extra column depicting the specie common name. A separate suggestion was made to only use the specie common names in the document. It was agreed that the draft document would be released to the public on Monday so there isn't sufficient time to make all of the recommended changes. It will be possible to incorporate some recommendations as the final document is prepared.

There were no other changes recommended for the 2015 Monitoring report.

¹⁸ The CMG Technical Subgroup was established in August, 2015, to address different technical issues (ecological site, identification of KMA sites, etc.) Any member of the CMG is welcome to participate in the Subgroup meetings. Recommendations from the Subgroup will be presented to the CMG, as appropriate.

It was noted that during yesterday's Sage-grouse discussion, a suggestion was made to adopt part of the Sage-grouse RMP amendment, which was discussed between a few CMG members after the meeting concluded. During that conversation, it was agreed that the CMG is moving toward implementing some of those actions; therefore, it was agreed that:

- The Stockmanship report should address those actions that are being taken in 2016 that will improve conditions for sage-grouse. **ACTION:** Steve Leonard will highlight the actions that will improve conditions for sage-grouse in the 2016 Stockmanship Plan.
- As the Technical Subgroup initiates the stratification discussion they should discuss the appropriateness of using ecological sites in the selection or placement of KMAs. **ACTION:** The Technical Subgroup will discuss the appropriateness of using ecological sites in the selection or placement of KMAs.

A word of caution was offered to avoid making inferences that we're adopting the Sage-grouse RMP Amendment. It would be sufficient to indicate that we are taking actions where possible that may meet sage-grouse needs without referencing the Amendment.

ACTION: Mark Gonzalez will complete the draft 2015 Monitoring report by Monday, March 14. Laura Van Riper will prepare the talking points and distribute a copy of the report to the BLM Nevada State Office and the Washington office. Kyle Hendricks will post the report on the Internet once it has been finalized, which is tentatively scheduled to occur on Tuesday, March 15.

The public comment period will be 15 days. Public comments will be sent to Kyle Hendricks who will prepare the initial response to comments, which will be reviewed by Laura Van Riper. As appropriate, changes will be made when preparing the final 2015 Monitoring report, which will be posted to the Internet.

WWP COMMENT LETTER RESPONSE

Laura Van Riper reviewed 26 comments from a letter received from the WWP concerning the February 25, 2015 Monitoring Report. A summary of the questions and the CMG's response is provided in Attachment 6.

After reviewing and discussing the WWP comments, a concern was raised with the maps that were developed by WWP, who is a member of the CMG. It was noted that there was a discussion at the CMG's November meeting about those very same maps. It was also noted that the CMG operates under a set of ground rules, which have been discussed and will be discussed again in this meeting. A concerted effort will be made in 2016 to follow the ground rules.

If WWP is using the excuse that they didn't sign the Settlement Agreement, it is the Settlement Agreement that gave them a seat on the CMG. All members of the CMG must abide by the ground rules. It is important that all CMG members come to the table in good faith.

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2016 MONITORING PLAN

Section 6.9.5 (inset) of the Settlement Agreement outlines the livestock grazing permittees monitoring responsibilities.

In addition to the items outlined in Section 6.9.5, it is recommended the permittees also collect the following items (items followed by a * are required under Section 6.9.5):

1. Date on/off of a use area*
2. Numbers and class of animals*
3. Days of Riding (dates riding, livestock management notes)
4. Conditions of forage on the range, photos and/or notes*
5. General weather (hot, dry, storms and lightening)*
6. Insect infestations, new noxious weed spots (crickets or grasshopper/whitetop & other noxious species/poisonous plants)
7. Livestock losses (predation, poison, bloat, unknown reasons, etc.)
8. Water availability per use area*

Section 6.9.5 of the Settlement Agreement

During the interim management period, the Permittees will document for each Use Area (or management units within each Use Area) information that includes: water availability, date the area is entered, the number of cattle, condition of forage when the area is entered, weather conditions (temperatures, precipitation, etc.), length of time grazed. This may also include photo point monitoring. Information collected by the Permittees will be provided to BLM and other members of the CMG.

It was also suggested that ranchers check on conditions and management on a regular basis (weekly was suggested).

Suggestions made during the discussion included:

- Have range riders document conditions as noted above which could be sent to their supervisor with a photo on a regular basis (perhaps daily);
- The permittees need to make more of an effort to get a report at the end of the day when the crews come in;
- Hang a calendar in a location that is easily accessible to the crews to document observations, actions, etc.;
- Develop a card that lists the different things to note on the range;
- It would be helpful to understand where water holes/water hauling occurred on private lands (when and where);
- More specific or detailed notes, field observations, etc., could be documented by the rangeland consultants (or their crews) when in the field;
- Develop a chart or format addressing the various factors listed above which could be sent to the CMG on a monthly basis;

DECISION: The CMG agreed to accept the eight items addressed in the presentation as items that should be recorded throughout the grazing season.

ACTION: Steve Cote was asked to develop a draft format for recording the items discussed above, which will be provided to the CMG for review.

It will be important that the recorded information be available for the November 2016 CMG meeting.

Documentation of all activities including daily actions is important to demonstrate the efforts being made.

ANNUAL ACTION PLAN

Laura Van Riper lead a discussion addressing development of a 2016 action plan to ensure all actions are tracking and are on schedule. She identified three major areas – management, monitoring, and communication/coordination – for which major actions should be identified. There will be many interim or smaller steps required to complete a major action but it isn't possible to identify the interim/smaller steps today.

Table 3 identifies the major actions identified during the discussion.

Table 3		
2016 Action Plan		
Management	Monitoring	Communication/Coordination
Livestock Turnout (soil moisture, forage)	Stratification/Site Selection CMG Technical Team <ul style="list-style-type: none"> • Week of May 2 	Draft 2015 Monitoring Report out Public Comments Final Report posted to Web NRST/SO/MLFO/Jake Meeting
Stockmanship Plan <ul style="list-style-type: none"> • March 2016 • Work on problem areas, animals, etc. • Periodic visits to work with permittees on specific issues/problems 	Long-term data collection <ul style="list-style-type: none"> • May 8 – 14, 2016 	CMG Meetings <ul style="list-style-type: none"> • CMG End-of-Year <ul style="list-style-type: none"> ◦ Week of Nov. 14, 2016 • CMG Report Meeting <ul style="list-style-type: none"> ◦ Week of Jan. 9, 2017 • Finalize Report/Plan <ul style="list-style-type: none"> ◦ Week of Feb. 6, 2017
Monthly updates to CMG <ul style="list-style-type: none"> • Monitoring template (Steve Leonard & Steve Cote) • Trough locations and water hauls (component) 	End of Year Monitoring <ul style="list-style-type: none"> • October 17 – 21, 2016 	
November interim report at CMG meeting		
Range Improvement Projects #1 & #2 <ul style="list-style-type: none"> • South Bound Fence 		

ACTION: Livestock grazing permittees will provide 2015 trough and water haul sites locations and pictures (if possible) to Sam Ault. Other key information will include dates troughs were installed and removed (if available) and how long water was available at that site. Similar information for supplement blocks would be valuable as well.

2016 CMG CALENDAR

Mark Gonzalez initiated the 2016 calendar discussion by outlining the anticipated meetings for the CMG Technical Subgroup (Subgroup).

TECHNICAL SUBGROUP STRATIFICATION MEETING

The Subgroup will need to meet in the near future to review the stratification and site location of a limited number of KMAs that have been formally disputed or raised as a concern. CMG members who are encouraged to participate in this meeting include Bob Schweigert, Jack Alexander, Sam Ault, Kathryn Dyer, Jamie Dafoe, and Jeremy Lutz. Any CMG member is welcome to attend.

A suggestion was made to have the Subgroup review the proposed stratification protocol developed by Jack Alexander, which should be distributed prior to the Subgroup meeting. **ACTION:** Jack Alexander will distribute the proposed stratification protocol to members of the Technical Subgroup for review prior to the stratification meeting. One person with the appropriate GIS skills to run the DEMs, slopes, etc., will be required. It will be important to reach agreement on the assumptions, which will be given to the GIS Specialist who will prepare the appropriate queries to complete the work.

Decisions will also need to address the objectives that will be monitored and at what level. **ACTION:** Jack Alexander and Mark Gonzalez should discuss (off line) how best to complete the stratification protocol review in a timely manner.

DECISION: The Subgroup stratification meeting will be held on May 2 – 6, 2016.

ACTION: Mark Gonzalez and Kathryn Dyer will need to discuss (during the week of March 14) the availability of the BLM Nevada State Office GIS Specialist to conduct the required stratification protocol analysis and ensure that she has the appropriate GIS analytical skills.

