



United States Department of the Interior



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In Reply Refer To:
4120 (NVB0100)

OCT 14 2016

FINAL DECISION
ON THE ARGENTA SETTLEMENT AGREEMENT RANGE IMPROVEMENT
ENVIRONMENTAL ASSESSMENT
EA# DOI-BLM-NV-B010-2016-0008-EA

Dear Interested Public:

On December 18, 2015 the Bureau of Land Management (BLM) Mount Lewis Field Office (MLFO) consulted, coordinated, and cooperated by means of a scoping letter followed by an Environmental Assessment (EA) issued to the public for a 30 day comment period on January 22, 2016, in response to an application to construct three permanent range improvement projects within the Argenta Allotment. BLM has determined that the proposed range improvements would help provide natural resource protection by allowing for recovery of priority riparian resources and, following the withdrawal of the application for one of the three improvements, the MLFO issued a Proposed Decision on May 31, 2016 to authorize two riparian fences. Following the conclusion of the protest period the MLFO is now issuing this Final Decision.

BACKGROUND

In June 24, 2015, BLM entered into a Settlement Agreement with Julian Tomera Ranches, Inc., Chiara Ranch, Henry Filippini Jr., and John Carpenter to address ongoing concerns regarding drought and livestock grazing on the Argenta Allotment and to resolve pending appeals from the BLM's Full Force and Effect Decision dated August 22, 2014, which temporarily closed certain pastures on the Argenta Allotment to grazing. The Settlement Agreement identifies an Interim Management Period during which the permittees must implement grazing management practices that ensure resource protection until permit renewals for the applicable permittees have been completed. The permit renewal decision-making processes are anticipated to be completed by the start of the 2018 grazing season (i.e., February 28, 2018).

The Argenta Allotment encompasses approximately 331,520 acres of which 141,689 acres are BLM-administered public lands. In a normal year, under the terms and conditions of the existing permits, cattle are permitted to graze year round and sheep are permitted to graze from April 1 to September 30. The allotment is located southeast of Battle Mountain, Nevada and is characterized by high steep mountains, sagebrush/grass foothills, and salt desert shrub valley bottoms with areas dominated by cheatgrass (*Bromus tectorum*). There are no wild horse and burro Herd Management Areas (HMA) within the boundaries of the allotment. There is however a considerable amount of Greater sage-grouse priority habitat management areas (PHMA) and general habitat management areas (GHMA), which

provide important seasonal habitat that Greater sage-grouse require for breeding, brood-rearing and overwintering.

Riparian areas, wetland zones and aspen stands occur within the mountainous drainages throughout the allotment. Based on the US Geological Survey's National Hydrography Dataset, Version 210 (released 5/7/2014), the BLM manages 42 miles of perennial stream, and 43 springs on public land within the boundary of the allotment. Proper Functioning Condition assessments, which are indicative of riparian health, were conducted by the BLM using established interagency protocols (BLM Technical Reference (TR) 1737-15 and TR 1737-16) from 2003 to 2013. These assessments indicated that only 8% of lentic and 21% of lotic sites on BLM lands in the allotment are in Proper Functioning Condition.¹

In the June 24, 2015, Settlement Agreement, BLM committed to process applications submitted by the permittees for a limited number of range improvement projects that could serve a resource protection purpose during the Interim Management Period before a fully processed permit is issued. On September 2, 2015, the MLFO issued a Final Decision authorizing six small riparian exclosures in the Argenta Allotment. These riparian lentic exclosures were identified by the National Riparian Service Team (NRST) as a high priority for spring source protection to jump start their recovery and to increase water storage capacity for riparian health.

In addition to the six small riparian exclosure projects approved by BLM in the September 2, 2015, Final Decision, the Settlement Agreement specified that BLM would process permittees' applications, based on the NRST resource based recommendations, for a small number of riparian lotic fencing projects. The Settlement Agreement set a specific timeframe within which the BLM must issue a decision on permittees' applications for those proposed lotic fencing projects.

BLM mailed a public scoping letter to the interested public on December 18, 2015, inviting comments on the application for three proposed lotic fences prior to undertaking a NEPA analysis. On January 22, 2016, BLM issued the preliminary Environmental Assessment for public comment analyzing a proposed action to construct three riparian lotic exclosures at: Fire Creek; Ferris Creek; and North Fork of Mill Creek. After the 30-day public comment period for the preliminary EA ended, one of the permittees withdrew the application for a riparian fence at Fire Creek. As a result, the proposed lotic fence at Fire Creek was removed from the proposed action. On May 31, 2016 the BLM finalized The Argenta Settlement Agreement Range Improvement EA# DOI-BLM-NV-B010-2016-0008-EA (Argenta EA) and a Finding of No Significant Impact (FONSI) was signed May 31, 2016. These documents can be viewed at <http://1.usa.gov/1IVZyHs>. The MLFO response to comments on the preliminary EA is also available at the above link as an appendix to the final Argenta EA.

On May 31, 2016, BLM issued a Proposed Decision to authorize construction of two lotic fences in the Argenta Allotment. The Proposed Decision provided for a 15 day protest period in accordance with 43 C.F.R. §4160.1. The protest period ended July 14, 2016. BLM received two protests: one from Wildlands Defense and one from the permittees. BLM's response to the protests is available at the above link.

¹ Lentic means: an area that is associated with still waters such as lakes, seeps, springs and fens. Lotic means: an area that is associated with flowing water such as streams, creeks and rivers.

FINAL DECISION

After careful consideration of the protests received, it is my Final Decision to:

1. Approve the construction of two range improvements in accordance with 43 CFR 4120.3, as described in the Proposed Action in the Argenta Settlement Agreement Range Improvement DOI-BLM-NV-B010-2016-0008-EA (“Argenta EA”) which includes the following actions:
 - a. The installation of a jack-rail enclosure fence at Ferris Creek as described in the Proposed Action of the Argenta EA.
 - b. The installation of a jack-rail enclosure fence and two cattle guards at the North Fork of Mill Creek as described in the Proposed Action of the Argenta EA.
2. Authorization of cooperative range improvement agreements and assignment of range improvements between the BLM and affected permittees for the implementation of the Proposed Action as follows:
 - a. Ferris Creek- Cooperative agreement and assignment of range improvements with Julian Tomera Ranches Inc.
 - b. North Fork of Mill Creek- Cooperative agreement and assignment of range improvements with Julian Tomera Ranches Inc. and Chiara Ranch.
3. All design features identified in section 2.2 of the Argenta EA will be followed. Though the seasonal restrictions described in the EA, and provided in the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment provide for some flexibility of those dates. Any modification will be in accordance with the plan.

RATIONALE

The June 24, 2015, Settlement Agreement establishes a three-year interim management plan that includes ongoing technical support by the NRST to ensure implementation of appropriate grazing management practices that are consistent with range protection for rangeland health. The interim plan includes within-season triggers for movement of livestock and end-of- season use levels for upland, riparian and woody species to ensure range resources impacted by drought are not overgrazed. Each year of the interim management plan, the NRST and permittees propose a Stockmanship Plan, with input from the CMG, based on monitoring data collected throughout the year. Goals of the interim management plan include protecting important riparian-wetland areas and achieving overall allotment success with respect to within-season triggers and end-of-season use levels.

The stream reach at Ferris Creek has been degraded as a result of livestock trampling from historic and current grazing use as manifested by down cutting of the stream bank, bank alteration and utilization levels of vegetation. This has resulted in vegetation insufficient to stabilize stream banks. Riparian recovery requires rest from livestock use which will allow vegetation to develop sufficiently above and below ground to effectively stabilize the stream to prevent further down cutting and to allow recovery to begin. For Ferris Creek the NRST recommended to the MLFO that fencing on the reach to exclude grazing is the best way to accelerate riparian recovery, and also to provide for more effective livestock management. Riparian areas can recover quickly because they have a high resiliency to disturbances as a result of the increased availability to water at such areas, which leads to a much longer growing season, than uplands, during which riparian vegetation can re-establish. Because riparian areas are well positioned to recover if livestock grazing can be excluded long enough to jump start recovery by

allowing riparian plant and tree species to re-establish and expand and stream channels to stabilize, constructing these riparian exclosures while BLM proceeds with its permit renewal decision-making process over the next two years would result in measurable improvements in riparian health at those stream segments.

The stream reach at the North Fork of Mill Creek has become degraded as a result of livestock trampling from historic and current grazing use as manifested by stream bank alteration and utilization levels of vegetation. On the North Fork of Mill Creek the NRST recommended to the MLFO that fencing be constructed to exclude grazing and provide opportunity for riparian recovery and health. By fencing off the portions of this stream reach that are most accessible to livestock, this stream would respond favorably and would gain a much needed “head start” on recovery. This is critical because of vertical instability on the private land reach immediately below the BLM stream reach. Improving the channel stability of the BLM reach by allowing stabilizing vegetation to expand as soon as it is feasible could help to prevent headcut migration onto the BLM reach. Regardless of any adaptive management strategy employed, it would likely be difficult to keep livestock off this stream reach without exclusion due to the fact that the BLM portion is relatively short and the uplands in this canyon are steep, thereby concentrating livestock in this area when cattle are present. As a result, even a small number of cattle grazing for even a modest amount of time can have a disproportionate impact that would continue to keep the stream in a degraded condition, even if livestock numbers are significantly limited. Riparian areas can recover quickly because they have a high resiliency to disturbances as a result of the increased availability of water at such areas, which leads to a much longer growing season during which riparian vegetation can re-establish. Because riparian areas are well positioned to recover if livestock grazing can be excluded long enough to jump start recovery by allowing riparian plants to re-establish and expand and stream channels to stabilize, constructing these riparian exclosures while BLM proceeds with its permit renewal decision-making process over the next two years would result in measurable improvements in riparian health at those stream segments.

Another challenge within the Argenta Allotment is improving livestock distribution in the uplands and avoiding over-utilization of sensitive riparian systems. As riparian areas become degraded, they lose their ability to capture, store and safely release water. The six small riparian exclosures that were authorized in BLM’s September 2, 2015, Final Decision provided protection for the spring sources (lentic system), which protection will allow for greater water storage capacity as the spring sources recover. The two additional riparian exclosures that have been identified as priorities to exclude livestock grazing provide additional or enhanced benefits with respect to recovery of riparian health and vegetation along the stream (lotic system). Whereas protecting the spring source allows for vegetative recovery which leads to increased ground water holding capacity, protecting the stream segments from grazing use allows for vegetation recovery to better stabilize stream banks. The riparian lotic areas that would be excluded from grazing under the Proposed Decision were identified as a high priority for protection based on their high potential for channel stabilization and recovery and the resource benefits that would result from implementing such recovery now, rather than waiting until the permit renewal process is completed in two years’ time.

The two proposed riparian lotic exclosures would be designed to exclude livestock grazing while still allowing for the safe ingress and egress of wildlife. Fences would be primarily jack rail fences built with steel pipe. Jack rail fencing consists of free standing corners and jack legs of welded jacks and rails setting on top of the ground. Attachable hinges allow for the fence to make corners and follow changes in contour on the ground. Each fence section is twelve feet wide with three horizontal rails in each

section. The bottom rail is high enough so small game and animals such as antelope can have free ingress and egress. The top rail is high enough to prevent livestock from crossing the enclosure but low enough that wildlife (such as deer) has free ingress and egress over the top. This type of fence is durable enough to be permanent but can also be removed with minimal ground disturbance and fence sections can be reused if removed at a future date.

