



June 7, 2010

Mr. Bryan Fuell
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3900 East Idaho St.
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RE: Hubbard Vineyard allotment AE, FRH process and FEA

Dear Elko BLM,

Here is a Western Watersheds Project Protest of the most recent Hubbard Vineyard Assessment, EA, and Proposed Decision.

We incorporate all our previous comments (including from the 1997 evaluation process, the Appeal/Petition for Stay to the present) into this current decision process Protest.

We Protest the following:

The EA and AE lack any substantive science-based analysis of many deleterious effects of livestock grazing and trampling disturbance (see Fleischner 1994, Fleischner 2009) especially the “holistic grazing”, “mob” grazing or variations on these types of grazing schemes that rely on uniform intense disturbance and adverse alteration of: Soils; microbiotic crusts; native vegetation community composition, function and structure; important and sensitive species habitat components and the ability of the public lands to support viable populations; integrity of cultural resources; disruption, degradation, or diminishment of recreational uses and enjoyment of public lands; watershed functioning; water quantity and quality; the loss of the natural ability of the land to buffer climate change effects as well as naturally sequester carbon, and many other important values.

Intensive, mob, or holistic grazing inflicts many of the most deleterious practices on fragile sagebrush and salt desert sagebrush communities. The scheme uses very harmful practices of trampling and high and uniform levels of use so that there is no untouched or less disturbed area remaining for wildlife, watershed health, or many other factors. These practices have serious adverse effects in promoting invasive species spread and eventual dominance of sites, or in causing loss of structural integrity of old

growth and mature sagebrush (termed “decadent” by the scheme being practiced here – and completely incompatible with sensitive species habitat needs.

It remains clear that an EIS must be prepared in Hubbard Vinyard to examine the full range of deleterious effects of grazing use and management under this scheme, as well as to protect the much-altered, fragmented and reduced sensitive species habitats that are at serious risk here.

These holistic/intensive/adaptive systems are often used to avoid meeting specific mandatory measurable standards of grazing use, and to avoid accountability for overstocking of the public lands. It is highly controversial, and at odds with current ecological science. See for example, Mack and Thompson 1982, Fleischner 1994, Fleischner 2009, Belsky and Gelbard 2000, USDI BLM Technical Bulletin on microbiotic crusts Belnap et al. 2001, numerous scientific studies and analyses associated with ICBEMP – the Interior Columbia Basin ecosystem Management Plan, and even Wisdom et al. 2003- a report on the deteriorating ecological conditions across Nevada now suppressed by Nevada BLM and especially the grave risks of cheatgrass and other invasive species spread and dominance under continued disturbance). Please also review Nevada Natural Resources Status Report (2002), and a series of Holechek, Galt and other articles in the Attached bibliography.

This all adds up to discredit the “holistic” elaborate scheme of intensive ubiquitous cattle trampling; purposeful destruction of native sagebrush, bitterbrush, mountain shrubs and other vegetation through management practices such as feeding various substance; uniform and intense disturbance inflicted to microbiotic crusts and fragile arid lands vegetation communities. This all adds up to short, mid and long-term degradation of sage-grouse habitats, pygmy rabbit habitats, loggerhead shrike habitats, and watersheds critical to remnant redband trout, leather northern side, Columbia spotted frog and others. Not to mention the deleterious effects to cultural sites, artifacts, and scientific reference values of sites.

This process may also be very expensive and a time sink for agency staff and others as endless meetings are conducted to promote continued grazing damage. This also represents ceding of management authority to private interests for private profit. There is no certainty on how public lands will be managed under this scheme – where a group often comprised primarily of ranching sycophants, accedes to the desires of the permittee. The group is essentially “cover” for overstocking, damaging practices such as supplement feeding to destroy mature native vegetation, and other practices. This continues in the Proposed Decision with the highly uncertain grazing scheme and greatly inadequate use standards, and those for riparian areas are not even required and mandatory Terms and Conditions of the Permit. SEE Appendix 2.

We are dismayed that the BLM has let this scheme be imposed without any NEPA analysis to date. While this group may promote the ranching culture, it is in a way a de facto takeover of public lands by private interests. Further, there is no explanation for why a broad range of alternatives to reduce livestock, and remove livestock from critical sagebrush habitats, while allowing some continued use in the highly degraded post-fire lands that have been treated as largely a sacrifice area are not being considered as viable alternatives.

BLM included only a single alternative that reduced grazing, but it is clear BLM never had any intent of fully considering any significant changes here, and the alternative it did consider was not adequate to allow significant restoration of the degraded sagebrush habitats and compliance with conservation requirements.

An EIS is also required because BLM cannot rely on the Wells RMP livestock commodity use mindset for managing these critical 100,000 acres as the data and management paradigms on which it is based are 25 years old. Many “commodity” aspects of the RMP are completely out of touch with the current ecological setting and the great importance of prudent management for the sagebrush biome. We also stress that the EA and the adverse impacts of the Proposed Action on sage-grouse and the other species in the sagebrush biome

An EIS must be prepared to explain how the HV grazing scheme devolved from 1997 to what is claimed to be No Action in DEA at 5, and that is largely rubberstamped for the next decade along with even more destructive facilities, if the Preferred Action Alternative is adopted.