DECISION: The collection of long-term monitoring data will immediately follow the stratification protocol meeting and will occur from May 9 – 13, 2016. Details associated as to who will participate in the data collection effort will need to be worked out.

There will be a MIM training course in Winnemucca, Nevada from August 8 – 12, 2016, and a Riparian Grazing course in Ely District July 26-28, 2016.

DECISION: The end-of-season monitoring is tentatively scheduled for October 17 – 21, 2016.

ACTION: Laura Van Riper will develop a monitoring schedule or calendar identifying the various monitoring efforts.

DECISION: The CMG End-of-Year meeting is tentatively scheduled for November 14 – 18, 2016.

DECISION: A public meeting (or release of a draft 2016 Monitoring report) is tentatively scheduled for January 9 – 13, 2017.

DECISION: A CMG meeting is tentatively scheduled to be held between February 6 – 10, 2017 to (1) discuss and resolve public feedback from the January 2017 public meeting (or the draft 2016 Monitoring report) and (2) finalize the content of the final 2016 Monitoring report. Release of the final 2016 Monitoring report is tentatively scheduled to occur before February 28, 2017.

A question was raised concerning a statement made in a media release indicating that there may be a public meeting in June 2016. The source of the statement is unknown at this time. **ACTION:** Laura Van Riper will investigate the source of the statement indicating a public meeting may be held in June 2016 to understand the details (who, what, why, etc.) of this alleged meeting.

ACTION: Laura Van Riper should receive draft minutes from this meeting on Tuesday, March 15, which will be finalized and distributed to the CMG on Wednesday, March 16.

NONSIGNATORY PERMITTEES

There are other livestock permittees who are not signatories to the Settlement Agreement. Two of the largest permittees are Newmont and C Ranches. In October 2015, Newmont and Tomera Ranches traded some AUMs during which Tomera Ranches acquired Newmont's sheep AUMs within the allotment. As a result of the trade, Newmont is no longer a permittee in the Argenta allotment.

C Ranches renewed a lease with Tomera Ranches for 438 AUMs in the Indian Creek Use Area, which will address the drift of livestock into that area. BLM understands that there are permit sale discussions between C Ranches and Barrick Gold. It is anticipated Barrick Gold will take possession of the base properties at the end of the year after which BLM will transfer the permit to Barrick Gold. It is expected Barrick Gold will lease the permit back to C Ranches.

Rand Properties holds a horse permit in the allotment, which was not activated in 2015 due to wild horse issues. They are not planning to use the permit again in 2016.

Sam Ault asked that if the permittees find rangeland damage caused by wild horses outside of a designated herd management area, the damage should be documented (photographed, GPS coordinates, etc.) and sent to him.

A question was asked if Barrick Gold should be considered a non-signatory permittee as they own the Dean Ranches permit. It was explained that Dean Ranches does not have a grazing permit within the Mount Lewis Field Office (BMDO) but are administered out of the BLM Elko District Office. It was argued that regardless of permit administration responsibilities, the permit has use in the Argenta allotment so they should be considered a non-signatory permittee. It was noted that Sam Castor is the representative for all Barrick ranches and had been invited to attend this meeting. **ACTION:** Sam Ault will reach out to Sam Castor concerning their participation as a non-signatory permittee. **ACTION:** The BMDO will also be responsible for coordinating with all non-signatory permittees concerning actions being taken under the Settlement Agreement. It is important that the annual Stockmanship Plans don't get cross way with the non-signatory parties. It was noted that the South Boundary fence, if constructed, would prevent mingling of cattle in that area.

UPDATE ON PERMIT RENEWAL PROCESS

Kathryn Dyer provided a status update on the grazing permit renewal process.

An important question raised in yesterday's discussion addressed the responsibility for providing the CMG with monitoring data. The BMDO will be responsible for sending the appropriate monitoring information to the CMG at the same time it is sent to the permit renewal team. It was noted that members of the permit renewal team have been coming to the district office and taking information back to the Nevada State Office.

ACTION: Adam Cochran and Kathryn Dyer will coordinate a discussion with Jake Vialpando to develop a process which ensures the CMG receive monitoring information in a timely manner.

The permit renewal team is fully staffed which includes a monitoring person (Joseph May), Hydrologist, Wildlife Biologist, Ecologist (Mike Rahe), Rangeland Management Specialist (Ken Vicencio)¹⁹, a Planning and Environmental Coordinator, and the team leader (Jake Vialpando).

The majority of monitoring data and information has been scanned and made available to the team. Coordination with the BMDO will be necessary to address discrepancies (lacking dates, when sampling occurred, etc.) in the data. The permit renewal team is developing a recommendation to the BMDO to address the data gaps. The recommendation will include identifying and articulating any additional vegetation, riparian, and in addition to any data collected by the NRST in 2016; livestock grazing (utilization, actual use, etc.) and wildlife habitat (primarily sage-grouse); monitoring efforts that will be necessary to address the appropriate RAC standards. At this time, the team is awaiting the 2016 Stockmanship Plan schematics. **ACTION:** Mark Gonzalez will ensure that Jake Vialpando is on the NRST mailing list.

A question was asked as to a concern raised in the November 2015 CMG meeting which stated "Jake noted that the annual indicator information that has been the focus of data collection to date is of little value to the grazing renewal process. What is needed is evidence of range condition and trend over time." As mentioned above, the grazing renewal team is developing a recommendation for addressing the data gaps and Joseph May, when he comes onboard, will be an integral player in that effort. A question was asked if the permit renewal team had trend data. In response, it was noted that the team has some data other than annual use information. In addition to the livestock related areas, the required stratification process will need to address sage-grouse related areas such seasonal use areas. A follow up question was asked if the NRST was in communication with the permit renewal team to ensure that there won't be two separate stratification efforts. Mark Gonzalez indicated that he has requested the Assessment, Inventory, and Monitoring (AIM) data but hasn't received anything. **ACTION:** Kathryn Dyer will follow up on the status of Mark Gonzalez's request for the AIM information.

¹⁹ Mike Rahe and Ken Vicencio reported to their respective positions at the Nevada State Office in December, 2015.

Adam Cochran indicated that there has been additional data collected on the district. Adam indicated that Jake Vialpando is confident that with existing data and data that will be collected in 2016, the permit renewal team should have the information necessary to complete the permit renewal process. **ACTION:** Adam Cochran and Kathryn Dyer will work with Jake Vialpando to ensure the NRST has all of the appropriate data.

A question was asked in relation to a commitment made by the BLM to share monitoring data sent to WWP in response to a FOIA request with the CMG. Sam Ault indicated that he has forwarded the commitment to share the response (and data) with the FOIA coordinator in BLM's Nevada State Office. It was understood that the information would be sent to Sam in steps who will, in turn, provide it to the CMG. To date, Sam has not received anything. **ACTION:** Sam Ault will follow up with the State Office FOIA coordinator concerning the commitment to share the monitoring data sent to WWP in response to their FOIA request with the CMG.

The CMG couldn't understand why it was taking so long to respond to this request as it is important that the data be received as soon as possible. There are two separate components to this issue – (1) need for the monitoring data and (2) response to the FOIA request that will include all e-mails, etc. These components need to be addressed separately. It is the understanding that all necessary data has been digitized and would not be a major workload or effort to download and send to the CMG. **ACTION:** Kathryn Dyer will follow up with Sam Ault and the GIS Specialist to ensure the BMDO has access to the appropriate AIM data online. **ACTION:** Sam Ault will work with the Great Basin Institute person in the BMDO to provide the appropriate BMDO data to the permit renewal team.

As discussed at the November 2015 CMG meeting, the final opportunity for the parties to provide data and information for the grazing permit renewal effort is September 2016; however, the end-of-year data collection for the Argenta allotment won't occur until October 2016. It was noted that the long-term data collected in May 2016 will be more relevant.

In the November 2015 CMG meeting, it was noted that additional discussion is needed as to how range improvements will be considered in the permit renewal process. Clear direction and expectation should be developed by the permit renewal team so there is a common understanding going into the permit renewal process. In addition, there was a list of unresolved concerns. It was suggested a separate meeting between the livestock grazing permittees and the permit renewal team should be scheduled to specifically address how range improvements will be considered in the permit renewal process. Mark Gonzalez and Kathryn Dyer will be having a conversation with Jake Vialpando in the near future to discuss a number of items. The permittee/permit renewal team meeting should also be addressed as part of that conversation. **ACTION:** Mark Gonzalez and Kathryn Dyer will discuss the need for a permittee/permit renewal team meeting with Jake Vialpando.

In the November 2015 CMG meeting, there was a frustration expressed by the permittees that they are being told proposed range improvement projects (i.e., South Boundary fence) will be addressed during the permit renewal process; however, Jake Vialpando indicated that the process will not address specific range improvements. Kathryn Dyer indicated that since making that statement, Jake Vialpando has rethought that position. When asked to clarify what that means, Kathryn indicated that she wasn't sure. **ACTION:** Kathryn Dyer will follow up with Jake Vialpando to clarify how range improvement projects will integrate into the permit renewal process.