In those limited areas where jack rail fence is not practical (e.g., if slopes are too steep or the terrain is too uneven), barb wire with a smooth bottom wire would be used and designed to allow safe ingress and egress of wildlife. If any barbed wire fence is installed, then Greater sage-grouse fence markers will be installed. The two proposed fences would completely exclude livestock from the enclosed riparian areas to allow for their protection and recovery. Riparian enclosures on public lands are designed to meet the needs of both livestock and wildlife. All fencing will be made using wildlife friendly design to prevent mortality. This will be done in accordance with 43 CFR 4120.3-4 and BLM Handbook 1741-2. BLM anticipates that the fence at Ferris Creek would be entirely jack rail fencing, however, based on topography, there could be up to 200 feet of barbed wire fence if jack rail is not feasible to use in that area. BLM also does not anticipate that any barbed wire fencing will be needed for the North Fork of Mill Creek enclosure. However, if barbed wire fence were needed, it would be less than 1,500 feet. Barbed wire will only be used if on-the-ground efforts during fence installation show that jack rail fencing is infeasible to use.

The seasonal restrictions described in the EA, and provided in the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment provide for some flexibility of those dates. Any modification will be in accordance with the plan. The plan states, "The seasonal dates may be modified due to documented local variations (e.g. higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long/heavy winter), in coordination with NDOW and California Department of Fish and wildlife (CDFW), in order to better protect GRSG and its Habitat." This means at the time that construction is expected to occur; the BLM in coordination with NDOW will verify if annual seasonal habitats are consistent with those in the plan ensure and that any modification would better protect GRSG and its habitat.

In order to authorize range improvements on lands managed by the BLM, a cultural inventory and section 106 consultation is required. Prior to construction, each proposed location would have a cultural inventory and section 106 consultation completed. A BLM approved Archeologist will be present during the construction period to verify final fencing placement.

The Argenta EA analyzing the impacts of the two riparian enclosures has been completed and a Finding of No Significant Impact has been made. The Argenta EA conforms to the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA). These range improvements are in accordance with 43 CFR §4120.3 and §4160.1-3, which describe the regulatory process to approve range improvements.

AUTHORITY

All citations are from Part 43, Code of Federal Regulations (CFR), Subpart 4100 (2005).

- § 4120.3-1(a) –Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple use management.
- § 4120.3-1(b) –Prior to installing, using, maintaining, and/or modifying range improvements on the public lands, permittees or lessees shall have entered into cooperative range improvement agreement with the Bureau of Land Management or must have an approved range improvement permit.
- § 4120.3-1(e) –A range improvement permit or cooperative range improvement agreement does not convey to the permittee or cooperator any right, title, or interest in any lands or resources held by the United States.
- § 4120.3-1(f) –Proposed range improvement projects shall be reviewed in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 *et seq.*). The decision document following the environmental analysis shall be considered the proposed decision under subpart 4160 of this part.
- § 4120.3-2(d) –Range improvement work performed by a cooperator or permittee on the public lands or lands administered by the Bureau of Land Management does not confer the exclusive right to use the improvement or the land affected by the range improvement work.
- § 4120.3-7 –The authorized officer may accept contributions of labor, material, equipment, or money for administration, protection, and improvement of the public lands necessary to achieve the objectives of this part.
- § 4160.1(a) –Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.
- § 4160.2 –Any applicant, permittee, lessee or other interested public may protest the proposed decision under § 4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.

APPEAL PROVISIONS

In accordance with 43 C.F.R. § 4.470 and § 4160.4, any applicant, permittee, lessee or other person whose interest is adversely affected by the Final Decision may file an appeal of the Decision. An appellant may also file a petition for stay of the Decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the Final Decision. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the Decision and on the Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Rm. E-1712, Sacramento, CA 95825-1890 (CFR§ 4.471(b)). The appeal must be in writing and state the reasons, clearly and concisely, why the appellant thinks the Final Decision is in error. Other provisions of 43 C.F.R. § 4.470 also apply.

The BLM does not accept appeals sent by electronic mail or by facsimile as being “filed in the office of the authorized officer.” BLM must receive an original appeal document with an original signature within the 30-day appeal period unless such filing meets the regulatory criteria for the grace period set forth at 43 C.F.R. § 4.401(a).

A petition for stay, if filed, shall show sufficient justification based on the following standards (43 C.F.R. § 4.471(c)):

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is granted; and,
4. Whether the public interest favors granting the stay.

43 CFR§4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the Decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Departmental Cases Hearings Division Office of Hearings and Appeals U.S. Department of the Interior 351 South West Temple, Suite 6300 Salt Lake City, Utah 84101, a motion to intervene in the appeal, together with the response, within 10 days of receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the Decision (43 CFR§4.471(b)).

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR§4.422(c)(2)).

Sincerely,



Jon D. Sherve
Field Manager
Mount Lewis Field Office

Enclosures

cc:
State Director, Nevada (NV-930)
Interested Public

BLM RESPONSE TO PROTEST

No.	Commenter	Comment	BLM Response
1	Wildlands Defense Katie Fite (WLD)	We Protest the lack of valid analysis of biological, ecological and watershed conditions, risk of invasive species expansion, and other essential baseline information. There is no candid analysis of the environmental setting and highly controversial and politicized management that is spawning a series of segmented livestock facility projects in the Argenta allotment. Political pressures and the extreme bias of the NRST, cow consultants and CMG that have taken over control of Argenta are ignored. Grazing is seriously impacting public resources of Argenta and surrounding lands. It is unclear how much other grazing is actually taking place in the allotment.	The purpose of the proposed fencing is to protect riparian resources from grazing use in areas that are a high priority for recovery. The EA analyzed the impacts of the proposed action, within the Project area as well as within the Cumulative Effects Study Area (CESA) boundaries.
2	WLD	On-the-ground observations by WLD show that standards of use were once again seriously exceeded in 2015. Monitoring cages were destroyed. Following a site visit in 2015. WLD repeatedly contacted BLM to obtain information on what actions would be taken, and to seek information on where cows were actually supposed to be found. BLM did not even know where livestock grazing was to be taking place. Management of the allotment has been turned over to the drought denying permittees, the enabling NRST, CMG, and a coterie of expensive and extraordinarily biased cattle consultants. The group has even set up its own star chamber "Appeals" system.	These comments fall outside the scope of the proposed action to construct riparian fencing.
3	WLD	WLD has contacted BLM again and again seeking to observe activities as a member of the Interested Public - including Argenta monitoring and meetings so as to understand what is taking place, but BLM has refused in 2015 and again in 2016 to allow observation and/or participation.	This comment falls outside the scope of the proposed action to construct riparian fencing.
4	WLD	Instead of candidly admitting degradation and impairment or ecological values occurred yet again in 2015 in Argenta, a coterie of cattle consultants, NRST and the CMG concocted rigged monitoring sires, rigged monitoring methods and allowed consultants to conduct monitoring. Then they conducted statistical "analysis" with a pre-ordained outcome - i.e. find no violations or standards. The group claims everything turned out ok, and standards were met. We protest all activities conducted under the Settlement that was forced by political interference and stripped protections and set:	These comments fall outside the scope of the proposed action to construct riparian fencing.

No.	Commenter	Comment	BLM Response
		<p>aside healing closures; the Settlement and its FACA-violating exclusionary meetings and CMG group, the imposition or the biased closed door NRST CMG process, the rigged monitoring, the rigged statistical legerdemain, and failure of BLM to act to prevent harm to the public lands.</p> <p>Both grave exceedances of use standards and prolonged de facto trespass in Argenta have resulted in an unrevealed amount of environmental degradation that further amplifies the adverse effects of the BLM's exclusion of the public from vital agency processes, and prevents the public from observing the agency's capitulation to the desires of the permittees under cover of the NRST CMG. The Argenta settlement of 2015 imposes a highly uncertain and unassessed closed door management scheme on Argenta public lands. We Protest this, and the failure of BLM to conduct NEPA analysis of the serious adverse direct, indirect and cumulative effects of the Settlement scheme.</p>	
5		<p>BLM, even more so than in 2014, has caved into rancher intimidation in the Argenta allotment, which contains large amounts of sage-grouse Priority Habitat, and habitat for many other sensitive and important species. BLM's capitulation to recalcitrant ranchers at the expense of the environment clearly shows why there is an urgent need to list the sage-grouse, pygmy rabbit, burrowing owl and other rare species inhabiting these lands under the Endangered Species Act.</p>	<p>These comments fall outside the scope of the proposed action. The legal authority to list species lies with the United States Fish and Wildlife Service (USFWS) and is outside of the BLM's decision making authority.</p>

No.	Commenter	Comment	BLM Response
6	WLD	<p>The Argenta situation represents a profound failure of regulatory mechanisms and BLM abdication of sound science-based land management. It also shows the unwillingness of BLM national and state leadership to stand up against public lands ranchers and their bullying.</p> <p>We Protest the serious violations of NEPA --- including rampant segmentation of a host of livestock facility projects, reliance on the exclusionary discriminatory Settlement that sets up segregated and elite access to allotment management decisions and monitoring processes, and the profound lack of an adequate environmental baseline for the allotment ecological and other conditions where these deleterious livestock facilities will be imposed. The ranchers want the projects so the consultants can claim ungrazed areas have "improved" and thus try to insulate the greatly subsidized ranchers from cuts in cattle numbers when an allotment assessment takes place. The CMG is poisoning the assessment process.</p>	<p>BLM has complied with NEPA by analyzing the potential impacts of the proposed riparian fencing. BLM has not segmented its NEPA analysis by issuing separate decisions on riparian exclusions within the Argenta Allotment. The six small riparian exclusions authorized in the September 2, 2015, decision protect the spring sources from grazing use, which will result in increased water storage capacity as those riparian areas recover. In contrast, the proposed action to construct two riparian fences will help stabilize the streambanks along the stream segments that would be excluded from grazing.</p>
7	WLD	<p>An EIS is essential to assess all direct, indirect and cumulative effects of imposing even more harmful facilities that serve to kill and maim wildlife or provide elevated predator perches. These projects will further shift anti intensify harmful livestock use on other areas of this allotment. There has never been any modern day assessment of the gross overstocking that has caused/is causing severe desertification, dramatic cheatgrass and other weed expansion, and loss of sustainability and carrying capacity under both drought and non-drought conditions. BLM violates NEPA in providing minimal to no analysis of direct, indirect and cumulative effects, and in its blatant segmentation of NEPA as these are the second in a never-ending list of Settlement and NRST CMG projects. ALL of this poisons the fair outcome of any assessment through the rigged CMG process. We Protest this.</p>	<p>The EA analyzed the impacts of the proposed action, within the Project area as well as the Cumulative Effects Study Area (CESA) boundaries. Based on the Finding of No Significant Impacts, an EIS is not necessary.</p> <p>An analysis of the impacts of grazing within the Argenta Allotment falls outside the scope of the proposed action and will be conducted as part of the grazing permit renewal process.</p> <p>See also Response to Comment 6.</p>

No.	Commenter	Comment	BLM Response
8	WLD	The serious indirect and cumulative adverse effects of the plethora of livestock facilities, roading, mining activity and the effects of grazing across this landscape on the wildlife habitats and populations, and on the environment are not addressed and are not mitigated or minimized. We Protest the lack of detailed analysis and consideration or all of these important concerns.	Direct, indirect and cumulative impacts of the proposed action were considered and are analyzed in the EA.
9	WLD	We Protest lack of a candid consideration or a reasonable range of alternatives - such as confining any grazing use to the weed lands these long-time Argenta permittees have already created, applying more protective use standards that trigger immediate livestock removal from use areas including protective trampling standards. This could be coupled with permittees grazing the number of livestock that the can readily control, and myriad other alternative and mitigation actions. The fact is that this is partly about the permittees showing BLM who is in charge (the ranchers, and not about reasonable solutions to livestock damage to the public lands.	<p>The EA analyzed the impacts of the proposed action, in addition to multiple alternatives to the proposed action.</p> <p>A more general analysis of livestock grazing in the Argenta Allotment will be undertaken as part of a Rangeland Health Evaluation (RHE) and permit renewal process. The Nevada State Permit Renewal Team is currently working on this process which is scheduled for completion by February 28, 2018.</p>
10	WLD	BLM fails to openly air the bullying and intimidation pressures exerted by well-heeled livestock interests that have resulted in BLM allowing very large herds of cattle to be unleashed into severely damaged Argenta Mountain and other Pastures in 2014, and again in 2015. We Protest BLM failing to assess the cumulative degradation impacts being inflicted on the public lands values of the Argenta allotment.	These comments fall outside the scope of the proposed action. An EA has been completed analyzing the Proposed Action. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions.
11	WLD	The Decision abandons the requirements of Rangeland Reform. It fails to comply with the Fundamentals of Rangeland Health. It fails to ensure that lands meet rangeland health standards. Instead, the plethora of facilities, loose and highly uncertain management hidden from the public through the exclusionary livestock industry-centered NRST (closely allied with cattlemen and sheepmen interests) violates the FRH, FLPMA, the BLM sensitive species policy, the Clean	These comments fall outside the scope of the proposed action, which does not authorize grazing but instead proposes to exclude certain riparian areas from livestock grazing. An EA has been completed analyzing the Proposed Action. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions.

