

## Year End 2015 Argenta Monitoring Report - Response to Public Comments

Comment ID#	Key point(s)	Comment	Response
1	Settlement Agreement, Sage-Grouse	WildLands Defense urges you to immediately terminate BLM participation in the Argenta Settlement Agreement. The process is exclusionary, extraordinarily biased, and is resulting in significant irreparable harm to sage-grouse and other imperiled species habitats and populations.	The BLM had a legal obligation to fulfill the terms of the Settlement Agreement.
2	Public exclusion from monitoring, permittee bias	The public has been excluded from observing and participating in the monitoring and key aspects of management activities and decision processes in the Argenta allotment. This cover up benefits the financial interests of the permittees, and greatly harms the public interest and ecological, cultural, recreational and other values of the public lands that suffer from the Argenta permittee livestock abuse.	The Settlement Agreement has been approved by the courts and identifies the parties in the CMG and their role in monitoring the Argenta Allotment during the interim management period. The Settlement Agreement also provides direction to the BLM regarding involving the public in this process.
3	FOIA	BLM has acted in a highly politicized and biased manner, even going so far as to stone-wall release of FOIA information to WLD – in order to stall the public from discovering how serious the cover up is, and how high in the Interior Department this goes, and how far into the NV Congressional delegation it reaches.	The Nevada State office and MLFO has been providing this information to your group. The ability of the BLM to respond to FOIA's always varies depending on the size of the request.
4	Monitoring methods, site selection,	This includes NRST excluding the public from illicit monitoring and meetings, rigging the monitoring methods, rigging sites selected, and conducting statistical legerdemain and skullduggery to hide permittee exceedances of standards, and abuse and damage to public lands, watersheds, wildlife and sensitive species values, cultural sties, recreational and aesthetic uses, abundant and clean water, etc.	The comment suggests a misconception on the roles and responsibilities that are specified in the Settlement Agreement. The NRST has no management authority. The decision of whom to include or exclude was made by the Battle Mountain district manager. To create a more transparent process, the BM District Office has created a website that includes Argenta monitoring data and reports for the public to review and study. The comments regarding "statistical legerdemain and skullduggery" are vague. In the absence of a clear and concrete example, the comment cannot be addressed. The vast majority of monitoring sites were established years ago by BLM staff from the Battle Mountain District and not the NRST; therefore, the NRST could not have "rigged" site selection. New sites, selected in 2015, were disputed sites. The new sites were selected through a CMG process that included specialist from the Battle Mountain office, the NRST and other members of the CMG. The CMG selected the monitoring techniques and followed the methods described in the Interagency Technical Reference, "Utilization Studies and Residual Measurements" (TR 1734-3; Coulloudon et al. 1999) and in the BLM Technical Reference, "Multiple Indicator Monitoring (MIM) of Stream Channels and Streamside Vegetation" (Burton et al. 2011). These are the definitive BLM technical references for annual-use measurements; therefore, there is no evidence that NRST or any other member of the CMG rigged the monitoring methods.
5	Averaging utilization, confidence intervals, averaging key species	The report is using every guise possible to claim the utilization levels and the other minimal and deficient standards are being met - averaging the utilization, using the most forgiving level of the confidence intervals, averaging key areas, etc. The NRST wrongfully is averaging utilization across more than one key species and/or across key areas. For example, a reading in excess of the much too high utilization standard should be considered a failure to meet the standard, but that has been cast aside in the NRST's desperation to put a rosy spin on the severity of livestock use levels and ecological damage that took place in 2016	Averaging utilization levels is a common practice that is articulated in many BLM documents, including several rangeland standards and guidelines used in Nevada, California, and elsewhere. Nevertheless, the CMG has chosen to report utilization data both by individual species and by averages at each key area and use area. At any location where there was heavy use (i.e. 61%-80%), there are clearly articulated changes in the 2016 stockmanship plans. Furthermore, there is a clearly articulated within-season monitoring program that will be more intensive than used in 2015. The CMG has articulated these changes to the within-season monitoring program in the CMG March meeting notes (pp. 31-32) and in the March 14, 2016 version of the 2015 monitoring report (p. 4). Also see issue resolution document regarding average utilization for additional details.
6	palatable species	Heavy utilization of more palatable species over time, or even in a one-time event, can result in reductions of these species. These processes are accelerated during drought conditions. See Anderson 1991, BLM Tech. Bulletin, describing death and injury to bluebunch wheatgrass	No one disputes the potential damage that can result from heavy utilization. Heavy utilization (i.e. 61%-80% was observed at one site (Trout Creek) on two species (Letterman's Needlegrass and Mountain Brome), and the 2016 stockmanship plan and within-season monitoring plan have been adjusted to account for the heavy use in 2015 and the desire to avoid a repeat of that heavy use in 2016. Annual-use measurements are not the appropriate monitoring method for determining species composition. Long-term chronic grazing practices and other disturbances affect plant composition. There is no specific management objective tied to the annual-use measurements. Also see issue resolution document regarding average utilization.