Another concern from the November 2015 meeting was the fact that the time line for the grazing permit renewal does not dovetail with the time lines outlined in the Settlement Agreement. The permit lease renewal time line was very ambitious and if it fails for any reason, there will be a gap between the end of the Settlement period and when the permit lease renewal process is completed. In the discussion, two possible scenarios could arise should the permit lease renewal process not be completed in a timely manner – (1) the Settlement Agreement terminates (as currently written) and (2) the Settlement Agreement is extended. Who, how or if the second scenario would be accomplished is not known at this time. It's possible this is a question that should be addressed by the Solicitor. No action was assigned as a result of this discussion.

Prior to initiating the afternoon discussion on Day 1, a question was asked if the NRST planned to complete PFC on the riparian areas during the May 2016 monitoring effort. In response, the understanding is that only the long-term indicators outlined in the MIM protocol would be collected. PFC has been completed on the Argenta allotment; however, it is over

ten years old. **ACTION:** Mark Gonzalez will coordinate with the BMDO to determine if it would be feasible to integrate collection of PFC data into the May long-term monitoring effort or at some other time in 2016.

CMG FUNCTION & COMMITMENT TO WORK IN GOOD FAITH

The CMG ground rules were originally developed and agreed during the CMG's July 16, 2015, meeting. It was recognized that the ground rules are evolving and provides for opportunities to revisit them as necessary.

The rules were distributed to the CMG prior to lunch with a request they be reviewed during lunch. The CMG did not have any disagreements with the rules as currently written.

A suggestion was made to have members of the CMG sign the ground rule document as a way of demonstrating a commitment to follow the rules.

A question was asked what would happen if someone who signed the rules document doesn't work in good faith or if someone doesn't sign the document. A follow up question was asked as to who would make the determination that someone isn't working in good faith. In response, it was noted that probably nothing would happen.

EddyAnn Filippini noted that people dropped their legal appeals as a result of the Settlement Agreement, which they signed. The permittees have been and continue to be a part of the process. This represents their blood, sweat, money – their lives. Not one permittee gets paid for their involvement but they are paying a lot of people to be involved. The permittees have a “lot of skin in the game.” The permittees have already agreed to the ground rules as well as the requirements of the Settlement Agreement. As far as she is aware, nothing has been hidden, shared everything and they've participated in good faith. She asked if all of the data has been given to their consultants as requested. A party, who isn't in the room today, WWP and, more specifically, Ken Cole, is crippling the process by the requests that are being made. He didn't sign the Settlement Agreement. She believes it is a bunch of “bull” – either get in the game or out of the game! If the permittees hadn't done their activist movement talking to Congressman Amodei, White House staff, and others they wouldn't have a cow out right now. The CMG wouldn't be in the room right now. The NRST would not be here. Kathryn or John Ruhs wouldn't be here if the permittees hadn't raised “holy hell.” That's where she is coming from! There are no consequences of not signing the ground rules or following the 32 items listed.

Regardless of the ground rules, the Settlement Agreement must be implemented and the CMG must continue forward. Without the ground rules, there is more of an onus on ensuring sufficient processes are in place to move forward. Ideally, we would be in a position for having better relationships and trust evolve over time, which, to some degree, is already happening.

Bob Schweigert didn't think that EddyAnn wanted anyone to misunderstand her expression of frustration with a disagreement with the rules. EddyAnn indicated that she agrees with everything in the ground rules but there is no consequence to not following them.

Jamie Defoe indicated that everyone is coming to the meeting in good faith and if you're going to have a positive working environment, all of the parties coming to the table need to be there in a positive light trying to find a working solution. There is a definite opinion that not everyone coming to the table is coming with that approach in mind. If you're trying to establish trust in a relationship that is dysfunctional, everyone needs to come to the table in good faith. The ground rules are wonderful but when you don't have all parties willing to get there, you have to figure out a way to get all parties in the room coming here in good faith first.

Steve Foree indicated that he believes it is an evolution. He wasn't sure if the NRST process was forced on BLM so they are evolving and using this process to take “baby steps”. It's no different than inviting someone who disagrees with you like WWP by saying that we don't want anyone who disagrees with us so we'll just exclude them and not allow them to participate. Or, you can invite them and listen to their disagreement although it pisses you off, and try to get them to evolve to a point where you do develop some trust. Steve noted that there are two good working groups within Elko County that are working together to make advances in land use management.

Mike Lunn indicated that there are several cooperative efforts underway in Montana but they were not initiated based on a settlement agreement. Their impetus was to accomplish some things that they could not accomplish individually. Steve Foree indicated that even if you are forced together by a settlement agreement, at least, it is getting people together.

Lynn Tomera built upon the conversation in that our common goals should be to have a positive effect on the land. In the past 40 years, there hasn't been anything done on the Argenta allotment. Now, it's time to start doing improvements and making a positive change. Everybody must work in that direction. We can't have some parties throwing a wrench in the works. We need to be able to work around their objections and work together in the same direction.

Paul Tomera asked if the other working groups in Nevada include members from environmental organizations. Steve Foree indicated that organizations like WWP have been invited several times to participate but they have not accepted those invitations or been involved. Paul suggested the different environmental organizations have the same mindset. Laura Van Riper indicated that she doesn't know if or on how many cooperative group efforts WWP might participate in but when the other cooperative groups were formed, you can't say they weren't adversarial. It is typical such groups are formed from an adversarial beginning. Jamie Defoe suggested that finding agreement is possible when everyone is trying to compromise; however, it is very difficult to establish or reestablish trust when an entity is viewed as not being willing to compromise. Steve Foree agreed with Lynn Tomera that we should try to address their concerns but at some point you need to move on.

Pete Tomera added to a point made by EddyAnn and Dan about the fact that permittees have spent a tremendous amount of money (cowboys, goosenecks, supplement blocks, water developments, etc.) It would be nice if someone else stepped up to assume some of the costs of getting something done. An example of the South Boundary fence was used as an opportunity for the BLM to contribute the materials. Pete indicated that he has a contractor ready to construct the fence starting on March 21. In 2015, there were 15 different individuals herding livestock on the Tomera Ranch and now there is only one. Permittees are funding a majority of the Round 1 projects. A contractor is available to work on Round 2 projects. **ACTION:** Sam Ault, Pete Tomera, and Barrick Gold will meet to discuss the details associated with the South Boundary fence.

It was noted that WWP might have stated in a previous meeting that this is the first cooperative effort that they've been party to. If that is the case, they are breaking new ground as well. Steve Foree indicated that it is worthy of note that they have attended a meeting. It would be in the CMG's best interest if WWP didn't go back to their "old" ways.

A suggestion was made that if someone isn't cooperating, the concern should be raised for discussion within the group. The issue was discussed by the CMG at the November 2015 meeting but not resolved.

Angie Mariluch indicated that yesterday's meeting was progressing very well until she felt that bringing up the court was a deliberate attempt to downgrade the permittees, which left her down hearted. Kathryn Dyer indicated that it is hard to build trust but very easy to ruin.

Bob Schweigert agreed with Steve Foree that the CMG has made small steps with Ken Cole who has also made a step forward when he agreed to the dispute resolution process. Ken expressed concerns on an enclosure after which Adam (Cochran) immediately reflagged the Mill Creek Spring enclosure to address those concerns. We all need to be on the same page to be working toward success.

Mike Lunn indicated that if there is information that could adversely affect the effort, it is important that we are aware of that information. Mike felt that Sam played an important role in raising the court case as a potential issue that could affect the process in the future. What we want to avoid is having information that is tilted in one way to achieve an outcome that is not in the best interest of the entire group. Bob indicated that he agreed with Mike's statement but not with the way it was raised in yesterday's meeting. Bob is willing to discuss legal precedent as there is plenty on both sides of the issue but addressing only one court case was not the right approach.

Mark Gonzalez indicated that everyone is trying to do their best and we forgive each other for our momentary mistakes in this process. If we're committed to bringing our best to the table as often as we can, he would have no problem signing the rules as his commitment to the CMG.

These efforts are hard in many ways. It is important to recognize how far the CMG has come since January 2015. The steps along the way are important and we've gone through some hard discussions.

EddyAnn compared the feeling in her stomach to a "squeezed orange", which isn't a good feeling. This is her life! Angie Mariluch stated that this is stressful which isn't good for anyone.