No.	Commenter	Comment	BLM Response
		<p>Water Act, the MBTA and other environmental regulations. It ignores the intensified and shifted impacts of grazing damage that will be further concentrated on all unprotected sites. We Protest this.</p> <p>FLPMA requires BLM prevent undue degradation of public resources, and that BLM comply with the Land Use Plan. Decades ago, the Shoshone-Eureka RMP established numerous requirements for significant improvement of Battle Mountain area allotments and Argenta vegetation, soils, wildlife habitat and other resources, and there is no evidence that this occurred. In fact there is resounding evidence that, despite the host of existing livestock facilities across the allotment (whose number, effects and harms have never been assessed - and must be as part of this process) that ecological degradation had continued and accelerated. The 2015 segmented fencing decisions, the 2016 Proposed Decision and the Settlement violate the RMP protections for the land, water, wildlife, and other values of the allotment. We Protest this.</p>	
12	WLD	<p>This series of cow projects even violate the Taylor Grazing Act protections for the public lands and soils and vegetation resources. They promote disorder and chaos in public lands management. Wildlife, watershed, vegetation, soil, and other concerns are jettisoned, as BLM allows continued extremely high stocking with minimal protections across severely degraded riparian and cheatgrass-susceptible sage-grouse priority habitats areas. It attempts to cover up the lawless grazing taking place with a series of fence Band-Aid's. BLM must ensure compliance with the Fundamentals of Rangeland Health the RMP across the allotment. This has not been done. Argenta continues to suffer continuing deterioration, and undue degradation. This scheme also violates BLM's sage-grouse conservation plans and IMs requiring conservation, enhancement and restoration of</p>	<p>These comments fall outside the scope of the proposed action, which does not authorize grazing but instead proposes to exclude certain riparian areas from livestock grazing. An EA has been completed analyzing the Proposed Action. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions.</p> <p>The Proposed Action is consistent with the conservation, enhancement and restoration of priority sage-grouse habitat.</p>

No.	Commenter	Comment	BLM Response
13	WLD	<p>sage-grouse habitats. We Protest this.</p> <p>BLM walks away from stocking lands based on current science and sustainability of vegetation, watersheds and sage-grouse and other wildlife habitats. The agency, intimidated by Mob Rule and bullying that was on full display in 2014, continues to sacrifice irreplaceable resources on the public lands of the very large, complex and tragically degraded Argenta allotment. The neighboring Buffalo allotment and other areas to these abusive permittees. BLM fails to ensure significant progress towards attaining the standards, and healing the land and habitat. We Protest this.</p>	<p>These comments fall outside the scope of the proposed action, which does not authorize livestock grazing, but instead proposes to exclude certain riparian areas from livestock grazing. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions.</p>
14	WLD	<p>The situation in regards to the Buffalo allotment has been particularly egregious. BLM, despite prevailing in OHA with regards to the 2014 Argenta Decision, then due to relentless permittee political maneuvering and continued intimidation, capitulated to the permittees in a severely flawed and discriminatory settlement - which the agency hoped would satisfy the ranchers. Instead, before the ink was even dry on the Settlement, an Argenta permittee willfully trespassed in the neighboring drought-stricken and closed Buffalo allotment, which is home to a tiny and beleaguered sage-grouse population struggling to persist on the severely livestock-degraded and desertified landscape. Then, BLM leadership under John Ruhs outrageously turned around and REWARDED the permittee blatant trespass by opening the Buffalo allotment to grazing. We Protest the lack of cumulative effects consideration.</p>	<p>These comments fall outside the scope of the proposed action to construct riparian fencing along two stream segments.</p>
15	WLD	<p>BLM never assesses whether the gravely damaged watersheds and sensitive, important and rare species habitats can tolerate even grazing and even more lethal facilities after the ranchers so severely degraded them during this continuing and worsening drought in 2012, 2013, 2014 and now again in 2015, as documented in BLM Reports.</p>	<p>These comments fall outside the scope of the proposed action and/or fail to provide sufficient allegations of specific error to allow for response.</p> <p>The basis for alleging violations of 43 CFR 4.470 and 4160 are unclear. BLM has complied with 43 CFR 4160 by issuing a Proposed Decision and providing for a protest period prior to issuing a Final Decision. The Final</p>

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		<p>Imposing grazing on the unraveling mountain pastures thwarts sound and sustainable management and protection of public lands and resources. It even violates the Taylor Grazing Act resource projections along with NEPA, FLPMA, MUSYA and BLM's own internal policies and regulations.</p> <p>The Proposed decision violates 43 CFR 4.470 and 4160.</p> <p>We Protest all of these failures of the PD.</p>	<p>Decision will be subject to appeal consistent with regulations at 43 CFR 4.470.</p>
16	WLD	<p>We Protest the BLM's abject failure to protect sage-grouse, pygmy rabbit, burrowing owl, sage sparrow, big game and other native biota habitat, as well as the recreational and cultural values that these species provide. BLM is required to conserve enhance and restore GRSG and other sensitive species habitats and populations. BLM gives overwhelming primacy to the desires of the well-heeled Argenta permittees who have failed miserably in the past in controlling the use levels and whereabouts of their livestock. BLM rewards the failure of the ranchers to actually be cowboys and herd and control livestock effectively. We Protest this.</p>	<p>The proposed action will benefit wildlife by allowing for recovery of riparian habitat. The potential impacts of the proposed action are analyzed in the EA.</p>
17	WLD	<p>The situation here lays bare Nevada BLM's continuing failure to properly regulate public land impairment caused by long-time livestock grazers who refuse to accept accountability for the damage their own heavily subsidized overstocked herds have inflicted on the public land, watersheds and wildlife habitats. There is no candid baseline assessment of the status of habitats and populations in the landscape and for all species but sage-grouse, no current and valid inventories cross Argenta. Buffalo and other areas where these permittee herds are so severely (and cumulatively) depleting and irreversibly altering habitats, thus placing populations on a trajectory to extinction.</p> <p>We Protest the lack of basic information on grazing</p>	<p>These comments largely fall outside the scope of the proposed action. Where these comments are directed at the proposed action, an EA has been completed analyzing the Proposed Action. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions.</p>

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		<p>management in the allotment BLM never reveals what the permit existing and/or settlement-altered permit terms and conditions are. BLM fails to describe and assess how grazing actually is taking place in this allotment and landscape, and the adverse effects of all the existing facilities. in fact, it appears the whole reason there is suddenly a "need" for more Mill Creek fencing is precisely because the 2015 fencing project on Mill Creek had the effect that we predicted - i.e. that grazing use would be intensified in a damaging manner in all unprotected areas. It fails to take a hard look at the serious risk that any continued grazing poses to the persistence of adequate habitats for sage-grouse and other sensitive species and viable populations. It fails to reveal that BLM records have long shown a need for dramatic cuts in livestock numbers in Argenta, but BLM has long failed to act to control the Tomera, Filippini and other parties overstocked herds. We Protest all of these deficiencies.</p>	
18	WLD	<p>In early 2014, BLM determined that large areas of the remaining native portions of the allotment (the Mountain Pastures) suffering from severe drought and chronic grazing damage needed to be closed - including AFTER the drought - to protect fragile drought stricken and depleted lands, waters and wildlife habitat. The areas that needed to be closed include large areas or greater sage-grouse Preliminary Priority Habitat and other crucial wildlife habitats. See "Argenta 2014 Area Requiring Rest" Allotment Map. Argenta Monitoring Summary 2014. In early 2014, Argenta permittees had already signed agreements not to graze the Mountain Pastures. But then, a few rogue permittees whose long-time livestock use has severely damaged the Argenta lands were emboldened by the strngng-am1 tactics of Cliven Bundy getting his way with the Nevada BLM over a longstanding trespass situation in spring 2014. This gained national media attention. See</p>	<p>These comments fall outside the scope of the proposed action.</p>

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		<p data-bbox="474 139 1184 678"> http://en.wikipedia.org/wiki/Bundy_standoff Rogue Argenta ranchers, egged on by an agitator (Grant Gerber.), politician John Carpenter and others, went back on their word and already signed Argenta grazing closure agreements. They then refused to agree to the Battle Mountain BLM's protective closures and rest for the jeopardized Mountain Pasture sage-grouse Priority Habitat and other sensitive areas that comprise approximately 2/3 of the Argenta allotment lands. BLM's 2014 FFE and DNA foiled to reveal the serious controversy and context swirling around its abandonment of public process and protections for the public land and large areas of crucial sage-grouse habitat. This was all swept under the rug in the post facto sham public consultation documents. </p> <p data-bbox="474 724 1184 971"> BLM issued two Decisions, with the second being the August 22, 2014 Drought Closure Decision. BLM specialists prepared multiple Declarations in support of the closure. The BLM firmly rejected a permittee effort to impose livestock facilities - just like the ones other first and now the second segmented BLM decisions - on these lands. </p> <p data-bbox="474 1016 1184 1192"> Then in 2015, through political arm-twisting from politician John Carpenter and Reps. Amodei, Heller and others, BLM under NV John Rumsfeld capitulated to the ranchers - in closed meetings from which the public was barred. </p> <p data-bbox="474 1237 1184 1516"> The SA has imposed a highly uncertain closed management door scheme on the allotment, with no analysis of its serious adverse effects in causing expanded permanent harm to the Argenta public lands values. BLM is in essence imposing a discriminatory Settlement that serves to obscure the highly uncertain and biased interference from the NRST CMG in orderly management of the public lands, protection from </p>	

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		trespass and undue degradation, and that covers up environmental harm for financial benefit of the permittees. Moreover, the BLM never reveals how much the NRST CMG and coterie of cattle consultants is costing the public. We Protest all of this.	
19	WLD	<p>The Argenta allotment has long been suffered from livestock-caused desertification. Drought (coupled with chronic deterioration and irreversible desertification losses that are amplified by climate change effects. See Sheridan CEQ Report on desertification, Beschta et al. 2012, 2014). On February 16 2014, BLM staff specialist's recommended that the Mountain Pastures and some other drought and livestock ravaged areas of Argenta be closed to livestock use in 2014. See 2/26/14 Monitoring Report p. 26, Map p. 28. This was backed up with site-specific measurements and photographs in Reports documenting the severe riparian and upland degradation inflicted to the Argenta lands by these permittees in 2013. Over many years prior to this, BLM had compiled large amounts of land health data documenting rampant livestock degradation and depiction. But BLM had failed to act to protect public resources by controlling the obstinate ranchers. Degradation worsened. BLM data shows that a mere 8% of Argenta lentic (spring) and 20% of lotic (stream) sites are in PFC (and these are in areas difficult for livestock to access). BLM FFE p. 1.</p> <p>WLD's K. Fite wrote to BLM after a 2002 site visit about Slaven, for example, that ecological problems in Argenta were "profound", stating:</p> <p><i>Slaven Drainage and Spring Complexes: The livestock devastation to both upland and riparian habitats here is appalling. Springs, seeps and wet meadows are being further altered and destroyed by ongoing livestock grazing and trampling. The wetted area of springs is</i></p>	<p>These comments fall outside the scope of the proposed action. 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 for completion by February 28, 2018.</p>