An EIS is clearly needed to analyze a suitable range of alternatives that protect, enhance, and restore sagebrush habitats. This EIS must fully analyze a series of reduced grazing Alternatives and the Grazing Alternative. A broad range of alternatives that reduce livestock impacts, rather than increase or keep them disastrously the same, must be examined in a 2010 context. How many more springs, seeps, or lengths of springbrooks, really, will BLM kill with continued grazing, re-development, while allowing this ecologically destructive action to continue at such a high stocking rate? BLM to this day has refused to conduct open and honest detailed evaluations of springs, seeps and the increasingly headcutting, eroding and intermittent drainage networks. What exactly was No Action in 1997 (first Eval time)? Now? Table 2.2.1. Has “All” listed for each pasture. Why is there no detailed analysis of how either 1997 No Action or current No Action is occurring? How many additional water developments, and fence schemes were built? Under what NEPA?

Regrettably, this EA/process still does not provide a systematic Baseline analysis of the direct, indirect and cumulative effects of all livestock facilities that are present, and that have piecemealed into sensitive habitats over time.

What does “All” in Table 2 mean? Has BLM allowed large numbers of livestock to be imposed on any and all pastures without accurate recordkeeping, and without taking into account carrying capacity, conflicts with sensitive species critical needs for undisturbed areas and abundant habitat components, conflicts with young birds in nests, pygmy rabbits in shallow natal burrows, or redband trout eggs in the very small and shallow streams here? That seems to be the case. Now the Preferred Alternative would be more of the same.

A review of the Wells RMP ROD provisions related to Terrestrial Wildlife Habitat shows that only significantly reduced grazing Alternatives comply with this ROD requirements to maximally conserve or enhance wildlife habitats, eliminate fencing hazards, and eliminate terrestrial riparian habitat conflicts. Developing/digging into and de-watering, or re-developing springs does NOT alleviate conflicts – it increases changes of loss. Review of the mapping shows that all but one of the springs to be dug into are located in areas that would be closed under Alt. 3. (But something doesn’t seem to mesh with the # shown on the maps). BLM’s version of Alt. 3 contains use standards that are grossly excessive – and would not provide sufficient nesting, residual cover, watershed cover, or adequate protection for native grasses. Thus it can not be seen as compatible with sensitive species and sagebrush conservation policies and requirements. There is also no chance that recovery of damaged areas and compliance with Rangeland Health standards and Rangeland Health CFRs would occur.

Livestock use on wet and dry meadows meadows, springs, springbrooks, seeps, livestock-accessible portions of stream banks, intermittent and ephemeral channels must not have trampling greater than 10% of the area.

Six inches stubble height on all riparian and mesic species must be present at all times.

All measurable use standards must be mandatory.

Dry Creek should be added to the area of closure, as well as some other areas under an expanded range of alternatives.

We remain very concerned that necessary detailed surveys and analysis is not portrayed so that the full range of impacts can be understood, and alternatives including passive and some active restoration components of an expanded range of alternatives can be adequately compared.

For example, the Cold Springs and Hubbard Basin areas contain numerous complexes of highly degraded springs, and very harmful spring developments, troughs, etc. See Photos on cd with earlier comments, including that accompanied the e-mail Pasted with these comments. Yet this is not adequately analyzed and addressed in the EA. There are also abundant highly erodible soils, gullying and other accelerated erosion processes occurring, Microbiotic crusts are greatly reduced in many areas, but there still remains recovery potential if the damaging trampling is removed.

Necessary mapping and analysis that overlays all of the important values, vulnerable areas, areas where restoration is critical, biological conflicts with grazing use, etc. must be displayed. Restoration should include removal of spring facilities, too.

BLM must prepare an EIS to evaluate a full range of alternatives and to establish a sound environmental Baseline— based on current ecological science. Current Baseline inventories for all important and sensitive native species must be conducted. If BLM is going to promote the anti-science, livestock industry desires of loose and uncertain “holistic” management, then a full range of alternatives must be examined and analyzed in full.

If the rancher/Shoesole Group wants to practice uncontrolled grazing on private lands – that is the place for it, and the irreversible trampling, weeds, losses of sage-grouse nests to predators as birds are displaced from nests due to cattle inundating areas with cattle during nesting, and other damage can't be controlled there. But it can, and must, be controlled on BLM lands. To subject public lands to an open-ended and uncertain grazing scheme (as described for Alternative 2 ” in the EA) thwarts the mandates of the Taylor Grazing Act, FLPMA, and other applicable laws, regulations and policies to manage public lands. Nebulous, loose and uncertain grazing schemes are referenced. There is no certainty.