OUTSTANDING ISSUES

Dan Tomera indicated that in 2014 they built 14 miles of fence in the foothills to separate the use on the mountain from the flat range. During the planning process for that fence, Doug Furtado (Battle Mountain District Manager) indicated that all of the public land below the fence on the flat ground would be considered fenced federal range. The Tomera Ranches would like to see that commitment pursued. Adam Cochran indicated that the proposal will be considered during the permit renewal process. The analysis will consider the requirements for fenced federal range (i.e., is the entire area fenced, percent of public land, etc.) The information required to address a fenced federal pasture in the permit renewal process must be submitted no later than September 2016. **ACTION:** Kathryn Dyer will coordinate a meeting between Jake Vialpando, the BMDO, and Tomera Ranches to discuss the requirements for and the information needed to establish a fenced federal pasture. Bob Schweigert indicated that there are many pastures that aren't totally fenced that are considered fenced federal range.

John Sherve indicated that BLM has spent a lot of time addressing the Round 1 and 2 range improvements and, to the best of his knowledge, have met the requirements of the Settlement Agreement. The decision on Round 2 projects will be issued next week. This work has been accomplished in spite of a large workload in several other programs such as mining. While we may not agree on everything, as a Field Manager, he supports the staff's positions on the various issues. He also recognizes that the NRST has a job to do and he will continue to take their recommendations as needed.

CLOSING AND NEXT STEPS

Using a process similar to the opening of the meeting, each participant was asked to address their feelings on the progress made in the past as well as over the past two days. The following is a summary of the comments made.

- We have one year under our belt and it was a rough year. We've learned some stuff and there are things we can build upon. Optimistic that we can make some significant changes. Hope that we'll be able to recognize a lot of successes at the end of the year. The ground work has been laid for working in a good direction.
- We have a lot of work ahead of us. Doesn't envy the people who will be responsible for working on the sage-grouse issues. The amount of work that has been done for the permit renewal process in the Argenta allotment multiplied by the number of times that will be done across the West is mind blowing. We're doing the best that we can do.
- The past two days went well. He appreciates everyone's attendance and participation as well as having a positive attitude. Moving forward we can have a better year in 2016 as compared to 2015. There will be bumps in the road.
- Last summer was a learning experience. Always interesting when people with different backgrounds come together. We all have the same goals as doing what is best for the range. Keep working forward and don't get caught up in the small things.
- Looks forward to a positive year as the atmosphere in western United States is a little scary. This group has the opportunity to show that, even though we have very different opinions and ideas that we can come together and it doesn't have to go to extremes. If we remain on the track we're on and we keep respecting each other we can have a good year and show that we can provide the products and come out hugging.
- Still happy to be here after attending her second big CMG meeting. This isn't an easy process for anyone. Everyone has fears and hopes. We can make the hopes win!

- Wildlife has a vested interest in this process working. NDOW has been concerned with conditions for many years. Seeing the improvement albeit small and incremental they are there. NDOW will be engaged. Happy to have the discussions and interactions even if they are on a forced note; rather than a voluntary note.
- Hope that everyone can keep the common goal in mind to make a positive difference and work together towards that goal. Never been so anxious about anything in her life as she is about this summer. It's so important that we've got to succeed.
- Hope that we can work together to get things going this year. Need to show some progress including infrastructure on the ground. The permittees in this allotment are some of the most dedicated permittees that he knows. Willing to put their life on the line to get it done. When the suggestion was made to sign the rules, he doesn't have to sign any paper – when he tells somebody something, he will do everything possible to fulfill that commitment. Hope we can get things going this year without a constant turmoil.
- Just knowing how this process started, amazing progress has been made. Everyone has taken great steps to work together and towards a common goal. Everyone does have the same common goal – happy landscapes, people to make a living, wildlife, and beautiful places that we can see. Find our commonalities and keep working toward them.
- This has been a whirlwind adventure. He has learned a lot over the past two days. It was good to hear the permittee's perspective as to how they're changing their operations to move forward, which gives him hope that there will be success.
- The Argenta allotment is a priority for the Mount Lewis Field Office in spite of the many other workloads demanding attention.
- It has been a joy to work with people all over the western United States. Across the entire nation, people are frustrated with how things are going and they don't have the ability to face up to problems like how we're doing it here. He appreciates the willingness of everyone on the CMG to come together to move forward as hard as it is. He understands that this is EddyAnn's life and appreciated her willingness to share the words and feelings that she has.
- We will make some significant progress this year.
- The last few meetings have ended on a high note. We're continually becoming more optimistic and are able to see that the hard work is paying off. He acknowledged that the permittees are carrying the heavy load and things are happening because we're doing the right things. Very optimistic that this summer will build on 2015 efforts and that we'll have an October and November to celebrate.
- So committed to seeing this effort work. Many things have happened that she thought might never happen – getting past the first day, creating the Settlement Agreement, sitting in the same room, etc. We've already exceeded what she thought was possible.
- The last four years have been humbling and terrifying and we're very durable people. Thanks to Laura and everyone who are putting the effort in – it is appreciated! We're doing our part as we've been here a lot longer than anyone else and this is our home! We want to move forward. We're not bad. We're not domestic terrorists. We're good people and that's what I want you to remember.
- There has been productive discussion on items or topics that have been arguments or ignored for a long time. There is a process for when things are brought forward to create progress. Completion of the Mill Creek exclosure today is an example of that progress. That project has been in some stage of discussion for over 20 years. It's heartening to him that he doesn't have Laura's or Kathryn's job who seem happy to be going to these meetings. Thanks to John and the BLM for getting the Mill Creek exclosure through the process. We'll work on getting more things done!
- Steve Cote and he have been on some contentious groups before and he always advocates for them as he can't hear his voice through Sam. If we can hear each other's voice then we can begin to move forward. A year ago the mountain was closed. In July 2016, we'll be coming off of the mountain because we're rotating use. He's had opportunity to voice his complaints and have them heard. He thinks we're all making progress and moving in the right direction.
- Thanks to everyone and the expertise in the room is amazing and commendable.

Although not a member of the CMG, Mike Holbert was asked to comment on his observations of the last two days. Using his experience with the Trout Creek Working Group in southeastern Oregon as a barometer, he is impressed with the past two days. He recognizes the complexities of the Argenta allotment and the heartaches and fears that people have which is part of the growing pains of the process. As was mentioned by several, it is not an easy process and there will continue to be bumps in the road. As recognized already, the process and the CMG have come a long way in just one year, which is similar to the progress made on the Trout Creek Working Group. It is important to celebrate your successes, which is what is happening now.

In closing, Pete Tomera indicated that Laura Van Riper had been away from the Argenta process for a while working on other issues. He wanted the record to show that the CMG would like her to be part of the Settlement Agreement process until it is concluded.

MEETING ADJOURNMENT

The meeting was adjourned at 2:14 PM.

DECISION AND ACTION SUMMARY

Attachment 7 provides a summary of motions and decisions made. Attachment 8 provides an overview of the action assignments made.

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ACRONYMS

The following acronyms were used during the meeting and listed in alphabetical order.