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		<p><i>shrinking from hummocking, headcutting and other livestock-caused impacts. You are in danger of losing scarce surface waters if these lands are not given an opportunity to heal.</i></p> <p><i>The flowing springbrook/stream at the first Slaven stop looked like an open sewer ditch, with, downcut collapsing, entrenching and actively eroding bare dirt bank. The streamside and large flats were seas of cow manure. In many areas, all native vegetation, including upland shrubs, has been destroyed by intensive concentration of livestock seeking a bite of green riparian vegetation in this drought-parched land. The few tiny remnant clumps of perennial herbaceous vegetation on streambank were grazed to an inch or less. Trampled banks are completely unprotected from wind and water erosion.</i></p> <p>Now, many years later, constant grazing abuse may have nearly killed all surface flows here and across the allotment including in areas that will receive greatly intensified use as a consequence of the highly uncertain and opaque management scheme plus the proliferation of facilities that reward ranchers who have failed to properly control their livestock in the past and also engaged in unauthorized use. One of the segmented previous projects in 2015 slapped a little Band-Aid enclosure around Slaven, which only worsens impacts to other areas, and shifts and intensifies cattle-cause erosion, weed expansion, degradation of native vegetation and impairment and loss of wildlife habitat into other portions of the grossly overstocked "pasture"/"unit".</p> <p>Feeding off the Cliven Bundy situation, various long-time "sagebrush rebel" agitators aided Argenta rancher defiance of the BLM. This is part of a larger Nevada livestock industry agenda, as these parties are seeking to vilify and remove the BLM District Manager because of</p>	

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		<p>efforts like the Argenta drought decision to hold ranchers accountable for livestock impacts during drought on public lands and sage-grouse and other wildlife habitats, and to allow lands to heal from drought-inflicted damage.</p> <p>Rogue public lands ranchers stirred up controversy as part of a vendetta against Battle Mountain BLM management recently taking some steps to rein in the worst public lands abusing permittees in a landscape facing the cumulative and synergistic effects of water scarcity, extensive livestock-caused desertification, climate change and severe drought impacts. The Argenta situation is really about the same ranchers who have so ravaged Argenta lands over the years refusing to recognize how much they have damaged and stressed the lands so that grazing cannot be sustained. It is an effort to shirk accountability for their destructive grazing actions. It is also aimed at "chilling" DLM future drought action, accountability for resource damage, and preventing needed livestock cuts for sage-grouse protection across the state.</p> <p>The Argenta rancher refusal to protect the lands they themselves have so greatly damaged and to provide for healing in ,m integrated manner is related to a larger politically based effort to wrest control of public lands from the federal government with ranchers as torchbearers- and tum them over 10 certain clestruc1.ion and privatization under stale or other management to benefit a tiny handful of ranchers and various foreign mining interests who are rapidly depleting the ground water across the region. See http://Jcgislanrrc.idaho.gov/sessioninfo/2013/intcri111tlam.ls1204_trucblood.pdf. This same effort is underway in Nevada, and the Argenta defiance of BLM by well-heeled livestock interests feeds, into it. The Malheur Refuge Seizure has now brought much greater public awareness of this</p>	

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		<p>agenda.</p> <p>All of these elements combine to make the 2015 Settlement Decision projects and now this 2016 Settlement Proposed Argenta Decision highly controversial. They are fraught with adverse implications for orderly and sustainable management of public lands. These unique and complex circumstances demonstrate a need for much more detailed environmental ,analysis at the level of a site-specific EIS (at a minimum an EA) to fully examine all aspects of any continued Argenta grazing disturbance being imposed. The current environmental concerns, interests and resource values are certainly not the same as previously stated in a generic Drought EA, which BLM simply cannot rely upon in the context of Argenta.</p> <p>There has been a convoluted series of events leading up and influencing the severely flawed and illegal settlement, and the segmented spun off grazing projects. States-rights and anti-federal government agitators are using grazing to advance political agendas. In Eureka County and across Nevada, there are efforts to thwart sound protections for public lands from grazing degradation by permittees shirking accountability when a federal agency applies basic protections for the public lands.</p> <p>BLM yielded again in the 2015 Settlement to intimidation, and failed to put necessary protections for public resources in place, along with abandoning its stance on constructing even more harmful facilities. BLM has not protected greatly damaged lands, waters, and resources. Without ever first conducting integrated upfront analysis, BLM seeks to impose irreversible intensified degradation from building even more additional livestock facilities - without ever taking a hard look at the effects of the battery of existing and</p>	

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		<p>segmented piecemeal facility sprawl.</p> <p>We Protest the failure of the 'PD to address these serious concerns and the lack of an EIS analysis to openly air these serious issues of national significance.</p>	
20	WLD	<p>Unassessed levels of aquifer drawdown and cones of depression from gold mining pits and deep mine excavation and pumping are exacerbating permittee grazing-caused desertification and the death of north-central Nevada surface waters and watersheds including in Argenta. These impacts are not assessed. Yet the actions here will further intensify severe and. damaging grazing on watersheds, drainage networks and unprotected mesic and riparian areas - whose health and condition the analysis ignores. We Protest this.</p>	<p>The analysis of the proposed action indicates that the overall impact of this action is expected to lead to increased quantity and/or quality of water within the project boundary, for both surface waters and ground waters.</p>
21	WLD	<p>With Drought Protections stripped under the settlement, BLM jeopardizes Public Resources for Private, Fleeting Gain. Winter snowpack determines to a significant degree the levels of perennial flows in many springs, seeps und streams. A single year of higher precipitation does not make up for many years of drought and does not heal the cattle-ravaged public lands. Continued high levels of livestock grazing in this context in such damaged lands is certainly not adequately assessed in BLM's closed door agreement and rubberstamp segmented decisions. Grazing is taking place across all the Argenta Mountain Pastures and other areas without giving them any chance to heal. We Protest this.</p>	<p>These comments fall outside the scope of the proposed action.</p> <p>A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process, Which is scheduled to be completed by February 28, 2018.</p>
22	WLD	<p>The rogue Argenta ranchers balked and refused to be held accountable. - riding on the coat-tails of anti-government sentiments stoked by various agitators following Cliven Bundy's defiance of the BLM. This represented a power grab (and an ultimately hoped for lands grab by ranchers and foreign mining and other development interests) as they seek to dismantle the public domain.</p>	<p>These comments largely fall outside the scope of the proposed action. The EA analyzes the potential impacts of the proposed action on a range of resources and concludes that the proposed action will benefit riparian resources.</p>

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		<p>The allotment was again being ravaged by cattle in 2015 under the flawed Agreement and expanded segmented piece-mealed livestock facilities. Undue degradation of public resources continues to take place - with adverse and irreversible cumulative effects.</p> <p>Severe damage took place in 2014. BLM's 6/3/14 report shows that several severely impaired areas had. already suffered high levels of 2014 livestock use even before the FFE was officially signed. Sec BLM J1me Report:. p. 27. Mill Creek, p. 29, describing the Park. Sensitive species like sage-grouse cling to a perilous existence here, with livestock grazing spurring expanded cheatgrass and other weeds, and permanent loss of riparian areas. No reasonable person could look at the well-documented Argenta cattle devastation inflicted by these very same pe11nittees iJ.1 the 2012 and 2013 and other grazing seasons, documented in BLM reports and monitoring data, and not believe dramatic changes are needed. Water quality is greatly impaired. Yet BLM's 2015 proposed decision will in fact WORSEN water quality, and BLM never even considered alternatives to measure the severe pollution and How loss that will be exacerbated in unprotected waters being killed by continued cattle use. Stream flows are dying due lo cattle-caused head cutting and erosion, amplified by the adverse effects of climate change and cyanide heap leach gold mine aquifer depiction and drawdown across the region. The unraveling of the watersheds is worsening. Critical riparian values will suffer significant new undue degradation and irreversible losses from grazing during this severe drought in a year with minimal snowpack. Tiny streams, as shown in the 2/26/14 .J3LM Report, resemble open sewage ditches from the manure, urine and trampling actions or hundreds or half ton cattle descending on them.</p> <p>Plus, the native vegetation, soils, micro biotic crusts and</p>	

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		<p>other vital resources have not, been allowed to recover from the 2014 and previous year's abuses. BLM was intimidated and bullied into the 2014 FFE decision, and now this 2015 anything- goes closed Settlement, the agency never bothered to systematically document and assess the full range of actions necessary to prevent irreparable harm to sage-grouse and other habitats. It never considered the high risk of permanent and irreversible losses to riparian areas - such as accelerated head-cutting, and loss of permanent flows from severe uncontrolled cattle trampling, etc. Sec Belsky et al. 1999, Sada et al BLM Tech. Bull. 200 I. describing adverse effects of grazing disturbance in spring, summer and fall on damaged areas; adverse grazing disturbance effects and high risk of irreversible weed infestation and spread; adverse effects of livestock developments and livestock trampling on riparian areas.</p> <p>BLM conducted no site-specific analysis at all of the dire status of habitats and populations of sage- grouse and other sensitive species before abruptly abandoning its closure plans and accepting the toothless strong-armed 2014 Agreement, the 2015 Settlement and projects, and now this 2016 proposed action. We Protest these deficiencies.</p>	
23	WLD	<p>We Protest the failure to assess and take a hard look at these serious issues and management concerns under which the series of segmented livestock facility decisions are being imposed.</p>	<p>The EA analysis provides the hard look at potential impacts of the proposed action. See also Response to Comment 6.</p>
24	WLD	<p>Controversial Settlement Is the Result of BLM Repeatedly Buckling to Mob Rule</p> <p>BLM omits any mention of the extreme rancher pressures applied prior to the 2014 FFE to make the agency buckle to the rogue permittees, and then the following non-stop pressures in 2015 and continuing up to the present. For information on mob rule and</p>	<p>These comments fall outside the scope of the proposed action.</p> <p>The EA analyses the potential impacts of the proposed action. Based on the Finding of No Significant Impact, an EIS is not required for the proposed action.</p> <p>A broader analysis of range conditions and grazing</p>

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		<p>"failed state" status of management of these Nevada public lands, see: http://trib.com/news/state-and-regional/nevada-ranchers-cite-gandhi-in-protestride/article_42a14951-4890-5bfb-847c-f80cdfca3bad.html http://elkodaily.com/news/grass-march-to-support-ranchers/article_bld0661a-e22b-11e3-9d95-0019bb2963f4.htm <a href="http://elkodaily.com/news/rand1<...rs-bJrn-rcuch-tcmprary-agn::cment/articJc c2083cc2-t150f-11d-93J2-001a4bcf'887a.html">http://elkodaily.com/news/rand1<...rs-bJrn-rcuch-tcmprary-agn::cment/articJc c2083cc2-t150f-11d-93J2-001a4bcf'887a.html The BLM issued two-week licenses to the families and promised formal decision within that time ... But the agreement did not shake the resolve of Elko County Commissioner Grant Gerber to begin his Grass march to Battle Mountain. He organized the march to call attention to the plight of the ranchers who were told in February by BLM Director Doug Furtado that he would not permit any grazing on the pasture this summer because of the drought.</p> <p>In this article, long-time agitator Gerber (now demised) claims that the ranchers were being bullied and blackmailed. Instead, it is the BLM that is being bullied and blackmailed by agitators and ranchers, and bullied and forced to issue decisions that destroy public resources for the private gain or well-heeled ranchers. Gerber and some others involved used intimidation tactics against the U.S. Forest Service in Nevada in the Jarbidge Road RS 24 77 impairment of bull trout habitat over a decade ago, costing taxpayers hundreds of thousands of dollars or more. The purpose of Gerber and others in Jarbidge, like with Argenta, was to badger and paralyze federal agencies so they fail to maintain necessary protections for public resources. See:</p> <p>http://articles.lutimcs.com/2003/dcc/07/ncws/adnm-mad7 "It really is an abdication of the Forest Service's responsibility to protect public lands for them to continue treating the road as open." said Michael Freeman, a lawyer in Boulder, Colo., representing The</p>	<p>management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process, which is scheduled to be completed by February 28, 2018.</p>