It is impossible to understand how grazing would occur in all years under the grazing scheme of Table 3 Pastures are identified as “---“. This appears to mean that ANY pasture could be grazed during any month –despite 2 feet of snow, or a mud mire being present. This is madness, and appears to be a return to pre-TGA “anything goes” range dis-order mindset.

This continues with the Proposed Decision, and it appears that basically any land area could be grazed at almost any time in the year by the very large and intensively disturbing herds of cattle.

DEA Table 2.3.2 provided a Table labeled “*As an example, a six-year grazing cycle under the above parameters could look like this*”. This is also present with the proposed decision. The EA actions and

lack of control are structures so that there is no guarantee that grazing use here would ever would look like the Table. There is clearly no set schedule of any kind. BLM can not allow use on these ands that have been s damaged, and that have already suffered significant recent habitat loss from fire, cheatgrass, greatly increased disturbance from mining, and that is in the footprint of transmission lines to occur under this open-ended anything goes permit scheme.

The Assessment and Determination are based on limited, deficient and inadequate site-specific data.

THE FOLLOWING CONCERNS WITH THE DEA CONTINUE WITH THE 2010 PROPOSED DECISION, FEA and FONSI

“B” on DEA page 7 failed to explain what is meant by “numbers are a function of authorized season of use and permitted use”. The “season” is year-round! Great uncertainty surrounds: “actual livestock numbers may vary through the grazing season provided the calculated carrying capacity for each pastures are not exceeded”. This is crazy! This means cows could be presenting each and every pasture nearly year-round.

There is no way to understand how “c” on page 7 would be put into practice. There is no evidence that any of the native pastures can sustain any growing season use. The growing season is not even defined (pasture-by-pasture). Plus “c” here refers to Table 2.3.7. Yet we could find no such Table in the EA. Both the EA AND the Assessment must be provided together, and posted on-line.

There are no mandatory measurable standards of use for upland or riparian areas shown as being applied at present. (No Action). Is that indeed the case? These are required.

WHAT will all mandatory measurable standards of use be under all Alternatives? Are the “utilization standards” Terms and Conditions”? Please answer this question. It appears that they are not – increasing the uncertainty even more.

50% upland utilization will not provide adequate nesting cover for sage-grouse, and will not protect the declining native bunchgrasses from excessive use. See Freg 1994, Connelly et al. 2004.

Due to the loose and uncertain nature of grazing to be applied here, we ask that all livestock be ear-tagged, identified, and counted as they move from pasture to pasture by BLM personnel.

We find it inconsistent that BLM is clearly relying on allowing large herds of livestock to be moved willy-nilly across the landscape, in a largely uncontrolled and ill-defined manner, yet in its discussion of Alt. 4, BLM goes to pains to claim that herding does not work. An EIS must be prepared to resolve this apparent conflict without elaborate and highly uncertain herding scheme to be applied, and BLM’s claims of why even more barbed wire is essential.

The end result is that BLM basically cedes control of the annual grazing scheme to the HRM group. Grazing changes on an annual basis are based on the whims and desires of the group (and driven by the permittee and ranch desires/economics). Greatly increased grazing use – with no cap other than the total AUMs per allotment and use during any season – can occur. Under TNR, an unspecified number of additional AUMs may be allowed – with no valid analysis having been conducted of the environmental effects.

What the HRM group actually does is to take over control of public lands - and make all uses (biological, cultural, recreational) secondary to the permittee's grazing desires.

BLM must evaluate the time and cost to the public that agency participation in the Shoe group - where it becomes one of many parties in a "team". How much has the HV HRM already cost taxpayers? How much will it cost over the 10 year life of the permit?

One-time placement of salt, minerals, molasses, supplement (typically lavishly used under holistic grazing) may destroy nesting habitats for sensitive species in old growth and mature big sagebrush or low sagebrush – that takes 30-100 years or more to reach maturity. The severe trampling disturbance alters and destroys microbiotic crusts – with such disturbance known to promote weed invasion (see USDI BLM Belnap et al. Technical Bulletin on microbiotic crusts). So this disturbance may result on permanent dominance by weeds and loss of sustainable perennial forage. The loose, uncertain, unspecific grazing has no validity in shrubsteppe systems that did not evolve with intensive grazing by large ungulates. See Mack and Thompson 1982. Just look at the minimal to non-existent info provided on No Action – which is supposedly how grazing has been occurring. The EA page 5-6 describes No Action – which is only a Table with no specific pasture indicted.

Full and detailed info on pasture-by-pasture monitoring for the past 20 years must be provided, Actual use by pasture must be provided. Times of use and levels of use monitored (and location of monitoring) must also be provided.

Table 2 is titled: No action Grazing Permit Schedule. While this may show the number of livestock "scheduled", how many were grazed and trailed? Where?

Where are all salting/mineral supplement/sagebrush/bitterbrush destruction sites under the Shoesole shrub killing actions? Please provide a map. Please provide an inventory of weed species presence. How has this practice exacerbated habitat fragmentation, watershed declines, species losses?

