NRST FINDINGS AND RECOMMENDATIONS

Argenta Cooperative Monitoring Group (CMG)

October 19-23, 2015 Field Meeting

EXECUTIVE SUMMARY

The Argenta CMG collected annual-use measurements from October 19-23, 2015 at both riparian and upland sites as directed under the Settlement Agreement. The week largely went well in terms of effectiveness and efficiency, and important discussions were held about monitoring and stratification protocols that will be helpful as those protocols are updated this winter. Safety considerations and improved logistics assisted in accomplishing an ambitious workload in the allotted time. The monitoring results will be made available to CMG when completed, checked and documented.

Riparian and Upland End of Season Monitoring

Upland Monitoring –The upland team collected annual utilization data along 21 transects, at least one in each use area. The utilization levels have not been calculated yet, but will be distributed to the CMG when completed. Dustin Fowler, BLM rangeland specialist, made utilization measurements; Adam Cochran recorded data on a field computer. Bob Schwiegert and Jamie Defoe recorded data on field forms. The remainder of the crew observed and discussed various topics as they arose. Of note, Kathryn Dyer, State BLM Range Lead, participated fully all five days in the upland monitoring. Steve Leonard and Mike Lunn represented the NRST on the uplands team.

Riparian Monitoring – The riparian team visited ten riparian designated monitoring areas (DMAs) and measured three short-term indicators:

1. Residual stubble-height measurements on key graminoid (sedge, rush, grass) plants;
2. Browse on key woody plants; and
3. Bank alteration

Bank alteration is not a standard under the Settlement Agreement, but is considered important information to correlate with long-term indicators, such as bank stability and greenline-to-greenline width. Results have not been compiled as of this report, but will be provided as soon as available to the CMG. Mark Gonzalez represented the NRST during the riparian monitoring; Sarah Peterson, BLM State Riparian Lead, participated two days, including hiking into Crippen Canyon DMA.

CMG Working Relationships

There was an overall improvement in the working relationships of the group, and it was necessary considering the ambitious schedule. There remains reluctance by some to bring up issues at the time and place where it could best be discussed and resolved. This is problematic since it often means that everyone is not hearing the same thing at the same time, or the issue is allowed to fester. One issue that was broached openly within the group was whether or not

WWP should be following the dispute resolution process as others are required before filing protests or appeals such as on the first round of riparian fencing of important water production and storage areas (see Dispute Resolution Process section of the Settlement Agreement for further discussion).

In another issue, the NRST recommended against measuring by the Height/Weight (H-W) protocol and the Key Forage Species protocol on the first transect, to which objection was raised by BLM. In the CMG report for 8/25, NRST had recommended comparing both methods ***if time allowed***. However, with the demanding workload and limited time, it was prudent to hold off any comparison between the methods until later in the week, and then only if time allowed.

Unfortunately, on the first forage kochia transect (and maybe all of them) both methods were used at the request of a consultant. The NRST facilitator failed to understand what was happening since there was no discussion at the time. This was a facilitator oversight that should not have happened and gave the appearance of bias towards the permittees.

Field work planning and logistics

Both the riparian and upland monitoring were well-planned in advance, but had to be adjusted during the week in response to weather, road conditions, and availability of the MLFO Manager. Safety was an important consideration in these adjustments. Following discussions, the adjustments successfully allowed completion in a way that allowed for full participation although it did result in some time loss for one of the permittees. A map had been provided for the riparian work, but none was available as requested for the upland sites. A complete listing of all sites was available.

The travel was done in caravans with everyone staying together both while in pickups and also on the numerous UTV forays. While this had been a problem in earlier field trips, it went well in this field meeting. Increased travel by UTVs also improved efficiency of travel. Coordination allowed the upland team to be working out of pickups and foot travel on the one day when the riparian team needed the UTVs to go into Trout Creek and North Fork Mill Creek.

Protocol Implementation

Agreement had been reached that all CMG members would visit the first upland site together to fully talk through the written protocol prior to initiation of data collection. After a false start, Jack Alexander took the lead on going through the H-W protocol section-by-section, and the CMG provided comments/edits. At the conclusion, tentative agreement was reached on the changes, and Jack agreed to complete a version that incorporated these latest edits to send to the CMG.