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		<p>Wilderness Society and Great Old Broads, for Wilderness". In Argenta, BLM allowing very high stocking on lands its own specialists detcm lincd needed to be closed is an abdication of responsibility to protect the public lands.</p> <p>http://www.citizenreviewonline.org/dec_2003/open.ht .</p> <p>See also:</p> <p>http://www.livestockweekly.com/papers/03/1.1/06/wh1shovel.asp In the case of Argenta Gerber likens actions like riding a horse and posing in front of cameras to Gandhi's salt march - when in fact it is the dead opposite. Gandhi's salt march was about the impoverished Indian population as a whole gaining access to salt, in the days of the oppressive British Raj. Gandhi's ordeal involved physical exertion of walking long distances for 24 days in searing heat. See: http://en.wikipedia.org/wiki/Salt:_March. Here, the Argenta showboating was about an elite clique of well to do ranchers refusing to protect the little that remains of publicly owned forage, surface water and other resources. They are trying to seize public resources for fleeting private gain in public lands grazing operations that are highly subsidized by U. S. taxpayers. The antics were about keeping 3 or 4 rogue ranchers above the law, and quashing taxpayers. The antics were about keeping 3 or 4 rogue ranchers above the Jaw, and quashing BLM protective actions for livestock and drought-ravaged lands.</p> <p>As with Jarbidge, the agitator termed "intimidation" what the agitator himself was up to. Despite all the media publicity on the rancher intimidation so that their cattle herds could continue to devour and trample what remains of the sage-grouse habitat in Argenta, none of this is revealed by BLM in its series of sham public consultation for already done strong-armed deals contributing up to the present. See also: http://www.clyncws.com.'2014/05/16/mcmorial-dny-grnss-mnrch-protcsts-btn/</p>	

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		<p> http://www.reviewjournal.com/politics/government/Elko-ranchers-rid-grazing-petition Nevada-governor The agreement becomes valid for a whole grazing year following a two-week temporary measure to allow for the paperwork to be finalized. Even so, The contingent of ranchers, representing four generations, presented a petition to Sandoval seeking among other changes, the replacement of Furtado. The intimidation was so intense that BLM allowed turn out in May (as reported by the media) of an unrevealed number of cows in an uncertain manner, and without public consultation. Argenta ranchers bullying their way to further abuse of drought-stricken public resources set a very harmful precedent, further promoting a culture of lawlessness and lack of accountability for damage to public resources and sage-grouse habitats. It also raised the specter of potential violence (the militia and other elements attracted to anti-government efforts in Nevada had been emboldened by failure to hold Cliven Bundy accountable). Battle Mountain BLM is targeted by a tiny group of Nevada ranchers (who think they are above the law and who seek to wrest control of public lands from the federal government) because it has made some efforts to bring accountability to public lands grazing in Nevada sage-grouse habitats. Rogue ranchers seek unbridled access to public resources that they themselves have been destroying for decades with large herds of privately owned livestock that are greatly subsidized by U.S. taxpayers. Despite BLM having caved, ranchers are still tried to prevent managers from managing public lands. http://elkodaily.com/news/ranchers-continue-to-press-for-blm-manager-ouster/article_c2c7d6dc-019c-11e4-a125-001a4bcf887a.html This is a public lands livestock industry effort to quash controls on livestock herds that are ruining sage-grouse habitats and permanently destroying watersheds. It is noteworthy that bullying Nevada ranchers have used the same tactics on NDOW to tamp </p>	

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		<p>down on biologists advocating for sage-grouse habitat protections. Intimidating tactics were used against a long-time NDOW sage-grouse biologist for daring to comment about grazing actions in the BLM sage-grouse EIS alternatives. The comments were not in lock-step with the state's pro-development grouse council stacked with rancher representatives and sympathizers. The same agitators as in Argenta were involved, as well as the rancher-backed Nevada grouse council, the "SEC" and its rancher head, Goicoechea. See http://elkodaily.com/news/divisions-resurface-in-nevada-sage-grouse-plaus/article_c_8a3eafoa2de-11e3-a41f-0019bb2963t.html</p> <p>http://elkodaily.com/news/county-calls-out-govs-leadership-over-sage-grouseissue/article_01fe03da-9aac-1e3-9d85-001a4bcff187a.html</p> <p>Thus, there is a very high degree of controversy continuing up to the present. Any Settlement and series of step-down Decisions further reward these tactics. The clearly discriminatory FACA-violating Settlement and segmented actions of expanded cow facility sprawl must be subject to an EIS and full public review. With full and candid review, WLD believes BLM must abandon the Settlement to prevent further irreparable harm to public resources from the herds of these same highly subsidized permittees, who tout in the media that they have grazed here a long time. Thus, this means these ranchers are the very parties responsible for inflicting the short and long-term damage that is vividly apparent in BLM's reports. WLD's Fite has been observing this damage first hand during our repeated visits to Argenta over the years. The ranchers must be prevented from inflicting even greater irreversible environmental damage so lands can recover and begin to heal. The allotment Mountain Pastures have not been rested. They must be closed so that they can stabilize and heal. Each</p>	

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		<p data-bbox="474 139 1192 207">new run of event causes new, expanded and irreversible damage.</p> <p data-bbox="474 248 1199 753">The farce of claims of "scientific review" under the NRST/CMG/Cow consultants with rigged monitoring and statistical legerdemain must be ended. It is poisoning the process for the first ever FRH assessment. Further, an actual economic analysis must be conducted-including how much the NRST CMG and cow consultants are costing the public, the cost to repair accelerating damage to public lands, the costs of the facilities, the cost of BLM admin., and the wealthy ranchers' actual economic status. See for example Reveal news showing Argenta permittees shoveling in huge drought subsidies. https://www.revealnews.org/article/ranchers-dcnied-the-drought-whilecollecting-droughtl-subsidics/</p> <p data-bbox="474 797 1199 1302">Any continued grazing here must be assessed in the context of an EIS, due to the highly controversial context of mob rule and intimidation. Management of the public domain is in danger of reverting back to a lawless pre-Taylor Grazing Act era, where the BLM is powerless to prevent the very damage to soils and other resources that the Taylor Grazing Act was supposed to prevent. The NRST CMG is helping bring this about. Current Nevada BLM leadership is flailing, and appears increasingly incapable of managing the public lands - we cannot help but wonder -is this a Feature, not a Bug, or higher levels of BLM under Director Komze, a native Elkoan with close ties to mining and other local interests.</p> <p data-bbox="474 1346 1178 1450">Protective management has been chilled, and these extraordinarily subsidized private cattle herds continue to ravage public lands with no controls.</p> <p data-bbox="474 1490 1152 1521">BLM has failed to reconcile the 2015 Settlement, the</p>	

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		<p>2015 segmented cow project Decision and now this 2016 Proposed Decision with its own monitoring reports, specialists affidavits, and long-term scientific data (uncorrupted by NRST data rigging) and recommendations for dramatic cattle cuts and changes in Argenta. Il has failed to provide essential baseline site-specific analysis of the impacts of continued grazing disturbance and expanded facility sprawl in Argenta.</p> <p>BLM had relied on its Drought EA, which is general and programmatic. That "EA certainly never considered cases of extreme relentless degradation, persistent permittee unauthorized use and defiance of accountability, year aft.er year of foiling to meet Drought triggers (DRTs) -- as bas already been documented in Argenta. These are extraordinary circumstances - with mob rule perpetuating extreme chronic livestock degradation.</p> <p>BLM provides no valid rationale for the politics-tainted embrace of facilities injurious and lethal to wildlife in the damaged Argenta lands, and that run counter to the agency's own findings over large areas of sage-grouse Priority Habitat. We Protest all of these deficiencies.</p>	
25	WLD	<p>The Settlement and this Proposed Decision fail to provide for orderly lands administration. It is impossible to understand what has so dramatically changed since BLM said facilities were not needed prior to a full assessment. Plus just how grazing would occur and be controlled across the landscape is not laid out so that effects of fencing intensifying impacts could be understood. It is impossible to determine the effects of altered, shifted and intensified use in this areas' woefully depleted landscape. BLM has failed to systematically assess the unlawful Settlement, and potentially unenforceable triggers (DRTs) in preventing irreparable harm in a situation where the agency is going against its</p>	<p>The Settlement Agreement provides a timeframe within which BLM committed to issue a decision on the proposed range improvements. The proposed action will not be a substitute to grazing management, but is instead a mechanism for jump-starting riparian recovery along certain stream segments that are a high priority for streambank stabilization. The within-season utilization triggers and end-of-season utilization levels that have been imposed under the terms of the Settlement Agreement will continue to control grazing management outside the fence exclosures until grazing permit renewal decisions are issued in 2018.</p>

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		own internal review and findings for grazing. Minimal triggers do not appear to be Terms and Conditions, and are not required to be met (and the NRST CMG and cow consultants will just rig the monitoring and/or statistical analysis of impacts - as the outcome of the 2015 grazing bout showed). There is no clear pattern to grazing use, and no accountability. This is made even more uncertain and opaque by the FACA-violating Settlement veil of secrecy shrouding monitoring and management under the livestock industry-centric riparian team. We Protest this.	
26	WLD	As a result of intimidation and feckless higher level leadership, BLM reverted to pre-FLPMA, pre-NEPA and pre- Range Reform days by slamming the door on public process and involvement. It jumped the gun in prematurely signing a very harmful agreement with minimal assurances and protections for ravaged lands, waters and sage-grouse habitats. It allowed grazing before public consultation and input on the opaque and exclusionary settlement whose impacts, including cumulative impacts as they relate to the Proposed Decision, have never been assessed. Damaging deals in 2014 and now the 2015 strong-armed and exclusionary illegal settlement were cemented before any public consultation.	BLM has engaged in an open and inclusive public decision-making process for the proposed action. A Scoping letter was sent out on December 18, 2015 to the interested public soliciting input on the proposed action. A preliminary EA was made available for a 30-day public comment period. This was followed by the issuance of a Final EA that included a response to public comments, and issuance of a Proposed Decision on May 31, 2016 that provided opportunity for protest prior to BLM issuing a Final Decision.
27	WLD	Settlement Direct, Indirect and Cumulative Impacts Never Assessed There has been no analysis whatsoever of the severe flaws and basic violations of law of the 2015 Settlement, which the NV BLM "Acting" Director Ruhs touts as changing grazing in the future in Argenta: http://elkodaily.com/news/local/argenta-agreement-finalized/article_575a8c24-0247-5588-b65c-el652a84c336.html	These comments fall outside the scope of the proposed action. BLM will be analyzing range conditions within the Argenta Allotment to determine whether grazing management changes are needed to achieve rangeland health and will also analyze a range of alternatives for management of grazing in the Argenta Allotment as part of the public decision-making process for renewal of the grazing permits.