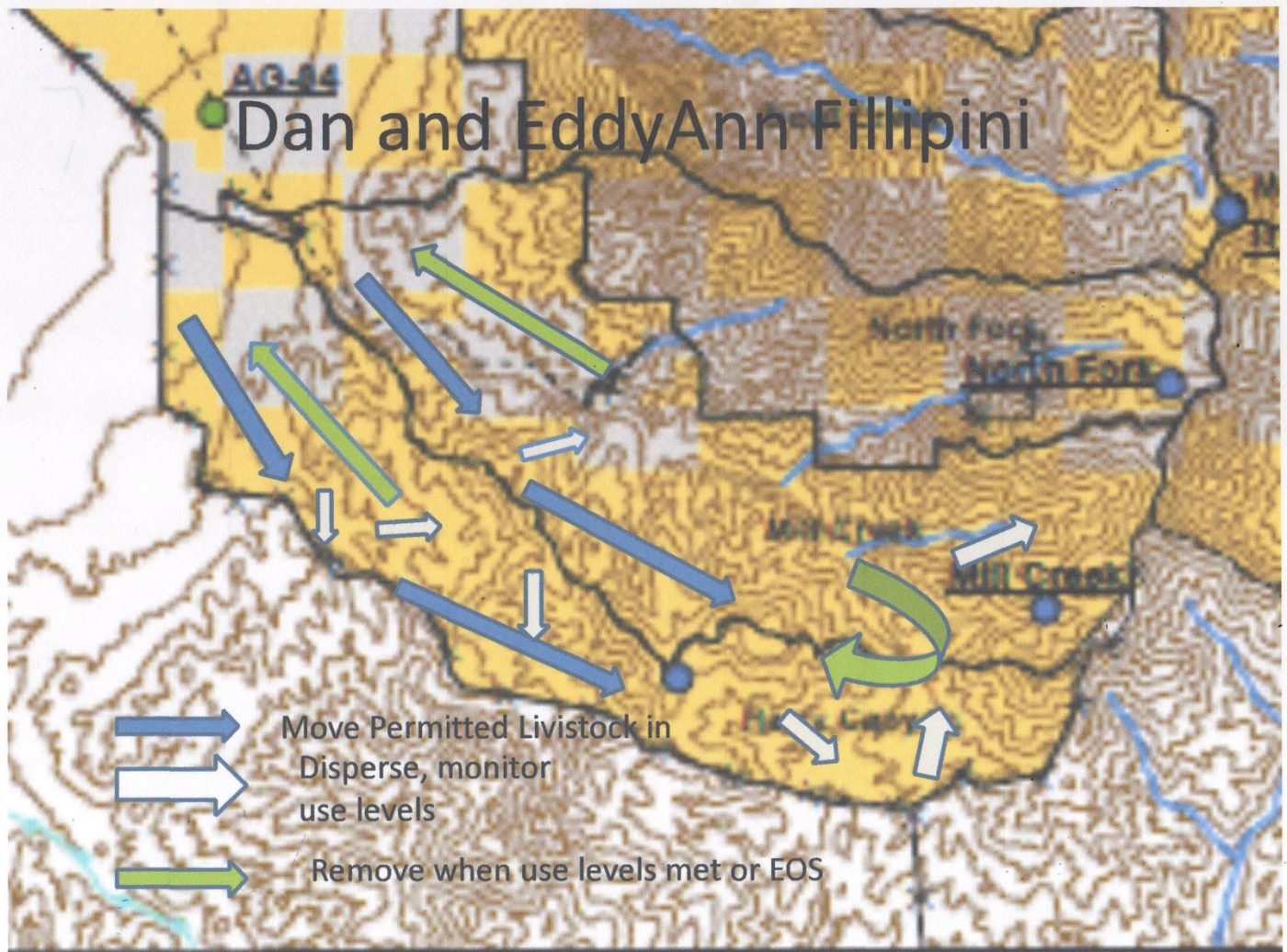
<u>Acronym</u>	<u>Meaning</u>
AIM.....	Assessment, Inventory, and Monitoring
AM.....	Adaptive Management
AUM.....	Animal Unit Month
BLM.....	Bureau of Land Management
BMDO.....	Battle Mountain District Office
CFR.....	Code of Federal Regulations
CMG.....	Cooperative Monitoring Group
DMA.....	Designated Monitoring Area
FOIA.....	Freedom of Information Act
GMHA.....	General Management Habitat Area
GRSG.....	Greater Sage-grouse
HAF.....	Habitat Assessment Framework
IBLA.....	Interior Board of Land Appeals
KMA.....	Key Management Area
MD.....	Management Decision
MIM.....	Multiple Indicator Monitoring
NDOW.....	Nevada Department of Wildlife
NEPA.....	National Environmental Policy Act
NRST.....	National Riparian Service Team
PHMA.....	Priority Habitat Management Area
PFC.....	Proper Functioning Condition
RAC.....	Resource Advisory Council
RMP.....	Resource Management Plan
S&Gs.....	Standards & Guidelines
USGS.....	United States Geological Survey
UTM.....	Universal Transverse Mercator
WWP.....	Western Watershed Project

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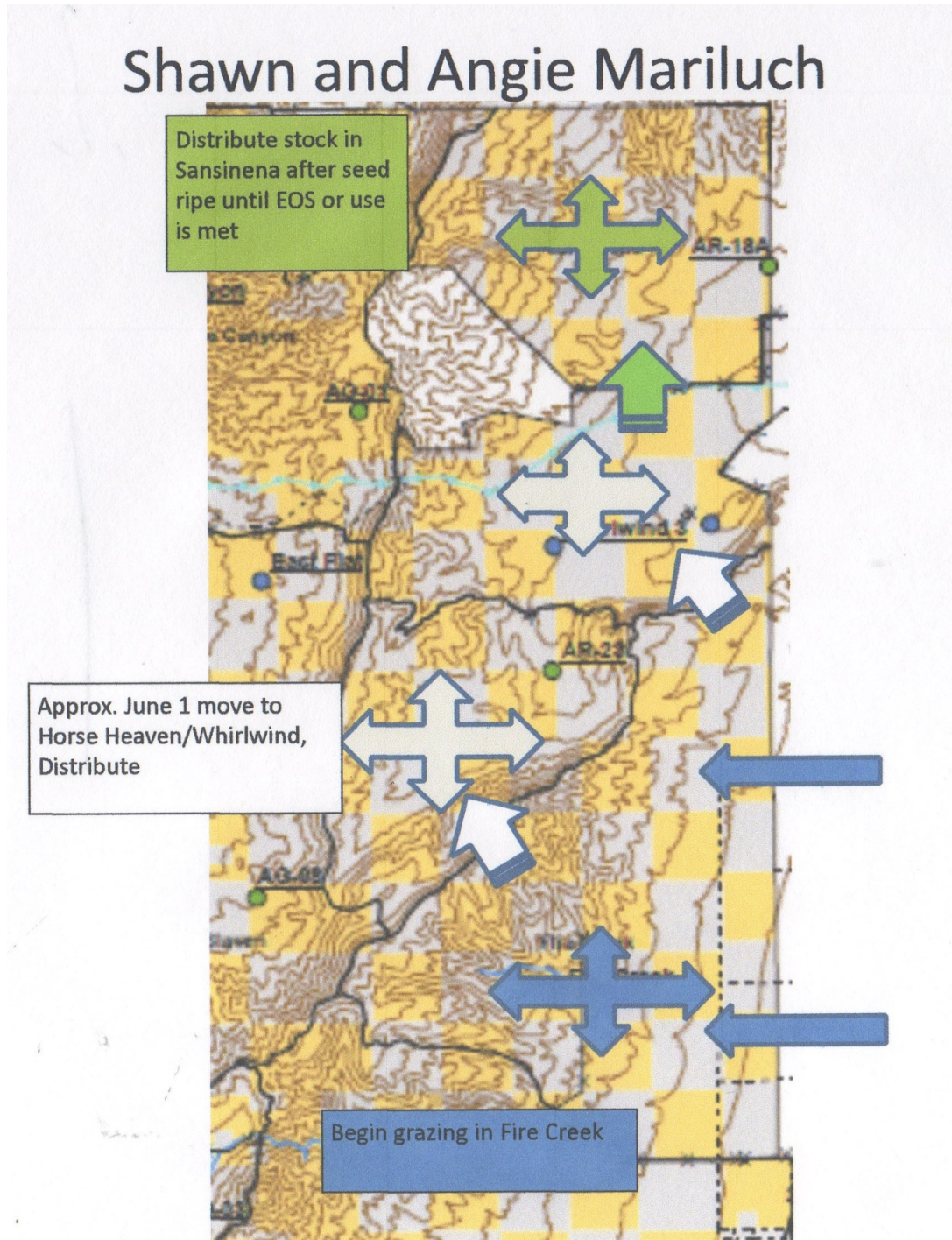
ATTACHMENTS