There are still several issues that will require additional consideration as the process moves forward. The electronic module for recording the monitoring information did not work properly in terms of calculating needed sample size. Also, there was discussion in the field at

several sites about when a plant to be measured (grazed or ungrazed) is “available” to livestock for grazing. While it may not be possible to eliminate all observer variability through definition of this situation, it can be improved. (For further insight on this issue, review the Indian Creek KMA discussion from the August CMG report.)

In riparian areas, the residual stubble-height measurements as described by MIM worked well. Some DMAs lack key forage species, and consideration should be given this winter to whether some sites are truly suitable for DMAs. Bank alteration was also measured, though in some DMAs bank alterations were partially obliterated by high stream flows from recent rains. The one issue remaining is the mode of estimating woody “utilization” as required under the Settlement Agreement for riparian shrubs/trees. Woody browse as measured under MIM approximates but does not equate to utilization percentage. On two sites, twig-length measurements (TLM) were also done to calculate utilization. However, this method has problems, as it really only works when the twigs can be measured in mid-season after achieving full growth, then re-measuring twigs following use. Additionally, a twig that is “nipped” will usually die back to a lower growth point and the degree of dieback is not certain when evaluated in the fall. Also, repeated bites create a clubbed, knobby branch that commonly dies back after several years of continuous browse. These matters were discussed in the field with a mutual agreement to suspend TLM for 2015 and revisit the topic over the winter.

The riparian crew discussed the issue of available and unavailable woody plants. During the collection of woody browse data at the Crippen DMA, Sam Ault and Sarah Peterson, pointed out correctly that collection of browse data on unavailable plants is not part of the MIM protocol. Since unavailable woody plants are easily identifiable in the datasheets, the recommendation was to continue recording unavailable plants until the author(s) of MIM could be consulted. After M. Gonzalez spoke with S.J. Smith (MIM author), a decision was made to expunge unavailable plants from the woody browse measurements to be consistent with the published protocol. Woody browse has been calculated on only available plants (i.e., those with more than half the leaders are less than 5 feet above the ground) as described in the MIM protocol.

Issues – possible disputes

Dispute Resolution Process, applicability – As earlier noted, there was a discussion between Shawn Mariluch and Ken Cole about WWP not using the dispute resolution process prior to filing the protest or appeal on the first-round water protection projects. While the issue expressed was whether or not WWP should first exhaust available remedies within the Settlement Agreement process prior to appealing projects, this WWP protest is not a clear-cut example. The recommendation to BLM for protecting the first round group of identified water storage and production sources was made in the April 8 meeting based on a consensus of the group who had reviewed the allotment. The plans for proceeding on the decision process were discussed in the July 8 meeting, and the MLFO issued their notice for public consultation on the projects on July 10 (misdated on the letter, shown as June 10). Ken sent a letter to Laura Van

Riper et al. on August 5, stating his objections to the projects. From that point on, the timeline was dictated by agency process requirements.

This is an important point as the timelines for protest and appeal are well-established and must be followed. The SA issue resolution process under Section 13 has no stated timelines, other than the notion of quickly bringing issues to CMG attention. If a party has raised issues in the CMG process without satisfaction and intends to protest/appeal, it is not reasonable that they allow their time to be eroded in the Issue Resolution process.

This is not "just" a process issue however. Since the very beginning in April, the importance of protecting riparian water storage and production areas and developing other reliable off-stream water has been seen as critical both to accelerating recovery of these important resources AND being able to graze livestock without exceeding prescribed use levels. Because even a few cows for a short time can keep these small riparian areas in degraded conditions, even significant reductions in number of livestock would have little or no effect on riparian recovery opportunities. Permittees are also encouraged to seek water developments including springs, wells and others on the private lands. A number of partner organizations including NRCS may be able to offset some of the development costs on private lands.

In summary, the round one projects have been discussed, investigated and recommended since well before the settlement agreement was finalized, and WWP did discuss views in the field and then in the August 5 letter. But the recommendation and selected action was to move forward with the projects. That left the only recourse for objection in the protest/appeal process. Beyond that however, the NRST again recommends that all members of the CMG utilize the issue resolution process, discuss all issues openly and promptly, and document objections using the form provided. A clear record of efforts to resolve issues is important for the group understanding and record.