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		<p>Key elements of the agreement include a three-year trial period focused on adaptive management to respond to site-specific conditions, development of a stockmanship plan focused on the use of riding and supplement use to meet riparian and upland use levels, increased attention to monitoring, and a commitment by the BLM to complete the permit renewal process within three years based on information gained from the adaptive management trial period.</p> <p>All of these effects have never been analyzed; including very harmful and destructive supplement feeding that concentrates livestock and causes new weed invasions and severe disturbance to native vegetation and soils - replacing native vegetation with weeds, destroying micro biotic crusts and exposing soils to erosion. Use of supplement is also tantamount to forage mining, and is a symptom of desperation of pemiltees for forage. The cumulative effects of this, and the anything-goes stockmanship plan that relies on severe trampling and other disturbance that causes weeds and destroys crusts, and causes soil erosion, have never been assessed.</p> <p>The Stockmanship Plans have never undergone NEPA. They allow the ranchers to run cows right on top of nesting sage-grouse and migratory birds; expand livestock use into nesting habitats - promoting nest and egg predation. See Coates et al. 2016, for example. Sage-grouse in grazed habitats also have higher levels of stress hormones. Jablonksi et la. 2014.</p> <p>BLM never reveals the cattle numbers to be imposed in the areas and units where the cow projects are located. BLM provides no records of actual use by unit so potential increased and altered use can be understood. From what we can discern from the confusing information that has trickled out, BLM sat back and</p>	

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		<p>allowed stocking very close to the maximum permitted use for cattle, with no consideration of capability during drought or to provide for recovery and healing of damaged watersheds and habitats. There is no "due consideration" for public resources.</p> <p>The closed biased group exerting undue influence on Argenta management and is poisoning the outcome of any assessment in favor of the ranchers through rigged monitoring sites and methods, rigged statistics, and placing Band-Aid cow projects over some of the more visible cattle-battered sites. The agency is violating the BLM's CCC Requirements and Range Reform regulations by relying on closed door decision making and monitoring processes. The closed door meeting under the SA excludes members of the Interested Public and hides the overwhelming bias towards the heavily subsidized public lands livestock ranchers.</p> <p>We Protest the lack of analysis of all of these concerns: Public "CCC" Process Facade Rubber-stamped a Done Deal that Shut Out Public Input from the Process in 2014, Now Closed Meetings in 2015 Ensconded a Discriminatory Settlement Violating Public First Amendment Rights.</p> <p>We Protest all of this.</p>	
28	WLD	<p>EIS and Hard Look At Impacts, Context and Controversial Actions Is Essential Under NEPA - Vital Site-Specific Data and Analysis is Absent</p> <p>Even if there were not the extraordinary circumstance of the imposition of mob rule and extreme politicization of the Argenta process, an EIS is clearly essential to address all the many conflicts of livestock grazing with sustainability or other uses and values of the public lands in Argenta and surrounding lands. A much more</p>	<p>The EA analyzed the impacts of the proposed action, within the Project area as well as the Cumulative Effects Study Area (CESA) boundaries. Based on the Finding of No Significant Impacts, an EIS is not required.</p> <p>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</p>

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		<p>detailed analysis is required to establish a baseline, and to take a hard look at all direct, indirect and cumulative advance effects of this harmful Settlement and segmented Decisions on riparian and upland areas, and vital habitats for sage- grouse and other sensitive wildlife species. An EIS is essential before any additional grazing occurs here. It is essential to apply a full spectrum of controls on livestock damage and sufficient measures to mitigate impacts, and to conserve, enhance and restore damaged sage-grouse and other habitats. BLM is required to comply with its sensitive species policy, IMs, RMPA and sage- grouse conservation plans and RMP amendments.</p> <p>BLM must bring accountability to Nevada public lands grazing, and move beyond the culture of livestock industry recalcitrance and bullying that tries to thwart accountability for the severe grazing damage that plagues portions of Nevada. There is a critical need to balance competing uses of the public lands in the sprawling Argenta allotment. In this instance, the Argenta permittees have no one but themselves to blame for the degradation. In news articles they claim they have been ranching here for a prolonged period. So the severe existing damage to the public lands, which makes the lands even more vulnerable to irreversible harm from grazing during drought stress, and as climate change effects play out, has been caused by these same parties who refuse to be held accountable for limiting livestock impacts.</p> <p>Instead of the heavily subsidized public lands ranchers accepting accountability and resting the public lands the themselves have damaged and other reasonable and legitimate controls on livestock degradation, the BLM has been bullied into imposing an uncertain amount of intensive and damaging livestock grazing disturbance and a Jong series of segmented facility projects across</p>	<p>completed by February 28, 2018.</p>

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		<p>the allotment. BLM is silent on the actual stocking levels to be applied. BLM refuses to consider alternatives to require standards be met, and cows removed when they are, or this measure combined with cutting cow numbers to a number the greatly subsidized permittees can control.</p> <p>The EA never reveals how many cattle will actually be grazed (or even re-grazed) in any unit or across the allotment as a whole. There is no evidence that stocking (AUMs) are based on carrying capacity and sustainability of use, or that it takes into account the degree of damage, harm, undue degradation and new and expanded irreversible harm to resources that will occur. There is no certainty that any particular number of cows will be turned out in any area, and no certainty that BLM will count cows on and off each and every unit during all pastures moves - which we believe is necessary to get at the truth of the number of cattle causing continued degradation and harm to public resources.</p> <p>Basic information- such as how the Settlement grazing compares to numbers of livestock grazed in past years (including under the prolonged unauthorized use that BLM countenanced - as in 2014), and that has already been documented to cause severe damage by .BLM in previous monitoring reports, is not provided. Essential base line information on the status of and threats to the local sage-grouse habitats and population viability and similar effects to other sensitive species, the great degree of water scarcity, adverse private- land impacts to watersheds and species, etc. arc not assessed. Livestock facilities, mines and mining facilities, roads, powerlines, heavy traffic in vital seasonal habitats, degree and severity of weed infestations, etc.</p> <p>We Protest this lack of vital analysis.</p>	

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		<p>Thus, there is no evidence that due consideration was given to the ecological conditions, threats to habitats and watersheds, and a need for lands to heal in those applications, and to verifying actual use. BLM's PD is utterly silent on grazing applications, stocking, and how managements taking place.</p> <p>BLM is clearly violating FLPMA in foiling to conduct a current capability, suitability and sustainability analysis to ensure public lands do not face even worse deterioration in this steep, rugged increasingly weed-infested and depleted landscape.</p>	
29	WLD	<p>Actual Use Uncertainty</p> <p>There is no information on how the livestock numbers compare to average actual use by pasture area in recent decades. First, does BLM believe the ranchers properly report actual use? If so, what does it show by unit and across the allotments as a whole? How has BLM verified its truthfulness - including under the NRST/CMG?</p> <p>Before grazing high numbers under rancher applications, BLM needed to fully evaluate actual use, and examine the validity and veracity of all past actual use reports that these ranchers have submitted in recent years. BLM has become increasingly aware that it is critical to take actual use into account, and not merely the artificially inflated "permitted" use. Recent court rulings have focused on impacts of stocking above actual use in damaged lands, so the stakes in reporting accurately have become much higher. Since the grazing fee is so low (almost free - with ranchers paying a mere couple dollars per month for a 1000 pound cow and calves to graze), some permittees may over-report use to keep the value of the grazing permit artificially inflated.</p>	<p>These comments fall outside the scope of the proposed action. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process, which is scheduled to be completed by February 28, 2018. Actual use data is a vital part of the analysis for the permit renewal decision-making process.</p>

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		<p>There is no indication this was taken into account in the Settlement, 2015 Decision, and now this 2016 PD or its predecessor in 2015. Certainly de-stocking to a level of cattle that these ranchers can actually manage and control, and requiring more herders is a viable alternative to lethal facility sprawl.</p> <p>Vital info includes: Actual use by pasture/unit; clear patterns and manner of livestock use by all permittees and adequate controls on this use; the actual numbers of livestock to be grazed by each permittee; who all the Argenta permittees actually are; and all permittees' manner of use, past compliance with required measurable use standards and DRTs; how BLM dealt with DRTs and unauthorized use in past years - and other crucial information such as location and ecological impacts of all existing livestock facilities - is needed to understand the adverse direct, indirect and cumulative effects of Argenta, use and a claimed "need" for lethal facility sprawl.</p> <p>We Protest this lack or vital information and analysis.</p>	
30	WLD	<p>Minimal, Uncertain and Unenforceable Use Measures- Despite Devastation Shown By BLM Reports and Data</p> <p>The highly uncertain Settlement applies minimal and greatly deficient riparian and other measurable use standards. It lacks any controls on the greatly damaging livestock trampling impacts so vividly shown in its own Monitoring Reports, for example.</p> <p>It allows unspecified stocking levels and unknown amounts of hot season use to be imposed on severely stressed riparian areas; use to be imposed during the active and critical growing season across uplands; use to be imposed in winter when snow in some areas covers the depicted grasses and livestock would need to cat</p>	<p>These comments fall outside the scope of the proposed action. A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process which is scheduled to be completed by February 28, 2018.</p> <p>The proposed action will allow for more rapid recovery of the fenced stream segments by excluding livestock grazing from those areas.</p>

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		<p>upland shrubs to survive, and also he concentrated causing intensive damage. Most of the permits are nearly year-round and appear similar to those of the typical wild cow operation. It fails to limit livestock browsing and breakage of upland shrubs -which the pictures of the 2013 use report show is rampant in these depleted lands. See also 2/16/14 Report Photos showing broken sage. See report Photos also showing very high amounts of bare ground (AMS Report 2/26/14 discussion p. 2), and remnant grasses "caged" under at times broken and browsed shrubs) AMS 2/26/14 Report p. 2). This Report further described and documented: "bare soil on hill slopes contributed to severe soil erosion throughout the area, and high sediment loads in stream channels from the hillsides (in particular, see photos of Crippen Canyon)". 25 "a lack of residual grass and forb vegetation from the previous growing season". Although there was new growth on some grass species (mainly <i>Poa secunda</i> and <i>Bromus tectorum</i> [cheatgrass]) ... there was an overall lack of grass within the interspace. AG-05 native grasses "did not have any residual growth" p.6. Indian Creek. AG-08. "Residual forage was so limited that utilization intonation could not be measured" p. 7, Slaven. AG-14, (note that there are many other less visible areas than Slaven with these <u>same continuing impacts</u> in 2016) AG-20 photos show battered, broken sage and other cattle-damaged shrubs and rampant native depletion. Note AG 20 utilization cage appears to show greater crust cover, and much more complexity to the soil surface -not being stomped to death by cattle trampling. Supplemental site 1 was devoid of residual cover. This is almost impossible to achieve, but somehow the ranchers imposed this level of devastation in 2013. Riparian Info in the Report at 16 states "there was a lack of vegetation on the banks of the stream channels", and "the average stubble height of residual riparian vegetation exceeded drought management triggers at every location". This appears to</p>	

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		<p>mean the permittees knew they were supposed to meet these in preceding years, and failed to. The report states "there was a drought management trigger of 4 inches" p. 16. Docs this represent more broken rancher promises</p> <p>Extreme use levels were inflicted across the Argenta landscape in 2013, with the Report detailing: "cattle trampling and removal of riparian vegetation was present at all sites". P. 16. Levels were: Corral: 1. 1". Crippen 1.5". Fire Creek 1", Ferris Creek 1.5" and streambank alteration, 1" Harry Canyon 1.5". Indian Creek- where there was a shocking lack of any appropriate veg to monitor 'extreme", Mill Creek I". See 2/16/14 report. The photos (If the 2015 Report show this all continued in 2015 (but regrettably the NRST rigged the outcome of monitoring analysis). There is overwhelming evidence that undue degradation of public resources has taken place, and the lands cannot withstand the imposition of the Argenta grazing schemes that include large-scale livestock use and minimal rest or other protections. BLM ignores the severity of the degradation and other extraordinary circumstances, in violation of NEPA and FLPMA.</p> <p>Shockingly, despite the severe damage across upland, and loss of sage where the Argenta permittee cows have literally eaten the sage to its death, (and/or the weeds have been so dense that sage was killed by toxic herbicides whose use here has never been assessed) - the Settlement and basis for expanded cow projects appears to be intensifying livestock damage to uplands. This is worsened through profligate and uncontrolled use of "supplements" and intensive scorched earth herding under the "Stockmanship" Plan - and these impacts have never been assessed. Use of supplement is akin to forage mining as it enables livestock to eat wood like termites. Yet BLM never regulates in any way the severe depletion of the vital sagebrush and other shrubs</p>	