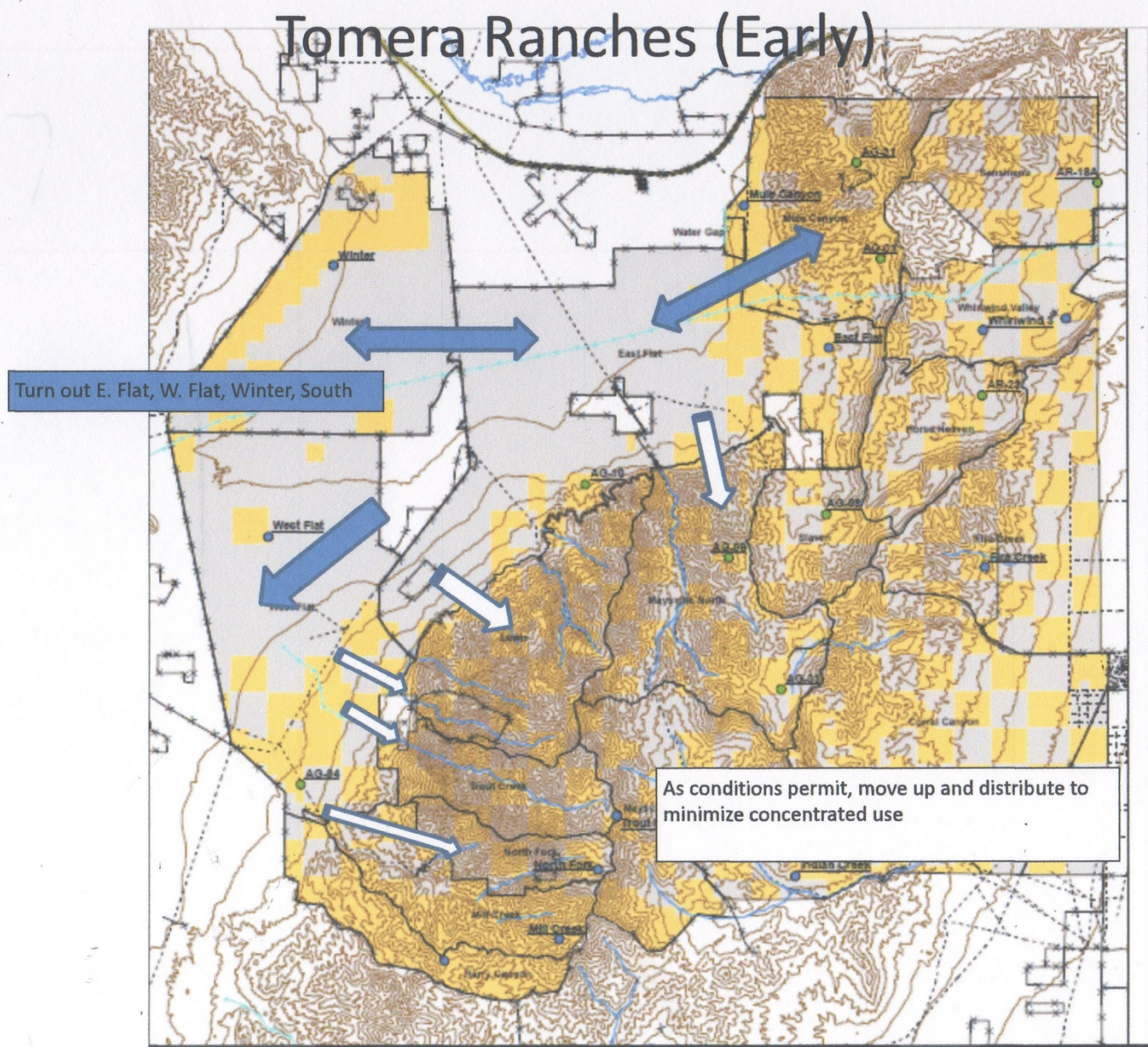
ATTACHMENT 1 – ATTENDANCE

RAC Members in Attendance				
Member	Representing	Day 1	Day 2	
Jack Alexander	Synergy Resource Solutions, Inc.	X	X	
Sam Ault	BLM – BMDO	X	X	
Steve Cote	Cattle Sense	X	X	
Adam Cochran	BLM – BMDO	X	X	
Jamie Dafoe	Intermountain Range Consultants	X	X	
Kathryn Dyer	BLM – Nevada State Office	X	X	
EddyAnn Filippini	Badger/Chiara Ranches	X	X	
Dan Filippini	Badger/Chiara Ranches	X		
Steve Foree	Nevada Department of Wildlife - Elko	X	X	
Mark Gonzalez	National Riparian Service Team	X	X	
Kyle Hendricks	BLM – BMDO	X	X	
Steve Leonard	Cowdance Range & Riparian Consulting	X	X	
Mike Lunn	National Riparian Service Team	X	X	
Jeremey Lutz	Nevada Department of Wildlife – Battle Mountain	X	X	
Angie Mariluch	Filippini Ranching Company	X	X	
Shawn Mariluch	Filippini Ranching Company	X		
Bob Schweigert	Intermountain Range Consultants	X	X	
John Sherve	BLM – BMDO	X	X	
Genevieve Skora	U. S. Fish & Wildlife Service – Reno	X	X	
Evan Thompson	Intermountain Range Consultants	X	X	
Dan Tomera	Tomera Ranches	X	X	
Lynn Tomera	Tomera Ranches	X	X	
Paul Tomera	Tomera Ranches	X	X	
Pete Tomera	Tomera Ranches	X	X	
Laura Van Riper	National Riparian Service Team	X	X	

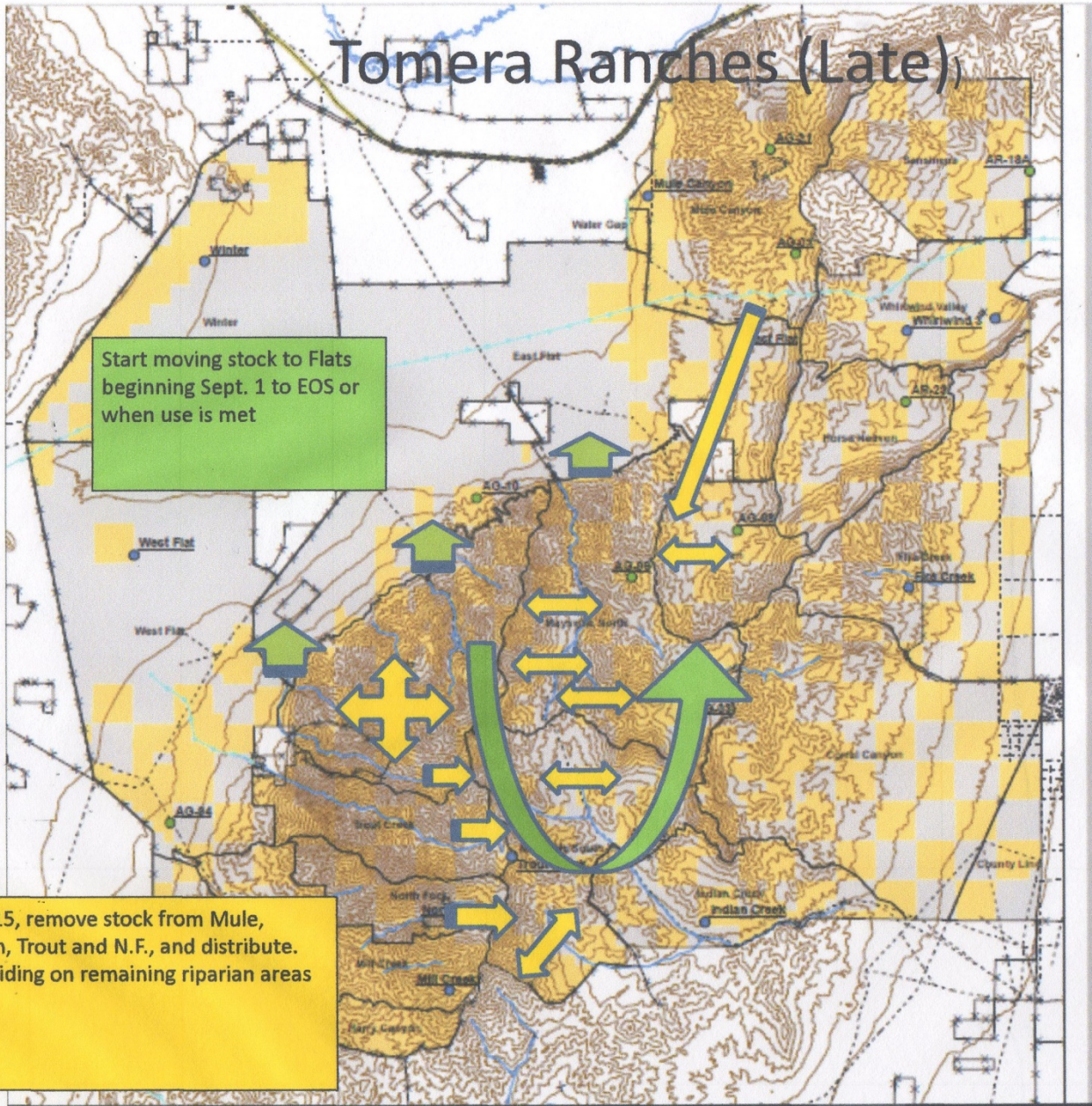


Shawn and Angie Mariluch





Tomera Ranches (Late)



ATTACHMENT 5 – SETTLEMENT AGREEMENT SECTION 3.6 – END OF SEASON USE LEVELS

1.6 “End of Season Use Level” means riparian and upland use levels that will determine Use Area success/failure. End of season refers to the time period that reflects conditions at the end of the annual growing season and end of the grazing season, whichever is later. These use levels will be measured at the same key species and DMAs where within season Use Levels are measured.

- 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 End of Season use levels in the Mule Canyon Use Area will be light to moderate use, i.e., 30% use of all key woody species and 50% use of all key herbaceous species, respectively (not a combined average of the two), as measured at Key Areas.”
- In all Use Areas, the End of Season use levels for riparian areas will be 4” stubble height on all key herbaceous species and 30% use of key woody riparian browse species, as measured at DMAs.