Non-government personnel travel in UTVs – Early on, instructions to CMG were that everyone needed to be responsible for their own transportation in the field, including UTV travel. Discussions have occurred between NRST and Field Office staff about using Volunteer Agreements that would allow non-government people to ride in government UTVs but this is seen as too high of a liability for government and will not be permitted. On some UTV travel, including this past week, permittees or contractors have made arrangements to take non-government people After discussing this within the NRST, it is recommended that CMG members ensure their own transportation. If it is too much liability for the government to allow riders, then the same applies to permittees and contractors.

Livestock remaining on allotment

Permittees are in the process of removing all livestock from the allotment. During the week, cattle were observed in a number of use areas, including areas that had earlier exceeded triggers.

For example, the permittee had moved cattle from the Horse Haven and Whirlwind use areas to the Sansinena use area after upland triggers had been well exceeded in late August (see August CMG report). Unfortunately these livestock drifted back to Horse Haven. The permittee needs to be moving these cows from the allotment now, as Sansinena use is at or above the end-of-season utilization limit.

On the Tomera use areas, small groups of cows were widely scattered; some in the high basins and others along riparian areas. Some of these areas were at or above mid-season trigger levels, particularly the riparian areas. A number of use areas showed very light upland use even at the end of season. Tomeras are riding daily to clean up the pastures, removing all livestock to the flats and then on to private land.

An application was submitted to BLM for 150 cows for November and December that generated some misunderstanding. The application was interpreted by BLM staff initially as wanting to move 150 cows onto the flats and mountain areas during that time. Clarification by the permittee is that the need is to avoid possible trespass situations as they remove the cows but may have some cows in different areas of the allotment after October 31, the end of their permit season. The number remaining will be constantly reduced as riders remove animals. Permittee also noted that this type of application has been a common practice in past years.

Planning for November meeting

The end-of-season review meeting will be held November 17-19 in the Battle Mountain office. At that time, each member will provide:

- An overview of their views of how this initial season worked,
- Key issues that need to be resolved,
- Practices/processes that went well, and most importantly,
- Suggested changes that can accelerate improvements in the 2016 season.

NRST will have a very tentative stockmanship plan developed for discussion, but the permittees and their consultants should come prepared to discuss different use patterns, seasons of use for various use areas, and routes for moving livestock in a rotational system. It will be important for use areas to have planned deferments during the season, providing rest either before or after grazing. An agenda is being developed and will be sent to CMG members by November 10.

One recommendation by the NRST will be to implement an integrated management process, which includes the collection and analysis of long-term monitoring data on both riparian and upland sites in 2016. Current measurements of annual utilization provide little information that will inform development of management objectives or future management plans and actions.

Also during the November meeting, the State Office permit renewal team will present the current status of preparing for the Argenta Permit Renewal called for in the Settlement Agreement. This will be the first one of many; the State priority is for renewing permits in the Sage Grouse Focal Areas, most of which are in northeast Nevada. It will be a good opportunity

for permittees and local BLM (along with some partners such as FWS) to learn about the overall process and specific activities planned for the Argenta allotment.

Participant list

Name	Monday	Tuesday	Wednesday	Thursday	Friday
Adam Cochran	X	X	X	X	X
Bob Schweigert	X	X	X	X	X
Jack Alexander	X				
Martin Parris	X				
William O'Neil	X	X	X	X	
Dustin Fowler	X	X	X	X	X
Michael Vermeys	X				
Kathryn Dyer	X	X	X	X	X
Swawn Mariluch	X	X	X		
Angie Mariluch	X	X	X		
Mark Gonzalez	X	X	X	X	
Sarah Peterson		X	X		
Jeremy Lutz		X		X	
Steve Foree		X		X	
Matt Glenn		X			
Sue Priest	X	X	X	X	
Sam Ault	X		X	X	
Paul Tomera		X		X	X
Steve Leonard	X	X	X	X	
Mike Lunn	X	X	X	X	
Jason Spencer	X				
Ken Cole	X	X	X	X	

Dan Tomera	X	X