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		<p>in the uplands. Plus. these supplements contain antibiotics and/or antibiotic-like substances "ionophores" whose impacts to lands and waters have never been assessed. We also note that the profligate use of herbicides, drift, pollution, lack of site recovery and the level of and impacts of herbicide use in Argenta due to cattle-caused weeds have never been assessed.</p> <p>We Protest the failure of the PD to properly describe and assess all of these serious adverse ecological effects -despite the effects of the new cow projects further intensifying upland disturbance as well.</p>	
31	WLD	<p>Uncertainty Over How Grazing Will Occur - Livestock. Locations, Movement Patterns, Severity of Impacts, New Fence Unassessed.</p> <p>It was frankly impossible to understand how the allotment will actually be grazed. BLM does not provide the information to the public in a timely manner. Various rogue permittees may be stocking at near-maximum numbers. There is no required clear system for cattle movement or control, and the permits are very vague with minimal controls. The permits have little on manner of use - all they have is a start and end date for the entire allotment, or language that use may generally be in a certain way.</p> <p>An earlier Tomera Plan revealed a brand new 16 mile fence was built in April 2014. Upon reading this, inquiries were made why BLM had not consulted with the public. BLM responded that the 16 mile fence - a very considerable length, was on the private land boundary and not on BLM lands. The cumulative impacts of this fence have NEVER been assessed. NRCS (taxpayers) had provided funds (though oddly in news accounts the Tomera permittee gives the impression of paying for it). It can be estimated that</p>	<p>These comments fall outside the scope of the proposed action, which does not authorize grazing, but would instead exclude specific stream segments from livestock grazing.</p> <p>The EA analyses the direct, indirect and cumulative impacts of the proposed action in compliance with NEPA.</p> <p>A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process which is scheduled to be completed by February 28, 2018.</p>

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		<p>approximately \$80,000 or more of taxpayer dollars may have been spent on this fence, with no assessment of adverse effects. What will the cost of all the projects and actions under the SA and even more linked, connected, segmented and piece-mealed projects be, as well as the cost of the elite exclusionary closed door monitoring and settlement implementation? BLM fails to mention the variety of taxpayer subsidies these ranchers receive (including drought payments from the federal government, taxpayer-subsidized fences or other facilities), or assess the indirect and cumulative adverse effects on sensitive species, recreation, watersheds., etc. - including how it may concentrate livestock intensive use in new areas or kill or injure wildlife. This is despite the fence and other subsidies having a nexus with public lands grazing. There are multiple ways to look at what the likely \$80,000 or more taxpayer funded fence does - and what the plethora of Settlement projects and actions will do. Ranchers claim the 2014 fence keeps cows on private lands. But the fence also pens cattle in higher elevations during a prolonged harmful hot season period- and that is exacerbated by the harmful settlement and further expanded facility sprawl, supplement, severe disturbance purposefully inflicted under Stockmanship Plans, etc.</p> <p>Under the closed door SA, there is thus limited control on how livestock are grazed, and accountability is now shrouded in secrecy - as livestock being moved wherever the ranchers want between units may re-graze depleted areas where livestock had previously been removed. The lands, waters, wildlife and recreational and other uses will not be sufficiently protected from irreparable harm and undue degradation. Without adequate transparency and control over the pattern and manner of livestock use by all of the Argenta permittees, there is even less accountability. BLM will not be able to detect and promptly act on trespass or unauthorized</p>	

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		<p>use, control degradation, and lessen conflicts with wildlife habitat and sensitive species and big game needs, water scarcity, forage scarcity, etc.</p> <p>BLM has never systematically assessed the level of degradation and risk of irreversible harm with any continued grazing disturbance without allowing lands to heal from past damage and drought stress. BLM provides no site-specific forage production and species composition studies so that it could apply a proper stocking rate for each unit, apply a sustainable carrying capacity, and understand capability and capacity at all times. This all must be assessed, while taking into account the severe damage inflicted over time by these permittees over time, as well as the devastation of the 2012, 2013, 2014, 2015 and portions of the 2016 grazing years.</p> <p>The map that BLM provided to the public with the FFE includes Water Gap, Mule Canyon (PPH), Sansenena (PPH). Whirlwind Valley (PPH), Horse Heaven (PPH).. Fire Creek (PPH), Slaven (PPH), Corral Canyon (PPH). Marysville North (PPH). Maysville South (PPH), Lewis (PPH), Trout Creek (PPH). North Fork (PPH). Mill Creek (PPH), Harry Canyon (PPH). West Flat, East Flat and Winter pasture/units. See Argenta 5/30/14 Map. This was further complicated, for example, by the unsigned Tomera-imposed "plan" using different names subdividing areas, and generally muddying the waters further. It is impossible to understand how all this feeds into the opaque Settlement and the highly NRST CMG uncertain scheme and Stockmansip Plans. It is unclear how other various permittees would graze all or portions of these same use areas, the number of livestock that the permittees seek to run out in depleted, inhospitable terrain is very high.</p> <p>The 2015 mapping is even more rudimentary and</p>	

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		<p>contained little information. Now there is the 2016 document with the same flaws. Data vital to understand impacts must be provided:</p> <p>What is the dispersion and accessibility to livestock to water and forage sources in each pasture -and wildlife, water quality, and other conflicts? How do canyon barriers, rugged terrain, severe depiction, etc. serve to limit cattle use of significant areas of land in each pasture/unit? Where is intensive livestock use being shifted to - as a result of the projects, and how and where is it being adequately monitored and mitigated?</p> <p>What is the stocking rate by pasture for all the Argenta permittees, and how has it been determined in the past, and how will it be controlled and determined under the so-called "adaptive" opaque scheme? How can BLM impose a uniform stocking rate on extremely varying pasture, terrain, water availability, and forage availability areas? Did the 2014 FFE assume a uniform stocking rate in each unit (and how does this differ between what permittees describe in their unsigned "plan", and what BLM terms nits)? And how is this dealt with in the Settlement and the PD. Is there assumed to be a uniform allotment wide stocking rate. no matter how variable in topography, depletion, resource scarcity,(including increasing desiccation of water sources as summer progresses) they are? What lengths of streams and spring brooks actually contain perennial flows - and how imposing herds of several hundred cattle on any one and all of these depleted areas impact sustainability of resources? There is no chance for re-growth if plants are grazed too low in the fall.</p> <p>No matter how vulnerable, damaged and poised for irreparable harm from any continued grazing use a pasture, riparian area or upland sagebrush area crucial for sage-grouse nesting may be, under the Settlement</p>	

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		<p>and PD, it appears that all areas can and suffer high amounts of grazing in 2016. There is no requirement (or alternative) to keep cattle off of even the most severely damaged areas - or to not turn out cows if the area is so degraded it has not healed. If there is a single pool of water left in a drainage, the cows are free to trample it to oblivion, and defecate and urinate in it without limit - leaving nothing but a vile, stinking manure brine outside a tiny barbed barricaded - nothing for wildlife and public recreational use of the public lands.</p> <p>Under the discriminatory Settlement, the opaque nature of given how the pastures/units are identified \viii hinder clear identification of degradation and land areas where the minimal triggers are met. So it leaves the permittees room to try to get out of being held accountable once again. BLM simply cannot sign a settlement, and impose the actions of the cow projects and other connected activities that were the result of severe intimidation, and not properly lay out the full set of circumstances leading to these actions. The existing information that BLM has had for decades has long shown a need for dramatic AUM cuts in livestock in Argenta. Now the PD seeks to impose even more permanent and other irreversibly damaging projects and shifted and intensified use -without ever taking a hard look at the spiraling downward deterioration of the allotment under the high grazing loads.</p> <p>We Protest all of these deficiencies.</p>	
32	WLD	<p>BLM Turns a Blind Eye to Alternatives and Mitigation to Minimize Harm and Undue Degradation</p> <p>BLM continues to reject any fair consideration of a range of reasonable alternatives under NEPA or any simple protective mitigation measures such as required trampling triggers as long suggested in public comments. BLM ignores any alternative actions and</p>	<p>These comments fall outside the scope of the proposed action, which does not authorize grazing, but would instead exclude specific stream segments from livestock grazing.</p> <p>A broader analysis of range conditions and grazing management would be considered following the RHE of</p>

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		<p>mitigating protections, such as avoidance of grazing disturbance in areas where riparian areas were not at PFC, and/or where lands suffered extreme 2015 impacts, or keeping the recalcitrant, permittee cattle confined to the cheatgrass expanses outside PPH - and creating a sacrifice area dustbowl there, especially since taxpayers have lavished a new 16 mile fence on a permittee. BLM has failed to adequately identify where cheatgrass is present and dominant due to relentless chronic grazing pressure in both Argenta and adjacent Carico Lake, Buffalo and elsewhere. In these areas, chronic grazing of depleted range where livestock eat shrubs until they die has destroyed large areas of salt desert and lower elevation sagebrush in lands that have not burned in wildfires. They are simply cow-and sheep-burned - with shrubs gone. BLM also failed to even consider much more protective use of standards and triggers including TRAMPLING standards in both riparian and upland areas</p> <p>This is despite at least one of the cooperative permittees (not part of the NRST CMG cabal) already having much more protective use standards on their permit - including riparian area bank trampling of 10%. If BLM understood that lands in Argenta required this protection previously, how could BLM justify turning a blind eye to trampling protections especially in the context of the livestock damage wrought in Argenta?</p> <p>We Protest all of these failings of BLM to soundly protect public resources in Argenta.</p>	<p>the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process which is scheduled to be completed by February 28, 2018.</p>
33	WLD	<p>BLM has failed to properly assess the direct, indirect and cumulative adverse effects of any continued grazing use in Argenta under these conditions. It has failed to consider a reasonable range of alternative actions and mitigation to protect public land resources and the public interest, and to provide for recovery of damaged</p>	<p>These comments fall outside the scope of the proposed action, which does not authorize grazing, but would instead exclude specific stream segments from livestock grazing.</p> <p>The EA analyzed the impacts of the proposed action and</p>

No.	Commenter	Comment	BLM Response
		<p>lands.</p> <p>Uncertainty abounds, showing the need for a full, hard look NEPA analysis. BLM states that the decision temporarily modifies Terms and Conditions of the permit. BLM never reveals what the existing T&C are, and if there has ever been any examination of the incompatibility of the permit provisions with protection of public resources. Since there are hardly any Terms to begin with, adding some provisions to be applied in an unclear manner, as the Settlement does, will provide minimal protections.</p> <p>There is no reasoned analysis that the terms of the FFE and Agreement will prevent undue degradation and permanent and irreversible loss of public resources.</p> <p>Under various Land Use Plan requirements, BLM is to improve ecological condition, improve and maintain big game habitat, improve or maintain aquatic habitat, and improve meadow, spring and aspen grove habitat. Previous DNA at 4.</p> <p>BLM never reveals the full extent of grazing authorized in the allotment, including under several other permits. The decision is often quite cryptically worded, opaque and unclear. BLM never reveals uses loose and uncertain wording, and the minimal standards are not clearly mandatory terms and conditions.</p> <p>We Protest all of this.</p>	<p>alternatives, within the Project area as well as within the Cumulative Effects Study Area (CESA) boundaries.</p> <p>A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process which is scheduled to be completed by February 28, 2018.</p>
34	WLD	<p>Violations of Process and Regulatory Requirements, and of First Amendment Access Rights</p> <p>BLM's Settlement and PD violate NEPA and the grazing regulations in the following ways: BLM provided no NEPA analysis and protest period for the</p>	<p>These comments fall outside the scope of the proposed action.</p> <p>A broader analysis of range conditions and grazing management would be considered following the RHE of</p>