ATTACHMENT 6 – SUMMARY OF WWP COMMENTS & CMG RESPONSES

Summary of WWP Comments and CMG's Response		
Comment Number	Comment	Response
1	The overall impression given by the report is that it is biased toward the interests of the permittees.	Value Judgement
2	There are several data gaps that make this report useless to the public.	Value Judgement
3	No accounting of actual use data.	Data was not available at the time the report was prepared and have subsequently incorporated into the report.
4	There is no map which showing where use area failures occurred in the 2015 season. This mapping needs to be place predominantly in the Executive Summary.	BLM's technical references prohibits taking information from a specific monitoring site and extrapolating the information to the entire pasture, use area or allotment. ACTION: Mark Gonzalez will provide a copy of the technical reference to Laura Van Riper.
5	The annual report contains no bank alteration data. The report should indicate that current science indicates that bank alteration of >20% impedes riparian recovery and that even lower bank alteration is better for riparian recovery.	Under the Settlement Agreement, bank alteration data will be collected but was not to be used to influence the met/not met determination. We are unaware of any professional literature that supports the bank alteration data provided by WWP. It was agreed to reference the table shown in Appendix 2 of Sue Priest's 2015 End-of-Season Riparian Monitoring Report, which will be made available to the public on the Internet.
6	There is no mapping of sage-grouse mapping on the allotment included in the report.	The annual monitoring report is not the appropriate venue for displaying the requested information. The information is available on the Internet.
7	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 as 13 of the allotment's use areas failed standards. Thus, grazing on the Argenta allotment in 2015 in overall failure.	This question or statement was adequately addressed yesterday.
8	The cover page portrays the only MIM site that didn't fail or come close to failing utilization. The photo should be replaced with one that portrays a more representative site.	A suggestion was made to remove the photo and not replace it.
9	The annual report uses invalid criteria to determine success and failure to meet allowable use criteria set in the Settlement Agreement for upland riparian sites.	This question has been addressed in the CMG's confidence interval discussion. The comments addressing specific sites have been addressed in response to his dispute resolution.
10	Corrected Tables 20 and 23 should be moved to the Executive Summary.	A suggestion was made to include a short narrative that explains confidence intervals and could include the "Interpretation of Confidence Levels" slide provided in the "Annual-Use Indicators" power point presentation.
11	The information for livestock numbers and AUMs contained in the 2016 Stockmanship Plan is	The 2016 grazing strategy is not a date based system.

inadequate. They need to be detailed with the number of livestock used in each use area and the dates they were moved on and off. The plan needs to explain if they differ from 2015 grazing season in timing and number of AUMs.

- 12 There is no comparison of 2015 monitoring data to data gathered in the 2014 grazing season and also there's no comparison of 2015 actual use data to 2014 actual use data.

- 13 The Executive Summary needs to explain that the permittees failed to provide actual use reports and adequate written updates to the CMG and BLM during the 2015 grazing season as required by 6.9.8.

The 2016 Stockmanship Plan does address how it differs from the 2015 plan both in terms of timing. There was not change in the number of AUMs. A suggestion was made to recite 3.16 of the Settlement Agreement.

The requested comparisons do not fall under the purpose of this report. WWP should have a copy of the 2014 report and, if they do not, it may be requested from the BMDO.

This was one of the issues identified in the dispute resolution that have been filed. In the technical sense, the actual use records were handed in early. In accordance with the grazing regulations, the actual use record (form) is required to be submitted 15 days after the off date on your permit.

There is a difference between the actual use reports turned in at the end of the season versus the communication about movement of livestock within season.

A suggestion was made to establish an interim record in 2016 that addresses the information the permittees must submit under 6.9.8. It is recommended that when the meeting is held in November to discuss the October monitoring data that the permittees provide the interim record information at that meeting. It will be important to have photographs of a use area as livestock are removed from an area.

In developing an interim report, a suggestion was made to develop a table that could be filled out on a periodic basis (daily, weekly, etc.) to communicate when actions (livestock movement, items maintained in the permittee's "day book", etc.) occurred and would meet the requirements of 6.9.8.

- 14 The Executive Summary needs to list when changes in grazing use is needed; changes made be made to 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.

This information is outlined in 6.10 of the Settlement Agreement. It is difficult to understand what is being requested and/or why.

ACTION: Mark Gonzalez will need to determine how to address this comment.

- 15 The Executive Summary needs to explain that despite failures to meet objectives in the 2015 grazing year, the BLM has agreed to approve grazing applications so that livestock permittees would be allowed to turn out on March 1st without any range readiness completed because the permittees were experiencing "anxiety."

BLM's decision to cancel the January public meeting should not adversely affect the permittees.

Range readiness evaluations have been and are being completed as discussed earlier in the meeting.

- 16 There is no turn out date noted for Filippini Ranch and Company and Chiara Ranches.

Livestock turnout will be completed according to the permit numbers and dates and as conditions allow.

Such information is not required by the Settlement Agreement to be included in the report.

17	The Executive Summary needs to explain that BLM originally proposed a 30-day public comment for this report but that was changed at the recommendation of the NRST.	Such an explanation is inappropriate for the monitoring report but is provided in the media statement or the talking points/Q&As.
18	MD LG 7	Such information is not required by the Settlement Agreement to be included in the report.
19	The Executive Summary needs to explain that livestock were allowed to remain after upland and riparian utilization criteria were exceeded.	This was addressed earlier in the meeting.
20	There needs to be a section accounting for the \$268,000 that has been spent so far by the NRST (see the attached FOIA response).	This question has been discussed and addressed in numerous CMG reports. There were a series of issues and problems with livestock drift and herding that has been well documented.
21	Stockmanship plans don't identify any of the upland supplement locations and whether those are within 1-mile of riparian areas, springs, seeps, or meadows in compliance with MD LG 8 in the Sage-grouse RMPA.	Inclusion of this information is not appropriate in an annual monitoring report.
22	Dissenting issues on a number of issues that needs documentation of the dispute resolution submissions and letters of concern about the process and the 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 reduction in livestock numbers and/or reductions to the changes to the timing of grazing.	The Settlement Agreement identifies a ¼-mile buffer, which is different than the 1-mile identified in the Sage-grouse RMPA.
23	UTM coordinates	There was a discussion earlier in the meeting addressing the relationship between the Settlement Agreement and the Sage-grouse RMPA.
24	Document incidences of unauthorized use occurred.	ACTION: Steve Leonard will revise the 2015 Stockmanship Plan to highlight actions proposed to be taken in 2016 that address issues or problems encountered in 2015. Many of these actions are highlighted in the slide presentation given to the CMG. Actions taken on private land should also be highlighted in the 2015 Stockmanship Plan.
25	Report needs to address why no monitoring took place on Rock Creek and that conditions there likely did not meet standards due to high levels of use.	Inclusion of this information is not appropriate in an annual monitoring report.
23	Report needs to address why no monitoring took place on Mule Canyon.	ACTION: If the annual monitoring report doesn't make reference to Section 5.9 of the Settlement Agreement, Mark Gonzalez should insert such a reference into the report.
24	It appears the biggest reason why objectives weren't met was primarily due to the unmanageable numbers of livestock on the allotment. Riparian triggers were quickly exceeded and cattle reportedly didn't stay where they were removed. Sharp reductions to livestock numbers should be made to ensure there is overall allotment success in 2016. Efforts should be made to determine what the number of livestock is appropriate in each use area. Small numbers are less likely to exceed triggers and are more manageable	These will be inserted into the report.
		This has been addressed in various CMG reports.
		This question has been discussed with WWP in person and was discussed at the November 2015 CMG meeting.
		This has been discussed with WWP.
		The question contains conjecture and opinion without any statements of fact. The 2015 Stockmanship Plan has been developed and addresses many of the expressed concerns.

than large numbers of livestock grazed in 2015.

- 25 WWP recommendations at least one full year of rest in all use areas where monitoring showed that utilization were marginally exceeded. In subsequent years, the BLM should consider reductions of livestock to one-third of the 2015 levels in use areas where monitoring showed utilization levels were marginally exceeded. This number would be more manageable and less likely to rapidly exceed triggers established in the Settlement Agreement. If these livestock again exceed triggers then rest and further reductions should be considered in subsequent years.

This approach is not consistent with the requirements of the Settlement Agreement.

- 26 WWP recommends at least two years of rest in use areas where monitoring showed that utilization was greatly exceeded. In subsequent years, the BLM should consider reductions of livestock to one-quarter of the 2015 livestock levels. If these livestock again exceed triggers then rest and further reductions should be considered in subsequent years.

This approach is not consistent with the requirements of the Settlement Agreement.

ATTACHMENT 7 – SUMMARY OF MOTIONS AND DECISIONS MADE

The following is a summary of the motions and decisions made by the RAC.