The EA claims a Carrying Capacity analysis was conducted. The analysis that was conducted was greatly inadequate, and a full Capability and Suitability analysis was cast aside. Where is a current Ecological Site Inventory analysis, for comparison? How do current conditions compare to the conditions during the old ESI (early 1980s)? OR those stated to be achieved from the old RMP/Grazing EIS? How significant has the degradation and deterioration of native communities from fire and intensive trampling and grazing destruction under the Shoe group been?

The Hubbard Vineyard allotment contains habitat for the federal candidate species, Columbia spotted frog, redband trout, and the petitioned leatherside chub. Holistic grazing, and the loose open-ended grazing scheme, may trample and destroy frog egg masses, adversely compact riparian area soils and vegetation, and lead to long-term loss in water quantity as eroding, trampled, head-cutting sites result in shrinking and drying of riparian areas, with eventual loss or reduction of surface flows. Manure from very large herds of livestock may pollute waters critical to frogs. Spring and springbrook and stream habitats are already greatly reduced, and BLM proposes even more de-watering or reduced flows through "re-development".

The full array of foreseeable disturbance from other activities – ranging from expanded barite mining disturbance to new powerlines/utility corridors or other infrastructure that fragments habitats for shrubsteppe species such as Sage Grouse (see Connelly et al. 2004, Knick et al. 2003, Dobkin and

Sauder 2004)– must be fully examined in an EIS. What new utility lines, corridors, mining or other disturbance including vegetation treatments or manipulation - are foreseeable in or near these lands?

While the EA proposes even more livestock projects than already exist, there has never been a systematic accounting of the location and condition and ecological effects (such as reduction in surface flows, pollution of water, loss of frog habitat, loss of sage grouse habitat, weed proliferation and spread, etc.) that has resulted from the existing livestock projects and facilities in the Hubbard Vinyard allotment and surrounding lands.

The full range of cumulative effects must be analyzed. These include large-scale recent losses of shrubsteppe habitat on BLM lands north of Wells and Elko – including in the Jarbidge-Cottonwood area, in O’Neill Basin (within past 5 or 6 years), near Charleston, in the Salmon River allotment, and the Jarbidge BLM Field Office to the north – and other areas. This makes the remaining unburned lands of the HV allotment even more important as habitat for sage grouse, pygmy rabbit, loggerhead shrike and other rare and declining shrubsteppe species.

A full and detailed examination of the adverse effects of climate change must be provided too – especially in these so degraded and desertified wild lands where BLM seeks to continue imposing large-scale and little-controlled livestock disturbance for 10 more years. What little resiliency that is left will be lost.

BLM must prepare a full and detailed analysis of the current status of habitats and populations for all sensitive species here. What effects will recent fires, for example, have on Sage Grouse populations at the local and regional scale? What effects have they had already? Please see Espinosa and Phenix (2008), NDOW sage-grouse reports, 2008, NDOW sage-grouse reports 2009, Knick and Connelly (2009) – including Garton et al population analysis.

BLM now appears to have given up on sage-grouse habitats in most of the pastures. Relentless holistic trampling disturbance is promoting cheatgrass expansion in nearly all burned and unburned pastures. Use levels are greatly excessive for proper nesting conditions. Under the wide-open near-uncontrolled and uncertain grazing scheme (No Action) and Alts. 2 and 4, any area of sage-grouse nesting habitat, or wintering habitat, can be inundated with livestock during critical periods.

How can the lands of the HV allotment be managed to minimize the effects of livestock grazing – rather than maximize such effects – as may be occurring with the current intensive trampling and disturbance “ALL” pasture regime? Where are all lek sites, possible nesting areas (patches of sagebrush greater than 1-5 acres), wintering habitats, Pygmy Rabbit habitats, Loggerhead Shrike nesting sites, Spotted Frog habitats on the allotment, and how will the intense grazing disturbance, season of use, etc. affect these species and their habitats and populations?

BLM must also fully inventory and analyze the Baseline effects of infrastructure and other development here. Then, all foreseeable new developments, and their effects, under a broad range of alternatives must be examined. This includes under the revised range or protective alternatives that we hope to discuss with you where vulnerable complexes of “developed” springs and seeps in areas with native vegetation or the best recovery potential and the watershed where they are found would be targeted for grazing removal.

BLM can not rely on 2001 as the “Baseline” year for streams. How long have records been kept? This process started in 1997.

An EIS must provide the site-specific baseline information – including based on current surveys for species occurrence and habitat condition for all known or suspected rare, sensitive or ESA species, and apply “measures to protect prevent adverse effects based on current science.

There is no adequate assessment of the cumulative and overlapping effects of the current maze of fences, gouged ponds that disrupt drainage networks or are dug into springs, and spring projects. There is no baseline analysis of the effects of the existing projects. There is no analysis of the effects of any “temporary” electric fencing that holistic grazers are so fond of. Has this been used here in the past five years or up to the present? If so, where? Has its use shifted and altered grazing to enable meeting standards in some areas, while sacrificing other lands outside fencing areas? Please provide a detailed analysis of the effects of all such fencing, salting/supplementing/feeding, water hauling, water piping, etc.