No.	Commenter	Comment	BLM Response
		<p>Settlement livestock grazing decision. There is no emergency here dictating a need for cattle use of the lands. The emergency is that the lands are so severely degraded, and need to be closed and allowed to heal.</p> <p>BLM flagrantly violates NEPA in segmenting yet more minimal NEPA review for this highly controversial rancher power grab, and by enshrining a settlement that conceals monitoring and management activities from the public. BLM has never conducted any NEPA analysis of the Settlement. BLM engaged in pre-ordained decision-making based on the Settlement. BLM failed to change its proposal and add even minimal protections for drainage networks and streambanks or other areas - rendering the "public consultation" process a sham.</p> <p>Agreement wording is not mandatory; instead it uses the uncertain wording "will", and not "shall". As in 2014, in 2016 there are no sufficient mandatory measurable Terms and Conditions adequate to address the severely degraded conditions on the allotment, to ensure compliance with the Fundamentals of Rangeland Health and to prevent undue degradation and irreparable harm to sage-grouse habitats, big game habitats, important public recreational uses, watersheds, perennial surface waters and sustainable flows, etc. From the passage of the Taylor Grazing Act onward, there never has been any site-specific assessment and grazing decision for nearly all of these permits in the battered Argenta landscape. The minimal and antiquated permit provisions make the Settlement and PD even more controversial. Permit terms are minimal and not moored in any current site-specific analysis or the severe, pervasive landscape-level degradation wrought by the permittee herds.</p> <p>There is no sound analysis of the land's productivity, carrying capacity, or sustainability or any continuing</p>	<p>the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process which is scheduled to be completed by February 28, 2018.</p>

No.	Commenter	Comment	BLM Response
		<p>livestock use in Argenta. There is no mitigation for previous year's undue degradation. 13LM never assessed the capability of the land to withstand any additional grazing in 2015 and beyond, and ignored its staff's own early 2014 findings that 2/3 of Argenta must be closed to protect the public resources, and its own strong resistance even more facility sprawl in Argenta. A decade or more ago in the neighboring Carico Lake allotment with similar degradation, BLM issued a detailed analysis and implemented significant BJM cuts to prevent further deterioration and irreparable harm. The need for full site-specific analysis under an EIS before any grazing can occur in Argenta is heightened by the large amount of severely depleted sage-grouse PPH that is present, and the strong likelihood that continued grazing disturbance and ecological stress under the decision will promote irreversible cheatgrass and other weed expansion in understories, along with permanent soil loss and watershed impairment. This will result in permanent degradation and loss of sage-grouse breeding and brood rearing habitats within PPU. It will cause expanded permanent loss of wetted areas of meadows, springs, seeps and streams. It will further destroy key brood rearing areas for sage-grouse within PPH along with causing new and expanded irreversible weed invasions of upland sage-grouse breeding and wintering habitats.</p> <p>We Protest these grave failings of the PD and unassessed discriminatory settlement.</p>	
35		<p>Further, the closed door secretive Settlement meetings, monitoring sessions violate WLD's rights under the First Amendment to access to public processes. This greatly harms and biases our ability to be able to effectively engage in BLM processes such as this one, to communicate with media, our members and to write our own articles to educate the public on the situation on the</p>	<p>These comments fall outside the scope of the proposed action.</p>

No.	Commenter	Comment	BLM Response
36		<p data-bbox="472 141 751 170">Argenta public lands.</p> <p data-bbox="472 177 1188 318">The NEPA process ensures federal agencies fully consider the environmental consequences of Proposed Actions und that the public is fully informed as to those analyses.</p> <p data-bbox="472 358 1199 427">NEPA is our "basic national charter for protection of the environment." 40 C.F.R. § 24</p> <p data-bbox="472 467 1199 1377">1500.1 (a). The statute’s twin objectives are to ensure that the BLM "considers every significant aspect of the environmental impact of a proposed action" and to "ensure[] that the agency will inform the public that it has indeed considered environmental concerns in its decision-making process." Baltimore Gas & Elec. Co. v. Natural Res. Def. Council, 462 U.S. 87, 97 (1983); see also 40 C.F.R. § 1500. 1(b), (c). Thus. "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 C.F.R. § 1500.1 (b) (emphasis added). NEPA 's emphasis on "the importance of coherent and comprehensive up-front environmental analysis[] ensure[s] informed decision making to the end that the agency will not act on incomplete infirmation, only to regret its decision after it is too late to correct." Blue Mtns. Biodiversity Project v. Blackwood, 161 F.3d 1208, 1216 (9th Cir. 1998) (emphasis added). It is through NEPA 's "action forcing" procedures that "[t]he sweeping policy goals announced in § IO 1 of NEPA are . . . realized." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 350 (1989).</p> <p data-bbox="472 1417 1178 1487">BLM must prepare an EIS for all major federal actions that "may significantly affect the quality of the human</p>	<p data-bbox="1224 177 1992 354">The EA analyzed the impacts of the proposed action, within the Project area as well as the Cumulative Effects Study Area (CESA) boundaries. Based on theFinding of No Significant Impacts, an EIS is not required for the proposed action.</p> <p data-bbox="1224 394 1992 610">A broader analysis of range conditions and grazing management would be considered following the RHE of the Allotment prior to issuing permit renewal decisions. The Nevada State Permit Renewal Team is currently working on this process, which is scheduled to be completed by February 28, 2018.</p>

No.	Commenter	Comment	BLM Response
		<p>environment." 42 U.S.C. § 4332(2)(C). A NEPA document must contain a "full and fair discussion" of significant environmental impacts that is "supported by evidence that the agency has made the necessary environmental analyses." 40 C.F.R. § 1502.1. The discussion must include an analysis of the likely cumulative environmental impacts of proposed actions. See id. §§ 1508.7, 1508.25(a)(2). NEPA requires federal agencies to analyze and discuss.</p> <p>“Significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." Id. § 1509 To satisfy NEPA "s procedural requirements, the BLM must demonstrate it has taken a "hard look" at the environmental consequence, of the proposed action. Idaho Sporting Cong. v. Rittenhouse. 305 F.3d 957, 973 (9th Cir. 2002) (quoting Marsh v. Ore. Natural Res. Council, 490 U.S. 360. 374 (1989)); Methow Valley. 490 U.S. at 348; Southern Utah Wilderness Alliance, 157 IBLA 150, 170 (2002). DLM must rely on accurate and high quality information.</p> <p>According to the CEQ regulations, BLM must carefully consider context and intensity, in determining significance: Sec. 1508.27 Significance: The degree to which the effects on the quality of the human environment are likely to be highly controversial.</p> <p>The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.</p> <p>In this case, the PD is embroiled in significant controversy. BLM sets a terrible precedent for future</p>	

No.	Commenter	Comment	BLM Response
		<p>lawlessness and breakdown of orderly management of the public lands in further capitulating to abusive permittees under the Settlement and series of connected piecemeal livestock project actions.</p> <p>We Protest BLM shirking its NEPA duties in this piecemeal, segmented unassessed Settlement- based livestock facility sprawl action.</p>	
37	Eddyann U. Filippini, Pete Tomera, and Angie Mariluch (Permittees)	Our first issue appears to be a minor issue initially the project is referred to as being in the North Fork of Mill Creek. Later the enclosure is referred to as being in the North fork of Trout Creek. Is this a Typo? If not, we some clarification.	This was a clerical error in the proposed decision. Trout Creek is the drainage adjacent to the North Fork of Mill Creek. The proposed decision is only for The North Fork of Mill Creek and Ferris Creek as described in the Argenta Round 2 Environmental Assessment (EA).
38	Permittees	Second issue of concern is the addition of cattle guards in the North Fork project. First a Cattle guard needs to be defined. Are we talking a full scale cattle guard or a smaller cattle guard for ATV and UTV use? Also who will be responsible for the construction of these cattle guards? After some discussion with those involved there has been some clarification of this part of the project, however it needs to be addressed in the final decision.	The placement of cattle guards was described in the EA in all alternatives analyzed, except for the no action alternative. The cattle guards will be appropriate to the two-track roads that they are on. A cooperative agreement will be signed by affected parties prior to construction. The cooperative agreement identifies what each party is providing to the project (labor, materials, maintenance, etc.).
39	Permittees	Our third issue concerns the Sept 16 th to October 31 st time frame for construction. Realistically this final decision probably will not be issued to be of any significant value as far as having any effect on the results of the 2016 grazing season. However, it was expressed that the sooner the enclosures were constructed the sooner we could see positive results. What we find concerning is the likelihood that this final decision could be issued after Oct 31 st 2016, in which case construction could not begin until Sept 2017. What we would like to see is one of two things; either no timeframe be attached to this project and construction be allowed when conditions allow (either fall of 2016 or spring of 2017, before grazing season begins) or if there is a time frame that construction would have an	<p>The timing of construction of the riparian fences will need to conform to the seasonal restrictions described in the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA), which states:</p> <p>“Seasonal restrictions will be applied during the period specified below to manage discretionary surface disturbing activities and uses on public lands to prevent disturbances to GRSG during seasonal life-cycle periods:</p> <ol style="list-style-type: none"> 1. In breeding habitat within 4 miles of active and pending leks from March 1 through June 30. <ol style="list-style-type: none"> a. Lek-March 1-May 15 b. Lek hourly restrictions-6 p.m. to 9 a.m.

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		<p>undesirable effects on sage hen that period be excluded and construction be allowed the rest of the year.</p>	<p>c.Nesting- April 1 to June 30 2. Brood-rearing habitat from May 15-September 15 a. Early- May 15 to June 15 b. Late June 15-September 15 3. Winter habitat from November 1 to February 28.</p> <p>The seasonal dates may be modified due to documented local variations (e.g., higher/lower elevations) or annual climactic fluctuations (e.g., early/late spring, long/heavy winter), in coordination with NDOW and California Department of Fish and Wildlife (CDFW), in order to better protect GRSG and its habitat.”</p> <p>Following this protest letter the MLFO and NDOW went to the project sites to verify on the ground the NDOW Seasonal mapping used in the EA. Each of the habitat types was verified as accurate and none of the exceptions in the ARMPA would apply. Additionally multiple sage grouse were observed that day in the project area, including young brooding grouse.</p> <p>This means at the time that construction is expected to occur; the BLM in coordination with NDOW will verify if annual seasonal habitats are consistent with those in the plan ensure and that any modification would better protect GRSG and its habitat.</p> <p>Pending construction of these riparian fences, the stockmanship plan developed by the permittees and the National Riparian Service Team (NRST) is designed to protect these riparian areas.</p>
40	Permittees	<p>Also of concern to us is the timeframe restriction being applied to the project at all. After some conversation with Kathryn Dyer we have the impression that the noise impact stipulation being used to determine this timeframe should not be applied to the construction of range improvements of this nature. The noise created</p>	<p>The timeframe restrictions that are provided for in the in the ARMPA are not discretionary if the conditions are met for application of such restrictions. Seasonal restrictions were recommended by both MLFO wildlife biologists (who consulted with the Nevada State Office Wildlife lead) during preparation of the EA, as well as by the</p>

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		<p>by jack rail or wire fence is not high enough level to exceed the decibel levels required to have an adverse effect on sage hen activity at any time therefore we feel that this timeframe could be eliminated from the final document.</p>	<p>Nevada/California Sage Grouse Implementation Lead Matthew Magaletti based on available information. Mrs. Dyer also worked directly with Mr. Magaletti and the ID team that prepared the EA.</p> <p>Following receipt of this protest letter, the MLFO and NDOW went to the project sites to verify on the ground the NDOW Seasonal mapping used in the EA. Each of the habitat types was verified as accurate and none of the exceptions in the ARMPA would apply. Additionally multiple sage grouse were observed that day in the project area, including young brooding grouse.</p>
41	Permittees	<p>Our forth concern deals with the construction, or lack of construction, of a riparian exclosure in the Trout Creek use area. Although cattle management can help reduce the impact of cattle in this riparian area it must be fenced. We feel that consideration should still be given to the construction of a riparian exclosure in the Trout Creek Use area.</p>	<p>This location has been proposed multiple times by permittees in recent years. It was considered by the MLFO ID team in 2014 and was not recommended as warranting further action. The exclosure proposal at this location was considered again by the NRST in 2015 but was not recommended as a priority for further action. At this time, those assessments remain unchanged based on the large amount of riparian areas outside of proposed exclosures that would be unprotected by fencing. Instead, proper grazing management or stockmanship is a more effective approach for protecting riparian resources in the Trout Creek Use Area.</p>

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