

Argenta Cooperative Monitoring Group Issue Resolution Documentation – Section 13.1 of Settlement Agreement

1. Brief Description of Situation

The BLM should delay turnout of livestock until after the issuance of a public annual report, after valid stockmanship plans with reduced numbers of livestock and AUMs are completed, and after rangeland readiness criteria have been examined on the allotment.

2. Issues among parties

The NRST and BLM have arbitrarily agreed to sidestep the interests of the public and have announced that they will approve any grazing applications submitted to them so that turnout can occur on March 1, 2016. One of the criteria mentioned for this was “anxiety” among the permittees. This is an arbitrary criteria for approval and turnout of livestock onto the Argenta allotment, especially before there is a chance for the public to examine an annual grazing report and before any range readiness criteria have been examined. The BLM is obligated to protect public resources from undue damage.

3. Options for Resolution (Minimum of two)

Delay turnout of livestock until after the public has had an opportunity to review and comment on the annual report.

4. NRST Recommendation to Field Manager –

WWP raises an issue that is a matter of opinion and does not qualify as a dispute that can be readily resolved or addressed through the dispute process of the Settlement Agreement. There is nothing in the Settlement Agreement that mandated a protracted public comment period or that ties the approval of a grazing application to receipt of public comments. As a consequence, the NRST is not offering any recommendations here.

However, the NRST provides a discussion of some of the factors and events that contributed to this issue.

Under the Settlement Agreement, a public meeting was to be held in January or February. That meeting had been scheduled since mid-November 2015 for January 11, 2016, but was postponed to February 17, when the BMDO found it was inundated with other time-sensitive work and was unable to adequately prepare for the January meeting. The February meeting was then cancelled and replaced with a decision to distribute a written public report. The process of postponing one meeting, and cancelling another had the unintended consequence of delaying the CMG meeting that was scheduled originally for the week of February 8, when the comments from the public meeting of January 11 could have been incorporated into a discussion of 2016 stockmanship plans. What was unexpected to the CMG was a BMDO decision to tie the processing of the 2016 grazing application to a lengthy public-comment period. Through no delay or fault of the

permittees, the BMDO had proposed a process that would have delayed turn out to mid-April or later.

The NRST, as well as individuals from the NV SO, raised questions about this process and expressed an interest to decouple the process of approving grazing applications from the public comment period.

WWP also seems to suggest that processing a grazing application would by itself allow turnout on March 1. Processing a grazing application, in and of itself, does not necessitate or guarantee that cattle will be turned out on a specific date. In fact the 2016 stockmanship plan indicates that turn-out dates will be determined “as conditions allow.”

NRST contractors Steve Cote and Steve Leonard were originally scheduled to meet with permittees during the week of 2/15 to provide stockmanship coaching and to get a sense of on-the-ground conditions (which would have been well in advance of turn out). However, that meeting was abandoned given the decision to cancel the 2/17 public meeting and the ensuing uncertainty regarding the processing of grazing applications.

Since then (and in very short order), a CMG meeting was scheduled for and held 3/9-3/10/2016. Steve Cote and Steve Leonard travelled to Battle Mountain to meet with permittees and to review current conditions prior to that meeting. They made field inspections on 3/7/2016 of forage availability and soil conditions and shared their findings with the CMG on 3/9/2016. Their photo-documented observations indicated the turn-out pastures had conditions that would allow for turn out. We believe the Filippini's typical turn-out date is 3/1, the other permittees typically turn out on or about 3/15.

During the CMG meeting, members of the CMG learned from the BMDO that there is no formal process used to determine range readiness on the Argenta Allotment or any other allotment in the BM district. The field inspections completed by Steve Leonard and Steve Cote far exceeded what has been routinely done by BMDO in addressing range readiness.

A couple minor points require clarification. As a matter of setting the records straight, the WWP dispute assigns certain actions or responsibilities to the NRST, about which the NRST has no authority or responsibility. The NRST points out that it has no management authority, sidestepped nothing, and does not approve grazing applications.

Also, as for the comment regarding “anxiety,” the NRST knows from many communications with CMG members that there was a great deal of “anxiety,” which logically demanded some form of prompt communication among CMG members. To the NRST’s knowledge, “anxiety” was never a criterion for approval and turn out of livestock as suggested by WWP. The real issue was the fact that the Battle Mountain District Office stated their intention to establish a protracted public comment period and to tie the processing of grazing applications to the lengthy public comment period, a process that was not stipulated under the Settlement Agreement.

5. Field Manager – Acceptance with of NRST recommendation (yes X no _____).

Date Received 3/16/2016

Date of Decision 3/30/2016 Signature of FM *John A. Shene*

Comments:

At present, the permittees have already turned out for the 2016 grazing year. The issue is now moot.

6. District Manager – Acceptance of NRST recommendation, if needed (yes _____ no _____)

Date Received _____

Date of Decision _____ Signature of DM _____

Comments:

7. State Director – Final Determination

Date Received _____

Date of Decision _____ Signature of SD _____

Comments:

Instructions/intent for Issue Resolution Document

Purpose of Document – This tool is intended to provide a record of how decisions are made on various issues that might arise within the CMG, including how and at what level those issues are resolved. This tool will provide transparency to options and possible consequences, including the rationales for which choices are made, and specific record of the timing and outcomes of issue resolution. It will also establish a record and help create consistency in the face of changing players over time. Close communications and an environment for resolving issues at the lowest level is encouraged. Minor issues/disagreements that are easily handled in the normal team situation will not be documented in this manner; this is intended for substantive issues that affect intended outcomes under the settlement agreement.

1. *Document the situation surrounding CMG disagreement on a given issue, including if possible, the location, essential time frames, background (including reference to Settlement Agreement section if applicable), and potential scope of consequences.*

2. *Who are the parties in disagreement; what are the differing positions and the basis for each differing side?*

3. *At least two options for resolution must be described, even if one is “no action”. The CMG will be expected to problem solve and raise other possible solutions to the issue to assist the parties in disagreement. Each option will be briefly documented.*

4. *Following the problem solving activity (where needed), the NRST will select, document and provide rationale for a recommendation to the Field Manager.*

5. *If accepted, this will end the issue resolution process; if not, the NRST recommendation will be forwarded to the DM promptly, accompanied by written rationale by the FM for not agreeing to the NRST recommendation.*

6. *The DM will review the recommendation by the NRST along with the rationale statement by the FM for his/her disagreement. The DM will accept or reject the NRST recommendation; again, discussion between NRST and DM is strongly encouraged prior to determination. If the DM disagrees with the NRST, rationale should be documented and provided to the State Director along with resolution deemed more suitable by the DM.*

7. *The State Director will review the recommendation by the NRST and information in support of the differing position of the DM, and promptly render a final determination.*

Other – At each step in the process, the parties will be provided electronic copies of the various documents and determinations. The BLM Battle Mountain District Office will maintain the official record of transactions for the issue resolution process.