How many more miles of fence or other facilities have been built since the permittee began the holistic grazing? It appears that extensive new fencing was built in Jakes Creek/Dry Creek Mountain/Triangle, and Bull Camp pastures. Why is any more fencing or other livestock facilities needed when the permittee lives right by the allotment, and the claim of holistic grazers is that they are always paying close attention to their livestock? Please consider having the permittee hire a herder and require diligent herding and reporting on activity as a Term and Condition of the permit, as a viable alternative to the huge amount of new fencing – 18 miles at \$ 6000 per mile. Or perhaps the collaborative group members could take turns herding – since they are so enraptured with the cattle use on HV. Instead of examining a proposal to build even more facilities, an EIS here must examine a full range of alternatives, based and developed on a systematic examination of adverse effects of facilities. That survey and analysis must identify projects that are impairing habitats for removal. For example, what fences may conflict with Sage Grouse uses and movement – as causes of collision mortality or injury, fence perches for nest predators, fence perches for brown-headed cowbirds that parasitize migratory bird nests, etc.? See Freilich et al. 2003, Connelly et al. 2004, Ohmart 1996.

What is the current fence density in the HV allotment? What is the current fence density of the Cottonwood, HV and surrounding allotments? Why is a much larger cumulative effects area not examined? The EA reveals 60 miles of boundary fence – and a hundred miles or more of internal fence --- already. How does this compare to other portions of the Elko District? How many fences have been built (and ponds dug and troughs, pipelines put in) since the Holistic grazing scheme commenced? Where are these located? Where are ALL facilities located? Please provide this analysis for roading, pipelines and troughs, ponds, etc.

How does current fence density compare to fence densities known to impede antelope use of lands? How will the new fences further conflict with big game, sensitive species, and other uses? (Apply to roads, spring, troughs, pipelines, ponds, etc.).

What ponds, spring developments, etc. can be removed or re-designed to increase natural flows, enhance watershed functions and or processes, and provide for expanded wet meadow and other habitats important to native species? This should also be examined under a range of alternatives, and as mitigation for continued use. In addition, a large permanently livestock-free reference area or watershed should be established of 10,000 acres or greater in size. This is necessary to test the unsubstantiated claims of HRM, including such things as the effects of HRM on biodiversity, weed proliferation, and other effects - with a non-grazing, and/or restoration control.

The EA is greatly inadequate in analyzing the direct, indirect and cumulative effects of the plethora of projects – and how the construction, maintenance and use by livestock may shift, alter and increase effects on habitats. The SOPs (Appendix) do not provide necessary mitigation or protection for important sensitive species populations and habitats, recreational and other uses of the public lands. Many of the measures may be only temporary. There is no requirement that all of these be applied.

Please explain in great detail just what is meant in Appendix 2 by “annual grazing ... will be adjusted in response to drought, fire, or other natural disturbances”? How will it be adjusted? Please describe what is meant here in an EIS. How much (be specific) will AUMs be reduced? What constitutes a drought where AUM reductions or nonuse would occur? What are the effects of over-use in a drought situation?

The fence developments and other aspects of this decision violate the land use plan requirements for protection of habitats and living space for important and sensitive species, as they will impair remaining less developed habitats through intensifying, concentrating and altering livestock use and trampling, trampling, and other disturbance habitats and use of the area.

How many of the existing fences in the HV allotment and surrounding lands are post-wildfire fences that have been allowed to remain in place? Were any supposed to be removed? Where? Was it done? How many acres, and where – in the HV allotment and surrounding lands have burned in recent years (the past decade)? Where have cheatgrass, annual mustards, white top or other invasive species increased or come to dominate post-fire, or post-holistic grazing and trampling activities, etc.? From our examination HV EA Map 2, it appears that there may already be a hundred miles or more of fences in or on the boundaries of, the allotment. Now, BLM proposes to build approximately 16 or more miles of additional fencing – for a permittee that claims to be a holistic grazer and always out there paying attention to livestock. This defies all logic. Fencing proposals will conflict with mule deer winter range and other big game habitat needs, as well as antelope summer range and bighorn sheep range requirements.

Why is there no mapping of current cheatgrass occurrence in the understories – or as a community-dominant here? Why is there no mapping or other analysis of lands at increased risk for cheatgrass invasion or proliferation under the stocking, intensive trampling, and other parts of this EA decision and HRM scheme? Why is there no analysis of the direct, indirect and cumulative effects of the grazing activities in altering wild land fire cycles (see Whisenant 1991, Billings 1994)?

Where has any temporary electric or other fencing been placed, any water haul sites or temporary troughs been placed? Where has any cattle breakage and alteration of vegetation communities through salt or supplement placement occurred? Please provide mapping and analysis of impacts.

How have flows at springs and in riparian areas changed over time? Is there older water resource inventory or other information related to flows at all springs, seeps, and drainages here?