7	Averaging across species, bias, North Fork Mill Creek, cover up, change to how monitoring is normally conducted	The BLM must consider individual plant species as limiting factors to ensure against undue degradation of watersheds, important and sensitive species habitats, and the public good. Averaging across species and key areas conceals utilization on the limiting factor. The biased monitoring also forsakes any monitoring of impacts to forbs or other key attributes critical to sage-grouse and other wildlife. Species measured suffered very high 2015 utilization, for example, to levels of 72% utilization. In the North Fork Mill Creek, there were species on which utilization exceeded the much too high 40% threshold but the NRST rigged the monitoring outcome by using an average across plant species. This covered up that standards were met and EXCEEDED for the use area. This method of rigging monitoring deviates from all current agency monitoring protocols and policies. This also shows the biased and exclusionary settlement is not worth the paper it is written on, as the NRST and cow consultant parties that are supposed to be overseeing this are rigging the closed door, secretive monitoring to overwhelmingly benefit the public lands ranchers who enjoy immensely subsidized grazing, and receive lavish drought and other subsidies. These are just some examples of the cover ups taking place in Argenta	See the issue resolution regarding average utilization for a detailed response. In addition, the Settlement Agreement makes no specific reference to utilization on forbs and the purpose of annual-use measurements was to determine utilization on key species. Therefore, for the purposes of complying with the Settlement Agreement, the end-of-season monitoring in 2015 focused on annual-use measurements and was unrelated to forb use. Incidentally, 40% use is at the high end of light use (range 21% to 40%). It is a misconception to equate this general utilization level as a "much too high 40% threshold" in the absence of some specific management objective. The other use categories are: slight (1%-20%), moderate (41%-60%), heavy (61%-80%) and severe (>80%).
8	Ecological Site Uncertainty, soil, lack of verification	Ecological Site Uncertainty: Each upland monitoring site has an ecological site identified. We can find no documentation that these sites were properly identified or verified. No soil pits were dug, the NRCS ecological site descriptions or site keys have not been properly reviewed, and are very likely highly flawed and based on improperly short and erroneous fire return, and disturbance intervals and invalid studies of native vegetation community composition, function and structure. <b>WHAT ecological studies and assumptions were used in contriving the sites and models?</b> Without site-specific soil verification and ecological site verification, it is improper to assign ecological sites to the monitoring sites. -The lack of verification of ecological sites leads to other issues plaguing the report. Without properly verified ecological sites, no comparisons can be made of site potential or site condition, or in reference to any ecological site description (ESD). So all references to what plants "should" occur are speculation and contrivances.	The NRST agrees with the commentor that in many cases the necessary documentation required in a site establishment form were not completed, were not complete properly, or could not be found. Many of the references to ecological sites were made in previous years' monitoring reports completed by the BMDO and in an early CMG draft (dated February 25, 2016) of the 2015 monitoring report. Because the ecological sites had not been verified at many monitoring sites, they were removed from the February 25, 2016 draft and do not appear in the March 14, 2016 draft that was distributed to the public. During the March CMG meeting, it was decided that references to ecological sites and to plant communities should not be included if the proper documentation did not exist. The majority of upland monitoring sites were identified years ago by BLM staff from the Battle Mountain District and some, but not all, of these sites do have an establishment form. It is true that in a handful of sites that were hastily located in 2015 to permit collection of annual use data in each use area, and there are no site establishment forms. The CMG has already reviewed some of the disputed sites in May 2016, and soil pits were excavated to verify the ecological site. The BLM staff from the Battle Mountain office will have to complete establishment forms for the unresolved monitoring sites.
9	Lack of data collected	There are many numerous references to attributes that were not sampled --- species composition, species abundance or density, erosion history and loss of potential , canopy gap, pedestalling, and other quantifiable attributes. This appears to have been done to mislead a reader that these concerns were addressed	The NRST agrees that in the February 25, 2016 draft there were numerous references to attributes that were not sampled and which should not have been reported. These references to unsamples attributes were carried over from an earlier monitoring reportes written by BMDO staff. This issue was raised and discuss during the March CMG meeting. It was decided that this information should be removed and it was not included in the March 14, 2016 version that was distributed to the public.
10	FRH	References to FRH assessments have no merit, as they have not been done, and can not be considered valid...	We are unclear on what FRH assessments are? We are unable to address comment. Global search of March 14, 2016 document shows no reference to "FRH assessments."