Decisions Made	Page of Meeting Minutes
Remove all utilization figures from the 2015 Monitoring report where there was an inadequate sample size. Include a reference where there was an inadequate sample size.	26
The 2015 Monitoring report will be released for public review in a draft format. Following the public comment period, the CMG will have opportunity to review and comment on the revised document (based on public comment) after which the final 2015 Monitoring report will be completed.	28
It was agreed to (1) remove any information not associated with annual use from the document, (2) in the Field Observation sections it is appropriate to identify the species that were present or identified, the key species measured, and in the appropriate tables, report the data on those measurements and for those species as identified as having an insufficient sample size, it is appropriate to indicate the frequency or number measured noting that there was an insufficient sample size but not calculate the utilization number; (2) visual observations may be recorded but don't include interpretations tied to a specific Ecological Site description; and (3) ensure UTM information is identified for all sites and retain that information in the report. When there are multiple species, the average utilization figure will be included.	31

ATTACHMENT 8 – SUMMARY OF ACTION ASSIGNMENTS

The following is a summary of the action items made during the RAC meeting.

Action Number	Action	Party Assigned Action	Page of Meeting Minutes
1	Contact Jake Vialpando to ensure he is aware of the South Boundary fence as the Grazing Permit renewal process is completed.	Laura Van Riper Sam Ault Kathryn Dyer	5
2	Work with the appropriate livestock permittees to ensure the South Boundary fence is built to BLM wildlife specifications.	Sam Ault	5
3	Ensure a map of the allotment is available during CMG meetings.	Sam Ault	5
4	Prepare a briefing paper addressing the South Boundary fence including the proposed location, funding, Animal Unit Month (AUM) adjustments, etc.	Laura Van Riper Sam Ault Kathryn Dyer	5
5	Coordinate a meeting with the appropriate livestock permittees on the ground within the next two weeks to discuss the specifics of the South Boundary fence (funding, location, etc.) and actions necessary to move the fence proposal forward.	Sam Ault	5
6	It was agreed an update on the progress made to construct the South Boundary fence should be presented at the next CMG meeting.	Sam Ault	5
7	Continue discussions with the livestock permittees and the weed district addressing a temporary fencing suggestion. It will be important the discussions be documented for the record.	BMDO	6
8	Discuss release of the 2015 Monitoring report with the BLM Nevada State Office public affairs staff after this meeting.	Laura Van Riper	6

Action Number	Action	Party Assigned Action	Page of Meeting Minutes
9	Provide a copy of the 2015 monitoring report to the CMG when it is released to the public.	Laura Van Riper	6
10	Locate an e-mail addressing collection of monitoring data to document regrowth in the Sansinena Use Area before it was used by livestock a second time in 2015.	Laura Van Riper	11
11	Refine the USGS GIS data to highlight the Argenta allotment and will send the USGS link to the CMG.	Kathryn Dyer	11
12	Provide the photographs taken on the March 7 th field tour to Sam Ault.	Steve Leonard	13
13	Contact Shawn Espinosa (author of the presentation) to determine if the Sage-grouse seasonal habitat training Power Point presentation can be provided to the CMG.	Steve Foree	14
14	Identify an alternative venue and time for continuing the discussion associated with the various desired condition percentages outlined in Table 2.2.	Mark Gonzalez	16
15	When meeting with the permit renewal team, stress the importance of maintaining communication with the permittees in terms of the direction of the permit renewal analysis.	Kathryn Dyer	18
16	Ensure the monitoring information previously sent to and any information sent to the permit renewal team in the future is shared with the CMG.	Sam Ault	18
17	When meeting with the permit renewal team, stress the importance of sharing all information with CMG.	Laura Van Riper Kathryn Dyer Sam Ault	18
18	Provide a map of PHMAs and GHMAs (in a .pdf format) as they apply to the Argenta allotment to the CMG.	Sam Ault	19
19	One CMG member questioned if the WWP letter was a valid dispute, to which, Laura Van Riper indicated that NRST will have to discuss this concern further.	NRST	20
20	Make a recommendation to John Sherve on two proposals outlined below: <ul style="list-style-type: none"> Continue forward with the Settlement Agreement as written for the three-year period after which we should have the grazing permit renewal process completed; or, Adopt and integrate the Sage-Grouse RMP Amendment into the CMG's implementation of the Settlement Agreement. 	NRST	20
21	Send an electronic copy of the article addressing annual use indicators to the CMG on Monday, March 14.	Mark Gonzalez	20
22	Modify the 2015 monitoring report to ensure consistency with language used in the Settlement Agreement. It was also noted that a footnote should be included to define the term "met".	Mark Gonzalez	29
23	Send an electronic copy of the <i>Annual Use Indicators</i> power point presentation to the CMG.	Mark Gonzalez	30
24	Discuss the priority for Joseph May's involvement in the within-season monitoring efforts with Jake Vialpando.	Sam Ault Kathryn Dyer	32
25	Highlight the actions in the 2016 Stockmanship Plan that will improve conditions for sage-grouse in the 2016 Stockmanship Plan.	Steve Leonard	33
26	Discuss the appropriateness of using ecological sties in the selection or placement of KMAs.	Technical Review Team	33

Action Number	Action	Party Assigned Action	Page of Meeting Minutes
27	Mark Gonzalez will complete the draft 2015 Monitoring report by Monday, March 14. Laura Van Riper will prepare the talking points and distribute a copy of the report to the BLM Nevada State Office and the Washington office. Kyle Hendricks will post the report on the Internet once it has been finalized, which is tentatively scheduled to occur on Tuesday, March 15.	Mark Gonzalez Laura Van Riper Kyle Hendricks	33
28	Develop a draft format for recording the items listed on page 33 of the minutes. Provide the draft format to the CMG for review.	Steve Leonard	34
29	Provide 2015 trough and water haul sites locations and pictures (if possible) to the Sam Ault. Other key information will include dates troughs were installed and removed (if available) and how long water was available at that site. Similar information for supplement blocks would be valuable as well.	Livestock Grazing Permittees	35
30	Distribute the proposed stratification protocol to members of the Technical Subgroup for review prior to the stratification meeting.	Jack Alexander	35
31	Discuss how best to complete the stratification protocol review in a timely manner.	Jack Alexander Mark Gonzalez	36
32	Discuss the availability of the BLM Nevada State Office GIS Specialist to conduct the required stratification protocol analysis and ensure that she has the appropriate GIS analytical skills.	Mark Gonzalez Kathryn Dyer	36
33	Develop a monitoring schedule or calendar identifying various monitoring efforts.	Laura Van Riper	36
34	Investigate the source of the statement indicating a public meeting may be held in June 2016 to understand the details (who, what, why, etc.) of this alleged meeting.	Laura Van Riper	36
35	Review and distribute the draft minutes from this meeting by Wednesday, March 16.	Laura Van Riper	36
36	Reach out to Sam Castor concerning their participation as a non-signatory permittee.	Sam Ault	37
37	Responsible for coordinating with all non-signatory permittees concerning actions being taken under the Settlement Agreement.	BMDO	37
38	Coordinate a discussion with Jake Vialpando to develop a process which ensures the CMG receive monitoring information in a timely manner.	Adam Cochran Kathryn Dyer	37
39	Ensure that Jake Vialpando is on the NRST mailing list.	Mark Gonzalez	37
40	Follow up on the status of Mark Gonzalez's request for the AIM information.	Kathryn Dyer	37
	Adam Cochran and Kathryn Dyer will work with Jake Vialpando to ensure the NRST has all appropriate monitoring data.	Adam Cochran Kathryn Dyer	38
41	Follow up with the State Office FOIA coordinator concerning the commitment to share the monitoring data sent to WWP in response to their FOIA request with the CMG.	Sam Ault	38
42	Follow up with Sam Ault and the GIS Specialist to ensure the BMDO has access to the appropriate AIM data online	Kathryn Dyer	38
43	Work with the Great Basin Institute person in the BMDO to provide the appropriate BMDO data to the permit renewal team.	Sam Ault	38
44	Discuss the need for a permittee/permit renewal team meeting with Jake Vialpando.	Mark Gonzalez Kathryn Dyer	38
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Action Number	Action	Party Assigned Action	Page of Meeting Minutes
45	Follow up with Jake Vialpando to clarify how range improvement projects will integrate into the permit renewal process.	Kathryn Dyer	38
46	Coordinate with the BMDO to determine if it would be feasible to integrate collection of PFC data into the May long-term monitoring effort or at some other time in 2016.	Mark Gonzalez	39
47	Meet with Barrick Gold to discuss the details associated with the South Boundary fence.	Sam Ault Pete Tomera	40
48	Coordinate a meeting between Jake Vialpando, the BMDO, and Tomera Ranches to discuss the requirements for and the information needed to establish a fenced federal pasture.	Kathryn Dyer	41