Were any PFC assessments conducted before, during, or after livestock grazing use here? We have observed a tendency by agencies to rate springs much better if grazing use has not occurred? Who conducted the PFC assessments – consultants or BLM?

How are the springs connected within the watershed? What are the cumulative effects of all spring developments, stock ponds, and other livestock facilities, on watershed processes, flows and condition? What are the effects on watershed-riparian conditions for aquatic biota and habitats ranging from

redband trout to smaller aquatic species???. How will all the new actions under the EA further increase or intensify such effects? How will climate change amplify these adverse effects? What is the status (numbers, connectivity and quality of habitat, etc.) of redband trout populations here? Please develop a range of alternatives to restore habitats, increase perennial flows, and re-connect habitats.

What areas of the HV allotment have received repeated livestock trailing or other use in the course of the grazing year? What have the effects been? Where will trailing occur under the new complex scheme? Please provide a detailed analysis.

What is the status of the bighorn sheep population here? What have been the trends in this population since re-introduction occurred? What can be done to minimize disturbance during sensitive and critical periods of the year for bighorn? Research shows that when cattle move into an area, bighorns move away. The loose and open-ended grazing scheme would allow grazing during lambing, wintering and other sensitive periods. The population of bighorns here is confined to a small area – and hemmed in by domestic sheep grazing in the notoriously degraded Salmon River allotment to the east – where Elko BLM steadfastly to remove the disease-ridden domestic sheep from this allotment also grazed by a greatly excessive number of cattle. Domestic sheep trailing also occurs near (is there any area within?) the HV allotment to the west or north. Please provide a full analysis of the effects of grazing in the area on the bighorn population. What are the grazing and disturbance patterns associated with the Cottonwood allotment – where HRM is also supposed to be practiced? How has bighorn habitat in the Badlands area been affected by grazing, fire and other disturbance over the past decade?

Besides livestock effects on bighorn, the full effects of livestock diseases, and West Nile virus that may be enhanced through livestock trampling, ponds and water sites – must be fully examined. See Holloran and others – discussing effects of stagnant water on promoting mosquitoes that harbor West Nile fatal to Sage Grouse, migratory birds, and other wildlife – as well as adversely affecting human uses and enjoyment. Significant research shows that bighorns avoid areas used by cattle.

We are deeply concerned about the full range of grazing and other disturbance to the Badlands WSA in the Devils Table area are not adequately examined. What is the current ecological condition, presence of invasive species, habitat conditions, etc. across the WSA? How close to the WSA does the new fencing proposal come? How will use under the actions here intensify damage to the WSA? How is “holistic grazing” affecting the WSA values –primitiveness, naturalness, wildlife values, etc?

In” Changes to the AE” (Summary Report), BLM claimed that Leo Spring and some other areas are now in PFC. This appears to be the result of fencing. If areas are fenced off - then use is simply extended or shifted to new sites. What is the condition of any remaining wetland/riparian area outside any new fencing here? Have assessments been done on such areas? It is our observation that remaining wetland areas outside any “exclosure” fencing deteriorates and soon is lost due to desertification and desiccation processes.

BLM is comparing apples and oranges when it claims that PFC assessments show improvement in comparison to surveys conducted in 1980-1981 –PFC is a minimal examination, and is not really related to the ability to support aquatic biota or habitat condition and other factors. PFC does not ensure that water quality standards are attained. What was the meaning of “good” then –and where is all of the other information about flows, flow reduction, etc? Please provide all of the data referred to in an Appendix so that BLM’s rosy conclusions can be understood.

If BLM is going to claim “improvement” it must re-examine ALL of the components measured in 1980s – including flow rates, areas of perennial flows, extent of meadow areas, etc.

This claim is as bogus as BLM’s reliance on water quality measurements many miles outside and downstream of the allotment. Here, BLM has failed to conduct necessary site-specific studies to determine water quality. It is as weak as BLM’s other rosy predictions – based on the loose and highly uncertain grazing scheme and management activities to occur here. The uncertainty over just what will occur

What exactly is meant by decadence in sagebrush? What the HRM group terms decadence is the essential older and mature sagebrush and other shrub habitat structure that is required by many sagebrush-dependent species. Use of such terms shows that BLM seeks only to further manipulate or kill sagebrush to extend livestock forage on lands woefully depleted by the “holistic” grazing scheme. Please see Welch and Criddle (2003) describing the biases against older and mature vegetation that BLM continues to parrot – so as to set a basis for further loss and destruction of shrubs in efforts to grow cow food on depleted ranges.

Please provide a full and detailed analysis of all livestock seedings conducted here over all years, and their current ecological condition, vegetative composition including presence of cheatgrass, halogeton, etc. and productivity. What is their current condition? WWP has observed that the seedings have been early completely destroyed by excessive livestock use, and overstocking. How much of the stocking rate has been/nor is based on long-gone production in these seedings?