11	End of season use levels, livestock removal	It is entirely inadequate to use end of season use levels. Triggers for removal of livestock must be applied	Meaning of the comment is unclear. Both within-season and end-of-season levels are explicitly explained in the Settlement Agreement. The CMG has articulated more specific language on within-season triggers to initiate livestock moves at use levels that are less than the Settlement Agreement's end-of-season use levels (CMG March meeting notes, p.p. 31-32).
12	No trend data collected	No trend data were collected. There was no proper study of soil impacts and erosional loss in wind and water, or devastation of microbiotic crusts under the grazing regimen	True, no trend data were collected in 2015. Because the Settlement Agreement was not signed until mid-June 2015, there was insufficient time to collect long-term condition data in 2015. The CMG began to collect long-term condition, or baseline data, for riparian areas in June 2016. Additional upland data has been or will be collected by AIM (Assessment, Inventory, and Monitoring) crews and by the Grazing Permit Renewal Team and local BMDO staff as part of the permit renewal process.

13	KMA and DMA	KMA and DMA are improperly applied. Sites were not selected or documented using the proper full site selection protocol	The comment is duly noted. It is true that many existing monitoring sites in the Argenta Allotment were selected by BMDO staff years ago and with little to no documentation. Therefore, such sites do not have the necessary documentation to be formally called KMAs or DMAs. The majority of these sites were selected before the Settlement Agreement was written and signed, and have been in existence and used for many years - including 2014 and 2013. The NRST does agree with the commentator that some sites lack adequate documentation and had some apparent limitations for use in utilization studies. Therefore, the CMG has agreed to review these sites to better determine their suitability, provide the necessary documentation to justify their continued use, or to relocate them in the case where they are found to be inappropriate. In future reports, field sites will be referred to as monitoring, or study, sites unless the necessary studies have been completed to establish formal KMAs and DMAs.
14	Lack of information, pictures, differences in past reports	This report lacks riparian monitoring areas including upstream and downstream and across site photos. Many site photos were included in the 2014 monitoring report for the allotment but are missing in the 2015 report. <b>Are there more photos? Where are photos of the smashed utilization cages and highly degraded conditions we observed on-site?</b>	Many photos were collected in the field by various CMG members. Do to the length and size of the digital version, a decision was made to provide one representative photograph of each monitoring site. Additional photos are available upon request. The point was to collect and interpret unbiased quantified data to make a determination of utilization levels, which cannot be ascertained through photographs.
15	Misleading info, bank alteration, site selection, lacking info	Information is misleading. For example, the 2015 Executive Summary of the Monitoring Report states: "Riparian monitoring included the measurement of stubble height on key herbaceous species, browse levels on key woody species, and streambank alteration using the methods described in the multiple indicator monitoring (MIM) protocol, BLM Technical Reference 1737-23 (Burton et al. 2011)". Yet this monitoring report lacks any information on highly damaging and desiccating bank alteration and/or trampling of the cherry-picked riparian monitoring sites. It is devoid of information on the severity of impacts to microbial crusts, soils and vegetation of the trampling under the very damaging stockmanship scheme devised by cow consultants that embrace destructive trampling and supplement feeding impacts. They and the NRST ignore an overwhelming body of current ecological science that demonstrates the harm trampling causes	See comment below (#16) regarding bank alteration data. As for suggested bias in "cherry-pick"-ing riparian monitoring sites, it should be pointed out that representative MIM monitoring sites are intentionally biased in their selection as the protocol requires sites to be randomly located within a stratum (or strata) that is within the most sensitive complex and is most responsive to management. Microbiotic crusts, soil attributes and vegetation attributes are not measured in annual-use monitoring, which was the explicit monitoring requirement of the Settlement Agreement. These other features might be collected as part of baseline data or long-term condition and trend data.
16		BLM must include monitoring and annual reporting of livestock trampling and bank alteration	Streambank alteration data are included in the March 14 version (see p. 34) that was distributed to the public, so the nature of the comment is unclear. However, the Settlement Agreement sets no annual limit on this measurement (see section 6.9.3 of the Settlement Agreement). In addition, the monitoring report points out that the streambank alteration data were of limited value due to heavy rainfalls and high streamflows immediately preceding data collection. Unfortunately, at some sites the streambank alteration measurements may not have been accurate due to the tendency of high streamflows to obscure alteration features. Streambank alteration data were collected in June 2016 as part of the baseline data collection and will be repeated at the end of 2016 and 2017.