Why were reference exclosures not maintained here? BLM and the permittee have allowed expensive study exclosures to fall apart over the years. Yet, in the EA, BLM plans 16 or more miles of new fencing – yet has not even managed to keep exclosures that large amounts of tax dollars were spent on intact. This is certainly not conserving and enhancing habitat, or meeting Objectives.

Who conducted all PFC and other assessments here? We are very concerned that BLM has allowed the permittee/holistic group info to be used as data. Where are data that show current redband trout populations here? How many miles of streams are currently occupied? How does this compare to previous surveys?

BLM has steadfastly avoided conducting analysis of current Ecological Site Inventory studies here, and other studies necessary to understand attainment (or failure to attain) RMP objectives and support the very high stocking. It has also avoided fully assessing the extent of invasive species infestation in the allotment.

Where is the necessary data that shows Actual Use over all years of the Evaluation period? Where is the data that shows utilization, Use Pattern Mapping, stubble height, riparian and upland browse, bank trampling, and all other information over the past 20 years – by pasture or use area? Please provide this in an Appendix, along with any records and monitoring of TNR use. This is necessary to understand the ability of the land to sustain livestock use and set a stocking rate. Please also provide information for all measurements and monitoring information here on who collected the data – BLM or the permittee.

As part of this protest WWP attaches and incorporates as if cited in its entirety here the decision by Administrative Law Judge Andrew Pearlstein that remanded the Owyhee BLM Field office’s decision authorizing livestock grazing on the Nickel Creek allotment in Owyhee

County, Idaho. Judge Pearlstein makes very clear that it is a violation of FLPMA not to include so-called management guidelines as terms and conditions of the grazing permit (please see this part of the Judge's decision starting on page 100).

Where is the necessary mapping of cheatgrass and other invasive species presence here? This (cheatgrass mapping) available for all Nevada BLM lands, and current info must be provided.

Where is the analysis of the extreme depletion and other adverse impacts to the various seedings here? Why were old exclosures in the seedings allowed to deteriorate? Even with deterioration and the fences becoming dilapidated we have observed a vivid contrast between grazed and partially protected areas here.

Where is a specific schedule, year by year, that limits livestock use, and prevents repeated bouts of trailing, grazing or other intrusion?

Where is any data or analysis that provides for stocking of pastures based on ecological conditions, sensitive species conflicts, production, capable acres, etc?

What is meant by the greatly unspecific "target" utilization description? These levels are far too high for lands grazed at any time of the year –but particularly during the active growing season for native species.

There is absolutely no certainty that grazing use will not conflict with wintering wildlife, and other important uses of the public lands. Grazing use can occur –at ANY TIME!

Even worse, the EA leaves the door wide open for the "team" to come up with even more developments on this already greatly over-developed allotment. We again stress that there is no mapping or adequate analysis provided of the full array of facilities here. This is exactly what appears to be the case with the spring developments in all the unidentified areas, as shown in the Proposed Decision.

There is no certainty associated with the team. BLM essentially is turning much of the management of the public lands over to private interests – that is in reality what this decision does.

There is no assurance provided ecological status has been improved, that habitat for all seasonal big game use has been improved or maintained, that reasonable numbers of big game are being met, that unfenced springs and seeps have undergone any improvement or that they have not been further headcut, desiccated, and gullied.

Resource Protection measures are far from resource protection. BLM is required by law to issue a grazing permit. This is not "resource protection". Treating weeds is also required under law. BLM policy is to manage according Sage Grouse Guidelines (not in particular as adapted for Nevada – where numerous excuses are provided for failure to meet grass height and other requirements for Sage Grouse as the Ag. Industry –including parties to this HRM Process have been promoting a series of excuses for ranchers in Nevada failing to meet cover requirements). This decision, unfortunately, does not even do this.

There is also no systematic examination of flows and other features and environmental variables associated with springs, seeps streams and all water developments to guarantee that water will be left at source ... and to provide for establishment and maintenance of riparian habitats.

There is not an appropriate range of Terms and Conditions and mitigation measures provided. Lacking are required measurable standards of livestock use and specified required annual use periods with stocking rates per use area applied. This is all necessary to protect sustainable perennial forage here, and to that limit trampling damage to riparian and upland habitats, avoidance of hot season grazing use on springs and seeps, modern-day limits of grazing use of upland vegetation – so that essential sage grouse nesting habitats can be provided. All use should be limited to levels that provide 7 to 9 inches of residual grass cover remaining in sage grouse habitats.

A sagebrush nipping/breakage standard of less than 10% should also be applied to limit the impacts of cattle, especially under HRM practices that aim to destroy shrub cover. This limit may need to be lowered in areas already affected by HRM practices to any significant degree. It is necessary to prevent the alteration of shrub cover essential for nesting migratory birds, sage grouse and Pygmy Rabbit. Please see the March 2003 Federal Register Rule for ES listing of the Columbia Basin DPS of the Pygmy Rabbit to better understand the importance of dense sagebrush cover and other important habitat features for this species.