17	Confidence Intervals, bias, difference in info provided in previous reports	We are dismayed at the use of "statistical confidence intervals". This is done to reduce the chances of livestock impacts exceeding the much too high standards under the settlement. This also demonstrates the bias of the NRST, cow consultants and report preparers, who are unwilling to be honest with the public. 2013 and 2014 reports for the Argenta allotment did not use confidence intervals in monitoring of upland or riparian DMAs or key areas.	The use of confidence intervals is required in rangeland monitoring. For example, the Interagency Technical Reference on utilization studies and residual measurements states "5. Confidence Interval In rangeland monitoring, the true population total (or any other true population parameter) can never be determined. <u>The best way to judge how well a 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</u> (or any other parameter of interest, often an average) a given percentage of the time (Krebs 1989). <b>Confidence intervals are the principal means of analyzing utilization data.</b> For instructions in calculating confidence intervals, see the Technical Reference, Measuring & Monitoring Plant Populations." (Coulloudon et al. 1999, p. 13; emphasis added). For a detailed explanation, see issue resolution documents on interpretation of upland utilization data and interpretation of stubble height data.
18	Settlement Agreement	In 2016, no party from the NRST or cattle consultants can be involved, due to the great bias and cover up that has been taking place.	The BLM made a commitment to the courts in signing the settlement agreement, and intends to fulfil its commitment to that court. The parties named are part of the settlement agreement.

19	public involvement, turnout, range improvements (fences)	The public has not even been provided with an opportunity for a full comment period prior to the livestock again being unleashed on the allotment – at least according to an Elko Daily article with John Carpenter extolling building a fence on Mill Creek – a fence that will damage public lands further, and shift and intensify grazing impacts into unprotected areas, creating new and expanded sacrifice zones.	Any range improvements on the BLM lands will be constructed following issuance of a Final BLM Decision with the appropriate appeal periods. Any other range improvement would not be in compliance with federal regulations and considered a trespass violation.
20	Lack of info, stocking by unit/pasture	There is no information on stocking by unit/pasture for all periods of time in 2015, and how this was controlled, monitored, and compares to previous years, and to actual use over the past five years.	The March 14 report includes an account of stocking by unit and pasture. See pp. 43-51. In addition, at the March CMG meeting (see CMG March meeting notes, p. 34), it was decided that additional reporting details would be collected and reported in 2016 and 2017 to comply with section 6.9.5 of the Settlement Agreement. The intent of the annual-use monitoring in 2015 was never to compare to the actual use over the past five years.
21	Water-haul sites, supplements, new regs	The 2016 stockmanship plans must also specify that areas where low moisture block supplements or water haul sites are allowed are not located <u>within 1 mile of riparian areas, springs, or meadows</u> (the underlined portion would fall under MLFO)	Any water haul sites on public land would be issued through a separate decision providing the location of the project. The placement of mineral supplements within 1 mile from riparian areas is not restricted on the Argenta Allotment and a decision is not required. With that said, mineral supplements will not be placed near water sources on BLM administered lands.
22	RMP Amendments, MD LG 7, MD LG 18	Under the GRSG RMPA for NV and NE Cal, watering and supplement sites must be located a mile away from riparian areas, springs and meadows. MD LG 7: In pastures where post livestock removal use monitoring results in utilization levels that exceed allowable use levels and livestock are identified as a causal factor, reduce animal unit months (AUMs) grazed the following year accordingly. AUMs cannot be applied to another pasture that is already being used by livestock or is being purposefully rested. MD LG 18: Locate salting and supplemental feeding locations, temporary or mobile watering, and new handling facilities (e.g., corrals and chutes) at least 1 mile from riparian areas, springs, and meadows. The distance can be greater based on site-specific conditions. <b>Please provide detailed mapping and analysis of all such locations in 2015, and please prohibit these actions in 2016 if you continue allowing the Argenta permittees to devastate this allotment.</b>	The GRSG RMPA currently does not apply to the settlement agreement, which was in place prior to the GRSG RMPA. Additionally the implementation of the GRSG RMPA will be through the evaluation process as identified in the GRSG RMPA. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process, which is scheduled to be completed by August 28, 2018.
23	Public involvement lack of communication	There also appears to have been a March Meeting - of which we were never informed and from which we have been excluded – where there was extensive scheming for a welter of piecemeal and segmented new harmful livestock facility projects.	Due to scheduling difficulties no public meeting was held this year. This public report and comment period fulfill the intent of that public meeting. A decision has been made by to forego public meetings and instead continue with the model of an EOS report going forward.
24	Call for action, close pastures, cover up,	Thus, WildLands Defense requests that BLM issue a new Decision closing the Mountain Pastures and other damaged areas of Argenta due to ecological damage the permittees are inflicting, the glaring exceedances, and dishonesty of the NRST CMG process in covering up what is taking place. The Settlement Agreement and NRST falsehoods and cover ups are bad enough. On top of this, the closed cabal illegally excludes the public from public lands processes, exhibiting yet a further bias extraordinarily favoring the financial interests of the Argenta permittees.	The BLM made a commitment to the IBLA through the settlement agreement, and intends to fulfill its legal obligation