The O'Neill/Salmon HMP goals and objectives have not been shown to be met – in some cases BLM never bothered to even collect sufficient data to determine what occurred. Necessary site-specific surveys to determine the degree of progress being made have not been done. The FRH and EA Process is inadequate, and based on much conjecture and unproven assertions. Additionally, what changes have occurred at the local and regional level to affect wildlife populations since these goals were laid out (see EA at 4-5).

There is no certainty that the Proposed Action (or any of the range of grazing alternatives here) would “continue to or provide for attainment or significant progress” toward the FRH Upland, Riparian Habitat, Habitat, Cultural, or many other requirements under the Fundamentals of Rangeland Health.

BLM also claims that it will remove or retire non-functioning or non-necessary projects – but has never provided info and analysis necessary to identify these and require that this occur under any decision here. Which projects are these?

There is no real analysis of effects on biodiversity – as the grazing practices destroy microbiotic crusts opening the door for weed invasion, flood sensitive species habitats with livestock during critical periods of the year, and otherwise conduct grazing in a manner that maximizes disturbance of nearly every acre of land – the type of “biodiversity” fostered must be weedy and common species – while forsaking the needs of sensitive biota.

There is no systematic method presented for measuring current or altered biodiversity as HRM continues. “Collaboration” may result in decisions that sacrifice important values and resources of the public lands for the economic goals of the permittee. There is no certainty that current ecological science, or even range tenets, will be followed.

It is simply impossible to understand just how livestock use will occur under the old or the new EA. The text is riddled with uncertain, loose and completely malleable terminology that provides no

specific course of grazing action. Plus, it allows the “collaborative” group or the permittee in meetings with the BLM to annually alter and change management.

One-time mistakes in the highly uncertain “annual grazing” plan changes may result in irreversible damage to soils, microbiotic crusts, vegetation communities, habitats, etc. –and this further necessitates preparation of an EIS. No specific measurable criteria are applied to determine how changes would be made.

Calculated carrying capacities are greatly inadequate for determine the full range of effects of grazing livestock – as they can be manipulated by placement of salt, supplements, etc. – at sites away from where monitoring may occur so as to lessen use measured, and otherwise rigged.

The current ESI, production of perennial vegetation, and other studies including capability of the lands to withstand livestock grazing and trampling –have not been conducted here.

This concern continues: A precedent set in HV HRM may affect land areas much greater –as we understand the permittee in the Spruce allotment wants a “collaborative”/holistic group in order to try to eke out more AUMs on greatly depleted lands . In that circumstance, the livestock industry has long sought significant destruction of native vegetation communities to promote livestock forge – very expensive taxpayer-funded “treatments”, a 90 mile livestock water pipeline, and other deleterious actions. If BLM allows the livestock industry to get away with the highly uncertain HRM grazing scheme in Hubbard Vineyard, it sets a precedent for other permittees to do the same – basically setting up a “collaborative” group to support actions that place private economic interest and “going along to get along” at the forefront – and that may act in direct contradiction to current ecological science and many of BLM’s regulations and environmental laws.

IN the old EA: There is no certainty on the level and degree that AUMs may be exceeded in any pasture – BLM has not conducted any valid analysis of the effects, of say, grazing ALL AUMs in one pasture in any one year – and issuing TNR in all the others – or various other permutations permissible under the nearly anything-goes grazing scheme. This continues in 2010.

How many AUMs ARE associated with each pasture in 2010– under all alternatives? BLM can not base stocking on the old 1997 AE – when lands have burned, been intensively trampled under HRM, new projects have been built, etc.

It is invalid to base stocking on supposedly “normal” years with adjustments – as this does not take into account the effects of depleted communities, prolonged drought, global warming, and other factors.

It is clear that BLM must evaluate a full range of alternatives that base stocking and use and use patterns and seasons on a significant reduction in livestock numbers (see Holechek, Galt and other papers in the Carter review articles on cd), and application of strict and enforceable modern-day conservative use standards. See the Nickel Creek Decision Attached, and alternatives described there. In addition, in the case of holistic grazing significant – restrictions on upland trampling and shrub alteration must also be put in place here.

The cumulative effects analysis greatly fails to examine the depletion of surrounding lands by livestock, fire and other uses; the level and degree of habitat disturbance and fragmentation that exist across the local and regional area – and many other conditions and effects.

In the old EA process, we had asked that biodiversity and other factors be integrated. An example was: All the relevant information from the 2006 United Nations Report (Steinfeld et al. 2006) on the role of livestock grazing in causing global warming and processes that re related like desertification and loss of biodiversity – into an EIS analysis. Only then could all of the rosy claims be tested or examined in a true modern day context, and a valid assessment of the grazing schemes be conducted. Since the old EA, there has been ever-increasing information on climate change effects, and the adverse role of livestock in promoting desertification and climate change, and causing losses in biodiversity. Yet this remains largely swept aside in the 2010 Proposed Decision/FEA.

Sincerely,

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